

# ZONING ORDINANCE, CITY OF HORSE CAVE, KENTUCKY

## ARTICLE I

### ENACTING CLAUSE, TITLE AND PURPOSE

#### 1.1 Enacting Clause

The City Council of the City of Horse Cave, Kentucky, does ordain as follows:

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

The City Council hereby reaffirms its acceptance of the policies, goals and objectives of the Hart County Housing and Land Use Plan.

#### 1.2 Title

This regulation shall be known as the "Zoning Regulation of the City of Horse Cave, Kentucky". The map herein referred to which is identified by the title "Zoning Map of the City of Horse Cave, Kentucky," dated November 13, 1989, and all explanatory matter thereon are hereby adopted and made a part of this regulation.

#### 1.3 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, and convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage control, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

## ARTICLE II

### GENERAL PROVISIONS

#### 2.1 Definitions

For the purpose of these regulations, certain terms and words shall be used and interpreted as defined herein-after. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not directory.

1. Accessory Structure or Use: Any structure or use, other than the principal structure or use, and detached therefrom by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also, as specifically designated under the zoning district regulations of this Regulation.
2. Administrative Officer: The administrative officer is that individual appointed by the Horse Cave City Council to administer this regulation. He may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, Zoning Administrator, or various other titles descriptive of his work unless otherwise stated in this or any other ordinance.
3. Agriculture: The use of land only, minus agricultural structures, primarily for the cultivation of crops or the raising of animals or preservation in its natural state.
4. Agricultural Structures: Any structure or building accessory to the principal agricultural use of the land on which the building is located.
5. Alley: Any public or private way, hereafter set aside for public travel, twenty (20) feet or less in width.
6. Apartment House: Any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two families living independently of each other.
7. Building: Any structure constructed or used for residence, business or industry, or other public or private purpose, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, trailer coaches, billboards, signs, fences, storage tanks, pumps for commercial use, and similar structures, whether stationary or movable.

8. Building Permit: A permit issued by the Building Inspector allowing a property owner or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the lot in question.
9. Building, Principal: A building, including covered porches, carports and attached garages in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which same is situated.
10. Certificate of Occupancy: A certificate issued by the Building Inspector after construction has been completed which certifies that the building meets minimum standards for human occupancy.
11. Conditional Use: A use which is essential to, or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character or performance are imposed in addition to those imposed in the zoning regulations.
12. Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the Board of Zoning Adjustment, consisting of two parts:
  - (a) A statement of the factual determination by the Board of Zoning Adjustment which justifies the issuance of the permit; and,
  - (b) A statement of the specific conditions which must be met in order for the use to be permitted.
13. Dwelling: A house, apartment building or other building used primarily for human habitation. The word dwelling shall not include boarding or rooming houses, hotels or other structures used for transient residences.
14. Dwelling Unit: The dwelling accommodations designed for one individual or family unit maintaining separate and independent housekeeping.
15. Floor Area, Total: The area of all floors of a building, including finished basements and covered porches.

16. Height: The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
17. Home Occupation: Professional offices and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupations include only those which meet the following performance standards:
  - (a) Home Occupations shall be incidental to the principal residential use, and shall not occupy more than twenty-five percent (25%) of the total floor area.
  - (b) Home Occupations shall result in no exterior evidence, except a permitted sign, that the dwelling is used for a non-residential use.
  - (c) Home Occupations shall not generate any atmospheric pollution, light flashes, glare, odor, noise, vibration or truck or other heavy traffic.
18. Industry:
  - (a) Heavy: Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes or glare, odor, noise, or vibration which may be heard, seen, or felt off the premises, and those industries which constitute a fire or explosion hazard.
  - (b) Light: Those industries whose processing of products results in none of the above conditions.
19. Junk: Any item made of glass, metal, paper, plastic, or other material which may be used again in another form but which in its present form is considered to be valueless refuse or waste. This definition shall apply to both assembled and disassembled items.
20. Junk Yard: An area where junk is stored.
21. Lot: A piece, parcel or plot of land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required under this Regulation, and having its principal frontage on a street.
  - (a) Corner Lot: A lot which abuts on two intersecting streets at their intersection.

