

**CITY OF HANSON
HOPKINS COUNTY, KENTUCKY**

ZONING ORDINANCE



Prepared by:

Hopkins County Joint Planning Commission

on July 27, 2000

Revised Feb 6, 2013

Revised Oct 27, 2015

Revised July 25, 2017

CHAPTER 156: ZONING CODE

Section

- 156.01 Title, intent, and purpose
- 156.02 Districts and boundaries
- 156.03 General requirements
- 156.04 Definitions
- 156.05 Use regulations
- 156.06 Height regulations
- 156.07 Yard regulations
- 156.08 Density regulations
- 156.09 Off-street parking and loading regulations
- 156.10 Mobile homes not in mobile home parks
- 156.11 Administration
- 156.12 Interpretation and conflict
- 156.13 Fees

156.99 Penalty

Cross-reference:

- Buildings and building regulations, see Ch. 150
- Electrical code, see Ch. 151
- Fire prevention and protection, see Ch. 93
- Housing, see Ch. 152
- Planning, see Ch. 153
- Plumbing, see Ch. 154
- Subdivision regulations, see Ch. 155

§ 156.01 TITLE, INTENT, AND PURPOSE.

(A) Title. These regulations may be referred to as the zoning regulations for the City of Hanson

(B) Intent and purpose.

(1) These regulations are related to the Comprehensive Plan which has been prepared for the County of Hopkins and the City of Hanson. The Comprehensive Plan includes estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, and a public works program.

(2) Need for public services and facilities in both size and location depends on the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.

(3) The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.

(4) The land use regulations divide the area into a number of zoning districts.

(a) Because of poor drainage, steep slopes, and other adverse natural conditions, some land areas should be kept in their natural state. These would be placed in a Conservation District

(b) The comprehensive plan included careful estimates of the land area requirements for the various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks, and the like. Remaining lands should be reserved for rural uses. Consequently, the regulations include Rural Districts for nonurban land uses.

(c) In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of the local population desires to, and does, live in single-family homes which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.

(d) Other residential districts within the towns are established for two-family homes and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. The regulations provide for large scale developments (ten acres or more) which may be located in any residential district with approval of the site plan and with conformity of the plan to the overall density standards of the district. This introduces an important measure of flexibility into the regulations.

(e) Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, such as, the grocery store-drugstore complex serving the adjacent residential neighborhoods. For the more widely used commercial areas along major streets and highways, there is a general commercial district. There is also a special planned district for the shopping centers.

(f) For industry there are three districts, a light industrial district for non-obnoxious manufacturing, a general or relatively unrestricted industrial district, and provisions for a planned industrial district.

(g) The regulations emphasize character as well as location and density of the land uses. Advertising is carefully controlled.

(h) The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now

too small may be used. Nonconforming uses existing at the time of the adoption hereof are permitted to continue.

§ 156.02

ZONING CODE

3

(i) All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years enforcement of this requirement will enable streets to be used primarily for traffic movement.

(j) Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

§ 156.02 DISTRICTS AND BOUNDARIES.

(A) Districts.

(1) The city is divided into three types of districts:

(a) R Districts - Residential.

(b) C Districts - Commercial.

(c) M Districts - Industrial.

(2) The three types of districts are further divided into the following specific districts:

(a) RU Rural.

(b) RC Conservation.

(c) R-1 Residential.

(d) R-2 Residential.

(e) R-3 Residential

(f) R-4 Residential.

(g) C-I Neighborhood Commercial.

(h) C-2 General Commercial.

(i) C-3 Planned Commercial.

(j) C-4 Central Business.

(k) M-1 Light Industrial.

(l) M-2 General Industrial.

(B) District boundaries.

(1) The boundaries of the districts are shown on the map attached hereto and made a part hereof; which map is designated as the district map. The district map and all notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which district map is properly attested and is on file with the City Clerk-Treasurer.

(2) Whenever any street, alley or other public way is vacated by official action of the appropriate governing body, the zoning district adjoining each side of such street, alleys or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(3) Where uncertainty exists with respect to the boundaries of the various districts, as shown on the maps accompanying and made a part of this chapter, the following rules shall apply:

(a) Where a boundary line is given a position within a street, road, or alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley, or stream, and if the actual location of such street, road, alley, or stream varies slightly from the location as shown on the district map, then the actual location shall control.

(b) Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.

(c) Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.

(d) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lots lines and where the districts are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the maps.

(e) In the unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps.

§ 156.03 GENERAL REOUIREMENTS.

(A) Except has hereinafter provided:

(1) Except as noted under division (A) (9) below, no building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

(3) No building shall be erected, converted, enlarges, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

(4) The density and yard regulations of this chapter are minimum regulations for each and every building existing at the effective date of this chapter and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building. Provided however, that no yard regulations shall be enforced for buildings erected and used for agricultural activities.

(5) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this chapter.

(6) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and regulations of this chapter.

(7) Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

(8) All inhabited trailers shall be located in a trailer court that has received a conditional use permit as required by §156.05 (B). No trailer outside as approved trailer court shall be connected to utilities except those trailers being offered for sale and not inhabited.

(9) Except for regulations related to buildings in flood-ways or flood plains, and setback lines for the protection of existing and proposed streets and highways, no regulations imposed as to building permits, certificates of occupancy, height, yard, location, or courts requirements for agricultural buildings shall apply to land used solely for agricultural, farming, dairying, stock raising, or similar purposes.

(10) Any use not specifically delineated herein shall be approved by the County

Joint Planning Commission before any building permit shall issue or before any property may be used for any use not specifically delineated herein.

§ **156.03**

ZONING CODE

6

(B) It is provided however that any use existing at the time of the adoption of this chapter is declared and found to be a conforming use and therefore not subject to the provisions of division (A) above. Any such existing use may be enlarged, reconstructed, or structurally altered, without regard to the limitations contained therein, except as hereinafter provided.

(C) Reference is made here to a requirement of the subdivision regulations that, in addition to conforming with the zoning requirements herein, land developers must obtain a soil analysis, available without charge from the Soil Conservation District, and documents prepared by them for the Commission, showing characteristics of the soil regarding their suitability for mining, agriculture, and urban uses as background data for Planning Commission determinations.

(D) Townhouse developments shall have the following restrictions:

(1) Townhouse developments shall have a minimum of two off-the-street parking spaces per dwelling unit.

(2) Front set-back lines on buildings in townhouse developments shall be 30 feet from the right-of-way of the street and there shall be 25 feet rear set-back.

(3) Minimum lot size shall be 3,000 square feet in R-4.

(4) No more than six contiguous townhouses or clusters shall be built in a row, with a variation between front building lines of every other unit.

(5) All townhouse construction must meet all state and local fire and building codes.

(6) Privacy fences, six feet in height, shall be placed along rear property lines where townhouses abut single family or duplex residences where no dedicated street or alley exists. Each portion of such privacy fences shall be considered the property of such townhouse owner and shall be maintained by such owner.

(7) Walls, hedges, fences or other obstructions shall not be constructed, placed, or maintained within 20 feet of the back of curb or edge of asphalt of an intersection of highways, alleys, or other public thoroughfares at a greater height than three and one-half feet above the crown of the road.

(8) Each townhouse or cluster shall be located on its own individual platted lot.

To the extent that division (D) is in conflict with other regulations of Chapter 156, division (D) shall be followed. Any and all other sections of Chapter 156 relative to R-4 zones not in conflict with division (D) shall be followed.

§ 156.04 DEFINITIONS.

