

# DEVELOPMENT GUIDANCE SYSTEM

ORDINANCE NO. 122, SERIES 1995

AN ORDINANCE AMENDING ORDINANCE NO. 117, SERIES 1995, AND  
SUPERSEDING ORDINANCE 104-94, 90-92, 62-89, 47-87, 43-85 AND 37-84  
RELATING TO LAND USE PLANNING AND ZONING FOR UNINCORPORATED  
HARDIN COUNTY.



## ORDINANCE AMENDMENT LIST

ORDINANCE NO.	SERIES	DESCRIPTION	SECTION(S)	ADOPTED	BOOK	PAGE
117	1995	PURPOSE OF CREATING THE DEVELOPMENT GUIDANCE SYSTEM ORDINANCE (DGS)	DEVELOPMENT GUIDANCE SYSTEM ORDINANCE (DGS)	17 Jul 1995	2	636
121	1995	FLOOD ORDINANCE AMENDMENT	SECTION 7.5 C	01 Nov 1995	3	26
122	1995	PURPOSE OF AMENDING LASFS, CREATED I-2 INDUSTRIAL DISTRICT, CONDITIONS, PD-1 DISTRICT	SECTION 2.2; 3.3 (B), 3.13, 5.5(A)(2); 5.5(A)(3)(16-18); 5.5(D)(1); 6.10	01 Nov 1995	3	27
126	1996	DEFINITION DELETED - MOBILE HOME PARK, CUP POWERS, CREATING "PRIVATE ROADWAY DEVELOPMENT" STANDARD FOR R-2 DISTRICT	SECTION 2.2; 3.23; 5.5(A)(1), (c)(1); 5.5(A)(d), (e); 5.5(A)(2)(c)(1); 5.5(A)(2)(d), (e), (h), (i); 5.5(A)(3)(c)(1); 5.5(A)(3)(j); 6.10	15 Jul 1996	3	38
131	1996	PURPOSE OF ADDING MINIMUM LOT AREA, LOT CONFIGURATION, CREATING "PRIVATE ROADWAY DEVELOPMENT" STANDARD FOR R-1 DISTRICT	SECTION 5.5(A)(1)(d)(¶ 3), (e); 5.5(A)(2)(c)(1); 5.5(A)(2)(d), (e), (h), (i); 5.5(A)(3)(c)(1); 5.5(A)(3)(j); 6.10	02 Dec 1996	3	113
133	1997	CREATING "PRIVATE ROADWAY DEVELOPMENT" STANDARD FOR R-3 DISTRICT	SECTION 5.5(A)(3)(i), (j)	02 Jun 1997	3	116
144	1999	DEFINED "SEXUALLY ORIENTED BUSINESS"; PERMITTED USES BY RIGHT	SECTION 5.5(C)(1)(a)(19); 5.5(C)(2)(a)(18); 5.5(D)(2)(a)(23),	22 Mar 1999	3	169
154	2000	DEFINED "DWELLING, MULTIFAMILY", CREATED C-0 DISTRICT, PD-1 PURPOSE / POTENTIAL USES, PLANS FOR GGA	SECTION 2.2; 5.5(A)(1)(c)(9-10), 5.5(B), 5.5D(1)(a)(1-5); 6.1(A), (4); 6.3(A)(1-2)	10 Jan 2000	3	363
198	2003	MORATORIA ESTABLISHED FOR GLENDALE STUDY AREA	SECTION 5.5	25 Jun 1905	3	388
201	2003	PURPOSE OF ELIMINATING "PRIVATE ROADWAY DEVELOPMENT"	SECTION 2.2; 5.5(A)(1)(d), (h), (i); 5.5(A)(2)(d), (h), (i); 5.5(A)(3)(i), (j)	22 Jul 2003	3	423

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1.1 Preamble.

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

1.2 Title.

This ordinance shall be known and may be cited as: The Development Guidance System of Hardin County, Kentucky.

1.3 Authority and Purpose.

- A. This Ordinance is adopted pursuant to the authority delegated to Hardin County, Kentucky under Chapter 100 of the Kentucky Revised Statutes (KRS) and to promote good planning practice.
- B. The purpose of this ordinance is to protect the public health, safety, general welfare and morals while allowing for cost-saving efficiencies, protection of private property values and preserving the tax base.
- C. The provisions in this ordinance shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the Comprehensive Development Guide and the Official Sector and District Map.

1.4 Jurisdiction.

- A. The provisions in this ordinance shall be applicable in the unincorporated territory of Hardin County, Kentucky, as that territory exists on any given day.
- B. This Ordinance shall become effective on July 17, 1995.
- C. When necessary to further its purposes, this ordinance shall be amended as per KRS 100.211(2). A proposal to amend the text of the regulation may originate with either the planning commission or fiscal court. Said proposals shall be referred to the planning commission before adoption. The planning commission shall hold at least one public hearing given notice by publication of a legal advertisement that shall appear between seven and twenty-one days prior to the hearing pursuant to KRS Chapter 424. Subsequent to the hearing, the planning commission shall make a recommendation to either approve or disapprove the text amendment stating the reasons for the decision. If the amendment is proposed by the fiscal court, the commission shall make its recommendation within sixty days of receiving the proposal. It shall take an affirmative vote of a majority of the fiscal court to adopt the proposed amendment.

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

1.5 Fees.

Reasonable fees sufficient to recover incurred cost may be charged as per KRS 100.177 as amended. The planning commission shall establish the fee schedule subsequent to appropriate study and research.

1.6 Complaints for Violations.

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

1.7 Notice of Violation.

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

1.8 Enforcement and Penalties.

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

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

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

(2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

(3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

1.9 Interpretation, Conflict, and Separability.

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

B. Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the planning commission. When subdivision and development plans that have been approved by the planning commission contain setbacks or other features in excess of the minimum requirements established by this ordinance, said standards shall be construed as a private deed restriction.

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

1.10 Plans and Construction in Progress.

Nothing in this ordinance shall be deemed to require a change in the plans, construction of designated use of any building or premises on which an application for a certificate or permit was filed with the planning commission prior to the date of adoption of the ordinance or amendment thereto, providing that the application meets all land use regulation or other requirements in effect on the date of said application. The certificate or permit issued pursuant to applications made before the date of adoption of the ordinance shall be valid only if it is exercised within one year of the date of the issuance of the certificate or permit. For the purpose of this ordinance "exercised" shall mean that a binding contract for the construction of the main building or other main improvements shall have been let, or that the main building or other main improvements are under construction, or that prerequisite conditions involving substantial investments 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 set forth in the certificate or permit.

2.1 General Definitions

Except as otherwise provided, all words used in the DEVELOPMENT GUIDANCE SYSTEM shall have their customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "shall" is always mandatory.

2.2 Specific Definitions

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

Abandonment of Use	A cease in an activity conducted on a property with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
Accessory Use	A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.
Adjacent Property	Property which shares a common boundary line or property directly across the street which shares a common public right-of-way.
Adjoining Property	Property which shares a common boundary line.
Affected Property Owner	The owner of property in the vicinity of a proposed development which will be impacted either positively or negatively by that proposed development.
Agricultural Use	A parcel of at least five (5) contiguous acres for the production of agriculture or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
Amended Record Plat	A professionally prepared drawing of changes to a plat filed in the Hardin County Clerk's office.
Amenities	A man-made or natural feature which enhances or makes more attractive a particular site for development.
Appeal	A legal proceeding by which a decision made by the Planning Commission, board of adjustment or fiscal court is brought to the Circuit Court to review the decision.
Applicant	Any individual, developer, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to bring about development for the individual or another.

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Development Guidance System

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Billboard	See Sign.
Block	A piece of land entirely surrounded by public highways or streets, other than alleys.
Building	Any combination of materials, whether portable or fixed, which comprises a structure or non-mine underground area affording facilities or shelter for any human occupancy, whether infrequent or regular. (KRS 198B.010(4))
Building Envelope	An area within the confines of the building setbacks, illustrated on a plat, which limits the location of structures on the parcel.
Caliper	The diameter of a tree trunk measured one foot above ground level.
Canopy Tree	A tree which at maturity creates a rooflike layer of spreading branches.
Commission	The Hardin County Planning and Development Commission.
Comprehensive Plan	The Hardin County COMPREHENSIVE DEVELOPMENT GUIDE which is required by and adopted in accordance with KRS 100.183.
Conditional Use	A use which is essential to or would promote the public health, welfare and safety in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts, unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed by this regulation.
Conditional Use Permit	Legal authorization to undertake a conditional use authorized by the board of adjustment consisting of two parts:  <ol style="list-style-type: none"><li>1. A statement of factual determination by the board which justifies issuance of the permit; and,</li><li>2. A statement of specific conditions which must be met in order for the use to be permitted.</li></ol>
Contiguous Development	Areas where adjacent properties are developed.
Controlled Access	A condition where the right of owners or occupants of abutting land or other persons to access, in connection with a highway, is fully or partially controlled by public authority.
Corner Lot	A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and where in either case the interior angle formed by the intersection of the street center line does not exceed 135 degrees.
Corrected Plat	A professionally prepared drawing of technical corrections to a plat filed in the Hardin County Clerk's office.

County Attorney	That person occupying the constitutional office as determined by the results of a general election.
County Clerk	That person occupying the constitutional office as determined by the results of a general election.
County Road	A public road listed on the County Road Maintenance System
Cul-de-sac	Dead-end residential roadways which afford access to ten to 20 platted lots with an appropriate turn around facility at the end.
Cul-de-sac, Minor	Dead-end residential roadways with less than ten platted lots and an appropriate turn around facility at the end.
Day	A calendar day.
Development	The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; installation of a sign; and any mining, landfill or land disturbance.
Development Guidance System Number	The number assigned to each application which corresponds with the map identification number assigned by the Hardin County Property Valuation Office.
Development Plan	A site plan which contains detailed information concerning existing and proposed development, as set forth in KRS 100.111 (8).
Director	The Director of the Hardin County Planning and Development Commission.
Dwelling Unit	A building or portion thereof providing independent and complete cooking, living, sleeping, and toilet facilities for one family.
Easement	A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation, or a certain person or persons.
Engineer	A person registered by the Commonwealth of Kentucky through the Board of Registration of Professional Engineers and Land Surveyors.
Evergreen Tree	A tree that has foliage that remains green and functional through more than one growing season.
Excavation	The action by which existing elevations or topography are changed by digging, cutting, or scooping of the surface.
Expanded Use	The further development of a developed site.
Facade	The exterior wall of a building exposed to public view, or that wall viewed by persons not within the building.

Family	One or more individuals occupying a dwelling unit and living as a single household unit.
Fiscal Court	The chief elective body of Hardin County with legislative power.
Fiscal Court Planning Committee	A committee of three Fiscal Court members which makes recommendations to Fiscal Court concerning actions taken by or recommendations made by the Commission.
Flag Lot	A rectangular shaped lot attached to a long narrow strip (flag-shaped) designed to allow a lot to be created behind another lot with the strip giving access to a public road.
Flood	A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.
Flood (100 year)	A flood that, on the average, is likely to occur once every one hundred (100) years; i.e., one that has a one percent chance of occurring each year, although the flood may occur in any year.
Flood Frequency	The statistically determined average of how often a specific flood level or discharge may be equaled or exceeded.
Floor Area	The total horizontal area of all of the floors of a building or structure, measured on the exterior perimeter.
Frontage	That side of a lot abutting on a public right-of-way; the front lot line is the distance for which the front boundary line of the lot and the public right-of-way are coincident.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Hardin County Road Classification System	A listing separating all roads in the County into classes based on type of use, status, and number of adjoining properties.
Hearing Officer	A person appointed by the Commission to preside at public hearings.
Home Occupation	Any activity carried out for gain by a resident conducted as an accessory use on the resident's property. Such activity shall not cause the description or appearance of the property to change by virtue of the existence of a home occupation. The activity must have no employees working on the premises who are not members of the family, and who do not live in the dwelling unit; must not generate more traffic than the uses existing in the same

	neighborhood; and must not involve warehousing or storage of any inventory or goods to be transferred to third parties; nor make use of any equipment not normally used for domestic purposes.
Impervious Surface	Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.
Important Farmlands	Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops.
Junkyard	Any place where two or more wrecked, or non-operative vehicles, machines, or other similar scrap or salvage materials are deposited, parked, placed, or otherwise located. Junkyard also includes any place used for storing, keeping, buying, or selling scrap materials of any kind, ferrous or non-ferrous.
Land Surveyor	A person registered by the Commonwealth of Kentucky through the Board of Registration of Professional Engineers and Land Surveyors.
Landscaping	The addition of lawns, trees, plants, and/or other natural and decorative features to land which create an expanse of natural scenery.
Local Average Square Foot Standard	A method of protecting property values whereby the minimum square footage for the dwelling units of a proposed particular development is established by averaging the square footage of the closest twelve dwelling units to the site and then multiplying that figure by 80 percent.
	If twelve dwelling units are not found within 1200 feet of the application parcel, then only those dwelling units within 1200 feet shall be calculated.
Lot	Any legally divided portion, piece, division or parcel of land in a platted subdivision.
Manufactured Home	A dwelling unit fabricated on or after (June 15, 1976), in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code commonly referred to as the HUD Code. (see mobile home)
Minor Subdivision	Any subdivision which does not include the construction of a new road.

Mobile Home	<p>Mobile Home Class A is a mobile home, as defined in KRS 227.550(9) not built in accordance with the federal Manufactured Home Construction and Safety Standards Act but bearing a Class A Seal as issued by the Kentucky Department of Housing, Buildings and Construction, Office of the State Fire Marshall under the authority granted it by KRS 227.550(2) and the regulations adopted thereunder set forth in 815 KAR 215:010</p> <p>Mobile Home Class B is a used mobile home meeting the definition set forth in KRS 227.550(9) bearing a Class B Seal issued by the Kentucky Department of Housing, Buildings &amp; Construction under the authority granted it by KRS 227.550(3) and the regulations adopted thereunder set forth in 815 KAR 215.010.</p> <p>Mobile Home Class C is a mobile home as defined in KRS 227.550(9) not manufactured in accordance with the federal Manufactured Home Construction and Safety Standards Act and not bearing either a Class A or B Certificate issued by the Kentucky Department of Housing, Building and Construction, Office of the State Fire Marshal. (see manufactured home)</p>
Mobile Home Park	<p>A lot or parcel of land containing two (2) or more mobile homes available for occupancy to the general public.</p>
Monument	<p>A permanent marker installed at all lot corners, angle points, and points of curve, and at all street intersections.</p>
Multi-Residential Use	<p>A deeded lot or parcel on which two or more dwelling units are located, and which does not constitute a residential park.</p>
Mylar	<p>A stable base drafting film used for reproducing diazo copies.</p>
Open Space	<p>Land within a proposed development site excluding areas devoted to buildings, structures, roadways, and parking.</p>
Ordinance	<p>Any legislative action by the Fiscal Court which has the force of law, including any amendment or repeal of any ordinance.</p>
Parcel	<p>A deeded piece of land which is of sufficient size and used for agricultural production.</p>
Plat	<p>A map, plan, or layout of a subdivision indicating the location and boundaries of properties.</p>
Preliminary Plat	<p>A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development.</p>
Prime Soil	<p>A specific soil that possesses the properties of important farmland.</p>
Principal Use	<p>The primary or predominant use of any site.</p>

Print	A reproduction or copy as a positive picture on a sensitized surface from a negative or positive.
Private Roadway	Any road, lane or path which can be used for travel by motor vehicle.
Prohibited Use	A use that is not permitted.
Property Valuation	That person occupying the Administrator constitutional office as determined by the results of a general election.
Public Facility	Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public. (KRS 100.111(19))
Public Utility	Any use of land, whether publicly or privately owned, operating under the jurisdiction of the public service commission or the department of vehicle regulation or the federal power commission, any municipally owned electric system, and common carriers by rail. (KRS 100.324)
Record Plat	A professionally prepared drawing of a proposed subdivision containing all the data required by this ordinance and the Hardin County subdivision regulations.
Regulation	Any enactment by the Fiscal Court whether it is an ordinance, resolution, or order.
Replat	A professionally prepared drawing of the transfer of a portion of a lot or parcel to an adjoining lot or parcel on a plat filed in the Hardin County Clerk's office. No new lots or parcels are to be created.
Residential Use	A deeded lot which is used for a single dwelling unit.
Resubdivision	A professionally prepared drawing of the creation of new lots or parcels from existing lots or parcels on a plat in the Hardin County Clerk's office.
Revised Plat	A professionally prepared drawing of changes to items (setback lines, easements, etc.) on a plat filed in the Hardin County Clerk's office.
Right-Of-Way	The strip of land on which a public road is built; includes land for pavement, shoulders, drainage ways, curbs, sidewalks, etc.
Road	A vehicular way used as the principle means of ingress or egress for three or more deeded pieces of property in any use.
Setback Line	That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.
Shrub, Deciduous	A low growing usually several stemmed woody plant which has

	foliage that falls off or is shed seasonally.
Shrub, Evergreen	A low growing usually several stemmed woody plant which has foliage that remains green and functional through more than one growing season.
Sign	Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
Standard Industrial	A multi-digit code utilized Classification by the federal Executive Office of Management and Budget to classify establishments by type of activity in which they are engaged.
Staff	Those persons employed by the Commission, whether under direct employment or by contractual agreement.
Street	A public residential roadway which affords traffic circulation and a principal means of access to 20 to 64 platted lots.
Street, Major	A through residential roadway which affords traffic circulation and a principal means of access to 65 or more platted lots.
Street, Minor	A residential roadway which affords traffic circulation and a principal means of access to less than 20 platted lots.
Subdivision of Land	The division of a deeded piece of land into two or more lots for any purpose since 1 August 1979, or any division of land involving a new roadway. Only parcels created for agricultural use and not involving a new roadway shall not be counted toward the two necessary for the formation of a subdivision of land.
Surrounding Property	The owner of property adjacent Owner to or within 1,200 feet by road frontage of a proposed development as of records available in the Property Valuation Administrator's office.
Temporary Use	A residential or non-residential use carried on for not more than a total of sixty (60) days during one calendar year; or an agricultural use carried on for not more than a total of four months during one calendar year.
Under story Tree	A tree which creates an undergrowth of vegetation.
Undeveloped Land	A parcel of land which is not being actively used and cannot be classified in any other land use category.

