



## Development Guidance System Zoning Ordinance, 2009



**Hardin County**

Planning and Development Commission



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**Hardin County Fiscal Court  
Ordinance No. 269-4, Series 2024  
Amendment #4 to Ordinance No. 269, Series 2009**

**An Ordinance Approving a Text Amendment to the Development Guidance System, Zoning Ordinance, 2009 to Accommodate Potential Medical Cannabis Businesses in Unincorporated Hardin County**

- WHEREAS** Hardin County Fiscal Court has adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Hardin County Planning and Development Commission adopted a new Comprehensive Plan entitled *Comprehensive Development Guide, 2024* on March 5, 2024 and the Hardin County Fiscal Court adopted the Goals and Objectives contained therein on March 12, 2024;
- WHEREAS** the 2023 Kentucky General Assembly passed Senate Bill 47 legalizing the use of medical cannabis and establishing a framework for state licensure of cannabis businesses such as cultivators, dispensaries, processors, producers and safety compliance facilities in the Commonwealth effective January 1, 2025;
- WHEREAS** the Kentucky Cabinet for Health and Family Services Medical Cannabis Program filed Administrative Regulations (915 KAR) establishing procedures for the issuance, renewal, suspension and revocation of cannabis business licenses;
- WHEREAS** KRS 218B.130(2)(b) authorizes local governments to enact ordinances that are no less restrictive than the Kentucky Revised Statutes or Administrative Regulations;
- WHEREAS** it is necessary to establish the zoning requirements of cannabis businesses prior to January 1, 2025, prior to the Cabinet issuing any cannabis business license;
- WHEREAS** the proposed amendment to Table 1: Land Use Table will allow for Medical Cannabis businesses (cultivator, dispensary, processor, producer, safety compliance facility) as a permitted use within the I-1 (Light Industrial) and I-2 (Heavy Industrial) zones in unincorporated Hardin County, KY;
- WHEREAS** a public hearing was held by the Hardin County Planning Commission on September 3, 2024, after which the Commission adopted Resolution 2024-18 recommending changes to Hardin County Fiscal Court to accommodate any future potential medical cannabis businesses.

**NOW, THEREFORE, BE IT ORDAINED** upon recommendation of the Hardin County Planning Commission, that the text of the Development Guidance System, Zoning Ordinance, 2009 (Hardin Fiscal Court Ordinance No. 269, Series 2009) be amended to add medical cannabis as Item 48 to the Land Use Table, Table 1, beginning on page 56 and continuing onto page 57 of the Zoning Ordinance as follows (gray highlighted addition):

P = Permitted Use C = Conditional Use A = Accessory Use -- = Not Permitted

LISTED USES	A-1	R-1	R-2	R-3	R-4	R-5	C-0	C-1	C-2	B-1	B-2	I-1	I-2	I-H	PD-1
1 Accessory Structures	A	A/C	A/C	A/C	A	--	P	P	P	P	P	P	P	P	A
2 Agricultural Foundation	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3 Agricultural Use	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P
4 Agriculture Equipment Sales & Service	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--
5 Apartments	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
6 Amusement Enterprises (Indoor)	--	C	C	C	--	--	C	C	C	C	--	A	A	--	--
7 Antique, Gift & Craft Shops	C	C	C	C	--	--	P	P	P	P	P	A	A	--	P
8 Apparel Store	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
9 Asphalt Manufacturing	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
10 Automobile Manufacturing	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
11 Automotive Repair	--	C	C	C	--	--	C	C	C	C	--	C	C	--	--
12 Automotive Sales	--	--	--	--	--	--	--	C	C	C	--	--	--	--	--
13 Automotive Storage (2-5 vehicles)	C	C	C	C	C	C	--	--	--	--	--	A	A	--	C
14 Bank, Savings & Loan	--	--	--	--	--	--	--	P	P	P	P	A	A	--	P
15 Beauty & Barber Shop	C	C	C	C	--	--	P	P	P	P	P	A	A	--	P
16 Bed & Breakfast	C	C	C	C	--	--	P	P	P	P	P	--	--	--	P
17 Blast Furnaces, Metal Smelting, Ore or Metal Refining	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
18 Boarding House and/or Group Home	C	C	C	C	--	--	--	--	--	--	--	P	P	--	--
19 Building Material Sales	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
20 Cemetery	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
21 Charitable Gaming Activity	--	C	C	C	--	--	--	C	C	C	--	--	--	--	--
22 Child Care Center	C	PIC	PIC	PIC	PIC	PIC	PIC	P	P	C	C	A/C	A/C	PIC	PIC
23 Church (with Cemetery)	P	P	P	P	--	--	P	P	P	P	P	C	C	--	P
24 Contractor's Equipment Yard	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
25 Convenience Store and/or Filling Station	--	--	--	--	--	--	--	P	P	P	P	C	C	--	--
26 Crushed Stone, Sand, Gravel Operation	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
27 Cultural Services	C	C	C	C	--	--	P	P	P	P	P	--	--	--	P
28 Dry Cleaner	--	--	--	--	--	--	--	P	P	P	P	--	--	--	P
29 Dwelling - Accessory	C	C	C	C	--	--	--	--	--	--	--	--	--	--	C
30 Dwelling - Mobile Home	C	C	C	C	--	P	--	--	--	--	--	--	--	--	C
31 Dwelling - Multiple (Two Dwellings on 11.0 acres or greater)	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--
32 Dwelling - Single Family	P	P	P	P	P	P	C	C	C	C	C	C	C	P	P
33 Educational Institution	P	P	P	P	--	--	--	P	P	P	P	P	P	--	P
34 Farmers Market	C	--	--	--	--	--	--	P	P	P	P	--	--	--	--
35 Funeral Home	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
36 Furniture Store	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
37 Garbage Bin Facility	C	--	--	--	--	--	--	P	P	P	P	--	--	--	--
38 Greenhouse & Plant Nursery	C	C	C	C	--	--	P	P	P	P	P	--	--	--	--
39 Home Occupation	A/C	A/C	A/C	A/C	A/C	A/C	--	--	--	--	--	--	--	A/C	A/C
40 Hotel & Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
41 Indoor Storage-Construction Equipment	--	--	P	P	--	--	P	P	P	P	P	P	P	--	--
42 Inns, Yard	--	--	--	--	--	--	--	C	C	C	C	C	C	--	--
43 Kennels	C	C	C	C	--	--	--	C	C	C	C	C	C	--	--
44 Livestock Auction and/or Stock Yard	C	--	--	--	--	--	--	C	C	C	C	P	P	--	--
45 Machinery Sales & Service	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
46 Manufactured Home Dealers	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
47 Manufacturing Use	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--

P = Permitted Use C = Conditional Use A = Accessory Use -- = Not Permitted

LISTED USES

	A-1	R-1	R-2	R-3	R-4	R-5	C-0	C-1	C-2	B-1	B-2	I-1	I-2	I-H	PD-1
48 Medical Cannabis - Cultivator, Dispensary Processor, Producer, Safety Compliance Facility	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--
49 Meat Packing Plant	--	--	--	--	--	--	P	P	P	P	P	C	C	--	P
50 Medical Office	--	C	C	C	--	--	P	P	P	P	P	C	C	--	P
51 Mobile Home Park	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--
52 Mobile Home	--	C	C	C	--	--	--	C	C	C	C	C	C	--	--
53 Multi-Family Housing	--	--	--	--	P	--	--	--	--	--	--	--	--	--	P
54 Non-Commercial Saw Mill	P	--	P	P	--	--	--	P	P	P	P	--	--	--	P
55 Non-Commercial Storage	--	C	C	C	--	--	--	P	P	P	P	--	--	--	P
56 Order, Office and/or Department Store	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--
57 Owner-Operated Specialty Skilled Shop for Agricultural Related Use	C	--	--	--	--	--	--	--	P	P	P	--	--	--	P
58 Parking Lot	C	C	C	C	--	--	P	P	P	P	P	--	--	--	P
59 Petroleum Production, Refining and/or Storage	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
60 Plumbing & Mechanical Supply	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
61 Printing, Publishing & Engraving	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--
62 Private Club	C	C	C	C	--	--	--	P	P	P	P	C	C	--	P
63 Private School	P	P	P	P	--	--	--	P	P	P	P	--	--	--	P
64 Professional Office	--	C	C	C	--	--	--	P	P	P	P	P	P	--	P
65 Rail Road Siding Operation	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--
66 Ready Mix and/or Concrete Plant	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
67 Recreational Enterprises (Outdoor)	C	C	C	C	--	--	C	P	P	P	P	C	C	--	--
68 Receiving Center	--	--	--	--	--	--	--	C	C	C	C	C	C	--	--
69 Repair of Household Appliances	--	C	C	C	--	--	--	P	P	P	P	--	--	--	--
70 Restaurant	C	C	C	C	--	--	--	P	P	P	P	A	A	--	P
71 Research Laboratory	--	--	--	--	--	--	--	P	P	P	P	A	A	--	P
72 Retail Food Store	--	--	--	--	--	--	--	P	P	P	P	--	--	--	P
73 Retail Neighborhood Use	--	C	C	C	C	C	P	P	P	P	P	--	--	--	P
74 Retail Sales of Merchandise	--	C	C	C	C	C	P	P	P	P	P	A	A	--	P
75 Sales Office	C	--	--	--	--	--	--	C	C	C	C	C	C	--	--
76 Scrap Metal	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--
77 Self-Admin Storage Units	--	C	C	C	C	C	--	P	P	P	P	--	--	--	P
78 Self-Serve Laundry	--	C	C	C	C	C	--	P	P	P	P	--	--	--	P
79 Sexually Oriented Business	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P
80 Shoe Repair	--	C	C	C	C	--	--	P	P	P	P	--	--	--	P
81 Signage (On and Off-Site)	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC	PIC
82 Slaughter House	C	--	--	--	--	--	--	--	--	--	--	C	C	--	--
83 Tailors Shop	--	C	C	C	--	--	--	P	P	P	P	--	--	--	P
84 Temporary Real Estate Sale Office	--	C	C	C	C	C	--	--	--	--	--	--	--	--	P
85 Temporary Use- See Definition	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
86 Theater	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
87 Tractor Trailers (Parking & Storage)	P	C	C	C	--	--	C	P	P	P	P	C	C	--	C
88 Truck or Freight Terminal	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
89 Veterinary Clinics	C	C	C	C	--	--	--	P	P	P	P	--	--	--	--
90 Warehousing	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
91 Welding Shop	C	C	C	C	--	--	--	P	P	P	P	P	P	--	--
92 Wholesaling	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--

**FIRST READING** on this the 24th day of September, 2024.

**SECOND READING** on this the 22nd day of October, 2024.

**EFFECTIVE** upon passage this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.



Keith L. Taul

Hardin County Judge/Executive

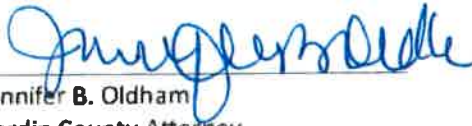
**Attest:**



Brian D. Smith

Hardin County Clerk

**Prepared:**



Jennifer B. Oldham

Hardin County Attorney

## RESOLUTION 2024-018

### RESOLUTION RECOMMENDING APPROVAL OF TEXT AMENDMENTS TO THE *DEVELOPMENT GUIDANCE SYSTEM, ZONING ORDINANCE 2009*

#### Table 1: Land Use Table - Medical Cannabis (Cultivator, Dispensary, Processor, Producer, Safety Compliance Facility)

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Hardin County Planning and Development Commission adopted a new Comprehensive Plan entitled *Comprehensive Development Guide, 2024* on March 5, 2024 and the Hardin County Fiscal Court adopted the Goals and Objectives contained therein on March 12, 2024;
- WHEREAS** the 2023 Kentucky General Assembly passed Senate Bill 47 (2023 KY. Acts Ch. 146) and on March 31, 2023 Governor Beshear signed Senate Bill 47 into law codified in Kentucky Revised Statutes ("[(RS)") 218B, legalizing the use of medical cannabis and establishing a framework for state licensure of cannabis businesses such as cultivators, dispensaries, processors, producers and safety compliance facilities in the Commonwealth effective January 1, 2025;
- WHEREAS** the Kentucky Cabinet for Health and Family Services (Cabinet) Medical Cannabis Program filed Administrative Regulations (915 KAR) establishing procedures for the issuance, renewal, suspension and revocation of cannabis business licenses;
- WHEREAS** Kentucky Revised Statute 218B.130(2)(b) authorizes local governments to enact ordinances that are no less restrictive than the Kentucky Revised Statutes or Administrative Regulations;
- WHEREAS** the Hardin County Planning and Development Commission believes it necessary to place reasonable limitations on the geographic locations of cannabis businesses to protect the public health, safety and welfare of the citizens of Hardin County, KY;
- WHEREAS** it is necessary to establish general provisions and determine zoning requirements of cannabis businesses by January 1, 2025 prior to the Cabinet issuing any cannabis business license;
- WHEREAS** the proposed amendment to Table 1: Land Use Table will allow for Medical Cannabis (cultivator, dispensary, processor, producer, safety compliance facility) as a permitted use within the 1-1 (Light Industrial) and 1-2 (Heavy Industrial) zones in unincorporated Hardin County, KY;

**NOW THEREFORE, BE IT RESOLVED**, that based upon the hearing record, including the staff recommendation and the testimony provided in the public hearing, the Hardin County Planning and Development Commission hereby recommends that the text amendment to Table 1: Land Use Table of the *DEVELOPMENT GUIDANCE SYSTEM, Zoning Ordinance 2009* be approved by Hardin County

Fiscal Court, which is attached hereto and incorporated herein. The proposed text amendment is in agreement with the following Goals, Objectives and Action Steps of the Comprehensive Plan:

GOAL 5 Create opportunities for commerce and industry that support a broad range of workforce opportunities, increase the quality of life, and capitalize on the region's lower cost of living.

Objective 5.4: Provide adequate space for the proper location of commercial and industrial land

GOAL 8: Proactively plan for quality development that is compatible with surrounding land uses and responds to market demands.

Objective 8.2: Define areas within the county for the highest and best use for residential, commercial, industrial, and agricultural that make effective use of existing and proposed services and facilities.

Objective 8.3: Evaluate and revise the Hardin County Zoning Ordinance and Subdivision Regulations to align with the goals, objectives, and policies of the Comprehensive Plan.

Objective 8.8: Encourage that all land uses are developed in a manner compatible with surrounding land uses.

Action Step 1: Complete a periodic review of the zoning ordinance and subdivision regulations to identify any amendments that are needed to align with future comprehensive plan updates, market trends, or other issues.

**ADOPTED THIS THIRD DAY OF SEPTEMBER 2024.**

  
Mark Hinton, Chairman

  
Adam C. King, AICP Director



Hardin County, Kentucky  
Amendment Number 3 to  
Ordinance Number 269, Series 2009

An Amendment to the Ordinance relating to the 2009 Development Guidance System adopted for the unincorporated areas of Hardin County, Commonwealth of Kentucky:  
Section 3-2 Rural Residential Zone  
Section 17-10 Open Space Subdivision Design

- WHEREAS Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations and Subdivision Regulations; and
- WHEREAS the above- mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County; and
- WHEREAS the Hardin County Planning and Development Commission adopted a new Comprehensive Plan entitled Comprehensive Development Guide 2024 on March 5, 2024, and the Hardin County Fiscal Court adopted the Goals and Objectives contained therein on March 12, 2024; and
- WHEREAS the Hardin County Chamber of Commerce has released an Economic Impact Study in relation to Blue Oval SK, citing an anticipated need for 8,811 new housing units due to an anticipated population surge of 22,380 new residents in Hardin County; and
- WHEREAS the Kentucky Housing Corporation released a Housing Supply Gap Analysis citing the need for an additional 4,578 housing units in Hardin County; and
- WHEREAS on May 21, 2024, pursuant to KRS 100.211 the Hardin County Planning and Development Commission initiated a text amendment to Sections 3-2 and 17-10 of Ordinance number 269, Series 2009 and held a Public Hearing thereon on the same date; and
- WHEREAS following the Public Hearing on May 21, 2024, the Hardin County Planning and Development Commission approved Resolution 2024-012 recommending Hardin County Fiscal Court amend Section 3-2 of the Ordinance to reduce the minimum lot size in the Rural Residential Zone (R-2) from 3 acres to 80,000 square feet and clarify that properties without access to public water shall remain at a 3 acre minimum lot size and which also recommends Hardin County Fiscal Court amend Section 17-10 of the Ordinance to clarify that Open Space Subdivision Design is only for new residential subdivision developments with new streets.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF HARDIN COUNTY, KENTUCKY TO AMEND THE TEXT OF THE REVISED DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE NUMBER 269, SERIES 2009 AS FOLLOWS:

3-2 RURAL RESIDENTIAL ZONE (R-2)

A. INTENT

This Zone is intended for low-density development of single family dwellings, located where private or public water supply is available and individual on-site wastewater treatment is permitted by the Hardin County Health Department.

B. USES FOR THE ZONE

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

C. DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;

- 12,000 square feet for property having Sewer or Wastewater Treatment Alternatives;
- Open Space Subdivision Design (Pg. 146)
- ~~3.0 acres~~ 80,000 square feet for property having access to a government maintained roadway with a 16 foot paved surface or greater; or
- 3.0 acres for property having access to a government maintained roadway with a 16 foot paved surface or greater, but without public water available at the site;
- 5.0 acres for property having access to a government maintained roadway with less than 16 foot paved surface.

2. Minimum Lot Frontage - 200';

3. Minimum Width to Length Ratio – 1:3 until 300' of frontage;

4. Minimum Front Yard Setback - 40'; or 70' for property 3.0 acres or greater.

5. Minimum Side Yard Setback - 10'; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones

6. Minimum Rear Yard Setback - 15'; 50' for property 3 acres or greater; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones.

7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

AND

## 17-10 OPEN SPACE SUBDIVISION DESIGN

**A Objective** The objective of the open space subdivision provisions is to provide a design alternative to the conventional subdivision. A conventional subdivision generally occupies and utilizes the entire development site with individual lots that are equal to or greater than the required minimum lot size specified in the Zoning Ordinance. An open space subdivision has the same gross density of a conventional subdivision, however; individual lot size and width requirements are less restrictive and the remaining portion of the subdivision may be deemed an Open Space Lot ~~– not eligible for a dwelling unit~~. Open Space Subdivision Design is only for the development of new subdivisions with streets.

The development of an open space subdivision is not intended to allow development densities greater than what is allowed in a conventional subdivision or to allow increased densities using land with marginal development potential. The open space subdivision provides flexibility in the development of areas with environmental constraints, rural character, and valuable agricultural resources. Additionally, the open space subdivision reduces the cost of constructing and maintaining public improvements such as streets and utilities.

**B Approval** The review, approval, and construction of an open space subdivision design shall adhere to all applicable Sections of the Zoning Ordinance and Subdivision Regulations and be treated as a subdivision plat.

**C Design Principle** A subdivision of land using open space subdivision design shall adhere to the following design principles:

- 1) Individual lot size and width may be smaller than that required by the zone in which the open space subdivision is located. For lots with onsite septic ~~disposal~~ systems, the minimum lot size shall not be less than 40,000 square feet with 100' minimum road frontage or 60' on a cul-de-sac, and must receive approval of the Hardin County Health Department for onsite septic ~~disposal~~ systems.
- 2) The Open Space Lot area shall meet a minimum lot size of five (5) acres.
- 3) The number of dwelling units shall not exceed the maximum development density of a conventional subdivision located in the same zone.
- 4) Due to the reduction in the individual lot sizes, a single or series of community lateral fields should be considered when the open space subdivision's sewage disposal is provided by on-site septic systems. A community lateral field should take advantage of any localized occurrence of soil types that are more conducive to septic tank lateral fields. All on-site septic systems, whether individual or grouped community systems, are subject to the approval of the Hardin County Health Department. ~~Building setbacks may be smaller than the required building setbacks of the zone in which the open space subdivision is located.~~ Smaller minimum building setback requirements shall be requested through a variance procedure.

FIRST READING on this the 11 day of June, 2024.  
SECOND READING on this the 25 day of June, 2024.  
EFFECTIVE upon passage this the 25 day of June, 2024.



Keith L. Taul  
Hardin County Judge/Executive

Attest:



Brian D. Smith  
Hardin County Clerk

Prepared:



Jennifer B. Oldham  
Hardin County Attorney

HARDIN COUNTY, KENTUCKY  
AMENDMENT NO. 2 TO  
ORDINANCE NO. 269, SERIES 2009

AN AMENDMENT to the ORDINANCE relating to the DEVELOPMENT GUIDANCE SYSTEM 2009 adopted for the unincorporated areas of Hardin County, Commonwealth of Kentucky.

BE IT ORDAINED BY THE FISCAL COURT OF HARDIN COUNTY, COMMONWEALTH OF KENTUCKY, as follows:

WHEREAS, the Hardin Circuit Court rendered a Declaratory Judgment in Case Number 21-CI-00994 which requires an Amendment to Section 5-4 of the Development Guidance System of 2009 by replacing Section 5-4 in its entirety as follows (add language in bold italic and delete language in bold and lined through) :

**DEVELOPMENT GUIDANCE SYSTEM**

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**5-4 VARIANCES AND CONDITIONAL USE PERMITS – IN THE COMPANY OF MAP AMENDMENTS**

*The Applicant for the Map Amendment, at the time of the filing of the application for the Map Amendment, may elect to have any Variances or Conditional Use Permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the Map Amendment, or by the Board of Adjustments as otherwise provided for KRS Chapter 100.*

The Commission ~~may~~ **shall** hear and finally decide applications for Dimensional Variances or Conditional Use Permits when a proposed development requires a Map Amendment and one (1) or more Dimensional Variances or Conditional Use Permits **when the Applicant elects to have the Commission hear both at the same public hearing** (pursuant to KRS 100.203 (5)). In such cases, the Commission shall assume all powers and duties otherwise exercised by the Board pursuant to KRS 100.231, 100.233, 100.237, 100.241, **100.243**, 100.247 and 100.251.

**5-5 APPEAL PROCESS TO CIRCUIT COURT**

Subsequent to the final action of the Board, any person or party claiming to be aggrieved **shall appeal** may request that **action to** the Hardin Circuit Court. ~~make the final decision in accordance with this Section of the Zoning Ordinance as follows, pursuant to KRS 100.347:~~


Such appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.

Final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the Board.

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First Reading on the 26th day of October, 2021.  
Second Reading on the 9th day of November, 2021.  
Effective upon passage this 9th day of November, 2021.


HARDIN COUNTY FISCAL COURT

  
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

Attest:

  
DEBBIE DONNELLY  
HARDIN COUNTY COURT CLERK

Recommended and Tendered:

  
JENNIFER B. OLDHAM  
HARDIN COUNTY ATTORNEY

BK0005PG0004

BK0095PG0125

**ORDINANCE NO. 273, SERIES 2011**

**AN ORDINANCE RELATING TO  
AMENDMENT NO. 1 OF ORDINANCE NO. 269, SERIES 2009**

**AN ORDINANCE RELATING TO THE REVISED DEVELOPMENT GUIDANCE  
SYSTEM 2009 TO BE ADOPTED AS AN ORDINANCE FOR THE  
UNINCORPORATED AREAS OF THE COUNTY OF HARDIN,  
COMMONWEALTH OF KENTUCKY**

- WHEREAS the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations; and
- WHEREAS the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County; and
- WHEREAS on December 14, 2010 the Hardin County Fiscal Court initiated a text amendment affecting the Interstate and Highway Overlay Zone (IH-O); and
- WHEREAS on February 1, 2011 the Hardin County Planning and Development Commission held a Public Hearing on the proposed text amendment and adopted Resolution 01, Series 2011 recommending approval of the proposed text amendment to Fiscal Court; and
- WHEREAS the proposed text amendment to Section 2-1 – Specific Definitions, adds a definition of “Green Space” used in Section 3-17; and
- WHEREAS the proposed text amendment adds a new sub-section 3 (a) and (b) to Section 3-17 C., providing for the reduction of the required Green Space and Building Setback.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF HARDIN COUNTY COMMONWEALTH OF KENTUCKY TO AMEND THE TEXT OF THE DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE, 2009 AS FOLLOWS:

**SECTION 2**

**DEFINITIONS**

Except as otherwise provided, all words used in the DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE shall have their customary dictionary meaning. The words defined are those which have special or limited

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Family	One or more individuals occupying a dwelling unit and living as a single household unit.
Fiscal Court	The chief elected body of Hardin County with legislative power.
Floor Area	The total horizontal area of all of the floors of a building or structure, measured on the exterior perimeter.
Frontage	That side of a lot abutting on a public right-of-way; the front lot line is the distance for which the front boundary line of the lot and the public right-of-way are coincident.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
Full-cutoff light fixture	A light fixture that cuts off all upward transmission of light.
<b>G</b> lare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Grain Bin Facility	Establishments primarily engaged in buying, storing, warehousing and/or marketing grain (such as corn, wheat, oats, barley and soybeans). Country grain elevators primarily engaged in buying or receiving grain from farmers are included, as well as terminal elevators and other merchants marketing grain.
<b>Green Space</b>	<i>An undeveloped portion of land containing only vegetation, farm crops, trees, shrubs, and other landscaping plants with no buildings, structures, or other manmade obstructions. Signage and retention basins shall be permitted pursuant to DGS Section 9 "General Signage Standards" and Ordinance No. 240, Series 2005, An Ordinance relating to Post-Construction Runoff Control.</i>



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<b>U</b> nder Story Tree	A tree which creates an undergrowth of vegetation.
<b>U</b> ndeveloped Land	A parcel of land which is not being actively used and cannot be classified in any other land use category.
<b>U</b> nique Habitats	Areas such as wetlands, rare plant communities, barrens, cedar glades, karst features, caves and endangered species habitats.
<b>U</b> se-By-Right	A use which, because of its nature and impact, is permitted within the zoning in question.
<b>V</b> ariance	A departure from dimensional terms of this regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
<b>W</b> idth To Length Ratio	The relationship between the frontage (width) and the depth (length) of a parcel of land; i.e., a parcel with 100 feet of frontage cannot exceed 300 feet in depth to conform to a 1 to 3 width to length ratio.
<b>Z</b> ero Lot Line	The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

### **SECTION 3**

#### **ZONING REGULATIONS**

##### **3-17 INTERSTATE AND HIGHWAY OVERLAY ZONE (IH-O)**

###### **A. INTENT**

This Overlay Zone regulates the land adjacent to and surrounding interstates and highways in Hardin County by guiding the placement of structures, signs, display areas, parking, green space and outdoor storage areas. In addition to the above limitations, this Overlay when and where applied prohibits the establishment of specific business uses that have been determined to be detrimental to the viability of these areas. An example of this Overlay can be found in Figure 5 (Pg. 9) of the Industrial Element of the Comprehensive Plan.

The purpose of this Overlay is to:

- 1) Protect the safety of the traveling public by limiting the distractions to the traveling public;
- 2) Preserve the physical appearance and integrity of the Interstates and Highways in Hardin County;
- 3) Protect and preserve the economic, commercial, industrial or residential integrity of the overlay area by limiting businesses which might be detrimental to the economic viability of the area; and to
- 4) Allow for the efficient, effective and attractive use of the limited resource that is land located at strategic interchanges in Hardin County.

#### **B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures in the underlying zoning apply provided that they are not identified as a Prohibited Use as outlined for this Overlay Zone.

#### **C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as in the underlying zoning provided that they can meet the regulations as outlined for this Overlay Zone.

*The following standards govern the green space and building setbacks that apply in this Overlay Zone:*

1. *There is a one hundred (100) foot Green Space setback from the right of way line adjacent to Interstates; and*
2. *There is a one hundred and fifty (150) foot Building Setback from the right of way line of Interstates; and*
3. *Reduction to Green Space and Building Setbacks:*
  - a. *The Building Setback may be reduced to one hundred (100) feet from the right of way line of Interstates with the setback area containing one (1) of the following:*
    1. *Two (2) canopy/shade trees for each fifty (50) linear feet of Interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and eight (8) to ten (10) feet in height at*

*time of planting; OR*

2. *Two (2) understory/flowering trees for each twenty-five (25) linear feet of Interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and six (6) to eight (8) feet in height at time of planting; OR*
  3. *An approved mixture of canopy/shade or understory/flowering trees in ratios as set out above may be used after consultation with the designee of the Commission.*
- b. *The Green Space and the Building Setback may be reduced to seventy (70') feet from the right of way line of Interstates with the addition of the following, in combination with the landscaping set out above in DGS Section 3-17 (C) (3) (a) 1-3:*
1. *An earthen berm having a four-foot minimum height and a three-to-one (3:1) maximum slope, with a six-foot minimum width at the crown. The berm height shall be a minimum of four-foot above the grade of pavement at the Interstate; AND*
  2. *Two staggered rows of evergreen trees must be planted atop the earthen berm twenty (20) feet on center and five (5) feet in height at time of planting.*

#### D. PROHIBITED USES

The following uses and uses of a substantially similar nature and with similar incidents of operation as documented and determined by the Director of these regulations are prohibited in the Interstate and Highway Overlay Zone (IH-O):

- 1) Asphalt Manufacturing;
- 2) Blast furnaces, Metal Smelting, Ore or Metal Reducing;
- 3) Crushed Stone, Sand, Gravel Operations;
- 4) Junk Yard;
- 5) Livestock Auction and/or Stock Yard;
- 6) Petroleum Production, Refining and/or Storage;
- 7) Ready Mix and/or Concrete Plant;
- 8) Saw Mills;
- 9) Scrap Metal;
- 10) Sexually Oriented Business; and
- 11) Slaughter House

#### ADDITIONAL STANDARDS THAT MAY APPLY

Development Requirements, Pg. 70  
 Parking Standards, Pg. 89  
 Signage Standards, Pg. 97  
 Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105  
 Building and Electric Permits, Pg. 117  
 Special Provisions, Pg. 143

- OUTDOOR STORAGE AND DISPLAY, Pg. 147
- REFUSE / GARBAGE DISPOSAL CONTAINERS, Pg. 148

Given First Reading on the 21 day of February, 2011.


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Given the Second Reading on the 12<sup>th</sup> day of March, 2011.

Adopted by the Fiscal Court of Hardin County, Kentucky, on the 12<sup>th</sup> day of March, 2011.

