

ZONING ORDINANCE

for

HARTFORD AND BEAVER DAM, KENTUCKY

Final Draft Recommended for Adoption by the  
Hartford/Beaver Dam Joint Planning Commission on:

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Hartford City Council

Beaver Dam City Council

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TITLE:

Zoning Ordinance for Hartford and Beaver Dam, Kentucky

SUBJECT: Zoning Ordinance

DATE: , 1991

LOCAL PLANNING AGENCY: Hartford/Beaver Dam Joint Planning Commission

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PURPOSE: The purpose of these regulations is to promote the public health, safety and the general welfare; to prevent the overcrowding of land and the wasteful scattering of population, to avoid undue concentration of the population; to protect and guide development of rural areas; to insure adequate provisions for transportation, water supply, sewage disposal, schools, parks, open space, natural areas and other public requirements; to encourage the most appropriate use of land and structures throughout the cities of Hartford and Beaver Dam; to guide and accomplish a coordinated, adjusted, and harmonious development of all areas of the cities; and to aid in the implementation of the Comprehensive Plan.

PREAMBLE

An ordinance of the cities of Hartford and Beaver Dam, Kentucky, enacting zoning regulations in accordance with the provisions of K'S 100, dividing the cities of Hartford and Beaver Dam into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing for the compatibility of different land uses with the most appropriate use of land, providing for the administration of this ordinance; defining the powers and duties of the administrative officer as provided hereinafter, and prescribing penalties for the violation of the provisions of this ordinance or any amendment thereto; all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof.

Therefore, be it ordered and ordained by:

City Council of Hartford  
City Council of Beaver Dam

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ARTICLE I  
TITLE, INTERPRETATION, AND ENACTMENT

100     Title

This ordinance shall be known and referred to as the "Zoning Ordinance for the Cities of Hartford and Beaver Dam, Kentucky." It may be cited as the "City Zoning Ordinance."

The maps referred to herein are entitled the "Zoning Map for the City of Hartford, Kentucky and the "Zoning Map for the City of Beaver Dam, Kentucky." They may be cited as the "Hartford Zoning Map" and the "Beaver Dam Zoning Map."

Certified copies of this ordinance and these maps are on file with the Hartford and Beaver Dam City Clerks' Offices and the Ohio County Clerk's Office.

110     Authority

Authority for this Ordinance is granted by the Kentucky Revised Statutes, Section 100.201 through Section 100.271. The Joint Planning Commission, the Hartford City Council, and the Beaver Dam City Council have fulfilled the requirements set forth as prerequisite to the adoption of this Ordinance.

120     Goal and Objective

The goal of this Ordinance is to establish a program of land protection for the Cities of Hartford and Beaver Dam. The objective of this ordinance is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdiction of the Cities of Hartford and Beaver Dam.

130     Purpose

The land protection regulations and districts set forth herein have been made in accordance with the Hartford/Beaver Dam 1991 Comprehensive Plan prepared by the Joint Planning Commission to:

- a. Promote the general welfare, health, safety and convenience of the citizens Hartford and Beaver Dam.

- b. Execute the provisions of the Hartford/Beaver Dam 1991 Comprehensive Plan regarding growth and development in Hartford and Beaver Dam and the areas immediately surrounding the cities' city limits, to ensure suitable and satisfactory arrangements between the various types of land use.
- c. Lessen traffic congestion and secure safety from fire, flood and other dangers in the Cities of Hartford and Beaver Dam.
- d. Provide adequate light and air while preventing the encroachment of undesirable noise, odor, glare, and vibration.
- e. Facilities the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land in the Cities of Hartford and Beaver Dam.

140 Jurisdiction

This Ordinance shall apply to all lands within the corporate limits of the Cities of Hartford and Beaver Dam.

150 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this ordinance differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern.

160 Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid.

170 Repeal of Conflicting Resolution and Ordinances, Effective Date

All ordinances, resolutions, or parts of same in conflict with this Zoning Ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. Any previously adopted ordinance entitled Zoning Ordinance for the Cities of Hartford and/or Beaver Dam, Kentucky, together with all amendments thereto, is hereby repealed, and declared to be of no effect. This ordinance shall become effective from and after the date of its approval and adoption as provided by law.

180 Continuity

Nothing in this Ordinance shall change the effective date of a violation of any provision of any previously adopted Zoning Ordinance that continues to be a violation of any provision of this ordinance.

ARTICLE II  
TERMS AND DEFINITIONS

Unless the text otherwise requires, the following definitions shall be used in the interpretation of this ordinance. words which are defined are those having special or limited meanings in this ordinance. Words with self evident meanings are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred: the word "building" includes the word "structure": the word "lot" includes the word "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by the Ordinance. These definitions shall first be used in the interpretation of any words or phrases used in this Ordinance.

If there should be conflict between these definitions and the text of this Ordinance the definitions shall prevail. Any words or phrases not defined in this Ordinance shall be given the definition provided in K'S Chapter 100 or K'S 219. Words neither defined in this Ordinance nor K'S 100 and K'S 219 shall be given their ordinary meaning and usage.

1. Accessory Use of Structures

Any use or structure subordinate to the principal use or structure located on the same lot serving

a purpose customarily incidental to the use of the principal structure or the land use.

2. Administrative Officer

The Administrative Officer is that individual who shall be appointed by the legislative bodies of Hartford and Beaver Dam to administer this Ordinance. This officer may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, Zoning Administrator or various other titles descriptive of his work. This position may be filled by more than one (1) person.

3. Agricultural Use

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

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4. Alley

Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

5. Alteration

Any change or addition to the supporting members or foundation of a building or other structure.

6. Apartment

A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

7. Approving Authority

The Hartford/Beaver Dam Joint Planning Commission unless a different agency is specifically designated by ordinance.

8. Automotive Repair, Major

Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

9. Automotive Repair, Minor

..... Incidental minor repairs, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including any operation named under "Automotive Repair, Major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

10. Automotive Wrecking

The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

11. Basement

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

12. Billboard  
A sign or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted sold or offered upon the premises upon which the sign is located.
13. Board  
The Board of Adjustment for the city of Hartford and/or the city of Beaver Dam.
14. Boarding or Lodging  
A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.
- 14a. Building, Height of  
Is the use of a home as a temporary abode for traveling persons who need over night lodging. Breakfast and other meals may be served to registered house guests only. Extended residency or extensive services that are customary to boarding houses, hotels, apartments or restaurants are excluded
15. Building  
Any structure having enclosed space and a roof, used or intended to be used for the shelter of persons, animals or property.
16. Building, Height of  
The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
17. Building Line  
The line beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.
18. Buildable Lot Area  
The part of a lot not included within the open areas required by this Ordinance.
19. Building Permit  
A permit issued by the Administrative officer authorizing the construction or alteration of a specific building on a specific lot.

20. Certificate of Occupant

A certificate issued by the Administrative Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy. A Certificate of occupancy is also required in compliance with Chapter III, Section 320 (a).

21. Clinic

A place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

22. Commercial Floor Area

Building floor area devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

23. Common Open Space

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development.

Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

24. Commission, Planning

The Joint Planning Commission of Hartford and Beaver Dam, Kentucky.

25. Comprehensive Plan

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.

26. Conditional Use

A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.

27. Conditional Use Permit

Legal authorization to undertake a conditional use, issued by the Board of Zoning Adjustment, consisting of two parts:

- a. A statement of the factual determination of the Board of Zoning Adjustment, which justifies the issuance of the permit; and
- b. a statement of the specific conditions which must be met in order for the use to be permitted.

28. Consolidation

The joining together of two or more contiguous lots for the purpose of sale, lease or building development.

29. Convalescent or Nursing Home

(3) An establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

Hospital

or sanatorium shall not be construed to be included in this definition.

30. Court

An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

31. Consumer Services

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

32. City Council

Legislative body for the Cities of Hartford and/or Beaver Dam, Kentucky; includes the term "City Commission".

33. Coverage

The percentage of the lot area covered by the building including all overhanging roofs.

34. Development Plan  
A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).
35. Developer  
The legal or beneficial owner or owners of all land proposed to be included in a development including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.
36. District  
An area or zone of the municipalities for which regulations governing the use of premises and structures or the height and area of buildings are uniform.
37. Driveway, For One-and Two-Family Dwellings  
A private paved vehicular access not covering more than 50% of the required front or side-street side yard or extending on the shortest reasonable path through the front yard or side street side-yard to the required off-street parking area. All other areas paved for vehicular use within any front or side-street side yard shall be considered additional parking and be subject to the area limitation requirements of this Zoning ordinance.
38. Dwelling  
A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, motel, or mobile home.
- a. Dwelling Group  
A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- b. Dwelling, Multi-Family  
A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

c. Dwelling, Single-Family

A building or occupied exclusively for residential purposes by one (1) family.

d. Dwelling, Two-Family

A building designed to be occupied by two families living independently of each other, commonly known as a duplex.

e. Dwelling Unit

One or more rooms designed for or used by one (1) family for living or sleeping purposes and having one (1) kitchen or kitchenette.

39. Easement

A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

40. Entertainment, Live

Any performance at a restaurant, lounge, or club by any person, including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event.

Live entertainment includes, but is not limited to, singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

41. Family

A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit and using common cooking facilities, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

42. Filing

Filing with the County Court Clerk of Ohio County unless a different county official is designated by ordinance.

43. Final Approval

The official action of the planning commission taken on a final plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required

improvements have been installed or guarantees properly posted for their completion.

44. Floor Area, Total

The area of all floors of a building measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings including finished attics, finished basements and covered porches.

45. Garage Private

A detached accessory building or a portion of the principle building used by the occupants of the premises for the shelter or storage of vehicles privately owned or operated by the occupants of the principal building. Repair of motor vehicles is not included nor is it implied; however repair of the owner/occupant's private vehicle is not excluded.

46. Garage Public

A building or structure used for the parking of vehicles on an intended profit basis.

47. Governing Body

The chief legislative body of the Cities of Hartford and/or Beaver Dam , and/or Ohio County.

48. Height of Structure

See "Building, Height of".

49. Home Occupation

An Occupation or profession as specified in the residential districts' descriptions in Article V, carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes; and meeting the following requirements: the use is carried on only by the residents of the dwelling, with no more than one non-resident employee or agent; no commodities are sold except as produced on the premises, there is no display of merchandise and no external alteration of the dwelling except one non-illuminated sign two (2) square feet in area attached to the main building; and the use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.

50. Home Occupation, Agricultural

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

- a. No more than three (3) persons other than members of the family residing on the premises shall be engaged in such occupation;
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, not exceeding eight (8) square feet in area, and not placed in such a manner as to create a traffic visibility problem or obstruction; and
- c. That the use is clearly incidental and subordinate to the land's principal agricultural use.

51. Hospitals or Sanatorium

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes are not included.

52. Industry, Heavy

Those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

53. Industry, Light

Those industries whose processing of products results in none of the conditions described for heavy industry.

54. Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel

materials and equipment; but not including such uses when conducted entirely within a completely enclosed

building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

55. Kennel, Commercial

A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

56. Kennel, Noncommercial

A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

57. Land Use Plan

Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community should use its public and private land.

58. Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

59. Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory building, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the Ordinance and having frontage on a public street. Agricultural tracts are not included.

60. Lot Area

The computed area contained within the lot lines.

61. Lot, Corner

A lot abutting and situated at the intersection of two streets.

62. Lot Depth

The mean horizontal distance between the front and rear lot lines.

63. Lot, Interior

A lot other than a corner lot.

64. Lot Lines

The property lines bounding a lot.

a. Lot Line, Front: The property line separating the lot front and the street.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

65. Lot, Through

A lot having frontage on two parallel or approximately parallel streets.

66. Low Width

The mean width of the lot measured at right angles to its depth.

67. Lot of Record

Recorded lot on file in the County Court Clerk's Office.

68. Manufactured Home

See Article IX for definitions of Type I, II, and III Manufactured Homes.

69. May

A map of the jurisdiction indicating district according to this Ordinance.

70. Mobile Home or Trailer

See definitions relating to the three types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

71. Mobile Home Park or Trailer Park

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of this ordinance as specified in Article IX.

72. Motel or Motor Hotel

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

73. Municipality

Any incorporated city, borough, town, township, or village..

74. Municipal Authority

The City Councils of Hartford and/or Beaver Dam, Kentucky.