Use-by-right	A use which, because of its nature and impact, is permitted within the district in question.
Variance	A departure from dimensional terms of this regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
Width To Length Ratio	The relationship between the frontage (width) and the depth (length) of a parcel of land; i.e., a parcel with 100 feet of frontage cannot exceed 300 feet in depth to conform to a 1 to 3 width to length ratio.
Zero Lot Line	The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

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3.1 Planning Commission and Board of Adjustment.

A. A planning unit and planning commission (commission) is hereby established pursuant to KRS 100.113 through and including KRS 100.182, as amended and Resolution of the Hardin County Fiscal Court book number 19 page 235 and 236. The commission shall adopt By-Laws for the transaction of business as per KRS 100.167, as amended.

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

C. The planning commission shall secure the full-time professional services of an individual to serve as Director, Building Official, Flood Program Administrator, and Chief Zoning Enforcement Officer whose tasks are specified herein. The title of "director" shall be construed in this ordinance as the individual responsible for any of above mentioned tasks. Other individuals may be secured by the commission in order to accomplish the duties prescribed by this ordinance pursuant to KRS 100.173, as amended.

D. The Board of Adjustment (board) is hereby established pursuant to KRS 100. 217, as amended by Resolution of the Hardin County Fiscal Court 24 July 1995.

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

F. The membership of the board shall consist of two citizen members and one citizen member who is also a member of the planning commission.

3.2 Compliance with this Ordinance.

A. No building, structure or land shall hereafter be used, changed in use or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations specified in this chapter for the sector and district in which it is located.

B. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of such ordinance shall meet at least the minimum requirements established herein.

3.3 Sectors and Districts Generally.

Sectors are general areas of the county which share a number of economic and/or geographic features which separate it from other portions of the county. Districts divide sectors by land use categories. The unincorporated area of the county is hereby divided into the following sectors and districts:

A. SECTORS

Urban Growth Area  
Rural Residential Area  
Kentucky 313 Corridor  
Rural Villages  
    Cecilia  
    Glendale  
    Rineyville  
Interstate Commercial

B. DISTRICTS

**RESIDENTIAL DISTRICTS**

<u>code</u>	<u>title</u>
R-1	Urban Residential
R-2	Rural Residential
R-3	Residential Estate

**COMMERCIAL DISTRICTS**

<u>code</u>	<u>title</u>
C-1	Convenience Commercial District
C-2	General Commercial District
B-1	Interstate Commercial District
B-2	Tourist and Convenience Commercial District

**INDUSTRIAL DISTRICTS**

<u>code</u>	<u>title</u>
I-1	Light Industry
I-2	Heavy Industry
IH	Industrial Holding

**SPECIAL PLANNED DISTRICTS**

<u>code</u>	<u>title</u>
PD-1	Low Density Residential Planned Unit Development
I-2	Heavy Industry Planned Unit Development

**OVERLAY DISTRICTS**

<u>code</u>	<u>title</u>
E-1	Flood Plain, Wet Lands, Karst, Well Head, Landfill or Superfund Sites
E-2	Historical and/or Archaeological Sites

3.4 Maps.

A. The location and boundaries established by section 3.3 are set forth and indicated on a set of maps entitled "Official Sector and District Maps," which maps shall be a part of this ordinance to the same extent as if set out in this ordinance.

B. No changes of any nature shall be made in the official sector and district maps or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change by any person or persons shall be considered a violation of this ordinance.

C. Regardless of the existence of purported copies of the official sector and district maps, which may from time to time be made or published, the official sector and district maps are located in the planning office shall be the final authority as to the current status of land in the county.

D. The Federal Emergency Management Agency through the National Flood Insurance Program has developed Flood Insurance Rate Maps for Hardin County, Kentucky and Incorporated Areas dated November 4, 1988. The flood limit displayed by these maps, as interpreted by the director shall be final unless, as specified within this ordinance, or an appeal transfers such authority.

E. The commission reserves the right to use any map which displays information regarding the physical, geologic, topographical, or environmental constitution of any portion or portions of the county. Said maps of particular interest are those provided by the Hardin County Property Valuation Administrator, United States Department of Agriculture, Soil Conservation Service Soil Survey or any map provided by the Natural Resources Conservation Service and the United States Geological Survey.

3.5 Determination of Sector and District Boundaries in Cases of Uncertainty.

Where uncertainty exist as to the boundaries of Sectors or Districts, as shown on the official maps, the following rules shall apply:

A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following county boundaries shall be construed as following such boundaries;

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line. Streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;

F. Boundaries indicated as parallel to or extensions of features indicated in paragraphs (1) through (5) above shall be so construed. Distances not specifically indicated on an official map shall be determined by the scale of the map; and,

G. Where physical or cultural features existing on the ground are at variance with those shown on the official maps or in other circumstance not covered by subparagraphs (1) through (6) above, the Board of Adjustment shall interpret the sector or district boundaries as per KRS

100.257, as amended.

3.6 Administration and Enforcement.

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

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

3.7 Development Permits.

No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged without a development permit issued by the director. No development permit shall be issued by the director except in conformity with the provisions of this ordinance. Applications for development permits shall be made on forms provide by the planning office.

3.8 Building and Electric Permit Requirements.

Individuals shall make application and acquire building and electrical permits prior to the commencement of any building, moving, or alteration activities. Applications for said permits shall be made on forms provide by the planning office. Permits shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the work is suspended or abandoned for a period of six months after the time of commencing the work.

3.9 Certificate of Occupancy Requirements.

Applicants shall not use nor allow the use of any building until the Director has issued a Certificate of Occupancy. This certificate shall show that the structure has been built, moved and reset, or altered in conformance with the Kentucky Building Code.

A temporary Certificate of Occupancy may be issued by the Director for a period not exceeding six months during alteration or partial occupancy of a building pending its completion in accordance with the Kentucky Building Code. Additional conditions or safeguards are further authorized as necessary to protect the safety of the general public.

3.10 Other Permit Requirements.

Individuals shall make application and acquire all other necessary permits from the appropriate regulatory agencies prior to the commencement of any building, moving, or alteration activities.

3.11 Conditional Use Permits.

A. Conditional Use Permits (CUP) may be authorized as per KRS 100.237, as amended, by the Board of Adjustment to allow the proper integration into the community of uses which are specifically named in this ordinance which may be suitable only in specific locations of a sector or district only if specific conditions are met.

B. Applicants proposing conditional uses shall submit one copy of a completed conditional use application to the staff. A list of all surrounding property owners shall also be submitted at this time. Within four days of submission, the staff shall determine whether the application and list are complete and accurate.

C. Applicants proposing conditional uses shall pay a fee as established by resolution by the Commission, and available upon request.

If at any point in the process, the applicant decides to withdraw the proposal, they are entitled to a refund of any unused fees. All refunds shall be made within seven days of receipt of the applicant's written notice of withdrawal.

D. Any use, building or activity legally in existence as of the effective date of this ordinance or for which a building permit was issued prior to the effective date of this ordinance, shall not require a CUP, so long as such existing use, building or activity is not expanded or enlarged.

E. Should any request for a CUP be denied, at least six (6) months shall elapse before another application for the same is considered. The six month period shall begin on the date of the meeting final administrative action was taken.

3.12 Standards for Issuance.

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

A. The use shall not tend to change the character and established pattern of development of the area of the proposed use;

B. The use shall be in harmony with the uses permitted by right under the sector or district in question and shall not affect adversely the use of neighboring properties;

C. The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

D. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use;

E. The use shall not be detrimental to the public welfare or injurious to property or improvements in the vicinity; and,

F. The use shall be in accord with the purposes of this ordinance and the Comprehensive Development Guide.

3.13 Conditions.

In granting any CUP, the board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements set out in this ordinance and that it will continue to so do. Such conditions may include, but are not limited to the following:

- A. Secure a performance bond to insure completion or construction of imposed conditions;
- B. Reasonable time limits may be imposed to insure completion of the project in question or any individual components of the project, if none are established, the project shall be complete in one year;
- C. Conditions may be imposed to abate or restrict noise, smoke, dust, light, or other elements that may affect surrounding properties;
- E. Establish setback, side, or rear yard requirements necessary for orderly expansion and to prevent traffic congestion;
- F. Provide for adequate parking and ingress and egress to public streets and roads; and,
- G. Provide the adjoining property with a buffer or shield from view of the proposed use.
- H. Establish minimum dwelling unit square foot requirements in order to protect property values.

3.14 Procedures for Nonlisted Uses.

If, in any sector or district established by this ordinance, a use is not specifically permitted and an application is made by a property owner to the director for such use, the director shall refer the application to the planning commission for consideration. Should the planning commission determine that such a nonlisted use could be permitted without adversely affecting long-range planning, the use shall be properly advertised for a public hearing before the Board of Adjustment. Should the planning commission determine that such a nonlisted use would adversely affect long-range planning, if permitted, the application shall be denied, with an appropriate record to this effect that shall be filed in the planning office.

3.15 Prohibited Uses.

The following development shall be prohibited in any sector or district:

- A. Initiation of any development whose use of the underground water supply or springs would have a negative impact on the amount of such water available on adjacent property;
- B. Initiation of any development which will pollute or contaminate the surface or underground water supply or which will produce noxious odors or fumes emanating off-sites thus endangering the public health and welfare;
- C. Initiation of any development which would endanger or destroy any listing on the Kentucky Archaeological Survey maintained by the State Archaeologist at the University of Kentucky or any listing on the Survey of Historic Sites in Kentucky or the National Register of Historic Places; and
- D. Installation of signs, whether for temporary or permanent use, which blink, flash, or move in any way, except informational or public service signs.

3.16 The Burden of Proof.

The burden of proof shall rest with the applicant in all proceedings required by this ordinance.

3.17 Plats Required.

Any person or entity wishing to subdivide real property as described under KRS 100.111 (22) shall first secure planning commission approval and develop a plat which demonstrates agreement with the standards established by this ordinance and the Hardin County Subdivision Regulations.

3.18 Replatting, Resubdividing Land or Correcting or Amending Plats.

A. Proposals for replatting or resubdividing land previously shown on a subdivision plat recorded with the Hardin County Clerk shall obtain approval prior to the conveyance of land. Approval shall be granted only upon completion of the process promulgated in this ordinance and the Hardin County Subdivision Regulations.

B. Proposals for amending or correcting plats shall obtain approval prior to the filing of such revisions with the Hardin County Clerk. Approval shall be granted only upon completion of the process promulgated in this ordinance and the Hardin County Subdivision Regulations.

3.19 Administrative Review.

The Board of Adjustment 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 an administrative official in the enforcement of this regulation. Such appeal shall be taken within thirty days of said act.

3.20 Nonconforming Uses.

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land which were lawful before this ordinance was passed or amended, but which would not conform to the standards of the ordinance or future amendments thereto. It is the intent of this regulation to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the district involved. A nonconforming use or a structure, a nonconforming use of land or a nonconforming use of a structure and land in combination shall not be extended or enlarged, by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

A. Change of Nonconforming Uses.

A nonconforming use may be changed to another nonconforming use, provided that the Board of Adjustment, either by general rule or by making findings in the specific area, find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

B. Nonconforming Lots of Record.

In any district, permitted structures may be erected or enlarged on any single lot of record, notwithstanding limitations imposed by other provisions of this ordinance. Such lot of record 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 or 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, shall conform to the regulations for the district in which such lot is located.

C. Construction of Nonconforming Structures.

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

D. Nonconforming Uses of Land and/or Structures.

Where, at the time of passage of this ordinance or any amendments thereto, lawful use of land and/or structures exists which would not be permitted by this ordinance, the use may be continued, so long as it remains otherwise lawful, provided:

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

E. Abandonment of Nonconforming Status.

If any such nonconforming use and/or structure or land ceases for any reason for a period of more than two (2) years (except when government action impedes access to the premises) any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the district in which such land is located.

F. Repair & Maintenance of Structures.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof.

3.21 Dimensional Variance.

For the purpose of this section, in agreement with KRS 100.111 (24), 100.241, 100.243, 100.247, 100.251 and 100.281 (6), the Board of Adjustment shall hear and resolve applications for variances from the dimensional requirements of the standards set within of this regulation on a case-by-case basis.

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

A. The Provisions for Variances

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

1. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of this regulation. In making these findings, the commission shall consider whether:
  - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity;
  - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of this regulation from which relief is sought.
2. The board shall deny any request for variance arising from circumstances that are the result of willful violations of this regulation by the applicant subsequent to the

adoption of this regulation.

B. Additional Conditions Authorized.

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

C. Board of Adjustment Action.

Following the discussion of the variance request, the Board shall, either vote to grant the variance, alter the request, or deny the variance. All decisions made by the Board shall be binding.

D. Dimensional Variance, Generally.

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

The variance applies to the property for which it is granted, and not the individual who made the application. The variance runs with the land and cannot be transferred to another site.

3.22 Authority of the Planning Commission to dispose of Dimensional Variances and Conditional Use Permits.

The Planning Commission shall hear and finally decide applications for dimensional variances or conditional use permits when a proposed development requires a map amendment and one (1) or more dimensional variances or conditional use permits. In such cases, the Planning Commission shall assume all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.247 and 100.251.

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4.1 Planning Commission Map Amendment Procedure.

Any map amendment application shall complete the following process.

A. The Provisions for Compliance.

Applicants proposing a map amendment are required to obtain Commission approval by completion of the following procedure.

B. Origination of the Map Amendment.

A request for an amendment to the Sector and District Map may originate with the planning commission, the Hardin County Fiscal Court, the property owner or his/her agent. The application shall be made on forms provided in the commission office.

C. The Pre-Application Conference.

Prior to submission of an application, the applicant should meet with the staff for the purpose of discussing the site, the general area in which the site is located, and the goals and objectives of the COMPREHENSIVE DEVELOPMENT GUIDE for the particular district.