(A) For the purpose of this chapter certain terms are defined. Words used in the present tense shall include the future; the word "BUILDING" shall include the words "STRUCTURE" and "PREMISES"; the words "USED" or "OCCUPIED" include the words "INTENDED," "DESIGNED," or "ARRANGED TO BE USED OR OCCUPIED"; the word "LOT" includes the words "PLOT" or "PARCEL"; and the word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual Any word not herein defined shall be as defined in any recognized standard English dictionary.

(B) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACCESSORY BUILDING" A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

"ACCESSORY USE" A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

"ADVERTISING DEVICE" Banners affixed on poles, wire, or ropes and streamers, wind operated devices, flashing lights, and other similar devices.

"AGRICULTURAL ACTIVITY" Agricultural activity is the use of land solely for agricultural, farming, dairying, stock-raising, or similar purposes.

"ALLEY" A public or private thoroughfare which affords only a secondary means of access to abutting property.

"APARTMENT" See "DWELLING UNIT"

"AUTOMOBILE SERVICE STATION" Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

"BASEMENT" A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

"BOARD" The Board of Adjustment established in §156.11.

"BOARDINGHOUSE" A building, other than hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons,

"BUILDING" Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

"BUILDING, HEIGHT OF" The vertical distance from the grade to the highest point of a flat roof: the deck line of a mansard roof, or the average height between eaves and ridge for gable, hip, and gambrel roofs.

"BUILDABLE WIDTH" The width of the lot left to be built on after the side yards are provided.

"CELLAR" That part of a building having more than one-half of its height below the average grade of the adjoining ground.

"CITY COUNCIL" The Council of the city.

"CLINIC" An establishment where patients are not lodged over-night but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

"CLUB" Buildings and facilities owned or operated by a corporation, association, or person for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

"COMMERCIAL FEED LOT" An area of land devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.

"COMMISSION" The County Joint Planning Commission.

"CONDITIONAL USE" A use allowed in a zoning district after a permit is granted by the Board of Adjustment according to provisions of §156.11 and by the Planning Commission according to provisions of §156.05.

"COURT" An open space more than one-half surrounded by buildings.

"DAY CARE CENTER" A principal use of a lot containing a facility which employs licensed, professional care and provides supervision for four or more unrelated individuals for a fee. The supervision shall comply with all state and federal laws and regulations.

"DISTRICT" A part of the county wherein regulations of this chapter are uniform.

"DWELLING" Any building or portion thereof which is designed and used exclusively for residential purposes.

(1) "MULTIPLE" A building designed for or occupied exclusively by three or more families.

(2) "SINGLE-FAMILY" A building designed for or occupied exclusively by one

family.

(3) "TWO-FAMILY" A building designed for or occupied exclusively by two families.

"DWELLING UNIT" One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

"FAMILY" One or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may not include more than two persons not related by blood, marriage, or adoption.

"FARM" See "AGRICULTURAL ACTIVITY"

"FENCE" A structure other than a building for enclosure or screening.

"FLOOR AREA" The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when the basement or cellar space is used for storage or incidental uses.

"FLOOR AREA RATIO" The floor area of the building divided by the area of the lot.

"FRONTAGE" All the property on one side of the street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-end of the street, but not including property more than 400 feet distance on either side of a proposed building or structure.

"GARAGE"

(1) "PRIVATE" A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

(2) "PUBLIC" A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

(3) "STORAGE" Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

"GRADE" The average level of the finished surface of the ground adjacent to the exterior walls of the building.

"HOME OCCUPATION" Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is no commodity sold on the premises except that prepared on the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic household purposes.

"HOTEL" A building which is open to transient guests in contradistinction to a boardinghouse or lodging house as herein defined.

"INSTITUTION" A nonprofit establishment for public use.

"JUNKYARD" A lot, land, or structure, or part thereof; used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof

"KENNEL" An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

"LANDSCAPED AREA" An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.

"LOADING SPACE" A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet connected with a street serving the premises.

"LODGING HOUSE" or "ROOMING HOUSE" Same as "BOARDINGHOUSE"

"LOT" A parcel of land occupied or which may be hereafter occupied by a building and its accessory buildings, together with such open spaces and parking spaces or areas as are required under these regulations, and having its principal frontage on an officially approved street or place.

- (1) "CORNER" A lot abutting on two or more streets at their intersections.
- (2) "DEPTH" The mean horizontal distance between the front and rear lot lines.
- (3) "DOUBLE FRONTAGE" A lot having a frontage on two nonintersecting roads, as distinguished from a corner lot.
- (4) "INTERIOR" A lot other than a corner lot.
- (5) "WIDTH" The width of a lot at the front yard line.

"LOT OF RECORD" A lot or parcel of land the plat or deed of which has been 'officially recorded prior to the adoption of this chapter.

"MOTEL," "MOTOR COURT," "MOTOR LODGE," or "TOURIST COURT" Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients. '

"NURSING HOME" A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

"OPEN AREA" That part of a lot on which no part of a building or structure extends above the following elevations:

(1) Two feet above the highest curb elevation of the street or streets that bound the lot;

(2) One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.

"PARKING SPACE" A surfaced area, not less than nine feet wide and 20 feet long, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

"PREMISES" A lot together with all buildings and structures thereon.

"PROFESSIONAL OFFICE" One in which a business in which gain or livelihood depends on and requires specialized knowledge and often long intensive academic preparation; and usually follows a line of conduct and requires adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: Accounting, chiropractry, dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy, physiotherapy, podiatry, professional planning, architecture, engineering, psychology, or real estate.

"PROFESSIONAL RESIDENCE OFFICE" A residence in which the occupant has a professional office which is clearly secondary to the dwelling used for dwelling purposes and does not change the residential character thereof, and where not more than three persons are working.

"SIGN" An identification, description, illustration, or device which is affixed to or

represented directly or indirectly on a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

§

156.04

ZONING CODE

12

- (1) "GROUND SIGN" Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces placed on or affixed in the ground and not attached to any part of a building.
- (2) "MARQUEE SIGN" Any sign affixed to a marquee over the entrance to a building and supported from the building.
- (3) "POST SIGN" Any letter, word, model sign, device, or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.
- (4) "ROOF SIGN" Any sign erected, constructed, or maintained on the roof of any building.
- (5) "WALL SIGN" Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of the building.

"SIGN AREA" The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a single-faced sign.

"STANDARD TREE" A standard tree is a tree with a minimum caliper of 2-1/2 inches, 10 to 12 feet height, of a deciduous hardwood variety normally capable of attaining a 25-foot (inch) diameter when the tree is 20 years old.

"STANDARD SHRUB" A standard shrub is any bush or small evergreen tree occupying a space of at least 18 cubic feet.

"STREET" A public way which affords the principal means of access to abutting property.

"STREET CENTERLINE" The street center line is a line halfway between the street lines.

"STREET LINE" A property line between a street and the adjoining property.

"STRUCTURE" Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs.

"STRUCTURAL ALTERATION" Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing wall as permitted by other ordinances.

"TOURIST HOME" An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

"TOWN HOUSE" A building that is has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

"TRAILER" or "MOBILE HOME" A vehicle equipped for use as a dwelling and designed to be hauled along a highway with the lowest minimum dimension of 18 feet or less.

"TRAILER COURT" or "MOBILE HOME COURT." An area where one or more inhabited trailers can be or are intended to be parked.

"YARD" An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(1) "FRONT" A yard across the full width of the lot extending from the front line of the main building to the front line street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

(2) "REAR" A yard extending the full width of the lot between a principal building and the rear lot line. .

(3) "SIDE" A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

(4) "WIDTH AND DEPTH" The shortest horizontal distance from a lot line to the main building.