75. New Merchandise

Finished products purchased for the purpose of re-sale.

76. Nonconforming Use or Structure

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

77. Open Space

Any parcel of area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas be improved with only those

buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

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78. Parking Space

A permanent area not less than 9 feet x 18 feet in residential zones, either in an enclosure or in the open, exclusively for the parking of a motor vehicle.

A permanent area in commercial and industrial zones not than 10 feet x 18 feet for perpendicular parking and not less than 9 feet x 18 feet for angular parking at 45 degrees, either enclosed or in the open exclusively for the parking of a motor vehicle.

79. Plan

The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and facilities. The phrase “provisions of the plan” when used in this act shall mean the written and graphic materials referred to in this definition.

80. Planned Unit Development

An area with a specified minimum contiguous acreage of 10 acres to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning Ordinance.

81. Planned Unit Residential Development

An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

82. Planning Commission

The Hartford/Beaver Dam Joint Planning Commission as established pursuant to Chapter 100 of the Kentucky Revised Statutes.

83. Plat

A map or maps of a subdivision showing lot lines therein.

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84. Principal Use of Structure

The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

85. Preliminary Approval

The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plat have been agreed upon by the planning commission.

86. Premises

A lot or other tract of land under one ownership and all the structures on it.

87. Public Open Space

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state, county or city agency, or other public body for recreational or conversational uses.

88. Residential Cluster

An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

89. Residential Unit

Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

90. Setback Line

The distance between a given lot line, easement, or right-of-way line and any structure – front, rear, or side as specified.

91. Sign

A sign which directs attention to a business, profession, product, activity or entertainment sold or offered upon the premises where such a sign is located.

- a. Sign, Flashing: A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather, or other similar public service information.

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shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.

- b. Sign, Identification: A non-illuminated sign which indicates only the name, address and nature of the business which is operating as a legal home occupation on said premises. Said sign being placed flat against the building and not exceeding two (2) square feet in area.
- c. Sign, Illuminated: Signs which are artificially lighted by direct or indirect lighting.
- d. Sign, Off Premises Advertising: A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located (see billboard).
- e. Sign, Portable: Any name, identification, description, display illustration or device which is not permanently affixed, which directs attention to a product, activity, person, institution or business. Maximum sign area for such device shall be forty square feet.
- f. Sign, Real Estate: Any non-illuminated sign not over ten (10) square feet in area, advertising the sale, leasing, or rental of the premises on which said sign is located.
- g. Sign, Revolving: A sign or constant illumination, the information area of which is not kept fixed in position.

92. Site plan

A development plan of one or more lots on which is shown (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed decision.

93. Story

That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

94. Street

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue,

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drive, circle, road, parkway boulevard, highway, thoroughfare or similar term (See Hartford/Beaver Dam, Subdivision Regulations for further detail).

95. Structure

A series of units combined or arranged by man or nature that constitutes a unified body. More specifically a house, tent, wall, fence, tree, hedge, or device.

96. Subdivision

The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into

lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

97. Subdivision Regulations

The regulations governing the subdivision of land within the cities of Hartford and Beaver Dam and any designated extraterritorial jurisdiction as adopted by the Hartford/Beaver Dam Joint Planning Commission.

98. Surface Mining/Strip Mining

The breaking of the soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include the extraction of coal by a land owner for his own non-commercial use from land owned or leased by him; the extraction of coal as an individual part of federal, state or local government financed highway or other construction under regulations established by the department nor shall it include the surface effects or surface impacts of underground coal mining.

99. Variance, Dimensional

A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departures will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of actions of the applicants the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

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100. Yard

An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

- a. Yard, Front: That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.
- b. Yard, Rear: That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.
- c. Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot line.

Yard Sales

101. The short term use of a yard, lot, garage, or porch in a residential zone for the sale or trading of new and used merchandise. New merchandise shall not constitute more than 10% of the total merchandise offered for sale. Temporary portable structures shall not be installed to house the merchandise. The use of yard, lot, porch or garage for this purpose for any period exceeding four (4) consecutive days within a month or more frequently than four (4) times in one year will be considered a commercial enterprise and will require appropriate zoning and compliance with other Articles in the Planning Zoning Ordinance. Enforcement regulations as found in Article 891 "Temporary Business" shall apply.

ARTICLE III  
ADMINISTRATIVE OFFICER AND ENFORCEMENT

300 Administrative Officer

Provisions of this Ordinance shall be enforced by an Administrative Officer(s) who will be hired by the Planning Commission with the approval of the City Council(s) to administer said Ordinance. The Administrative Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation the Chief of Police and/or County Sheriff's office in enforcing orders, of the City and/or County Attorney in prosecuting violations, and of other officials.

The Administrative officer as agent for the Commission, may be delegated the authority to act for and on the behalf of the Commission in all matters pertaining to the zoning Ordinance, except those acts that are precluded by statute or by this Ordinance.

All applications required herein will be initiated through the Administrative Officer. All applications that require Board of Adjustment approval will be forwarded to the Board(s) with available materials, recommendations, explanations, and/or statements that may be appropriate to the situation or condition. Copies of all Board decisions will be sent to the Administrative officer who will implement the decisions of the Board(s) if implementation is required. A copy of such documents will be placed in the applicant's file.

The Administrative officer shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this Ordinance, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this Ordinance.

The Administrative Officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative Officer finds any provisions of the Ordinance being violated, the person or persons responsible for such violations shall be notified by the Administrative Officer through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.

Any permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

The Administrative Officer shall be required to inform and/or report his actions to the

Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

### 310 BUILDING PERMITS

It shall be unlawful to commence the excavation for, or the construction of, or to commence the moving, alteration, or demolition of any building including accessory buildings, until the Administrative Officer has issued a building permit for such work.

Building permits shall be required for all structures with a roof, as well as walls, patios, and decks. Trees or shrubbery that are planted within twenty (20) feet of streets, roadways, or alleys will require a permit and must be in conformity with Article 810-6. No fee will be charged for permits involving trees or shrubbery. Dog houses with less than 18 square feet of floor area and less than 4 feet in height shall be exempt from building permit requirements, provided that all required yards and set-backs for accessory buildings are maintained, and provided that all dog houses with a related run or penned enclosures must obtain a permit.

#### 310-a SITE PREPARATION

A permit shall be required for any site preparation that is done for the purpose of erecting business structures or for multiple housing. Included but not limited to; moving or removal of unwanted structures, installing components necessary to the construction process; moving of earth such as grading, draining and filling. Application for a permit must be made at least twenty (20) days prior to any activity toward actual site preparation. Plans of the proposed structure(s) including topography and contour maps must be a part of the application process. A building permit is required in addition to the site preparation permit. The Hartford/Beaver Dam Planning Zoning Commission will set appropriate fees for site

#### 310-b RESPONSIBILITY FOR PERMIT AND NON-CONFORMING ACTS

Persons, corporations, or entities that engage in site preparation, building or moving and or setting up structures, demolition or removal of structures, or orders or causes any of such actions, shall be held jointly and severally responsible for securing a required permit for such action(s) and for the payment of any penalty that may be added for failure to secure a permit. Such persons corporations or entities shall also be held jointly and severally responsible for the correction of actions that result in the placement of structures in non-conformity with this ordinance.

No building permit or certificate of occupancy shall be required in the following cases:

- a. Recurring maintenance work
- b. Installation of required improvements according to an approved subdivision plat

320. Procedure

- a. **Application:** In applying to the Administrative Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures, the use of structures, yard depths, and any other information necessary for determining compliance with this order. The City Water and Wastewater Office's or the County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to Section 880 of this Ordinance.
- b. **Issuance:** If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative Officer shall issue a building permit authorizing such construction of alteration fails to conform the Administrative Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.
- c. **Restraint of Construction Without Permit:** If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.
- d. **Validity:** The issuance of a building permit shall not waive any provisions of this regulation.
- e. **Duration:** A building permit shall become void one (1) year from the date of issuance unless substantial

progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without a fee upon review by the Administrative Officer before it becomes void.

330 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this regulation. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof, are found to conform to the provisions of these regulations; or ; if such certification is refused, to state refusal, in writing with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application.

330-a

The Administrative Officer may elect to forgo the requirement of an Occupancy Certificate for residential structures when the Administration Officer is satisfied that no rules of regulations of Planning Zoning have been violated; or for businesses that are obviously compatible with other businesses in the area and with the general neighborhood.

340 Enforcement by Commission

The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates the provisions of this Ordinance.

350 Enforcement

- a. Correction Period: All violations of this Ordinance shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative Officer or in such longer period of time, not exceeding six (6) months, as the Administrative Officer may determine. A violation not corrected within the allowed time for correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.
- b. Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Administrative Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this Ordinance shall be guilty of Class B misdemeanor.

- c. Remedies: The Administrative Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this ordinance.

360 Penalties

Any person who violates any of the provisions of the Zoning Ordinance for which no other penalty is provided, shall upon conviction be fined not more than \$250.00 for each conviction. Each day of violation shall constitute a separate offense.

Any person, owner or agent involved in the sale or transfer of a lot or parcel and who violates this Ordinance shall, upon conviction, be fined not less than \$100.00 nor more than \$250.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Any corporation which violates any of the provisions of the Zoning Ordinance shall upon conviction be fined not more than five thousand dollars for each conviction. Each day of violation shall constitute a separate offense.

370 Fee Schedule

The Hartford/Beaver Dam Joint Planning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrative Officer, and may be altered or amended only by official action of the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

## BOARD OF ADJUSTMENT

### 400 Establishment of Board

Two Boards of Adjustment shall be established before the City Zoning Ordinance shall be legally enforced. Each Board shall consist of three citizen members, two of whom may be citizen members of the Planning Commission. A "citizen member" means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the City Council or Fiscal Court. The term of office for members of the Boards shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve two, three, and four years respectively. Vacancies on the Boards shall be filled within sixty days by the respective legislative body. If the appropriate Mayor fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

All members of the Boards shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before a judge, county judge-executive, notary public, clerk of a court, or justice of the peace of Ohio County.

Reimbursement for expenses or compensation or both may be authorized for members of the Boards.

Any member of the Boards may be removed by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority who exercises the power to remove a Board member shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the Circuit Court of Ohio County.

Each Board shall annually elect a chairman, vice-chairman, and a secretary and any other officer it deems necessary. Any officer shall be eligible for re-election at the expiration of his term.

### 410 Meetings of Board, Quorum, Minutes, Bylaws

The Boards shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the

board at least seven days prior to the meeting which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.

A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

The Boards shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the board and shall be available to the general public. A transcript of the minutes of the Board shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

#### 420 Other Rights and Powers of Board

- a. The Boards of Adjustment may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
- b. The Boards shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out its duties.
- c. The Boards shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board, compel obedience to such court or such subpoena by proceedings of contempt.
- d. The Chairman of the Boards shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

430 Conditional Use Permits

The Boards shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the Zoning Ordinance which may be suitable only in specific locations in the district only if certain conditions are met.

- a. The Boards may approve, modify or deny any application for a conditional use permit. Before granting any such permits, the Boards are required to consider the comments of all adjoining property owners. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Boards' minutes and on the conditional use permit, along with a reference to the specific section in the Zoning Ordinance listing the conditional use under consideration. The Boards shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the Boards shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
- b. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.
- c. In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- d. The Administrative Officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure

where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative Officer shall state conditions on the conditional use permit, and copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board. If the Board finds that the facts alleged in the report of the Administrative Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Administrative officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

- e. Once the Board has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative Officer upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in K'S 100.237. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

440 Dimensional Variances

The Boards shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this Ordinance or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this Ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same district. The Boards may impose any reasonable conditions or restrictions on any variance it decides to grant.

Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

- a. The specific conditions in detail which are unique to the applicant's land and which do not exist on other land in the same zone.
- b. The manner in which the strict application of the provisions of the Ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Ordinance.
- d. Reasons that the various will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.
- e. Consideration of all adjoining property owner's comments regarding the variance request.

The Board shall not possess the power to grant a variance to permit a use of any land, building or structure which is not permitted by the Ordinance in the district in question, or to alter density requirements in the district in question.

A variance shall not be granted that will permit placement of any structure closer than six feet to a property line. Measurement will be made from that part of a structure that is nearest to the property line.