HARDIN COUNTY FISCAL COURT

  
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

Attest:

  
KENNETH L. TABB  
HARDIN COUNTY COURT CLERK

**RESOLUTION**  
**NUMBER 09, SERIES 2009**  
**Zoning Ordinance Recommendation to Fiscal Court**

**WHEREAS** the Hardin County Planning and Development Commission desires to operate a planning program for the unincorporated areas of Hardin County and comply with all statutes and laws relating to the operation of a planning program;

**WHEREAS** the above-mentioned planning program is to promote and protect the public health, safety and general welfare of the citizens of Hardin County and to encourage the development of residential, commercial and industrial activities according to recognized standards and guidelines which provide for sound, efficient and economic development and coordinate land development to ensure that future growth will be orderly;

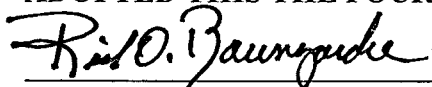
**WHEREAS** the Hardin County Planning and Development Commission adopted a comprehensive plan on 15 April 2008 titled *Planning for Growth: Comprehensive Development Guide 2008* to serve as a guide for public and private developments, actions and decisions and desires to implement the comprehensive plan through the adoption of regulations and standards contained within a zoning ordinance;

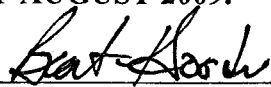
**WHEREAS** this ordinance has been formulated with assistance and input from many sources, the Commission has received assistance from Departments of County Government, other local agencies, an Advisory Committee and several Advisory Sub-Committees, two Open Houses were held and a formal Public Hearing was held on 14 July 2009 to receive comments and testimony on the draft ordinance;


**WHEREAS** the Commission has conducted the preparation of the zoning ordinance in conformance with the procedures as outlined in KRS Chapter 100;

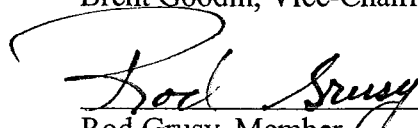
**NOW THEREFORE, BE IT RESOLVED**, by the Hardin County Planning and Development Commission that Draft 6 of the proposed DEVELOPMENT GUIDANCE SYSTEM 2009 be adopted and sent to Hardin County Fiscal Court for adoption as an ordinance for the unincorporated areas of the County of Hardin, Commonwealth of Kentucky.

**ADOPTED THIS THE FOURTH DAY OF AUGUST 2009.**

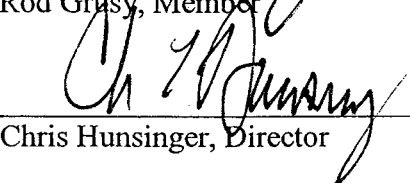
  
Rick Baumgardner, Chairman

  
Brent Goodin, Vice-Chairman

  
Bill Ball, Secretary

  
Rod Grusy, Member

  
Philip Tabb, Member

  
Chris Hunsinger, Director

**HARDIN COUNTY, KENTUCKY  
ORDINANCE NO. 269, SERIES 2009**

**AN ORDINANCE RELATING TO the revised DEVELOPMENT GUIDANCE SYSTEM 2009 to be adopted as an ordinance for the unincorporated areas of the County of Hardin, Commonwealth of Kentucky and the previous zoning ordinance adopted and as amended is hereby rescinded.**

**BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF HARDIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

**WHEREAS,** the Hardin County Fiscal Court desires to operate a planning program and comply with all statutes and laws relating to the operation of a planning program for the unincorporated area of the County;

**WHEREAS,** the above-mentioned planning program known as the Hardin County Planning and Development Commission is to promote and protect the public health, safety and general welfare of the citizens of Hardin County and to encourage the development of residential, commercial and industrial activities according to recognized standards and guidelines which provide for sound, efficient and economic development and coordinate land development to ensure that future growth will be orderly;

**WHEREAS,** the Hardin County Planning and Development Commission adopted a comprehensive plan on 15 April 2008 titled *Planning for Growth: Comprehensive Development Guide 2008* to serve as a guide for public and private developments actions and decisions and to implement the comprehensive plan through the adoption of regulations and standards contained within a zoning ordinance;

**WHEREAS,** the Planning Commission has recommended for adoption Draft 6 of the proposed zoning ordinance to the Hardin County Fiscal Court and has conducted the preparation of the zoning ordinance in conformance with the procedures as outlined in KRS Chapter 100;

**NOW THEREFORE, BE IT ORDAINED,** by the Hardin County Fiscal Court that this revised DEVELOPMENT GUIDANCE SYSTEM 2009 be adopted as an ordinance for the unincorporated area of the County of Hardin, Commonwealth of Kentucky and the previous zoning ordinance adopted and as amended is hereby rescinded.

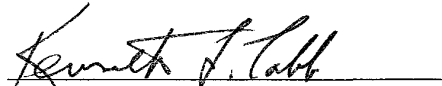
**BE IT FURTHER ORDAINED,** by the Hardin County Fiscal Court that this ordinance shall become effective upon adoption.

**INTRODUCED AND PUBLICLY READ** on first reading on this the 25th day of August, 2009.  
**READ, ADOPTED AND APPROVED** on second reading on this the 8th day of September, 2009.

**HARDIN COUNTY FISCAL COURT**

  
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

**ATTESTED BY:**

  
KENNETH L. TABB  
HARDIN COUNTY COURT CLERK

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FLOOD PLAIN ORDINANCE	No. 254, Series 2007
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## **SECTION 1**

### **INTRODUCTION AND GENERAL PROVISIONS**

#### **1-1 PREAMBLE**

By the adoption of this ordinance, the Hardin County Fiscal Court wishes to exercise all its power and confer upon the Hardin County Planning and Development Commission and Hardin County Board of Adjustment all authority allowed under the police powers of the United States Constitution, the Kentucky Constitution and Chapter 100 of the Kentucky Revised Statutes, as amended.

#### **1-2 ADOPTION**

This Zoning Ordinance, enacted by the Hardin County Fiscal Court, is confirmed and adopted and reads as hereinafter set out.

#### **1-3 SHORT TITLE**

This ordinance shall be known as the *Development Guidance System Zoning Ordinance, 2009* and may be cited as the Zoning Ordinance.

#### **1-4 PURPOSE**

The purpose of the Zoning Ordinance is to implement the adopted Comprehensive Plan and other plans for Hardin County; to promote the general welfare by establishing and regulating zoning throughout unincorporated Hardin County for the specific purposes detailed in the Kentucky Revised Statutes, Section 100.201. In establishing the zones, these regulations seek to promote the general welfare, by designating sufficient space for all necessary uses of the land in logical patterns, by protecting the permitted uses in each zone from the undesirable effects of conflicting uses, and seek to ensure the stable value of all permitted development. These regulations further ensure the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all zones in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in Hardin County.

#### **1-5 LEGISLATIVE AUTHORITY**

Kentucky Revised Statute (KRS) 100.201(2) gives Fiscal Court the authority to enact permanent land use regulations, including zoning and growth management regulations.

## 1-6 ROLES AND AUTHORITY

### A. Commission

A planning unit and the Hardin County Planning and Development Commission (Commission) are hereby established pursuant to KRS 100.113 through and including KRS 100.182, as amended and Resolution of the Hardin County Fiscal Court Book Number 19 pages 235 and 236. The Commission shall adopt By-Laws for the transaction of business as per KRS 100.167, as amended.

The Commission shall consist of five (5) members appointed by the County Judge/Executive with the approval of the Hardin County Fiscal Court. Each commissioner shall serve four year terms as per KRS 100.143. Any vacancies on the Commission shall be filled within 60 days by the appropriate appointing authority. If no action is taken within that time, then the Commission shall fill the vacancy.

#### Responsibilities

- 1) Submit recommendations to the members of the Hardin County Fiscal Court including versions of and revisions to the Zoning Ordinance and Official Zoning Map.
- 2) Adopt and maintain the Comprehensive Plan and Subdivision Regulations as authorized under Kentucky Revised Statutes.
- 3) Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations.
- 4) Maintain complete records of all meetings, hearings, correspondences, and affairs of the Commission.
- 5) Record certificates of land use restrictions and hold financial securities for development and land use functions.
- 6) Publish and make available to the public all plans, ordinances, and other related materials that are the responsibilities of the Commission.
- 7) Establish and maintain a process to certify official or approved documents.
- 8) Review, hear, and approve or deny all applications for conditional use permits based on the provisions of this ordinance in the event that the applicant files for a conditional use permit concurrently with a zoning map amendment request.
- 9) Review, hear, and approve or deny all applications for variances from development standards (such as height, width, length, or location of structures) of this ordinance in the event that the applicant files for a variance concurrently with a subdivision proposal or map amendment request.

- 10) Review, hear, and approve or deny development plans and amendments to development plans.
- 11) Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Regulations to the extent of the local regulations, Ordinances, and Kentucky Revised Statutes.
- 12) Establish advisory committees, as necessary, which may include elected officials, appointed officials, and the general public.
- 13) Help seek funding assistance through grant programs as necessary.
- 14) Exercise all powers as permitted by Kentucky Revised Statutes.

**B. Hardin County Fiscal Court**

Hardin County Fiscal Court (Fiscal Court) is the legislative body for unincorporated Hardin County (the area outside the local cities). It is made up of Elected Officials and the County Judge/Executive all of whom are elected officials as established by law.

**Responsibilities**

- 1) Adopt, reject, or amend the Zoning Ordinance that has been recommended by the Hardin County Planning and Development Commission.
- 2) Adopt, reject, or amend proposals to amend or partially repeal the text of the Zoning Ordinance that has been recommended by the Commission.
- 3) Adopt, reject, or amend proposals to amend the Official Zoning Map following action by the Commission.
- 4) Initiate amendments to the text of the Zoning Ordinance.
- 5) Initiate amendments to the Official Zoning Map.
- 6) Exercise all powers as permitted by Kentucky Revised Statutes.

C. Board of Adjustment

The Board of Adjustment (Board) is hereby established pursuant to KRS 100.217, as amended and by Resolution of the Hardin County Fiscal Court 24 July 1995.

The Board shall consist of three (3) citizen members appointed by the County Judge/Executive with the approval of the Fiscal Court – one member may be a member of the Commission. Each Board member shall serve four year terms as per KRS 100.217 and the Hardin County Board of Adjustment By-Laws. Any vacancies on the Board shall be filled within 60 days by the appropriate appointing authority. If no action is taken within that time, then the Commission shall fill the vacancy (KRS 100.217(5)).

Responsibilities

- 1) Hear and decide Administrative Reviews where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator in the enforcement of any provision of this ordinance (KRS 100.257).
- 2) Review, hear, and approve or deny all applications for conditional use permits based on the provisions of this ordinance and Kentucky Revised Statutes.
- 3) Revoke conditional use permits or variances for noncompliance with the condition thereof.
- 4) Review, hear, and approve or deny all applications for variances from development standards (such as height, width, length, or location of structures) of this ordinance.
- 5) Affirm, modify or reverse the decision of the Code Official where it is alleged by the applicant that there is error in any decision, notice or order issued by the Code Official in the enforcement of any provision of the Property Maintenance Code (Ordinance 159, Series 2000, Section PM 110.0), as amended.
- 6) Exercise all powers as permitted by Kentucky Revised Statutes.
- 7) Unless specifically stated to the contrary, the term “Board of Adjustment” shall mean Board of Appeals.

**D. Engineers and Technical Professionals**

As part of the process of the development and use of land, materials of a technical nature are required. These technical materials are submitted and reviewed by professionals in several fields. These professionals may be employed by governmental, public or private agencies, or hired by an applicant proposing a particular use of land, and/or someone opposed to a proposal. The list of professionals involved in the development process includes, but is not limited to:

- Civil Engineers
- Transportation Engineers
- Environmentalists
- Architects
- Landscape Architects
- Land Use Planners
- Surveyors
- Attorneys

**Responsibilities**

As stated above, the role of professionals with varying technical expertise is to provide required technical information at the appropriate time in the regulatory or review process. For instance, a survey of property is required for several of the review processes provided for in these regulations. Such a survey must be prepared and certified by a licensed surveyor. These regulations specify the particular required roles of professionals, understanding that other professionals may be involved even though not required by these regulations.

**E. Planning Director and Commission Staff**

The Commission shall secure the full-time professional services of an individual to serve as the Director of the Hardin County Planning and Development Commission (Director) and Building Official. Other individuals may be employed as Commission Staff (Staff) by the Commission in order to accomplish the duties prescribed by this ordinance pursuant to KRS 100.173, as amended.

**Responsibilities**

- 1) This ordinance shall be administered and enforced by the Director. Unless specifically stated to the contrary, the term "Director" shall include his or her designees.
- 2) The Director may be designated to issue building permits and certificates of occupancy, in accordance with the terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the terms of the regulation.

- 3) Staff is responsible for and has the authority to interpret and administer this regulation.
- 4) Serve an advisory role with the Commission, Board and Fiscal Court.
- 5) Provides staff reports and processes applications and materials related to requests for action.
- 6) Serve as liaisons between the Commission, Board, technical professionals, elected officials and the public. In that role they distribute and share information as provided in plans, ordinances, regulations, policies, applications and/or other sources.

**F. Applicants/Public**

Any individual, developer, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to bring about development for the individual or another.

**Responsibilities**

- 1) By the very nature of the process to develop and use land in Hardin County, the public is involved. Owners and developers of land may act as applicants. Neighbors or other concerned citizens may express their support or concerns relating to a particular proposal or project.
- 2) Applicants and/or owners are charged with providing any and all information required by these regulations and administratively adopted policies regarding the development process. They must sign applications and verify the completeness and truthfulness of all submittals and testimony offered on their behalf.
- 3) The public at large may submit in writing or verbally, as appropriate and legally tendered, their opinion concerning any application or proposal to be addressed under these regulations. The public is charged with complying with all administrative and procedural guidelines applicable to providing such information.

**1-7 FEE SCHEDULE**

The Commission shall adopt and amend, as necessary, a schedule of fees, charges, and expenses (fee schedule) for applications, services, and publications and establish a late fee for applications filed after work, use, or construction has commenced without appropriate permits.

Reasonable fees sufficient to recover incurred cost may be charged as per KRS 100.177 as amended. The Commission shall establish the fee schedule subsequent to appropriate study and research. The adopted fee schedule shall be posted in the Commission office. Until all applicable

fees, charges, and expenses have been paid in full, no action shall be taken on any permit, application, or appeal.

**1-8 ESTABLISHMENT OF LAND USE GROUPS, PLANNING AREAS, ZONING DESCRIPTIONS AND GENERAL REGULATIONS**

**A. Land Use Groups**

For the purpose of this ordinance, unincorporated Hardin County, Kentucky is hereby divided into the following Land Use Groups that are based on existing land uses and anticipated growth and development activities as presented in the Comprehensive Plan:

- Urban Areas
- Rural Villages
- Rural Areas
- Kentucky 313 Corridor
- Industrial Areas
- Interstate Commerce Areas

**B. Planning Areas**

For the purpose of this ordinance, unincorporated Hardin County, Kentucky is hereby divided into the following twenty-eight Planning Areas that have unique existing characteristics and proposed growth characteristics as presented in the Comprehensive Plan:

- |    |                            |    |                              |
|----|----------------------------|----|------------------------------|
| 1  | East Urban Area            | 15 | North Dixie Corridor         |
| 2  | North Glendale Urban Area  | 16 | Shepherdsville Road Corridor |
| 3  | North Urban Area           | 17 | South Dixie Corridor         |
| 4  | Valley Creek Urban Area    | 18 | St John Road Corridor        |
| 5  | West Urban Area            | 19 | Colesburg Area               |
| 6  | Cecilia Rural Village      | 20 | East Hardin Area             |
| 7  | Glendale Rural Village     | 21 | Natural Resource Area        |
| 8  | Rineyville Rural Village   | 22 | South Hardin Area            |
| 9  | Stephensburg Rural Village | 23 | West Hardin Area             |
| 10 | Bardstown Road Corridor    | 24 | West Point Area              |
| 11 | E2RC Corridor              | 25 | Glendale Industrial          |
| 12 | Kentucky 313 Corridor      | 26 | Industrial Park              |
| 13 | Kentucky 1600 Corridor     | 27 | Glendale Junction (I-65)     |
| 14 | Leitchfield Road Corridor  | 28 | White Mills Junction (WKPKY) |

**C. Zoning Descriptions**

For the purpose of this ordinance, all land in unincorporated Hardin County, Kentucky is hereby designated on the Official Zoning Map as being in one of the following zones:

<b>Zones</b>	<b>Symbol</b>	<b>Page</b>
Urban Residential Zone	R-1	30
Rural Residential Zone	R-2	31
Residential Estate Zone	R-3	32
Multi-family Residential Zone	R-4	33
Mobile Home Community Zone	R-5	34
Agricultural Zone	A-1	36
Neighborhood/Rural Commercial Zone	C-0	37
Convenience Commercial Zone	C-1	38
General Commercial Zone	C-2	39
Interstate Commercial Zone	B-1	40
Tourist and Convenience Commercial Zone	B-2	41
Light Industrial Zone	I-1	42
Heavy Industrial Zone	I-2	43
Industrial Holding Zone	IH	44
Planned Unit Development	PD-1	45
Source Water Protection Overlay Zone	SWP-O	50
Interstate & Highway Overlay Zone	IH-O	53

**D. General Regulations**

The regulations set by this Zoning Ordinance within each zone shall be 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:

- 1) No land may be used except for a purpose permitted in the zone in which it is located.
- 2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, designed, or intended to be used for any purpose except a use permitted in the zone in which the building is located.
- 3) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the zone which the building is located.



- 4) No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the zone in which the building is located.
- 5) The minimum yards and open spaces, including minimum lot areas, required by these regulations, for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon nor considered as required yard or open space for any other building, nor shall any lot area be reduced to less than the requirements of these regulations.

## **1-9 BOUNDARIES OF LAND USE GROUPS, PLANNING AREAS AND ZONES**

The boundaries of said Groups, Areas and Zones are hereby established as shown upon the Official Zoning Map, Future Land Use Map and Planning Area Map for unincorporated Hardin County, Kentucky. These Maps are hereby made a part of this ordinance. All notations, references, and other matters shown thereon shall be as much a part of this ordinance as if they were fully described herein.

The following rules shall be used to interpret the exact location of the boundaries shown on the above described maps:

1. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following county boundaries shall be construed as following such boundaries;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line. Streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in paragraphs (1) through (5) above shall be so construed. Distances not specifically indicated on an official map shall be determined by the scale of the map; and,
7. Where physical or cultural features existing on the ground are at variance with those shown on the official maps or in other circumstance not covered by subparagraphs (1) through (6) above, the Board shall interpret the boundaries as per KRS 100.257, as amended.

## 1-10 DESIGNATION OF OFFICIAL MAPS

- A. The location and boundaries established by Section 1-9 are set forth and indicated on maps titled "Future Land Use Map", "Planning Area Map" and "Official Zoning Map", these maps shall be a part of this ordinance to the same extent as if set out in this ordinance.
- B. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change by any person or persons shall be considered a violation of this ordinance.
- C. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map is located in the planning office and shall be the final authority as to the current status of land in the county.
- D. The Commission reserves the right to use any map which displays information regarding the physical, geologic, topographical, or environmental condition of any portion or portions of the county. Said maps of particular interest are those provided by the Flood Insurance Rate Map, Hardin County Property Valuation Administrator, United States Department of Agriculture, Soil Conservation Service Soil Survey or any map provided by the Natural Resources Conservation Service and the United States Geological Survey.

## 1-11 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

## 1-12 CONFLICT OF ORDINANCE

Where the conditions imposed by any provisions of this ordinance, or subdivision plats or development plans approved in conformance with these regulations, are either more restrictive or less restrictive than comparable conditions imposed by any other applicable Kentucky Revised Statutes, local ordinances, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern and shall be enforced by the appropriate agency. 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 Commission. When subdivision and development plans that have been approved by the Commission contain setbacks or other features in excess of the minimum requirements

established by this ordinance, said standards shall be construed as a private deed restriction.

### **1-13 SEPARABILITY**

The provisions of this ordinance are separable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this ordinance.

### **1-14 PLANS AND CONSTRUCTION IN PROGRESS**

Nothing in this zoning ordinance requires a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before the adoption of this ordinance and on which actual construction has been diligently pursued. For the purposes of application of Section 1-14 of this ordinance, "actual construction" means the placing of construction materials in permanent position and fastened in a permanent manner, and/or demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building. Grading of a site in preparation for construction does not constitute actual construction. Construction activities may not commence until all required building and zoning permits for construction and/or demolition have been obtained.

#### **Approvals Granted Before Adoption of this Zoning Ordinance**

Building permits, variances, conditional-use permits, zoning map amendments, preliminary plats, street design plans, drainage plans, subdivision plats, development plans and other similar development approvals that are valid on the date this ordinance is adopted will remain valid until their expiration date or for one year. Development must be completed in conformance with valid approvals, even if such building, development, or structure does not fully comply with provisions of this Zoning Ordinance. If an approved building, development or structure is not commenced and diligently pursued or any extension granted, then the building, development, or structure must meet the zoning ordinance standards in effect at the time of re-application.

#### **Applications in Progress**

Complete applications for building permits, variances, conditional-use permits, zoning map amendments, preliminary plats, street design plans, subdivision plats, development plans and other similar developments that are pending and have not received approval or conditional approval on the date of adoption of this ordinance, must be reviewed wholly under the terms of this Zoning Ordinance. Any re-application for an expired

approval or conditional approval must meet the zoning ordinance standards in effect at the time of re-application.

**Violations Continue**

Any violation of the previous Zoning Ordinance will continue to be a violation under this Zoning Ordinance and be subject to penalties and enforcement under Section 14 (Pg, 121). If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the express terms of this Zoning Ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the adoption of this Ordinance. The adoption of this Zoning Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Zoning Ordinance.

**1-15 EFFECTIVE DATE**

The previous Zoning Ordinance adopted July 17, 1995 and as amended is hereby rescinded. This Zoning Ordinance shall be in full force and effect on the date of its adoption by the Hardin County Fiscal Court and within their respective area of jurisdiction.

## **SECTION 2**

### **DEFINITIONS**

Except as otherwise provided, all words used in the DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE shall have their customary dictionary meaning. The words defined are those which have special or limited meanings as used in the Zoning Ordinance which meanings might not otherwise be clear. The word "shall" is always mandatory.

#### **2-1 SPECIFIC DEFINITIONS**

When used within the framework established by this ordinance, the following words or phrases shall have the attendant meanings.

<b>A</b> bandonment of Use	A cease in an activity conducted on a property with the intention neither of transferring rights to the property to another owner, nor of resuming the use of the property.
Accessory Use	A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.
Adjacent Property	Property which shares a common boundary line or property directly across the street which shares a common public right-of-way.
Adjoining Property	Property which shares a common boundary line.
Affected Property Owner	The owner of property in the vicinity of a proposed development which will be impacted either positively or negatively by that proposed development.
Agricultural Use	A parcel of at least five (5) contiguous acres for the production of agriculture 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 provision 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.

**DEVELOPMENT GUIDANCE SYSTEM**

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Agriculture Equipment Sales & Service	Establishments primarily engaged in the sales and service of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm, the lawn or garden; and dairy and other livestock equipment.
Agri-tourism	The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. The Kentucky Department of Agriculture and the local Kentucky Farm Bureau may act as consultants in the determination of activities qualifying as Agricultural Tourism.
Amended Record Plat	A professionally prepared drawing of changes to a plat filed in the Hardin County Clerk's office.
Amenities	A man-made or natural feature which enhances or makes more attractive a particular site for development.
Amusement Enterprises	Indoor establishments engaged in the operation of amusement services. Examples include pool halls, game rooms, arcades, bowling alleys and dance halls.
Applicant	Any individual, developer, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to bring about development for the individual or another.
Automotive Storage	The storage, parking, collection or placement of two (2) or more non-licensed and not currently registered vehicles on any property, premises, or place of business. Requires a Conditional Use Permit granted by the Board.
Architect	A person registered by the Commonwealth of Kentucky through the Kentucky Board of Architects.

<b>B</b> illboard	Sign.
Board of Adjustment	The Board of Adjustment is a three (3) citizen member board appointed by the County Judge/Executive with the approval of the Fiscal Court.
Building	Any combination of materials, whether portable or fixed, which comprises a structure or non-mine underground area affording facilities or shelter for any human occupancy, whether infrequent or regular (KRS 198B.010 (4)).
Building Envelope	The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks.
<b>C</b> aliper	The diameter of a tree trunk measured one foot above ground level.
Canopy Tree	A tree which at maturity creates a roof like layer of spreading branches.
Commission	The Hardin County Planning and Development Commission.
Comprehensive Plan	The Hardin County Planning for Growth COMPREHENSIVE DEVELOPMENT GUIDE 2008, which is required by and adopted in accordance with KRS 100.183.
Conditional Use	A use which is essential to or would promote the public health, welfare and safety in one 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 by this regulation.
Conditional Use Permit	Legal authorization to undertake a conditional use authorized by the Board consisting of two parts: <ol style="list-style-type: none"><li>1. A statement of factual determination by the Board which justifies issuance of the permit; and,</li><li>2. A statement of specific conditions which must be met in order for the use to be permitted.</li></ol>
Contiguous Development	Areas where adjacent properties are developed.

## **DEVELOPMENT GUIDANCE SYSTEM**

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Controlled Access	A condition where the right of owners or occupants of abutting land or other persons to access, in connection with a roadway, is fully or partially controlled by public authority.
Corrected Plat	A professionally prepared drawing of technical corrections to a plat filed in the Hardin County Clerk's office.
County Road	A public road listed on the County Road Maintenance System
Cultural Services	Establishments primarily engaged in providing cultural services to the general public. Examples include art studios and galleries, music lessons, dance & yoga classes, and theatres.
<b>D</b> evelopment	The subdivision of land; construction, reconstruction, conversion, structural alteration, grading, relocation or enlargement of any structure; installation of a sign; and any mining, landfill or land disturbance or change of land use or intensity of use.
Development Plan	A drawing containing written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant KRS 100.111 (8).
Director	The Director of the Hardin County Planning and Development Commission.
Duplex	A building containing two (2) single family dwelling units, under one roof, totally separated from each other by an un-pierced wall extending from ground to roof, or an un-pierced floor in the case of stacked units.
Dwelling Unit	A building or portion thereof providing independent and complete living, cooking, sleeping, and sanitation facilities for one family.



## **DEVELOPMENT GUIDANCE SYSTEM**

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Dwelling, Accessory	An accessory dwelling unit is a habitable living unit detached from a single-family dwelling that provides basic requirements for independent living, cooking, sleeping, and sanitation facilities.
Dwelling, Manufactured Home	(See Manufactured Home, See Pg. 20)
Dwelling, Mobile Home	(See Mobile Home, See Pg. 21)
Dwelling, Multi Family	A building containing three (3) or more units, including units that are located adjacent to or one over the other.
Dwelling, Single Family	A building designed and used exclusively for residential occupancy by one family and providing independent and complete living, cooking, sleeping, and sanitation facilities for one family.
<b>E</b> asement	A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation, or a certain person or persons.
Engineer	A person registered by the Commonwealth of Kentucky through the Board of Registration of Professional Engineers and Land Surveyors.
Engineering, Planning and Public Works Committee	A committee of members that makes recommendations to Fiscal Court concerning actions taken by or recommendations made by the Commission.
Evergreen Tree	A tree that has foliage that remains green and functional through more than one growing season.
Excavation	The action by which existing elevations or topography are changed by digging, cutting, or scooping of the surface.
Existing Significant Trees	Trees with an approximate diameter at breast height of twenty-four inches (24") or greater and trees that are listed with the Kentucky Division of Forestry on the Kentucky Champion Tree Program.
Expanded Use	The further development of a developed site.
<b>F</b> acade	The exterior wall of a building exposed to public view, or that wall viewed by persons not within the building.

**DEVELOPMENT GUIDANCE SYSTEM**

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Family	One or more individuals occupying a dwelling unit and living as a single household unit.
Fiscal Court	The chief elected body of Hardin County with legislative power.
Floor Area	The total horizontal area of all of the floors of a building or structure, measured on the exterior perimeter.
Frontage	That side of a lot abutting on a public right-of-way; the front lot line is the distance for which the front boundary line of the lot and the public right-of-way are coincident.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
Full-cutoff light fixture	A light fixture that cuts off all upward transmission of light.
<b>G</b> lare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Grain Bin Facility	Establishments primarily engaged in buying, storing, warehousing and/or marketing grain (such as corn, wheat, oats, barley and soybeans). Country grain elevators primarily engaged in buying or receiving grain from farmers are included, as well as terminal elevators and other merchants marketing grain.
Green Space Setback	An undeveloped portion of land containing only vegetation, farm, crops, trees, shrubs, and other landscaping plants with no buildings, structures, or other manmade obstructions except for signage in compliance with DGS Section 9 “General Signage Standards”.
<b>H</b> ardin County Road Classification System	A listing of all roads in the County based on characteristics, such as the type of use, status, pavement width, right-of-way, speed limit and number of adjoining properties.

**DEVELOPMENT GUIDANCE SYSTEM**

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Hearing Officer	A person appointed by the Commission or Board to preside at public hearings.
Historic Sites and Archeological Sites	As identified by the Kentucky Heritage Council and presented in the Kentucky Historic Resources Inventory
Home Occupation	Any activity carried out for gain by a resident conducted as an accessory use within the principle structure. Such activity shall not cause the description or appearance of the property to change by virtue of the existence of a home occupation. The activity must have no employees working on the premises who are not members of the family, and who do not live in the dwelling unit; must not generate more traffic than the uses existing in the same neighborhood; and must not involve warehousing or storage of any inventory or goods to be transferred to third parties; nor make use of any equipment not normally used for domestic purposes. (To exceed this definition requires a Conditional Use Permit, See 16-27, Pg. 136)
<b>I</b> mpervious Surface	Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.
Important Farmlands	Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops.
<b>J</b> unk Yard	Any place where two or more non-licensed and not currently registered vehicles; wrecked and non-operative vehicles or other similar scrap or salvage materials are deposited, parked, placed, or otherwise located. Junkyard also includes any place used for storing, keeping, buying, or selling scrap materials of any kind, ferrous or non-ferrous.
<b>K</b> ennel	Any lot, structure, premises, or establishment where 10 or more dogs or cats are kept for commercial purposes such as where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, selling, boarding, grooming, or training of such animals. All applicable requirements of the Hardin County Animal Control shall also be imposed.

<b>L</b> and Surveyor	A person registered by the Commonwealth of Kentucky through the Board of Registration of Professional Engineers and Land Surveyors.
Landscape Architect	A person registered by the Commonwealth of Kentucky through the Kentucky Board of Landscape Architects.
Landscaping	The addition of lawns, trees, plants, and/or other natural and decorative features to land which create an expanse of natural scenery.
Lot	Any legally divided portion, piece, division or parcel of land in a platted subdivision.
Local Average Square Foot Standard	A method of assessing the character of the neighborhood whereby the minimum square footage for a dwelling or dwelling units of a proposed development is established by averaging the square footage of the closest twelve dwelling units to the site and then multiplying that figure by 90 percent. The records of the Property Valuation Administrator's office shall be used to calculate this standard – only those dwelling units within one mile shall be calculated.
<b>M</b> anufactured Home	A single-family residential dwelling constructed after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transportation features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. section 5401, et.seq., as Amended.
Mature Woodlands	Existing woodland areas approximately three acres or larger in size with consultation provided by a Professional Forester.
Mini Self-Storage	Mini self storage warehouse facilities shall be designed and operated for the storage of goods in individual compartments or rooms, that have controlled-access and which are available for use by the general public on a rental or lease basis. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, repackaging, compounding, office functions, other business or service uses, or human habitation.