§ 156.05 USE REGULATIONS

(A) District regulations. In the following established districts, a building or premises shall be used only for the following purposes.

(1) RU Rural District.

(a) Permissive uses.

1. Agricultural activity.
2. Single-family dwelling.
3. Park or forest preserve.

4. Church.

5. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

6. Large-scale residential development in accordance with the provisions of §156.05 (B) (1) hereof.

7. Golf course except miniature course or driving range.

8. Roadside stand for the display or sale of agricultural products raised on the premises.

9. Greenhouse or nursery.

10. Public building or facility erected by any governmental agency.

(b) Conditional uses.

1. Airport.

2. Public building erected by any governmental agency.

3. Hospital, nursing home, and educational, religious, and philanthropic institution on sites of not less than five acres.

4. New cemetery on site of not less than 20 acres or enlargement of existing cemetery.

5. Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, skating rink, and golf course on site of not less than five acres.

6. Drive-in theater.

(2) RC Conservation District.

(a) Permissive uses.

1. Agricultural activity.

2. Single-family dwelling.

3. Park or forest preserve.

4. Church.

5. Golf course, except driving ranges.

(b) Conditional uses.

1. Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court and golf course on site of not less than five acres.
2. Motel, resort, and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services for the use of guests only on a site of not less than five acres, provided they are protected from flooding.
3. Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services, and personal services, on site of not less than 20 acres provided they are protected from flooding.
4. Marina, yacht club, boat house, or bait shop.
5. Cemetery.

(3) R-1, R-2, and R-3 Residential Districts.

(a) Permissive uses.

1. Single-family dwelling with the lowest minimum dimension greater than 18 feet and affixed to a solid foundation of permanent material built between the ground and the first floor of the dwelling.
2. Public park or playground.
3. Church.
4. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
5. Golf course, except miniature course and driving tees operated for commercial purposes.
6. Large-scale residential development in accordance with the provisions of §156.05 (B) (1).

(b) Conditional uses.

1. Privately operated lake, swimming pool, or tennis court on site of not less than five acres.

2. Public building erected by any governmental agency.

3. Hospital, nursing home, nursing school, and educational, philanthropic, or religious institution on site of not less than five acres. Provided not more than 50% of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines an additional foot for each foot of building height.

4. Private recreational facility where buildings do not occupy more than 10% of the site area.

5. Greenhouse or nursery.

6. Trailer court in accordance with the provisions of §156.05 (B) (1).

7. Day care center. (Ord. passed 11-15-76)

(4) R-4 Residential Districts.

(a) Permissive uses.

1. Any use permitted in the R-3 District.

2. Two-family or multiple dwelling.

3. Townhouses.

(b) Conditional uses.

1. Any conditional use permitted in the R-3 District.

2. Trailer court in accordance with the provisions of §156.05 (B).

3. Public building erected by any governmental agency.

4. Professional residential office.

5. Professional office.

6. Day care center. (Ord. passed 7-26-71; Am. Ord. passed 11-15-76)

(5) C-1 Neighborhood Commercial District.

(a) Permissive uses.

1. Any permissive use of the R -1 District, except new residential uses.

2. Automobile parking lot or storage or parking garage.

3. Bank or financial institution.

4. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering and bakery with sale of bakery products on the premises.

5. Mortuary.

6. Office or office building.

7. Barbershop, beauty shop, beauty parlor, photographic or art studio, messenger, taxicab, newspaper or telegraphic branch, service station, laundry or dry cleaning receiving station, restaurant.

8. Private school.

9. Retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises, and provided further than no single store shall contain a floor area in excess of 20,000 square feet.

10. Theater, not including drive-in theater.

11. Bar or tavern.

12. Self-service laundry or cleaning establishment. (Ord. passed 10-18-76)

(b) Conditional uses.

1. Automobile service station.

2. General service and repair establishments, including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstery, or appliance repair.

3. Hotel and motel.

4. Residence, when located on the second story or above.

5. Veterinary clinics.

6. Animal hospitals.

7. Kennels.

(6) C-2 General Commercial District.

(a) Permissive uses.

1. Any permissive use of the C-1 District, but with no limit on the amount of floor area in any retail store.
2. Automobile or trailer display and salesroom.
3. Bowling alley or billiard parlor.
4. Business or commercial school.
5. Dancing or music academy.
6. Display and salesroom.
7. Farm implements, sale, sale and repair.
8. Farm store or feed store, including accessory storage of liquid or solid fertilizer.
9. Frozen food locker.
10. Hotel.
11. Laboratory, research, experimental or testing.
12. Motel.
13. Milk distributing station.
14. Public garage, filling station and automobile repair shop, or parking lot.
15. Radio or television broadcasting station or studio.
16. Veterinarian, animal hospital, or kennel.
17. Use car, trailer or boat sales or storage lot.
18. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment. Not more than 10% of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment.

(b) Conditional uses.

1. Drive-in establishment, including restaurant and theater.
2. Lumberyard.
3. Bakery.
4. Bottling works.
5. Wholesale establishment or warehouse in a completely enclosed building.
6. Truck or bus terminal.
7. Trailer court in accordance with the provisions of §156.05 (B).
8. Dance establishments.

(7) C-3 Planned Commercial District.

(a) Conditional uses.

1. A building or premises may be used only for the retail sale of merchandise; services, general and professional offices; recreational, except outdoor theaters; parking areas and other facilities ordinarily accepted as shopping center uses.
2. Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the Planning Commission for all contiguous property within this district in anyone location. The Planning commission shall have 40 days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Rejection of a preliminary or final plan by the Planning Commission may be appealed to the City Commissioners. Final plans will be approved when in accordance with approved preliminary plans. From time to time the proponents may make minor changes in the approved final plan so long as such changes have been approved by the Planning Commission. What constitutes a minor change will be determined in the sole discretion of the Planning Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

3. The preliminary plan shall:

- a. Be drawn to scale;
- b. Show boundaries of property to be developed;
- c. Show the proposed size, location, use, and arrangement of parking stalls and number of cars. Entrance and exit driveways and their relationship to existing and proposed streets;
- d. Indicate location, type, use, and size of structures on adjacent properties within 200 feet of the proposed development;
- e. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the official plan; and
- f. Indicate the stages, if any, which will be followed in construction.

4. The final plan shall be the standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

(8) C-4 Central Business District.

(a) Permissive uses. Any permissive use of the C-2 General Commercial District.

(b) Conditional uses:

1. Wholesale merchandising or storage warehouse.
2. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
3. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
4. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products, and vitreous enameled metal products.

5. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

6. Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.

7. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy, processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.

(9) M-1 Light Industrial District.

(a) Permissive uses.

1. Any use permitted in the C-2 General Commercial District.

2. Processing and assembly of plants which are not obnoxious or offensive due to omission of noise, odor, dust, gas, smoke, glare, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.

(10) M-2 General Industrial District.

(a) Permissive uses. Any use except the following conditional uses and except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted.

(b) Conditional uses.

1. Acid manufacture.

2. Automobile wrecking, cars, and parts, storage and sale.

3. Cement, lime, gypsum, or plaster of Paris manufacture.

4. Distillation, manufacture, or refining of bones, coal, or tar asphalt.

5. Explosives, manufacture or storage.

6. Fat, grease, lard, or tallow rendering or refining.

7. Fertilizer manufacture (from organic matter).

8. Glue or size manufacture.

9. Garbage, offal or dead animal reduction or dumping.

10. Junk and salvage (metal, paper, rags, waste or glass) storage, treatment, or baling.

§ 156.05

ZONING CODE

22

11. Paper manufacture.
12. Petroleum or asphalt refining.
13. Petroleum products terminal
14. Smelting of tin, copper, zinc, or iron ores.
15. Storage or processing of rawhides or fur.
16. Stockyards or slaughter of animals (except poultry).