D. Filing the Application.

Applicants proposing a development activity requiring approval of a map amendment shall submit one copy of the completed application to the staff.

E. Payment of Fees.

Applicants pursuing a map amendment shall pay a fee as established by resolution by the Commission, and available upon request. Fees must be paid prior to the staff scheduling a public hearing.

F. The Public Hearing.

Applications for map amendments shall be referred to the planning commission for consideration. The commission shall hold at least one public hearing which will conform to due process requirements outlined below:

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

G. Notice Requirements.

The following notice requirements are mandated as per KRS 100.212:

1. A sign conspicuously posted for fourteen consecutive days immediately prior to the hearing;
2. Notice shall be provided by first class mail to the owner of every parcel of adjoining and surrounding property of that proposed for amendment. The names and addresses of the adjoining property owners shall be furnished by the applicant proposing the map amendment. The notice shall be sent fourteen days in advance. The records of the Hardin County Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. The commission staff shall affirm by affidavit that the appropriate individuals were notified as stated above;
3. Publication of a legal advertisement shall appear between seven and twenty-one days prior to the hearing pursuant to KRS Chapter 424;
4. Adjacent and surrounding property owners shall be notified at least 30 days in advance of the hearing if the planning commission or the fiscal court initiate the map amendment;
5. Notice of a proposed map amendment shall be provided 14 days in advance to an adjacent planning unit. If no planning unit exists, said notice must be sent to the mayor of an adjacent city or to the Judge/Executive of that county, if the adjacent property lies in the unincorporated area;

H. The Hearing Officer.

A hearing officer shall be designated by the Commission to preside at all public hearings. It shall be the duty of this person to facilitate a full discussion of the issues, accept and record evidence, and administer the oath to those providing testimony.

I. Time Limits for Presentations.

A total of one hour shall be allotted for input before the Commission. The applicant shall be allotted 30 minutes to establish facts for the record in support the proposed map amendment as shall those who speak in opposition. An unanimous decision of the Commission shall be necessary to grant additional time to either party. Strict adherence to these limits shall be required.

J. Use of Expert Witness or Informational Studies as Evidence.

The following types of studies may be requested by the commission or the staff when considering a map amendment. This list is not intended to be complete but an outline of the possible studies the commission may need to make a decision:

1. Traffic Studies. Traffic issues may be the subject of testimony. Accurate information would be required from a qualified transportation engineer. An acceptable resource book on the subject of traffic generating characteristics of particular land uses is the Institute of Transportation Engineers, Trip Generation: An Informational Report (4th ed. 1989)
2. Impact on Property Values. When a proposed development causes a concern

that there might be an adverse impact on property values, a competent real estate broker familiar with the area or an appraiser with an M.A.I. designation will be helpful.

3. Market Analysis. A real estate broker or appraiser with the M.A.I. designation may testify on the need for goods or services to be provided at a given location. This professional may be able to demonstrate the ability of the development to "supply" the "demand" in the area for the goods or services proposed.

4. Noise Analysis. Some proposed land uses have the propensity to generate noise. An expert in this area can be secured to measure the actual noise output from the proposal and its potential to dissipate as noise travels through the air beyond the property in question.

5. Site Designers. The commission may request graphics developed to help them visualize proposed developments. Items such as the location of structures, parking and maneuvering areas and screening and buffering will demonstrate to the commission whether or not the appropriate standards are met.

K. Reasons for Granting a Map Amendment.

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

Before any map amendment may be granted, the planning commission shall consider the evidence and testimony presented by the proponents and opponents of the proposed amendment and make findings of facts that one or more of the following apply:

1. The proposal is in agreement with the language of the Comprehensive Development Guide;
2. There have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the Comprehensive Development Guide and that have substantially altered the basic character of the area; or that,
3. The existing District assigned to the property is inappropriate and the proposed amendment is appropriate.

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

L. The Planning Commission Decision.

The decision of the planning commission shall be automatically implemented subject to appeal.

A tie vote of the planning commission shall be subject to further consideration for a period

not to exceed 30 days. If at the end of this time the tie vote has not been broken, then the decision will pass to the fiscal court for approval or denial. It shall take a majority of the entire fiscal court to adopt a map amendment sent forward with a tie vote. The decision shall be recorded in the minutes of the planning commission.

M. Planning Commission Public Hearing Report.

The planning commission shall prepare a report which contains the findings of fact established for the hearing in question and a summary of the evidence and testimony presented by the proponents and opponents of the map amendment.

4.2 Fiscal Court Appeal.

Any application for fiscal court appeal of a map amendment decision made by the planning commission shall follow the following process.

A. The Provisions for Appeal to the Fiscal Court.

Subsequent to the final action of the planning commission, any person or party claiming to be aggrieved may request that the Fiscal Court make the final decision.

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

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

B. Payment of Fees.

The applicant shall pay a fee at the time of submitting the application. Fees are established by resolution by the Commission, and are available upon request.

C. Notice to the Fiscal Court.

The staff shall notify the Fiscal Court Planning Committee and the Magistrate in whose district the development is proposed that a appeal hearing request has been filed. The notification shall include the name of the person requesting the hearing and the reasons given for the appeal. The Planning Committee shall have seven days in which to set the date, time, and place for the hearing. The date shall be no more than twenty-one days following completion of the review hearing application.

D. Notice to the General Public.

Public notice of a map amendment appeal shall follow the same process as found under 4.1(G) of this section.

E. The Hearing.

One hour shall be allotted for the hearing. Twenty minutes shall be granted to the Commission, and/or their staff to explain the events leading to the decision under review, twenty minutes shall be granted to the map amendment applicant and twenty minutes to those in opposition.

F. The Hearing Officer.

A hearing officer shall be designated by the Commission to preside at all public hearings. It shall be the duty of this person to facilitate a full discussion of the issues, accept and record evidence, and administer the oath to those providing testimony.

G. Planning Commission Record.

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

H. Reasons for Granting a Map Amendment.

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

Before any map amendment may be granted, the fiscal court shall consider the evidence and testimony presented by the proponents and opponents of the proposed amendment and make findings of facts that one or more of the following apply:

1. The proposal is in agreement with the language of the Comprehensive Development Guide;
2. There have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the Comprehensive Development Guide and that have substantially altered the basic character of the area; or that,
3. The existing District assigned to the property is inappropriate and the proposed amendment is appropriate.

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

I. Fiscal Court Action.

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

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

4.3 The Effect of Denied Map Amendment Proposals.

Map amendments that have been denied after a public hearing and planning commission or fiscal court final determination shall not be eligible to submit the same project for a second review for a minimum of one year starting on the date final action was taken.

New proposals which are outside the four digit Standard Industrial Classification of the rejected proposal shall be eligible for submission at the applicant's discretion.

4.4 Withdrawal of a Map Amendment Request.

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

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5.1 Purpose, General Sector and District Regulations.

Hardin County is hereby divided into Sectors and Districts in an effort to protect property values; advance aesthetic values; preserve the tax base; preserve the quality of life; and protect the health, safety, welfare and morals of the public. Together with the Official Sector and District Map and all explanatory matter thereon, this ordinance shall assure the development of public and private property in the most appropriate relationships. The Official Sector and District Map is composed of a series of map sheets, each representing a different geographic area of the county.

5.2 Agricultural Land Use Exemptions.

Notwithstanding any other provisions of this Ordinance, any parcel of land which is created solely for agricultural use as defined under KRS 100.111 (2) shall not be permitted a dwelling unit unless said agricultural tract is in excess of twenty-five contiguous acres as per KRS 100.203 (4) (c).

5.3 Exemptions Provided for use by Government.

Notwithstanding any other requirements of KRS 100, the Commonwealth of Kentucky and its political subdivisions shall be exempt from complying with any and all requirements of this ordinance.

5.4 List and Descriptions of Sectors.

The following is a listing of the various Sectors which divide the county and a description of the appropriate land uses to be permitted.

A. Urban Growth Area.

The Urban Growth Sector shall be construed as the portion of the county with the highest level of government services and utilities. In light of this fact, development which meets appropriate standards in this sector shall be encouraged. The sector boundary corresponds directly with the 201 Facilities Plans submitted by Elizabethtown, Radcliff and Vine Grove which establishes the areas that will be provided sanitary sewer service in the next twenty years.

B. Rural Residential Area.

The Rural Residential Sector shall be construed as the portion of the county predominately rural. The sector is suitable for low density residential land use with pockets of commercial and industrial activity. The area is generally characterized by a lack of utilities and government services.

C. Kentucky 313 Corridor.

The Kentucky 313 Corridor Sector shall be generally construed as the portion of the county between Kentucky 434 and the Fort Knox Military Reservation. The area is considered to be predominately rural and most affected by training noise from Fort Knox. The sector is suitable for very low density residential land use with pockets of commercial and industrial activity located along the two major thoroughfares bordering the district and running from US 31W to Interstate 65. The area is generally characterized by a lack of utilities and government services.

D. Rural Villages.

The Rural Village Sectors are actually three individual unincorporated communities which "grew up" as a result of their location next to railroad lines throughout the county. These communities have been provided a "planning area" or in other words, given an official boundary for the purpose of this regulation. They are characterized by a cluster of single family housing units with limited, mostly service oriented commercial activity occurring at various points throughout the community. The three rural villages mentioned below are the largest concentrated pockets of development existing outside of the municipalities.

1. Cecilia Village.

The Cecilia Village Sector is intended for high-density development of single family dwellings, located only where approved water supply is available and sewage treatment is permitted by the Hardin County Health Department. Mobile homes are permitted as a conditional use. Limited service oriented commercial land uses shall be permitted such as selected retail shopping, personal service uses and office space to serve the needs of the nearby residential areas. These districts are intended for location at strategic sites in relation to population centers and transportation networks. The Cecilia Village Sector also has a potential for light industrial land use occurring along US 62.

2. Glendale Village.

The Glendale Village Sector is intended for high-density development of single family dwellings, located only where approved water supply is available and sewage treatment is permitted by the Hardin County Health Department. Mobile homes are permitted as a conditional use. Limited tourist and service oriented commercial land uses such as selected craft, antique, gift shops, some personal service uses and office space to serve the needs of the nearby residential areas. These districts are intended for location at strategic sites in relation to population centers and transportation networks.

3. Rineyville Village.

The Rineyville Village Sector is intended for high-density development of single family dwellings, located only where approved water supply is available and sewage treatment is permitted by the Hardin County Health Department. Mobile homes are permitted as a conditional use. Limited service oriented commercial land uses shall be permitted at selected points such as selected retail shopping, personal service uses and office space to serve the needs of the nearby residential areas. These districts are intended for location at strategic sites in relation to population centers and transportation networks.

E. Interstate Commercial Services.

The Interstate Commercial Services Sector shall be located at all interchange points located throughout the county for controlled access four lane divided highways. This sector shall permit land uses which serve the needs of the traveler and which depend on a larger market than the local residences for success.

5.5 Schedules of District Regulations.

The regulations for individual districts shall be set forth in the following schedules and in other applicable articles of this Ordinance.

**A. Residential Districts.**

The following schedules are provided to identify activities which are permitted within separate residential land use districts. All proposed dwellings units shall meet or exceed the minimum local average square foot standard unless otherwise provided within this regulation.

1. R-1 - Urban Residential District.

This District is intended for high-density development of single family dwellings, located only where approved water supply is available and sewage treatment is permitted by the Hardin County Health Department. All proposed water infrastructure to be installed within the Elizabethtown portion of the Urban Growth Sector shall be constructed as per the appropriate standards determined by the city of Elizabethtown.

Sites which do not have direct access to county water and a road meeting the requirements found in 5.5(A)(1)(d) can seek a development permit through a Residential Planned District (PD-1).

a. Permitted Uses by Right - The following uses are permitted within the District.

- 1) Single family dwellings;
- 2) Schools for academic instruction and associated facilities, Public or private;
- 3) Parks and playgrounds;
- 4) Public facilities;
- 5) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fence and screened play area shall be provided which shall contain not less than twenty-five square feet per child;
- 6) Agricultural use;
- 7) Temporary use; and,
- 8) Second dwellings on lots of eleven acres or more.

b. Accessory Uses - Uses and structures which are customarily accessory and clearly incidental and subordinate to uses by right.

- 1) Private garages, storage sheds and parking areas;
- 2) Swimming pools and tennis courts;
- 3) Boarding houses for not more than two roomers or boarders without kitchen facilities;
- 4) Private noncommercial parks and open space; and,
- 5) Home occupations.

c. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Kindergartens, nursery schools and child care centers for four, or more children when accessory to and located in the same structure with a single family residential use. A fenced and screened play area shall be provided which satisfies the regulations of the Kentucky Cabinet for Human Resources and shall be located to the rear of and directly adjacent to the principal structure or use;
- 2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed after one year or when all lots are sold unless an extension is granted by the Board of Adjustment;
- 3) Outdoor commercial recreational facilities such as golf courses, sportsman's clubs, fishing lakes, swimming pools and campgrounds;
- 4) Private clubs;
- 5) Nursing or convalescent homes;
- 6) Group homes or boarding houses;
- 7) Hospitals, out-patient clinics, or surgical centers;

- 8) Two or more dwellings on lots containing less than 11 acres and three or more dwellings on lots which exceed eleven acres.
  - 9) The parking and storage of tractor trailers, tractor semitrailers, trailers, and /or truck tractors or cabs capable of attaching to and pulling trailers or semitrailers;
  - 10) Mobile homes; and,
  - 11) Any charitable gaming activity.
- d. Minimum lot area - Minimum lot area shall be 30,000 square feet for those lots which satisfy the appropriate subdivision regulations, has access to a government maintained right of way with an 18 foot paved surface, minimum 40 foot right of way and has county water available at the site or the minimum standard established by the Hardin County Health Department whichever is greater.
- Minimum lot area shall be one acre if the property has access to county water and abuts upon a minimum 40 foot government maintained right of way or the minimum standard established by the Hardin County Health Department whichever is greater.
- Minimum lot are shall be three acres for lots established on private roads.
- e. Lot Configuration - All lots between one and 4 acres shall meet the one-to-three width to length ratio and have a minimum of 200 feet of road frontage. All lots of greater than 4 acres shall have a minimum of 250 feet of road frontage.
- f. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:
- Front - 40 feet from the property line or 70 feet from  
the center of the street, whichever is greater;  
Side - 10 feet  
Rear - 15 feet
- g. Signs proposed for permanent installation shall be limited to those for home occupations and those showing the name of the development. Standards for those types are as follows:
- 1) Home occupation signs shall not exceed four square feet for each of their two sides.
  - 2) Development identification signs shall not exceed 32 square feet for each of their two sides and shall not be greater in height than six feet. Materials used in these signs shall provide for a long life with little or no maintenance.
  - 3) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use of any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 4) No sign placed under provisions of this section shall be located on a county or state right-of-way.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Private Roadway Development - No more than 2 lots may be developed on one existing private roadway as of July 15, 1996, per existing tract of 25 acres or greater as of July 15, 1996. Private roadways shall be a minimum of 600' in length. No development off private roadways shall be allowed for tracts of less than 25 acres.
- I. Private Roadway Standards - Before a private roadway can become government

maintained it must meet all the standards for a road in the Hardin County Subdivision regulations.

2. R-2 - Rural Residential District.

This District is intended for low-density development of single family dwellings, located where private or public water supply is available and sewage treatment is permitted by the Hardin County Health Department. Agricultural and other related activities are permitted.

a) Permitted Uses by Right - The following uses are permitted within the District.

- 1) Single family dwellings;
- 2) Schools for academic instruction and associated facilities, public or private;
- 3) Parks and playgrounds;
- 4) Public facilities; and,
- 5) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 6) Nurseries and greenhouses;
- 7) Agriculture;
- 8) Forestry;
- 9) Home occupations;
- 10) Accessory apartments;
- 11) Golf courses;
- 12) Non-commercial saw mills;
- 13) Non-commercial kennels;
- 14) Child care centers for less than twelve children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 15) Recreational pay lakes which prohibit boating;
- 16) Second dwellings on lots of eleven acres or more;
- 17) Horticulture;
- 18) Farmers markets;
- 19) Indoor storage of construction or other heavy equipment excluding trucks capable of carrying two tons or less, associated with a home occupation; and,
- 20) Temporary use.

b) Accessory Uses - Uses and structures which are customarily accessory and clearly incidental and subordinate to uses by right.