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Mobile Home	A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, 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, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.
Mobile Home Community	A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the Cabinet for Health & Family Services(KRS 219.320(6));
Multi-Residential Use	A deeded lot or parcel on which two or more dwelling units are located, and which does not constitute a Mobile Community.
Open Space	Land within a proposed development site excluding areas devoted to buildings, structures, roadways, and parking.
Open Space Lot	A lot containing a minimum of five (5) acres that is not eligible for a dwelling unit as part of an Open Space Design Subdivision (See 17-10, Pg. 146).
Ordinance	Any legislative action by the Fiscal Court which has the force of law, including any amendment or repeal of any ordinance.
Outdoor Display	The placement of goods for sale or advertisement, outside of a building or structure, including but not limited to vehicles, garden supplies, propane gas tanks, tires, motor oil, food, beverages, boats, farm equipment, motor homes and clothing.

**DEVELOPMENT GUIDANCE SYSTEM**

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Outdoor Storage	The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.
Owner operated specialty skilled shop related to Agriculture	An owner operated shop where activities related to agriculture are conducted. Examples include welders, mechanics, farm electronics, wood workers and saw mills.
<b>P</b> arcel	A deeded piece of land which is of sufficient size and used for agricultural production.
Plat	A map, plan, or layout of a subdivision indicating the location and boundaries of properties.
Parking Lot	An off street area used for the parking of any type of vehicle, including but not limited to, parking lots, loading and unloading areas and service areas. Driveways, access ways, aisles and maneuvering areas are also considered a part of the parking lots or areas.
Preliminary Plat	A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development.
Prime Soil	A specific soil that possesses the properties of important farmland.
Principal Use	The primary or predominant use of any site.
Print	A reproduction or copy as a positive picture on a sensitized surface from a negative or positive.
Private Roadway	Any road, lane or path which can be used for travel by motor vehicle.
Prohibited Use	A use of land and/or structure that is not permitted as being in violation of this regulation.
Public Facility	Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public. (KRS 100.111(19))

**DEVELOPMENT GUIDANCE SYSTEM**

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Public Utility	Any use of land, whether publicly or privately owned, operating under the jurisdiction of the public service commission or the department of vehicle regulation or the federal power commission, any municipally owned electric system and common carriers by rail. (KRS 100.324)
<b>R</b> ecord Plat	A professionally prepared drawing of a proposed subdivision containing all the data required by this ordinance and the Hardin County Subdivision Regulations that shall be recorded in the Office of the Hardin County Clerk. (KRS 100.283)
Recreational Enterprises	Indoor or outdoor establishments engaged in the operation of recreational services. Examples include; golf courses, swimming pools, tennis courts, campgrounds, fitness facilities, shooting ranges, motor sports, and paintball facilities.
Regulation	Any enactment by the Fiscal Court whether it is an ordinance, resolution, or order.
Replatting	A professionally prepared drawing of the transfer of a portion of a lot or parcel to an adjoining lot or parcel on a plat filed in the Hardin County Clerk's Office. No new lots or parcels are to be created.
Residential Use	The use of any property, structure or portion of a structure as a dwelling for a single family in conformance with this regulation.
Residual Lot	(See 17-14, Pg. 148)
Restaurant	Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption by the general public.
Resubdivision	A professionally prepared drawing of the creation of new lots or parcels from existing lots or parcels on a plat in the Hardin County Clerk's Office.
Revised Plat	A professionally prepared drawing of changes to items (setback lines, easements, etc.) on a plat filed in the Hardin County Clerk's office.

## **DEVELOPMENT GUIDANCE SYSTEM**

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Right-Of-Way	The strip of land on which a public road is built; includes land for pavement, shoulders, drainage ways, curbs, sidewalks, etc.
Road	A vehicular way used as the principle means of ingress or egress for three (3) or more deeded pieces of property in any use.
<b>S</b> etback Line	<p>The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the building area within which buildings must be erected or placed.</p> <p>Note: Roads having no dedicated right-of-way – front property line measured 20 feet from centerline of road.</p>
Sewer, Centralized	A system of large-diameter pipes that move waste by gravity flow and/or pumping systems to a wastewater treatment plant. The system can handle large volumes of wastewater and must meet standards for discharge to a surface water body.
Sewer, Decentralized	<p>An onsite or cluster wastewater system used to treat and dispose of relatively small volumes of wastewater, generally from houses and businesses that are typically located close together. The systems can be designed to discharge to surface water bodies or to drip irrigation fields.</p> <p>Wastewater treatment systems managed by a utility provider.</p>
Sewer, Septic System	Onsite wastewater treatment systems that treat and dispose of small volumes of wastewater. The system typically includes a septic tank that digests organic matter and separates floatable matter and settleable solids from the wastewater. Most septic systems then discharge the liquid waste into a series of perforated pipes buried in a leach field.
Sexually Oriented Business	An adult entertainment business, adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio or sexual encounter center.
Shrub, Deciduous	A low growing usually several stemmed woody



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	plant which has foliage that falls off or is shed seasonally.
Shrub, Evergreen	A low growing usually several stemmed woody plant which has foliage that remains green and functional through more than one growing season.
Sight Triangle	(See 17-17, Pg. 151)
Sign	Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Site Plan	A drawing which contains detailed information concerning existing and proposed development.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.

Source Water Protection	Definitions Specific To Section 3-16, Pg. 51:
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• Aquifer	A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding groundwater to wells and springs.
• Contamination	An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
• Facility	Something that is built, installed, or established for a particular purpose.
• Grey Water	All domestic wastewater except toilet discharge water.
• Source Water Protection Overlay Zone	The zoning defined to overlay other zoning in Hardin County. This Overlay may include specifically designated recharge areas that collect precipitation or surface water and carry

it to aquifers.

- Hazardous Material

A material which is defined in one or more of the following categories:

Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.

Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

Explosive: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

Highly Toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: chlorine gas.

Moderately Toxic: A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man.

Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

- Karst Topography

A type of landscape that is formed over limestone, dolomite, or gypsum by dissolution and characterized by sinkholes, caves and underground drainage.

- Primary Containment Facility

A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.

## **DEVELOPMENT GUIDANCE SYSTEM**

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- Release Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.
  
- Secondary Containment Facility A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required,
  
- Shallow/Surficial Aquifer An aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.
- Sinkhole Any depression in the surface of the ground into which rainfall is drained.
  
- Spill Response Plans Detailed plans for control, recontainment, recovery, and clean up of hazardous material releases, such as during fires or equipment failures.
  
- Stormwater Treatment Practices (STP). Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.
  
  
- Staff Those persons employed by the Commission, whether under direct employment or by contractual agreement.
  
- Standard Industrial Classification A multi-digit code utilized by the federal Executive Office of Management and Budget to classify establishments by type of activity in which they are engaged.
  
  
- Street Any public vehicular way—a general term used to describe right-of-way which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of under or above ground utilities.

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Structure	Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
Subdivision of Land	The division of a deeded piece of land into two (2) or more lots or parcels for any purpose since 1 August 1979, or any division of land involving a new roadway. Only parcels created for agricultural use and not involving a new roadway shall be exempt from classification of a subdivision of land (KRS 100.111(22)).
Surrounding Property Owner	The owner of property adjacent to or within 1,200 feet by road frontage of a proposed development as of records available in the Property Valuation Administrator's office.

<b>T</b> elecommunication Towers	Definitions Specific To Section 12, Pg. 107
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<ul style="list-style-type: none"> <li>• Alternative Cellular Antenna Tower</li> </ul>	Any facility, such as a clock or bell tower; steeple; light pole; or other similar alternative-design mounting structure that accommodates, minimizes, camouflages or conceals the presence of a cellular antenna or cellular antenna tower and that is constructed (or reconstructed) primarily for the purpose of accommodating a cellular antenna or cellular antenna tower.
<ul style="list-style-type: none"> <li>• Antenna Or Related Equipment</li> </ul>	Transmitting, receiving, or other equipment used to support cellular telecommunications services or personal communications services.
<ul style="list-style-type: none"> <li>• Cellular Antenna Tower</li> </ul>	A tower constructed for, or an existing building or facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
<ul style="list-style-type: none"> <li>• Co-Location</li> </ul>	Locating two (2) or more transmission antennae or related equipment on the same cellular antenna tower.

## **DEVELOPMENT GUIDANCE SYSTEM**

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- **Uniform Application** The application submitted to the Planning Commission by an applicant, complete and meeting all requirements as provided in KRS 100.9865, for the construction of a cellular antenna tower for cellular telecommunications services or personal communications services.
  
- Temporary Use** A residential or non-residential use carried on for not more than a total of sixty (60) days during one calendar year; or an agricultural use carried on for not more than a total of four months during one calendar year.
  
- Under Story Tree** A tree which creates an undergrowth of vegetation.
  
- Undeveloped Land** A parcel of land which is not being actively used and cannot be classified in any other land use category.
  
- Unique Habitats** Areas such as wetlands, rare plant communities, barrens, cedar glades, karst features, caves and endangered species habitats.
  
- Use-By-Right** A use which, because of its nature and impact, is permitted within the zoning in question.
  
- Variance** A departure from dimensional terms of this regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
  
- Width To Length Ratio** The relationship between the frontage (width) and the depth (length) of a parcel of land; i.e., a parcel with 100 feet of frontage cannot exceed 300 feet in depth to conform to a 1 to 3 width to length ratio.
  
- Zero Lot Line** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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## SECTION 3

### ZONING REGULATIONS

#### 3-1 URBAN RESIDENTIAL ZONE (R-1)

##### A. INTENT

This Zone is intended for high-density development of single family dwellings, located only where public water supply is available and individual on-site wastewater treatment is permitted by the Hardin County Health Department.

##### B. USES FOR THE ZONE

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

##### C. DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - 12,000 square feet for property having Sewer or Wastewater Treatment Alternatives;
  - 40,000 square feet for property having on-site septic, access to a government maintained roadway with a 16 foot paved surface or greater and with public water available at the site; or
  - 3.0 acres for property having access to a government maintained roadway with a 16 foot paved surface or greater, but without public water available at the site; or
  - 5.0 acres for property having access to a government maintained roadway with less than 16 foot paved surface.
2. Minimum Lot Frontage – 100'
3. Minimum Width to Length Ratio – 1:4 until 300' of frontage;
4. Minimum Front Yard Setback - 40';
5. Minimum Side Yard Setback - 10'; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 15'; 100' for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

##### ADDITIONAL STANDARDS THAT MAY APPLY

Planned Unit Development, Pg. 46  
Site Plan Requirements, Pg. 85  
Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143

- Open Space Subdivision Design, Pg. 146
- Sewer or Wastewater Treatment Alternatives, Pg. 149

**3-2 RURAL RESIDENTIAL ZONE (R-2)**

**A. INTENT**

This Zone is intended for low-density development of single family dwellings, located where private or public water supply is available and individual on-site wastewater treatment is permitted by the Hardin County Health Department.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - 12,000 square feet for property having Sewer or Wastewater Treatment Alternatives;
  - Open Space Subdivision Design (Pg. 146)
  - 80,000 square feet for property having access to a government maintained roadway with a 16 foot paved surface or greater; or
  - 3.0 acres for property having access to a government maintained roadway with a 16 foot paved surface or greater, but without public water available at the site
  - 5.0 acres for property having access to a government maintained roadway with less than 16 foot paved surface.
2. Minimum Lot Frontage - 200’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of frontage;
4. Minimum Front Yard Setback - 40’; or 70’ for property 3.0 acres or greater.
5. Minimum Side Yard Setback - 10’; 100’ for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 15’; 50’ for property 3 acres or greater; 100’ for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones.
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Planned Unit Development, Pg. 46  
Site Plan Requirements, Pg. 85  
Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143

- Open Space Subdivision Design, Pg. 146
- Sewer or Wastewater Treatment Alternatives, Pg. 149



**3-3 RESIDENTIAL ESTATE ZONE (R-3)**

**A. INTENT**

This Zone is intended for very low density development of single family dwellings, located where private or public water supply is available and individual on-site wastewater treatment is permitted by the Hardin County Health Department.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - Open Space Subdivision Design (Special Provisions, Pg. 146);
  - 10.0 acres for property having access to a government maintained roadway;
2. Minimum Lot Frontage - 300’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of frontage;
4. Minimum Front Yard Setback - 40’; or 70’ for property 3 acres or greater.
5. Minimum Side Yard Setback - 10’; 20’ for property 3 acres or greater; 100’ for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 15’; 50’ for property 3 acres or greater; 100’ for Subdivision lots platted after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Planned Unit Development, Pg. 46  
Site Plan Requirements, Pg. 85  
Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143

- Open Space Subdivision Design, Pg. 146
- Sewer or Wastewater Treatment Alternatives, Pg. 149

**3-4 MULTI-FAMILY RESIDENTIAL ZONE (R-4)**

**A. INTENT**

This Zone is intended for high-density development of multi-family dwellings, located only where approved water supply is available and sewage treatment is permitted by the Hardin County Health Department.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - Sewer as Wastewater Treatment Alternatives (Special Provisions, Pg. 142);
  - Single Family - 40,000 square feet;
  - Duplex – 40,000 square feet;
  - Multi Family – 80,000 square feet;
2. Minimum Lot Frontage;
  - Single Family – 100 feet;
  - Duplex – 150 feet
  - Multi Family – 200 feet
3. Minimum Width to Length Ratio – 1:4 until 300’ of frontage;
4. Minimum Front Yard Setback – 40’
5. Minimum Side Yard Setback –20’; 100’ adjoining A-1, I-1, I-2 zones  
Minimum Rear Yard Setback –20’; 100’ adjoining A-1, I-1, I-2 zones
6. Maximum Lot Coverage – 0.75;
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Planned Unit Development, Pg. 45  
Development Requirements, Pg. 73  
Parking Standards, Pg. 89  
Signage Standards, Pg. 97

Lighting Standards, Pg. 101  
Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143

- Open Space Subdivision Design, Pg. 146
- Sewer or Wastewater Treatment Alternatives, Pg. 149

**3-5 MOBILE HOME COMMUNITY ZONE (R-5)**

**A. INTENT**

This Zone is intended to permit the establishment of a mobile home community in areas which will provide a residential setting and which will be convenient to major traffic arterials. Because of unique characteristics, mobile home communities require special consideration as to their proper location and character in relation to adjacent uses and to the proper integration of such uses into the community. The standards contained in this provision are intended to provide adequate protection and consideration for both the mobile home dweller and Hardin County.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - 10.0 acres
2. Minimum Lot Frontage - 210’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of frontage;
4. Minimum Front Yard Setback - 70’;
5. Minimum Side Yard Setback - 20’; 100’ adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 20’; 100’ adjoining A-1, I-1, I-2 zones
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**D. LOCATIONAL STANDARDS**

The following location standards shall be met in the design of a mobile home community:

1. Public water supply is available
2. On-site Wastewater Treatment as permitted by the Hardin County Health Department or Sewer as Wastewater Treatment Alternative.
3. A mobile home community shall have the minimum frontage on a government maintained roadway with a 16-foot paved surface or greater, with a minimum forty foot dedicated right-of-way, and shall have its principal access to and from said roadway, with public water available at the site.
4. Each proposed mobile home community shall be located in proximity to community facilities and services such as public

**DEVELOPMENT GUIDANCE SYSTEM**

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schools, recreational parks, shopping facilities, and adequate police and fire protection.

**E. MINIMUM DESIGN STANDARDS**

1. Not less than ten percent (10%) of the site on which a mobile home community is located shall be devoted to common open space available to the residents of the entire community.
2. A storm shelter shall be constructed in accordance with design and construction guidelines for community shelters promulgated by the Federal Emergency Management Agency. The storm shelter shall have adequate space for the maximum residential capacity of the mobile home community.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73	Lighting Standards, Pg. 101
Parking Standards, Pg. 89	Building and Electric Permits, Pg. 117
Signage Standards, Pg. 97	Special Provisions, Pg. 143
Landscaping Standards, Pg. 103	<ul style="list-style-type: none"><li>• MOBILE HOME COMMUNITIES, Pg. 145</li></ul>

**3-6 AGRICULTURAL ZONE (A-1)**

**A. INTENT**

The intent of this Zone is to preserve agricultural land, protect agricultural operations and allow for very low density development. This Zone allows for agricultural related commercial activities, with the issuance of a Conditional Use Permit, and establishes a 100-foot yard setback for the perimeter of the Zone. Additionally, a 100-foot building setback line is established for any adjoining subdivisions that are platted after the Agriculture Zone is established; thus, creating a 200-foot buffer area of open space to be preserved.

Map Amendments proposed for the Agricultural Zone, shall contain a tract of land or multiple contiguous tracts of land with a minimum of twenty-five (25) acres. This Zone is voluntarily applied for by the applicant and must be reviewed and approved as outline in Section 4, Pg. 59 – Zoning Map Amendment Procedures.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The following regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size;
  - 25.0 acres
  - Open Space Subdivision Design (Special Provisions, Pg. 146);
2. Minimum Lot Frontage - 300';
3. Minimum Width to Length Ratio – 1:3 until 300' of frontage;
4. Minimum Front Yard Setback - 70';
5. Minimum Side Yard Setback - 100'; 10' if adjoining A-1
6. Minimum Rear Yard Setback - 100'; 15' if adjoining A-1

**ADDITIONAL STANDARDS THAT MAY APPLY**

Site Plan Requirements, Pg. 85

Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117

Special Provisions, Pg. 143

- AGRICULTURAL ZONES ADJACENT TO RESIDENTIAL ZONES, Pg. 144
- LAND USED FOR AGRICULTURAL PURPOSES, Pg. 144
- MANUFACTURED HOME USED AS TEMPORARY DWELLING, Pg. 145

**3-7 NEIGHBORHOOD/RURAL COMMERCIAL ZONE (C-0)**

**A. INTENT**

The purpose of this Zone is to provide for small scale retailing of commodities and personal services characterized by low volume direct daily customers. The residential or rural character of the neighborhood should be maintained.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size – 1.0 acre;
2. Minimum Lot Frontage – 100’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of frontage;
4. Minimum Front Yard Setback – 40’;
5. Minimum Side Yard Setback –10’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
6. Minimum Rear Yard Setback –15’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
7. Maximum Lot Coverage – 0.85

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73  
Parking Standards, Pg. 89  
Signage Standards, Pg. 97  
Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105  
Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143

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**3-8 CONVENIENCE COMMERCIAL ZONE (C-1)**

**A. INTENT**

This Zone is intended to provide for selected retail shopping, personal service uses and office space to serve the needs of the nearby residential areas. This zoning is intended for locations at strategic sites in relation to population centers and transportation networks.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size – 1.0 acre;
2. Minimum Lot Frontage – 100’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of road frontage;
4. Minimum Front Yard Setback – 40’;
5. Minimum Side Yard Setback –10’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
6. Minimum Rear Yard Setback –15’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
7. Maximum Lot Coverage – 0.85
8. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73

Parking Standards, Pg. 89

Signage Standards, Pg. 97

Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105

Building and Electric Permits, Pg. 117

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**3-9 GENERAL COMMERCIAL ZONE (C-2)**

**A. INTENT**

The purpose of this Zone is to provide sufficient space in appropriate locations for a variety of business, commercial and service activities. Such zoning is intended to be located at strategic locations along major highways and where there are adequate utilities to serve intense development.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size – 2.0 acres;
2. Minimum Lot Frontage – 100’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of road frontage;
4. Minimum Front Yard Setback – 40’;
5. Minimum Side Yard Setback –10’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones
6. Minimum Rear Yard Setback –15’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
7. Maximum Lot Coverage – 0.85
8. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73

Parking Standards, Pg. 89

Signage Standards, Pg. 97

Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105

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### 3-10 INTERSTATE COMMERCIAL ZONE (B-1)

#### A. INTENT

The purpose of this Zone is to provide sufficient space adjacent to the interchanges of an interstate highway or Kentucky Parkway for appropriate business, commercial, service activities to serve the needs of the traveling public, transportation industry and to promote tourism.

#### B. USES FOR THE ZONE

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

#### C. DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size – 2.0 acres;
2. Minimum Lot Frontage – 100’;
3. Minimum Width to Length Ratio – 1:3 until 300’ of road frontage;
4. Minimum Front Yard Setback – 40’;
5. Minimum Side Yard Setback – 10’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
6. Minimum Rear Yard Setback – 15’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones
7. Maximum Lot Coverage – 0.85
8. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

#### ADDITIONAL STANDARDS THAT MAY APPLY

Development Requirements, Pg. 73

Parking Standards, Pg. 89

Signage Standards, Pg. 97

Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105

Building and Electric Permits, Pg. 117

Special Provisions, Pg. 143

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**3-11 TOURIST AND CONVENIENCE COMMERCIAL ZONE (B-2)**

**A. INTENT**

The purpose of this Zone is to provide sufficient space for selected retail shopping, personal service uses and office space to serve the needs of the nearby residential areas and promote tourism.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

1. Minimum Lot Size – 40,000 square feet;
2. Minimum Lot Frontage – 100’;
3. Minimum Width to Length Ratio – 1:4 until 300’ of road frontage;
4. Minimum Front Yard Setback – 40’;
5. Minimum Side Yard Setback –10’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
6. Minimum Rear Yard Setback –15’; 40’ adjoining residential and industrial zones, 100’ adjoining agricultural zones;
7. Maximum Lot Coverage – 0.85
8. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73

Parking Standards, Pg. 89

Signage Standards, Pg. 97

Landscaping Standards, Pg. 103

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**3-12 LIGHT INDUSTRIAL ZONE (I-1)**

**A. INTENT**

The purpose of this Zone is to provide for certain types of business and industry, characterized by light manufacturing, fabricating, warehousing and wholesale distribution, which are relatively free from offense and which, with proper landscaping will not detract from residential desirability of adjacent properties. It is intended that such zoning be located with access to major thoroughfares and/or railroads.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

- 1) Minimum Lot Size – 3.0 acres;
- 2) Minimum Lot Frontage – 210’
- 3) Minimum Width to Length Ratio – 1:3 until 300’ of road frontage;
- 4) Minimum Front Yard Setback – 50’;
- 5) Minimum Side Yard Setback –20’; 40’ adjoining commercial zones, 100’ adjoining residential and agricultural zones;
- 6) Minimum Rear Yard Setback –35’; 40’ adjoining commercial zones, 100’ adjoining residential and agricultural zones;
- 7) Maximum Lot Coverage – 0.85
- 8) Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73  
Parking Standards, Pg. 89  
Signage Standards, Pg. 97  
Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105  
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**3-13 HEAVY INDUSTRIAL ZONE (I-2)**

**A. INTENT**

This Zone permits industrial development given the existence of the appropriate government services and utilities. The development shall be sited and designed so as to avoid neighborhoods and residential development in light of the potential nuisances or other hazards.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

- 1) Minimum Lot Size – 3.0 acres;
- 2) Minimum Lot Frontage – 210’;
- 3) Minimum Width to Length Ratio – 1:3 until 300’ of road frontage;
- 4) Minimum Front Yard Setback – 50’;
- 5) Minimum Side Yard Setback –20’; 40’ adjoining commercial zones, 100’ adjoining residential and agricultural zones;
- 6) Minimum Rear Yard Setback –35’; 40’ adjoining commercial zones, 100’ adjoining residential and agricultural zones;
- 7) Maximum Lot Coverage – 0.85
- 8) Street Construction – New subdivision streets must intersection with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 73  
Parking Standards, Pg. 89  
Signage Standards, Pg. 97  
Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105  
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**3-14 INDUSTRIAL HOLDING ZONE (IH)**

**A. INTENT**

The purpose of this Zone is to provide for the expansion of Municipal Industrial Parks and to earmark areas of the county which have the appropriate utilities and infrastructure needed to support industrial development. This Zone shall reserve portions of the County for the development of certain types of business and industry, characterized by manufacturing, fabricating, warehousing and wholesale distribution, which are relatively free from offense and which, with proper landscaping will not detract from residential desirability of adjacent properties. A map amendment to either an I-1 or I-2, as appropriate, shall be a prerequisite to development.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures are set forth in the Land Use Table (Table 1, Pg. 56).

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as follows:

- 1) Minimum Lot Size – 10.0 acres;
- 2) Minimum Lot Frontage – 300’;
- 3) Minimum Width to Length Ratio – 1:3 until 300’ of frontage
- 4) Minimum Front Yard Setback – 40’; 70’ for property 3 acres or greater.
- 5) Minimum Side Yard Setback - 20’;
- 6) Minimum Rear Yard Setback - 15’; 50’ for property 3 acres or greater;
- 7) Maximum Lot Coverage – 0.75

**ADDITIONAL STANDARDS THAT MAY APPLY**

Site Plan Requirements, Pg. 85

Signage Standards, Pg. 97

Building and Electric Permits, Pg. 117

Special Provisions, Pg. 143

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### **3-15 PLANNED UNIT DEVELOPMENT (PD-1)**

#### **A. INTENT**

A Planned Unit Development (PD-1) is defined as an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan for residential and non-residential uses. The PD-1 zone includes provisions for the clustering of buildings, a mixture of land uses and building types, preservation of nature resources, and promotion of common open space. The purpose of PD-1 regulations is to encourage and allow more creative and imaginative design of land developments than is possible under conventional zoning regulations. This can be achieved by providing more flexibility in terms of development standards and requirements such as setback and yard area, lot size and dimensions, and building height. Ideally, this flexibility results in a development that is better planned, contains more amenities, is more desirable to live and work in and, ultimately, provides substantial benefits to the community and environment compared to the conventional zoning.

A PD-1 shall be a design and density alternative. Each PD-1 shall be properly planned and designed to include features that support the following objectives:

- To promote design creativity and excellence that will result in high-quality development;
- To allow a mixture of land uses and building types not otherwise allowed in a conventional zoning district by careful planning that establishes compatible relationships between uses within the site and uses adjacent to the site;
- To promote managed Centralized and Decentralized Wastewater Systems that allow for increased density;
- To encourage creative site design that seeks to preserve natural resources, unique environmental and cultural features, and to ensure that development occurs away from environmentally sensitive areas;
- To provide for abundant, accessible and properly-located open and recreational space, schools and other public and private facilities;
- To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources;
- To conserve energy through efficient building design, clustering, and a more sustainable use of the land
- To incorporate planning, design and construction techniques that minimize negative impacts on the environment and on human quality of life; and,
- To create a development pattern consistent with the adopted Comprehensive Plan and Recommended Land Use and Development Criteria.

**B. GENERAL STANDARDS AND REQUIREMENTS**

The following are general standards and requirements for Planned Unit Developments:

- 1) Comprehensive Plan: A PD-1 should comply with the goals and objectives of the Comprehensive Plan.
- 2) Size and Ownership of Site: The minimum size of an area required for a PD-1 zone shall be no less than ten (10) contiguous acres under single ownership and/or unified control.
- 3) Mixed Use Development: A PD-1 shall generally have a mixed-use layout (a combination of a variety of residential housing types, varying density levels, and commercial, institutional and/or recreational uses).
- 4) Compatibility: Measures shall be taken to assure compatibility with adjacent sites to include perimeter landscaping, a buffer or increased building setbacks.
- 5) Open Space: A minimum of ten percent (10%) of the land area should be set aside for Common Open Space.
  - a. Open Space shall be distributed equitably throughout the PD-1 for easy access by all residents or property owners;
  - b. Open Space restrictions or easement shall be permanent;
  - c. Amenities for community use shall be provided within the Open Space (may include: sidewalks, trails, recreational facilities, street trees, playgrounds, bus shelters and/or cluster mailboxes, etc).
- 6) Preservation of Natural Resources and Existing Site Features: To the greatest extent possible, natural resources and existing site features should be preserved, protected and incorporated into the project design. Such resources and features should include: Historic sites and Archeological sites, Cemeteries, Existing Significant Trees, Unique Habitats, Mature Woodlands, 100-Year Floodplains, Water Features and Water Bodies.
- 7) Signage: A PD-1 may establish alternative signage standards in lieu of the current Signage Regulations. A consistent signage theme shall be provided within a PD-1.
- 8) Roads: All roads shall be constructed in accordance with the requirements and standards in the Hardin County Subdivision Regulations.

**C. USES PERMITTED AND PROHIBITED**

Most uses or mixture of uses may be approved within a PD-1, provided that uses within the site are compatible and not injurious to the adjacent neighborhood or otherwise detrimental to the public health, safety or general welfare. Only the specific uses proposed in an approved application and shown on the Master Plan shall be allowed in the PD-1 zone.

**D. PROCEDURES**

A PD-1 approval includes three (3) steps. The first step is to secure approval of the Master Plan from the Commission in the form of a Zoning Map Amendment. The second step, Development or Site Plan Review (can substitute the Preliminary Plat for Subdivisions), may cover an entire development site or a section of the development and is approved by the Director. The final step, consisting of the review and approval of Street and Drainage Plans and Record Plat, as required under the Subdivision Regulations and as approved by the County Engineer and the Director before any building permits can be issued.

**E. MASTER PLAN – PLANNED UNIT DEVELOPMENT (PD-1)**

Projects developed under the PD-1 require the submission of a Master Plan for review and approval by the Commission. The Master Plan is submitted at the time of a map amendment request for this special zoning designation. The Master Plan shall be prepared according to the following requirements:

**Content of Master Plan** Required plan information shall be as follows (unless certain items are waived by the Commission):

1. A Professional Engineer, Land Surveyor, Architect or Landscape Architect shall prepare all plans. All plans shall be prepared by using an engineering drafting scale and shall be a minimum size of 11"x17". The plan's scale shall be approved by the Commission upon submission but typically should be 1"=100' or less, unless otherwise approved.
2. The title block shall be placed on the bottom right corner of the sheet and shall contain the plan name, preceded by the words "Master Plan For (name of development)" with a written and graphic scale, north arrow, the name and address of the developer and plan preparer, the development address, deed book, page number and the PVA Map Parcel Number.
3. The boundary of the subject property, its record plat designation (if available) and a record plat name and lot number or owner's name(s), deed book and page number of all adjoining properties.
4. A vicinity map, oriented in the same direction as the design scheme.
5. Zoning classification of all abutting properties, including those across any street, railroad or public way.
6. Location, pavement width and right-of-way of any proposed or existing streets within or abutting the subject property.
7. Location of the various land uses involved in the project, including type of use, total area for each use and overall density designation.



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8. Location of screening, landscape buffering, recreational and other open space areas.
9. General locations and a note for the Natural Features and Drainage & Stormwater Receivers of special flood hazard areas, sinkholes, blue line streams, bodies of water, waterways, storm water retention/detention areas and any other designated environmentally sensitive or geologic hazard areas.