(11) M-3 Restricted Industrial District.

(a) Conditional uses. The use regulations are the same as those in the M-1 Light Industrial District, except that:

1. No building shall be erected, converted, reconstructed, or structurally altered for church, school, institutional or residential purposes, except for resident watchmen or caretakers employed on the premises.
2. No premises may be used for auto wrecking, junk yard, and similar storage or salvage; or for extraction of gravel, sand, or other raw material.
3. Accessory open storage is enclosed in a building or by a concrete or masonry wall not less than six feet in height.
4. No premises are used for extraction of raw materials.
5. Fuel oil storage tanks are placed underground.
6. No premises are used for bulk storage of oils; petroleum, or similar flammable liquids and chemicals, or for the storage of explosives.

(b) Plan required. No unincorporated areas shall be included within the M-3 Restricted Industrial District until a plan for the development of such area shall have been approved by the Planning Commission. The procedures for the approval of the plan and the information and details that shall be furnished the Planning Commission are the same as those provided in division (A). (6) herein for the Planned Commercial District.

(12) Subsurface Overlay -The Subsurface Overlay is designed to provide areas for subsurface extraction of underground minerals (i.e. coal and oil & gas) in areas that are planned for/or developed in ways similar to adjoining and nearby lands

located outside the jurisdictional boundary of the City of Hanson. The intent is to create an area within the city limits that allows the subsurface extraction of mineral that is consistent with the land use of similar surface properties outside

§ 156.05

ZONING CODE

23

the city limits, while protecting the future development of the surface property within the City.

(a) Uses Permitted by Right:

Any Uses Permitted in the Underlying Zoning District.

(b) Uses Permitted With Restrictions. The following uses are permitted subject to the restrictions set forth in subsections (d) and (e) of this section:

- Underground Coal Mining
- Oil and Gas Production
- Oil and Gas Storage

(c) Other uses not expressly Permitted by Right or Permitted With Restrictions are Prohibited.

(d) Restrictions:

1. Underground Coal Mining

- No mining related facilities, except facilities related to miner health and safety, shall be located on the surface.
- With respect to each tract under which surface mining is permitted under this section, no mining shall be permitted without written consent from the surface property owner(s) of that tract.
- No mining shall be permitted beneath any surface area that is: (i) within 100 linear feet of a residential dwelling located on a parcel outside of the Subsurface Overlay boundary without written consent from the owner of the residential dwelling; or (ii) within 100 linear feet of the City of Hanson Water Tank.
- Mining beneath any surface area that is within 25 linear feet of the centerline of a public road shall be permitted in compliance with all state and federal laws and regulations governing underground mining locations.
- Mining shall not be permitted beneath any portion of the Hanson Historic District as delineated and in effect on December 3, 2012 or beneath any surface area within 100 linear feet of the boundary of the Hanson Historic District as delineated and in effect on December 3, 2012.

2. Oil and Gas

- With respect to each tract on which oil and gas production or storage is permitted under this section, no oil and gas production or storage shall be permitted without written consent from the surface property owner(s) of that tract
- No oil and gas production or storage shall be permitted within 200 feet of a residential dwelling; (ii) within 200 feet of the City of Hanson Water Tank; or (iii) within 200 feet of a public road, .
- Oil and gas production or storage shall not be permitted in or within 200 feet of the boundary of the Hanson Historic District as delineated and in effect on December 3, 2012.

(e) Additional Requirements:

1. The following documentation shall be provided to the City of Hanson to confirm that the property being designated for underground mining operations or oil and gas production or storage lies within the Subsurface Overlay and that surface owner consent has been obtained:

- a. Written consent of the surface property owner shall be in the form of a completed Subsurface Overlay verification form.
- b. A copy of the aerial PVA map depicting the subject property
- c. A generalized drawing of the project, drawn to scale, showing:
 1. The boundary of the subject property.
 2. A copy of a portion of the KDMRE MRP and Subsidence Control map or the Division of Oil & Gas map covering the subject parcel and properties within 200 feet of the proposed boundary.
 3. All surface structures, existing and proposed, on the subject property and all existing surface structures located on adjacent properties within 200 feet of the subject property.

2. All underground mining and oil and gas facilities put in place within the City of Hanson pursuant to this section on and after the effective date hereof shall be accurately mapped and submitted to the Kentucky Department of Mines and Minerals. These data bases are updated annually. The Hopkins County GIS department can

§ 156.05

ZONING CODE

25

obtain annual updates from this agency for inclusion in countywide mapping as desired.

3. All oil and gas facilities (wells, tanks, & other related equipment) shall be screened by a fence enclosure compatible with surrounding uses, which effectively screens the operation and drilling site and is approved by the Zoning Administrator.

4. No drilling, redrilling, reworking or other portable equipment shall be stored on the operation site which is not essential to the everyday operation of the well located thereon. This includes the removal of idle equipment unnecessary for the operation of such wells.

(f) All Other Regulations (see 156.12)

(g) Penalties for Violating Restrictions: (see 156.99)

(B) Other use regulations.

(1) Special provisions for large-scale residential developments.

(a) Large-scale residential developments, where permitted, are subject to the following conditions:

1. The development shall have a minimum area of 30 acres.

2. The housing type, minimum lot area, yard, height, and accessory uses shall be determined by the requirements and procedure set out below which shall prevail over conflicting requirements of this ordinance or the ordinance governing the subdivision of land.

3. The final development plan shall follow all applicable procedures, standards, and requirements of the ordinance governing the subdivision of land. The final development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in this state. No building permit shall be issued until a final plat of the proposed development is approved and recorded.

4. The Planning Commission shall review the conformity of the proposed development with the standards of the official county plan and recognized principles of civic design, land use planning and landscaping architecture. The minimum yard and maximum height requirements of the district in which the yards shall be provided around the boundaries of the area being developed. The

Planning Commission may impose conditions regarding the layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed enforceable by the county for a period of 20 years from date of filing. A plat

§ 156.05

ZONING CODE

26

of development shall be recorded regardless of whether a subdivision is proposed and such plat shall show building lines, common land, streets, easements, and other applicable features required by the ordinance regulating the subdivision of land.

5. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, or other nonresidential uses from the gross development area and deducting 20% of the remainder for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

6. The minimum lot area and minimum lot frontage of single-family dwelling lots established within the development shall not be less than two-thirds of the normal minimum lot area and minimum lot frontage of the single-family district in which the lot is located. In no case shall a single-family lot be created with an area of less than 10,000 square feet or a frontage of less than 80 feet.

7. For each 100 dwelling units in the development plan there may be not to exceed one acre for commercial use. Commercial uses shall conform with the requirements of the C-1 Commercial District. If the areas to be developed contains more than 1,000 acres, there may be not to exceed 10% of the gross area used for industrial purposes. Such industrial development shall be in accordance with the use regulations and other conditions set out for the M-1 Light Industrial District.

(b) The Planning Commission may hold one or more public hearings on a final development plan. The recommendations of the commission shall be forwarded to the City Commissioners who shall approve or disapprove the action of the Planning Commission with or without modification and after public hearing. After approved by the City Commissioners and after any required restrictions are in effect, building permits may be issued enabling the approved final development plan to be carried out.