A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land, but it cannot be transferred by the applicant to a different site.

450 Recording of Variances and Conditional Use Permits

All variances and conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the Office of the County Court Clerk.

460 Existing Nonconforming Use, Continuance, Change

The lawful use of a building or premises, existing at the time of the adoption of the Zoning Ordinance affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided herein (See Article V for details).

The Boards of Adjustment shall not allow the enlargement or extension of a non conforming use beyond the scope and area of it's operation at the time the Ordinance, which makes it's use nonconforming, was adopted. Nor shall the Boards permit a change from one nonconforming use to any other nonconforming use. (subject however, to the provisions of Article IX 900-3 as amended).

10/24/96

470 Administrative Review

The Boards shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative Official in the enforcement of this ordinance. A request for review shall be taken within thirty days after the applicant or his agent receives notice of the action alleged to be in error.

480 Procedure for All Appeals to Boards

Appeals to the Boards may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any officer enforcing this Ordinance. Such appeal shall be taken within thirty days after the appellant or his agent receives notice of the action appealed from by filing with said officer and with the appropriate Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given opportunity to be heard.

The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative Official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal from the action to the circuit court of the county in which the land lies.

All appeals shall be taken in the circuit court within thirty (30) days after the action or decision of the Planning Commission or Board of Adjustment and all decisions which have not been appealed within thirty days shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

ARTICLE V  
NONCONFORMING LOTS, STRUCTURES, AND USES

500 Intent

It is the intent of this ordinance to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

510 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single family dwelling and permitted accessory uses, including manufactured and certified mobile homes as permitted in Article IX, may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

520 Non conforming Uses of Land and Structures

Where, at the time of passage of this ordinance, the lawful use of a building or premises exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal with the following exceptions:

- a. A non-conforming use shall not be extended, enlarged or moved to occupy any portion of land or structure except in conformity with this Ordinance with the exception that manufactured homes (mobile Homes) may be extended, enlarged or replaced so long as such change(s) will not be in violation of other regulations or standards as outlined in this ordinance.
  
- b. A non-conforming use shall not be re-established after discontinuation for a period of one year unless it is determined by the Board of Adjustment that the proposed use is a similar use and that the proposed use will be of benefit to the neighborhood. Vacating of premises or building or non operative status shall be evidence of a discontinued use

- c. A nonconforming structure damaged to an extent greater than fifty percent of the current replacement value may be repaired and restored only to a structure and use conforming to the provisions of the Ordinance; provided, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage is due to fire or natural causes and if rebuilt within twelve months of the date of the damage. Manufactured and certified mobile homes are only to be placed on lots in conformance with Article XI, (subject to the provisions of IX 900 3, as amended). Restoring to a safe condition of any structure declared to be unsafe by any public official shall not be prohibited by this regulation.
- d. A nonconforming or noncertified mobile or manufactured home, as defined in Article IX, shall not be sold for use upon the same property or re-rented unless until it is upgraded to the standard required for the zone in which it is located. This prohibition shall not be applicable to any mobile home existing on the effective date of this ordinance).
- e. All nonconforming uses shall be changed on to a similar nonconforming use or to a conforming use; (subject however, to the provisions of Article IX 900 3 as amended) provided, however, that dimensional variances may be granted where required.
- f. An owner claiming a continuing nonconforming use shall bear the burden of showing that said use was in existence as of the effective date of this ordinance and has not been discontinued for a period of one (1) year since the said effective date. An owner may register a continuing nonconforming use with the Administrative/Enforcement Officer within twelve (12) Months of the adoption of this ordinance to establish that said use was in existence as of the effective date of this ordinance.

530 NON CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, it's location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after a public hearing as a dimensional variance by the appropriate Board of Adjustment. The Board must first determine that the proposed addition or substantial remodeling will not facilitate or expand a non conforming use before such variance can be granted.

Temporary structures and structures that are readily movable, including signs, but excluding mobile homes, do not qualify for protection as outlined in this section of this ordinance.

540 Ordinary Repair and Maintenance

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-load bearing walls, fixtures wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders it's restoration to a safe condition.

ARTICLE VI  
ESTABLISHMENT OF DISTRICTS

600 General Regulation

No land shall be used or occupied and no structure shall be erected, altered, used or occupied except for the principal uses permitted for each of the eleven zoning districts created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following Sections of this Ordinance.

610 Official Zoning Map

The official City Zoning Map of the City of Hartford shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: "This is to certify that this is the City Zoning Map referred to in Section 620 of the Hartford/Beaver Dam Zoning Ordinance adopted by the City Council on \_\_\_\_\_ 1991 as part of Ordinance No. \_\_\_\_\_ of the City of Hartford." .

The official City Zoning Map of the City of Beaver Dam shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: "This is to certify that this is the City Zoning Map referred to in Section 620 of the Hartford/Beaver Dam Zoning Ordinance adopted by the City Council on \_\_\_\_\_ 1991 as part of Ordinance No. \_\_\_\_\_ of the City of Beaver Dam."

No changes shall be made in the City Zoning Maps except in conformity with the procedures set forth in this Ordinance.

If either City Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the respective City Council may, by resolution, adopt a new City Zoning Map. The new map may correct original drafting errors or other errors or omissions but the corrections shall not be in effect amendments of the original map including amendments thereto. A replacement map shall also contain the following additional words: "this map supersedes and replaces the City Zoning Map adopted (date of adoption of the map being replaced)."

620 Interpretation of District Boundaries

Boundaries of districts established under provisions of this Ordinance are shown on the two City Zoning Maps on file in the office of the City Clerk, Hartford, Kentucky and the Office of the City Clerk, Beaver Dam, Kentucky.

Boundaries of districts shown on the City Zoning Maps shall

be interpreted as follows:

- a. Boundaries indicated as approximately following the center lines of streets, highways, alleys or railroad tracks shall be construed to follow such lines.
- b. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city corporation limits shall be construed as following such corporation line.
- d. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
- e. Boundaries indicated as parallel to or extensions of features indicated in 620 (a) through 620(d) , above, shall be so construed. Distances shall be determined by the scale of the City Zoning Maps unless specifically shown on the map.
- f. All questions not covered by 620(a) through 620(e) concerning the exact location of any district boundary line or portion thereof, shall be determined by the Board of Adjustment.

Where a district boundary line on the City Zoning Map divides a lot of single ownership which was recorded at the time of enactment of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot a distance not to exceed 50 feet into the remaining portion of the lot.

Whenever any street, alley, public way, or public easement is vacated through legal action, the abutting districts shall be extended, depending on the land to which the vacated lands revert.

### 630 Annexation

In every case when land becomes a part of the cities through annexation, such annexed land shall be automatically assigned to the R-1 Zoning District. This zoning district shall remain in effect unless or until the City Council, upon the recommendation of the Planning Commission, enacts a zoning map amendment using the procedures described in this ordinance.

640 Districts Established

The following zoning district classifications are established for the Cities of Hartford and Beaver Dam, Kentucky and their environs:

A-1	Agricultural	-	Farm-oriented
R-1	Residential	-	Low Density
R-2	Residential	-	Two-family
R-3	Residential	-	Multi-family
B-1	Business	-	Neighborhood
B-2	Business	-	Central Business District (Downtown)
B-3	Business	-	Highway
I-1	Industrial	-	Light
I-2	Industrial	-	Heavy
F-	Flood Plain District		

641 Expressly Prohibited Uses in Hartford and Beaver Dam

Hazardous and inert waste storage, incineration, landfills, storage and/or handling of any type and mining of any type are expressly prohibited in the city limits of Hartford and Beaver Dam.

650 Agricultural Districts

The intent of the Agricultural District is to preserve, promote and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

651 Farm-Oriented Agricultural District (A-1)

The purpose of A-1 districts is to maintain the agricultural endeavors within the incorporated areas of Ohio County, until such land is ready and available for urban development.

1. Principal Permitted Uses

1. Land used exclusively for agricultural, farming, dairying, stock raising
2. Horticultural services

- c. Hunting, trapping, wildlife refuge, forestry
- d. Single family detached dwellings occupied by the owner or operator of the farm
- e. Churches & cemeteries

2. Conditionally Permitted Uses

- a. Non-profit or private facilities, such as schools, churches, cemeteries, libraries, parks
- b. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes
- c. State approved sewage disposal plants
- d. Airports and/or landing strips
- e. Veterinarian clinics
- f. Wireless transmitting stations
- g. Municipal, county, state, and federal buildings
- h. Agricultural home occupations
- i. Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes and private clubs

9. Permitted Accessory Uses

- a. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as tenant homes and single-family dwellings, for occupancy by full-time employees of the farm operation, agriculture structures, stables, and parking areas
- b. Roadside stands offering for sale only agricultural products grown on the premises
- c. Keeping of roomers or boarders by a resident family
- d. Swimming pools and tennis courts for private use
- e. Horse training track

4. Development Standards

Minimum lot area	5 acres
Minimum width at building line	250'
Minimum road frontage	100'
Minimum front yard	75' from roadway pavement or public R-O-W
Minimum side yard (each side)	20'
Minimum rear yard	25'
Maximum building height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

660 Residential Districts

The purpose of residential districts is to establish and preserve single and multifamily home neighborhoods as desired by large numbers of people free from other uses except those which are both compatible with and convenient to the residents of such a district.

661 Low Density Residential District (R-1)

The low density residential classification is the most restrictive residential district. The principal land use in this district is for single-family dwellings and for associated religious, recreational, educational and public facilities necessary to provide for a balanced and attractive low density residential area. Lands in this district are intended to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air and open space and through consideration of proper function relationships of each permitted use.

1. Principal Permitted Uses

- a. Detached single-family dwellings.

2. Conditionally Permitted Uses

- The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.
- a. Churches, parish houses and other places of worship

- b. Public libraries and public schools

- c. Public parks, noncommercial private recreational areas and other public facilities of a noncommercial nature
- d. Funeral homes and cemeteries
- e. Hospitals and clinics for human care, nursing and convalescent homes
- f. Philanthropic institutions and clubs, except a club which is customarily carried on as a business.
- g. Noncommercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling.
- h. Mobile home subdivisions
- i. Bed and Breakfast Service may be permitted as a Conditional Use in all residential zones. Such permits will be issued under the rules and regulations found in Article IV 430 of this Ordinance.

3. Accessory Uses

Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above.

4. Development Standard.

Minimum lot area	10,000 sq. ft.
Min. lot width at the building line	75 feet
Minimum front yard	25 feet
Minimum side yard (each side)	10 feet
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

662 Two-family Residential District (R-2)

The two-family residential district is intended to provide for medium population density. Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in Section 661 as being necessary to provide a balanced and attractive residential area. The purpose of this district is the same as that of the R-1, Low Density Residential District except that two-family, detached, dwelling units are permitted.

1. Principal Permitted Uses

- a. Detached single-family dwellings
- b. Detached two-family dwellings

2. Conditionally Permitted Uses

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661(2).
- b. Home occupations such as, but not limited to, professional offices, studios, and/or customary home occupations as follows:

The office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited to one (1) pupil at a time), architect, realtor and insurance agent, provided that not more than one-half (1/2) of the area of one (1) floor of the dwellings is devoted to such conditional use, and that not more than one (1) person, not a resident on the premises, is employed, and that no such use shall require structural alterations or involve construction features not customary in dwellings. An indirectly lighted nameplate, not over two (2) square feet in area, attached flat against the building shall be permitted.

Other conditional uses may also include customary home occupation of handcraft, dressmaking, and laundering; provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose and that structural alterations or construction involving features not customarily found in dwellings are not required. An indirectly lighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted.

Any business conducted as a conditional use must be confined to the interior of the principal building with all merchandise kept inside the building.

3. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the principal and conditionally permitted uses listed above.

4. Development Standards

Minimum lot area	8,000 sq. ft. for single-family; 10,000 sq. ft. for two-family dwellings
Min. lot width at bldg. line	60 feet for one-family; 75 feet for two-family dwellings
Minimum front yard	25 feet
Minimum side yard (each side)	8 feet
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

663 Multi-family Residential District (R-3)

This residential district provides for medium and high population density. The principal use of land may include two-family residential units to multi-family dwellings. Uses are also permitted on a condition or accessory basis that complement the more intense residential use that is intended in an R-3 district.