- (b) Double Frontage Lot: Any lot other than a corner lot which abuts on two streets.
- 22. Mobile Home: Any portable or mobile vehicle used or designed to be used for living purposes, whether or not its wheels, rollers, or skids are in place.
- 23. Mobile Home Park: A tract of land prepared and approved according to the procedures set forth in Article II, Section 2.5 of this Regulation.
- 24. Multi-Building Development: Multi-building development is the construction of two or more buildings on a single plot of ground which is under single ownership, and which will not be divided and sold into smaller parcels.
- 25. Nonconforming Structures or Uses: A structure or use of any premises which does not conform with all applicable provisions of this Regulation, but which existed at the time of its designation as nonconforming by the adoption or amendment of this Zoning Ordinance.
- 25A. Sectional Home: Any premanufactured structure, excluding mobile homes as defined in this section, which is erected, constructed or is built in halves, sections, prefabricated pieces or units and in such a manner as will permit the use and occupancy thereof for human habitation when connected to utilities. Said recreational housing shall be considered a dwelling as defined in this section when the following conditions are met:
  - (1) A building permit is obtained.
  - (2) All axles, if any are present, are removed.
  - (3) It has a minimum size of 24 feet X 40 feet and is manufactured according to standards set by the most current regulations of the Department of Housing and Urban Development.
  - (4) The home is attached to a solid continuous foundation of concrete, or a continuous foundation of property laid concrete blocks with footer.
  - (5) It is veneered to the roofline with brick and/or stone and/or appropriate and acceptable siding materials from the foundation line.
  - (6) It is manufactured with a gable roof built over

the entire unit with a pitch of at least two and one-half inches to the foot or industry standards.

(7) All conditions established by utility companies for any other standard housing are met and said unit is properly connected to said utilities.

(8) The above conditions must be met within 90 days from/the date the permit is issued and a performance bond of 10% of the value of the home shall be required with surety acceptable to the city. (Ord. 94-6: Amending Original Ordinance)

26. Sinkhole: A closed drainage basin in areas of carbonate (limestone or dolomite) rocks. These concave depressions may be bowl, funnel, or cylindrical in cross section and range from only a few feet to several miles in diameter. Sinkholes are formed from the solution of the underlying carbonate rock and, upon a landscape which does not have stream valleys, they direct surface runoff into cave streams in the underlying carbonate aquifer.
27. Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or, if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots of parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.
28. Variance, Dimensional: A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.
29. Yards: Front, Rear and Side: An open space at grade between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this regulation that an accessory building may be located in a portion of a

yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the least horizontal distance between the lot line and main building shall be used.

## 2.2 Application of Regulations

All existing and future structures and uses of premises within the City of Horse Cave shall conform with all applicable provisions of this Zoning Regulation. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the conditional use provisions, and is intended for the protection of those uses. No other uses are permitted.

## 2.3 General Development Regulations

### 1. Coordination with Subdivision Regulations

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind, the provisions of the Horse Cave Subdivision Regulations shall apply in addition to the provisions of the Zoning Regulation.

### 2. Conditional Use Regulations

Conditional uses may be permitted in districts as designated under the zoning district regulations but only when specifically approved by the Board of Zoning Adjustment. All conditional uses shall be subject to the following regulations:

- (a) All Districts: The following conditional uses only may be approved in all zoning districts.
  - (1) Local and non-local public utility transmission lines and pipes not covered in Kentucky Revised Statutes, Chapter 100, Section 324.
  - (2) Utility structures and public service buildings.
  - (3) Expansion of transportation facilities and appurtenances.
  - (4) Governmental buildings and uses.
- (b) Specified Districts: Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the

zoning district regulations.

## 2.4 General Regulations for Structures and Uses

### 1. Non-conforming Uses and Structures

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

Non-conforming structures remain subject to the following regulations:

- (a) Extension: A non-conforming structure, or structure containing a non-conforming use, shall not be enlarged, replaced or structurally altered except that a non-conforming residential structure on a residentially zoned lot of less than seventy-five (75) feet in width at the time of the adoption of this regulation may be enlarged provided that the structure conforms with the side yard line of the existing non-conforming structure and adheres to all other yard requirements of the applicable residential district.
- (b) Alteration: No structure containing a non-conforming use shall hereafter be altered in a manner that would tend to prolong the non-conforming use except for ordinary repairs.
- (c) Damage: Any buildings or facilities damaged or destroyed by natural disaster or fire may be repaired or rebuilt for continued non-conforming use, but such repair or rebuilding must be accomplished within one year from the date of its damage or destruction.
- (d) Discontinuance: No non-conforming use may be re-established after it has been discontinued for six (6) months. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.
- (e) Prior Approval: Proposed structures for which building permits have been issued prior to their designation as non-conforming by the adoption or amendment of this Zoning Regulation may be completed and used as originally intended provided they are completed and in use six (6) months after

the date on which the building permit was issued.

- (f) Use Change: No non-conforming use may be changed to any other non-conforming use unless the Board of Zoning Adjustment shall find that the proposed non-conforming use is less detrimental to the district than the existing non-conforming use of the property. The Board of Zoning Adjustment may specify such appropriate conditions and safeguards as may be required in connection with such change and shall require the owner to meet all other specifications of this regulation. This section does not allow for the expansion of a non-conforming structure or structures containing old or new non-conforming uses.