(2) Accessory building and uses are permitted when in accordance with the following:

(a) In the RC and all other Residential Districts, accessory buildings and uses are limited to:

1. A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building

§ 156.05

ZONING CODE

27

2. A private residential garage used only for the housing of noncommercial passenger automobiles but housing not more than five such automobiles.

3. Home occupation.

4. Vegetable or flower garden.

5. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

(b) In the Commercial and Industrial Districts, there may also be parking lots and garages conforming with the requirements of § 156.09 hereof. Use of not to exceed 40% of the floor area of a building for incidental storage or light industrial activity.

(c) There shall be the following additional regulations for accessory buildings:

1. No accessory building shall be constructed on a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, materials, and equipment by a contractor during building construction.

2. No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall. Accessory buildings may not be used for dwelling purposes.

(3) Regulations regarding signs shall be as follows:

(a) The following signs are allowed in all districts:

1. Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located on property to which the sign refers and when not located closer than 10 feet to a lot line, which signs shall be removed on sale or lease of the property.

2. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained

subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months.

"For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.

3. Church or public bulletin boards not exceeding 12 square feet in area.

4. Traffic and public signs.

(b) In the RC Conservation District, and following signs are also permitted:

1. Ground or post signs pertaining to activities conducted on the property.

2. Ground or post signs advertising activities or providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.

3. Signs, not exceeding 400 square feet in areas, except along interstate highways, in which case a sign may not exceed 1600 square feet in area and must be at least 660 feet from nearest highway right-of-way (as regulated by state or federal statutes); illuminated by flood lights only, spaced not closer than 500 feet apart as measured along a road or highway frontage, not closer than 250 feet to a highway intersection and not closer than 25 feet to a highway next to a road intersection.

(c) In the C-I, C-2, C-3, C-4, M-I, and M-3 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, and awning signs. The total square foot area of roof signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed one-third of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each business. No post sign shall extend closer than ten feet to a side lot line. All portions of the post signs must be erected and maintained behind the property line.

(d) In the M-2 District, there may be any sign allowed in division (B)(3)(c) above the ground signs; provided that no ground sign shall exceed 400 square feet in area; not more than one ground sign for each 400 feet of street frontage when located at least 400 feet apart on such lot or tract of

land; and no ground sign when erected on a lot fronting on intersecting streets shall be erected within 50 feet of the intersection of the streets.

(e) The following additional sign regulations shall be observed.

§ 156.05

ZONING CODE

29

1. Ground signs. No ground signs shall be at any point over 45 feet above the ground level and shall have an open space of three feet between the lower edge of such sign and the ground level, 50% of which space may be filled in with a platform and decorative lattice work of light wooden or metal construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least ten feet distance from any lot line.

2. Wall signs. No wall sign shall extend beyond the building more than 12 inches. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.

3. Projecting signs. Projecting signs may extend not more than six feet six inches from the building into the front yard.

4. Post signs. No post sign shall extend downward nearer than ten feet to the ground or pavement above Walkway. The maximum square foot area for each face of a post sign shall not exceed a total area of 250 square feet per face or a total of 500 square feet for all faces.

5. Marquee signs. Marquees may extend eight feet into a front yard. Marquees shall be not less than 11 feet above the ground at its lowest level. A sign may be placed on a marquee provided such sign does not extend more than three feet above nor one foot below such marquee.

6. Portable signs. Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Building Inspector as being necessary to the satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding 12 square feet of total sign area restricted solely to stating the price of gasoline. Portable signs shall be set ten feet from the street line.

7. Paper and poster and certain signs or devices prohibited. Paper posters applied directly to the wall or building or pole or other support, and letters or pictures in the form of advertising, printed or applied directly on the wall of a building are prohibited.

Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 20% of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic-control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks and thermometers.

§ 156.05

ZONING CODE

30

(4) Regulations regarding trailers shall be as follows:

(a) Trailer courts shall meet the following minimum standards:

1. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet, and no park shall be permitted an average density of trailer lots of more than eight per acre, and each trailer court shall provide an area of not less than five acres.
2. All trailer courts shall provide lots sufficient in size that no trailer or any structure, addition or appurtenance thereto is located less than ten feet from the nearest adjacent court boundary or lot line.
3. Space between trailers may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent court boundary or lot line.
4. Each trailer site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than 20 feet in width, which shall have unobstructed access to a public highway, street, or alley.
5. The trailer court shall be surrounded by a landscaped strip of open space 30 feet wide along the street frontage of all streets and 15 feet wide along all other lot lines or street frontage.

(5) Nonconforming uses are regulated:

(a) Nonconforming use of buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this chapter may be continued although such use does not conform to the provisions thereof. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this chapter.

(b) Discontinuance of nonconforming uses. No building or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of two years,

whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.

§ 156.06

ZONING CODE

31

(c) Nonconforming advertising signs. All advertising signs in violation of the provisions of §156.05 (8) hereof shall be removed and the signs brought into conformity with all requirements of §156.05 (8) not later than December 28, 1991.

(d) Conditional uses not nonconforming. Existing uses eligible for conditional use permits shall not be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, or extension.

(e) Intermittent use. The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

(f) Existence of a nonconforming use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.

(g) Nonconforming uses not validated. A nonconforming use in violation of a provision of the ordinance which this chapter repeals shall not be validated by the adoption of this chapter.

§ 156.06 HEIGHT REGULATIONS.

(A) Maximum height limits established for buildings and structures are as follows:

<u>Districts</u>	<u>Feet</u>
RU, RC, R-1, R-2, R-3, R-4, C-1	35
C-4	150
C-2, C-3, M-1, M-2, M-3	45

(B) The above height limits may be exceeded in the following instances:

(1) Public, semipublic, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district, may be erected to a height not exceeding 110 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least

one foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

(2) Television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors and flag poles may be erected to such height as may be authorized by the City Council.

§ 156.06

ZONING CODE

32

(3) Buildings in the M-2 District may be increased in height one foot for each foot the building is set back from all yard lines up to a maximum height of 100 feet, provided that the gross floor area provided, exclusive of enclosed garages, does not exceed the number of square feet of land area of the lot on which the building is placed.

(C) The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency:

(1) Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, the plane to be in the shape of a symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of one (vertical) to four (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet in width at its lowest point and 165,000 feet in width at its highest point.

(2) Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point.

(3) Within the established transition zones adjacent to each instrument and noninstrument runway and approach zone, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to seven (horizontal). Transition zones extend outward and upward from a line (*) feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of instrument runways for the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and noninstrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.

(4) Within (*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet

above the established airport elevation. This horizontal zone does not include the approach or transition zones.

(5) Within the conical zone, which commences at the periphery of the horizontal zone and extends outward therefrom a distance of (*) feet, no building or structure shall be erected or altered to project above a plane with a slope of one (vertical) to 20 (horizontal).

§ **156.07** **ZONING CODE** **33**

(6) Nothing in this division (C) (6) shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 20 feet above the surface of the land. .

(7) Violations of this section shall be removed at owner's expense or by the city at the owner's expense within a reasonable time.

(*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.

§ 156.07 YARD REGULATIONS.

(A) Minimum yard requirements. The following minimum yards, measured in feet, shall be provided within the districts indicated below:

(1) District	Front Yard	Side Yard	Rear Yard
RC	50	20	50
R-1	30	5 one side, 15 total	30
R-2	35	5 one side, 15 total	35
R-3	35	5 one side, 15 total	35
R-4	30	5 one side, 15 total	35
C-1	20	*	20
C-2	10	*	20
C-3	10	As required	As required
C-4	0	*	0
M-I, M-2, M-3	25	*	25

* None except where adjacent to R District, then ten feet.