### Natural Features Note

As indicated on the \_\_\_\_\_ USGS Quadrangle Map dated \_\_\_\_\_, there are \_\_\_\_\_ located within the subject property of this development.

### Drainage and Stormwater Receiver Note

The stormwater receiver(s) of this development is \_\_\_\_\_ for the subject property.

10. Proposed building setbacks and easements for drainage, utilities and/or other purposes.
11. Areas of existing trees including those located along fence rows and drainage areas.
12. General circulation patterns for the development, including streets, access locations, parking, sidewalks, paths, bike lanes, trails and bridges.
13. Information on architectural elements of the buildings, structures, lighting and other physical features in the development.
14. A statistical summary of all pertinent site data (this information should be listed in acreage, square footage and/or percentage of the site as applicable), including notes on development type and density, site area, zoning, proposed use(s), density, maximum building coverage and floor area, open space, and park areas. Listing this information by sections or phases of the development is acceptable.
15. The following certifications, in Table 2, shall be presented and executed on all Master Plans:
  - Owner Certification
  - Notary Certification
  - Preparer's Certification
  - Wastewater Certification
  - Commission Certification

**F. MASTER PLAN – FINAL PLANS**

After approval of a Master Plan by the Commission, the owner/developer shall prepare detailed plans for the improvement of the property for approval by the appropriate agencies. These detailed plans may include but are not limited to; subdivision plats, subdivision improvement plans, architectural design plans, development plans for individual lots within the master plan development, landscaping plans, erosion prevention and sediment control plans, emergency response plans, and signage plans. These plans should be submitted for final approval based on the phasing schedule approved by the Commission.

**G. MASTER PLAN – BINDING ELEMENTS**

In addition to the Master Plan indicating site features, a binding elements document shall be prepared in written form for each PD-1 zone which shall include requirements, provisions, restrictions or conditions imposed by the Commission and any promises, covenants, agreements, or restrictions agreed to by the owner/developer. This document shall contain the phasing plan for development of the project. The Commission and the owner/developer shall approve and execute the binding elements document prior to any building permit being issued for construction activity.

**H. MASTER PLAN – AMENDMENTS**

Amendments to approved Master Plans can only be made by the Commission after a public hearing is conducted following the same procedures and criteria for the initial hearing approving the PD-1 zoning and Master Plan.

### **3-16 SOURCE WATER PROTECTION OVERLAY ZONE (SWP-O)**

#### **A. INTENT**

Hardin County recognizes that the Hardin County Water Districts rely on groundwater for their safe drinking water supply, and that certain land uses potentially could contaminate groundwater particularly in karst topography aquifers such as found in Hardin County. To ensure the protection of these drinking water supplies, this Section establishes an Overlay Zone to be known as the Source Water Protection Overlay Zone.

The purpose of the Overlay Zone is to protect public health and safety by minimizing the risk of contamination of the identified and mapped source water protection areas to preserve and to protect the existing sources of drinking water supplies for citizens of Hardin County. It is the intent to accomplish this through both public education and public cooperation, as well as, by creating appropriate land use regulations that may be imposed in addition to those currently imposed by the existing zoning or other county, state and federal regulations.

This Overlay Zone, as shown on Map 3 (Pg. 4-2) of the Comprehensive Plan, is superimposed on the current zoning and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zones, which fall within the Source Water Protection Overlay Zone, must additionally comply with the requirements of this Overlay Zone. Uses prohibited in the underlying zone shall not be permitted in the Overlay Zone.

#### **B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures in the underlying zoning apply provided that they comply with the Performance Standards as outlined for this Overlay Zone.

#### **C. PERFORMANCE STANDARDS**

The following standards shall apply to the Source Water Protection Overlay Zone:

1. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a special exception either through permit or another ordinance, must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.

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2. Open liquid waste ponds containing materials referred to in item (1) above will not be permitted without a secondary containment system.
3. Storage of petroleum products in quantities exceeding fifty (50) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system noted in item (1) above where it is deemed necessary by the Hardin County Planning Commission with assistance from the appropriate Hardin County Water District, Hardin County Emergency Management, Local Fire Department or Hardin County Health Department.
4. All onsite sewage disposal facilities must be specifically reviewed for compliance with all applicable state and local regulations and requirements regarding onsite sewage disposal as well as any additional requirements as adopted either in total or by reference by the Hardin County Planning Commission or Hardin County Health Department as needed to insure that the water source is protected.
5. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.
6. An acceptable contingency plan for all permitted facilities must be prepared and reviewed by the appropriate Hardin County Water District and the Hardin County Emergency Management for preventing hazardous materials from contaminating the source water should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
  - (a) For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
  - (b) For fire control, plans shall include but not be limited to; a safe fire fighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.
  - (c) For equipment failures, plans shall include but not be limited to:
    1. Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system.

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2. Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
- (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the appropriate Water District.
  - (e) Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be properly plugged according to local and state regulations.
  - (f) A Groundwater Protection Plan which meets requirements of 401 KAR 5:037 shall be prepared and submitted to the Commission for review before development is completed and shall be kept onsite.

### **D. LIABILITY**

Nothing in this ordinance shall be construed to imply that the Hardin County Fiscal Court or any other governmental entity as named herein or involved in administration of this regulation directly or indirectly has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

### **E. ZONE BOUNDARY DISPUTES**

If the location of the Overlay Zone boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a waiver application. The burden of proof shall be upon the owner(s) of the land to demonstrate the actual location of the boundaries of the Overlay Zone with respect to their individual parcel(s) of land. If the owner(s) request that the Hardin County Planning Commission, in consultation with the local Water District utilizing the water source involved, determine more accurately the boundaries of the Overlay Zone with respect to individual parcels of land, the Commission or Water District may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

**3-17 INTERSTATE AND HIGHWAY OVERLAY ZONE (IH-O)**

**A. INTENT**

This Overlay Zone regulates the land adjacent to and surrounding interstates and highways in Hardin County by guiding the placement of structures, signs, display areas, parking, green space and outdoor storage areas. In addition to the above limitations, this Overlay when and where applied prohibits the establishment of specific business uses that have been determined to be detrimental to the viability of these areas. An example of this Overlay can be found in Figure 5 (Pg. 9) of the Industrial Element of the Comprehensive Plan.

The purpose of this Overlay is to:

- 1) Protect the safety of the traveling public by limiting the distractions to the traveling public;
- 2) Preserve the physical appearance and integrity of the Interstates and Highways in Hardin County;
- 3) Protect and preserve the economic, commercial, industrial or residential integrity of the overlay area by limiting businesses which might be detrimental to the economic viability of the area; and to
- 4) Allow for the efficient, effective and attractive use of the limited resource that is land located at strategic interchanges in Hardin County.

**B. USES FOR THE ZONE**

The Permitted, Accessory and Conditional Uses for lots and structures in the underlying zoning apply provided that they are not identified as a Prohibited Use as outlined for this Overlay Zone.

**C. DIMENSION AND AREA REGULATIONS**

The regulations on the dimensions and area for lots and yards are set forth as in the underlying zoning provided that they can meet the regulations as outlined for this Overlay Zone.

The following standards govern the green space and building setbacks that apply in this Overlay Zone:

- 1) There is a one hundred (100') foot Green Space from the right of way line adjacent to Interstates; and
- 2) There is a one hundred and fifty (150') foot Building Setback from the right of way line of Interstates;
- 3) Reductions to Green Space and Building Setback:
  - a. The Building Setback may be reduced to one hundred (100') feet from the right of way line of Interstates with the setback area containing one (1) of the following:
    1. Two (2) canopy/shade trees for each fifty (50) linear feet of interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper

size and eight (8) to ten (10) feet in height at time of planting OR

2. Two (2) understory/flowering trees for each twenty-five (25) linear feet of interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and six (6) to eight (8) feet in height at time of planting, OR
3. An approved mixture of canopy/shade or understory/flowering trees in ratios as set out above may be used after consultation with the designee of the Commission.

b. The Green Space and the Building Setback may be reduced to seventy (70') feet from the right of way line of Interstates with the addition of the following, in combination with the landscaping set out in DGS Section [3-17 C. 3) a.1-3]:

1. An earthen berm having a four-foot minimum height and a three-to-one (3:1) maximum slope, with a six-foot minimum width at the crown. The berm height shall be a minimum of four-foot above the grade of pavement at the interstate, AND
2. Two staggered rows of evergreen trees must be planted atop the earthen berm twenty (20) feet on center and five (5) feet in height at time of planting.

**D. PROHIBITED USES**

The following uses and uses of a substantially similar nature and with similar incidents of operation as documented and determined by the Director of these regulations are prohibited in the Interstate and Highway Overlay Zone (IH-O):

- 1) Asphalt Manufacturing;
- 2) Blast furnaces, Metal Smelting, Ore or Metal Reducing;
- 3) Crushed Stone, Sand, Gravel Operations;
- 4) Junk Yard;
- 5) Livestock Auction and/or Stock Yard;
- 6) Petroleum Production, Refining and/or Storage;
- 7) Ready Mix and/or Concrete Plant;
- 8) Saw Mills;
- 9) Scrap Metal;
- 10) Sexually Oriented Business; and
- 11) Slaughter House

**ADDITIONAL STANDARDS THAT MAY APPLY**

Development Requirements, Pg. 70  
Parking Standards, Pg. 89  
Signage Standards, Pg. 97  
Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105  
Building and Electric Permits, Pg. 117  
Special Provisions, Pg. 143  
• OUTDOOR STORAGE AND DISPLAY, Pg. 147  
• REFUSE / GARBAGE DISPOSAL CONTAINERS, Pg. 148

P = Permitted Use    C = Conditional Use    A = Accessory Use    -- = Not Permitted

**LISTED USES**

	A-1	R-1	R-2	R-3	R-4	R-5	C-0	C-1	C-2	B-1	B-2	I-1	I-2	I-H	PD-1
1. Accessory Structures	A	A/C	A/C	A/C	A	--	P	P	P	P	P	P	P	P	A
2. Agricultural Tourism	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--
3. Agricultural Use	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P
4. Agriculture Equipment Sales & Service	C	--	--	--	--	--	--	P	P	--	--	--	--	--	--
5. Airports	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
6. Amusement Enterprises (Indoor)	--	C	C	C	--	--	C	C	C	C	--	A	A	--	--
7. Antique, Gift & Craft Shops	C	C	C	C	--	--	P	P	P	--	P	A	A	--	P
8. Apparel Store	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--
9. Asphalt Manufacturing	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
10. Automobile Manufacturing	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
11. Automotive Repair	--	C	C	C	--	--	C	C	C	C	--	C	C	--	--
12. Automotive Sales	--	--	--	--	--	--	--	C	C	C	--	--	--	--	--
13. Automotive Storage (2-5 vehicles)	C	C	C	C	C	C	--	--	--	--	--	--	--	--	C
14. Bank, Savings & Loan	--	--	--	--	--	--	--	P	P	P	--	A	A	--	P
15. Beauty & Barber Shop	C	C	C	C	--	--	P	P	P	--	P	A	A	--	P
16. Bed & Breakfast	C	C	C	C	--	--	P	P	P	--	P	--	--	--	P
17. Blast Furnaces, Metal Smelting, Ore or Metal Reducing	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
18. Boarding House and/or Group Home	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--
19. Building Material Sales	--	--	--	--	--	--	--	--	P	P	--	P	P	--	--
20. Cemetery	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--
21. Charitable Gaming Activity	--	C	C	C	--	--	--	C	C	C	--	--	--	--	--
22. Child Care Center	C	P/C	P/C	P/C	P/C	P/C	P/C	P	P	C	C	A/C	A/C	P/C	P/C
23. Church (with Cemetery)	P	P	P	P	--	--	P	P	P	P	P	C	C	--	P
24. Contractor's Equipment Yard	--	--	--	--	--	--	--	--	P	--	--	P	P	--	--
25. Convenient Store and/or Filling Station	--	--	--	--	--	--	--	P	P	P	--	C	C	--	--
26. Crushed Stone, Sand, Gravel Operation	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
27. Cultural Services	C	C	C	C	--	--	P	P	P	P	P	--	--	--	P
28. Dry Cleaner	--	--	--	--	--	--	--	P	P	--	P	--	--	--	P
29. Dwelling; Accessory	C	C	C	C	--	--	--	--	--	--	--	--	--	--	C
30. Dwelling; Mobile Home	C	C	C	C	--	P	--	--	--	--	--	--	--	C	C
31. Dwelling Multiple; Two Dwellings on 11.0 acres or greater	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--
32. Dwelling; Single Family	P	P	P	P	P	P	C	C	C	C	C	C	C	P	P
33. Educational Institution	P	P	P	P	--	--	--	P	P	--	--	P	P	--	P
34. Farmers Market	C	--	--	--	--	--	--	P	P	--	--	--	--	--	P
35. Funeral Home	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--
36. Furniture Store	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--
37. Grain Bin Facility	C	--	--	--	--	--	--	P	P	--	--	--	--	--	--
38. Greenhouse & Plant Nursery	C	C	C	C	--	--	P	P	P	P	P	--	--	--	--
39. Home Occupation	A/C	A/C	A/C	A/C	A/C	A/C	--	--	--	--	--	--	--	A/C	A/C
40. Hotel & Motel	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--
41. Indoor Storage-Construction Equipment	--	--	P	P	--	--	P	P	P	P	--	P	P	--	--
42. Junk Yard	--	--	--	--	--	--	--	C	C	C	--	C	C	--	--
43. Kennels	C	C	C	C	--	--	--	C	C	C	--	C	C	--	--
44. Livestock Auction and/or Stock Yard	C	--	--	--	--	--	--	--	C	--	--	--	C	--	--
45. Machinery Sales & Service	--	--	--	--	--	--	--	--	P	P	--	P	P	--	--
46. Manufactured Home Dealers	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--
47. Manufacturing Use	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--



P = Permitted Use C = Conditional Use A = Accessory Use -- = Not Permitted

**LISTED USES**

**A-1 R-1 R-2 R-3 R-4 R-5 C-0 C-1 C-2 B-1 B-2 I-1 I-2 I-H PD-1**

48.	Medical Cannabis - Cultivator, Dispensary, Processor, Producer, Safety Compliance Facility	--	--	--	--	--	--	--	--	--	--	P	P	--	--	
49.	Meat Packing Plant	--	--	--	--	--	--	--	--	--	--	C	C	--	--	
50.	Medical Office	--	C	C	C	--	--	P	P	P	--	P	C	C	--	P
51.	Mobile Home Park	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--
52.	Mobile Office	--	C	C	C	--	--	--	C	C	C	--	C	C	--	--
53.	Multi-Family Housing	--	--	--	--	P	--	--	--	--	--	--	--	--	--	P
54.	Non-Commercial Saw Mill	P	--	P	P	--	--	--	--	--	--	--	--	--	--	--
55.	Nursing Home	--	C	C	--	--	--	--	P	P	--	--	--	--	--	P
56.	Outlet Mall and/or Department Store	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--
57.	Owner-Operated, Specially Skilled Shop for Agricultural Related Use	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--
58.	Parking Lot	C	C	C	C	--	--	P	P	P	P	P	--	--	--	P
59.	Petroleum Production, Refining and/or Storage	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
60.	Plumbing & Electrical Supply	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--
61.	Printing, Publishing & Engraving	--	--	--	--	--	--	--	P	P	--	--	P	P	--	--
62.	Private Club	C	C	C	C	--	--	--	P	P	--	--	C	C	--	P
63.	Private School	P	P	P	P	--	--	--	P	P	--	--	--	--	--	P
64.	Professional Office	--	C	C	C	--	--	P	P	P	--	P	P	P	--	P
65.	Rail Road Siding Operation	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
66.	Ready Mix and/or Concrete Plant	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
67.	Recreational Enterprises (Outdoor)	C	C	C	C	--	--	C	P	P	--	--	--	--	--	--
68.	Recycling Center	--	--	--	--	--	--	--	C	C	C	--	C	C	--	--
69.	Repair of Household Appliances	--	C	C	C	--	--	P	P	P	--	--	--	--	--	--
70.	Restaurants	C	C	C	C	--	--	P	P	P	P	P	A	A	--	P
71.	Research Laboratory	--	--	--	--	--	--	--	P	P	--	--	P	P	--	--
72.	Retail Food Store	--	--	--	--	--	--	--	P	P	P	--	--	--	--	P
73.	Retail Neighborhood Use	--	C	C	C	C	C	P	--	--	--	--	--	--	--	P
74.	Retail Sales of Merchandise	--	C	C	C	C	C	P	P	P	C	--	A	A	--	P
75.	Saw mills	C	--	--	--	--	--	--	C	C	C	--	C	C	--	--
76.	Scrap Metal	--	--	--	--	--	--	--	--	C	--	--	C	C	--	--
77.	Self / Mini Storage Units	--	C	C	C	C	C	--	P	P	P	--	--	--	--	P
78.	Self Serve Laundry	--	C	C	C	C	C	P	P	P	--	--	--	--	--	P
79.	Sexually Oriented Business	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
80.	Shoe Repair	--	C	C	C	C	--	P	P	P	--	P	--	--	--	P
81.	Signage (On and Off-Site)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
82.	Slaughter House	C	--	--	--	--	--	--	--	--	--	--	C	C	--	--
83.	Tailors Shop	--	C	C	C	--	--	P	P	P	--	P	--	--	--	P
84.	Temporary Real Estate Sale Office	--	C	C	C	C	C	--	--	--	--	--	--	--	--	P
85.	Temporary Use- See Definition	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
86.	Theater	--	--	--	--	--	--	--	P	P	P	C	--	--	--	--
87.	Tractor Trailers (Parking & Storage)	P	C	C	C	--	--	C	P	P	P	C	P	P	C	C
88.	Truck or Freight Terminal	--	--	--	--	--	--	--	--	--	C	--	C	C	--	--
89.	Veterinary Clinics	C	C	C	C	--	--	C	P	P	--	--	--	--	--	--
90.	Warehousing	--	--	--	--	--	--	--	--	P	P	--	P	P	--	--
91.	Welding Shop	C	C	C	C	--	--	C	P	P	--	--	P	P	--	--
92.	Wholesaling	--	--	--	--	--	--	--	--	P	--	--	P	P	--	--

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## SECTION 4

### ZONING MAP AMENDMENT PROCEDURES

4-1 APPLICATION PROCESS Applications for amendments to the Zoning Map shall be made only in accordance with this Section.

A. **INITIATION OF AMENDMENT** Applications for amendment to the Zoning Map shall be filed with the Commission. A request for an amendment may originate from the Commission, the Fiscal Court, the property owner or his/her agent. At the time of filing an application for a Zoning Map Amendment, the non-refundable filing fee shall be paid; however, there shall be no filing fee for an amendment requested by the Fiscal Court, Commission or any other governmental body. If the hearing procedure is initiated by a party other than the owner, the Commission shall promptly notify the owner of the subject property as required by KRS Chapter 100. The application shall be made on forms provided in the commission office.

B. **EXEMPTIONS** Applications for amendment to the Zoning Map, which are initiated by the Commission or the Fiscal Court, shall be exempt from the Development Plan and binding elements Section of this ordinance.

C. **THE PRE-APPLICATION CONFERENCE** Prior to submission of an application for amendment of the Zoning Map, the applicant or his agent should meet with the Commission Staff. The purpose of conference is to discuss, at the earliest stages, the site, the Land Use Group and the Planning Area in which the site is located, as well as, the goals and objectives of the PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE 2008. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities and other issues related to the proposed amendment. The discussion shall include the characteristics of the site that would affect the proposed development and also what elements may be required on the preliminary Development or Site Plan of the proposed project.

D. **PLAN SUBMISSION** All applications for any proposed amendment to the Zoning Map shall include a Development Plan or Site Plan in accordance with the provisions and requirements of Sections 6 and 7. The Development Plan or Site Plan is intended to demonstrate to the Commission the character and objectives of the proposed development in adequate detail for the Commission to evaluate the effect the proposed development would have on the community and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the subject property.

**E. APPLICATION FOR AMENDMENT**

Applications for amendment to the Zoning Map shall be filed with the Commission in accordance with this Section of the Zoning Ordinance and in compliance with KRS 100.213.

1) Demonstration of Appropriateness:

To determine whether a request is in compliance with the PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE 2008, all applications for amendment to the Zoning Map shall be accompanied by the following where applicable:

(a) Step 1: Compliance with the Community-Wide Development Policies

Step 2: Property Characteristics

Step 3: Agreement with Recommended Future Land Use Plan Group

Step 4: Compliance with the Planning Area Guidelines

(b) A statement why the existing zoning classification assigned to the property is inappropriate and the proposed zoning classification is appropriate; or

(c) A statement describing what major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Planning for Growth Comprehensive Development Guide 2008 and which have substantially altered the basic character of such area. This statement shall include the following:

i. A list of major economic, physical or social changes;

ii. A description of how said changes were not anticipated by the Comprehensive Plan;

iii. A description of how said changes altered the basic character of the area; and

iv. A description of how said changes make the proposed amendment to the Zoning Map appropriate.

2) Property Owners' Signature:

Unless made by the Commission or the Fiscal Court, all applications for amendment to the Zoning Map shall be signed by the owner(s) of the affected property. Leaseholders, option holders, developers, and agents should also be identified.

3) Responsibility for Accuracy:

The applicant shall be held responsible for the accuracy of the information submitted as part of the Zoning Map Amendment application.

**4-2 ZONING MAP AMENDMENT PROCESS**

**A. NOTICE REQUIREMENTS OF PUBLIC HEARING**

KRS 100.212 mandates the following notice requirements:

- 1) A sign conspicuously posted for fourteen (14) consecutive days immediately prior to the hearing;
- 2) Notice shall be provided by first class mail to the owner of every parcel of adjoining and surrounding property of that proposed for amendment. The applicant proposing the map amendment shall furnish the names and addresses of the property owners. The Commission Staff can be requested to assist the applicant in obtaining the addresses for public notice. The notice shall be sent fourteen (14) days in advance. The records of the Hardin County Property Valuation Administrator shall be relied upon conclusively to determine the identity and address of the property owners. The Commission Staff shall affirm by affidavit that the appropriate individuals were notified as stated above;
- 3) Publication of a legal advertisement shall appear no less than seven (7) days and no more than twenty-one (21) days prior to the hearing pursuant to KRS Chapter 424;
- 4) Notice of a proposed map amendment shall be provided fourteen (14) days in advance to an adjacent planning unit. If no planning unit exists, said notice must be sent to the mayor of an adjacent city or to the Judge/Executive of that county, if the adjacent property lies in the unincorporated area;
- 5) Commission or Fiscal Court initiated map amendment – Adjacent and surrounding property owners shall be notified at least thirty (30) days in advance of the hearing;

**B. PUBLIC HEARING**

The Commission shall hold at least one public hearing on all proposed amendments to the Zoning Map in accordance with the provisions of Kentucky Revised Statutes, Chapters 100, 424 and other applicable law. The public hearing shall consider the appropriateness of the proposed amendment of the zoning map and the appropriateness of the development plan for the site in question and will conform to due process requirements outlined below:

1. Taking and weighing of offered evidence;
2. Cross-examination of witnesses shall be permitted;
3. Findings of facts based upon a consideration of the record;
4. Conclusions supported by substantial evidence; and,
5. Judicial review of the administrative action shall be available.

A total of one (1) hour shall be allotted for evidence and testimony to be presented. The applicant shall be allotted 30 minutes to establish facts for the record in support of the proposed map amendment, as shall those who speak in opposition. A unanimous decision of the

## **DEVELOPMENT GUIDANCE SYSTEM**

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Commission shall be necessary to grant additional time to either party. Strict adherence to these limits shall be required.

Once the public hearing is closed, the Commission shall review the evidence and testimony presented. In addition, Commission members may visit the site of the proposed map amendment in making their decision. However, any discussion of the issue in question outside of the public hearing or ex parte communication is prohibited under the rules of due process.

Before any map amendment is granted, as mandated per KRS 100.213, the Commission must find that the map amendment is in agreement with the County's Comprehensive Plan; or in the absence of such a finding, that one (1) or more of the following apply:

1. The existing zoning given to the property is inappropriate or improper, and that the proposed zoning is appropriate;
2. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Commission and which have substantially altered the basic character of such area.

The Commission shall make its decision no later than its next meeting. Should the Commission elect to wait this extra time, the date, time, and place of the next meeting shall be announced publicly at the conclusion of the public hearing.

### **C. COMMISSION ACTION**

Following a public hearing concerning a proposed amendment to the Zoning Map, the Commission shall by vote to approve, deny, or defer action as to the appropriateness of the proposed Zoning Map amendment, pursuant to KRS 100.2111. In addition, the Commission shall by separate vote approve, reject, or defer action on the submitted Development Plan and "binding elements" thereof, if any. Thereafter, a copy of the resolution, its "binding elements" and the Commission's action regarding the Zoning Map amendment shall be forwarded to the Fiscal Court. The decision of the Commission shall be automatically implemented, subject to appeal.

A tie vote of the Commission shall be subject to further consideration for a period not to exceed 30 days. If at the end of this time the tie vote has not been broken, then the decision will pass to the Fiscal Court for approval or denial. It shall take a majority of the entire Fiscal Court to adopt a map amendment sent forward with a tie vote. The decision shall be recorded in the minutes of the Commission.

**4-3 ZONING MAP AMENDMENT APPEAL PROCESS**

Subsequent to the final action of the Commission, any person or party claiming to be aggrieved may request that the Fiscal Court make the final decision in accordance with this Section of the Zoning Ordinance as follows:

**A. APPLICATION FOR APPEAL**

An application shall be filed within twenty-one (21) days following the date of the final action being reviewed. This application shall be filed in the Commission's office and shall state specifically the reason(s) for the appeal hearing. Within seven (7) days, the staff shall certify if these conditions have been met and proceed with preparations for the hearing. In cases where these conditions have not been met, the staff shall notify the applicant immediately so that a complete appeal hearing application can be submitted.

The Fiscal Court may file notice with the Commission to finally decide any map amendment. Such action shall be taken within twenty-one (21) days of the final decision of the Commission. A majority vote of the entire Fiscal Court is necessary to override the Commission decision. Unless a majority of the entire Fiscal Court votes to override the Commission then said decision shall become final and effective. If a majority of the entire Fiscal Court does not vote to override the Commission decision and the Commission has voted affirmatively on the issue then the map amendment shall be deemed to have passed by operation of law.

**B. NOTICE FOR APPEAL**

The Director shall notify the County Judge/Executive, Engineering, Planning and Public Works Committee and the Fiscal Court member whose district the development is proposed that an appeal hearing request has been filed. The notification shall include the name of the person requesting the hearing and the reasons given for the appeal. The Fiscal Court shall have seven days (7) in which to set the date, time, and place for the hearing. The date shall be no more than thirty (30) days following completion of the appeal hearing application.

Notice to the General Public of a map amendment appeal shall follow the same process as found under Section 4-2.A (Pg. 61).

**C. PUBLIC HEARING**

A total of one (1) hour shall be allotted for evidence and testimony to be presented. Twenty (20) minutes shall be granted to the Commission, and/or their staff to explain the events leading to the decision under review, twenty (20) minutes shall be granted to the map amendment applicant and twenty minutes (20) to those who speak in opposition.

A unanimous decision of the Fiscal Court shall be necessary to grant additional time to either party. Strict adherence to these limits shall be required.

The Commission shall provide the entire record collected at the map amendment public hearing in question which includes all evidence and testimony provided and the Commission's public hearing report to the Fiscal Court for consideration during the appeal hearing.

**D. FISCAL COURT ACTION**

At the next regularly scheduled meeting following the appeal hearing, the Fiscal Court shall decide to uphold the decision of the Commission or provide new Findings of Fact and conclusion of law with a new decision (Section 4-1.E.1). It shall take a majority vote of the Fiscal Court membership to reach a decision contrary from that of the Commission.

If the Fiscal Court does not act at the next regularly scheduled meeting following the hearing then it shall have a maximum total of ninety (90) days after the final action of the Commission to make a decision.



**4-4 ZONING MAP AMENDMENT DENIALS**

Map amendments that have been denied after a public hearing and Commission or Fiscal Court final determination shall not be eligible to submit the same project for a second review for a minimum of one year starting on the date final action was taken. New proposals which are outside the four digit Standard Industrial Classification of the rejected proposal shall be eligible for submission at the applicant's discretion.

**4-5 ZONING MAP AMENDMENT WITHDRAWALS**

Any request for a map amendment may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement. If the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of either the Commission or Fiscal Court, whichever body had advertised the hearing, and no new request concerning any or all of the same shall be filed within six months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

**4-6 ZONING TEXT AMENDMENT PROCESS**

When necessary to further its purposes, this ordinance shall be amended as per KRS 100.211(2). A proposal to amend the text of the regulation may originate with either the Commission or Fiscal Court. Text amendments to the Zoning Ordinance shall be made only in accordance with this Section.

**A. COMMISSION ACTION**

Said proposals shall be referred to the Commission before adoption. The Commission shall hold at least one (1) public hearing giving notice by publication of a legal advertisement that shall appear not less than seven (7) days and no more than twenty-one (21) days prior to the hearing pursuant to KRS Chapter 424.130(b).

After voting to recommend that an amendment to the text of this Ordinance be granted or denied, the Commission shall forward to Fiscal Court, a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons, in writing, for its recommendation. This action shall be deemed the Final Action by the Commission on the amendment. In the case of a proposed amendment originating with Fiscal Court, the Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

**B. FISCAL COURT ACTION**

The Fiscal Court shall not act upon a proposed amendment to the text of this ordinance until it has received the written recommendation thereon from the Commission. If the proposed amendment originated with the Commission, it shall take a majority of the entire Fiscal Court to override the recommendation of the Commission.

If the proposed amendment originated with the Fiscal Court, it shall take an affirmative vote of the majority of the Fiscal Court to adopt the proposed amendment. The Fiscal Court shall take final action within ninety (90) days of the date upon which the Commission takes its final action upon such proposal.

Copies of any text amendment shall be available for review by the public at no charge in the Commission office during regular business hours.

## SECTION 5

### BOARD OF ADJUSTMENT

#### 5-1 AUTHORIZATION

The Board shall administer this ordinance in compliance with KRS 100.217. The Board shall consist of three (3) members, all of whom must be citizen members. Nominations for the Board shall be made by the County Judge/Executive and approved by the Fiscal Court. The filling of vacancies, taking oaths, and removal from office shall be only as provided in KRS 100.217. The Board shall annually elect a Chairman, Vice Chairman and Secretary. Any officer shall be eligible for re-election at the expiration of his/her term.