2. Required Street Frontage

No building shall be erected on a lot which does not abut on at least one street for at least forty (40) feet.

3. Rear Dwelling Prohibited

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

4. Reductions in Lot Area Prohibited

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

5. Approved Water Supply and Sewerage Disposal for Buildings

It shall be unlawful to construct any building without water supply and sewerage disposal facilities approved by the State Plumbing Inspector. Wherever water or sewer mains are accessible, buildings shall be connected to such mains. In every other case, individual water supply and sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Hart County Health Officer's certificate approving proposed and completed water and sewerage facilities must accompany applications for building permits and certificates of occupancy.

6. Regulation of Principal Buildings

Unless a Plat has been approved for a planned-development project, only one principal building and permitted accessory structures may be erected on any lot of record. Temporary structures are permitted during construction only, except as stated in Section 4.4 of this Ordinance.

7. Sinkholes

Sinkholes and other similar depressions and the area within 50 feet from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. the Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be "punched" or otherwise altered to improve drainage.

8. Flood Plains

No building shall be built in areas subject to periodic flooding or in areas that are either natural or man-made drainage ways. (Man-made shall mean built with intended purpose.)

2.5 Special Regulations

1. Mobile Homes and Mobile Home Parks

(a) Permitted: Mobile homes shall be permitted only in mobile home parks, which shall be permitted in R-2, commercial and industrial district with the approval of the Planning Commission.

(b) Area and Density Requirements: No mobile home park shall be permitted on an area of less than one acre in size. The developer may be permitted to develop the park in stages as long as he complies with the overall approved plan for the entire tract and initially has a minimum of five (5) trailer lots developed for use. The number of mobile homes permitted in the park shall not exceed a density of 12 mobile homes a net acre -- a net acre being the land to be subdivided into lots after streets and other required improvements

have been installed.

- (c) Lot Requirements: Individual lots within a mobile home park shall not be less than 3,000 square feet in area and in no instance shall more than one mobile home be permitted on a single lot. The minimum lot width shall be 40 feet.
- (d) Setback: No mobile home or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No mobile home shall be located closer than fifteen (15) feet to any building within the park or to any property line of the park.
- (e) All mobile home parks shall front on a public street or road for at least one hundred feet.
- (f) Spacing: No mobile home shall be located within twenty-five (25) feet of another mobile home except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.
- (g) Streets: All mobile home spaces shall abut upon a street, within the mobile home park. All streets within the mobile home park shall have a right-of-way of not less than 25 feet and a pavement of not less than 20 feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single mobile home park or adjoining parks, shall not be less than 100 feet apart nor be less than 125 feet from an intersection of two or more public streets. All streets within the park shall be hard-surfaced and well-lighted as specified in Section 5.3 of the Horse Cave Subdivision Regulations. No street right-of-way shall be within three (3) feet of the property line. The owner of the mobile park shall maintain the streets within the mobile home park.
- (h) Parking: One paved automobile parking area shall be provided on every mobile home lot, plus 1/4 parking space for each mobile home lot. This additional parking may be in a central location.

- (i) Utilities: All lots within the mobile home park shall be provided with water, sewer and electrical facilities meeting the standards specified by city and state regulations, and each mobile home shall be properly connected with said utilities.
- (j) Accessory Structures: No accessory structure including patios and pads shall be located within five feet from any mobile home lot line. The maximum floor area shall be 100 square feet and maximum height shall be no greater than ten feet. It shall be built in compliance with the Horse Cave Building Code.
- (k) Foundation: All mobile homes must have their wheels removed and be placed on concrete blocks. The bottom of the mobile home must not be more than four (4) feet above the ground at any point. A solid form of a permanent material must be built between the ground and the bottom outside edge of the mobile home.
- (l) Connecting Structures: Only porches, stairs, and other open structures may be attached to a mobile home. This must be built in compliance with the Building Code and must be easily removed. No structure for human occupancy or for storage shall be built to the mobile home.
- (m) Procedure: In applying for a building permit for a mobile home park, the applicant shall submit his plan to the Planning Commission for its approval in accordance with Section 3.4 of the Horse Cave Subdivision Regulation. The plan shall show the following information:
  - (1) Public areas, such as visitor's parking, recreational areas, etc., if such areas are proposed.
  - (2) Large-scale plan of one typical mobile home lot showing mobile-home location, automobile parking space, etc.
  - (3) Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.
- (n) Issuance of Building Permit: The City Council may attach reasonable special conditions to its

approval of a mobile home park and may direct the Administrative Officer to issue a building permit when the applicant presents a valid construction

permit from the State Department of Health, Division of Environmental Health, Sanitation Program, Frankfort, Kentucky, as required by Kentucky Revised Statutes 219.150. The Building Inspector shall not issue the building permit until he has received written authorization from the Planning Commission, or Board of Adjustment, and until the valid construction permit is presented.