- 1) Private garages, storage sheds and parking areas;
- 2) Swimming pools and tennis courts;
- 3) Keeping not more than two roomers or boarders without kitchen facilities;
- 4) Private noncommercial parks and open space; and,
- 5) Barns, sheds, metal buildings and other types of storage structures.

c) Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Kindergartens, nursery schools and child care centers for four or more children when accessory to and located in the same structure with a single family residential use. A fenced and screened play area shall be provided which satisfies the regulations of the Kentucky Cabinet of Human Resources and shall be located to the rear of and directly adjacent to the principal structure or use;
- 2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed after one year or when all lots are sold unless an extension is granted by the Board of Adjustment;

- 3) Private clubs and campgrounds;
- 4) Nursing or convalescent homes;
- 5) Group homes or boarding houses;
- 6) Hospitals, out-patient clinics, or surgical centers.
- 7) The parking and storage of tractor trailers, tractor semitrailers, trailers, and/or truck tractors or cabs capable of attaching to and pulling trailers or semitrailers;
- 8) Two or more dwellings on lots 11 acres and three or more dwellings on lots of eleven acres or more; and,
- 9) Any charitable gaming activity.

- d. Minimum lot area - Minimum lot area shall be one acre if the property has direct access to county water and abuts upon a minimum 40 foot government maintained right of way or the minimum standard established by the Hardin County Health Department, whichever is greater.

Minimum lot area shall be 5 acres if the lot has 250 feet of road frontage on a minimum 40 foot government maintained right of way or the minimum standard established by the Hardin County Health Department, whichever is greater.

Minimum lot shall be three acres for lots established on private roadways.

- e. Lot Configuration - All lots between one acre and 4 acres shall meet the one-to-three width to length ratio and have a minimum of 200 feet of road frontage. All lots of greater than 4 acres shall have a minimum of 250 feet of road frontage.

- f. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Three Acre or Larger Lots

Front - 70 feet from the property line;  
Side - 10 feet  
Rear - 50 feet

Less Than Three Acre Lots

Front - 40 feet from the property line;  
Side - 10 feet;  
Rear - 15 feet.

- g. Signs proposed for permanent installation shall be limited to those for home occupations and those showing the name of the development. Standards for those types are as follows:

1. Home occupation signs shall not exceed four square feet for each of their two sides.
2. Development identification signs shall not exceed 32 square feet for each of their two sides and shall not be greater in height than six feet. Materials used in these signs shall provide for a long life with little or no maintenance.
3. No sign shall be designed or erected in such a manner or location as to imitate or

- resemble any official traffic sign, signal, or devise, or use of any words, phrases, symbols, or characters implying existence of danger or the need to stop.
- 4. No sign placed under provisions of this section shall be located on a county or state right-of-way.
- 5. Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Private Roadway Development - No more than 2 lots may be developed on one existing private roadway as of July 15, 1996. Private roadways shall be a minimum of 600' in length. No development off private roadways shall be allowed for tracts of less than 25 acres.
- i. Private Roadway Standards - Before a private roadway can become government maintained, it must meet all the standards for a road in the Hardin County Subdivision Regulations.

3. R-3 - Residential Estate District.

This District is intended for very low density development of single family dwellings, located where private or public water supply is available and sewage treatment is permitted by the Hardin County Health Department. Agricultural and other related activities are permitted.

a. Permitted Uses by Right - The following uses are permitted within the District.

- 1) Single family dwellings;
- 2) Parks and playgrounds;
- 3) Public facilities;
- 4) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 5) Nurseries and greenhouses;
- 6) Agriculture;
- 7) Forestry;
- 8) Home occupations;
- 9) Golf courses;
- 10) Non-commercial saw mills;
- 11) Non-commercial kennels;
- 12) Child care centers for less than twelve children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 13) Recreational pay lakes with boating prohibited;
- 14) Horticulture;
- 15) Farmers markets;
- 16) Indoor storage of construction or other heavy equipment excluding trucks capable of carrying two tons or less, associated with a home occupation;
- 17) Temporary use; and,
- 18) Second dwellings on lots of eleven acres or more.

- b. Accessory Uses - Uses and structures which are customarily accessory and clearly incidental and subordinate to uses by right.
- 1) Private garages, storage sheds and parking areas;
  - 2) Swimming pools and tennis courts;
  - 3) Keeping not more than two roomers or boarders without kitchen facilities;
  - 4) Private noncommercial parks and open space; and,
  - 5) Barns, sheds, metal buildings and other types of storage structures.
- c. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.
- 1) Kindergartens, nursery schools and child care centers for four or more children when accessory to and located in the same structure with a single family residential use. A fenced and screened play area shall be provided which satisfies the regulations of the Kentucky Cabinet of Human Resources and shall be located to the rear of and directly adjacent to the principal structure or use;
  - 2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed after one year or when all lots are sold unless an extension is granted by the Board of Adjustment;
  - 3) Private clubs and campgrounds;
  - 4) The parking and storage of tractor trailers, tractor semitrailers, trailers, and/or truck tractors or cabs capable of attaching to and pulling trailers or semitrailers;
  - 5) Two or more dwellings on lots containing less than 11 acres and three or more dwellings on lots which exceed eleven acres; and,
  - 6) Any charitable gaming activity.
- d. Minimum lot area - Minimum lot area shall be ten acres.
- e. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.
- f. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:
- Front - 70 feet from the property line;  
Side - 20 feet  
Rear - 100 feet
- g. Signs proposed for permanent installation shall be limited to those for home occupations and those showing the name of the development. Standards for those types are as follows:
- 1) Home occupation signs shall not exceed four square feet for each of their two sides.
  - 2) Development identification signs shall not exceed 32 square feet for each of their two sides and shall not be greater in height than six feet. Materials used in

these signs shall provide for a long life with little or no maintenance.

- 3) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use of any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 4) No sign placed under provisions of this section shall be located on a county or state right-of-way.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. All platted developments in this district must have a notation in all capital letters of at least one inch in height that reads:

THIS DISTRICT MAY BE NEGATIVELY  
AFFECTED BY NOISE CREATED BY  
FORT KNOX ACCORDING TO THE  
FORT KNOX NOISE IMPACT STUDY.

## **B. COMMERCIAL DISTRICTS**

The following schedules are provided in order to identify activities which are permitted within separate commercial land use districts.

1. C-1 - Convenience Commercial District.  
This district is intended to provide for selected retail shopping, personal service uses and office space to serve the needs of the nearby residential areas. These districts are intended for location at strategic sites in relation to population centers and transportation networks.
- a. Permitted Uses by Right - The following uses are permitted within the District as long as the particular use has less than 30 employees.
  - 1) Banks and savings and loans;
  - 2) Medical and professional office buildings;
  - 3) Retail sales of merchandise;
  - 4) Churches or synagogues, including Sunday Schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child;
  - 5) Convenient stores/filling stations
  - 6) Public facilities and utility offices;
  - 7) Private clubs and lodges;
  - 8) Restaurants;
  - 9) Any service such as dry cleaners, tailors, shoe repair, barber and beauty shops;
  - 10) Nurseries and greenhouses;
  - 11) Residence as an accessory use;
  - 12) Farmers markets;
  - 13) Agricultural use; and,
  - 14) Temporary use.

b. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Automobile sales, new or used;
- 2) Recycling centers;
- 3) Amusement enterprises;
- 4) Dance halls;
- 5) Animal hospitals;
- 6) Mobile homes as offices; and,
- 7) General automotive repair.

c. Minimum lot area - Minimum lot area shall be 30,000 square feet or the minimum standard established by the Hardin County Health Department for the particular parcel in question. No more than 90 percent of the lot area shall accommodate the size of the proposed structure, any required parking and drive areas, and the required septic tank area. The remaining 10 percent shall be reserved for landscaping which satisfy the standards established by this ordinance.

The lot coverage may be increased to 95 percent and the landscaping reduced to 5 percent if all parking is located in the rear and/or side yards leaving the front as a landscaped area.

d. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

e. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 40 feet from the property line or 70 feet from the center of the street, whichever is greater;

Side - 10 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet or the structure is to be attached to an existing structure under a common wall agreement. Said common/party wall agreement shall be submitted to the commission for file.

Rear - 15 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

f. Required Screening of Dumpsters, Waste Materials and Outer Boundary.

- 1) All dumpsters for waste disposal shall be adequately screened from street and/or general public view.
- 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
- 3) An appropriate vegetation screen shall be constructed along the outer boundary

of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

- g. Signs. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.
- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
  - 2) Other off-site signs shall conform to the following standards:
    - aa) Total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
    - bb) Signs may be placed back to back or in a "V-type" construction;
    - cc) Not more than one advertising space shall be allowed on any side of any sign;
    - dd) No sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
    - ee) signs shall be set back at least 20 feet from the road right-of-way line.
  - 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:
    - aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
    - bb) one free-standing sign (small traffic directional signs excepted) shall be permitted per road frontage; total height of these signs shall not exceed 25 feet; no one side of any of these signs shall exceed 150 square feet; no free-standing sign shall be located within the ten foot greenspace required; (high rise signs intended for viewing from interstate highways may be considered by the Commission on a case by case basis; total frontage and the total resulting square footage shall apply nonetheless); and
    - cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;

- 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.

Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.

- i. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
2. C-2 - General Commercial District.

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

- a. Permitted Uses by Right - The following uses are permitted within the District as long as the particular use has less than 30 full and/or part-time employees.
- 1) All uses permitted in the C-1 district;
  - 2) Retail food store;
  - 3) Lumber and building supply (with storage under cover);
  - 4) Plumbing and electrical supply (with storage under cover);
  - 5) Funeral homes;
  - 6) Public facilities and utility offices;
  - 7) Restaurants;
  - 8) Printing, publishing and engraving;
  - 9) Hotels and motels;
  - 10) Wholesaling;
  - 11) Machinery sales and service;
  - 12) Light warehousing;
  - 13) Recreational enterprises;

- 14) Department stores;
- 15) Recycling centers;
- 16) Theaters; and,
- 17) Temporary use.

b. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Automobile graveyards or junk yards;
- 2) Scrap metal recycling;
- 3) Commercial kennels;
- 4) Amusement enterprises;
- 5) Dance halls;
- 6) Animal hospitals; and,
- 7) Mobile homes as offices.

c. Minimum lot area - Minimum lot area shall be 30,000 square feet or the minimum standard established by the Hardin County Health Department for the particular parcel in question.

No more than 90 percent of the lot area shall accommodate the size of the proposed structure, any required parking and drive areas, and the required septic tank area. The remaining 10 percent shall be reserved for landscaping or open space which satisfy the standards established by this ordinance.

The lot coverage may be increased to 95 percent and the landscaping reduced to 5 percent if all parking is located in the rear and/or side yards leaving the front as a landscaped or open space area.

d. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

e. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 40 feet from the property line or 70 feet from the center of the street, whichever is greater;

Side - 10 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet or the structure is to be attached to an existing structure under a common wall agreement. Said common/party wall agreement shall be submitted to the commission for file.

Rear - 15 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

f. Required Screening of Dumpsters, Waste Materials and Outer Boundary.

- 1) All dumpster for waste disposal shall be adequately screened from street and/or

general public view.

- 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
- 3) An appropriate vegetation screen shall be constructed along the outer boundary of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

g. Signs. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.

- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
- 2) Other off-site signs shall conform to the following standards:
  - aa) total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
  - bb) signs may be placed back to back or in a "V-type" construction;
  - cc) not more than one advertising space shall be allowed on any side of any sign;
  - dd) no sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
  - ee) signs shall be set back at least 20 feet from the road right-of-way line.
- 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:
  - aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
  - bb) one free-standing sign (small traffic directional signs excepted) shall be permitted per road frontage; total height of these signs shall not exceed 25 feet; no one side of any of these signs shall exceed 150 square feet; no free-standing sign shall be located within the ten foot greenspace required; (high rise signs intended for viewing from interstate highways may be considered by the Commission on a case by case

basis; total frontage and the total resulting square footage shall apply nonetheless); and

- cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;
  - 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.

Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.

- i. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
3. B-1 - Interstate Commercial District.

The purpose of this district is to provide sufficient space adjacent to the interchange of an interstate highway or Kentucky parkway for appropriate business, commercial, service activities to serve the needs of the traveler and to promote tourism.

- a. Permitted Uses by Right - The following uses permitted within the District:
  - 1) Automotive dealers and gasoline service stations;
  - 2) Apparel and accessory stores;
  - 3) Furniture, home furnishings and equipment stores;
  - 4) Eating and drinking places;
  - 5) Miscellaneous retail;
  - 6) Mobile home dealers;
  - 7) Hotels, rooming houses, camps and other lodging places;
  - 8) Automotive repair, services and garages;
  - 9) Amusement and recreation services;

- 10) Machinery sales and service;
- 11) Agricultural uses;
- 12) Truck stops and/or repair stations;
- 13) Public facilities and utility offices;
- 14) Recycling centers;
- 15) Residence as an accessory use;
- 16) Temporary use; and,
- 17) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fence and screened play area shall be provided which shall contain not less than twenty-five square feet per child.

b. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Commercial kennels;
- 2) Amusement enterprises;
- 3) Dance halls;
- 4) Animal hospitals; and,
- 5) Mobile homes as offices.

c. Minimum lot area - Minimum lot area shall be 30,000 square feet or the minimum standard established by the Hardin County Health Department for the particular parcel in question.

No more than 90 percent of the lot area shall accommodate the size of the proposed structure, any required parking and drive areas, and the required septic tank area. The remaining 10 percent shall be reserved for landscaping or open space which satisfy the standards established by this ordinance.

The lot coverage may be increased to 95 percent and the landscaping reduced to 5 percent if all parking is located in the rear and/or side yards leaving the front as a landscaped or open space area.

d. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

e. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 40 feet from the property line or 70 feet from the center of the street, whichever is greater;

Side - 10 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet or the structure is to be attached to an existing structure under a common wall agreement. Said common/party wall agreement shall be submitted to the commission for file.

Rear - 15 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

f. Required Screening of Dumpsters, Waste Materials and Outer Boundary.

- 1) All dumpster for waste disposal shall be adequately screened from street and/or general public view.
- 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
- 3) An appropriate vegetation screen shall be constructed along the outer boundary of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

g. Signs. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.

- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
- 2) Other off-site signs shall conform to the following standards:
  - aa) total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
  - bb) signs may be placed back to back or in a "V-type" construction;
  - cc) not more than one advertising space shall be allowed on any side of any sign;
  - dd) no sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
  - ee) signs shall be set back at least 20 feet from the road right-of-way line.
- 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:
  - aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
  - bb) one free-standing sign (small traffic directional signs excepted) shall be

- permitted per road frontage; total height of these signs shall not exceed 25 feet; no one side of any of these signs shall exceed 150 square feet; no free-standing sign shall be located within the ten foot greenspace required; and,
- cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;
  - dd) in addition to the above mentioned free-standing sign, one additional free-standing sign shall be permitted for the purpose of business identification which follows the schedule below:
    - o Signs between 45 and 75 feet in height shall have a maximum area of 225 square feet in area per side;
    - o Signs between 75 and 99 feet in height shall have a maximum area of 325 square feet in area per side; and,
    - o Signs between 100 and 125 feet in height shall have a maximum area of 400 square feet in area per side.
- 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
- 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.
- Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.
- i. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
4. B-2 - Tourist and Convenience Commercial District.