1. Principal Permitted Uses

- a. Detached single-family dwellings
  - b. Detached two-family dwellings
  - c. Multi-family dwellings including town houses, condominiums, rooming and boarding houses and tourist homes
  - d. Mobile home subdivisions

2. Conditionally Permitted Uses

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 661(2)
- b. Private nursery, day school, kindergarten and child

care center

- c. Home occupations including professional offices, studios, and customary home occupations as described in Section 662(2)
- d. Mobile home park
- e. Recreational vehicle park

3. Accessory Uses

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted and conditionally permitted uses listed above.

4. Development Standards

Minimum lot area	7,000 sq. .ft. for single-family; 9,000 sq. ft. for two-family; 7,000 sq. ft. for 1 <sup>st</sup> unit + 4,000 sq. ft. for each addnl. unit for multi-family dwellings
Min. lot width at bldg. line	60 feet for one-family; 70 feet for two-family; 80 feet for multi-family dwellings
Minimum front yard	25 feet
Minimum side yard (each side)	8 feet
Minimum rear yard	15 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

670 Business Districts

Accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations and to preserve and protect existing and future development of nonbusiness uses of access points, service roads, parking and loading areas, screening, and other regulations.

670 Central Business District (B-1)

The Central Business District is intended for the conduct of retail business and for personal and business service for the city and its trade area. It is the most intensely developed district and contains stores and services for all areas of the city, requiring a high degree of internal interaction that demands close proximity and freedom of movement by pedestrians within the District.

1. Principal Permitted Uses

Any consumer and personal service establishment such as, but not limited to the following;

Shoe repair shops, drug stores, hardware stores, barber and beauty shops, clothing stores, banks, and other financial institutions, hotels, office buildings, walk-in restaurants, poolroom, gift shops and variety stores, printing shops, jewelry stores, mail-order houses, radio and television studios, and health center. Dry cleaning establishments are permitted, provided that establishments meet all fire code requirements; have installed venting which assures dispersion of all obnoxious fumes and odors at least twenty-five (25) feet above the street level or five (5) feet above the roof level of the highest adjoining building, whichever is the higher; use only nonflammable solvents as specified by the Underwriters' Laboratory, Incorporated, receive and disburse merchandise for processing on the premises; and provide at least two (2) off-street parking spaces for customers. In no case, shall the following uses be permitted within the Central Business District:

New or used car sales, farm implement sales, trailer sales, drive-in theaters, drive-in restaurants, or any other similar uses which the Board of Adjustment determines to be detrimental to the district as a pedestrian-oriented retail consumer-service district.

2. Conditionally Permitted Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

Churches and other places of worship; parish houses; public libraries; passive recreation and/or public parks, service stations, municipal county, state and federal buildings, public utilities; funeral homes; hospitals and

clinics for human care, philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business; use of upper floors as residential dwellings by the owner of the business

on the lower floors, the owner of the building, or as rental property, provided there are not any mixed floor uses within the building and a development plan has been submitted and approved.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted.

4. Required Conditions

All permitted and conditionally permitted uses within the Central Business District shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under Article X of this Ordinance.

5. Development Standards

Minimum lot area	none
Minimum yard requirements	none
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

672 Neighborhood Business District (B-2)

The purpose of the Neighborhood Business District is to provide retail stores and personal service outlets to meet the need of the people in adjacent or nearby residential areas for convenient services. These districts are closely related to residential districts but they are also commercial areas that generate activities that can be disruptive in residential areas unless they are properly regulated. The intent of these regulations is to make the B-2 districts as compatible as possible with associated residential districts while permitting commercial activity.

1. Principal Permitted Uses

Any convenience type retail business or service establishment such as but not limited to those listed below.

Groceries, drug stores, shoe repair shops, hardware store, barber and beauty-shops clothing shops, banks and finance companies, minor motor vehicle repair within and enclosed building, hotels, walk-in restaurants, self-service, filling stations, theaters, places of amusement and assembly, car washes and antique shops.

Any retail or wholesale business or service (except warehouses) including the making of articles to be sold at retail on the premises; manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer; provided however not more than five persons are employed in any such manufacture.

THE FOLLOWING USES SHALL NOT BE PERMITTED; auto wrecking, coal or lumber yards, dairies electric welding, gasoline oil or alcohol storage above the ground in excess of 500 gallons, grist or flour mill, junk scrap or rag storage, bailing, laundry or bakery employing more than five persons, machine shop, slaughter house or stock yard, tin-smith shop or sheet metal works, or any other use that would be injurious because of offensive fumes, odors, noises, dust, vibrations or other objectionable features that would be hazardous to the community as a result of fire or explosion, even when such activity is conducted under safe guards. The storage for sale, rent, or use of heavy equipment such as earth movers, trucks over 1 ½ tons, back hoes and tractors other than lawn and garden tractors is not permitted. Temporary use of heavy equipment for construction or for repair of facilities or premises within the zone is not precluded.

2. Conditionally Permitted Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

Churches and other places of worship; parish houses; public libraries; public schools; parks and noncommercial public recreational facilities; public utilities; funeral homes; cemeteries nurses' homes; hospitals and clinics for human care, philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business; recreational park.

The Board of adjustment may attach certain conditions to

its approval which it feels are necessary to preserve and protect the character of the

district in which the proposed use would locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use and being for use by the owner and/or operator of the permitted commercial use.

4. Required Condition

- a. Screening; The Administrative Officer may require a fence or screening on any side or rear lot line when such is requested by an adjacent lot owner. The screen may extend the full length of the lot line(s) if such is necessary to dampen noise or to hide unsightly uses. A well maintained compact hedge, a solid fence or similar screening device at least six feet in height shall be installed by the property business owner or the developers to screen the business use from the adjoining lot(s). The screen shall be of a material and design that will not detract from the area. Scrap materials will not be used.
- b. Access to Highways and Streets: In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission and be Article VIII, Section 820 of this Ordinance. Before any building permit for any structure in a B-2 district may be issued the prospective builder or operator of the proposed B-2 activity shall submit a sketch of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or street, a road parallel to the highway or street may be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article VIII of the Ordinance shall also apply in a B-2 district. Parking and off-street loading requirements are provided in Article X of this Ordinance.

5. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	25 feet, or one-half
Minimum side yard	of the street right-of-way, whichever is greater if adjacent to residential district, must comply with adjacent district's requirements
Minimum rear yard	same as side yard
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

673 Highway Business District (B-3)

The B-3 District is for the conduct of retail sales and personal business oriented to vehicles and vehicular travel primarily on major streets, roads, and arterials. Characteristically, the District is centering about major road intersections and along arterial routes. Travel within the District is mainly way of private automobile.

by

1. Principal Permitted Uses
  - a. Any uses in the Neighborhood Business District (B-2).
  - b. New or used car sales, farm implement sales, trailer sales, drive-in theaters, drive-in restaurants, or any other similar uses.
2. Conditionally Permitted Uses

Churches and other places of worship; public libraries; public parks, commercial public recreational facilities; public utilities; funeral homes; cemeteries; animal clinics; road side stands and clubs, including a club of which the chief activity is customarily carried on as a business; dwelling units occupying the same building as the principal commercial use and being for use; mobile home park; Mobile home subdivision; recreational vehicle and veterinary clinics.

The Board of Adjustments may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted.

4. Special Use

A Planned Unit Development for highway business shall be permitted as a special use in conformance with Article XII of this Ordinance.

5. Required Conditions

Same as the required conditions for the B-2 District.

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	25 feet, or one-half of the street right-of-way, whichever is greater
Minimum side yard	if adjacent to residential district, must comply with adjacent district's requirements
Minimum rear yard	same as side yard
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

680 Industrial Districts

681 Light Industrial District (I-1)

The Light Industrial District is primarily intended for production and assembly plants and industrial operations or services that are conducted in such a manner that noise, odor, dust, glare and vibration produced is essentially contained within the premises.

1. Principal Permitted Uses

Adding machine manufacture; artificial flower manufacture; automobile assembly; automobile rental agency; automobile, trailer and farm implement dealers; animal hospitals, veterinary clinic and associated kennels; baggage transfer, storage and warehouse; bakery; bottling works and beverage manufacture; bicycle and motorcycle repair; blacksmith; book publishing; boot and shoe manufacture; broom manufacture; building materials yard; cabinet maker; candy manufacture; canning and preserving factory; cap and hat manufacture; carpenter shop; carpet cleaning; car wash; chicken hatchery; cigar and cigarette manufacture; coal yard; coffin and concrete burial vault manufacture; cold storage warehouses; condensed milk manufacture; contractors' storage yard; cosmetic manufacture; creamery; dry goods; wholesale or storage; dyeing and cleaning; electrical supply manufacture; enameling and painting; engraving plant; envelope manufacture; express storage and delivery station; feed, wholesale, flour and grain storage and elevators; food products manufacture; fruit and vegetable drying; fuel distributing station; fuel gas storage; fur warehouse; furniture warehouse or storage; repair garage; garment factory; grocery store, wholesale; ice manufacture; laundry; lumber yard, not including sawmill; moving company and storage facilities; paper box, can, tube and sack manufacture; radio and television manufacture; screw and bolt manufacture; seed company; sheet metal shop; sporting goods manufacture; tinsmith shop; tire manufacture, including recapping plants; warehouses; welding shop; and wood products manufacturing. Other similar uses may be permitted.

2. Conditionally Permitted Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

Any industrial, manufacturing, fabrication, processing or industrial service use which the Board of Adjustment determines would not emit obnoxious noise, odor, smoke, dust or vibration beyond the confines of its property may be conditionally permitted.

The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use could locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

4. Special Uses

A Planned Unit Development for light industries shall be permitted as a special use in conformance with Article XII of this Ordinance.

5. Required Conditions

- a. Yards: On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum yard of fifty (50) feet. Screening as out lined for zones B-2 and B-3 shall apply.
- b. Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.
- c. Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.
- d. Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	40 feet, or one-half of the street right-of-way, whichever is greater
Minimum side yard	25 feet minimum; 50 feet if adjacent to residential district
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

The Heavy Industrial District is primarily intended for production and assembly plants and industrial operations or services that by virtue of the external effects of their noise, odor, dust, glare or vibration should be isolated from residential uses. Heavy Industries should be located in areas with topographic features suitable for such industries and where adequate utilities and transportation are available.

1. Principal Permitted Uses

- a. Any use permitted in the I-1 Light Industrial District.
- b. Agricultural implement manufacture; airplane repair and manufacture; aluminum manufacture; asbestos products manufacture; automobile manufacture; bank equipment manufacture; barrel manufacture; bicycle manufacture; boat manufacture, can manufacture; candle manufacture; cast iron pipe manufacture; casting foundry; celluloid manufacture; concrete plant; corrugated metal manufacture; culvert pipe manufacture; engine manufacture; fixture manufacture; furnace manufacture; furniture manufacture; hardware manufacture; iron (ornamental) works; linoleum manufacture; locomotive manufacture; machine shop; metal products manufacture; structural iron and steel manufacture; tobacco manufacture; tool manufacture; and wire manufacture. Other similar uses may be permitted.

2. Conditionally Permitted Uses

The following uses are special exceptions and require written approval of the Board of Adjustment.

- a. Abattoirs; acid manufacture; acetylene gas manufacture; ammonia manufacture; asphalt manufacture, refining or storage; blast furnace, brick kiln, charcoal manufacture and pulverizing; chemical manufacture, creosote treatment and manufacture; exterminator or insect poison manufacture; fat rendering, fertilizer manufacture; flour and grain milling; gasoline storage, wholesale; junk yards; leather curing and tanning; lime manufacture; monument works; plaster of paris manufacture; quarry works; refuse dump; rock crushing; salvage storage yard; sawmill; scrap iron; storage yard, stock yards; sulphur, sulfuric acid, or derivatives manufacture; tar distillation oil

manufacture; terra cotta manufacture; wrecking material yard; and coal washing, storage and transfer yards and facilities.

The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

- b. Any other industrial, manufacturing, fabrication or processing uses which the Board of Adjustments determines to be non-detrimental to surrounding properties nor possess other characteristics that would be a nuisance to the residents of the City.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted and conditionally permitted uses.

4. Special Use

A Planned Unit Development for heavy industries shall be permitted as a special use in conformance with Article XII of this Ordinance.