- (o) Issuance of Certificate of Occupancy: The administrative Officer shall issue a Certificate of Occupancy only after he has determined that the mobile home park has been prepared according to all applicable regulations and special conditions and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes 219.130.
- (p) Enforcement: The Administrative Officer shall insure that all mobile home parks maintain valid permits to operate and maintain conformance with all applicable regulations of the Zoning Regulation and all special conditions.
- (q) Conflict of Regulations: All parts of any existing regulation in conflict herewith are hereby repealed.

## 2. Apartment Houses

- (a) Apartment houses shall be permitted in the R-2 residential and the Central Business Districts with the approval of the Planning Commission.
- (b) Area and Density Requirements: An apartment house shall have a minimum lot area of 10,000 square feet for the first three units. For each additional unit, there shall be an additional 3,000 square feet. The minimum required lot width at the building line shall be 85 feet. These requirements shall apply in the Central Business District unless the City Council deems these requirements unnecessary.

(c) Yard Requirements:

Front Yard - 25 feet  
Rear Yard - 25 feet  
Side Yard - 10 feet

These requirements shall not apply in the Central Business District unless the Planning Commission deems these requirements necessary. Corner lots shall meet the applicable requirements of Section 2.6 of this Regulation.

- (d) Height Requirements: In a residential district, no apartment building shall exceed two stories or thirty (30) feet in height. No residential apartment building shall exceed the height limitation of the district in which it is located. If the apartment building exceeds 30 feet in residential districts, each side yard shall be increased over the required minimum by five (5) additional feet for each five (5) feet or fraction thereof of additional height over 30 feet.

- (e) Lot Coverage: The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area, except in the Central Business District.

- (f) Off-Street Parking: Off-street parking shall be provided in communal parking garages or areas on the site only. All parking areas shall be hard surface concrete or asphalt and shall provide one and one-half spaces per dwelling unit.

- (g) Procedure: The prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel intended to be developed, the location with respect to the city; the intended general layout or design and improvements to be installed on the land. the proposal shall then be presented to the Planning Commission for its approval.

Before approving the intended development plan, the Planning Commission may make conditional requirements, pertaining to landscaping, screening, road requirements, open space or any other similar requirements. These requirements

shall be made a part of the plan before approval is given to the plat. Once approval is received, a building permit can be issued.

3. Planned-Development Project Regulations

A planned-development project which may depart from the literal conformance with the regulations for individual-lot development may be permitted in those zoning districts designated as planned development districts or may be permitted in any district in accordance with this zoning regulation. All planned-development projects shall be subject to the following regulations:

- (a) Procedure: When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Horse Cave Subdivision Regulations shall be followed in its entirety. A preliminary plat and final plat, both approved by the Hart County Planning Commission, shall be required for every planned-development project. The Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Building permits and certificates of occupancy shall be required for each building according to Sections 5.2 and 5.3 of this order.
- (b) Uses: The uses of premises in a planned-development project shall conform with the permitted uses of the zoning district in which it is located. If a planned-development project is proposed which contains mixed uses it may be allowed in districts zoned for planned development. The Board of Adjustments still maintains the right to regulate conditional uses in planned development areas.
- (c) Standards: In any planned-development project, although it is permissible to depart from the literal conformance with individual lot dimensions and regulations, there shall be no diminution of the total-equivalent-lot-area. The Planning Commission may allow reductions in lot size, parking requirements, street widths, and loading and unloading areas upon proof by the developer that efficiencies of large-scale development may permit such reduction without destroying the intent of this regulation.

- (d) Changes in Plans: Before or during construction, the planned development area may be re-platted if deemed necessary by the Planning Commission.
  - (e) From the time the City of Horse Cave accepts dedication of the streets and right-of-ways, each parcel of land shall be considered to be zoned in its use or proposed use at that time. Any changes in use of a parcel of land shall require a variance in accordance with Section 4.4 of this regulation.
  - (f) Special Conditions: The Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this zoning regulation. The planned-development project shall conform with all such conditions. Because a planned-development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.
4. Junk Yards are a conditional use. they are permitted in industrial zones only. All junk yards shall comply with the following regulations:
- (a) All junk yards must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The Planning Commission shall be required to approve the type of screening used.
  - (b) No junk shall be left outside of the screened area for more than twenty-four (24) hours.
  - (c) Any junkyard located closer than 2,000 feet from a center line of any public road must comply with Kentucky Revised Statutes 177.905 through 177.900. The Administrative Officer shall insure that all junkyards comply with city and state regulations.
  - (d) No junkyard shall be within 1,000 feet of any residential zone.
  - (e) All existing junk yards must comply with this regulation within two (2) years and receive a conditional use permit or cease to exist within two (2) years from passage of this regulation.