#### 5-2 MEETINGS AND PROCEDURES

- A.** The Board shall conduct meetings, as provided in KRS 100.221(1), at the call of the Chairman or Hearing Officer who shall give written or oral notice to all members of the Board at least seven (7) days prior to the meeting, said notice shall contain the date, time, place for the meeting, and the subject or subjects which will be discussed.
- B. Quorum and Conflict of Interest.** A simple majority of the total membership of the Board, as established by regulation or agreement, shall constitute a quorum. Any member of the Board who has direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify him/herself from voting on the question, as provided in KRS 100.221(2).
- C. By-Laws, Minutes, Records.** The Board shall adopt by-laws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. Such records shall be available to the general public. A transcript of the minutes of the Board shall be provided, if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record, as provided in KRS 100.221(3).
- D.** A court reporter may be requested by the applicant or Board at least ten (10) days prior to the hearing and shall be designated and paid by the applicant. The original transcript shall be delivered to the Board.

**5-3 POWERS OF BOARD OF ADJUSTMENT**

When approving any application, the Board may impose such additional conditions as it deems necessary to safeguard the public welfare, safety, health, convenience, and best interests of the adjoining property and neighborhood.

The Board shall have the following powers:

- A. **Conditional Uses:** For the purpose of this Section, in agreement with KRS 100.237, the Board shall hear and resolve applications for Conditional Use Permits to allow the proper integration into the community of uses which are specifically identified as “Conditional Uses”, within the Land Use Table 1 (Pg. 56) of this ordinance. These Uses, due to their extent, nature of operation, limited application, or relationship to natural resources, which may be suitable only in specific locations of a Planning Area or Zone only if specific conditions are met (Section 16, Pg. 127 for additional requirements).

A public hearing is required to review a Conditional Use Permit application by the Board with all surrounding property owners within 1200 feet of road frontage receiving notice by first class mail. Before a Conditional Use Permit is granted, the Board shall find the proposed use to be essential or desirable to the community and not in conflict with the elements and objectives of the Comprehensive Plan.

Any such conditions shall be recorded in the minutes and on the Conditional Use Permit. The Board shall have power to revoke Conditional Use Permits for noncompliance with the conditions thereof. Furthermore, the Board shall have a right of action to compel the violator to remove offending structures or uses at his/her own costs and may have judgment directed toward a particular individual for such cost.

The Director may waive certain non-applicable submittal requirements. The Board or the Director may require an application for a Conditional Use Permit to be subject to review by other County agencies.

- B. **Dimensional Variance:** For the purpose of this Section, in agreement with KRS 100.111 (24), 100.241, 100.243, 100.247, 100.251 and 100.281 (6), the Board shall hear and resolve applications for variances from the dimensional requirements of the standards set within this regulation on a case-by-case basis. The Board shall not possess the power to grant a variance to permit a use on any land, building, or structure which is not permitted by the zoning regulation in the zone in question. For variance applications, all adjoining property owners shall receive notice by first class mail. In addition, publication of the application, as prescribed in KRS Chapter 424, shall be followed.

Where the Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these dimensional regulations, and/or the purposes and goals of the PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE 2008 and the DEVELOPMENT GUIDANCE SYSTEM may be served to a greater extent by an alternative proposal, it may approve variances to the provisions herein.

In approving variances, the Board may require such additional conditions and/or restrictions as will, in its judgment, secure the objectives of the PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE 2008 and the DEVELOPMENT GUIDANCE SYSTEM.

**Application and Standards for Variances**

The Board shall review all applications for dimensional variances. Applications shall only be approved when it is determined that substantial justice may be achieved and the public interest, health, safety, and welfare secured; provided, however, that they shall not have the effect of nullifying the intent and purposes of the PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE 2008 and the DEVELOPMENT GUIDANCE SYSTEM.

1. 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 this regulation.

In making these findings, the Board shall consider whether:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
  - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The Board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the adoption of this regulation.

A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site (KRS 100.251).

The Board may grant variances on appropriate applications from any part of these regulations as long as that variance is not in conflict with other requirements or limitations set out in this Section.

Following the discussion of the variance request, the Board shall, either vote to grant the variance, alter the request, or deny the variance. All decisions made by the Board shall be binding. Any such conditions shall be recorded in the minutes. The Board shall have power to revoke variances for noncompliance with the conditions thereof. Furthermore, the Board shall have a right of action to compel the violator to remove offending structures or uses at his/her own costs and may have judgment directed toward a particular individual for such cost.

**C. Administrative Review and Appeals**

To hear and resolve applications where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of this regulation, and for the interpretation of the Zoning Map. Such appeal shall be taken within thirty (30) days of the action of the Board (KRS 100.257).

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action of the official by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard (KRS 100.261). The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the administrative official at least one (1) week prior to the hearing and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney. (KRS 100.263)

**5-4 VARIANCES AND CONDITIONAL USE PERMITS – IN THE COMPANY OF MAP AMENDMENTS**

The Applicant for the Map Amendment, at the time of the filing of the application for the Map Amendment, may elect to have any Variances or Conditional Use Permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the Map Amendment, or by the Board of Adjustments as otherwise provided for KRS Chapter 100.

The Commission may hear and finally decide applications for Dimensional Variances or Conditional Use Permits when a proposed development requires a Map Amendment and one (1) or more Dimensional Variances or Conditional Use Permits when the Applicant elects to have the Commission hear both at the same public hearing (pursuant to KRS 100.203 (5)). In such cases, the Commission shall assume all powers and duties otherwise exercised by the Board pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247 and 100.251.

**5-5 APPEAL PROCESS TO CIRCUIT COURT**

Subsequent to the final action of the Board, any person or party claiming to be aggrieved shall appeal that action to Hardin Circuit Court.

Such appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.

Final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the Board.

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## SECTION 6

### DEVELOPMENT PLAN REQUIREMENTS

#### 6-1 INTENT

This Section establishes and defines Development Plans which may be utilized for a wide variety of planning related procedures. This Section outlines the procedure for submission and content of all Development Plans required by these regulations unless another procedure or different contents are specified elsewhere.

The purpose in requiring submission of a Development Plan is to assure compliance with the standards and requirements of the Zoning Ordinance and other County ordinances for all construction, with the intent of implementing the Comprehensive Plan and promoting the public health, safety and general welfare through planned development. It is the intent of the Development Plan submission to provide as much information to all county departments and public agencies for their reviews, in an effort to streamline the approval process for developers and owners.

#### 6-2 DEVELOPMENT PLAN REQUIRED

Development Plans, as defined by KRS 100.111(8), shall be required as follows:

1. For map amendment requests, as authorized by KRS 100.203(2), (except R-1, R-2, R-3 and A-1 Zones);
2. For new construction within commercial and industrial zones and for assembly and recreational land uses in all residential zones;
3. For enlargements, additions, extensions within commercial and industrial zones and for assembly and recreational uses in all residential zones;
4. For new construction of multifamily structures. This includes the conversion or alteration or addition to existing structures into multifamily units;
5. For Conditional Use Permits within non-residential zones (except R-1, R-2, R-3 and A-1 Zones);
6. For Variances within non-residential zones (except R-1, R-2, R-3 and A-1 Zones);
7. For the conversion of a residential structure to a non-residential use;
8. For a change in use of a commercial or industrial structure when parking, perimeter landscape screening or other similar improvements are required or changed.

**6-3 DEVELOPMENT PLAN PROCEDURES**

The following shall be the procedure for consideration of any Development Plan. Development Plans, which fully meet the requirements herein, may be approved and certified by the Director without action by the Commission.

**FILING** – To formally request action on the required Development Plan, the applicant shall file a completed application form, a filing fee, and two (2) copies of the plan prepared by a Professional Engineer or Land Surveyor. After review, the applicant shall then provide two (2) copies of the corrected final plan, with the appropriate certifications signed, for full approval.

**REVIEW** – The Director and concerned agencies shall meet to review the Development Plan for the purpose of resolving all differences. This review shall be open to the applicant and to any interested citizen.

**ACTION** – The Director shall act within 60 days of submission in the following form:

- **Approval** — The Director may approve the Development Plan as submitted.
- **Conditional Approval** — The Director may conditionally approve the Development Plan with conditions and require amendment to the plan and/or completion of all conditions before granting full approval.
- **Resubmission** — The Director may review the plan and submit review comments to the owner and/or owner’s agent listing items that must be provided, corrected or completed for additional review before full approval.
- **Disapproval** — The Director may disapprove the Development Plan and shall state in writing, its reasons for disapproval. To be reconsidered, a new Development Plan shall be submitted to the Director, and must be approved or disapproved within 60 days of submission.

**DEVELOPMENT PLAN PETITION** – A request for review before the Commission for final determination of compliance with the development standards may be granted upon proper notice to the Director by written request to appear before the Planning Commission.

**COMMISSION ACTION** - No Development Plans shall be considered for petition by the Commission until they have been reviewed by the Director unless this requirement is waived by the Commission.

The Commission will review any conditions required by the Director and concerned agencies recommendations and then act for approval, conditional approval with conditions noted, resubmission, or disapproval. The Commission may modify or disapprove the Development Plan if it

finds the plan does not comply with the requirements of the Zoning Ordinance, and when applicable, the Subdivision Regulations, or if it finds there are existing or potential flood, drainage, traffic, topographic, health, safety, nuisance or other similar problems relating to the development of the subject property.

In addition to these items, Development Plans which seek to amend the original Development Plan or its approved amendments shall also be subject to the provisions of this Section. Reasons for action of postponement or disapproval shall be fully incorporated in the minutes of the Commission. The following actions by the Commission shall have the meanings so stated:

**Action** At the meeting for the appeal request, the Commission shall act in the following form:

- **Approval** — The Commission may approve the Development Plan as submitted. In cases where a map amendment request is later disapproved, this action automatically disapproves the Development Plan.
- **Conditional Approval** — The Commission may conditionally approve the Development Plan with conditions and require amendments to the plan and/or completion of all conditions, before full approval is granted by the Commission.
- **Resubmission** — The Commission may review the plan and submit review comments to the owner and/or owner's agent listing items that must be provided, corrected or completed for additional review before full approval.
- **Disapproval** — The Commission may disapprove the Development Plan and shall state in writing its reasons for disapproval. To be reconsidered, a new Development Plan shall be submitted, and must be approved or disapproved by the Commission within 60 days of resubmission.

**6-4 CONSTRUCTION COMMENCEMENT** Any approved Development Plan shall become invalid if the authorized work has not commenced within one (1) year of plan approval. To be reconsidered, a new Development Plan shall be resubmitted to the Commission for approval.

**6-5 APPROVAL OF DEVELOPMENT PLAN BEFORE BUILDING PERMIT**  
When a Development Plan is required, no building permit shall be issued until a Development Plan is approved by the Commission Chair or the Director. The approved Development Plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

**6-6 COMPLETION OF SITE CONSTRUCTION WORK AND REQUIREMENTS**

All requirements of the approved Development Plan must be completed within six months of building occupancy unless the Director upon request grants an extension. The Commission Staff will inspect completed site construction work when the applicant receives a certificate of building occupancy and thereafter if necessary. If no building construction is being proposed, all site construction work if begun, is to be completed within six months. A copy of the approved Development Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Hardin County Planning Commission.

**6-7 CONTENT OF DEVELOPMENT PLAN**

Required plan information shall be as follows (unless certain items are waived by the Commission):

1. A stamp or seal of a Kentucky registered professional engineer, architect, landscape architect or land surveyor; the scope of work performed by such professionals in conjunction with a development plan submission is limited to that permitted by their respective licensing authorities. If grading and/or storm drainage construction work are being proposed, a Kentucky registered professional engineer shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Kentucky registered professional engineer is required for grading and stormwater construction work. All plans shall be created using an engineering drafting scale and shall be a minimum size of 11"x17". The plan's scale shall be approved by the Commission upon submission but typically should be 1"=100' or less, unless otherwise approved.
2. The title block shall be placed on the bottom right corner of the sheet and shall contain the following:
  - a. plan name, preceded by the words "Development Plan For (name of development)";
  - b. a written and graphic scale,
  - c. north arrow;
  - d. the name and address of the developer and plan preparer;
  - e. the development address, deed book, page number and PVA Map Parcel Number.
3. The boundary of the subject property with dimensions, its record plat designation (if available) and a record plat name and lot number or owner's name(s), deed book and page number of all adjoining properties.
4. A vicinity map, illustrating the entire site and oriented in the same direction as the design scheme with the North arrow pointing up or to the right.
5. Zoning classification of all abutting properties, including those across any street, railroad or other public way.

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6. Size, location, height, floor area, number of stories and use of all proposed and/or existing buildings, signs and dumpsters, including service structures.
7. Location, arrangement and dimensions of existing and proposed driveways, walkways, parking areas and arrangement of parking spaces. Appropriate "accessible parking" (handicapped) accommodations must be illustrated. The location of all street entrances and access points and with their respective radius must also be illustrated.
8. Location, pavement width, and right-of-way of any proposed or existing streets within or abutting the subject property.
9. Screening, landscape buffering, recreational and other open space areas including notes on landscaping material used. A separate landscape plan may be required by the Commission.
10. General locations and a note for the Natural Features and Drainage & Stormwater Receivers of special flood hazard areas, sinkholes, blue line streams, bodies of water, waterways, storm water retention/detention areas and any other designated environmentally sensitive or geologic hazard areas.

### Natural Features Note

As indicated on the \_\_\_\_\_ USGS Quadrangle Map dated \_\_\_\_, there are \_\_\_\_\_ located within the subject property of this development.

### Drainage and Stormwater Receiver Note

The stormwater receiver(s) of this development is \_\_\_\_\_ for \_\_\_\_\_ the subject property.

11. A Flood Note relating to a review of the local Flood Insurance Rate Map (F.I.R.M.) determining the property's inclusion in or exclusion from a special flood hazard area.

As indicated on map number \_\_\_\_\_ of Flood Insurance Rate Maps dated \_\_\_\_\_, this site is located in Zone X which has been determined to be outside the 500-Year Flood.

As indicated on map number \_\_\_\_\_ of Flood Insurance Rate Maps dated \_\_\_\_\_, a portion this site is located in Zone \_\_\_\_\_ which is a Special Flood Hazard Area Inundated by 100-Year Flood. As noted for Zone \_\_\_\_\_, (no) base flood elevations have been determined. No structure shall be located in the floodplain unless approval is received in compliance with the Hardin County Ordinance adopted 14 August 2007 relating to Flood Damage Prevention and the National Flood Insurance Program as recorded in Ordinance Book 4 Page 182 and Fiscal Court Order Book 77 Page 452 in the Hardin County Clerks' Office.

12. Proposed and existing building setbacks and easements for drainage, utilities and/or other purposes.

## **DEVELOPMENT GUIDANCE SYSTEM**

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13. Utility information such as water, septic area or sanitary sewer, natural gas, electric service, and the location of all outdoor lighting and fire hydrants.
14. Areas of existing trees including those located along fence rows and drainage areas.
15. Notes relative to any special restrictions on the property, such as, any variances or conditional use permits that have been secured, access, shared features (entrances, parking or drive lanes), record plat restrictions/covenants and maintenance of common areas.
16. A statistical summary of all pertinent site data (this information should be listed in acreage, square footage and/or percentage of the site as applicable), including site area, zoning, use, building coverage and floor area, parking and open space areas, number of parking spaces, number of dwelling units, building height, and required landscaping.
17. The following certifications, Table 2, shall be shown and executed on all Development Plans:
  - Owner Certification
  - Notary Certification
  - Preparer's Certification
  - Kentucky Department of Highways Certification
  - Hardin County Encroachment Permit Certification
  - Wastewater Certification
  - Engineering Department Certification
  - Commission Certification

**6-8 CONTENT OF CONCEPTUAL DEVELOPMENT PLAN**

Under certain conditions the Commission may allow the submission of a Conceptual Development Plan with a map amendment request. The purpose of the Conceptual Development Plan is to provide Commission input in the formative stages of subdivision and site plan design. Required plan information shall be as follows (unless certain items are waived by the Commission):

1. A stamp or seal of a Kentucky registered professional engineer, architect, landscape architect or land surveyor; the scope of work performed by such professionals in conjunction with a development plan submission is limited to that permitted by their respective licensing authorities. If grading and/or storm sewer construction work are being proposed, a Kentucky registered professional engineer shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Kentucky registered professional engineer is required for grading and stormwater construction work. All plans shall be prepared by using an engineering drafting scale and shall be a minimum size of 11"x17". The plan's scale shall be approved by the Commission upon submission but typically should be 1"=100' or less, unless otherwise approved.
2. The title block shall be placed on the bottom right corner of the sheet and shall contain the following:
  - a. plan name, preceded by the words "Conceptual Development Plan For (name of development)";
  - b. a written and graphic scale;
  - c. a north arrow;
  - d. the name and address of the developer and plan preparer;
  - e. the development address, deed book, page number and PVA Map Parcel Number.
3. The boundary of the subject property, its record plat designation (if available) and a record plat name and lot number or owner's name(s), deed book and page numbers of all adjoining properties.
4. A vicinity map, oriented in the same direction as the design scheme.
5. Zoning classification of all abutting properties, including those across any street, railroad or public way.
6. Location and arrangement of existing and proposed driveways, general location of proposed walkways and parking areas. Appropriate "accessible parking" (handicapped) accommodations must be illustrated.
7. Location, pavement width, and right-of-way of any proposed or existing streets within or abutting the subject property.

**DEVELOPMENT GUIDANCE SYSTEM**

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8. Size, location, and floor area of proposed and/or existing buildings and signs.
9. Location of screening, landscape buffering, parking areas, recreational and other open space areas.
10. General locations and a note for the Natural Features and Drainage & Stormwater Receivers of special flood hazard areas, sinkholes, blue line streams, bodies of water, waterways, storm water retention/detention areas and any other designated environmentally sensitive or geologic hazard areas.

Natural Features Note

As indicated on the \_\_\_\_\_ USGS Quadrangle Map dated \_\_\_\_, there are \_\_\_\_\_ located within the subject property of this development.

Drainage and Stormwater Receiver Note

The stormwater receiver(s) of this development is \_\_\_\_\_ for the subject property.

11. A note relating to a review of the local Flood Insurance Rate Map (F.I.R.M.) determining the property's inclusion in or exclusion from a special flood hazard area.

Flood Note

As indicated on map number \_\_\_\_\_ of Flood Insurance Rate Maps dated \_\_\_\_\_, this site is located in Zone X which has been determined to be outside the 500-year flood plain.

Flood Note

As indicated on map number \_\_\_\_\_ of Flood Insurance Rate Maps dated \_\_\_\_\_, a portion this site is located in Zone \_\_\_\_\_ which is a Special Flood Hazard Area Inundated by 100-Year Flood. As noted for Zone \_\_\_\_\_, (no) base flood elevations have been determined. No structure shall be located in the floodplain unless approval is received in compliance with the Hardin County Ordinance adopted 14 August 2007 relating to Flood Damage Prevention and the National Flood Insurance Program as recorded in Ordinance Book 4 Page 182 and Fiscal Court Order Book 77 Page 452 in the Hardin County Clerks' Office.

12. Proposed and existing building setbacks and easements for drainage, utilities and/or other purposes.
13. Areas of existing trees including those located along fence rows and drainage areas.



## **DEVELOPMENT GUIDANCE SYSTEM**

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14. A statistical summary of all pertinent site data (this information should be listed in acreage, square footage and/or percentage of the site as applicable), including site area, zoning, proposed use, maximum building coverage and floor area, parking and open space, and number of freestanding signs.
15. The following certifications, Table 2, shall be shown and executed on all Conceptual Development Plans:
  - Owner Certification
  - Preparers Certification
  - Notary Certification
  - Commission Certification

Approval of the Conceptual Development Plan allows the applicant to begin preparation of plats, utility and other improvement plans, and a final Development Plan. Before any building construction can commence, a final Development Plan shall be submitted and approved.

### **6-9 AMENDMENTS TO DEVELOPMENT PLANS**

Amendments to approved Development Plans can be made by the same procedure required for original submission. Amended Development Plans which fully meet the requirements herein, may be approved and certified by the Director without action by the Commission.

#### **Title Content and Format of Amendments**

Amendments shall have the same content and format requirements as the original Development Plan except that:

- 1) The plan title shall be labeled to indicate the plan as an “Amended Development Plan For...”; and
- 2) A note shall be added, listing the exact nature of the amendments and
- 3) All site statistical information shall indicate existing and proposed information.

### **6-10 SUBSTITUTION OF SUBDIVISION PLAT FOR DEVELOPMENT PLAN**

In certain cases a preliminary or final Subdivision Plat would be more appropriate to be considered in conjunction with a map amendment request than a Development Plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the street, lot patterns and requirements for placement of structures within the zone (typically in a residential development); or involve development of a large tract of land. When a developer is required to provide a Development Plan, and the developer desires to file a subdivision plat in its place, the developer shall meet with the Director in advance of filing the map amendment request to discuss the appropriateness of a substitution. In any disputed case, the Commission shall have the final judgment as to whether a Development Plan or a Subdivision Plat is required.

OWNER CERTIFICATIONS	
<p>I (we) do hereby certify that I am (we are) the only owner(s) of the property shown herein and do adopt this as my (our) <b>(Master Plan / Conceptual Development Plan)</b> concept for the property.</p>	
<p>_____</p> <p>Owner signature</p>	<p>_____</p> <p>Date</p>
<p>I (we) do hereby certify that I am (we are) the only owner(s) of the property shown herein, do adopt this as my (our) <b>(Development Plan / Site Plan)</b> for the property and agree to complete all site improvements shown hereon in their entirety prior to receiving a Certificate of Occupancy to use and occupy the building(s) and property. I (we) further assure and understand that the building and premises, including all landscape materials shall be maintained in a proper manner.</p>	
<p>_____</p> <p>Owner signature</p>	<p>_____</p> <p>Date</p>

NOTARY CERTIFICATION	
<p>COMMONWEALTH OF KENTUCKY COUNTY OF HARDIN</p>	
<p>I, the undersigned Notary Public, do hereby certify that the foregoing instrument was delivered and acknowledged before me in Hardin County, Kentucky. I further certify that the above signature(s) (is, are) legal and (has, have) been executed voluntarily on this date, to the best of my knowledge and belief.</p>	
<p>Witness my hand this _____ day of _____ (MONTH); _____ (YR)</p>	
<p>_____</p> <p>Notary Public</p>	<p>_____</p> <p>My Commission Expires</p>

PREPARERS CERTIFICATION	
<p>I certify that this Plan was prepared by me and is a true and correct representation of the indicated land.</p>	
<p>_____</p> <p>Preparer signature</p>	<p>_____</p> <p>Date</p>
<p>Certification Number _____</p>	

KENTUCKY DEPARTMENT OF HIGHWAYS CERTIFICATION		
<p>I certify that the site shown has (a legal and adequate entrance onto the indicated road or has received an Encroachment Permit for access onto the indicated road) as shown.</p>		
<p>_____</p> <p>Official</p>	<p>_____</p> <p>Title</p>	<p>_____</p> <p>Date</p>

<b>HARDIN COUNTY ENCROACHMENT PERMIT CERTIFICATION</b>		
<p>I certify that the site shown has (a legal and adequate entrance onto the indicated road or has received an Encroachment Permit for access onto the indicated road) as shown.</p>		
Official	Title	Date

<b>WASTEWATER CERTIFICATION</b>		
<p>I certify that the wastewater disposal system(s) installed or proposed for installation in this development fully meet the requirements of this jurisdiction and are approved.</p>		
Official	Title	Date

<b>ENGINEERING DEPARTMENT CERTIFICATION</b>		
<p>The plans for this development have been reviewed by this office and appear to meet the requirements of this jurisdiction. In performing this limited review of the plans, this office does not design the plans or rerun any of the design calculations or models or confirm in any way that the plans have been prepared in accordance with the required professional standards.</p>		
County Engineer signature	Date	

<b>COMMISSION CERTIFICATION</b>		
<p>I do hereby certify that this Plan has been approved in accordance with the regulations administered by the Hardin County Planning and Development Commission.</p>		
Commission Chair or Director Signature	Date	

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## SECTION 7

### SITE PLAN REQUIREMENTS

#### 7-1 INTENT

This Section establishes and defines Site Plans, which are utilized for a wide variety of planning related procedures. This Section outlines the procedure for submission and content of all Site Plans required by these regulations unless another procedure or different contents are specified elsewhere.

The purpose in requiring submission of a Site Plan is to assure compliance with the standards and requirements of the Zoning Ordinance and other County ordinances for all construction, with the intent of implementing the county's Comprehensive Plan and promoting the public health, safety and general welfare through planned development. It is the intent of the Site Plan submission to provide as much information to all county departments and public agencies for their reviews, in an effort to streamline the approval process for developers and owners.

#### 7-2 SITE PLAN REQUIRED

Site Plan approval shall be obtained for all residential and agricultural developments, other than those located in a Planned Unit Development (PD-1) Zone which meets one or more of the following criteria:

1. For Map Amendments to R-1, R-2, R-3, and A-1 Zones
2. For Conditional Use Permits, within R-1, R-2, R-3 and A-1 Zones
3. For Variances, within R-1, R-2, R-3 and A-1 Zones

#### 7-3 SITE PLAN PROCEDURES

The following shall be the procedure for consideration of any Site Plan. Site Plans which fully meet the requirements herein may be approved and certified by the Director without action by the Commission.

**FILING** – To formally request action on the required Site Plan, the applicant shall file a completed application form, a filing fee, and two (2) copies of the plan. After review, the applicant shall then provide two (2) copies of the final plan, signed by the applicant, for full approval.

**REVIEW** – The Director shall review the plan for compliance and shall consult with County Departments and other agencies as appropriate to ensure proper plan review. Upon determination that all requirements have been met, the Director shall certify the plan as approved. If any questions arise as to compliance, however, the plan shall be referred to the full Commission for action.

**ACTION** – The Director shall act within 30 days of submission in the following form:

- **Approval** — The Director may approve the Site Plan as submitted.
- **Conditional Approval** — The Director may approve the Site Plan with conditions and require amendment to the plan and/or completion of all conditions before granting full approval.
- **Resubmission** — The Director may review the plan and submit review comments to the owner and/or owner’s agent listing items that must be provided, corrected or completed for additional review before full approval.
- **Disapproval** — The Director may disapprove the Site Plan and shall state in writing, its reasons for disapproval. To be reconsidered, a new Site Plan shall be submitted to the Commission, and must be approved or disapproved within 30 days of submission.

**7-4 CONSTRUCTION COMMENCEMENT**

Any approved Site Plan shall become invalid if the authorized work has not commenced within one (1) year of plan. To be reconsidered, a new Site Plan shall be resubmitted to the Commission for approval.

**7-5 APPROVAL OF SITE PLAN BEFORE BUILDING PERMIT**

When a Site Plan is required, no building permit shall be issued until a Site Plan is approved. The approved Site Plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

**7-6 COMPLETION OF SITE CONSTRUCTION WORK AND REQUIREMENTS**

All requirements of the approved Site Plan must be completed within six months of building occupancy unless the Director upon request grants an extension. The Commission Staff will inspect completed site construction work when the applicant receives a certificate of building occupancy and thereafter if necessary. If no building construction is being proposed, all site construction work if begun, is to be completed within six months. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Hardin County Planning Commission.

**7-7 CONTENT OF SITE PLAN**

Site Plans shall be drawn and submitted at a scale not less than 1" = 100', or other scale acceptable to the Director. All Site Plans shall contain the following:

1. All plans shall be a minimum of 11" x 17".
2. The title block shall be placed on the bottom right corner of the sheet and shall contain the following:
  - a. plan name, preceded by the words "Site Plan For (name of development)";
  - b. a written and graphic scale, and north arrow;
  - c. the name and address of the developer and plan preparer;
  - d. the development address, deed book, page number and the PVA Map Parcel Number.
3. The boundary of the subject property, its record plat designation (if available) and a record plat name and lot number or owner's name(s), deed book and page numbers of all adjoining property.
4. A vicinity map.
5. Location, pavement width and right-of-way of any proposed or existing streets within or abutting the subject property.
6. Zoning classification of all abutting properties, including those across any roadway, railroad or other public way.
7. Size, location, height, floor area, number of stories and use of all proposed and/or existing structures, signs, dumpsters and lighting.
8. Location, arrangement and dimensions of existing and proposed driveways, walkways, parking areas and arrangement of parking spaces. Appropriate "accessible parking" (handicapped) accommodations must be illustrated. The location of all driveway entrances and access points shall also be illustrated.
9. Existing and proposed building setbacks and easements for drainage, utilities and/or other purposes.
10. Location of screening, landscape buffering, recreational and other open space areas.
11. The following certifications, in Table 2, shall be shown and executed on all Site Plans:
  - Owner Certification
  - Notary Certification
  - Preparer's Certification
  - Kentucky Department of Highways Certification
  - Hardin County Encroachment Permit Certification
  - Wastewater Certification
  - Commission Certification

**7-8 AMENDMENTS TO SITE PLANS**

Amendments to approved Site Plans can be made by the same procedure required for original submission. Amended Site Plans that fully meet the requirements herein, may be approved and certified by the Director without action by the Commission.

**Title Content and Format of Amendments** Amendments shall have the same content and format requirements as the original Site Plan except that:

- 1) The plan title shall be labeled to indicate the plan as an “Amended Site Plan For...”; and
- 2) A note shall be added, listing the exact nature of the amendments and
- 3) All site information shall indicate existing and proposed information.



## SECTION 8

### GENERAL PARKING STANDARDS

#### 8-1 PARKING STANDARDS

This Section establishes and defines parking standards which may be utilized for a wide variety of planning related procedures. This Section outlines the content of all parking for Development Plans and Site Plans required by these regulations.

The purpose in requiring the following standards is to assure compliance with the requirements of the Zoning Ordinance, with the intent of implementing the Comprehensive Plan and promoting the public health, safety and general welfare through planned development. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site.

#### 8-2 PARKING/LOADING ESTABLISHED PRIOR TO ADOPTION OF ORDINANCE

Any parking or loading spaces established prior to the adoption or amendment of the Zoning Ordinance which are used or intended to be used in connection with any principal building or use shall hereafter be maintained so long as said building, structure or other use remains unchanged.

#### 8-3 PARKING REQUIREMENTS FOR CHANGE IN PRINCIPAL USE

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

The off-street parking spaces required for each use shall not be less than that found in the Table 4, provided that any fractional parking space is computed as a whole space. Notwithstanding the amount of off-street parking required, the Director may approve less off-street parking when the proponent of a use demonstrates that, because of special circumstances involved with a particular use or site, it is obvious that the off-street parking required exceeds any reasonable likely need.

**8-4 MINIMUM DESIGN AND MAINTENANCE REQUIREMENTS**

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

1. Off street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface and have convenient ingress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly on the property being served.
2. Any lighting used to illuminate off street parking areas shall comply with Section 11 (Pg. 105) and be arranged so as to reflect away from any adjoining residential zone or uses or public right-of-way.
3. 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 stops or a curb, so as to stop any vehicle and provide protection for any landscape materials and pedestrians.