5. Required Conditions

- a. Yards: on lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet.
- b. Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.
- c. Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.
- d. Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

- e. Junk yards, salvage and scrap iron yards and similar uses shall be enclosed by an acceptable fence, wall or other screening not less than six (6) feet in height. The Board of Adjustment shall determine the acceptability of said screening.

6. Development Standards

Minimum lot area	none
Minimum lot frontage	100 feet
Minimum front yard	50 feet, or one-half of the street right-of-way, whichever is greater
Minimum side yard	25 feet minimum; 50 feet if adjacent to residential district
Minimum rear yard	25 feet
Maximum Building Height	36' or 3 stories
Signs	See Article XI
Parking	See Article X

690 Flood plain District (F)

The Flood plain District is an exceptional area for which special regulations have been developed.

This district is composed of lands that are subject to being flooded and the special regulations have the purpose of preventing development in the flood plain of buildings and structures that will increase heights and damage and preventing excessive property damage and loss of life in areas of flood hazard. flood  
greatest

1. Principal Permitted Uses

None

2. Conditionally Permitted Uses

The following uses are permitted in a Flood plain District, subject to the restrictions, limitations and procedures set forth in this Section and in other provisions of this Ordinance.

- a. Agricultural uses not involving the commercial slaughtering of animals or other operations producing obnoxious odors or noises.
- b. Open-type recreational facilities, either public or private.

- c. Outdoor advertising subject to provisions of Article XI of this Ordinance.
- d. Temporary uses subject to Article VIII of this Ordinance.
- e. Storage yards for agricultural and/or industrial supplies or equipment not subject to major damage by flood waters.
- f. Any other uses customarily accessory or incidental to the above uses.

3. Restrictions and Limitations in Flood plains

- a. The erection of any structure for residential purposes is prohibited.
- b. No use or structure shall be permitted in a Flood plain District that restricts, impedes or diverts the natural flow of water in the area.
- c. There shall be no filling of land or excavation of land unless and until a certificate shall be issued by the City Engineer, or an equivalent official, and the State Division of Water (if applicable) , and approved by the Planning Commission that such filling or excavation does not alter the natural flow of water.

4. Procedure for Development

No building, structure, use or improvement shall be undertaken in a Flood plain District without the prior approval of the Planning Commission nor without a Conditional Use Permit issued by the Board of Adjustment.

- a. A development plan shall be prepared by the applicant and submitted to the Planning Commission for review and approval. Provisions of Article XIII of this Ordinance pertaining to Development Plans shall be followed.
- b. In reviewing the submitted plan of development, the Planning Commission shall be guided by the following standards:
  - i. Permitted uses shall be of the type not subject to major damage by floods as set forth in Section 690(2).

- ii. Structures shall be placed on the lot so as to offer minimal obstruction to the flow of water.

- iii. Structures shall be firmly anchored to prevent floating away during floods.
  - iv. Topographic data, hydrological data, engineering studies or other special studies may be necessary to determine the effects of flooding on a proposed structure or the effect on the floodway of the structure and the Planning Commission may require that such studies be prepared by competent engineers or other professionals.
  - v. The granting of approval shall not be construed to imply that the action of the City Council, Planning Commission or any of their offices or agencies is a representation, guarantee or warranty of any kind of the practicality or safety of any structure or plan proposed and shall create no liability upon or a cause of action against such public bodies, officers or employees for any damage that may result pursuant thereto.
- c. The Board of Adjustment shall secure a written recommendation from the Planning Commission setting necessary standards and conditions for the proper operation of the proposed use or structure before issuing the Conditional Use Permit.
  - d. Nothing in this Ordinance shall be construed to relieve the developer of the responsibility to conform to all state and federal regulations regarding identified federal floodways.

## APPLICATION OF REGULATIONS

### 700 Application of Regulations

All existing and future structures and uses of premises within the cities of Hartford and Beaver Dam, shall conform with all applicable provisions of the Zoning ordinance. Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the nonconforming or conditional use provisions, and is intended for the protection of those uses. No other uses are permitted except as specifically permitted elsewhere in this ordinance.

### 710 Special Provisions for Agricultural Areas

For the purposes of this ordinance, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits, height, yard, location or court requirements for agricultural buildings except that:

1. Setback lines and/or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Commonwealth of Kentucky Department of Transportation, Bureau of Highways Regulations as regarding distance, sight and drainage shall be complied with; and
2. All buildings or structures in a designated floodway or flood plain, or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

### 720 Subdivision of Agricultural Land

Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must meet the following requirements:

1. Obtain a zoning change to the appropriate zoning district unless the intended use is suitable in the agriculture district.
2. Conform with the Subdivision Regulations, including design and processing requirements.
3. Conform with the dimension requirements and other special requirements as may be imposed by the Commission.

### 730 Coordination with Subdivision Regulations

In all cases, the provisions of the Subdivision Regulations of Hartford and Beaver Dam and amendments thereto shall apply in addition to the provision of the Zoning Ordinance.

740 Certificate of Land Use Restrictions

Whenever a legislative body approves a zoning map amendment with conditions, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed below shall be filled with the county clerk as per KRS 100.3681 - 100.3683.

CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name of subdivision or development (If applicable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Type of Restriction(s)

(Check all that apply)

_____ Zoning Map Amendment to _____ Zone	_____ Conditional Zoning Condition
_____ Development Plan	_____ other
_____ Subdivision Plat	(Specify) _____
_____ Variance	
_____ Conditional Use Permit	

5. Name and address of Planning Commission, Board of Adjustment, legislative body or fiscal court which maintains the original records containing the restriction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Official

\_\_\_\_\_  
Name and Title of Completing Official (type or print)

## SUPPLEMENTAL DISTRICT REGULATIONS

### 800 Applicability

Except as hereinafter specified, the provisions of this Article shall apply to all districts.

The provisions of this Ordinance affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with these regulations. No excavation, cut or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this Ordinance.

### 810 Yard Regulations

1. Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.
2. A yard or lot existing at the time of adoption of this Ordinance, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.
3. Front yards for corner and/or through lots shall be of the depth required by this Ordinance for the district in which the lots are located. The side yard adjacent to the intersecting or parallel street shall be of the depth required by this Ordinance for front yards in the district in which the lot adjacent to the corner and/or through lot is located.
4. Front yards and side yards for corner lots shall be measured from the street right-of-way line; provided that for the purposes of this measurement no city street shall be considered to be less than fifty (50) feet wide. This provision shall not be construed as requiring the dedication of any property to the public.
5. Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection in the required yard space is prohibited.

6. In any required front yard or side yard for corner lots, no fences, walls, trees, hedges or bushes shall be permitted which materially impedes vision across or into such yards above thirty (30) inches in height. No hedge, tree or bush shall be planted along a street, highway or alley at a distance that,

when mature, branches of the hedge, bush, or tree will over hang the said roadway so as to impede vision; nor shall the root system interfere with drainage tiles, ditches or utility lines buried along said roadways. The Administrative Officer will determine the proper distance from a roadway. The decision will be based on the potential growth of the hedge, bush or tree. Fences, walls and hedges are permitted in or along the edge of a yard except as provided above. In Planned Unit Development requiring planned review, the Planning Commission may permit fences, walls and hedges above thirty (30) inches height in the front yard.

7. Additions to a principal structure shall not be less distance from a property line than the standards set for a principal building in the zone in which the structure is located.

811 Setback Lines, Exceptions

Front yard setback lines may be varied by the Board of Adjustment where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this Ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

820 Lot Access Requirements

Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent access to a public street of at least fifty (50) feet unless otherwise specifically permitted in this Zoning Ordinance. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission.

The following restrictions regarding lot access control shall apply:

1. Lots with less than 100 feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each 400 feet of frontage.

2. The location of access drives for lots with 400 or more feet of frontage shall be approved by the Planning Commission.
3. No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of intersecting streets.
4. No curbs on public streets or public rights-of-way shall be cut, removed, or altered nor shall any curb or pavement be constructed within the right-of way without written approval of the Administrative Official.
5. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width. Total access to any lot shall not exceed 40% of the lot width.

830 Accessory Buildings

Accessory buildings shall be permitted in rear yards only and must be at least six (6) feet from any other buildings on the same lot and six (6) feet from all adjoining lots. On any corner lot adjoining in the rear another lot which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district. Residential accessory buildings shall not be used for or involved with the conduct of any business, trade, or industry.

Temporary structures and accessory buildings may be allowed for the storage of equipment during construction.

No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this ordinance.

All accessory buildings will be of a material and design that will not detract from the general area in which they are located. All enclosed buildings containing over 100 square feet must have doors that will screen the contents of the building. Free standing structures containing over 100 square feet shall not have single pitch roofs.

Salvage materials, rough sawn planks (unfinished boxing planks), or other unsightly material will not be used unless covered by materials commonly accepted for such purposes. An exception may be made for the use of rough materials for decorative purposes if it is approved by the Administrative Officer.

831 Storage of Materials or Supplies

In all zones, no materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without adequate screening as determined by the Planning Commission or meeting the requirements of Section 830 of this Ordinance.

832 Swimming Pools

All private in-ground and above ground pools except as noted below must be covered or completely enclosed, including a gate, with a minimum of a four foot fence so as to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18 inches in depth or less and not containing any re-circulating equipment shall be exempt from requirements.

The enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

All public swimming pools must meet all applicable State regulations regarding fencing.

840 Lot for Every Building

Every principal building shall be located on a separate lot. Except in a Planned Unit Development, only one principal building may be erected on a single lot unless requirements of this Ordinance are met as though it were on an individual lot.

850 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observations towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of Adjustment.

860 Subdivision or Consolidation of Lots

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the Subdivision Regulations shall apply (if adopted) in addition to the provisions of this Ordinance.

870 Visibility at Intersections

On a corner lot there shall be no obstruction which will materially impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the edge of the street pavement and a line joining points along said pavement twenty-five (25) feet from the point of intersection.

The above provisions do not apply to the Central Business District or to any location requiring a retaining wall. The Board may either reduce or increase the requirements of this section in the interest of public safety upon finding that special conditions exist.

880 Water Supply and Sewage Disposal

No building or dwelling can be constructed without a safe drinking water supply and sewage disposal facilities which have been approved by the County Health Officer. Wherever public water and/or sewer mains are accessible, all buildings and dwellings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer and/or the City's water and sewer department superintendent.

No certificate of Occupancy will be granted until there is evidence which shows, to the satisfaction of the Administrative Officer, that all City and County rules and/or regulations have been met.

building permits and certificates of occupancy

890 Excavation and re-grading

The excavating of natural materials or filling of land shall be permitted without a conditional use permit to the degree necessary to permit construction of buildings, streets or accessory uses for which a building permit would be required. Material used for fill shall be natural materials only, such as sand, gravel or dirt, and shall not consist of rubbish, refuse garbage or decomposable animal or vegetable materials. Any excavation or filling which is not clearly necessary and incidental to an approved construction project shall require a conditional use permit. Re-grading shall be undertaken at a time which is customary to the overall construction timetable of similar projects.

891 Temporary Building or Temporary Use

Temporary permits not to exceed six (6) months and renewable for additional six (6) months periods for a maximum of eighteen (18) months may be issued by the Administrative Officer for site construction purposes. Non-renewable temporary permits not to exceed sixty (60) days may be issued by the Administrative Officer for carnivals, circuses, businesses, tent revival meetings and similar special event activities. Temporary events by local schools, churches and civic clubs of short duration shall not require a permit. Should such businesses or events be operating in non-conformity with the Hartford/Beaver Dam Planning Zoning Ordinance, the owner thereof, or the person or firm maintaining the same shall upon written notice from the Administrative officer, cease all activities sales and similar operations, and if so ordered remove temporary structures and or merchandise from the area.

Before issuing a temporary permit, the Administrative officer shall find that the site is adequate for the proposed activity and that the proposed use, including related parking and traffic on or off the site, does not present a safety problem nor is it detrimental to the surrounding area.

The Board of Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for site adequacy, parking, and traffic are met in addition to the Board's conditions.

892 Minimum district size

No land district created under the provisions of this Ordinance shall be less than two (2) acres in size.