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

a. Permitted Uses by Right - The following uses permitted within the District:

- 1) Eating and drinking places, excluding fast food type restaurants;
- 2) Apparel and accessory stores;
- 3) Furniture, home furnishings and equipment stores;
- 4) Bed and breakfast type lodging, only;
- 5) Craft, antique and gift shops;
- 6) Professional offices;
- 7) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child;
- 8) Any service such as dry cleaners, tailors, shoe repair, barber and beauty shops;
- 9) Public facilities and utility offices;
- 10) Agricultural uses;
- 11) Residence as an accessory use; and,
- 12) Temporary use.

b. Minimum lot area - Minimum lot area shall be 30,000 square feet or the minimum standard established by the Hardin County Health Department for the particular parcel in question.

No more than 90 percent of the lot area shall accommodate the size of the proposed structure, any required parking and drive areas, and the required septic tank area. The remaining 10 percent shall be reserved for landscaping or open space which satisfy the standards established by this ordinance.

The lot coverage may be increased to 95 percent and the landscaping reduced to 5 percent if all parking is located in the rear and/or side yards leaving the front as a landscaped or open space area.

c. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

d. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 40 feet from the property line or 70 feet from the center of the street, whichever is greater;

Side - 10 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet or the structure is to be attached to an existing structure under a common wall agreement. Said common/party wall agreement shall be submitted to the commission for file.

Rear - 15 feet unless the property abuts a residential district in which case the setback

- shall be increased to 40 feet.
- e. Required Screening of Dumpsters, Waste Materials and Outer Boundary.
- 1) All dumpster for waste disposal shall be adequately screened from street and/or general public view.
  - 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
  - 3) An appropriate vegetation screen shall be constructed along the outer boundary of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.
- f. Signs. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.
- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
  - 2) Other off-site signs shall conform to the following standards:
    - aa) total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
    - bb) signs may be placed back to back or in a "V-type" construction;
    - cc) not more than one advertising space shall be allowed on any side of any sign;
    - dd) no sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
    - ee) signs shall be set back at least 20 feet from the road right-of-way line.
  - 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:
    - aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
    - bb) one free-standing sign (small traffic directional signs excepted) shall be permitted per road frontage; total height of these signs shall not exceed

- 5 feet; no one side of any of these signs shall exceed 64 square feet; no free-standing sign shall be located within the ten foot greenspace required; and
- cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;
  - 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- g. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.
- Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.
- h. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.

### **C. INDUSTRIAL DISTRICTS.**

The following schedules are provided in order to identify activities which are permitted within separate industrial land use districts.

1. I-1 - Light Industry District.

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

a. Permitted Uses by Right - The following uses are permitted within the District:

- 1) All uses by right listed within the C-2 district;
  - 2) Department stores;
  - 3) Wholesale businesses;
  - 4) Storage warehouses;
  - 5) Contractor's equipment yard or rental equipment;
  - 6) Cabinet, furniture and upholstery shops;
  - 7) Building materials sales and storage yards;
  - 8) Truck or freight terminals;
  - 9) Welding, or machine shops (including the use of a punch press not exceeding 50 tons rated capacity).
  - 10) Light manufacturing uses similar to those permitted by right which do not create any more danger to the public health and safety and surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, odors, heat or glare than that which is associated with light industries of the type specifically permitted;
  - 11) Research, experimental or testing offices;
  - 12) Commercial kennels;
  - 13) Manufacture or assembly of electrical or electric apparatus, boats, firearms, electrical appliances, tools machinery, hardware and sheet metal products;
  - 14) Automobile assembly, painting, upholstering, repair, rebuilding, reconditioning, body and fender work, truck repair or overhauling or tire retreading or battery manufacture;
  - 15) Manufacturing, compounding, processing or packaging of products;
  - 16) Rail Road sidings or transfer operations;
  - 17) Textile manufacturing; and,
  - 18) Temporary use.
- b. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.
- 1) Private Clubs and lodges;
  - 2) Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises;
  - 3) Shooting ranges; and,
  - 4) Mobile homes as offices.
- c. Minimum lot area - Minimum lot area shall be determined by the standard established by the Hardin County Health Department for the particular use or parcel in question and the lot shall not exceed a maximum of 75 percent coverage by any building and/or number of buildings, parking area, loading area and storage of any type.
- d. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.
- e. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 50 feet from the property line unless parking is located behind the structure or otherwise adequately screened from public view in which case the

set back may be reduced to 35 feet from the property line.

Side - 20 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

Rear - 35 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

f. Required Screening of Dumpsters, Waste Materials and Outer Boundary.

- 1) All dumpster for waste disposal shall be adequately screened from street and/or general public view.
- 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
- 3) An appropriate vegetation screen shall be constructed along the outer boundary of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

g. Signs. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.

- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
- 2) Other off-site signs shall conform to the following standards:
  - aa) total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;
  - bb) signs may be placed back to back or in a "V-type" construction;
  - cc) not more than one advertising space shall be allowed on any side of any sign;
  - dd) no sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
  - ee) signs shall be set back at least 20 feet from the road right-of-way line.
- 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:

- aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
  - bb) one free-standing sign (small traffic directional signs excepted) shall be permitted per road frontage; total height of these signs shall not exceed 5 feet; no one side of any of these signs shall exceed 64 square feet; no free-standing sign shall be located within the ten foot greenspace required; and
  - cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;
- 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Factory and industrial buildings shall be provided with 1.5 spaces per three employees, computed on the total employment.
  - 3) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.

Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.

- i. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.

2. IH - Industrial Holding.

The purpose of this district is to provide for the expansion of Municipal Industrial Parks and to earmark areas of the county which have the appropriate utilities and infrastructure needed to support industrial development. The district in question shall reserve portions of the county for the development of certain types of business and industry, characterized by manufacturing, fabricating, warehousing and wholesale distribution, which are relatively free from offense and

which, with proper landscaping will not detract from residential desirability of adjacent properties. A map amendment to either a I-1 or IPD, as appropriate, shall be a prerequisite to development.

a. Permitted Uses by Right - The following uses are permitted within the District.

- 1) Single family dwellings;
- 2) Parks and playgrounds;
- 3) Public facilities;
- 4) Churches or synagogues, including Sunday schools and parish houses, accessory kindergartens, nursery schools and child care centers for four or more children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 5) Nurseries and greenhouses;
- 6) Agriculture;
- 7) Forestry;
- 8) Home occupations;
- 9) Golf courses;
- 10) Non-commercial saw mills;
- 11) Non-commercial kennels;
- 12) Child care centers for less than twelve children. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child.
- 13) Recreational pay lakes with boating prohibited;
- 14) Horticulture;
- 15) Farmers markets;
- 16) Indoor storage of construction or other heavy equipment excluding trucks capable of carrying two tons or less, associated with a home occupation; and,
- 17) Temporary use.

b. Accessory Uses - Uses and structures which are customarily accessory and clearly incidental and subordinate to uses by right.

- 1) Private garages, storage sheds and parking areas;
- 2) Swimming pools and tennis courts;
- 3) Keeping not more than two roomers or boarders without kitchen facilities;
- 4) Private noncommercial parks and open space; and,
- 5) Barns, sheds, metal buildings and other types of storage structures.

c. Conditional Uses - Permitted only with Board of Adjustment approval on a case by case basis after considering the intent and purpose of this ordinance and the Comprehensive Development Guide.

- 1) Kindergartens, nursery schools and child care centers for not more than twelve children when accessory to and located in the same structure with a single family residential use. A fenced and screened play area shall be provided which shall contain not less than twenty-five square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use;
- 2) Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed after one year or when all lots are sold unless and extension is granted by the Board of Adjustment;

- 3) Private clubs and campgrounds;
  - 4) The parking and storage of tractor trailers, tractor semitrailers, trailers, and/or truck tractors or cabs capable of attaching to and pulling trailers or semitrailers;
  - 5) Two or more dwellings on lots containing less than 11 acres and three or more dwellings on lots which exceed eleven acres; and,
  - 6) Any charitable gaming activity.
- d. Minimum lot area - Minimum lot area shall be ten acres.
- e. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.
- f. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:
- Front - 70 feet from the property line;
  - Side - 50 feet
  - Rear - 100 feet
- g. Signs proposed for permanent installation shall be limited to those for home occupations and those showing the name of the development. Standards for those types are as follows:
- 1) Home occupation signs shall not exceed four square feet for each of their two sides.
  - 2) Development identification signs shall not exceed 32 square feet for each of their two sides and shall not be greater in height than six feet. Materials used in these signs shall provide for a long life with little or no maintenance.
  - 3) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use of any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 4) No sign placed under provisions of this section shall be located on a county or state right-of-way.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- h. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
- i. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.

- 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.

Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as required as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.

#### **D. Special Planned Districts**

The special planned districts permit the integration of particular land uses, given appropriate utility infrastructure and under special conditions, into other districts where it is not permitted as a use by right. The application process for any special planned district has been designed to match the characteristics of the property to the needs of the particular land use in question under the direction of goals and objectives of the Comprehensive Development Guide.

1. **PD-1 - Residential Planned Unit Development.**

This district permits residential development at a higher density than required by the assigned district given the existence of the appropriate government services and utilities. It is proposed to permit large-scale developments which create a more desirable living environment than would have been possible under the strict application of other residential districts listed within this chapter and to provide for the control and arrangement of uses within such developments. It is intended to encourage developments that:

- o Provide a variety of housing types and environments;
- o Contain an orderly relationship of uses;
- o Preserve open space and natural vegetation for scenic and recreational use;
- o Provide for efficient use of land; and,
- o That are in harmony with surrounding development.

Commercial activities may be developed as part of a RPD. However, only selected retail shopping and/or personal service uses will be considered. These uses are viewed as serving the needs of nearby residential areas and must be located at strategic sites in relation to transportation networks.

- a. **Potential Uses Subject to Binding Elements** - The following uses outlines the types of uses which can be considered by the Commission:
  - 1) Mobile Home parks and subdivisions;
  - 2) Multi-family housing units; and,
  - 3) More than one permanent dwelling unit on lots containing less than 11 acres.
  - 4) All uses permitted within the R-1 district.
  - 5) All uses permitted within the C-1 district.
- b. **Minimum lot area** - Minimum lot area shall be determined by the planning commission but in not case shall it be set below 30,000 square feet or the minimum standard established by the Hardin County Health Department for the particular parcel in question.
- c. **Lot Configuration** - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

- d. Minimum Set-back Requirements - Shall be determined by the planning commission on a case-by-case basis but under no circumstance shall they be established in violation to health or building codes.
- e. Signs proposed for permanent installation shall be limited to those for home occupations and those showing the name of the development. Standards for those types are as follows:
  - 1) Home occupation signs shall not exceed four square feet for each of their two sides.
  - 2) Development identification signs shall not exceed 32 square feet for each of their two sides and shall not be greater in height than six feet. Materials used in these signs shall provide for a long life with little or no maintenance.
  - 3) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use of any words, phrases, symbols, or characters implying existence of danger or the need to stop.
  - 4) No sign placed under provisions of this section shall be located on a county or state right-of-way.
  - 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
  - 6) Signs proposed for commercial activities approved under a PD-1 shall satisfy the standards found under the C-1 district unless the commission establishes a new standard as a condition to approval.
- f. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
  - 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.
  - 3) Dwelling unit projects shall be provided with 1.5 spaces per bedroom.

Parking spaces shall be calculated as being 144 square feet each. Once the total required square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case.
- g. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
- 2. I-2 - Heavy Industry Planned Unit Development.

This district permits industrial development within an assigned district given the existence of the appropriate government services and utilities. The development shall be cited and designed so as to avoid neighborhoods and residential development in light of the potential nuisances or other hazard.

a. Potential Uses - The following uses outline the types of uses which can be considered by the commission:

- 1) Airports;
- 2) Asphalt manufacturing;
- 3) Crushed stone or sand and gravel operations;
- 4) Paper or pulp manufacturing;
- 5) Ready mix concrete;
- 6) Automobile graveyards or junk yards;
- 7) All uses permitted in the I-1 district;
- 8) Commercial kennels;
- 9) Manufacture or assembly of electrical or electric apparatus, boats, firearms, electrical appliances, tools machinery, hardware and sheet metal products;
- 10) Automobile assembly, painting, upholstering, repair, rebuilding, reconditioning, body and fender work, truck repair or overhauling or tire retreading or battery manufacture;
- 11) Manufacturing, compounding, processing or packaging of products;
- 12) Fertilizer manufacturing and storage;
- 13) Railroad sidings or transfer operations;
- 14) Commercial saw mills;
- 15) Gas storage and distribution facility where the means of distribution is railroad tank cars, gas piping, or tanks trucks which may each have a water capacity in excess of 4,000 gallons; however, the volume shall be governed by the National Fire Protection Association regulation;
- 16) Gas manufacture or storage;
- 17) Petroleum or inflammable liquids production, refining and storage;
- 18) Blast furnaces, metal smelting furnace, ore or metal reducing;
- 19) Acid, corrosive acids, sulphurous, sulfuric, nitric, picric, carbolic, hydrochloric or other corrosive acid manufacturing or use;
- 20) Live stock feed yards, stock yards, slaughtering of animals, meat packing, or storage, curling or tanning of raw, green or salted hides or skins;
- 21) Manufacturing uses similar to those permitted by right which do not create any more danger to the public health and safety and surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, odors, heat or glare than that which is associated with industries of the type specifically permitted; and,
- 22) Temporary use.

b. Minimum lot area - Minimum lot area shall be determined by the standard established by the Hardin County Health Department for the particular use or parcel in question and the lot shall not exceed a maximum of 75 percent coverage by any building and/or number of buildings, parking area, loading area and storage of any type unless a new standard is imposed by the planning commission.

c. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are

prohibited.

- d. Minimum Set-back Requirements - No structure shall be constructed closer to the particular property line than indicated below:

Front - 50 feet from the property line unless parking is located behind the structure or otherwise adequately screened from public view in which case the set back may be reduced to 35 feet from the property line.

Side - 20 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

Rear - 35 feet unless the property abuts a residential district in which case the setback shall be increased to 40 feet.

The above listed requirements shall govern unless the planning commission finds it necessary to establish a new standard in the interest of the public health, safety or welfare as a result of the particular land use or activity in question.

- e. Required Screening of Dumpsters, Waste Materials and Outer Boundary.

- 1) All dumpster for waste disposal shall be adequately screened from street and/or general public view.
- 2) Any outdoor storage of waste materials or refuse shall be adequately screened from street and/or general public view.
- 3) An appropriate vegetation screen shall be constructed along the outer boundary of the district which is adjacent to any residential district. Said screening shall be white pines as determined by this regulation unless an alternate plan is approved by the planning commission as to location, height, material and/or vegetation types. Screening may be waived by the planning commission in cases where the adjacent land will remain vacant or where it is not desirable or logical for some other unique reason.

- f. Sign Standards. All signs proposed for installation, whether for on-site or off-site messages, shall avoid creating distractions for the motoring public and competition of size between advertisers. Standards for these signs shall be as follows.

- 1) Off-site signs installed for viewing from interstate and other limited access highways shall be limited by provisions of the Highway Beautification Act of 1965, as amended (Public Law 89-285), and KRS 177.830 through 890 (to include 603 KAR 3020), at a minimum. They shall further adhere to (2)(c) and (d) below.
- 2) Other off-site signs shall conform to the following standards:
  - aa) total sign surface shall not exceed 300 square feet, excluding structural supports, and shall not exceed 25 feet in overall height;

- bb) signs may be placed back to back or in a "V-type" construction;
  - cc) not more than one advertising space shall be allowed on any side of any sign;
  - dd) no sign shall be closer than 2,000 feet to any other sign on the same side of any road facing traffic heading in the same direction; and
  - ee) signs shall be set back at least 20 feet from the road right-of-way line.
- 3) On-site signs may be free-standing, or wall- or roof-mounted, and shall conform to the following standards:
- aa) total sign surface per site shall not exceed two square feet per linear foot of road frontage;
  - bb) one free-standing sign (small traffic directional signs excepted) shall be permitted per road frontage; total height of these signs shall not exceed 5 feet; no one side of any of these signs shall exceed 64 square feet; no free-standing sign shall be located within the ten foot greenspace required; and
  - cc) the surface area of wall-mounted signs shall not exceed 12 percent of the exposed building face of the wall to which it is attached, each wall to be considered separately;
- 4) No sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal, or devise, or use any words, phrases, symbols, or characters implying existence of danger or the need to stop.
- 5) Political signs or other forms of ideological speech shall be permitted by right as long as they do not create a traffic hazard.
- g. Lighting Standards. Installation of lighting on sites shall be limited to those fixtures that avoid glare and do not spill over onto adjacent properties.
- h. Parking Standards. All development shall be provided with adequate parking facilities to handle the expected number of automobiles for that site. Spaces shall be provided as follows; use classifications for buildings are the same as those definitions used in the Kentucky Building Code.
- 1) Assembly, business, and mercantile buildings shall be provided with one space per 300 square feet of floor space.
  - 2) Factory and industrial buildings shall be provided with 1.5 spaces per three employees, computed on the total employment.
  - 3) Institutional buildings shall be provided with one space per five persons identified in the building's occupant load figures.