**8-5 OFF-STREET PARKING STANDARDS**

**A. Location of Off-Street Parking Facilities**

1. Required off-street parking facilities shall be located on the same lot as the building to be served unless otherwise provided by these regulations.
2. An off-street parking space shall be located:
  - a. Off the public right-of-way;
  - b. Outside of all landscaped areas as required;
  - c. Where the lot abuts a street with a designated speed limit in excess of 25 MPH, so arranged that it will not be necessary for the vehicle, when exiting from the space, to back into said street.

**B. Off-Street Parking Space**

Off-street parking spaces shall be provided at the following dimensions:

<b>Table 3 Parking Space Dimensional Requirements</b>	
<b>Type of Space</b>	<b>Size of Space</b>
Standard 90° angle space:	18.0 ft. length, 9.0 ft. width
Standard 60° angle space:	20.0 ft. length, 9.0 ft. width
Standard parallel space:	18.0 ft. length (end), 22.0 ft. length (interior), 9.0 ft. width

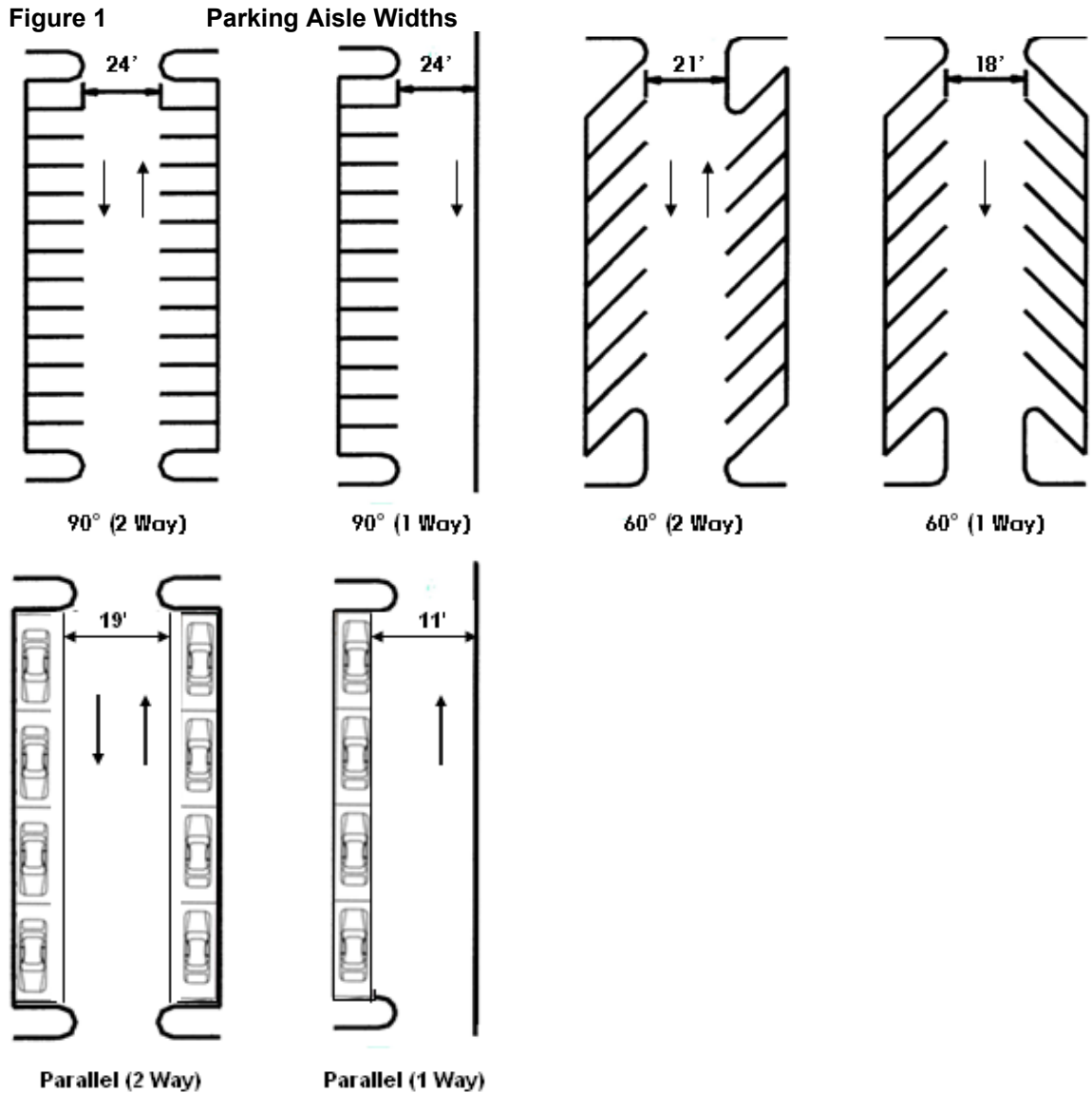
**C. Aisle Width and Angle**

Aisle widths and angles of parking space shall be provided at the following dimensions:

<b>Table 4 Parking Aisle Width and Angle Requirements</b>		<b>90°</b>	<b>60°</b>	<b>Parallel 0°</b>
Aisle Width	One way traffic	24'	18'	11'
Aisle Width	Two way traffic	24'	21'	19'

Parking angles other than those shown above shall be reviewed by the County Engineering Department and may be approved.

Figure 1 illustrates the layout, design and the minimum aisle widths and angles of parking spaces.



**8-6 OFF-STREET PARKING REQUIREMENTS**

There shall be provided at the time of the erection of any building or structure, minimum off-street parking, plus drives and maneuvering space sufficient for ingress and egress by an automobile of standard size, in accordance with Table 4. When a building or structure is enlarged or increased in capacity, minimum off-street parking shall be provided.

<b>Table 5 Off-Street Parking Requirements</b>	
<b>Residential Uses</b>	<b>Required Spaces</b>
Single-Family and Duplex Dwellings	Two (2) spaces per dwelling unit
Multi-Family Dwellings	<ul style="list-style-type: none"> <li>• One and one-half (1.5) spaces for every efficiency or 1-bedroom dwelling units</li> <li>• Two (2) spaces for every 2-bedroom or more dwelling units</li> </ul>
<b>Institutional Uses</b>	<b>Required Spaces</b>
Child Care facilities	One (1) space per 250 square feet of gross floor area
Churches and other places of religious assembly	One (1) space per five (5) seats or for each five (5) feet length of bench seating
Other Institutional Uses, Not Elsewhere Classified	One (1) space per 250 square feet of gross floor area or as provided in a detail parking study for the proposed use and approved by the Planning Commission
<b>Commercial Uses</b>	<b>Required Spaces</b>
General and Professional Offices (including, real estate, engineering and other business related purposes)	One (1) space per 300 square feet of gross floor area
Automobile Repair and Maintenance Shop	One (1) space per employee plus one (1) space per two (2) service bays
Barber or Beauty Shop	One (1) space per chair plus one (1) space per 2 employees
Convenience Store	Three (3) spaces per 1000 square feet of gross floor area
Financial Institutions	One (1) space per 200 square feet of gross floor area
Other Commercial Uses, Not Elsewhere Classified	One (1) space per 300 square feet of gross floor area or as provided in a detail parking study for the proposed use and approved by the Planning Commission
<b>Industrial Uses</b>	<b>Required Spaces</b>
Manufacturing and Warehousing	0.25 spaces per 1000 square feet of gross floor area for the manufacturing or warehousing plus one (1) space per 400 square feet of gross floor area for accessory offices
Other Industrial Uses	One (1) space per 400 square feet of gross floor area or as provided in a detail parking study for the proposed use and approved by the Planning Commission

**8-7 JOINT USE OF PARKING AREAS**

The Director may, upon application by all parties involved, authorize the joint use of off street parking facilities for uses whose normal and regular hours of operation do not coincide or overlap. Joint use of off street parking shall be subject to the following limitations and conditions:

1. Off street parking areas required for residential use shall not be included in any joint parking arrangement.
2. Up to 50% of the off street parking required may be provided by a joint parking arrangement.
3. The joint parking areas shall be within one-quarter of a mile (1,320 feet) of all of the uses being served by such facilities.
4. The applicant shall submit sufficient data to the Director to demonstrate that the normal and regular operating hours of the uses do not coincide or overlap in any manner.
5. All parties shall execute a properly drawn legal instrument for the joint use of off street parking areas. This instrument, having been approved as to form and manner of execution by the legal counsel of the Commission, shall be filed with the application.

**8-8 ACCESSIBLE HANDICAP PARKING SPACES STANDARDS AND REQUIREMENTS**

A. All parking lots shall provide for accessible handicap parking spaces as indicated in the following table:

<b>Table 6 Minimum Number of Accessible Parking Spaces ADA Accessibility Guidelines</b>			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in ea. Lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20, plus 1 for ea. 100 over 1000	1/8 of Column A*	7/8 of Column A**
*one out of every 8 accessible spaces      **7 out of every 8 accessible spaces			

B. Accessible Handicap Parking Spaces for Cars:

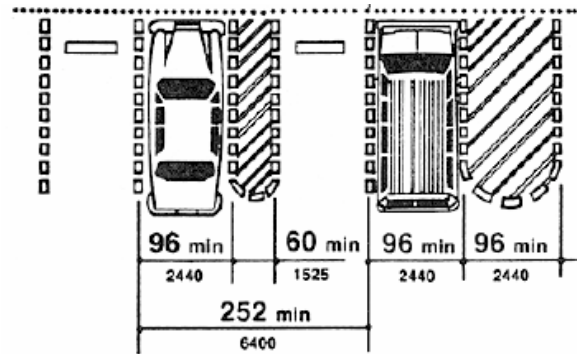
## DEVELOPMENT GUIDANCE SYSTEM

Accessible handicap parking spaces for cars shall have at least a sixty (60) inch wide access aisle located adjacent to the designated parking space and a ninety six (96) inch parking bay (Figure 2). The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces shall be identified with a sign and located on level ground.

- C. Van-accessible handicap parking spaces [ninety-six (96) inch bay] are the same as accessible handicap parking spaces for cars except for three features needed for vans:
1. A wider access aisle (96 inches) to accommodate a wheelchair lift (Figure 2);
  2. Vertical clearance (98 inches) to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space; and
  3. An additional sign that identifies the parking space as "Van Accessible."

Figure 2

- D. Figure 2 illustrates the layout, design and the minimum widths for handicap accessible spaces for both cars and vans. Two (2) car or van spaces are allowed to share the access aisle.



- E. Location of Handicap Accessible Parking Spaces

1. Accessible handicap parking spaces shall be located at the shortest accessible route of travel to the principal handicapped accessible entrance(s). In a multi-building development or shopping center, the spaces should be dispersed to ensure easy access and minimize the travel distance for the handicapped. Where buildings have multiple accessible entrances with adjacent parking, the accessible handicap parking spaces must be dispersed and located closest to the accessible entrances for that building.
2. When accessible handicap parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible handicap parking space to the accessible entrance. An accessible route never has curbs or stairs, must be at least three (3) feet wide, and have a firm, stable, slip-resistant surface. The slope along the accessible route shall not be greater than one (1) to twelve (12) in the direction of travel.
3. Accessible handicap parking spaces might be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance and convenience. Van-accessible handicap parking spaces may be clustered in one area

to accommodate the ninety-eight (98) inches minimum vertical height requirement.

**F. Curb Ramps**

1. Curb ramps for accessible handicap parking spaces shall be located adjacent to the accessible handicap parking spaces and shall be provided wherever an accessible route crosses a curb.
2. An acceptable designed curb ramp shall be provided. Specifications for curb ramps may be obtained from the current *Kentucky Building Code*, Section 2514.0.

**8-9 PARKING, LOADING AND UNLOADING REQUIREMENTS**

In any zone other than a residential zone, off street parking, loading or unloading areas may be permitted within the required front yard if there is sufficient depth between the street right-of-way line and the building line or other barrier to accommodate all parking and maneuvering without the necessity of backing over the street right-of-way line.

1. Each loading space shall be not less than 10 feet in width and 20 feet in length for loading spaces not requiring loading dock access, and 50 feet in length for loading dock access for trucks
2. Access to and from off-street parking and loading/unloading spaces shall be provided by means of clearly defined entrance and exit drives from public rights-of-way or private streets to clearly limited and defined maneuvering lanes, which, in turn, provide access to individual off-street parking or loading/unloading spaces. Off-street parking and loading/unloading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on the public right-of-way.

**8-10 STACKING AREAS FOR DRIVE-THROUGH AREAS**

For any uses which utilize a drive-in or drive-through window or service area, an on-site vehicular stacking area shall be provided for:

1. A minimum of five (5) stacking spaces.
2. A stacking space shall be an area measuring eight (8) feet by twenty (20) feet.
3. Vehicular stacking areas shall not include any spaces located at the windows or service area and shall be provided wholly on the property and not include any right-of-way.
4. The stacking area shall not prohibit access to and from or interfere with the required parking spaces.
5. A by-pass aisle shall be required separating the stacking aisle from the by-pass aisle.

**8-11 LARGE VEHICLE PARKING**

Within the Interstate and Highway Overlay any hotel, motel, restaurant, museum, rest areas or convention centers shall install on site parking for buses, recreational vehicles, or other large vehicles. There shall be one space for every 25 required spaces. Each space shall be a minimum of 10 feet in width and 45 feet in length.



## SECTION 9

### GENERAL SIGNAGE STANDARDS

#### 9-1 SIGN STANDARDS

The purpose of this Section is to support the focus and direction of the Comprehensive Plan; to promote a healthy business climate by encouraging the effective use of signs; to maintain and enhance the aesthetic environment of the county by encouraging signage to be compatible with the surrounding areas and not create a hazard due to collapse, fire, collision, decay or abandonment. Also, to promote the safety of persons and property by requiring that signs do not create traffic hazards by distracting or confusing motorists, or impairing motorist's ability to see pedestrians, other vehicles, obstacles, or to read traffic signs.

#### 9-2 APPLICABILITY

The requirements of this Section shall apply to all businesses, private entities, or individuals erecting signs in unincorporated Hardin County. Certain signs that are exempt from the requirements of this Section are addressed in Section 9-4.

1. All signs must comply with the regulations of the zone in which it is located.
2. Signs shall be maintained in a safe and secure condition thus avoiding creating distractions for the motoring public and competition of size between advertisers. If the Director is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the business owner. If the business owner can not be reached the ultimate responsibility for the sign falls to the property owner. If the defect in the sign is not corrected within the time permitted by the Director, the sign owner shall be deemed in violation of the Zoning Ordinance.
3. No sign shall be placed in any public right-of-way without written permission from the jurisdiction that has ownership of the right-of-way.

#### 9-3 PROCEDURE

A sign permit shall be obtained prior to the construction or erection of any allowable sign and a fee will be required in conjunction with said application. Refer to the current fee schedule in the Planning Commission Office.

No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered until a permit has been issued by the Director. Applications shall include, but not be limited to the following:

1. A completed application form.
2. A sketch plan and/or building elevations showing the location of the proposed sign(s) on the lot and/or building, including setbacks.

## **DEVELOPMENT GUIDANCE SYSTEM**

3. Detailed sign information including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information. NOTE: The content of the message or speech displayed on the sign shall not be considered when approving or denying a sign permit. However, the content must be submitted to evaluate the sign type (on-site or off-site).
4. The written consent of the owner of the underlying property or authorized agent.
5. A permit fee.
6. If the sign is temporary the following applies:
  - a. The length of time anticipated for use of the sign;
  - b. A statement by the applicant in which he or she agrees to remove temporary signs within the time limit herein established.

### **9-4 EXEMPT SIGN STANDARDS**

The following types of signs are not required to obtain a sign permit and shall not be counted towards the total number of signs and allowable sign area, but must meet the following limitations:

1. No trespassing signs of six (6) square feet in area or less.
2. On-Site Directional/Information Sign of four (4) square feet or less— Must not be a public safety hazard.
3. Political signs – Signs shall be removed within ten days following the election. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election. Permission must be granted by the property owner for a sign to be placed on their property and the sign may not be located in any road right-of-way and must comply with sight triangle standards at all street intersections.
4. Private sale or special event signs of thirty-two (32) square feet or less – May be placed thirty (30) days prior to the event and must be removed within fourteen (14) days following the event. These signs shall advertise only the activity lawfully practiced on site and shall not be illuminated or contain any electrical component.
5. Real Estate signs of thirty-two (32) square feet or less – Must be located on the property that is for sale, lease, or rent and must be taken down within fourteen (14) days after the sale is complete. The signs may not be located in any road right-of-way and must comply with the sight triangle standards at all street intersections.
6. Public/Community signs, notices or traffic signs required by law, or any sign relating to an emergency.
7. Signs used to identify local Landmark/National Register of historic sites.
8. Sports signs within a ballpark, field or diamond which indicates sponsorship of the teams or activities that occur therein. These signs shall be oriented toward the field or diamond and shall not be higher than the fences.
9. Traffic signs-traffic control signs which contain no commercial message and that comply with the “Manual of Uniform Traffic Control Devices for Streets and Highways”.

## **DEVELOPMENT GUIDANCE SYSTEM**

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10. Temporary window signs in commercial zones – Total signage area shall not exceed 12% of the building façade.
11. Flags, symbolic in nature, for non-commercial, non-promotional purposes.
12. Memorial signs – Must be in character with the surrounding area and must not be a public safety hazard.

### **9-5 SIGNS PROHIBITED**

The following signs are prohibited:

1. Any sign which obstruct or detract from the visibility of any traffic sign or traffic control device on public streets and roads, by reason of the size, location, coloring, or illumination.
2. String lights or any unshielded light that is visible by the public from a public street or produces glare onto a residential structure, and is used in connection with commercial premises for commercial purposes, including attention-getting, other than seasonal decorations.
3. Any sign or sign structures which:
  - a. is structurally unsafe;
  - b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidated or abandonment;
  - c. is not kept in good repair; or
  - d. is capable of causing electrical shocks to persons likely to come into contact with it.
4. Signs which make use of words such as “STOP”, “LOOK”, “DANGER”, “YIELD”, or other similar words, phrases, symbols or characters in such a manner to imply the need or requirement of stopping or the existence of danger.
5. Portable signs, folding signs, “A” frame signs, or any other similar free-standing signs that block pedestrian access.
6. Signs on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
7. Free-standing banner or banners not attached to a building, wall, or fence.

### **9-6 SIGN LIGHTING**

1. Signs may be internally illuminated, backlit, or illuminated by down-lighting or by ground-mounted light fixtures that illuminate the sign face and base only.
2. Signs shall not have exposed bare-bulb or flashing illumination.

### **9-7 ELECTRONIC SIGNS**

1. Electronic Signs shall be prohibited in the following zoning districts:  
B-2, C-0, A-1, PD-1, R-1, R-2, R-3, R-4 and R-5 Zones.
2. Electronic Signs shall be permitted in the following zoning districts:  
B-1, C-1, C-2, I-1, I-2 Zones.

**9-8 SIGNAGE FOR C-0, IH, A-1, PD-1, R-1, R-2, R-3, R-4 AND R-5 ZONES:**

1. On-site Subdivision identification signs shall not exceed forty-eight (48) square feet for each of their two sides and shall not be greater in height than eight (8) feet, excluding structural supports. Materials used in these signs shall provide for a long life with little or no maintenance.
2. One, on-site or off-site, free-standing sign (except for traffic directional signs less than 30 inches in height for parking areas) shall be permitted per deeded property:
  - a. not to exceed six (6) square feet in area; and
  - b. eight (8) feet in height.
3. On-site signage for Assembly Uses, such as churches, libraries, schools, parks and other public facilities of a similar nature, shall be permitted not to exceed forty-eight (48) square feet in area and eight (8) feet in height. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services.

**9-9 SIGNAGE FOR B-1, B-2, C-1, C-2, I-1 and I-2 ZONES:**

1. On-site Subdivision identification signs shall not exceed forty-eight (48) square feet for each of their two sides and shall not be greater in height than eight (8) feet, excluding structural supports. Materials used in these signs shall provide for a long life with little or no maintenance.
2. Total sign surface per deeded property shall not exceed two square feet per linear foot of road frontage and located a minimum of ten feet from a parking / driving area;
3. One, on-site or off-site, free-standing sign (except for traffic directional signs less than 30 inches in height) shall be permitted per deeded property and shall conform to the following:
  - a. On-site signage shall not exceed one-hundred and fifty (150) square feet in area for any one side and twenty-five (25) feet in height; or
  - b. Off-site signage shall not exceed the following:
    - i. Total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
    - ii. Signs may be placed back to back or in a "V-type" construction;
    - iii. No off-site sign shall be closer than 2,000 feet to any other off-site sign on the same side of road;
    - iv. Off-site signs shall be set back at least twenty (20) feet from road right-of-way line.
4. In the B-1 Zone, a second free-standing sign (High-Rise Sign) shall be permitted for the purpose of business identification which follows the schedule below:
  - a. Signs less than 75 feet in height shall have a maximum area of 225 square feet in area per side;
  - b. Signs between 76 and 100 feet in height shall have a maximum area of 325 square feet in area per side; and,
  - c. Signs between 101 and 125 feet in height shall have a maximum area of 400 square feet in area per side.

## **DEVELOPMENT GUIDANCE SYSTEM**

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5. The surface area of wall-mounted signs and painted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately.

### **9-10 NONCONFORMING SIGNS**

The following provisions shall apply to nonconforming signs:

#### **1. Continuation, Off-Site Signs**

With the exception of those signs which are prohibited, a nonconforming off-site sign may continue in existence and shall be properly maintained in good condition but it shall not be:

- a. Changed to another nonconforming sign;
- b. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
- c. Altered so as to increase the degree of nonconformity of the sign;
- d. Expanded or enlarged;
- e. Reestablished after its discontinuance for 90 days;
- f. Moved to a new location on the same building lot;
- g. Reestablished after substantial damage or destruction.

#### **2. Continuation, On-Site Signs**

With the exception of those signs which are prohibited, a nonconforming on-site sign may continue in existence and shall be properly maintained in good condition. Should a legal nonconforming sign be replaced, the sign may not increase its degree of nonconformity, but may decrease in degree of nonconformity.

### **9-11 TEMPORARY SIGNS**

Temporary signs shall be allowed in all zones. Every deeded property shall be allowed one temporary sign, not to exceed 50 square feet in area, to be placed on-site. No person shall place a temporary sign on-site without first receiving a permit from the Director. Temporary signs shall be for a period not to exceed thirty (30) consecutive days and for a cumulative period not to exceed one hundred twenty (120) days in any calendar year. Immediately upon expiration of the permit the applicable temporary sign shall be removed. The permit for the temporary sign shall be kept on-site and shall be available for inspection by the Director. Temporary signs shall be securely installed and properly maintained the entire time period of their display. Failure to properly maintain a temporary sign, or if the temporary sign is determined to cause a safety hazard for pedestrians or vehicles, is reason for the Director to order removal of the temporary sign or to take enforcement action against the property owner.

### **9-12 CONDITIONAL USES**

The Board may grant a conditional use permit from these sign regulations if they find the conditional use permit requested is required by special or unique hardship after public hearing in accordance with Section 16-54, Pg. 141.

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## SECTION 10

### GENERAL LANDSCAPING STANDARDS

#### 10-1 LANDSCAPE STANDARDS

Landscape planting strips shall be used along the frontage of the public street right-of-way and the outer boundary of parking areas to provide vegetation in developed areas, and enhance the appearance of individual properties. An appropriate vegetation screen shall be established and maintained along the outer boundary of commercial and industrial zones that are adjacent to residential zones. Said screening shall be white pines five (5) feet tall and ten (10) on-center, unless an alternate plan is approved by the Director as to location, height, material and/or vegetation types.

The following minimum requirements shall apply to landscape planting strips along the entire frontage of the public street right-of-way:

1. A continuous perimeter-planting strip with a minimum width of ten (10) feet shall be provided adjacent to any right-of-way abutting the property and parking area for the development, which runs the length of said frontage and parking area.
2. Landscape strips shall contain one (1) of the following:
  - a. one (1) shade/canopy tree for each fifty (50) linear feet of strip length and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and eight (8) to ten (10) feet high planted, **OR**
  - b. one (1) understory/flowering tree for each twenty-five (25) linear feet of strip length and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and six (6) to eight (8) feet high planted.
3. All Landscape strips shall contain at a minimum of five (5) shrubs for each fifty (50) linear feet of strip length (fifteen (15) inches to thirty (30) inches tall at installation). The majority must be evergreen species, with a minimum of twenty-five (25) percent of the required shrubs to be deciduous.
4. The remaining ground area shall be planted in grass or another appropriate landscaping material.
5. Where landscaping areas adjoin grassed rights-of-way, such areas shall be considered part of the landscaped area for purposes of maintenance. As of completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the site to the road pavement in order to complete the required maintenance.

A mixture of canopy/shade trees, understory/flowering trees or large shrubs may be used after consultation with the designee of the Commission. Clumping is permitted provided that adequate spacing is

allowed for future growth of the trees. Screening may be waived by the Director in cases where an existing buffer of vegetative screening is adequate, the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

## **10-2 MAINTENANCE AND INSTALLATION**

All landscaping materials shall be installed in a sound, workmanship-like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Section. Violation of these installation and maintenance provisions shall be grounds for the Building Inspector to refuse a Certificate of Occupancy, require replacement of landscape material or institute legal proceedings to enforce the provisions of the Zoning Ordinance.



## SECTION 11

### GENERAL LIGHTING STANDARDS

#### 11-1 LIGHTING STANDARDS

This Section outlines the content of all lighting for development plans and site plans required by these regulations. Lighting shall be designed for security, safety and illumination without producing undo glare in order to minimize friction between land uses, surrounding property owners and prevent momentary blindness to motorist.

All public and private outdoor lighting installed in unincorporated Hardin County shall be in conformance with the requirements established in this Section.

#### 11-2 LIGHTING REQUIREMENTS

Where lighting is proposed, it shall be provided as follows:

1. No lighting shall be permitted which would glare onto any street, into any adjacent property, or be deemed as lighting trespass, e.g., the shining of light produced by a fixture beyond the boundaries of the property on which such fixture is located;
2. The maximum height of the fixture may not exceed 50 feet.
3. No flashing lights or strobe lights are permitted, either affixed, non-affixed, or internal which would be seen from any adjacent property, road or aerial location, except in situations involving public health or safety;
4. Installation of any new outdoor lighting proposed for installation on any Development or Site Plan shall be approved by the Director.
5. The Director reserves the right to direct the developer and/or owner to conduct studies by a professional engineer using state of the art engineering methods to determine findings of fact as to objectionable lighting deriving from any existing or potential land use.

#### 11-3 KY 313 CORRIDOR PLANNING AREA REQUIREMENTS

Within the KY 313 Corridor Planning Area, full cut-off lighting fixtures shall be used for all walkway, parking lot, canopy and building/wall mounted lighting within C-1, C-2, B-1, I-1 and I-2 zones. The full cut-off fixtures shall be mounted horizontal to the ground. Illumination associated with developments shall not interfere or adversely affect the ability of assigned units to the Fort Knox Military Reservation and its operations in their efforts to conduct training.

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## SECTION 12

### TELECOMMUNICATION TOWERS

#### 12-1 PURPOSE

The purposes of these regulations are: (1) to provide for the safest and most efficient integration of cellular antenna towers within unincorporated Hardin County; (2) to provide for such facilities in coordination with the recommendations of the comprehensive plan; and (3) to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

#### 12-2 ADMINISTRATIVE REVIEW REQUIRED

Cellular antenna towers may be allowed in any zone after receiving an Administrative Review and approval from the Director in accordance with this Section. The Director may approve the proposed antenna tower only upon finding that the proposal complies with the Comprehensive Plan and the zoning regulations, including this Section. Reasonable attempts to co-locate additional transmitting or related equipment are required.

Any request for review of a proposal to construct an antenna tower shall be made only in accordance with this Section. If the property is subject to an existing approved development plan or to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the cellular antenna tower request filed pursuant to this Section. The property owner shall be responsible for making alternative provisions for any alteration of the Development Plan or Conditional Use Permit or shall obtain a variance or waiver of the specific plan or Permit requirement affected by the location of the tower on the site.

#### 12-3 APPLICABILITY

Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for telecommunications services or personal communications services within unincorporated Hardin County shall submit a completed Uniform Application to the Director. The Director shall not regulate the placement of antennas or related equipment on an existing structure (co-location).

**12-4 POSTING PROPERTY**

Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications tower and in a visible location on the nearest public road at the same time that notice by first class mail is sent. The applicant shall certify that the postings have been made. The notices shall remain until the Director issues its final decision or 60 days has passed since acceptance of the request by the Director, whichever occurs first. The posting shall be as follows:

1. Each sign shall be at least two (2) feet by four (4) feet in size;
2. Each sign shall state: "(Name of applicant) proposes to construct a telecommunications tower on this site. If you have questions, please contact (name and address of applicant). Information on the Director's review of this proposal may be obtained by calling the Planning Commission at (270) 769-5479. Please refer to the request name or number in all inquires."
3. In both posted notices, the words "proposes to construct a telecommunications tower" shall be printed in letters at least (4) inches in height, and the words "Hardin County Planning Commission at (270) 769-5479" shall be in letters at least one (1) inch in height. Both signs shall be constructed of durable, weatherproof material.
4. Any such signs may also include any notices required to be made by regulations of the Kentucky Public Service Commission including 807 KAR 5:063 (as now in effect, or as amended).

**12-5 APPLICATION REQUIREMENTS**

Applications for the construction of cellular antenna towers shall include the following:

1. The full name and address of the applicant.
2. The applicant's articles of incorporation, if applicable.
3. A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.
4. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
5. Clear directions from the City of Elizabethtown (i.e., the county seat) to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
6. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the Hardin County Clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

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7. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
8. A (site) development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
9. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
10. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
11. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
12. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
  - (a) Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
  - (b) Given the telephone number and address of the local planning commission; and
  - (c) Informed of his or her right to participate in the planning commission's proceedings on the application.
13. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
14. A statement that the Judge Executive of the Hardin County Fiscal Court has been notified, in writing, of the proposed construction.
15. A copy of the notice sent to the Judge Executive of the Hardin County Fiscal Court (#14).
16. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.
17. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use and zoning for the specific property involved.
18. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure (i.e., co-locate), including documentation of attempts to locate its antennas and related facilities

on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.

19. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
20. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
  - (a) all of the planning unit's jurisdiction; and
  - (b) a one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

## **12-6 PROCESSING OF APPLICATION**

After an applicant's submission of a completed uniform application to construct an antenna tower, the Director shall process the application as follows:

1. Review the uniform application in light of its agreement with the Comprehensive Plan and the Zoning Regulations;
2. Make final decision to approve or disapprove the uniform application; and
3. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the completed uniform application is submitted to the Director or within a date certain specified in a written agreement between the Director and the applicant.