- (f) The Board of Adjustment shall have the power to determine if a parcel is being used for a junkyard or not. An occupational license, sign, words, or written agreement shall not be evidence alone as to whether a parcel of land is being used for a junkyard.

5. General Regulations for Signs and Outdoor Advertising

(a) Classification

Outdoor advertising shall be classified as a business use and shall be permitted in all commercial districts and industrial districts. Outdoor advertising devices, except as provided in Section 2.8, shall be prohibited in all residential zones.

(b) Location

No outdoor advertising sign or display shall be erected, placed, painted, repainted or hung nearer to any street right-of-way line upon which said display faces than the building lines provided in zones where the use is permitted, except that one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than six (6) feet to the street right-of-way line, but in no case be permitted to obstruct the view of traffic. However, in the Central Business District where hanging and projecting signs shall be permitted, provided that no projecting sign shall project from the face of the building or structure beyond a line drawn perpendicularly upward from two (2) feet inside the curb line. A clear space of not less than ten (10) feet shall be provided below all parts of such signs. Projecting signs shall be securely attached to the building or structure by bolts, anchors, chains or guys.

(c) Size

No sign, billboard, or other outside advertising device shall contain more than 400 square feet. In the central business district no sign shall be greater than five (5) feet in height, this being the distance from the top of the sign to its edge closest to the ground, not including any standard that is attached to the ground. A standard shall, in all cases, contain no advertising. In no case

shall a sign, billboard, or other such device be built to or placed at a height greater than the maximum building height.

(d) Lighting and Noise

Signs or other outdoor advertising which involve lighting or motion resembling traffic or directional signals, warnings - such as "stop", or "danger", or any other similar signs which are normally associated with highway safety or regulations - are prohibited. Additionally, no sign or outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation, or flashing, or any illuminated signs of such intensity of illumination as to unduly disturb the use of residential property or constitute a hazard or inhibit the vision of vehicle operations, shall be erected or continue in operation. No sign shall have devices which emanate noise or sound.

(e) Maintenance and Compliance

Outdoor advertising structures shall be adequately maintained. Such maintenance shall include proper alignment of structures, continued readability of the structure and preservation of the structure with paint or other preservative. If an outdoor advertising structure is not maintained, nor complies with the provisions of this ordinance, written notice of any disrepair shall be issued by the Planning Commission to the owner of said structure. If the disrepair or violation is not corrected within thirty (30) days of issuance of said notice, said structure shall be removed at the owner's expense.

(f) Nonconforming Signs and Advertising Structures

Any advertising sign, billboard, commercial advertising structure or statuary which is lawfully existing and maintained at the time this Regulation become effective which does not conform with the provisions hereof shall not be structurally altered and all such nonconforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises not later than seven years from the effective date of this Regulation.

- (g) When a business ceases to exist, the sign shall be painted over and maintained or removed within six months of the final day of business.

(h) Temporary Signs

The following signs shall be permitted in all districts and shall not require a permit unless otherwise noted:

- (1) Construction signs which identify the architects, engineers, contractors and other individuals or firms which are involved in a permitted project. Product logos may be displayed, but no additional advertising shall be allowed. Such signs shall be restricted to an area of sixteen (16) square feet for each firm. The signs must be restricted to the construction site, and shall be removed within fourteen (14) days after the completion of the advertised project.
- (2) Real estate signs advertising the sale, rental, or lease of premises shall be restricted to a total of thirty-five (35) square feet for properties other than residential, for residential properties the limit shall be ten (10) square feet. These signs shall not be illuminated and must be removed within fourteen (14) days after the sale, lease, or rental by the seller, lessor, or his agent. Signs advertising an auction shall be limited to thirty-two (32) square feet in size, and shall be removed within seven (7) days after the auction occurs.
- (3) Political campaign signs announcing the candidacy of individuals or those which seek support for or against a proposition to be voted on may be placed upon private property with the consent of the owner(s). Such political signs must not exceed twenty (20) square feet in area, and must be removed within seven (7) days after the vote is taken.
- (4) Street banners advertising a public entertainment or event require the approval of the Zoning Administrator. Such approval may be given for a period of thirty (30) days

prior to the event. The banners must be taken down within seven (7) days after the event takes place.