Parking spaces shall be calculated as being 144 square feet each. Once the total required

square footage has been determined as listed above, applicants shall be permitted to increase the number of spaces by downsizing some for use by smaller automobiles. Total calculated space requirements shall be met in any case. The smallest parking space shall be 9'x 18'.

E. Overlay Districts

Overlay districts identify the general location of physical phenomenon which place the public health, safety, or welfare at risk or are otherwise regulated under a separate state or federal agencies. Development of any type in Overlay Districts is prohibited unless the appropriate permits are secured from the agencies or organizations with such authority.

1. E-1 - Flood Plain, Wet Lands, Karst, Well Heads, Landfill or Superfund Site.

The establishment of this district protects fragile environmental features, surface and/or ground water resources from unnecessary risk of pollution and persons and property from the predictable destructive forces of nature.

a. Permitted Uses by Right - The following uses are permitted within the District only if they are designed so as not to obstruct flood waters or contribute to contamination of surface or ground water resources.

- 1) Parks and playgrounds;
- 2) Agricultural uses;
- 3) Parking lots;
- 4) Swimming pools and tennis courts;
- 5) Private noncommercial parks and open space;
- 6) Forestry; and,
- 7) Golf courses.

b. Minimum lot area - Minimum lot area shall be established by the Hardin County Health Department for the particular use or parcel in question. However, the lot area shall not be reduced below the minimum standard established by the district in question unless approved by the planning commission under a PUD.

c. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.

d. Minimum Set-back Requirements - No structures are permitted.

2. E-2 - Historical and/or Archaeological Site.

The establishment of this district protects any listing on the Kentucky Archaeological Survey maintained by the State Archaeologist at the University of Kentucky or any listing on the survey of Historic sites in Kentucky or the National Register of Historic Places.

a. Permitted Uses by Right - The following uses are permitted within the District only if they are designed so as not to obstruct flood waters or contribute to contamination of surface or ground water resources.

- 1) Parks and Playgrounds;
  - 2) Agricultural uses;
  - 3) Parking lots;
  - 4) Swimming Pools and Tennis Courts;
  - 5) Private noncommercial parks and open space;
  - 6) Forestry; and,
  - 7) Golf courses.
- b. Minimum lot area - Minimum lot area shall be established by the Hardin County Health Department for the particular use or parcel in question. However, the lot area shall not be reduced below the minimum standard established by the district in question unless approved by the planning commission under a Special Planned District.
- c. Lot Configuration - All lots shall meet the one-to-three width to length ratio. Flag lots are prohibited.
- d. Minimum Set-back Requirements - No structures are permitted.

HARDIN COUNTY SECTOR MAP

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6.1 Purpose, Special Planned Districts.

Special Planned Districts allow for the creative design of land which extends beyond the limits of the particular district in question. These districts establish a process which enables innovative developments to be approved after first demonstrating their agreement with the goals and objectives of the Comprehensive Development Guide. The Special Planned Districts are salutary in light of the fact that they contribute to local economy, provide additional goods and/or services, develop more affordable housing and protect the tax base and property values.

A. The Low Density Residential Planned Unit Development or PD-1 creates a vehicle for the review of particular residential land uses that propose a higher density than is permitted by the district in question. The PD-1 District is intended to further promote the Goals and Objectives of the Comprehensive Development Guide through the provision of residential development which:

1. Allow the clustering of structures in a manner which encourages that environmentally sensitive areas and significant natural features such as sinkholes (Karst features), steep slopes, flood plains, unstable soils and bodies of water to be left as natural open space;
2. Encourage energy conservation through the promotion of pedestrian or cycling transportation by allowing commercial services and places of employment in close proximity to residential areas;
3. Minimizes the development cost associated with the installation and maintenance of street and/or utility infrastructure by allowing common wall construction and clustering of structures;
4. Provide the choice of residential housing types and density while supplying amenities which benefit the public such as privacy, open space, recreation and convenience to public facilities, retail services and employment.

B. The Industrial Planned Unit Development or IPD creates a vehicle for review of particular industrial land uses which are normally associated with nuisances or are presumed to place the public health, safety and/or welfare at some level of risk. The IPD shall create industrial developments which further promote the Goals and Objectives of the Comprehensive Development Guide by assuring that proposed sites satisfy the following criteria:

1. Have appropriate access to transportation infrastructure which can adequately handle the traffic anticipated to be created from the use in question;
2. Develop a site and building design which makes the use reasonably compatible with the surrounding land uses and maintains privacy;
3. Maintains an appropriate control of noise generated by the operation(s) found within the particular land use in question;
4. Does not create an artificial lighting glare or "spillover" light to other properties;
5. Does not create an odor nuisance within reasonable limits;
6. Does not contaminate the air, surface or ground water resources or contribute to storm water run off problems;
7. Controls dust and/or debris to a reasonable limit by prohibiting either from being carried

from the site by the forces of nature; and,  
8. Assures that appropriate utilities and services exist at the proposed site or that the cost of any extensions will be borne by the applicant.

6.2 The Provisions for a Special Planned District.

Applicants proposing a Special Planned District are required to obtain approval for a map amendment outlined in Chapter 4.

6.3 Plans, Other Information and the Growth Guidance Assessment (GGA)

The following information shall be provided for review by the planning commission at the public hearing:

- A. Plans which display written or graphic information shall conform with the minimum requirements for development plans under this ordinance and the standards found under the Hardin County Subdivision Regulations;
- B. Any proposed restrictive covenants, deed restrictions, or any home owners association documents; and,
- C. The staff shall prepared a Growth Guidance Assessment which evaluates the attributes of the site in relation to the Goals and Objectives of the Comprehensive Development Guide.

6.4 The Provisions for the Growth Guidance Assessment.

Upon receipt of the above listed information and a complete application, the staff shall work the site through the appropriate Growth Guidance Assessment (GGA). The staff shall be provided a minimum of seven days to complete the process once the applicant has submitted the application and paid the appropriate fees.

6.5 The Growth Guidance Assessment, Generally.

The following GGA formulas look at two different sets of criteria to determine the appropriate location for either residential development at a higher density than permitted by the district in question or industrial land use as identified within this regulation. Both evaluations use the same soils test in making their determination, but the similarities stop there. The amenities test for the two land uses call upon different goals and objectives listed within the Comprehensive Development Guide in making their determination. For example, the amenities test for the residential GGA encourages development near other subdivisions, schools and other cities or communities; while the industrial GGA on the other hand looks for areas with sparse residential development and upgraded utilities such as three phase electric power, a four lane divided highway and natural gas.

6.6 Growth Guidance Assessment.

The GGA review sheet shall be provided to the commission at the public hearing. Scoring 150 or more points informs the commission that the particular use in question on that location contributes to the fulfillment of the appropriate goals of the COMPREHENSIVE DEVELOPMENT GUIDE.

Any site scoring less than 150 points shall be reviewed by the Commission. Upon review of the soils and amenities assessments, the Commission shall determine if the application satisfies the goals and objectives of the COMPREHENSIVE DEVELOPMENT GUIDE.

The information provided by the GGA shall be weighed in addition to other staff reports, testimony and evidence provided at the public hearing.

6.7 The Soils Assessment

Every parcel of land in the county is unique in many different ways. Great differences in terrain exist, often times within short distances. Individual sites have unique aspects and different relations to surrounding sites. But, a key factor determining the relative potential of a given site is the soils that exist on that site. More than any other one natural criteria, soils portray the best use of a site. Thus, an assessment of the soils and their potential is a mandatory first step in examining any site's characteristics for development. According to the SOIL SURVEY OF HARDIN AND LARUE COUNTIES, KENTUCKY, published by the US Soil Conservation Service, the following soil associations are found in Hardin County. Based on corn yield per acre, these associations have been divided into ten groups.

<u>Map Symbol</u>	<u>Soil Series</u>	<u>Soil</u>	<u>Group</u>
As	Ashton Silt Loam		1
A1D	Allegheny-Lenberg Caneyville Complex		7
CrB	Crider Silt Loam		2
CrC	Crider Silt Loam		4
CsC	Cumberland Silt Loam		4
CrD	Crider Silt Loam		6
CsD	Cumberland Silt Loam		6
CtC3	Cumberland Silty Clay Loam		6
CtD3	Cumberland Silty Clay Loam	7	6
CnE	Caneyville-Rock Outcrop Complex		10
CnD	Caneyville-Rock Outcrop Complex		8
Dn	Dunning Silty Clay Loam		3
E1B	Elk Silt Loam		2
E1C	Elk Silt Loam		4
FrC	Frondorf-Lenberg Silt Loam		6
FrD	Frondorf-Lenberg Silt Loam		7
FdC	Fredonia-Rock Outcrop Complex		8
GnB	Gatton Silt Loam		5
GmE	Garmon Silt Loam		9
Gu	Gullied Land		9
HnB	Hagerstown Silt Loam		2

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Hu	Huntington Silt Loam	2
HnC	Hagerstown Silt Loam	4
HnD	Hagerstown Silt Loam	6
Ln	Lindside Silt Loam	
		2
Lc	Lawrence Silt Loam	5
LfE	Lenberg-Frondorf Complex	
		7
<u>Map</u>		<u>Soil</u>
<u>Symbol</u>	<u>Soil Series</u>	<u>Group</u>
Mr	McGary Silt Loam	3
Mv	Melvin Silt Loam	5
MdC3	Markland Silty Clay	7
NcB	Nicholson Silt Loam	5
Nb	Newark Silt Loam	5
NcA	Nicholson Silt Loam	5
No	Nolin Silt Loam	2
Nv	Nolin Variant Fine Sandy Loam	5
OtB	Otwell Silt Loam	5
OtA	Otwell Silt Loam	5
PmB	Pembroke Silt Loam	2
PmC	Pembroke Silt Loam	4
RbC	Riney Loam	4
RbD	Riney Loam	6
RcD3	Riney Sandy Clay Loam	6
Rd	Robertsville Silt Loam	6
RbE	Riney Loam	7
RaE	Allegheny Complex	9
RoE	Rock Outcrop Corydon Complex	10
SdB	Sadler Silt Loam	5
SnB	Sonora Silt Loam	5
SdA	Sadler Silt Loam	5
Sg	Sensabaugh Silt Loam	3
SdC	Sadler Silt Loam	4
SnC	Sonora Silt Loam	4
SnC3	Sonora Silt Loam	6
VrC	Vertrees Silt Loam	
		4
VrD	Vertrees Silt Loam	

Development Guidance System

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VtD3	Vertrees Silty Clay Loam	6
VrE	Vertrees Silt Loam	7
		7
W1B	Wellston Silt Loam	
WbC	Waynesboro Loam	5
W1C	Wellston Silt Loam	4
WbD	Waynesboro Loam	4
		6
WcC3	Waynesboro Clay Loam	6
W1C3	Wellston Silt Loam	
WbE	Waynesboro Loam	6
WcD3	Waynesboro Clay Loam	7
		7

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The ten groups identified above have been assigned relative values for agriculture based on the calculation of actual corn yield per acre divided by the highest corn yield per acre. Presented below, these values will be used in the assessment that follows. Also shown are the numbers of acres of that soil group which are present in Hardin County.

<u>Soil Group</u>	<u>Actual Yield Highest Yield</u>	<u>Soil Value</u>	<u>Acres In Hardin County</u>
1	$\frac{100}{100}$	100	795
2	$\frac{87.56}{100}$	88	74,815
3	$\frac{71}{100}$	71	7,875
4	$\frac{66.99}{100}$	67	87,760
5	$\frac{65.99}{100}$	66	68,750
6	$\frac{54.30}{100}$	54	37,905
7	$\frac{35}{100}$	35	45,630
8	$\frac{25}{100}$	25	27,180
9	$\frac{15}{100}$	15	30,910
10	$\frac{10}{100}$	10	10,655

The Worksheet. The first ten unnumbered lines of the accompanying worksheet are to be used to identify the various types of soil found on the site proposed for development. Soil symbols, soil names, and the corresponding groups (from 4.5) are to be listed in the designated columns. The appropriate number of acres in each soil group is to be listed under the corresponding group number, one through ten. Instructions for numbered lines one through 15 are as follows.

- (01) Figures placed in columns one through ten are to be added vertically. The sums are to be placed in the correct column on line one.
- (02) All figures shown on line one are to be added together. The sum is to be placed on line two. This should correspond with the total acreage of the site.

- (03) Relative soil values per acre are listed.
- (4-6) Because improvements can be made to soils to make them more productive, lines four through six award additional points for each improvement made. If one of the indicated improvements has been made, points shown on the 'Possible' lines are to be transferred to the 'Earned' lines.
- (07) Figures placed on lines three through six are to be added vertically. The sums are to be placed in the correct column on line seven.
- (8-9) Maximum soil values are listed. (Note: in arriving at these values, it has been determined that soils in groups 2, 5, and 6 warrant only special combinations of the improvements; points cannot be earned for all improvements made, the figures in line nine represent the actual value of the soils in question.
- (10) Figures on line one are to be multiplied by the figures in the corresponding columns on line nine. The products of those calculations are to be listed on line ten. These products illustrate the value of each soil group on the site.
- (11) All values listed on line ten are to be totalled with the sum to be placed on line 11. This number represents the total value of the soils on the site.
- (12) The assessment figure previously put on line 11 is to be divided by the figure on line two. The product of this calculation, the average value of an acre of soil on this site, is to be placed on line 12.
- (13) Line 13 is included as an effort to preserve large tracts of Hardin County's important agricultural soils from early conversion to development. The main target of preservation is those tracts with over ten acres of prime soils.

After adding the figures in columns one through three on line one, refer to the following chart. The appropriate number of points as shown is to be transferred to line 13.

<u>Acres</u>	<u>Points</u>
Less than 10	0
10 - 14.9	5
15 - 20.0	10
Over 20.0	15

- (14) Figures on lines 12 and 13 are to be added together and the sum placed on line 14. This represents the adjusted soils assessment for the site.
- (15) Line 15 calculates the difference between the maximum points to be earned per acre and the actual points earned per acre. The points represented by this difference equal the site's non-agricultural value. To this end, subtract the figure on line 14 from 115 and enter the difference on line 15.

This number will be used later in the amenities assessment.

This completes the in-depth assessment of soils on a proposed site.

6.8 PD-1 - Amenities Assessment

The PD-1 process evaluates the suitability of a particular site for residential development at a higher density than that permitted by the district in question. The following evaluation identifies the existing level of government services within the general area, the utility infrastructure and the density of the population. This information is then quantified and provided to the planning commission to be juxtaposed with the goals and objectives of the COMPREHENSIVE DEVELOPMENT GUIDE in order to evaluate agreement.

The Worksheet. The accompanying worksheet provides a mechanism by which a site's potential for development can be assessed. Combined with the development points earned in the soils assessment, the points earned here will determine whether a given site creates the growth patterns mandated by the County's goals and policies.

Whereas the factors used in this assessment play varying roles, some being more important than others, a weighing factor is used to indicate importance. As the score is assessed on each of the lines, it is to be multiplied by the weighing factor to get the actual points earned.