** Ten feet plus one foot each story above third, maximum, 20 feet.

(2) Whenever a lot abuts on a public. alley, one-half of the width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

(B) Additional requirements. The following additional yard requirements must also be observed:

(1) On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.

(2) On corner lots there must a front yard on both streets. On corner lots that are lots of record the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street side of such a lot of at least five feet.

(3) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

§ 156.07 ZONING CODE 34

(4) In the C and M Districts there may be more than one building on a lot provided that the required yards be maintained around the group of buildings.

(5) There may be two or more related multi-family, hotel, motel, or institutional buildings on a lot, provided that the required yards be maintained around the group of buildings, and buildings that are parallel or that are within 45 degrees of being parallel to separated by a horizontal distance that is at least equal to the height of the highest building.

(6) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.

(7) Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yards.

(8) Where an official line has been established for the future widening or opening of a street or major thoroughfare on which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

(9) The minimum width of side yards for schools, libraries, churches, community buildings, and other public and semipublic buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be a required in the district in which the building is located.

(10) No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distant from the intersection of the street lines.

(C) Exceptions to yard requirements.

(1) Where, on the effective date of this chapter, 40% or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

(a) Where the building farthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, then

the front yard for the frontage is and remains an average of the then existing front yards.

(b) Where this is not the case as in division (C) (1) (a) and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

(c) Where neither divisions (C) (1) (a) or (C) (1) (b) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

§ 156.07

ZONING CODE

35

(2) Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 24 inches.

(3) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lots lines.

(4) Signs in accordance with §156.05 (B).

(5) Open fire escapes, fireproof outside stairways, and balconies opening on fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3-1/2 feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.

(6) Open, unenclosed porches (not glassed in) may extend ten feet into a front yard.

(7) Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distance at least two feet from the adjacent side lot line. .

(8) No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a Residential District

(9) Accessory buildings must be located in a rear or side yard and may occupy up to 30% of rear and side yards, but may not exceed 1,500 sf.

(10) Any accessory building closer than ten feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.

(11) Except as provided under division (C) (12) below, an accessory building more than ten feet from a main building may be erected within two feet of a side or rear lot line, but must be located at least 60 feet from the front street line.

(12) Where a garage is entered from an alley, it must be kept ten feet from the alley line.

(13) On corner lots the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.

§ **156.08** **ZONING CODE** **36**
 § 156.08 DENSITY REGULATIONS.

(A) Minimum lot area width. The following minimum lot areas and lot widths must be provided in the districts indicated.

<u>District</u>	<u>Lot Width in Feet</u>	<u>Lot Area in Square Feet</u>	<u>Lot Area per family in Square Feet</u>
RC	200	435,600	435,600
RU	200	130,680	435,600
R-1	100	43,560	43,560
R-2	100	20,000	20,000
R-3	75	12,000	12,000
R-4	60	7,500	3,750
C-1	None	None	NA
C-2	None	None	NA
C-3	None	None	NA
C-4	None	None	NA
M-1	None	None	NA
M-2	None	None	NA
M-3	None	None	NA

(B) Exceptions to lot area and width requirements. The minimum lot area and lot width requirements established above may be modified as follows:

(1) Where a lot of record at the time of the effective date of this chapter has less area or width than that required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, the lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.

(2) (a) The number of permitted dwelling units for multiple dwellings may be increased in the following instances:

1. By 20% if architectural plans for the project are reviewed by a city appointed consulting architect and his recommendations followed with the cost of such review paid for by the applicant.

2. By 10% if soundproofing between apartments is provided at or in excess of an Impact Noise Rating (IN.R) of +5 as described in

the publication of the Federal Housing Administration entitled, "A Guide to Impact Noise Control in Multi-Family Dwellings", dated January, 1963.

3. By 5% if a landscaped buffer area not used for off-street parking, with a minimum depth often feet or a masonry wall six feet in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.

4. By 10% if the project provides at least two off-street parking spaces for each dwelling unit.

§ 156.09

ZONING CODE

37

5. By 5% if all the required parking spaces are enclosed or in an underground structure.

6. By 10% if the project includes a club, tennis court, swimming pool, or other major recreation facility occupying at least .2 of a square foot of land area for each square foot of floor area in the buildings.

7. By 5% if the buildings proposed in the project meet the requirements of the Department of Defense, office of Civil Defense and can be officially designated as fallout shelters having a capacity equal to or greater than the number of residents allowed in the project.

(b) The above percentages are to be applied individually and not cumulatively.

(3) Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

(C) Maximum floor area ratios. The following maximum floor areas ratios are established for certain permitted uses in specified districts.

(1) For residential, hotel, motel, and office building uses there shall be a maximum floor area ratio of 1.5 except that where the building is set back from one or more of the required yard lines the floor area of such building may be increased by six square feet of additional floor area for each square foot of additional area left open over and above the required front, side and rear yards required by §157.07.

(2) Maximum floor areas provided for in this section may be further increased by one square foot of floor area for each square foot of open space that is landscaped and planted and not paved.

§ 156.09 OFF-STREET PARKING AND LOADING REGULATIONS.

(A) Off-street parking requirements. Off-street parking spaces shall be provided as follows:

(1) Single-family and two-family dwellings. One space for each bathroom or fraction thereof in the dwelling unit.

(2) Multiple dwellings. One and two-tenths spaces for each dwelling unit.

(3) Rooming and boardinghouses, sororities, and fraternities. One parking space for each 200 square feet of floor area.

(4) Private club or lodge. One parking space for each 400 square feet of floor area.

§ 156.09 ZONING CODE 38

(5) Church or temple. One parking space for each four seats in the main auditorium.

(6) School. For high schools, colleges and universities, ten spaces per classroom; plus one for each five seats in the auditorium; for elementary schools two parking spaces per classroom plus one for each five seats in the auditorium.

(7) Hospital. Two parking spaces for each bed.

(8) Sanitarium or institutional home. One parking space for each three beds.

(9) Funeral homes. For each chapel 25 parking spaces plus one for each funeral home vehicle plus one for each family residing on the premises.

(10) Auditoriums, theaters, and other places of public assembly. One parking space for each five seats.

(11) Community center. Library, museum, or similar public or semipublic building. One parking space for each 300 square feet of floor area in the building.

(12) Hotel or motel. Five parking spaces plus one space for each sleeping room or suite.

(13) Medical office building. Buildings in which 20% or more of the gross area is occupied by members of the healing profession. One parking space for each 200 square feet of the gross area used for this purpose.

(14) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishments. Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

(15) All nonresidential buildings, except those above specified. One space for each 300 square feet of floor area.

(B) Rules for computing parking spaces. In computing the number of required off-street parking spaces the following rules shall apply:

(1) Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.

(2) Where fractional spaces result, the parking spaces required shall be the nearest whole number.

(3) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(4) Whenever a building or use constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use

§ 156.09

ZONING CODE

39

existing prior to the effective date of these regulations is reconstructed or is enlarged to the extent of 20% or more in floor area, the building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20% of the gross floor area shall be provided with parking based on the enlargement or change.

(C) Location of required parking spaces. All parking spaces required herein shall be located as follows: The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of the building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract on which the parking spaces are provided shall be restricted by an instrument of record describing the premises for which the parking is provided and assuring the retention of such parking so long as required by this chapter.

(D) Minimum improvements and maintenance standards. Parking lots and garages shall conform with the following improvement and maintenance standards.

(1) Such lot shall be surfaced either with concrete not less than six inches in thickness or with bituminous surface of not less than two inches in depth, or with any surfacing adjudged by the Commission to be equal or superior to either of these types.