ARTICLE IX  
MANUFACTURED AND MOBILE HOMES

900 Intent

It is the intent of this Article to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes and certified mobile homes,, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

It is further the intent of this Article is to guide the establishment of mobile home parks, mobile home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterials, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

Any non-conforming manufactured or mobile home damaged, whether by fire or natural causes, to an extent greater than sixty (60) percent of its fair sales value immediately prior to the damage, or moved off the current site, or vacated for a period of one month or greater, shall not be preoccupied, and shall only be replaced by manufactured and certified mobile homes in conformance with this Article and Section 520(c) of Article 5. Non-certified mobile homes shall not be sold for use upon the same property or re-rented unless said mobile home is brought up to the standard required for the zone in which it sits.

This prohibition shall not be applicable to any mobile home existing on the effective date of this ordinance. Any mobile home that is replaced pursuant to this provision shall only be replaced by a mobile home of substantially similar size and quality.

910 Certified Mobile Homes Permitted

Certified mobile homes shall be allowed only as provided in Article VI and in this Article, with the following exceptions:

1. In an A-1 district, certified mobile homes used as dwelling units by farm owners, members of the farm owner's immediate family or full-time employees of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the Ohio County Health Department, and provided that the setback requirements of the zoning district can be met. Placement of more than two certified mobile homes as permitted herein shall require application and approval of the Hartford/Beaver Dam Joint Planning Commission.

Provided further, in no event shall the certified mobile home and dwelling unit density exceed one (1) certified mobile home and one (1) dwelling unit per five (5) acres.

2. Certified mobile homes used as temporary offices of construction companies on or near a construction site.
3. All certified mobile homes used as dwellings are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.

920 Classification of Manufactured/Certified Mobile Homes

Manufactured and certified mobile homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residences:

1. Type I Manufactured Homes

Type I Manufactured Homes shall:

- a. have more than nine hundred and fifty (950) square feet of occupied space in a double or larger multi-section unit;
- b. be placed on a permanent foundation;
- c. utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in section 940(1);
- d. be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;
- e. have wheels, axles and hitch mechanisms removed;
- f. have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
- g. have siding material of a type customarily used on site-constructed residences. The list of approved siding materials shall be adopted and revised by Planning Commission action only; and
- h. have roofing materials of a type customarily used on site-constructed residences. The list of approved roofing materials shall be adopted and revised by Planning Commission action only.

Dwelling

2. Type II Manufactured Homes

Type II Manufactured Homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expand, or multi-section unit (including those with add-a-room units);
- b. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
- c. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);
- d. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- e. have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- f. have siding material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List); and
- g. have roofing material of a type customarily used on site-constructed residence (the Planning commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List).

3. Type III Manufactured Homes

Type III Manufactured Homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space in a single, double, expand, or multi-section unit (including those with add-a-room units);
- b. be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;

- c. be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 940(1);
- d. be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 940(2);
- e. be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and
- f. have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.

4. Certified Mobile Homes

For purpose of determining appropriateness for placement, certified mobile homes shall:

- a. have more than three hundred and twenty (320) square feet of occupied space;
- b. be placed onto support system, in accordance with approved Installation Standards, as specified in Section 940(1); and
- c. be built prior to the 1976 Federal Mobile Home Construction and Safety Act and be able to receive a "B" seal certifying that the unit has been inspected and in compliance with standards set forth in the HUD Code.

In the absence of specific Federal Standards the Commission may promulgate a standard that may be used in lieu of the HUD standards, to qualify 1976 and older Mobile Homes for placement in Mobile Home Parks. That standard may also be used to evaluate any other mobile home coming into the Hartford/Beaver Dam area where there is cause to believe a mobile home may be hazardous to it's occupants or to the neighborhood in which it is placed. Costs related to an inspection will be borne by the owner/occupant.

Any Trailer/Mobile Home moved into the Hartford/Beaver Dam Planning/Zoning area; or moved from a Trailer Park/Court or lot of record within the Hartford/Beaver Dam Planning Zoning area, will be required to secure a construction permit in addition to other requirements of IX, 920 of this Zoning Ordinance.

930 Schedule of Uses

Manufactured or certified mobile homes are permitted for permanent residences as follows:

	TYPE I MH	TYPE II MH	CERTIFIED TYPE III MH	MOBILE HOME
A-1	C	C	C	C
R-1	X	X	X	X
R-2	C	C	X	X
R-3	P	C	C	C
B-1	X	X	X	X
B-2	X	X	X	X
B-3	C	C	X	X
I-1	C*	C*	X	X
1-2	C*	C*	X	X
Mobile Home Pks.	P	P	P	C
Mobile Home Subvn.	P	P	P	C

P - Permitted

C - Conditional

X - Not Permitted

C\* Conditional - PZA can permit them for industrial related purposes only.

930-a SCHEDULE OF USES

Type I, Type II, and Type III mobile homes and mobile homes that are manufactured to be used as offices, may be placed in Business Zone 3 when such structures are to be used as offices for businesses such as sale of used cars and mobile homes; if such structures have been approved by the Administrative Officer. Mobile homes or mobile home type structures SHALL NOT BE USED FOR LIVING QUARTERS IN A BUSINESS-OR INDUSTRIAL ZONE.

When a mobile home or mobile home office is no longer used for its original purpose in a Business or Industrial zone, it will be in non-conformity with that zone. It must be removed or there must be an application, with proper justification for a new permit, if the structure is to remain in place. Article IX regulations, that apply to mobile homes in residential zones, shall apply to mobile homes and mobile home type portable offices when such structures are placed in Business 3 or Industrial zones.

Effective  
8/15/97

1. Installation Standards

a. Permanent Perimeter Enclosure

Those manufactured homes designated in the Zoning ordinance as requiring a permanent perimeter enclosure must be set onto an excavated area, with foundations, footings and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

b. Foundation Siding/Skirting (for temporary structures)

All manufactured or certified mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/ skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less

than one and one-half (1 ½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (½) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

b. Support System

a. Type I Manufactured Homes:

All HUD-Code TYPE I Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

b. Type II and III Manufactured Homes Certified Mobile Homes:

All HUD-Code TYPE II and III Manufactured Homes and all Certified Mobile Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support Systems regulations in the ANSI/NFPA 501A 1977 Installation Standards.

3. Improvement Location Permits

a. Requirements

Prior to the location, relocation or establishment manufactured or certified mobile home, the homeowner or authorized representative shall secure from the planning commission's designated administrator an Improvement Location Permit, which states that the building and its location conform with the Comprehensive Plan. Each application for an Improvement Location Permit shall be accompanied by:

- i. those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes & the like (see the Manufactured Home Data Sheet at the end of this ordinance);
- ii. health department approval for any sewage disposal or water supply, where applicable;
- iii. P.U.D. or subdivision permit approval, where applicable;
- iv. a copy of the approved instructions, which will be used for installation purposes, where applicable;
- v. such other information, as may be required by the Planning Commission's designated administrator for proper enforcement of this ordinance; and
- vi. an agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the plan commission in the Improvement Location Permit.

b. Issuance of Permit

After receipt of the information required for an Improvement Location Permit, the Planning Commission's designated administrator shall review the standards set in this ordinance. If the applicant has met all required standards, then within three (3) working days the Improvement Location Permit shall be issued by the designated administrator.

c. Additional Action Necessary

If after receipt of the information required for an Improvement Location Permit, the Planning Commission's designated administrator finds that the applicant has not fully met the standards set in the ordinance, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, within three (3) working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing. If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds. If the applicant does not agree, the application is denied, with reasons stated in writing.

d. Denial of Permit

If any of the major elements are clearly out of line with the standards, within three (3) working days issuance of the Improvement Location Permit will be denied, with a written statement specifying the reasons for the denial.

4. Certificate of Occupancy (optional)

a. Occupancy Requirement

Prior to the occupancy of any manufactured or certified mobile home, the homeowner or authorized representative shall secure from the Planning Commission's designated administrator a Certificate of occupancy, stating that the building and its use comply with all provisions of the ordinance applicable to the building or the use in the district in which it is to be located.

b. Issuance of Certificate

After submission of an application for a Certificate of Occupancy, the Planning Commission's designated administrator shall inspect the property and make such referrals to other local officials for technical determinations, as he deems appropriate, for conformance with conditions of the Improvement Location Permit and

the standards set in this ordinance. If the applicant has conformed with all of the required conditions and standards, a Certificate of occupancy shall be issued within three (3) working days.

c. Temporary Certificate

If after submission of the application for Certificate of Occupancy and the examination by the Planning Commission's designated administrator, it is found that the applicant has not fully met the required conditions and standards, a temporary Certificate of Occupancy, along with a written statement of necessary modifications, may be issued for a period not to exceed two (2) months, pending completion of the modifications.

d. Denial of Certificate

If any of the major conditions or standards have not been complied with, the Certificate of Occupancy is denied, with a written statement specifying the reasons for the denial.

5. Failure to Obtain Required Permits

Failure to obtain either an Improvement Location Permit or a Certificate of Occupancy shall be violation of this ordinance and punishable under the provisions of this ordinance.

950 Temporary Use of Manufactured or Certified Mobile Homes

1. Circumstances for Permit Issuance

Subject to conditions, fees, and standards otherwise required by this Ordinance, a temporary use permit may be issued:

- a. to an applicant in the process of building a conventional dwelling to locate a manufactured or certified mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;
- b. to an applicant to use a manufactured or certified mobile home as a caretaker's quarters or construction office at a job site; and
- c. to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

2. Length of Permit

A temporary use permit may be issued, at the discretion of the Planning Commission's designated administrator, for a period not to exceed two (2) years. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the Planning Commission's designated administrator, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

3. Permit Expiration

At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within ninety (90) days.

4. Utility Requirements

Manufactured or certified mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate, and at the discretion of the Planning Commission's designated administrator.

5. Permit Fee

A temporary use permit shall be issued by the Planning commission's designated administrator. The fee shall be twenty-five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems.

960 Penalty for Violation

1. Failure to Comply

Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to five hundred dollars (\$500) per day may be entered for a violation of this ordinance.

2. Subject to Removal

A home, sited upon property in violation of this ordinance, shall be subject to removal from such property; however, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. if action finally is taken by the appropriate authority to

bring into compliance, the expenses involved may be made a lien against the property.

3. Removal Method

The Planning Commission's designated administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

970 Manufactured Home Definitions

1. Add-a-Room Unit

A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

2. Anchoring System

An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or certified mobile home.

3. ANSI/NFPA 501A Standard for Installation of Manufactured/Certified Mobile Homes  
Model national standards (including all authorized successor documents) for installation of manufactured and certified mobile homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

4. Approved

Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

5. Expand Unit

An expandable manufactured housing unit.

6. Foundation Siding/Skirting

A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or certified mobile home.

7. Manufactured Home

A dwelling unit fabricated in an off-site manufacturing

facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three types of manufactured homes (TYPE I, TYPE II, AND TYPE III) are defined as meeting all of the appropriate requirements of this chapter.

8. Manufactured Home Subdivision

A parcel of land platted for subdivision according to all requirements of the comprehensive plan and Zoning Ordinance designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

9. Manufactured Housing Construction and Safety Standards Code

Title VI of the 1974 Housing and Community Development Act (42 U.S.C 5401 et sequential, as amended (previously known as the Federal Mobile Home Construction and Safety Act) , rules and regulations adopted thereunder (including information supplied by the home manufacturer) , which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.

10. Manufactured or Mobile Home Community (Park)

A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied as residences.

11. Mobile Home

A transportable structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976 (For criteria for certified mobile homes see Section 920(4).)

12. Occupied Space

The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

13. One and Two Family Dwelling Code

The nationally-recognized model building code prepared by the Council of American Building Officials.

Permanent Perimeter Enclosure.....

A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

15 Permanent Foundation

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

16. Recreational Vehicle

A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

17. Section

A unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

18. Special Exception Permit or Conditional Use Permit

A device for permitting a use within a district other than a principally permitted use.

19. Support System

A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home.