(i) Portable Signs

In locations other than planned commercial developments or shopping centers, mobile, portable signs shall be permitted for the purpose of advertising special events or sale specials which may be offered by an enterprise. Such signs must be placed so as not to obstruct the motorists' view of the right-of-way and must be set back at least to the midpoint of the required setback line and the travelled portion of the roadway. In no instance shall such sign be closer than 10 feet to the roadway.

Placement of portable signs on the actual or leased property containing the enterprise will be allowed for six (6) months from the start of the new enterprise or in cases of the use of portable signs at existing enterprises, six (6) months from the passage of this ordinance. After this six (6) months has elapsed, permanent signage may be constructed.

A permit for the placement of portable signs must be obtained from the Zoning Administrator. A fee for the use of a portable sign up to six (6) months shall be five dollars (\$5.00) and is not transferable to other businesses.

2.6 General Regulations for Lots and Yards

1. Obstruction to Vision at Street Intersections on Corner Lots: Within the area defined by the intersection of any two right-of-way lines of streets or railroads and a straight line intersecting those two right-of-way lines at points thirty (30) feet from the intersection, no obstruction to vision between a height of two and one-half feet and twelve feet above the average elevation of the existing surfaces of each street, at the center line thereof shall occur. This requirement does not apply to the Central Business District.
2. Building Line Setback: Except in the Central Business District a building line to provide a front yard for all buildings and structures shall be established at a minimum distance of 25 feet from the street right-of-way line. Except in cases of corner lots, variances

may be granted where existing development on adjoining lots does not meet this requirement, but in no case shall this distance be less than fifteen (15) feet.

3. Setback Requirements for Corner Lots: In residential districts, if the building set-back is greater than 25 feet from the street right-of-way, a corner building, either along its front or side, shall not be closer than the distance established for the building set-back line in that district. The requirements established in this sub-section shall not apply to the Central Business District.
4. Regulations for Double-Frontage Lots: Double frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.
5. Application of Yards to One Building Only: No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.
6. Use of Yards for Accessory Buildings: No accessory buildings are permitted in front yards. They are permitted only in rear or side yards according to the dimension and area regulations.
7. In case of single lot of record which is divided by a zoning district line, the entire lot will be zoned with the majority.

## 2.7 General Regulations for Vehicles

### 1. Off-Street Parking Space Regulations for Automobiles

- (a) Existing Parking Space. Existing off-street parking space provided for any building or use at the time of the enactment of this Regulation shall not thereafter be reduced unless it exceeds the requirements of this Regulation. Any existing building or use not provided with conforming parking space in conformance with this Regulation at the time of any structural alteration of the building or expansion of the use.
- (b) Required Off-Street Parking Space. Off-street parking space shall be provided with vehicular access to a street or alley. Parking space shall be provided on the premises so that there will be no generation of automobile parking on any street.

For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 by 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

(c) Off-Street Parking Standards. The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed:

- (1) Single-Family Residences - One space per dwelling unit.
- (2) Apartment House - One and one-half spaces per unit.
- (3) Boarding Houses and Rooming Houses - One space each for the first two rooms and one space for each additional two rooms.
- (4) Hotels and Motels - One space per unit plus one space for each three employees. If a restaurant comprises part of the use, the restaurant parking standards shall be required in addition to the above requirements.
- (5) Auditorium, Theater or Stadium or Other Similar Use - One Parking space for each five seats available at maximum capacity.
- (6) Church - One space for each eight seats available at maximum capacity.
- (7) Restaurant - One space for each three seats available at maximum capacity. Employee parking shall be provided at the ratio of one space for each three (3) employees. Unless the Planning Commission deems necessary, off-street parking requirements for restaurants shall not apply to the Central Business District, except when the restaurant is attached to a motel, motel or is oriented to highway trade.
- (8) Commercial or Business Building - Four (4) spaces for the first 1,000 square feet of floor space used and usable in the sale of merchandise, and one additional space for

each additional 250 square feet of such floor space. Off-street parking for commercial uses shall not apply in the Central Business District unless the Planning Commission deems such requirements necessary.

- (9) Manufacturing and Warehousing - One parking space for each four employees at maximum employment on a single shift plus one car space for each truck operated by the business. The Planning Commission may require additional space if it deems necessary.

2. Off-Street Loading and Unloading Regulations for Trucks

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

3. Additional Parking, Loading and Unloading Regulations

(a) Arrangement of off-street parking space: Off-street parking space required for any building or use may be located within 400 feet from the premises it serves, but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Planning Commission. Such parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

(b) Proof of Availability: The Planning Commission may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a building permit.

(c) Surfacing of Parking, Loading and Unloading Spaces: Parking, loading and unloading spaces and the access thereto shall be hard-surfaced asphalt or concrete.