1. Line one examines the size of the proposed site.

Data published by the Kentucky Department of Agriculture have been used to determine that 78 acres of land is necessary to form an economical farming unit in Hardin County.

The following chart assigns points to various acreages based on these factors. Points earned for a proposed site are to be placed on line one and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Land Area</u>	<u>Points</u>
0.0 - 2.0 acres	10
2.1 - 3.0 acres	9
3.1 - 6.0 acres	8
6.1 - 7.0 acres	7
7.1 - 8.0 acres	6
8.1 - 9.0 acres	5
9.1 - 15.0 acres	4
15.1 - 20.0 acres	5
20.1 - 25.0 acres	6
25.1 - 30.0 acres	7
30.1 - 35.0 acres	8
35.1 - 40.0 acres	9
40.1 - 45.0 acres	10
45.1 - 50.0 acres	9
50.1 - 55.0 acres	8
55.1 - 60.0 acres	6
60.1 - 65.0 acres	5
65.1 - 70.0 acres	4
70.1 - 75.0 acres	2
75.1 - 78.0 acres	1
Over 78.0 acres	0

2. Line two examines the percent of adjacent land which is developed.

Where all land adjacent to a proposed site is developed, encouragement should be given to develop that site. Conversely, where a site is surrounded by undeveloped land, discouragement should be given. For use here, the greater the percent of adjacent land that is developed, the more points the site earns.

This percentage is to be determined by measuring the length of the boundary of the proposed site on an aerial photograph. Then, the length of that boundary which is adjacent to developed land is to be measured and divided by the total length.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line two and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Percent of Adjacent Land Developed</u>	<u>Points</u>
95 - 100	10
90 - 94.9	9
80 - 89.9	8
70 - 79.9	7
60 - 69.9	6
50 - 59.9	5
40 - 49.9	4
30 - 39.9	3
20 - 29.9	2
10 - 19.9	1
Less than 10	0

3. Line three examines the percent of surrounding area developed.

A proposed site which is in the proximity of existing development should be encouraged for development due to the closeness of improved roads and the availability of utilities and community services. Geographical areas which are entirely undeveloped and provide for the production of agricultural products are more viable for the production of food and fiber than areas with a mixture of developed and undeveloped properties.

Aerial photograph maps used by the Hardin County Property Valuation Administrator (PVA) are used in determining the percentage needed here. After locating the site on the photograph, a planimeter is used to determine the percentage of land developed within a one square mile area (the site marks the center of the square mile). This effort also gives some indication of the density of development in the area. As the determination is made, it is converted to a percentage for use here.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line three and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Percent of Surrounding Area Developed</u>	<u>Points</u>
95 -100.0	10
90 - 94.9	9
80 - 89.9	8
70 - 79.9	7
60 - 69.9	6
50 - 59.9	5
40 - 49.9	4
30 - 39.9	3
20 - 29.9	2
10 - 19.9	1
Less than 10	0

4. Line four examines the proposed site's classification and use as agricultural land.

Land which has received special recognition or been given special consideration based on its agricultural classification has an established value for continued agricultural use. A special tax assessment is given to agricultural property by the Hardin County Property Valuation Administrator (PVA). Similarly, state law provides for the establishment of agricultural districts which receive special consideration.

Answers to the following questions assign points for this criteria. Total points earned for a proposed site are to be placed in the appropriate column on line four and multiplied by the weight factor. That product is to be put in the 'Earned' column.

Has the site received an agricultural tax assessment during any part of the past three calendar years, or been a part of a state-approved agricultural district?

<u>Answer</u>	<u>Points</u>
Yes	0
No	5

Has the property been used for agricultural production earning agricultural income or been a part of a governmental agricultural program during any part of the past three calendar years?

<u>Answer</u>	<u>Points</u>
Yes	0
No	5

5. Line five examines the characteristics of the road on which the proposed site is located.

The availability of an adequate road and transportation network needs to be considered when proposing development. Sites with access to all weather, hard surfaced roads with sufficient road surface width and adequate dedicated right-of-way and which are maintained by some level of government are essential for quality development. Areas with unimproved and unmaintained roads are more suited for agricultural activities.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line five and multiplied by the weight factor. That product is to be written in the 'Earned' column.

<u>Points</u>	<u>Access Road Characteristics</u>
10	All State and City Maintained Roads,
8	County Maintained Asphalt or Concrete Road Surface Width 18' or Greater Dedicated Right-of-way 50' or Greater.
6	County Maintained Chipseal Road Surface Width 18' or Greater Dedicated Right-of-way 50' or Greater
4	County Maintained Asphalt or Concrete Road Surface Width Less Than 18' No Dedicated Road Right-of-way
2	County Maintained Chipseal Road Surface Width Less Than 18' No Dedicated Road Right-of-way
0	County Maintained Gravel and All Other Roads.

6. Line six assesses the distance the proposed site if from contiguous development within incorporated cities and rural unincorporated communities. To encourage new growth to be contiguous, thus creating proper growth patterns and keeping down the cost to local government taxpayers, sites which are closer to contiguous development receive more development points.

Existing contiguous development has been identified on aerial photographs. For use in this criteria, the distance from the proposed site to the contiguous development line is to be measured by the most direct route using existing roads.

- A. The following chart assigns points based on the distance measured to contiguous development of the closest incorporated city (Elizabethtown, Radcliff, Sonora, Upton, Vine Grove, and West Point). Points earned for a proposed site are to be placed in the appropriate column on line 6A.

<u>Distance to Contiguous Development of Cities</u>	<u>Points</u>
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Adjacent to site	10
Less than 500 feet	9
500 - 999 feet	8
1,000 - 1,499 feet	7
1,500 - 1,999 feet	6
2,000 - 2,499 feet	5
2,500 - 2,999 feet	4
3,000 - 3,499 feet	3
3,500 - 3,999 feet	2
4,000 - 5,280 feet	1
Over 1 mile	0

- B. The following chart assigns points based on the distance measured to contiguous development of the closest rural unincorporated community (Cecilia, Colesburg, Eastview, Glendale, Rineyville, Summit, and White Mills). Points earned for a proposed site are to be placed in the appropriate column on line 6B.

<u>Distance to Contiguous Development of Communities</u>	<u>Points</u>
Adjacent to Site	8
Less Than 85 feet	7
85 - 165 feet	6
166 - 330 feet	5
331 - 495 feet	4
496 - 660 feet	3
661 - 825 feet	2
826 - 1,320 feet	1
Over 1/4 mile	0

Once both parts A and B of line six are scored, the larger of the points scored is to be multiplied by the weight factor. That product is to be written in the 'Earned' column.

7. Line seven determines the availability of public water to the proposed site.

Where a public water line exists, areas adjacent to that line should be encouraged for development before areas without access to public water. For use in this criteria, the distance the proposed site is from a water distribution line is to be measured on aerial photographs.

The following chart assigns points based on the distance measured above. Points earned for a proposed site are to be written in the appropriate column on line seven and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Public Water System Line</u>	<u>Points</u>
Adjacent To Site	10

Less than 85 feet	9	
86 - 165 feet	8	
166 - 330 feet		7
331 - 495 feet		6
496 - 660 feet		5
661 - 825 feet		4
826 - 990 feet		3
991 - 1,115 feet		2
1,156 - 1,320 feet	1	
Over 1/4 mile	0	

8. Line eight examines the distance the proposed site is from a public sewerage line.

Where a public sewerage line exists, areas adjacent to that line should be encouraged for development. For use in this criteria, the distance the proposed site is from a sewerage line is to be measured on aerial photographs.

The following chart assigns points based on the distance measured above. Points earned for the proposed site are to be written in the appropriate column on line eight and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Public Sewerage Line</u>	<u>Points</u>
Adjacent To Site	10
Less than 85 feet	9
86 - 165 feet	8
166 - 330 feet	7
331 - 495 feet	6
496 - 660 feet	5
661 - 825 feet	4
826 - 990 feet	3
991 - 1,155 feet	2
1,156 - 1,320 feet	1
Over 1/4 mile	0

9. Line nine examines the distance the proposed site is from a public school.

The cost of transporting students to school is an expense paid by the collection of taxes. The Hardin County School District spent over \$1.7 million for transporting students during the 1984-85 school year. The further development occurs from a public school, the greater the annual transportation cost is to the taxpayers.

Using aerial photographs, the distance a proposed site is from the nearest school facility is to be measured. The most direct route is to be followed using existing roads.

The following chart assigns points based on the distance measured above. Points earned for a proposed site are to be multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Public School Facility</u>	<u>Points</u>
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Less than 1 mile	10
1 to 2 miles	5
Greater than 2 miles	0

10. Line ten looks at the distance the proposed site is from a fire department facility.

Fire protection in Hardin County is a service operated by community volunteers with financial assistance from County government. The Fiscal Court spends tax dollars to upgrade the local vehicles and equipment. The net result of this is that insurance rates for buildings within a five mile driving distance of each fire station are eligible and may receive reduced rates. Future development is therefore encouraged to be located within this five mile driving distance so that proper fire protection can be provided.

Using aerial photographs, the distance a proposed site is from the nearest fire department facility is to be measured. The most direct route is to be followed using existing roads. The following chart assigns points based on the distance measured above. Points earned in the chart are to be totalled and written in the appropriate column on line ten and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Fire Department</u>	<u>Points</u>
Less than 0.5 miles	10
0.5 - 0.9 miles	9
1.0 - 1.4 miles	8
1.5 - 1.9 miles	7
2.0 - 2.4 miles	6
2.5 - 2.9 miles	5
3.0 - 3.4 miles	4
3.5 - 3.9 miles	3
4.0 - 4.4 miles	2
4.5 - 5.0 miles	1
Over 5 miles	0

11. Line 11 examines the distance the proposed site is from one of the County's ambulance stations.

Emergency medical service in Hardin County is a service provided by County government. The Fiscal Court has spent tax dollars to locate three ambulance stations in the County so as to provide quick response as necessary. Future development is therefore encouraged to be located within a distance of an ambulance station that allows for quick response time.

Using aerial photographs, the distance a proposed site is from the nearest ambulance station is measured. The most direct route is to be followed using existing roads.

The following chart assigns points based on the distance measured above. Points earned are to be written in the appropriate column on line 11 and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to an Ambulance Station</u>	<u>Points</u>
0.0 - 1.0 miles	10
1.1 - 2.0 miles	9
2.1 - 3.0 miles	8
3.1 - 4.0 miles	7
4.1 - 5.0 miles	6
5.1 - 6.0 miles	5
6.1 - 7.0 miles	4
7.1 - 8.0 miles	3
8.1 - 9.0 miles	2
9.1 - 10.0 miles	1
Over 10 miles	0

12. All weighted points earned on lines one through 12 are to be totalled. That sum is to be written on line 13.

13. Points earned in the soils assessment (see line 14 of that worksheet) are to be entered on line 14.

15. Figures on lines 13 and 14 are to be added together and the sum placed on line 15. This number represents the growth guidance assessment of the proposed site.

This completes the in-depth assessment of amenities and site characteristics of the proposed site. It also concludes the overall procedure for determining whether a site's soils and amenities are conducive to residential development at this time.

#### 6.9 IPD Amenities Assessment.

The IPD process evaluates the suitability of a particular site for industrial development. The following evaluation identifies the existing level of government services within the general area, the utility infrastructure and the density of the population. This information is then quantified and provided to the planning commission to be juxtaposed with the goals and objectives of the COMPREHENSIVE DEVELOPMENT GUIDE in order to evaluate agreement.

Applications for an IPD on property which is currently located within one of the Industrial Holding Districts does not require a GGA since the property has already been identified as appropriate for industrial development.

The Worksheet. The accompanying worksheet provides a mechanism by which a site's potential for industrial development can be assessed. Combined with the development points earned in the soils assessment, the points earned here will determine whether a given site satisfies the goals and objectives of the Comprehensive Development Guide.

Whereas the factors used in this assessment play varying roles, some being more important than others, a weighing factor is used to indicate importance. As the score is assessed on each of the lines, it is to be multiplied by the weighing factor to get the actual points earned.

1. Line one examines the percent of adjacent land which is developed.

This portion of the test determines the concentration of development found within an area. Industry should not be located next to subdivisions or a concentration of development. For use here, the greater the percent of adjacent land that is developed, the fewer points the site earns.

This percentage is to be determined by measuring the length of the boundary of the proposed site on an aerial photograph. Then, the length of that boundary which is adjacent to developed land is to be measured and divided by the total length.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line two and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Percent of Adjacent Land Developed</u>	<u>Points</u>
95 - 100	0
90 - 94.9	1
80 - 89.9	2
70 - 79.9	3
60 - 69.9	4
50 - 59.9	5
40 - 49.9	6
30 - 39.9	7
20 - 29.9	8
10 - 19.9	9
Less than 10	10

2. Line two examines the percent of surrounding area developed.

An industrial site which is proposed to locate in the proximity of existing development should be discouraged for development due to the possible negative impacts which may be created. Geographical areas which are entirely undeveloped and provide for the production of agricultural products are more viable for the production of food and fiber and industry than areas with a mixture of developed and undeveloped properties.

Aerial photograph maps used by the Hardin County Property Valuation Administrator (PVA) are used in determining the percentage needed here. After locating the site on the photograph, a planimeter is used to determine the percentage of land developed within a one square mile area (the site marks the center of the square mile). This effort also gives some indication of the density of development in the area. As the determination is made, it is converted to a percentage for use here.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line three and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Percent of Surrounding Area Developed</u>	<u>Points</u>
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95 - 100.0	0
90 - 94.9	1
80 - 89.9	2
70 - 79.9	3
60 - 69.9	4
50 - 59.9	5
40 - 49.9	6
30 - 39.9	7
20 - 29.9	8
10 - 19.9	9
Less than 10	10

3. Line three considers the straight line distance to the nearest occupied structure. A proposed industrial site that has a home adjacent to the site should be discouraged.

Aerial photograph maps used by the Hardin County Property Valuation Administrator (PVA) are used in determining the distance to other structures. After locating the site on the photograph, the simple straight line distance is calculated from the property boundary to the nearest occupied structure.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line three and multiplied by the weight factor. That product is to be put in the 'Earned' column.

<u>Distance to a Structure</u>	<u>Points</u>
Less than 500 feet	0
500 - 999 feet	2
1,000 - 1,499 feet	4
1,500 - 1,999 feet	6
2,000 - 2,499 feet	8
Over ½ Mile	10

4. Line four examines the characteristics of the road on which the proposed site is located.

The access to adequate transportation infrastructure is a prime consideration when proposing industrial development. Sites with access to all weather, hard surfaced roads with sufficient road surface width and adequate dedicated right-of-way and which are maintained by some level of government are essential for quality development. Areas with unimproved and unmaintained roads are more suited for agricultural activities.

The following chart assigns points for this criteria. Points earned for a proposed site are to be placed in the appropriate column on line five and multiplied by the weight factor. That product is to be written in the 'Earned' column.

<u>Points</u>	<u>Access Road Characteristics</u>
10	Limited Access Four Lane Divided Highway State or City Maintained;
8	All State and City Maintained Roads,

- 6 County Maintained Asphalt or Concrete  
Road Surface Width 18' or Greater  
Dedicated Right-of-way 50' or Greater.
- 4 County Maintained  
Chipseal  
Road Surface Width 18' or Greater  
Dedicated Right-of-way 50' or Greater
- 0 County Maintained  
Asphalt, Concrete or Chipseal  
Road Surface Width Less Than 18'  
No Dedicated Road Right-of-way  
or Gravel and All Other Roads.

5. Line five assesses the distance the proposed site if from electrical service. As a rule, industry has a need for higher level of service such as three phase power or greater. The information needed to calculate this portion of the GGA test has been provided by the Electric Companies serving this county.

The following chart assigns points based on the distance measured to a three phase power line or a substation at a minimum. Points earned for a proposed site are to be placed in the appropriate column on line 5.