(2) Adequate provisions shall be made for the disposal of storm water and shall insure that such water shall not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.

(3) The location and width of entrances and exits to and from the lot or garage shall be as determined by the Planning Commission, but there shall not be more than one entrance and one exit, or one combined entrance and exit, along anyone street unless same is deemed necessary by the Planning Commission for the alleviation of traffic congestion and interference of traffic movement along such street.

(4) The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by

painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, subject to the approval of the Planning Commission.

(5) Wherever the parking lots or garages are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All flood lights shall be shielded so that minimum glare will extend to adjacent property, subject to the approval of the Planning Commission.

§ 156.10 ZONING CODE 40

(6) A sign, the size and character of which shall be subject to the approval of the Planning Commission, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown on the sign.

(E) Off-street loading requirements. Off-street loading spaces shall be provided in accordance with the following requirements:

(1) Office buildings and hotels, one space for each 5,000 feet up to 50,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.

(2) Retail or service establishment or wholesale commercial use, one space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,000 to 100,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

(3) Manufacturing or industrial use, one space for each 5,000 to 25,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 25,000 square feet.

(4) No building or part thereof heretofore erected, which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this section.

§ 156.10 MOBILE HOMES NOT IN MOBILE HOMES PARKS.

(A) Mobile homes not in a mobile home park may be located in the following districts: R-4, if a conditional use permit is attained.

(B) Before a conditional use permit shall be issued by the Board of Commissioners, the following requirements must be met to qualify for conditional use:

(1) The mobile home must be HUD approved or have a state inspection sticker.

(2) One mobile home per lot.

(3) Yard requirements:

<u>Front</u>	<u>Side</u>	<u>Rear</u>
30 feet	15 feet total 5 feet one side	30 feet

(4) Density requirements:

<u>Districts</u>	<u>Width of Lot (feet)</u>	<u>Lot Area in Square Feet</u>
R-4	100	6,000

§ 156.10 ZONING CODE 41

(5) (a) Off-street parking requirements. One parking space shall be provided for each bathroom or fraction thereof in the mobile home.

(b) Density requirements may be waived by the Board of Adjustments for any lot that existed at the time the zoning ordinances became effective, provided the lot is of sufficient size to accommodate the mobile home and meet the yard and off-street parking requirements.

(6) The mobile home shall face a clear unoccupied space, driveway, roadway, or street.

(7) Anchor requirements. Length of Home

	<u>Up to 40 feet</u>	<u>41 to 60 feet</u>	<u>Over 60 feet</u>
Frame anchor per side	4	6	8
Over the top	2	3	3

Or the building code in force.

(8) Screening requirements. The open space beneath the mobile home shall be enclosed with a fire resistance material which shall render this area impervious to sight.

(9) Preexisting mobile homes.

(a) Those mobile homes not located in a mobile home park, existing at the time of the adoption of this chapter will be allowed to remain, but when the existing mobile home is moved, the new mobile home must conform to division (B) (1), (5), (7), and (8).

(b) Those not in R-4, District are declared nonconforming and are subject to §156.05 (B) zoning ordinance for the city.

(C) The Board of Commissioners, at its discretion, may make additional requirements they deem necessary.

(D) Mobile home or trailer shall mean a structure designed or used for residential

occupancy built on or having a frame or chassis to which wheels may be attached by which it may be moved on a highway, whether or not such structure actually, has at any given time, such wheels attached, or is jacked up or skirted.

(E) Before the Board of Adjustments grants the conditional use permit, it shall hold a public hearing and notify the adjoining property owners of the purpose of the hearing in order that the adjoining property owners will have a chance to be heard at the hearing.

(F) A fee of \$50 shall accompany each application for a conditional use permit. The fee shall not be refundable. (Ord. passed 5-5-90)

§ 156.11 ZONING CODE 42

§ 156.11 ADMINISTRATION.

(A) Board of Adjustment.

(1) A Board of Adjustment is created. Such Board shall consist of three members to be appointed by the Mayor with the approval of the " City Council of whom shall be residents and all of whom shall be persons with knowledge of construction, architecture, engineer, real estate, or law. The terms of all members shall be four years, except that of the members first appointed one shall serve for a term of two years, one shall serve for a term of three years, and one shall serve for a term of four years. Thereafter, appointment shall be for terms of four years. All members of the Board of Adjustment shall, before entering on their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within the district or county in which he resides. Any member of a Board of Adjustment may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Board of Adjustment shall submit a written statement to the Board setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustment, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the County Circuit Court in which he resides. Each member shall serve until his successor is appointed and qualified.

(2) The Board shall annually elect a chairman, vice-chairman, and secretary and adopt by-laws and rules in accordance with the provisions of this chapter. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Board shall keep minutes of its proceedings showing the vote of each member on each question or if absent or failing to vote, indicating such fact, and shall keep records to its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be taken by any person or entity claiming to be

injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer, by filing with the 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. Such appeal shall be taken within 60 days. The officer shall forthwith transmit to the Board all papers constituting the record on which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person appear and enter his appearance, and shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Ch. 424, as well as written notice to the appellant and the administrative official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing, in person or by attorney from the date such notice of approval is filed with the Board.

§ 156.11

ZONING CODE

43

(4) The powers of the Board are:

(a) To interpret the ordinance, being:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this chapter.
2. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this chapter.
3. To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown on the map fixing the several districts accompanying and made a part of this chapter where the street layout on the ground varies from the street layout as shown on the map aforesaid.

(b) To permit the following two exceptions:

1. Use of premises for public utility and railroad purposes or for a radio or television tower or broadcasting station.
2. Reconstruction of a nonconforming building that would otherwise be prohibited by §156.05 (B) (5), where such action would not constitute continuation of a monopoly.

(c) To permit the following two variations:

1. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this chapter would prevent a reasonable or sensible arrangement of buildings on the lot.
2. Vary the parking regulations where an applicant demonstrates

conclusively that the specific use of a building would make unnecessary the parking spaces required by this chapter, but providing that such a reduction not be more than 50% of the usual requirement.

(d) To grant conditional use permits:

1. To hear and decide on applications for conditional use permits specifically listed in the district regulations of this chapter. Before authorizing the issuance of such a conditional use permit, the Board may impose such Conditions as will, in the Board's judgement, insure that:

§ 156.11

ZONING CODE

44

2. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

5. Adequate utilities access roads, drainage, or other necessary facilities will be provided.

6. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

7. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the conditional use.

(B) Enforcement.

(1) An Administrative Office shall be appointed by the City Council, which officer shall serve at the pleasure of the Council.

(a) Duties. It shall be the duty of the Administrative Officer to enforce this chapter. The Administrative Officer shall receive applications required by this chapter, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and

maintenance of buildings and structures except as may be otherwise provided for. He shall, by the Mayor or Council or when the interests of the municipality so require, make investigations in connection with matters referred to in this chapter and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.

(b) Inspections. Inspections shall be made by the Administrative Officer or a duly appointed assistant.

(c) Rules. For carrying into effect its provisions, the Administrative Officer may adopt rules consistent with this chapter.

§ 156.11

ZONING CODE

45

(d) Records. The Administrative Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Administrative Officer.

(e) Cooperation of other officials. The Administrative Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the engineer in fixing grades, of the city police in enforcing orders, of the attorney in prosecuting violations, and of other officials.

(2) Permits.

(a) When required. It shall be unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure, without first filing with the Administrative Officer an application in writing and obtaining a formal permit.

(b) Form. An application for a permit shall be submitted in such form as the Administrative Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized by the owner to make such an application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Administrative Officer for an

intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.