If the Director fails to issue a final decision within sixty (60) days and if there is no written agreement between the Director and the applicant to a specific date for the Director to issue a decision, the uniform application shall be deemed approved.

If the Director disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Zoning Regulations. No permit for construction of a cellular antenna tower shall be issued until the Director approves the uniform application or the sixty (60) day time period has expired and the Director has failed to issue a decision.

Director may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Director may provide the location of existing telecommunication antenna towers on which the Director deems the applicant can successfully co-locate its transmitting and related equipment. If the Director requires the applicant to attempt co-location, the applicant shall provide the Director with a statement indicating that the applicant:

- a. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
  - b. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities. The statement shall include:
    - i. The location of the towers or other structures on which the applicant has attempted to co-locate; and
    - ii. The reasons why the co-location attempts were unsuccessful in each instance.
4. The Director may deny a uniform application to construct a telecommunication antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures. Upon the approval of an application for the construction of a telecommunication antenna tower by the Director, the applicant shall notify the Public Service Commission within ten (10) working days of the approval.
5. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the telecommunication antenna tower until such notice has been made.

**12-7 CONFIDENTIALITY OF APPLICATION**

All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The [Director](#) shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

**12-8 DESIGN STANDARDS**

At the time of filing of a request under this Section, the applicant shall provide information demonstrating compliance with the requirements listed below. Waivers of the following standards may be requested by the applicant and granted by the Director in accordance with the provisions of these Zoning Regulations.

1. All structures, except fences and/or guy wires, shall be located minimum distance from the property line equal to the setback of the respective zone, plus one-half (1/2) the height of the tower.

All structures constructed in connection with stealth towers shall comply with the applicable setback requirements established for other structures within the applicable zone. Stealth towers that are to be located as part of a utility service facility (e.g. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any. No tower may be located closer than fifty (50) feet to any property line or the minimum building setback line established for the zone, which ever is greater.

Lease lines are not considered property lines and therefore do not have building setback limits.

2. Any monopole, guyed, lattice, or similar type telecommunication antenna tower and any alternative telecommunication antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.
3. Lattice and guyed cellular antenna towers constructed in an agricultural or residential zone shall be located a minimum distance of not less than 250 feet from all existing residential structures.



4. A telecommunication antenna tower or alternative telecommunication antenna tower structure may be constructed to a maximum height of two hundred fifty feet (250') regardless of the maximum allowed height for the zone in which it is located. This also applies to any tower taller than fifteen feet (15') constructed on the top of another building, with the height being the overall height of building and tower together measured from the grade to the highest point. When any telecommunication antenna tower or alternative telecommunication antenna tower structure is taller than the distance from its base to the nearest property line, the applicant shall furnish a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) miles per hour in accordance with current ANSI/EAI/TAI standards. When a tower taller than fifteen feet (15') constructed on the top of another building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish this same certification.
5. A telecommunication antenna tower or alternative telecommunication antenna tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than twenty (20) flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than twenty (20) flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.
6. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Road Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.
7. The site shall be enclosed by an eight foot (8') high solid wood security fence, and the fence may be located in any required yard at any height, but not in the sight triangle. The use of barbed wire or sharp pointed fences shall be prohibited.
8. Screening shall be provided by evergreen trees, with a minimum height of five (5) feet, planted in a staggered pattern at a maximum distance of ten (10) feet on center. The Director may increase the distance between plantings based on the type (species) of evergreen tree and its growth characteristics. The screening shall be placed within the Lease Area. A break in the landscape screening, not to exceed fifteen

- (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
9. Surfacing of all driveways and off-street parking areas shall comply with the requirements of Sections 8 and 10 of the Zoning Ordinance and be at least constructed of gravel or other durable surface. The Director may require alternative surface materials based on grade, construction and potential for erosion.
  10. The facility shall comply with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Director may establish additional requirements on the basis of the environmental effects of radio frequency emissions.
  11. If the use of any telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure is discontinued, the owner shall provide the Director with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure will not be reused, the owner shall have one hundred eighty (180) days from submittal of the FCC notice to the Director to obtain a demolition permit and remove the antenna or tower that will not be reused. If the telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Director in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Director may cause the demolition and removal of the antenna or tower recover its costs of demolition and removal.
  12. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.
  13. All new telecommunication antenna tower or alternative telecommunication antenna tower structure shall be designed and constructed to accommodate a minimum of four (4) service providers.

14. All option and site lease agreements shall not prohibit the possibility of co-location.

**12-9 PETITION FOR COMMISSION REVIEW**

Any person or party claiming to be aggrieved may request within 30 days of notice or application date that the Commission make the final decision.

This Petition for Review shall be filed in the Commission's office and shall state specifically the reason(s) for the review. Within seven days, the Director shall certify if these conditions have been met and proceed with preparations for the Commission Review. In cases where these conditions have not been met, the Director shall notify the applicant immediately so that a complete Petition for Review can be submitted.

A party aggrieved by a final action of the Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

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## **SECTION 13**

### **BUILDING AND ELECTRIC PERMITS**

#### **13-1 PERMITS REQUIRED FOR CONSTRUCTION AND LOCATION OF STRUCTURES**

Permits shall be required for the following activities and shall be issued by the Kentucky Building Code Program in conformity with the provisions of this Zoning Ordinance.

##### **A. ZONING PERMIT**

No building or other structure shall be erected, constructed, altered, moved, converted, extended, enlarged, nor shall any building, structure, or land be established or changed in use or character without a permit issued by the Director. Zoning permits are required for single family dwelling units, residential additions, accessory structures, swimming pools and retaining walls, except when Development or Site Plans are otherwise required by this ordinance. Zoning permits are also required for tenant finishes for previously occupied commercial structures and where tenants were not known at the time when Plan Review was conducted by the Hardin County Planning Commission for a completed structure. Development and Site Plan Review is required when specified by Sections 6 and 7.

No Zoning Permit shall be issued by the Director except in conformity with the provisions of this ordinance, unless the Director receives a written order from the Board deciding an appeal, conditional use, or variance. Neither the Director nor the Building Inspector shall have the power to permit any construction, or to permit any use or change of use which does not conform to the literal terms of the zoning regulations.

Applications for Zoning Permits shall be made on forms provide by the Kentucky Building Code Program. A completed application form as prescribed by the Director, fee, and a plot plan which indicates the location of the improvement, existing buildings and driveway / parking areas, and property lines, shall be submitted. The Director shall review the application and determine within three (3) working days from the submittal date whether the plan conforms to this Section 13 and all other applicable provisions and Sections.

##### **B. BUILDING AND ELECTRICAL PERMIT REQUIRED**

Individuals shall make application and acquire building and electrical permits prior to the commencement of any building, moving, or alteration activities. Applications for said permits shall be made on forms provide by the Kentucky Building Code Program.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated (KRC R105.5).

**C. PERMITS AUTHORIZED BY THE BOARD OF ADJUSTMENT**

The Kentucky Building Code Program shall issue permits in conformance with the written authorization of the Board of Adjustment concerning administrative review appeals, Conditional Use Permits, Variances, or other appeals as authorized in this Zoning Ordinance.

**D. SIGN PERMIT**

All permanent and temporary signs shall require a permit, except when otherwise exempted by Section 9-4. No Sign Permit shall be issued by the Director except in conformity with the provisions of the Zoning Ordinance and the Subdivision Regulations of Hardin County as well as any recorded subdivision plat or development plan. Applications for Sign Permits shall be made on forms provide by the Kentucky Building Code Program.

**E. DEMOLITION PERMIT**

No commercial or industrial buildings or dwellings (excluding manufactured homes) shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced without a demolition permit. Applications for Demolition Permits shall be made on forms provide by the Kentucky Building Code Program.

**F. OTHER PERMITS**

Additional permits may be required by the Kentucky Building Code Program to enforce the provisions of this Ordinance.

**13-2 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS**

Nothing in this Section or other Sections of the Zoning Ordinance shall be construed to exempt any applicant for a permit from compliance with all local, state and federal codes, statutes and regulations.

**13-3 PERMIT APPLICATION REQUIREMENTS AND PROCEDURES**

All applications for permits shall be accompanied by such plans and information as the Kentucky Building Code Program deems necessary to determine compliance and provide enforcement of the Zoning Ordinance. After reviewing the application materials, the Director of the Kentucky Building Code Program shall approve the application and attest to the same by a signature on and issuance of the Building Permit.

**13-4 CERTIFICATE OF OCCUPANCY**

No person shall use or permit the use of any structure or premises or part thereof, hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a Certificate of Occupancy has been issued by the Commission. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformance with the provisions of the Kentucky Building Code and the Zoning Ordinance. It shall be the duty of the Commission to issue such certificates if it is found that all provisions of the Kentucky Building Code and the Zoning Ordinance have been met, and to withhold such certificate unless the requirements of the Kentucky Building Code and the Zoning Ordinance have been met.

A. **No Occupancy Permit** No person shall allow occupancy of any building until compliance with the Kentucky Building Code has been achieved and the Commission has been notified by the appropriate agencies that the electrical wiring, plumbing system, and where applicable, onsite septic system or sanitary sewer connection are approved and are available for use on the property in question.

B. **Temporary Certificate of Occupancy** Temporary Certificate(s) of Occupancy may be issued by the Commission for a period not exceeding six (6) months during alteration or partial occupancy of a building pending it's completion in accordance with general rules and regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

**13-5 STOP WORK ORDERS**

Whenever the building official finds any work regulated by the Kentucky Building Code being performed in a manner contrary to the provisions of the Kentucky Building Code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease according to the time limitation on the order. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume (KBC 113.2)



## SECTION 14

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

#### 14-1 ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by the Director, or his authorized designee. The Director shall have the right to enter upon any land or into any building for the purpose of making an inspection or acquiring information to determine whether or not the property and the use thereof conform to the requirements of this Ordinance.

If the Director shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Proper measures shall be taken as prescribed by this ordinance to insure compliance and to prevent violations.

#### 14-2 COMPLAINTS FOR VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint or otherwise make a report to the planning office. Such complaint, stating fully the causes and basis thereof, shall be filed with the Director. The complaint shall be fully investigated and appropriate action shall be taken thereon as provided by the Zoning Ordinance.

#### 14-3 NOTICE OF VIOLATION

Upon becoming aware of any violation of any provision of this ordinance, the Director shall serve notice of such violation on the person committing or permitting the same, and if such violation has not been ceased within such reasonable time as the Director has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

#### 14-4 ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Director to enforce the provisions of this ordinance and to bring any violations or lack of compliance to the attention of the County Attorney.

B. Violation of the provisions of this ordinance shall be handled as per KRS 100.991 (1) through (3) as listed below:

(1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) and not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

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- (2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.
  
- (3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

## SECTION 15

### NON CONFORMING USES, STRUCTURES AND LOTS

#### 15-1 NONCONFORMING USES OF LAND AND/OR STRUCTURES

Where, at the time of adoption of this Zoning Ordinance, legally established, uses of land exist which would not be permitted by regulations imposed by this Zoning Ordinance, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time these regulations were adopted in compliance with authority granted in KRS Section 100.253.

- A. No such nonconforming use and/or structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter, unless said enlargement does not result in an increase in nonconformity or results in a change to a use permitted in the zone.
- B. No such nonconforming use and/or structure shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use and/or structure at the effective date of adoption or amendment of this ordinance, unless said move results in decreasing the degree of nonconformity or results in conformity with the requirements for the zone.
- C. Any nonconforming use may be extended throughout any parts of a building which were mainly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- D. When any nonconforming use, or structure and use in combination, is superseded by a permitted use and/or structure, the use shall thereafter conform to the regulations for the zone and no nonconforming use and/or structure shall thereafter be resumed.

#### 15-2 CHANGE FROM ONE NONCONFORMING USE TO ANOTHER

The Board shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the zone in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Section 5-3, inclusive, of this Zoning Ordinance and KRS, Section 100.253.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than

was occupied by the original nonconforming use. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

**15-3 NONCONFORMING LOTS OF RECORD**

- A. A nonconforming lot of record is any lot which was lawfully created prior to the adoption of the Zoning Ordinance (Section 1-15 and 2-1) but which has a smaller minimum lot area, frontage, or width than now required for that zone.
  
- B. A nonconforming lot of record may be used in accordance with the other applicable regulations for that zone, but changes to the lot that create greater nonconformity are prohibited. A nonconforming lot shall not be further subdivided or consolidated, in whole or in part, with another parcel, in a manner which increases its nonconformity. It may however, be altered so as to decrease its nonconformity.
  
- C. The Director may approve building permits for a lot of record if the proposed structure can comply with all zone development standards except minimum lot area, frontage, or width. Variances of any other development standard must be obtained only through action of the Board.

**15-4 CERTIFICATE OF NONCONFORMING USE**

In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a certificate of nonconforming use from the Director on a form available in the Planning Commission office. The applicant shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

The form shall be submitted along with a legal description of the property where the use is located and sufficient evidence to support the claim; such evidence shall include any or all of the following:

- 1. Business records such as sales receipts, invoices, tax receipts, ledger books, Internal Revenue Service filing forms, or other proof of continuous use.
- 2. Affidavits from the owner and neighboring property owners who have knowledge of the existence of the use.
- 3. Proof of ownership or tenancy (deed or lease). A contract to purchase shall be acceptable in lieu of a deed.

All evidence must reflect continuous operation by dates of not more than six-month intervals from the date that the use became nonconforming.

**15-5 CONSTRUCTION OF NONCONFORMING STRUCTURES**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this ordinance or an amendment thereto and upon which actual construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction for the purposes of application of Section 15-5, provided that work shall be carried on diligently.

**15-6 ABANDONMENT OF NONCONFORMING STATUS**

If any such nonconforming use and/or structure or land ceases for any reason for a period of more than twelve (12) months any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the zone in which such land is located.

**15-7 REPAIR & MAINTENANCE OF STRUCTURES**

A nonconforming structure may continue to exist provided it remains otherwise lawful and shall be regulated as follows:

**A. Routine Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered routine maintenance and shall not affect the nonconforming status. Work may be done for ordinary repairs, or on repair or replacement of walls, fixtures, wiring, plumbing or other parts of the building, and additions made, provided that the extent of the nonconformity shall not be increased. The Zoning Ordinance shall not be construed to prevent the strengthening, repairing or restoring to a safe condition of any structure or parts thereof.

**B. Unsafe Buildings**

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone in which it is located.

**15-8 PROCEDURES FOR NONLISTED USES**

If, in any zone established by this ordinance, a use is not specifically permitted and an application is made by a property owner to the Director for such use, the director shall refer the application to the Commission for consideration. Should the Commission determine that such a nonlisted use could be permitted without adversely affecting long-range planning the use shall be properly advertised for a public hearing before the Board, as an application for a Conditional Use Permit.

Should the Commission determine that such a nonlisted use would adversely affect long-range planning if permitted; the application shall be denied, with an appropriate record to this effect included in the minutes of the Planning Commission.

## SECTION 16

### CONDITIONAL USE STANDARDS

#### 16-1 PURPOSE

To allow the proper integration into the community of uses which are specifically identified as “Conditional Uses”, within Table 1 (Pg. 56) of this ordinance, due to their extent, nature of operation, limited application, or relationship to natural resources, which may be suitable only in specific locations of a Planning Area or Zone only if specific conditions are met.

A public hearing is required to review a Conditional Use Permit (CUP) application by the Board. Before a CUP is granted, the Board shall find the proposed use to be essential or desirable to the community and not in conflict with the goals and objectives of the Comprehensive Plan.

#### 16-2 GENERAL PROVISIONS

Granting of a conditional use permit does not exempt the applicant from complying with the conditions stated herein, all of the requirements of building, housing, and other regulations, and any necessary conditions the Board may attach to such permit.

Listed “Conditional Uses” that are within Residential Zones must be incidental and subordinate to a permitted use and located on the same parcel with such permitted use.

As part of an application for a conditional use permit, a Development Plan or Site Plan (as required in Sections 5 and 6) of sufficient detail must be submitted to demonstrate to the Board the character and objectives of the proposed development and the potential impacts of the development on the community and its surroundings.

The Director may waive certain non-applicable submittal requirements. The Board or the Director may require an application for a Conditional Use Permit to be subject to review by other State and County agencies.

Upon approval of a Conditional Use Permit by the Board, no certificate of land use can be signed or distributed until the meeting minutes have been approved.

#### 16-3 STANDARDS FOR ISSUANCE

The Board shall issue a CUP only after all of the following standards are satisfied, provided that all other provisions of this section have been complied with:

## **DEVELOPMENT GUIDANCE SYSTEM**

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- A. The use shall not tend to change the character and established pattern of development of the area of the proposed use;
- B. The use shall be in harmony with the uses permitted by right under the Zone in question and shall not affect adversely the use of neighboring properties;
- C. The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
- D. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;
- E. The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,
- F. The use shall be in accordance with the purposes of the Zoning Ordinance and the Comprehensive Plan.

**16-4 GENERAL CONDITIONS** In granting any Conditional Use Permit, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in the Zoning Ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a financial security to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- D. Establish building setbacks and yard requirements necessary for orderly expansion and to prevent traffic congestion;
- E. Provide for adequate parking and ingress and egress to public streets and roads;
- F. Provide the adjoining property with a buffer or shield from view of the proposed use;
- G. Establish minimum dwelling unit square foot requirements in order to protect property values;
- H. Establish Hours of Operation for businesses and commercial activities;
- I. Establish limits as to the scope and intensity of activities conducted under the Conditional Use Permit;
- J. Establish time limits for the Conditional Use Permit at which time the permit shall expire or require renewal;
- K. Conditional Uses shall comply with all applicable standards of the Zoning Ordinance, including the parking, landscape, lighting and signage regulations. Additional standards may be included in the listed requirements for a particular use;
- L. All other plans, licenses, permits and documentation from/for other agencies may be required by the Board.



**CONDITIONAL USES WITHIN THE SPECIFIED ZONES**

**16-5 ACCESSORY STRUCTURES**

An accessory structure is a structure or use customarily incidental and subordinate to the principal structure and located on the same parcel with such principal structure. These standards apply when the accessory structure is developed prior to the start of construction of the principal structure on the property. This regulation does not apply to agricultural uses and related accessory structures.

1. Location. An accessory structure is part of the principal structure when it is attached to the principal structure by a breezeway and shall comply with the applicable setbacks of the zone in which it is located.
2. Agriculture. Accessory structures for agricultural uses shall comply with the building setback requirements for the principal structures of the zone in which it is located.
3. Distance. The minimum distance between buildings shall be five (5) feet.
4. Size. All accessory structures shall be subordinate in scale to the principal structure.

**16-6 AGRICULTURAL TOURISM**

1. Setbacks. The Board may require additional setbacks for all buildings and structures
2. Parking. Public parking areas must be of an appropriate surface type such as gravel or paved with a durable, dustless, bound surface as determined by the Board.
3. Policies and Procedures. The Policies and Procedures Guide for Rural and Agricultural Health and Safety shall be used to establish appropriate conditions.

The Policies and Procedures Guide will help agritourism operators and workers prepare and plan for emergencies, prearranged visits by groups, documentation, supervision of children, proper hand-washing, animal contact, traffic and parking, fires, tractors and display equipment, locations for barriers and fencing, pest control, and hayride operations. This checklist guide will help create, revise, or add content to the farm's own policies and procedures.

**16-7 AGRICULTURAL EQUIPMENT SALES & SERVICE**

(General Conditions, Pg. 128)

**16-8 AIRPORTS**

1. Air Rights. Evidence shall be furnished to the Board of the acquisition of land or air rights over all property at the ends of all runways where the required glide path of aircraft, for the class of the airport, meets the regulations of the Federal Aviation Administration (FAA).
2. Setbacks. The Board may require additional setbacks for all buildings, structures and landing areas.
3. Driveways. All drives and parking areas shall be of an appropriate surface type such as gravel, concrete, asphalt or paver blocks.
4. Emergency Response Plan. An Emergency Response Plan must be submitted and approved by the County Engineer that includes a Spill Reporting Procedure.

**16-9 AMUSEMENT ENTERPRISES (INDOOR)**

1. Setbacks. The Board may require additional setbacks for all buildings and structures.
2. Setbacks. All skeet and clay target ranges shall be of sufficient length to provide a safe distance for termination of all projectiles from the various types of targets and weapons used.
3. Backstops. All rifle and pistol ranges shall be provided with an approved earthen backstop of sufficient height and thickness to safely stop all projectiles from the various types of weapons used.
4. Warning Signs. Permanent warning signs shall be placed at reasonable visible intervals along all range fences.
5. Distance. All driving ranges, paintball facilities and gun ranges shall be an adequate distance from any street or highway.
6. Competitions. Any large competitions on the site exceeding 100 participants shall be considered as large competitions. The Board may limit the number of large competitions on a site within a year. The owner/developer shall provide a plan for large competition management that identifies the following:
  - a. Location of spectator parking based on the expected number of spectators
  - b. Location of outdoor restroom facilities
  - c. Traffic safety plan for movement of spectator vehicles on and off the property
7. Pools. Swimming pools shall be installed in compliance with the Kentucky Building Code.
8. Garbage and Trash. Central trash collection points shall be completely screened from view from the public right of way.
9. Licensing. Compliance with Occupational Licenses shall be required by the Board.

**16-10 ANTIQUE, GIFT & CRAFT SHOPS** (General Conditions, Pg. 128)

**16-11 ASPHALT MANUFACTURING** (General Conditions, Pg. 128)

**16-12 AUTOMOTIVE REPAIR**

1. Number of Vehicles. The Board may regulate the maximum number of vehicles that shall be located on the property at one time.
2. Number of Wrecked Vehicles. The Board may regulate maximum number of wrecked vehicles that are allowed to be on the property at one time. Wrecked vehicles must be screened from view from public rights-of-way and all adjoining properties.
3. Emergency Response Plan. An emergency response/spill prevention plan shall be required.
4. Screening. Vehicles must be appropriately screened from view from public rights-of-way and all adjoining properties.
5. Location. The designated vehicles must be located on the subject property as shown on the Site/Development Plan.

**16-13 AUTOMOTIVE SALES** (General Conditions, Pg. 128)

**16-14 AUTOMOTIVE STORAGE (2-5 VEHICLES)**

1. Number of Vehicles. The Board may regulate the maximum number of vehicles that shall be located on the property at one time.
2. Screening. Vehicles must be appropriately screened from view from public rights-of-way and all adjoining properties.
3. Location. The designated vehicles must be located on the subject property as shown on the Site/Development Plan.
4. Parking Surface. The designated parking area must be of an appropriate type surface such as gravel, concrete or pavement.

**16-15 BEAUTY & BARBER SHOP** (General Conditions, Pg. 128)

**16-16 BED & BREAKFAST**

1. Number of Guests. The Board may regulate the maximum number of guest or guest rooms that shall be permitted.
2. Length of Stay. The Board may regulate the length of stay of all guests (consecutive days). The resident owner shall keep a current register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.
3. Number of Boarders. The Board may regulate the maximum number of boarders.
4. Administration & Maintenance. All boarding homes shall comply with the administrative and maintenance requirements established in 902 KAR 20:350.

**16-17 BOARDING HOUSE AND/OR GROUP HOME**

(General Conditions, Pg. 128)

**16-18 CHARITABLE GAMING ACTIVITY**

1. Number of Sessions. The Board may regulate the maximum number of sessions per day.
2. Licensing. Proof of license by the Kentucky Office of Charitable Gaming shall be required.

**16-19 CHILD CARE CENTER**

1. Recreation Areas. Outdoor recreational areas shall be fenced and screened on all sides.
2. Number of Children. The Board may regulate the maximum number of children at the Child Care.
3. Signage. The Board may regulate the size and design of the sign advertising the Child Care.
4. Time Limit. The Board may establish a time limit for the Conditional Use Permit.
5. Residential Character. Where applicable, the structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
6. Alterations. Where conditionally permitted in a residential structure, no substantial alterations or improvements shall be made to the structure which would impair the structure's use as a residence at a later time.
7. The following table shows the number of children permitted at a time for conditional use permits:

<b>Number of Children</b> <i>(unrelated to the operator)</i>	<b>Use Restrictions</b>	<b>Approving Authority</b>	<b>Proof of Documentation</b>
1-6	Permitted in A-1, R-1, R-2 , R-3, R-4, R-5, C-0 and IH Zone	None	None
<b>More than 6</b>	Conditional in A-1, R-1, R-2 , R-3, A-1, R-1, R-2 , R-3, R-4, R-5, C-0, B-1, B-2 Zone;	Board	State Certification or Type II license

**16-20 CRUSHED STONE, SAND AND GRAVEL OPERATION**

1. Elevations. Establishment by the responsible authority or approved engineer of the final ground elevations to be attained for the operations.
2. Performance Bond. The Board may require the filing of a financial security with the county to ensure proper finishing of the area into a usable condition.
3. Fencing. The Board may require a continuous privacy fence for screening from the public right-of-way and all adjoining properties.
4. Nuisance. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, or odor to adjacent properties.
5. Blasting. All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives, for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).
6. Setbacks. The Board may require additional setbacks for all buildings and structures.
7. Removal Upon Discontinuance. All evidence of the operation shall be removed by the property owner promptly after its discontinuance or abandonment.

**16-21 CULTURAL SERVICES** (General Conditions, Pg. 128)

**16-22 DWELLING; ACCESSORY**

Common names for accessory dwelling units and accessory living space include garage apartment, ancillary apartment, mother-in-law unit, guest house, carriage house or granny flat. For the purposes of these regulations, all of these building forms shall be referred to as an "Accessory Dwelling" unless otherwise specified in this Section.

The purpose of permitting Accessory Dwellings with conditions in certain situations is to:

- Create new housing units while respecting the look and scale of single-family dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and

- Provide a broader range of accessible and more affordable housing.

**A. Permanent Accessory Dwellings**

An accessory dwelling unit is a detached structure. The Board shall consider the following criteria prior to issuance of the Conditional Use Permit:

1. Creation. Constructing a detached accessory dwelling unit on a site with an existing house.
2. Ownership. The property owner must occupy either the principal dwelling unit or the accessory dwelling used as his/her principal residence, and at no time receive rent for the owner-occupied unit. Owner residence must be proven by driver license, voter registration or other evidence acceptable to the Board, such as but not limited to deeds, utility bills and the like. For added assurance that the owner-occupancy requirements will continue to be met, a Certificate of Land Use Restrictions shall be recorded in the Clerk's Office. The Conditional Use Permit is not transferable and the new owners must reapply for the Conditional Use Permit and meet the necessary requirement as stated herein.
3. Parking. Adequate on site parking must be designated on an approved site plan.
4. Driveways. Shared driveways are to be encouraged wherever possible.
5. Maximum size. The size of the accessory dwelling may be no more than 50% of the living area of the house or 900 square feet, whichever is less.
6. Minimum Width. The accessory dwelling must be a minimum width of at least twenty feet at its smallest width measurement.
7. Location. The accessory dwelling should be located behind the principle dwelling in the rear yard to minimize the visual impact of two separate residences.
8. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement of the exterior finish material of the house.
9. Sewage System. The accessory dwelling shall have its own septic system approved by the Hardin County Health Department or be connected to a sanitary sewer system.
10. Density. Accessory Dwelling units are not included in the minimum or maximum density calculations for a site.

The Commission and Board reserves the right to allow exceptions from the above requirements at their discretion in cases where strict adherences to the above may be impractical or uneconomical.

**B. Temporary Accessory Dwellings**

Temporary Accessory Dwellings may be permitted on a case by case basis by the Board in the event of care-giver situations and other family circumstances. These Temporary Accessory Dwellings are typically

## **DEVELOPMENT GUIDANCE SYSTEM**

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Manufactured Homes that must meet the installation guidelines as established by County Ordinance. The following criteria shall be considered by the Board prior to issuance of the Conditional Use Permit:

1. Size. The accessory dwelling shall contain a minimum or maximum number of square feet of living space based on neighborhood characteristics.
2. Time Limit. The Board may establish a time limit for the temporary accessory dwelling.
3. Occupancy. The accessory dwelling shall only be occupied by an immediate family member of the property owner (father, mother, son, daughter), and the member's family or an individual who provides "care-giver" services.
4. Restriction. The accessory dwelling shall not be available to the public for rent.
5. Location. The accessory dwelling shall be placed on the property as illustrated on the site plan submitted and in accordance with the building setback lines established for the designated zone.
6. Expiration. The Conditional Use Permit for a Temporary Accessory Dwelling shall be issued to the current property owner and shall expire when the property is transferred. The Conditional Use permit is not transferable to another property owner.
7. Removal. Upon vacancy of the accessory dwelling, it must be removed from the property. Prior to the transfer of the property, the second dwelling must be removed from the property.

16-23 **DWELLING; MOBILE HOME** (General Conditions, Pg. 128)

16-24 **FARMERS MARKET** (General Conditions, Pg. 128)

16-25 **GRAIN BIN FACILITY** (General Conditions, Pg. 128)

16-26 **GREENHOUSE & PLANT NURSERY** (General Conditions, Pg. 128)

**16-27 HOME OCCUPATION**

A home occupation is an accessory use which is incidental to the use of the dwelling for residential purposes. All home occupations must meet the standards listed in this section. Home occupations do not imply or convey permission to violate or be exempt from any existing or subsequent lawfully enacted deed restrictions or subdivision restrictions for the property of the proposed home occupation.

A home occupation shall be considered an accessory use with administrative approval from the Director when the following standards are met Applications for home occupations must seek a Conditional Use Permit from the Board to exceed the standards below. All applicants shall provide a site plan for the proposed use with the application. This plan shall include, but not be limited to, a Site Plan illustrating the property and all structures, building setbacks, parking and driveways; the proposed scope of the business, the number of employees, occupation, vehicles (including type, weight and size of vehicles) to be used, and estimated daily traffic.

1. Employees. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation.
2. Signage. No business signs shall be permitted on the house or property.
3. Exterior Modifications. There shall be no exterior evidence of the conduct of a home occupation.
4. Outdoor storage. There shall be no storage of equipment or materials used in connection with the home occupation outside a dwelling unit or accessory structure.
5. Traffic & Parking. The home occupation shall not generate more traffic or a demand for parking than the uses existing in the same neighborhood.



**16-28 JUNK YARD**

1. Setbacks. The Board may require additional setbacks for all buildings and structures.
2. Nuisance. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, color, or light to adjacent properties.
3. Fencing. The Board may require the entire operation to be enclosed within a solid fence with tree plantings consisting of white pine tress.
4. Groundwater Contamination. Salvage yards shall be prohibited in all primary groundwater recharge areas. Groundwater contamination resulting from the operation of any salvage yard shall be prohibited. Contamination of any domestic water supply or surface run-off from the site onto any adjoining land, surface water body, or wetland shall be mitigated by use of holding tanks, settling ponds, or other necessary devices.
5. Removal Upon Discontinuance. All evidence of the salvage yard shall be removed by the property owner promptly after its discontinuance as a business enterprise.
6. Number of Vehicles. The Board may regulate the maximum number of vehicles that shall be located on the property at one time.
7. Stacking. The Board may regulate the maximum height of stacked materials.
8. Hazards. The operation will not have or require any fire, smelting, fumes, chemicals or other toxic materials or hazardous wastes or by-products.
9. Parking. Public parking and yard storage areas must be of appropriate surface type such as gravel, concrete or paved with a durable, dustless, bound surface as determined by the Board.
10. Emergency Response Plan. An Emergency Response Plan shall be required as part of the Conditional Use Permit.