<u>Distance to 3-Phase Electric Power</u>	<u>Points</u>
Adjacent to site	10
Less than 500 feet	9
500 - 999 feet	8
1,000 - 1,499 feet	7
1,500 - 1,999 feet	6
2,000 - 2,499 feet	5
2,500 - 2,999 feet	4
3,000 - 3,499 feet	3
3,500 - 3,999 feet	2
4,000 - 5,280 feet	1
Over 1 mile	0

6. Line six calculates the distance from the site to a high pressure natural gas line which is a minimum of four inches in diameter. This information has been provided by Louisville Gas and Electric Company and the Elizabethtown Gas Company.

Points earned for a proposed site are to be placed in the appropriate column on line 6.

<u>Distance to a High Pressure Natural Gas line</u>	<u>Points</u>
Adjacent to site	10
Less than 500 feet	9
500 - 999 feet	8

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Development Guidance System

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1,000 - 1,499 feet	7
1,500 - 1,999 feet	6
2,000 - 2,499 feet	5
2,500 - 2,999 feet	4
3,000 - 3,499 feet	3
3,500 - 3,999 feet	2
4,000 - 5,280 feet	1
Over 1 mile	0

7. Line seven determines the availability of public water to the proposed site.

Areas with existing public water should be encouraged for development before areas without access to public water. This axiom holds true for industrial as well as residential land use. For use in this criteria, the distance from the proposed site to a water distribution line is to be measured on aerial photographs.

The following chart assigns points based on the distance measured above. Points earned for a proposed site are to be written in the appropriate column on line seven and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Public Water System Line</u>	<u>Points</u>
Adjacent To Site	10
Less than 85 feet	9
86 - 165 feet	8
166 - 330 feet	7
331 - 495 feet	6
496 - 660 feet	5
661 - 825 feet	4
826 - 990 feet	3
991 - 1,115 feet	2
1,156 - 1,320 feet	1
Over 1/4 mile	0

8. Line eight examines the distance the proposed site is from a public sewerage line.

Where a public sewerage line exists, areas adjacent to that line should be encouraged for development. For use in this criteria, the distance the proposed site is from a sewerage line is to be measured on aerial photographs.

The following chart assigns points based on the distance measured above. Points earned for the proposed site are to be written in the appropriate column on line eight and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Public Sewerage Line</u>	<u>Points</u>
Adjacent To Site	10
Less than 85 feet	9
86 - 165 feet	8
166 - 330 feet	7

331 - 495 feet	6
496 - 660 feet	5
661 - 825 feet	4
826 - 990 feet	3
991 - 1,155 feet	2
1,156 - 1,320 feet	1
Over 1/4 mile	0

9. Line ten looks at the distance the proposed site is from a fire department facility.

Fire protection in Hardin County is a service operated by community volunteers with financial assistance from County government. The Fiscal Court spends tax dollars to upgrade the local vehicles and equipment. Due to the nature of industrial fires which tend to burn hotter or involve possible explosive chemicals, fire departments should be located as close as possible. Future development is therefore encouraged to be located within this five mile driving distance so that proper fire protection can be provided.

Using aerial photographs, the distance a proposed site is from the nearest fire department facility is to be measured. The most direct route is to be followed using existing roads. The following chart assigns points based on the distance measured above. Points earned in the chart are to be totalled and written in the appropriate column on line ten and multiplied by the weight factor. That product is to be placed in the 'Earned' column.

<u>Distance to a Fire Department</u>	<u>Points</u>
Less than 0.5 miles	10
0.5 - 0.9 miles	9
1.0 - 1.4 miles	8
1.5 - 1.9 miles	7
2.0 - 2.4 miles	6
2.5 - 2.9 miles	5
3.0 - 3.4 miles	4
3.5 - 3.9 miles	3
4.0 - 4.4 miles	2
4.5 - 5.0 miles	1
Over 5 miles	0

10. Line 10 examines the distance the proposed site is from one of the County's ambulance stations.

Emergency medical service in Hardin County is a service provided by County government. The Fiscal Court has spent tax dollars to locate three ambulance stations in the County so as to provide quick response as necessary. Future industrial development is therefore encouraged to be located within a distance of an ambulance station that allows for quick response time.

Using aerial photographs, the distance a proposed site is from the nearest ambulance station is measured. The most direct route is to be followed using existing roads.

The following chart assigns points based on the distance measured above. Points earned are to be written in the appropriate column on line 11 and multiplied by the weight factor.

That product is to be placed in the 'Earned' column.

<u>Distance to an Ambulance Station</u>	<u>Points</u>
0.0 - 1.0 miles	10
1.1 - 2.0 miles	9
2.1 - 3.0 miles	8
3.1 - 4.0 miles	7
4.1 - 5.0 miles	6
5.1 - 6.0 miles	5
6.1 - 7.0 miles	4
7.1 - 8.0 miles	3
8.1 - 9.0 miles	2
9.1 - 10.0 miles	1
Over 10 miles	0

11. All weighted points earned on lines one through 10 are to be totalled. That sum is to be written on line 11.

12. Points earned in the soils assessment (see line 12 of that worksheet) are to be entered on line 12.

13. Figures on lines 11 and 12 are to be added together and the sum placed on line 13. This number represents the growth guidance assessment of the proposed site.

This completes the in-depth assessment of amenities and site characteristics of the proposed site. It also concludes the overall procedure for determining whether a site's soils and amenities are conducive to industrial development at this time.

6.10 Planned Unit Development: Scope of Planning Commission Review.

A. The planning commission shall consider, but not be limited to, the following items in review of a general or detailed Planned Unit Development development plan or plat:

1. The conservation of natural resources on the property proposed for development including: trees and any other living vegetation, steep slopes, water courses, flood plains, soils and historic sites;
2. The provisions for safe and efficient vehicular and pedestrian transportation;
3. The provision of adequate open space to meet the needs of the proposed development;
4. The provision of adequate drainage facilities on the subject property;
5. The compatibility of the overall site design (location of buildings, parking areas, screening, landscaping, etc ...) and land use or uses with the existing and projected future developments of the area; and,
6. Conformance with the Comprehensive Development Guide, the Development Guidance System and the Hardin County Subdivision Regulations.

B. The Planning Commission shall designate, at the time of approval or amendment of any Planned Unit Development district binding elements, provisions, and/or restrictions of the approved district, by either development plan or plat which include a time period for development that shall be an integral and permanent part of the official Sector and District Map and thereby binding on the use and development of the subject property.

The Planning Commission may, by binding element, increase, decrease or change in any manner any set-back, dimensional, spacing or lot area requirement which they deem is in the best interest of protecting the health, safety and welfare of the community, the Goals and Objectives of the Hardin County Comprehensive Development Guide and/or which in, their opinion, will not negatively impact the tax base or local property values.

The Planning Commission also may, by binding element, establish the minimum square foot requirement for all dwelling units approved under a Planned Unit Development.

C. The binding elements as mentioned above shall run with the land and be binding on the owner and applicant, their successors, heirs or assigns, unless otherwise amended as herein provided or released by the Planning Commission.

D. No binding element shall permit the development or use of land in a manner prohibited by the Development Guidance System. To the extent a binding element of an approved Planned Unit Development district shall be deemed in conflict with the Development Guidance System, it shall be void and have no effect.

Residential Planned Development (PD-1)

# DGS: AMENITIES ASSESSMENT

Site Amenities Characteristics	Assessment Comments	Score 0 -10	Weight Factor	Points Earned
1. Size of Proposed Site			1.9	
2. Percent of adjacent development			2.2	
3. Percent of surrounding Development			2.6	
4. Type of Agricultural Use			1.1	
5. Type of Access Road			2.1	
6. Distance to Contiguous Development			2.2	
7. Distance to Public Water			2.4	
8. Distance to Public Sewer			1.2	
9 Distance to a Public school			1	
10.distance to a Fire Department			1.8	
11.distance to an Ambulance Station			1.5	

12. Amenities Assessment for Development Add Lines 1 Through 11	
13. Soils Assessment for Development Line 15 of Soils Assessment	
14. Total Development Assessment Add Lines 12 and 13	

Industrial Planned Development (I-2)

# DGS: AMENITIES ASSESSMENT

Site Amenities Characteristics	Assessment Comments	Score 0 -10	Weight Factor	Points Earned
1. Percent of adjacent development			1.9	
2. Percent of surrounding Development			2.6	
3. Nearest Occupied Structure			1.7	
4. Type of Access Road			2.8	
5. Distance to 3-Phase Power			2	
6. Distance to High Pressure Gas Line			1.5	
7. Distance to Public Water			2.4	
8. Distance to Public Sewer			1.7	
9. Distance to Fire Department			2	
10. Distance to AN Ambulance Station			1.4	

11. Amenities Assessment for Development add Lines 1 through 10	
12. Soils Assessment For Development Line 15 of Soils Assessment	

13. TOTAL DEVELOPMENT ASSESSMENT Add Lines 11 and 12	
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7.1 PURPOSE, FLOOD MANAGEMENT.

The flood hazard areas of Hardin County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control filling, grading, dredging and other development which may increase erosion of flood damage, and;
- D. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards to other lands.

7.2 DEFINITIONS.

The definitions provided below shall apply only to this section. Unless specifically defined below, words or phrases used found herein shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application.

Addition (to and existing building)	Any walled and roofed expansion to the perimeter of the building in which the addition is connected by a common load-bearing wall other than a fire wall. any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
Appeal	A request for a review of the Director's interpretation of any provision of this section or a request for a flood variance.
Area of shallow flooding	A designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

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Hardin County Planning and Development Commission

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Area of special flood hazard	The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
Base flood	The flood having a one percent chance of being equaled or exceeded in any given year.
Basement	That portion of a building having its floor subgrade (below ground level) on all sides.
Breakaway wall	A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
Building	A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
Development	Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
Elevated building	A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
Existing Construction	Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as Existing structures."
Existing Manufactured Home Park or Subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Hardin County Fiscal Court based on specific technical base flood elevation data which established the area of special flood hazards.
Expansion to an existing Manufactured Home Park or Subdivision	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
Flood or flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard/Boundary Map (FHBM)	An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
Flood Insurance Study	The official report provided by the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
Flood Variance	Is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Floor	The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of garage used solely for parking vehicles.
Functionally dependent facility	A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
Highest adjacent grade	The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.
Historic Structure	Any structure that is: <ol style="list-style-type: none"><li>1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;</li><li>2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or preliminarily determined by the Secretary to qualify as a registered historic district;</li><li>3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or</li></ol>

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3.

**Manufactured Home** A structure transportable in one or more section, which is built on a permanent foundation when connected to the required utilities, the term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days for longer and intended to be improved property.

**Mean Sea Level** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical datum (NGVD).

**National Geodetic Vertical Datum (NGVD)** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New Construction** Means structures for which the "start of construction commenced on or after the effective date of Hardin County's floodplain management regulations and includes any subsequent improvement to such structures.

**New Manufactured home park or subdivision** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Hardin County's floodplain management regulations.

**100 Year Flood** See Base Flood

**Recreational vehicle** A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable to a light duty truck;and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction	Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building ( including a manufactured home) on site, such as the pouring of slavs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does no include land preparation, such as clearing, grading and filling, nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
Structure	A walled a roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
Substantial Damage	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantial Improvement	Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be one (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or (2) Any alteration of a "historic structure's continued designation as a "historic structure".
Substantially improved existing	

manufactured home parks  
or subdivisions

Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

### 7.3 GENERAL PROVISIONS.

The information provided below shall be construed as the general provisions regarding areas subject to flooding within the county.

#### A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This section shall apply to all areas of special flood hazard within the jurisdiction of Hardin County.

#### B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated November 8, 1988, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

#### C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities.

#### D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

#### E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### F. INTERPRETATION.

In the interpretation and application of this section shall be considered as minimum requirements.

#### G. WARNING AND DISCLAIMER OR LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Hardin County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of flood variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Hardin County from taking such other lawful actions as is necessary to prevent or remedy any violation.

7.4 ADMINISTRATION.

The following information shall be construed as flood program administration which includes the necessary procedures for permits and flood variances.

A. DESIGNATION OF LOCAL ADMINISTRATOR

The Flood Program Administrator is hereby appointed to administer and implement the provisions of this ordinance.

B. PERMIT PROCEDURES

Application for a Development Permit shall be made on forms furnished by the planning office prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the are in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.

- a. Elevation in relation to Mean Sea Level of the proposed lowest floor (including basement) of all buildings;
- b. Elevation in relation to Mean Sea Level to which any non-residential building will be flood-proofed;
- c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 7.6 (B);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

2. Construction Stage.

Provide a floor elevation of flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or

architect and certified by same. Any work undertaken prior to the submission of the certification shall be at the permit holder's risk. Deficiencies shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

The duties of Flood Program Administrator shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
2. Advise permittee that additional federal or state permits may be requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
5. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 7.4 (B) (2);
6. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 7.4 (B) (2);
7. When flood-proofing is utilized for a particular building, the Flood Program Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 7.6 (B);
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Flood Program Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section;
9. When base flood elevation data or floodway data have not been provided as specified herein, then the Flood Program Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to fulfill the terms of this section;
10. All records pertaining to the provisions of this section shall be maintained in the office of Flood Program Administrator and shall be open for public inspection; and,
11. The Flood Program Administrator shall maintain the records of all appeal actions and report any flood variances to the Federal Emergency Management Agency upon

request.

D. FLOOD VARIANCE PROCEDURES.

The Board of Adjustment shall hear and decide appeals and requests for flood variances from the requirements of this section when it is alleged there is an error in any requirement, decision, or determination made by Flood Program Administrator in the enforcement or administration of this ordinance.

Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Hardin Circuit Court as provided in Kentucky Revised Statutes.

Flood variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the flood variance is the minimum to preserve the historic character and design of the structure.

In passing upon such applications, the Board of Adjustment shall consider all technical elevations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of flood variances as it deems necessary to further the purposes of this section.

Flood variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Conditions for Flood Variances:

1. Flood variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the flood variance is the minimum necessary so as not to destroy the historic character and design of the building;
2. Flood variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the flood variance would result in exceptional hardship; and,
  - c. A determination that the granting of a flood variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a flood variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

#### 7.5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazard the following provisions are required:

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement (i.e. Methods of anchoring may include, but are not limited to , use of over-the-top or frame ties to ground anchors. This standard shall be in addition to a consistent with applicable state requirements for resisting wind forces.);
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- I. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,
- J. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

#### 7.6 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 7.3 (B) or 7.4 (C) (9), the following provisions are required:

- A. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards found in Section 7.6 (C).
- B. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with wall substantially impermeable to the passage of water, and use structural components having the capability resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the appropriate standards are satisfied. Such certification shall be provided to the flood program administrator.
- C. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - a. Provide a minimum of two openings having a total net area of not less than

one square inch for every square foot of enclosed area subject to flooding;

- b. The bottom of all openings shall be no higher than one foot above grade; and,
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
- 2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
  - 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

D. Standards for Manufactured Homes.

- 1. All manufactured homes placed or substantially improved:
  - a. Outside of a manufactured home park or subdivision;
  - b. In a new manufactured home park or subdivision;
  - c. In an expansion to an existing manufactured home park or subdivision; or,
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;must meet all the requirements for new construction, including elevation and anchoring.
- 2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - a. The lowest floor of the manufactured home is elevated to or above the level of the base flood elevation; or,
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade;
  - c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a

flood, any manufactured home placed or substantially improved must meet the standards of Section 7.6 (D) (2) (a) and (c) above.

E. Standards for all recreational vehicles.

All recreational vehicles placed on sites must either;

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use (i.e. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.); or,
3. Meet the permit requirements for new construction, including anchoring and elevation requirements for "manufactured homes".

F. Floodways. Located within areas of special flood hazard established in Section 7.3 (B), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;
2. If Section 7.6 (D) (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

7.7 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Section 7.3 (B), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- A. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- B. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 7.4(C)(9).

7.8 STANDARDS FOR SUBDIVISION PROPOSALS.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

7.9 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in Section 7.3 (B). are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one the three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements or residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified in feet on the appropriate FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of non-residential structures shall:
  - 1. have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the appropriate FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or
  - 2. Together with attendant utilities and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.