980 Mobile Home Subdivision/Park and Recreational Vehicle Park

a. Mobile Home Subdivisions

a. Definition

A mobile home subdivision is a subdivision used exclusively for placement of certified mobile homes for residential use along with other expressly permitted uses as permitted herein. To qualify as a mobile home subdivision, neither the subdivision developer nor his

heirs, successors or assign shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified mobile home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified mobile home thereon.

b. Procedures For Subdividing

The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. The Hartford/Beaver Dam Subdivision Regulations shall be the minimum standards, requirements and procedures governing the filing, designing, utilities, facilities and other improvements or physical complements of mobile home subdivisions.

c. Minimum Mobile Home Subdivision Requirements (not withstanding any other provisions of this ordinance)

The site and proportions of lots in any mobile home subdivision shall conform to the zoning of the property in effect at the time of the final plat submission with the following exceptions. No lot in a mobile home subdivision shall contain less than 20,000 square feet of land where public sewers are not available, or less than 6,000 square feet of land where public sewers are available.

All lots shall front on a public street and have a minimum width at the building line of 70 feet.

No more than one (1) certified mobile home within the subdivision shall be situated on any one single subdivided lot.

Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least 50 feet from the intersection of the right-of-ways.

The minimum setback line from the street right-of -way and all yard requirements shall conform with the zone in which the mobile home subdivision is located.

b. Mobile Home Parks

a. Definition

A mobile home park is a residential area in which mobile home lots are rented exclusively for use as sites for certified mobile homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the mobile home park.

b. Basic requirements

i. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.

ii. All mobile home parks shall abut upon an arterial or collector thoroughfare.

iii. No mobile home park shall be located on less than (5) acres of land where public sewers are not available or less than two (2) acres of land where public sewers are available.

for iv. No person shall operate a park without having first obtained a permit, as provided in KRS 219.310 to 219.410.

v. Application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as the submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission.

A vicinity map showing the proposed location of the park in relation to major streets or highways.

A description of the method proposed for disposal of storm drainage.

Proof of receipt of KRS 219 Mobile Home Park Permit.

### C. Construction Plan Submission

Following tentative approval from the Commission and the Bureau for Health Services, the applicant shall submit a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration, showing the following:

- a. A site plan showing all existing facilities and proposed facilities, as follows:
  - The area and dimensions of the tract of land to be developed.
  - The number, location and size of all lots for certified mobile homes.
  - A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home subdivision.
  - The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces.
  - The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer vents and riser pipes.

lines,

A separate floor plan of all buildings and other improvements either existing or proposed.

Size and location of the playground and other public areas to be provided within the park.

#### d. Location and General Layout

All certified mobile homes shall be located at least 50 feet from any park boundary line abutting a public street or highway, and at least 20 feet from other park property boundary lines.

e. Utility Systems

i. Responsibilities of Permit Holder:

The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

ii. Supplementary Provisions and Regulations:

The Commission may impose such other conditions as it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety or general welfare.

The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

Off-street parking shall be provided according to the following requirements:

- 2 spaces for each mobile home lot.
- 1 space for each full-time park employee
- 1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities
- 1 space for each 4 mobile home lots for use by guests
- 2 parking spaces required for each certified mobile home should be located on the mobile home lot; all other required spaces should be

located in bays convenient to facilities

Adequate anchorage facilities must be provided for each certified mobile home. Each certified mobile home must be equipped with tie-downs which must be used.

iii. Existing Parks

Any mobile home park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to presently operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

1. Recreational Vehicle Parks

A. Definition

Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

b. Basic Requirements

1. Size:

The minimum size of a recreational vehicle park shall be not less than five (5) acres.

2. Density:

Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet except that 20% of the lots may be as small as 1,200 square feet in area, but these may be used by tent campers only.

C. Zoning

Recreational vehicle parks may be permitted as conditional use in R-3, B-2 and/or A-1 districts provided they meet the following criteria, and provided further that they are approved by the Commission:

of

1. That the proposed park will contribute to the welfare and convenience the traveling public seeking this type of accommodations.
1. That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.
2. That the park will comply with all city, county, state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.
3. That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

#### D. Existing Recreational Vehicle Parks

Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

#### 990 Storage of Recreational Vehicles

Recreational vehicles, trailers, or mobile homes used exclusively for the purpose of traveling or camping and which do not exceed the width of eight (8) feet or the length of twenty-four (24) feet may be stored in the rear yard of any residential lot provided yard requirements as designated in this Ordinance are maintained and the recreational vehicle, mobile home, or trailer is not occupied.

ARTICLE X  
OFF-STREET PARKING AND LOADING

1000 Existing Parking Spaces

Existing off-street parking provided for any building or use at the time of adoption of this Ordinance shall not thereafter be reduced if such reduction results in parking area less than that required by this Ordinance. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this Ordinance at the time of any structural alteration of the building or expansion of the use.

1010 Required Off-Street Parking Spaces

When any building is built or any use of the land is initiated, there shall be provided sufficient off-street parking space on the premises so that no automobile parking on any street will result from the normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Administrative Officer is unable to apply the following standards literally or determines a parking space deficiency according to the standard above. In either case, he shall apply to the Board for an original interpretation. In the B-1, Central Business District, no off-street parking shall be required except for residential dwellings.

1020 Off-Street Parking Standards

The following standards comprise the minimum off-street parking requirements for the several common types of building and uses listed:

- A. Dwelling: Two parking spaces per single-family dwelling unit; in multi-family dwellings - 1 ½ parking spaces for 1 bedroom or efficiency units, 2 spaces for 2 bedrooms or larger units; for elderly multi-family projects, one space per elderly unit is required.
- B. Indoor Retail Businesses in B-2 and B-3 Zones: One parking space for each 250 square feet of commercial

floor area plus one space for every truck operated by the business.

- c. Industrial Plants: One parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant.
- d.. Places for public assembly, institutions, and recreational facilities: One parking space for every five person based on maximum capacity.
- e. Additional parking standards: The Board of Adjustment may alter the standards listed above when necessary to conform with Section 1010 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

#### 1030 Off-Street Loading and Unloading Space Regulations for Trucks

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the Administrative Officer is unable to apply this standard literally and applies to the Board for an original interpretation.

#### 1040 Additional Parking, Loading, and Unloading Regulations

- A. Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within walking distance or four hundred feet from the premises it serves but detached therefrom and may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative Officer shall apply to the Board for an original interpretation when building permits are requested in such cases. The Board may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows: If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times - i. e. : Churches and stores, - total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.

- B . Proof of availability: The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.
  
- C. Parking, loading, and unloading spaces and the access thereto shall be surfaced in a manner adequate to eliminate dust and mud.

1050 City Ordinance

Nothing in this Article shall be construed to be in conflict with any city ordinance regarding the parking of vehicles on city streets.

ARTICLE XI  
SIGNS AND BILLBOARDS

1100 Intent

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign and advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

1110 General Sign Regulations.....

1. Billboards

For the purpose of this ordinance, billboards shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. Billboards, where permitted, shall be set back from the established right-of-way of any state or federal road or highway at least 100 feet, provided that any billboard adjacent to the Western Kentucky Parkway or the Green River Parkway shall be set back 660 feet from the established right-of-way. Signs and billboards located at the intersection of two or more roads or highways shall meet the setback requirements of both roads or highways. Billboards shall be permitted only along state and federal highways in highway business (B-3), light and heavy industrial districts (I-1 and I-2), and agricultural (A-1) zoning districts. They shall be located no closer than 500 feet from any residential district or subdivision and shall not exceed a height that will impede the direct line of sight of a pre-existing residential dwelling or place of business. Billboards shall be a maximum of 10' by 40' (400 square feet) and shall be located no closer than 200 feet apart measured from the center of each billboard on the same side of the road or highway and no closer than 50 feet to the side or rear property line.

2. Signs

All signs, unless other wise specified in this ordinance, shall be set back from the established right-of -way of any

street, road, or highway (as determined by the property owner's property line intersection with the right-of way) at least fifteen (15) feet. The distance will be measured from that part of the base of the supporting structure that is nearest to the right-of-way. The Administrator may increase the distance for reasons of safety and or public convenience, or if State or Federal law requires a greater distance.

All signs over eight (8) square feet of any type, in any zone, or in addition to an existing sign, or replacements to an existing sign, or substantially changes the text of an existing sign, other than real estate signs, as provided for in this section and others specifically excluded, require a permit to be obtained from the Administrative Officer. A non-conforming sign shall not be changed, altered, added to, or moved or replaced except that the said sign be brought into conformity with this Ordinance.

No sign or billboard, other than real estate signs advertising the sale, rental, or leasing of the premises, shall be permitted in any residential zone except as provided in Section 1120. Said Real Estate signs shall not exceed 4 square feet in area and shall be displayed at least (10) feet from the lot line.

Advertising signs, structures or lights, for support and illumination for signs, where permitted, shall in no case be placed in or extend over the street right-of-way.

3. ALL TEMPORARY SIGNS must be set back to minimum of twenty five (25) feet from the center line on the adjacent road or ten (10) feet from the right-of-way of the road as determined by the property owner's line intersecting with said right-of-way which ever is the greater distance. Where there is a substantial permanent barrier, either natural or constructed, between a sign and the roadway the Administrative Officer may permit closer placement if public safety is not affected. ALL MOVABLE SIGNS shall be classified as TEMPORARY SIGNS. All signs under eight (8) square feet will not require a permit. However such signs must be in compliance with all other regulations outlined in this Ordinance. All temporary signs must be in compliance with regulations for signs and bill boards in regard in regard to placement, including visibility at intersections as outlined in Section 870 of this Ordinance. For purposes of this section, a "MOVABLE SIGN" is any sign capable of being moved with the use of a mechanical device.

POLITICAL SIGNS shall be posted no earlier than forty five (45) days prior to an election. Political signs shall be removed no later than seven (7) days after a primary election. However, winners in a primary election, persons not opposed in a primary election, or other candidates who qualify for a general election, shall not be required to remove their signs until (7) days after the general election.

The Commission may require a deposit in lieu of a fee per sign, except that signs over sixteen square feet (16) will require a deposit plus a fee per sign. If an election sign is removed within the number of days that are specified for its removal, the deposit will be returned. If an election sign is not removed within the specified time, the deposit will be forfeited to the Administrator.

Candidates who fail to make the required deposit will be charged a fee per sign at the same rate charged for non-political signs except that a fee will be charged for signs that exceed five (5) square feet.

All signs must be placed in conformity with this ordinance except that card board signs with areas not exceeding three (3) square feet, mounted on furring strips or similar wooden material, may be placed without regard to this ordinance, except that no sign shall be placed where it may be a hazard or have the potential to create a hazard.

Signs not in conformity with this ordinance, or ones for which there has been no deposit or fee, will be covered over or removed if such signs are on public streets or right-of-ways. Sections 360 and 1160 of this ordinance may also apply.

YARD SALE SIGNS may be posted no earlier than four (4) days prior to a sale. They must be removed no later than two (2) days following the final day of the sale. Any temporary sign perceived by the Administrator as presenting a hazard to traffic or the general Public shall be removed immediately by the owner upon written notice from the Administrative officer. Under no circumstances shall political or yard sale signs be posted on Utility poles. (see Article II para. 100 for yard sale regulations)

All Persistent or willful violations of these regulations may be penalized as per Article III 360 of this Zoning Ordinance.

Provisions regarding the regulation of other temporary signs apply as required in other sections of this Article.

#### 4. Government signs

Any official informational signs, directional signs, or historical marker erected by a government agency is permitted in all zones and does not require a location or building permit.

#### 5. Lack of conflict

In no way shall the provisions of this Article be taken to be in conflict with State or Federal regulations regarding obstructions or placement of structures in the state or federal right-of-ways. In all cases, the most restrictive provision will apply.

6. Ingress and Egress Free

No outdoor advertising display sign shall be erected, constructed, or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any part thereof. No sign shall be attached in any form, shape, or manner to a fire escape and shall not be placed in such a manner as to interfere with any opening required for legal ventilation.

7. Flashing Signs Prohibited

Flashing signs shall not be permitted in any zone, whether permanent or temporary on or off premise. Flashing signs shall be defined as a sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather or similar public service information, shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.

1120 Residential Districts

Signs are permitted in residential districts only in accordance with the following provisions:

1. Temporary signs pertaining to the lease or sale of a building or land may be erected as provided in Section 1110 of this Ordinance. Real Estate signs shall not be displayed on and/or over city or public property except by the appropriate public agency.
2. Temporary signs, for one year, may be erected to advertise a new subdivision of five (5) or more lots, provided that the sign is no larger than sixty (60) square feet in area, is not internally illuminated, advertises only the subdivision in which it is located and is erected only at a dedicated street entrance.
3. One unilluminated sign may be erected in conjunction with the construction of a building to identify the owner, architect, engineer, contractor and others instrumental in the construction of the building provided that such sign is not more than twelve (12) square feet in area, no more than fifteen (15) feet above the ground, and is removed within thirty (30) days of receiving the Certificate of Occupancy.