## 2.8 Exceptions

### 1. Use Exceptions

Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. These structures and uses are listed as follows:

No building permit or certificate of occupancy required:

- (a) Local public utility distributing and collecting structures such as pipes and transmission lines, transformers and meters. Large utility structures such as electrical substations or gas pumping stations are permitted only as conditional uses.
- (b) Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways.
- (c) Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.
- (d) Signs, not over four square feet in area, identifying permitted home occupations or the renting of sleeping rooms on the same premises.
- (e) Horticulture, landscaping and fencing of any premises.

### 2. Height Exceptions

Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings, such as radio towers, ornamental spires, water towers, and flag poles, which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in the Zoning Regulations. The Planning Commission shall interpret whether or not height regulations apply upon application by the Administrative Officer in doubtful cases. The Kentucky Department of Aviation and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

3. Lot of Record

Where the owner of a lot of official record, which at the time of the adoption of this Regulation does not include sufficient land to conform to the yard or other requirements of this Regulation, an application may be submitted to the Board of Zoning Adjustment for a variance from the terms of this Regulation in accordance with provisions of Section 5.44, such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Adjustment.

4. Multi-building Development

- (a) Compliance with this Ordinance: Where multi-building development occurs, the developer must establish lot lines for each principal building and lot. The developer must establish set-back lines and meet all other requirements of this Regulation and the Horse Cave Subdivision Regulation.
- (b) Variances: A variance in accordance with Section 5.44 of this ordinance may be granted for multi-building development, if it is shown that the land in question cannot be subdivided for uses allowed in the district, or that more open space is created, a lower density can be created, traffic problems are lessened, and that a better relation between land and buildings is created by not subdividing the land. However, in no case shall the Board of Adjustments grant a variance which does not comply with Section 5.44 of this Ordinance.

### ARTICLE III

#### ESTABLISHMENT OF ZONING DISTRICTS

##### 3.1 Establishment and Designation

For the purpose of this Regulation the City of Horse Cave is hereby divided into 10 zoning districts, or less, designated as follows:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- B-1 Central Business District
- B-2 General Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- A-1 Agricultural District
- C-1 Conservancy District
- P-1 Planned Development District (see Section 2.53)

##### 3.2 Interpretation of Zoning District Boundaries

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Official Zoning Map:

1. Where a zoning district boundary approximately follows a street, alley or railroad, the center line of the street or railroad right-of-way is the boundary of the district.
2. Where a zoning district boundary approximately follows a property line or a series of property lines, such line or lines is the boundary of the district.
3. Where a zoning district boundary approximately follows a stream or the shore line of a body of water, that stream or shore line, as defined on the date this Regulation is enacted, is the boundary of the district.
4. Where a zoning district boundary does not clearly follow any of the feature mentioned above, its exact location on the ground shall be determined by measurement according to the Official Map scale.
5. In any case, where the exact location of a boundary is not clear, the Planning Commission shall use these rules to determine the exact location upon application by the Building Inspector for an original interpretation.

3.3 Areas Unassigned to a Zoning District

In case any area hereafter becomes a part of the incorporated area of Horse Cave, the Planning Commission shall initiate the amendment procedure within one month after the date of annexation of such area in order to assign such area to a zoning district. Building permits shall not be issued for such an area until it is assigned to a zoning district.

ARTICLE IV

ZONING DISTRICT REGULATIONS

4.1 Residential Districts

The following regulations shall apply in residential districts:

1. Permitted uses in R-1 Districts.
  - (a) Single family dwellings.
  - (b) Sectional Homes.
2. Permitted uses in R-2 Districts.
  - (a) Single family dwellings.
  - (b) Mobile Home Parks.
  - (c) Sectional Homes.
3. Accessory structures and uses permitted in all residential districts.
  - (a) Garage or other building not used as a dwelling and accessory to the principal use.
  - (b) Private swimming pools and other private recreational facilities.
  - (c) Home Occupations: The Planning Commission shall rule on home occupations according to the definition in Section 2.1 of this Regulation, upon application by the Administrative Officer when the classification is in doubt.
5. Conditional Uses in R-1 and R-2 Districts.
  - (a) Two family dwellings. Non-profit public or private facilities such as schools, churches, cemeteries, libraries, recreational facilities, hospital. The Board of Zoning Adjustments may attach parking restrictions and other restrictions greater than that required by this Regulation, if deemed necessary, or attach parking restrictions when such restrictions are lacking.
  - (b) Apartment houses shall be a conditional use in R-2 District.

6. Dimensional and Area Regulations for Residences in all Residential Districts.  
The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations on Page 52. The applicable regulations shall be observed in all residential districts.