(c) Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details, as the Administrative Officer may require.

(d) Plot diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolished,

and of all existing buildings prepared by, and signed by, a registered surveyor, engineer, or architect.

(e) Amendments. Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

(f) Completion of existing buildings. Nothing contained in this chapter shall require any change in the plans, construction, size, or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this chapter, provided, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two years after the effective date of this chapter.

(g) Action on application. It shall be the duty of the Administrative Officer to examine applications for permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

(h) Approval in part. Nothing in this section shall be construed to prevent the Administrative Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of the building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this chapter.

(i) Condition of the permit. All work performed under a permit issued by the Administrative Officer shall conform to the approved application and plans, and approved amendments thereof. The location of all new

construction as shown on the approved plot diagram, or an approved amendment thereof: shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot of plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(j) Signature to permit. Every permit issued by the Administrative Officer under the provisions of this chapter shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

§ 156.11

ZONING CODE

47

(k) Limitation. A permit under which no work is commenced within one year after issuance shall expire by limitation.

(l) Posting of permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Administrative Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Administrative Officer shall be given at least 12 hours notice of the starting of work under a permit.

(m) Revocation. The Administrative Officer may revoke a permit or approval issued under the provision of this chapter in case there has been any false statement or misrepresentation as to a material filed in the application or plans on which the permit or approval was based.

(n) Certificate of occupancy for a building. No building shall be occupied before a certificate of occupancy has been issued. Certificate of occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and the certificate shall be issued within three days after the request for same shall have been made in writing to the Administrative Officer after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Administrative Officer for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relation to the use or occupancy of the premises or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(o) Certificate of occupancy for land. Certificate of occupancy for the use

of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(p) Content of certificate of occupancy. Certificate of occupancy shall state that the building and health laws and of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charges for a certificate of occupancy.

§ 156.11

ZONING CODE

48

(q) Certificate of occupancy for nonconforming uses. A certificate of occupancy shall be required of all nonconforming uses. Application for such certificate for nonconforming uses shall be filed within 12 months from the effective date of this chapter.

(r) Excavation permit. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

(C) Boundaries of districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map accompanying and made a part of this chapter, the following rules apply.

(1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by streets or alley lines, the street or alley shall be construed to be the boundary of the district.

(2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the district map accompanying and made a part of this chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(3) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this chapter shall be determined by use of the scale appearing on the map.

(D) Interpretation. In interpreting and applying the provision of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this chapter imposes a greater restriction, this chapter shall control.

(E) Amendment.

(1) The City Council may, from time to time, on its own motion or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. Before acting on any amendment or change the matter shall be referred to the Planning Commission for study and report. The Commission shall hold a public hearing on the proposed amendment or change after notice as required by KRS Ch. 424. If no report is received from the Commission in 60 days, it may be assumed that the Commission has approved the amendment.

§ **156.12** **ZONING CODE** **49**

(2) Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of \$50 to cover the approximate cost of this procedure and under no condition shall the sum or any part thereof be refunded for failure of the change to be adopted.

§ 156.12 INTERPRETATION AND CONFLICT.

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of these regulations, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with these regulations; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; however, where these regulations impose a greater restriction on the use of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of these regulations shall control.

§ 156.13 FEES.

A fee shall accompany each application for the following in the amounts shown:

(A) New construction building permits.

(1) Residential:

(a) Single-family:

1. Less than 1,300 square feet of floor space, \$50.
2. 1,300 or more square feet of floor space, \$100, plus \$10 for each

100 square feet or fraction thereof over 1,300 square feet with a maximum of \$200.

(b) Multi-family:

1. Two-family unit, \$100.
2. Each additional unit under same root: \$25.

(2) Commercial:

- (a) Less than 5,000 square feet of floor space, \$100.
- (b) 5,000 or more square feet of floor space, \$100, plus \$10 for each 1,000 square feet or fraction thereof over 5,000 square feet.

§ 156.13 ZONING CODE 50

(3) Industrial:

- (a) Less than 10,000 square feet of floor space, \$200.
- (b) 10,000 or more square feet of floor space, \$200, plus \$10 for each 1,000 square feet or fraction thereof over 10,000 square feet.

(B) Remodel building permits.

(1) Residential:

- (a) Single-family, structural alteration, room addition, carport, garage, porch addition or enclosure, swimming pool, and any other construction that extends into the yard area, \$25.
- (b) Multi-family (each unit), structural alteration, room addition, carport, garage, porch addition or enclosure, swimming pool, and any other construction that extends into the yard area, \$25.

(2) Commercial and industrial. Structure alteration, addition, utility building, and any other construction that extends into the yard area, parking lot or loading and unloading zone, \$50, plus \$10 for each 1,000 square feet or fraction thereof added over 5,000 square feet.

(C) Other fees.

- (1) Request for zoning amendment, \$100, plus \$75 for each public hearing required.
- (2) Request for conditional use permit, \$40, plus \$25 for each public hearing required.
- (3) Request for dimensional variance, \$40, plus \$25 for each public hearing required.
- (4) Request for mobile home permit (outside city), \$40, plus \$25 for each public

hearing required.

(5) Request for any city utility outside city limits, \$25.

(6) Subdivision plat:

(a) Minor plat, \$35 for three or less lots and \$60 for four or more lots.

(b) Preliminary plat review, \$85, plus \$1 for each lot.

(c) Final plat review \$65, plus \$1 for each lot

(7) The fees listed under other fees shall not be refunded.

§ 156.99 ZONING CODE 51

(D) Building permit fees may be waived by the City Council on federally sponsored projects and church groups.

§ 156.99 PENALTY.

Any person or entity who violates any of these regulations shall on conviction be fined not less than \$10 but not more than \$500 for each conviction. Each day of violation shall constitute a separate offense.

AN ORDINANCE IN THE MATIER OF ADOPTING
A ZONING ORDINANCE
PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING
A PENALTY FOR VIOLATION THEREOF

BE IT ORDAINED BY THE CITY OF HANSON, KENTUCKY, AS FOLLOWS:

That the City has adopted a Zoning Ordinance which provides for the regulation of land use within the City of Hanson, Kentucky, the enforcement thereof, all as set forth in the Zoning Ordinance, copy of which is attached hereto as if fully and completely copied in this Ordinance as adopted.

Upon motion made by Mayor Mickey DeMoss and seconded by Commissioner Young, the following Ordinance was adopted:

This Ordinance adopting a Zoning Ordinance was first read on 7-31, 2000, and adopted and enacted on this the 4th day of August, 2000.

Mickey DeMoss, Mayor

ATTEST:

SUBSURFACE OVERLAY VERIFICATION FORM

City of Hanson

Verification No. _____ Date _____

Mining or Production Company Name: _____

Contact Person: _____ Phone No. _____

Address _____

Surface Property Owner's Name _____ Phone No. _____

Surface Property Owner's Address _____

Subject Property's Location _____

The following documents must be provided with verification form:

1. A copy of a portion of the KDMRE MRP and Subsidence Control map or the Division of Oil & Gas map covering the subject parcel and adjacent properties within 200 feet of the boundary of the subject parcel.
2. A copy of the aerial PVA map depicting subject property.
3. A lease or other written consent of the surface property owner(s).

Present Zoning _____ PVA (Property Valuation Administrator) Parcel No. _____

Describe the project:

I do hereby agree that the information provided herein is both complete and accurate, to the best of my knowledge.

Date: _____ Signed: _____

FOR OFFICIAL USE ONLY

Date Submitted: _____

Received By: _____

Reviewed By: _____

Date Verified: _____.