**16-29 KENNELS**

1. Enclosure. All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.
2. Fencing. The Board may require a continuous privacy fence for screening from the public right-of-way and all adjoining properties around the portion of the site used for the kennel operation.
3. Outdoor Facilities. Any outdoor animal facilities shall be screened from view.
4. Noise. The design of any structures shall include features that acoustically shield any animal noise from surrounding property.
5. Run-off. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.
6. Permits. The applicant must secure any and all necessary licenses and permits from Hardin County Animal Control.
7. Number of Animals. The maximum number of animals shall be determined by the Board in accordance with the size of the facility, the type of animal to be housed by the clinic, the nature and character of the surrounding neighborhood, and guidelines of recognized organizations concerned with the breeding of animals and the prevention of cruelty to animals.
8. Distances. All kennel pens, runs, shall not be located closer than one hundred feet (100') from all property lines and street rights-of-way lines.
9. Odor. There shall be no objectionable odors generated by the use detectable by neighboring properties.

**16-30 LIVESTOCK AUCTION AND/OR STOCK YARD**

1. Size. The minimum lot size shall be five (5) acres.
2. Setbacks. All buildings, structures, pens, and yards shall be at least one hundred (100) feet from all property lines or rights-of-way.
3. Water Supply. Adequate water supply shall be available to maintain the premises in a sanitary condition at all times.
4. Run-off. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.
5. Health Department Approval. Approval of the Hardin County Health Department shall be a requirement.
6. Permits. Must comply with any and all Department of Agriculture rules and regulations.
7. Screening. All facilities shall be adequately screened and landscaped so as to not become a nuisance to adjoining properties.

**16-31 MEAT PACKING PLANT** (See Livestock above, Pg. 138)

**16-32 MEDICAL OFFICE** (General Conditions, Pg. 128)

- 16-33 **MOBILE HOME** (General Conditions, Pg. 128)
- 16-34 **MOBILE OFFICE** (General Conditions, Pg. 128)
- 16-35 **NURSING HOME** (General Conditions, Pg. 128)
- 16-36 **OWNER-OPERATED, SPECIALTY SKILLED SHOP FOR AGRICULTURAL RELATED USE** (General Conditions, Pg. 128)

16-37 **PARKING LOT** (General Conditions, Pg. 128 and Parking, Pg. 89)

**16-38 PETROLEUM PRODUCTION, REFINING AND/OR STORAGE**

1. Drilling. The Board may regulate the distance that drilling must be from a state highway, county road or any other public right-of way.
2. Setbacks. The Board may require additional setbacks for all buildings and structures.
3. Number of wells per acre. The Board may regulate the number of wells per acre.
4. Removal. The Board may regulate the number of days that after the drilling of each well is completed and production started, the derrick and all other drilling equipment shall be removed from the site.
5. Storage. After a well has been brought into production, no earthen sumps shall be used for the storage of petroleum or its by-products.
6. Fires. Fire fighting equipment shall be maintained on the premises at all times during drilling and production operations.
7. Reclamation. The Board may regulate that any areas of site disturbance resulting from construction operations shall be landscaped or replanted upon completion.
8. Nuisance. All drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and obnoxious odors, in accordance with the best accepted practices incident to drilling for, and production of, oil, gas, and other hydrocarbon substances.
9. Abandonment. At the time of abandonment, all material, equipment, and structures used in the drilling operations shall be completely removed from the site.
10. Bond. The Board may require a bond or financial surety shall be made to insure proper compliance with these regulations.
11. Requirements. All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation.
12. Regulations. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

- 16-39 **PRIVATE CLUB** (General Conditions, Pg. 128)
- 16-40 **PROFESSIONAL OFFICE** (General Conditions, Pg. 128)
- 16-41 **READY MIX AND/OR CONCRETE PLANT** (See Crush Stone, Pg. 133)
- 16-42 **RESEARCH LABORATORY** (General Conditions, Pg. 128)
- 16-43 **RECREATIONAL ENTERPRISES (OUTDOOR)**  
(Amusement Enterprise, Pg. 130)
- 16-44 **RECYCLING CENTER** (See Junk Yard, Pg. 137)
- 16-45 **REPAIR OF HOUSEHOLD APPLIANCES** (General Conditions, Pg. 128)
- 16-46 **RESTAURANTS** (General Conditions, Pg. 128)
- 16-47 **RETAIL NEIGHBORHOOD USE** (General Conditions, Pg. 128)
- 16-48 **RETAIL SALES OF MERCHANDISE** (General Conditions, Pg. 128)
- 16-49 **SAW MILLS** (General Conditions, Pg. 128)
- 16-50 **SCRAP METAL** (Junk Yard, Pg. 131)
- 16-51 **SELF / MINI STORAGE UNITS**
1. Use. Mini-warehouses shall be limited to storage use only. No other commercial, wholesale, or industrial use shall be permitted.
  2. Landscaping. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent properties.
  3. Setbacks. The Board may require additional setbacks for all buildings and structures.
  4. Outdoor storage. No outdoor storage shall be permitted on the property.
  5. Materials. No storage of toxic or hazardous materials shall be permitted on the property.
  6. Doors. Loading doors shall be located as to face inward within the property.
  7. Plumbing. Plumbing shall not be extended to individual storage spaces, and plumbing fixtures such as sinks, toilets, and the like shall not be installed.
  8. Lot Size. The minimum Lot Size shall be three (3) acres.
  9. Prohibited. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, compounding, re-packaging, office functions, other business or service uses, or human habitation.

**16-52 SELF SERVE LAUNDRY** (General Conditions, Pg. 128)

**16-53 SHOE REPAIR** (General Conditions, Pg. 128)

**16-54 SIGNAGE (On and Off-Site)**

1. Sign Permit. The sign shall require a "Sign permit" in accordance with Section 9-3. Pg, 97.
2. Location. The Board may regulate the placement of the sign from parking areas, driving areas and/or property lines.
3. Size. The Board may regulate the total surface area of the sign.
4. Height. The Board may regulate the total height of the sign.
5. Total Number. The Board may regulate the total number of signs on and off-site.

**16-55 SLAUGHTER HOUSE** (See Livestock, Pg. 138)

**16-56 TAILORS SHOP** (General Conditions, Pg. 128)

**16-57 TEMPORARY REAL ESTATE SALES OFFICE**  
(General Conditions, Pg. 128)

**16-58 THEATER** (General Conditions, Pg. 128)

**16-59 TRACTOR TRAILERS; PARKING AND STORAGE**

1. Number of Trucks. The Board may regulate the maximum number of truck and/or tractor trailers on site.
2. Location. The trucks and/or tractor trailers shall be parked in the designated area as illustrated on the approved Development/Site Plan.
3. Screening. Screening shall be provided to mitigate the visual impacts from public rights-of-way and adjoining properties.
4. Nuisance. The operation shall be conducted so as to not create a nuisance or cause undue noise, vibration, dust, color, or light to adjacent properties.
5. Stacking. The Board may regulate the maximum height of stacked materials
6. Outdoor Storage. Outdoor storage areas shall be screened from public rights-of-way and adjoining properties.

**16-60 TRUCK OR FREIGHT TERMINAL** (Tractor Trailers, Pg. 141)

**16-61 VETERINARY CLINICS** (See Kennels, Pg. 138)

**16-62 WELDING SHOP** (General Conditions, Pg. 128)

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## SECTION 17

### SPECIAL PROVISIONS

#### 17-1 PURPOSE

The purpose of this Section is to address specific land uses or conditions and set minimum standards in order to permit proper integration of these items into the community and establish provisions for the protection of the health, safety, and general welfare of the public and for the protection of surrounding properties, persons, and neighborhood values.

#### 17-2 APPLICABILITY

The requirements set forth in this Section qualify or supplement the Zone requirements appearing elsewhere in the ordinance.

#### 17-3 ACCESSORY USES AND STRUCTURES

This Section does not apply to agricultural uses and related accessory structures (e.g., barns, stables).

1. **Shall Follow Principal Use**

No accessory use or structure may be developed until after the start of the construction of the principal use on the building site, and no accessory use or structure may be used unless the principal use or structure has been developed except after review and approval as a Conditional Use (Section 16, Pg. 127).

2. **Same Parcel**

Except as otherwise specifically permitted elsewhere in the Zoning Ordinance, accessory uses and structure shall be located on the same parcel as the associated principal use.

3. **Breezeway**

When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it shall be deemed to be part of the principal building and shall maintain the yard requirements of the principal building.

4. **Minimum Distance Between Buildings**

The minimum distance between buildings shall be five feet (5').

5. **Subordinate in Scale**

All accessory structures shall be subordinate in scale to the principal structure.

6. **Structures over One Hundred Twenty (120) Square Feet**

All accessory structures over one hundred twenty (120) square feet shall conform to the Kentucky Building Code Program (Section 13, Pg. 117).

**17-4 AGRICULTURAL ZONES ADJACENT TO RESIDENTIAL ZONES**

Whenever an Agricultural Zone is adjacent to a Residential Zone, the building setback line is increased to one-hundred (100) feet. Map amendments from an Agricultural Zone, must preserve the one-hundred (100) foot building setback line in the proposed Zone to maintain the Open Space Buffer.

**17-5 LAND USED FOR AGRICULTURAL PURPOSES**

Pursuant to KRS Chapter 100 (refer to the definition of agricultural uses), "land which is used for agricultural purposes shall have no regulations except" as presented in KRS 100.203(4) and as stated below:

1. Building "setback lines shall be required for the protection of existing and proposed streets and highways". Building setback lines shall be as required for the zone in which the use is located (KRS 100.203(4) (a).
2. That "all buildings or structures in a designated floodway or floodplain or which tend to increase flood heights or obstruct the flow of flood waters shall be fully regulated" in accordance with this ordinance and Hardin County's ordinance relating to Flood Damage Prevention (KRS 100.203(4) (b).
3. "Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy" (KRS 100.203(4) (c). All dwellings to be constructed or provided as part of land used for agricultural purposes shall meet all requirements of the zone in which said use is located, shall comply with the Kentucky Building Code and shall meet all other requirements of this ordinance.
4. Any parcel of land which is created solely for agricultural use as defined under KRS 100.111(2) shall not be permitted a dwelling unit unless said agricultural tract is twenty-five contiguous acres or greater.
5. In the administration of the Kentucky Building Code, structures that are used solely for agricultural purposes such as barns, workshops, equipment storage, grain bins, animal shelters may request an exemption from obtaining a Building Permit by completing an AGRICULTURAL CERTIFICATION form provided by the Planning Commission.
6. "The uses set out in KRS 100.111(2) (c) may be subject to regulation as a conditional use" (KRS 100.203(4) (d). Conditional Use Standards (Section 16, Pg. 127).
7. "A division of land for agricultural use and not involving a new street shall not be deemed a subdivision" (KRS 100.111(22)). An AFFIDAVIT OF AGRICULTURAL USE form provided by the Planning Commission titled shall be used for the purpose of satisfying the statutory definition of an agricultural use which would therefore exempt it from classification of the sale of property as a "subdivision".



**17-6 LOCAL AVERAGE SQUARE FOOT STANDARD**

A method used by the Director, on a case by case basis, to provide pertinent information in an effort for protecting property values whereby the minimum square footage for the dwelling units of a proposed particular development is established by averaging the square footage of the closest twelve dwelling units to the site and then multiplying that figure by 90 percent.

The records of the Property Valuation Administrator's office shall be used to calculate this standard. If twelve dwelling units are not found within a mile of the application parcel, then only those dwelling units within one mile shall be calculated.

**17-7 MANUFACTURED HOME USED AS TEMPORARY DWELLING**

When a house needs to be built, rebuilt or rehabilitated due to fire, natural disaster or other reasons, a temporary use of a manufactured home located on the parcel during construction is permitted subject to the following additional regulations:

1. Required building and electrical permits must be provided.
2. Required water and sanitary facilities must be provided.
3. The manufactured home must bear either a HUD Label or a B1 Seal.
4. The maximum length of a permit shall be 12 months, but the Director may extend the permit for a period or periods not to exceed 3 months each provided reasonable construction progress has been made and such construction is being diligently pursued.
5. The manufactured home shall be removed within 30 days from the property upon issuance of any occupancy permit for the new or rehabilitated residence.

**17-8 MOBILE HOME COMMUNITIES**

**902 KAR 15:010. Manufactured and mobile homes.**

- Section 2 Submission of Construction Plan.
- Section 3 Location and General Layout Standards.
- Section 4 Lighting within Community.
- Section 5 Community Water Supply.
- Section 6 Community Sewage and Waste Disposal.
- Section 7 Storage, Collection and Disposal of Community Refuse.
- Section 8 Insect and Rodent Control within the Community.

**17-9 MULTI FAMILY STANDARDS**

1. Multi family attached residences shall not contain more than four (4) units per building.
2. All multi family structures shall provide foundation plantings along areas visible from parking areas or street right-of-ways.
3. No parking spaces for multi family shall be allowed in the required front yard setback.

## 17-10 OPEN SPACE SUBDIVISION DESIGN

A **Objective** The objective of the open space subdivision provisions is to provide a design alternative to the conventional subdivision. A conventional subdivision generally occupies and utilizes the entire development site with individual lots that are equal to or greater than the required minimum lot size specified in the Zoning Ordinance. An open space subdivision has the same gross density of a conventional subdivision, however; individual lot size and width requirements are less restrictive and the remaining portion of the subdivision may be deemed an Open Space Lot. Open Space Subdivision Design is only for the development of new subdivisions with streets.

The development of an open space subdivision is not intended to allow development densities greater than what is allowed in a conventional subdivision or to allow increased densities using land with marginal development potential. The open space subdivision provides flexibility in the development of areas with environmental constraints, rural character, and valuable agricultural resources. Additionally, the open space subdivision reduces the cost of constructing and maintaining public improvements such as streets and utilities.

B **Approval** The review, approval, and construction of an open space subdivision design shall adhere to all applicable Sections of the Zoning Ordinance and Subdivision Regulations and be treated as a subdivision plat.

C **Design Principle** A subdivision of land using open space subdivision design shall adhere to the following design principles:

- 1) Individual lot size and width may be smaller than that required by the zone in which the open space subdivision is located. For lots with on-site septic systems, the minimum lot size shall not be less than 40,000 square feet with 100' minimum road frontage or 60' on a cul-de-sac, and must receive approval of the Hardin County Health Department for onsite septic systems.
- 2) The Open Space Lot area shall meet a minimum lot size of five (5) acres.
- 3) The number of dwelling units shall not exceed the maximum development density of a conventional subdivision located in the same zone.
- 4) Due to the reduction in the individual lot sizes, a single or series of community lateral fields should be considered when the open space subdivision's sewage disposal is provided by on-site septic systems. A community lateral field should take advantage of any localized occurrence of soil types that are more conducive to septic tank lateral fields. All on-site septic systems, whether individual or grouped community systems, are subject to the approval of the Hardin County Health Department. Smaller minimum building setback requirements shall be requested through a variance procedure.

**17-11 OUTDOOR STORAGE AND DISPLAY**

The intent of this Provision is to provide for the appropriate location and design of outdoor storage and display areas and to minimize the visual impacts to adjacent properties and public rights-of-way. This section applies to all residential, commercial, and industrial development in all zones that propose outdoor storage or display.

Outdoor storage or display of merchandise, material, and equipment is permitted in residential, agricultural, commercial, and industrial zones only when incidental to an allowed use located on the same premises provided the following criteria are met.

**A. Outdoor Storage and Display Standards**

- 1) Outdoor storage or display of merchandise, material, or equipment is subject to all applicable fire, health, safety, and building regulations.
- 2) Outdoor storage or display of merchandise, material, or equipment shall not impede the growth or maintenance of required landscaping.
- 3) The area designated for outdoor storage or display of merchandise, material, or equipment for sale, storage or display shall be on private property and not allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, vehicular parking areas, landscape areas, sight distance triangles, front and street-side yards, or centerline setbacks.
- 4) Outdoor display areas shall be limited in area to the coverage area allowed in the Zone.

**B. Outdoor Storage Standards**

- 1) All outdoor storage areas shall be adequately screened from view by solid fences, walls, or buildings, or a combination thereof, not less than 6 feet in height. If screening of the merchandise, material, or equipment requires a screening height greater than 6 feet, the storage area and the screening fences, walls, or buildings shall be located on the rear half of the lot, away from any rights-of-way.
- 2) Outdoor storage shall not occur within 25 feet of any right-of-way.

**17-12 REFUSE / GARBAGE DISPOSAL CONTAINERS**

1. Location: No container shall be located in any required vehicular use area, buffer, landscape area, or setbacks. All refuse / garbage disposal containers are specifically prohibited in any required yards.
2. Screening: All refuse / garbage containers shall be adequately screened from view from streets and adjacent properties to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher.) This screening may be achieved by walls, landscaping, buffer yards, or by virtue of the location of the container on the building site.

**17-13 SUBDIVISIONS ADJACENT TO AGRICULTURAL ZONES**

Residential subdivisions platted after the adoption of this ordinance that are adjacent to Agricultural Zones shall have building setback lines increased to one-hundred (100) feet adjoining the Agricultural Zone.

Residential subdivisions platted after the adoption of this ordinance that are not adjacent to, but within one-hundred (100) feet of an Agricultural Zone, must maintain the one-hundred (100) foot building setback line from the Agricultural Zone.

**17-14 RESIDUAL LOTS**

Residual lots promote the future development of streets and shall meet the following criteria:

1. Residual lots shall only be approved at access points in public right-of-ways that are pre-approved by the Hardin County Road Department or the Kentucky Department of Transportation for future street intersections.
2. Residual lots shall contain a minimum of 5 acres.
3. Only one residual lot with a minimum of sixty (60) feet of road frontage shall be approved per subdivision per deeded tract that existed on 17 July 1995 the date the Zoning Ordinance was adopted by Fiscal Court.
4. The entire deeded tract must be subdivided to be eligible for a residual lot.
5. Residual lots shall not be approved when platted subdivision lots are being re-subdivided.

**17-15 SEWER AND WASTEWATER TREATMENT ALTERNATIVES**

This Provision is intended to implement and facilitate orderly growth consistent with the Land Use Element of the 2008 PLANNING FOR GROWTH COMPREHENSIVE DEVELOPMENT GUIDE by assuring that new development activity is served by adequate public facilities and managed sanitary sewer treatment for Hardin County.

The provision shall implement concepts contained in the Regional Wastewater Facilities Plan and the Inter-local Agreement in a manner consistent with the laws of the Commonwealth of Kentucky.

Wastewater Alternatives (also called Decentralized or community wastewater) can be defined as the centralized management of decentralized wastewater treatment systems, including on-site septic systems, cluster wastewater systems serving two or more properties, and traditional collection systems. These systems are overseen by a management entity, whether a municipality, the county, or a home owners association. This approach recognizes that on-site systems, like sewer systems, must be properly managed and maintained to protect the environment and public health, and to achieve water quality goals. Managing septic systems is appealing in areas of Hardin County that do not have the growth potential to support multi-million dollar sewer projects.

All proposals must comply with the Standards, Specifications and Details for Design and Construction of Wastewater Collection, Conveyance, and Treatment Systems as established by the Wastewater Utility Provider. Additionally, all lots must have access to a government maintained roadway with a 16 foot paved surface or greater and have public water available at the site.

**DIMENSION AND AREA REGULATIONS**

1. Minimum Lot Size
  - 12,000 square feet for single family;
  - 20,000 square feet for a duplex;
  - 40,000 square feet for multi family;
2. Minimum Lot Frontage – 75'
3. Minimum Width to Length Ratio – 1:4 until 300' of road frontage;
4. Minimum Front Yard Setback - 30';
5. Minimum Side Yard Setback - 10'; 100' for Subdivision lots created after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
6. Minimum Rear Yard Setback - 15'; 100' for Subdivision lots created after the adoption of this ordinance and adjoining A-1, I-1, I-2 zones
7. Street Construction – New subdivision streets must intersect with government maintained roads with a minimum of 40 foot dedicated right-of-way and a minimum 18-foot paved road surface. To achieve street connectivity the Commission may approve secondary streets to intersect with other government maintained roads.

**17-16 SEXUALLY ORIENTED BUSINESSES**

**A. Purpose**

The regulations established herein are intended to protect and preserve the quality, property values, integrity and character of the county's neighborhoods and commercial zones, and to ensure that the adverse effects created by adult entertainment establishments are minimized and controlled so as not to cause or contribute to crime, increasing blight, or downgrading of adjacent property and the surrounding neighborhood by restricting their proximity to Public Parks, schools, childcare, hospitals, churches, certain governmental and civic facilities, and scenic corridors.

The provisions of this Section are not intended to impose a limitation or restriction on the content of any communicative materials, nor to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, nor to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market.

**B. Location and Distance**

Permitted Zones: Sexually Oriented Businesses located within the unincorporated area of Hardin County shall be allowed only in the Light Industrial (I-1) or Heavy Industrial (I-2) Zones subject to the following limitations:

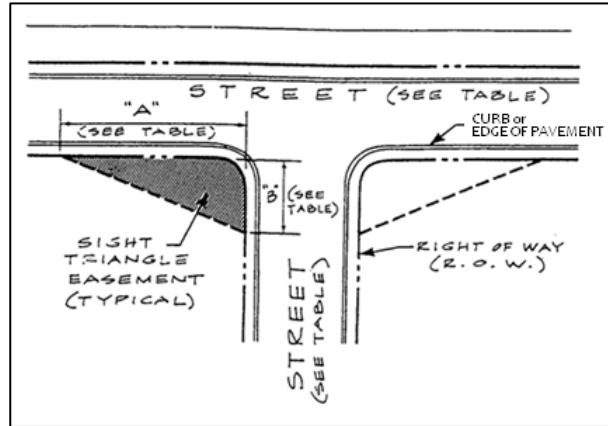
- 1) Sexually Oriented Businesses must be located a minimum of 1,000 feet from any residentially zoned area, Planned Unit Development (PD-1), and a minimum of 1,000 feet from any public or private recreation facility, school, church, childcare center or any establishment that sells or serves alcohol;

**C. Development Plan Requirements**

- 1) Development Requirements, Pg. 73
- 2) Parking Standards, Pg. 89
- 3) Signage Standards, Pg. 97
- 4) Landscaping Standards, Pg. 103
- 5) Lighting Standards, Pg. 105
- 6) Special Provisions, Pg. 143
  - OUTDOOR STORAGE AND DISPLAY, Pg. 147
  - REFUSE / GARBAGE DISPOSAL CONTAINERS, Pg. 148

**17-17 SIGHT TRIANGLE**

Sight triangles easements shall be required and shall include the area on each street corner that is bounded by the line that connects the sight or “connecting” points located on each of the right-of-way lines of the intersecting street. The planting of trees or other plantings or the location of structures exceeding thirty inches in height that would obstruct the clear sight across the area of the easement shall be prohibited, and a public right-of-entry shall be reserved for removing any object, material or otherwise, that obstructs clear sight. The distances between the connecting points and the intersection of the right-of-way lines shall be required as listed on the following table:



	"A" (Distance in Feet)	"B" (Distance in Feet) Stop Controlled
Stop Controlled	30'	30'
≤ 25 M.P.H	30'	30'
≤ 35 M.P.H	100'	30'
≤ 45 M.P.H	130'	30'
≤ 55 M.P.H	150'	30'

**17-18 WAIVER PROCEDURE**

An applicant may request a waiver from the Special Provisions as contained in this Section. As part of the waiver request, the applicant shall have the burden of proof in showing that there will be no adverse impact upon the neighborhood or general area by the granting of the waiver. In granting a waiver, the Commission shall consider the following:

1. The special circumstances of the proposed use; and
2. Site constraints that would make compliance economically unfeasible; and
3. The neighborhood and the general development patterns of the surrounding properties and the prospects for development in the near future; and
4. Whether the development as proposed would serve the purpose of enhancing the public welfare and safety; and
5. The guidelines listed in the Development Criteria of the Planning Area of the Comprehensive Plan.
6. The Commission may also consider other factors it may deem relevant in making its decision. A waiver of any of the requirements of this Section does not exempt the development from any other requirements of the Ordinance.

## SECTION 18

### SEWAGE DISPOSAL AND TREATMENT REQUIREMENTS

#### 18-1 INTENT

The purpose of this section is to set forth the requirements to provide adequate and acceptable sewage disposal and treatment for all properties in Unincorporated Hardin County, Kentucky.

#### 18-2 APPLICABILITY

Connection to a centralized sewer system shall be required for the following activities or actions within 300 feet of a publically or government owned treatment works collection asset (gravity pipe, manhole, wetwell):

1. For new construction within commercial and industrial zones and for assembly land uses in all residential zones
2. For enlargements, additions, extensions within commercial and industrial zones and for assembly uses in all residential zones
3. For new construction of multifamily structures. This includes the conversion or alteration or addition to existing structures into multifamily units
4. For the conversion of a residential structure to a non-residential use
5. For a change in use of a commercial or industrial structure
6. For the development of new subdivisions with streets
7. For new subdivisions of land or re-subdivided property that creates five (5) or more new lots for development
8. For the development of a new mobile home park
9. For properties determined to have a “failing” on-site septic system by the Environmental Services Office of the Lincoln Trail Health Department. For the purposes of this Section, failing means that the on-site septic system is not functioning adequately or within applicable regulatory parameters and that the cost of repair or improvement exceeds the cost of connecting to sewer, or that the property has no means of repair or improvement due to soil conditions or available area. The determination of whether a system is failing, including projected costs of repair, improvement or connection to sewer, shall be determined by the Environmental Services Office of the Lincoln Trail Health Department.

The design and installation of the collection system, lift stations or other conveyance infrastructure needed to convey sewage into the system is the responsibility of the owner or developer. The 300 feet shall be



measured from the closest existing entry point of the collection asset to the closest property line. The publically or government owned treatment works shall be responsible for notifying Hardin County Planning & Development and the Hardin County Health Department when centralized sewer service becomes available to areas within the County.

**18-3 PROHIBITED FACILITIES**

The following facilities or methods of sewage disposal are prohibited and will not be allowed to be constructed or used in Unincorporated Hardin County;

1. Straight pipe installed direct to creek, stream, sinkhole, open ditch, cesspool (non-agricultural) or any other method that is banned or prohibited by any state or federal law or regulation.
2. Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to any building sanitary sewer which flows to a centralized or public treatment system.
3. No customer shall make connection of roof down spouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain, which flows to a centralized or public treatment system.

The owner of a building connected to such facilities and any person(s) that performs the work in making such a connection shall be subject to the penalties set out herein.

**18-4 ALLOWABLE DISPOSAL / TREATMENT METHODS**

The following four (4) methods are available for sewage disposal / treatment within the County where available. Only one of the methods may be used, and is required and described, in accordance with location or type of development as described in subsequent sections below:

1. PTW1 – Connection to a Publically Owned Treatment Works (“POTW”) where treatment occurs off-site from the development. The entities that may own these systems may be a County Water District (“WD”), authorized to operate sewage disposal systems by KRS 74.407. Certain fees and connection charges of the WD will be set forth in their tariff, which fees must be paid by the developer or property owner. Design, construction and specifications for the required infrastructure will be determined by the requirements of the District. Other than a private sewer lateral line conveying flows to the POTW, the infrastructure ownership, maintenance and replacement will be transferred to the POTW after a warranty period specified by the District. Any monthly charges to discharge to the POTW and receive future sewer service will be as set forth in the District’s latest approved tariff and will apply to subsequent property owners connected to and using the system.

2. PTW2 – This is the same type of system as PTW1, but the owner or entity providing the service could be a City government (“City”) organized under KRS 81. Only those cities having an agreement with Hardin County Water District 1 or Hardin County Water District 2 will be available to provide sewer service to properties or lots being developed in unincorporated areas of Hardin County. Certain fees and connection charges of the City will be set forth in that entities ordinance, which must be paid by the developer or property owner. Design, construction and specifications for the required infrastructure will be determined by the requirements of the City. Other than a private sewer lateral line conveying flows to the POTW, the infrastructure ownership, maintenance and replacement will be transferred to the POTW after a period specified by the City. Any monthly charges to discharge to the POTW and receive future sewer service will be as set forth in the City’s latest approved ordinance and will apply to subsequent property owners connected to and using the system.
3. OS1 – On-site, septic system. These systems are designed, inspected and permitted under authority of Kentucky Department for Public Health Protection and Safety and the Kentucky Division of Water. KRS 211.350 designates the cabinet as the regulatory entity for the construction, installation, or alteration of onsite sewage disposal systems. 902 KAR 10:085 outlines the site and system requirements. KRS 211.360 outlines the requirements of any person approving construction, installation, or alteration of an on-site sewage disposal system. The local authority which will issue a permit and provide an inspection is the Environmental Services office of the Lincoln Trail Health Department. Certain fees as published by that office must be paid by the development owner or applicant in order to have this type of system permitted and installed. All costs to install, maintain and repair the system shall be borne by the individual property owner once the system is installed.
4. OS2– Alternative or on-site, cluster or experimental systems. These systems typically will serve multiple lots or buildings, but do not connect to a POTW. An OS2 may be located on a separate tract of land, within a subdivision or development. These systems are designed, inspected and permitted under authority of Kentucky Department for Public Health Protection and Safety and the Kentucky Division of Water. In addition to regulations and statutes cited in above section, KRS 322.010 and 322.020 add additional requirements for the design and construction of these systems. The local authority which will issue a permit and provide an inspection is the Environmental Services office of Lincoln Trail Health Department. Certain fees as published by that office must be paid by the development owner or applicant in order to have this type of system permitted and installed. All costs to install, maintain and repair the system shall be borne by the individual property owner or, may be maintained by a Homeowners Association or similar responsible party.

**18-5 FEES, RATES AND CHARGES**

The Water Districts shall devise, review annually and publish its schedule of fees, rates, and charges, which shall be based on the actual costs of providing services as provided in KAR 807 5:011. The schedule may include service assessments, system development charges and other similar fees and charges.

**18-6 PENALTIES**

Any person, entity or corporation violating any of the provisions of this Ordinance or failing or refusing to comply with the rules and regulations of Hardin County Planning & Development, the Hardin County Health Department or Hardin County Water District #1 or #2 relating to this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such person, entity or corporation fails or refuses to comply with the specific provisions of this Ordinance shall constitute a separate offense.