4. One identifying sign of not more than thirty (30) square feet in area may be erected for churches, libraries, schools, parks, hospitals for human care, and other public facilities of a similar nature. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but shall not be flashing.
5. Directional signs, not exceeding two (2) square feet in area shall be permitted only on major thoroughfare approaches to institutions listed in (4) above. No such signs shall be permitted on minor residential streets.
6. One (1) indirectly lighted name plate sign for a dwelling group of four (4) or more dwellings not exceeding six (6) square feet in area. Such signs may indicate only the names of buildings or of occupant of the buildings.
7. Accessory uses for professional offices or home occupations as specified in Section 662(2) and 663(2) shall be permitted one (1) indirectly lighted name plate (sign) not over two (2) square feet in area.
8. One lighted, non-flashing sign, not exceeding four (4) square feet is permitted in on the premises of a Bed and Breakfast residence. All regulations regarding placement of signs shall apply.

#### 1130 Business Districts

In all business districts, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below:

1. Each business shall be entitled to have one sign which is mounted flush against a building. The depth of such a sign from a face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to 1 ½ square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an additional application must be made and approved by the Hartford/Beaver Dam Joint Planning Commission.
2. Additionally, one (1) free-standing sign structure shall be permitted for each lot of one hundred (100) foot frontage or less and one (1) additional structure for each additional one hundred (100) feet of lot frontage. Any such freestanding sign structures in a B-1 or B-2 District shall be no more than 72 square feet in area nor shall two or more smaller signs be so arranged and integrated as to create a single sign in excess of 72 square feet. In a B-3 District, such freestanding signs shall not exceed three (3) square feet for each lineal foot of lot frontage with a maximum of 300 square feet

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for any single sign. All such freestanding signs shall be set back twenty-five (25) feet, or more, from the front property line.

The dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on one side of the sign. Free standing signs shall not exceed a height of 25 feet.

All freestanding signs designed to face into a residential district shall be located fifty (50) feet or more from the residential district.

If a business is adjacent to more than one street or highway, additional free-standing signs may be allowed upon application to and receiving approval of the same from the Hartford/Beaver Dam Planning Commission.

3. Each neighborhood business area built as a Planned Unit Development may have one free-standing identification sign for each street on which it fronts, set back at least twenty-five (25) feet from the front property line and presenting only the name of the shopping center, the businesses located therein, and the hours of business. Each such sign shall not exceed 300 square feet in area.
4. Billboards shall be permitted in B-3 zones only as specified in section 1110(i) of this Article.
5. No illuminated business signs within a business or industrial zone shall be located closer than fifty (50) feet to a residential zone.
6. No revolving business sign within a business or industrial zone shall be located closer than seventy-five (75) feet to a residential zone.
7. Portable business signs within a business or industrial zone shall maintain the same setback as that required of other business signs with respect to type, illumination, etc.

#### 1140 Industrial Districts

- a. All signs permitted in business districts are also permitted in I-1 Districts and subject to the requirements thereof.
- b. One (1) sign structure for identification and direction purposes may be erected at access points to public streets provided that such signs are no larger than fifty

(50) square feet in area.

1150 Sign Maintenance

1. It shall be the duty of the Administrative Officer to inspect all signs or bill boards upon which a complaint has been made, or when the Administrative officer has a personal knowledge that a sign is not in compliance with zoning regulations.
2. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Zoning Administrator, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Zoning Administrator, in the case of immediate danger forthwith and in any case within ten (10) days, secure the same manner to be approved by the Zoning Administrator or remove such sign. If such order is not complied with within then (10) days, the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof.
3. All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair unless constructed of galvanized or noncorroding material and shall be thoroughly painted at least once every two years. The Zoning Administrator shall order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner of lessee.
4. Any sign now or hereafter existing which no longer advertises a bonafide business shall be taken down and removed by the owner, his agent, or person having the beneficial use of the building, structure, or lot. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause the removal of such sign, and any expense incidental thereto shall be paid by the owner of the building, structure, or lot to which the sign is attached. The Board of Adjustment may waive this requirement only for historic preservation purposes and when the owner can prove the need for the waiver to qualify for funding or tax credits.

1160 Violations

In any case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Enforcement or Administrative officer shall notify by registered mail or written notice served personally to the owner or lessee thereof to alter such sign as to comply with this Zoning Ordinance and to secure the necessary permit,

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therefore, or to remove the sign. If such order is not complied with within ten (10) days, the Zoning Administrator shall remove such sign at the expense of the owner or lessee thereof. Additionally, failure to comply with any of the provisions of this Article shall be deemed a violation, and shall be punishable under Section 360 of this Ordinance.

ARTICLE XII  
PLANNED UNIT DEVELOPMENTS

1200 General

A Planned Unit Development project which may depart from the literal conformance with the regulations for individual lot development may be permitted in those districts where it is designated as a special use under the district regulations. All Planned Unit Development projects shall be subject to the following regulations.

1210 Procedure

When a Planned Unit Development project is proposed, the procedure and standards for major subdivision approval as set forth in the Subdivision Regulations shall be followed in their entirety. A preliminary plat and final plat, both approved by the Planning Commission shall be required for every Planned Unit Development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building.

1220 Uses

The uses in a Planned Unit Development project shall conform with the permitted uses of the zoning district in which it is located. If a Planned Unit Development project is proposed which includes mixed uses, or other uses that are not permitted in the district where it is proposed, or uses not permitted in any district, the project may be permitted only after an overlay to the City Zoning Map is approved by the Planning Commission. Such an overlay shall designate the proposed location as a Planned Unit Development overlay district. The overlay district may be permitted only after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

1230 Standards

In any Planned Unit Development project, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no diminution of the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual-lot development. The Planning Commission may allow reductions in these requirements however, upon proof by the developer that efficiencies of large-scale development may permit such

reductions without destroying the intent of this ordinance.

1240 Special Conditions

The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Ordinance. The Planned Unit Development project shall conform with all such conditions. Because a Planned Unit Development project is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

The following standards define the typical special conditions the Planning Commission shall attach in addition to the standards for lot, parking, and loading and unloading area defined in Section 1230 above. The Planning Commission may also attach any other reasonable special conditions.

- (a.) It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth to a quarter of a mile. The Planning Commission may approve the platting of temporary access points.
- (b.) Wherever there is an abrupt change in uses - i. e., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
- (c.) Parking and other public areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
- (d.) It is desirable that all Planned Unit Development projects be constructed promptly after approval of the final plat. Construction shall be initiated within one year after approval of the final plat, and shall be completed in a reasonable length of time. Failure to initiate construction within one year shall void the permit.

ARTICLE XIII  
DEVELOPMENT PLANS

1300 General

This section sets forth the content and procedure for submission, review, and approval of all development plans called for by the Planning Commission.

The Commission at its discretion may require the submission and approval of a preliminary and/or a final development plan if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic, or other similar problems relating to the development of the subject property that could have an adverse effect on existing or future development of the subject property in the vicinity.

1310 Preliminary Development Plans Required

Preliminary development plans shall be submitted when requested by the Commission and shall contain all information required by Section 1330 below. A public hearing on a map amendment shall not be held until the required preliminary development plan has been submitted to the Commission.

1320 Final Development Plans Required

Final development plans required herein shall be submitted within two (2) years of the approval of the Preliminary Development Plans and the Commission shall approve a final development plan for the subject property with such conditions as are found necessary to comply with the provisions of this Ordinance, if any, within ninety (90) days after the applicant has submitted his final development plan.

1330 Contents of Preliminary Development Plan

- (a) Vicinity sketch
- (b) Topography with contour interval of five (5) feet or less
- (c) Location, arrangement, and approximate dimensions of existing and proposed driveways, streets, sidewalks, parking areas, and layout of spaces, points of ingress and egress, and other vehicular and pedestrian rights-of-way
- (d) Screening, landscaping, buffering, recreational, and other open space areas
- (e) Approximate size, location, height, floor area, building area, arrangement and proposed use of existing buildings and signs

(f) Storm drainage areas and facilities; this information shall be supplied to the Planning Commission as a part of the Development Plans for all zone change requests throughout the cities to facilitate the Planning Commission's decision making process.

(g) Proposed and existing easement

1340 Contents of Final Development Plan

(a) Vicinity sketch

(b) Topography with contour interval of two (2) feet or less

(c) Boundary features such as bearings and dimensions of all property lines

(d) Size, location, height, floor area, building area, and arrangement of proposed and existing buildings and signs

(e) Screening, landscaping, buffering, recreational and other open space areas showing dimensions of and materials of fences, planting, buffer and other open areas

(f) Location, arrangement, and dimensions of existing and proposed driveways, streets and street cross section drawings, sidewalks, parking areas including a number of off -street parking spaces, points of ingress-egress, off street loading areas and other vehicular and pedestrian rights-of-way

(g) Utilities information on existing and proposed water, gas, electric, telephone, and sewer lines, including location of easements, size of lines and location of appurtenances

(h) Location and dimensions of other existing or proposed easements

(i) Statistical summary of above items.

1350 Approval of Development Plan Before Building Permit

When the Planning Commission has required a Development Plan to be submitted no building permit shall be issued until a development plan is approved by the Commission and a copy of said plan is certified by the Chairman and Secretary of the Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy

all land and structures to the conditions set forth in the plan.

1360 Amendments to Development Plan

Amendments to approved development plans can be made only by official Planning Commission action.

## ZONING MAP AND TEXT AMENDMENTS

### 1400 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### 1410 Application for Amendment

A proposal for amendment to the official City Zoning Map(s) may originate with the Planning Commission, the City Council, any other government body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. As per section 1490, the Planning Commission may require the prior submission of a development plan prepared in accordance with Article XIII of this Ordinance, which when approved by the Commission, shall be followed. At the time of filing an application, a nonreturnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the city council, the planning commission or any governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, receipt requested.

### 1420 Planning Commission Procedure

Upon the filing of an application for an amendment to the official City Zoning Map(s) or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies or fiscal court involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the

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end of which if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation for approval or disapproval.

### 1430 Notice of Public Hearing

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.

When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

A. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:

i. The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) in height; and

ii. the sign shall be constructed of durable material and shall state the telephone number of the Planning Commission Office; and

iii. it shall be the responsibility of the applicant to post the sign conspicuously on the property. The Enforcement Officer shall verify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this ordinance.

B. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other

officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation

Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

In addition to the public notice requirements of this section, when the planning commission or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

1440 Public Hearing on Application

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

1450 Recommendation of Commission for Zoning Map Amendment

Before recommending to the City Council that an application for amendment to the Zoning Map be granted, the Planning Commission must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

1. the original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, or
2. that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially

altered the basic character of the area.

After voting, to recommend that an application for amendment to the official City Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the appropriate City Council.

1460 Action by City Council on Zoning Map Amendments

The City Council shall not act upon a proposed amendment to the official City Zoning Map until it has received the written findings of fact and recommendation thereon from the Planning Commission. The Planning Commission recommendation relating to the proposed amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the planning commission:

- A. Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body or Fiscal Court; or
- B. The appropriate legislative body or Fiscal Court files a notice with the Planning Commission that the legislative body or Fiscal Court shall decide the map amendment.

It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

If the legislative body chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Enforcement Officer and the Chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall complete and file for recording with the County Clerk, a Certificate of Land Use

Restriction for any map amendment approved with conditions by the City Council.

1470 Recommendation of Commission for Text Amendment

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council. In the case of a

proposed amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

1480 Action by City Council(s) on Text Amendments

The City Council(s) shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the fiscal court or legislative body to adopt the proposed amendment. The legislative or fiscal court shall take final action within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal. body

1490 Special Conditions to the Granting of Zoning Changes

As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan as per Article XIII. Upon approval of the development plan, such shall be followed. As a further condition to the granting of a zoning change, the planning unit require that substantial construction be initiated within two years; provided that such zoning shall not revert to its original designation unless there has been a public hearing. plan may change