#### 4.2 Commercial Districts

##### 1. General Regulations for All Commercial Districts

- (a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any commercial district unless authorized as a conditional use. All above-ground structures accessory to any outdoor use shall be located a minimum of thirty (30) feet from any front lot lines.
- (b) All commercial uses located on lots adjacent to a residential district shall maintain a minimum setback requirement of 25 feet on the side adjacent to the residential district. This sub-section does not apply to the Central Business District.
- (c) All commercial structures on corner lots shall meet the provisions of Section 2.6 of this Regulation. This sub-section does not apply in the Central Business District.
- (d) All signs identifying the commercial activity on the same premises shall meet the provisions of Section 2.55 of this Regulation.
- (e) All uses in commercial districts shall exhibit performance standard characteristics equal to or greater than those which define Light Industry.
- (f) A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum height of five (5) feet shall be required on all rear and side yards of commercial land abutting a residential district.
- (g) Plans for building construction, parking areas, yards, driveways, entrances and exits shall be approved by the Planning Commission and the City Engineer or other qualified person. They may

require such changes therein as may be deemed necessary or desirable to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

2. Dimension and Area Regulations for Commercial Districts

The regulations on the dimensions and area of lots and structures are set forth in the Schedule of Dimension and Area Regulations on Page 53. The applicable regulations shall be observed in all districts.

3. Permitted Uses in General Business and Central Business Districts

- (a) Retail Sales: Stores which deal in retail sales exclusively, except as prohibited in Section 4.24 of this Regulation. Retail sales shall include restaurants and places of amusement.
- (b) Consumer and Personal Services: Outlets which provide repair, grooming, business, financial or maintenance service for the consumer, either on the premises or at another location, except as prohibited in Section 4.24 of this Regulation. Consumer and personal services shall include self-service laundries, hotels and motels, and private gymnasiums.
- (c) Office Buildings.
- (d) Any retail Business or retail service which includes the making of articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.
- (e) Any accessory use or building customarily incidental to the above permitted uses.
- (f) Off-street parking facilities.
- (g) Apartment houses are permitted in the Central Business District in accordance with Section 2.52 of this Regulation.

4. Uses Prohibited:

- (a) In all Commercial Zones: Any business which is primarily of a wholesale storage or warehouse

nature; coal, lumber, or building supply yard, fertilizer bulk plant, feed mill, dairy, bottling works, dry cleaning plant, electric welding, live animal or poultry sales, gasoline, oil or alcohol storage above ground in excess of 500 gallons, ice plant, laundry or bakery employing more than five (5) persons, and any similar use which is the opinion of the Board of Zoning Adjustment would be detrimental to the development of the business districts.

- (b) In the Central Business District: Garages and service stations shall be prohibited except when they are a part of an off-street parking facility which has parking as its main function. New and used car sales, farm implement sales, trailer sales, drive-in theaters, shall be prohibited in the Central Business District.

5. Conditional Uses:

- (a) In all Commercial Districts: Two family dwellings. Public facilities such as churches, libraries, parks, recreational facilities, hospitals shall be allowed as conditional uses in all commercial zones.
- (b) In General Business Districts: Garages, service stations, new and used car sales, farm implement sales, trailer sales, drive-in theaters, building supply dealers and other uses which in the opinion of the Board of Zoning Adjustment would not be detrimental to the development of the Central Business District shall be allowed as conditional uses in the General Business District.

4.3 Industrial Districts

1. Light Industrial District

(a) Permitted Uses:

- (1) Non-retail commercial uses.
- (2) Wholesale, storage, warehouse, animal hospital, bakery, bottling works, building material yard, cabinet making, carpenter's shop, clothing manufacture, dairy, dying and dry-cleaning works, fruit canning, or packing, ice plants, laundry, milk distribution station, optical goods, paper

boxes, pencil printing, publication or engraving, trucking terminal and plastic moulding. These permitted uses to include any manufacturing, treatment, altering, finishing or assembling incidental thereto.

- (3) Retail sale of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction.

(b) Accessory Uses Permitted:

- (1) Signs identifying the industrial activity on the same premises in accordance with Section 2.55 of this Regulation.
- (2) Garages and other buildings and uses accessory to the principal use.

(c) Conditional Uses:

Two family dwellings. Junk yards and other industrial uses not listed above which can be classified as light industry according to Section 2.1 shall be considered conditional uses and will require the approval of the Board of Zoning Adjustment.

(d) Uses Prohibited:

Uses which constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties shall not be allowed.

(e) Dimension and Area Regulations:

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimension and Area Regulations on Page 53. The applicable regulations shall be observed in all commercial districts.

2. Heavy Industrial Districts

(a) Permitted Uses:

- (1) Any use permitted in the Light Industrial District.

(2) Manufacturing, fabrication and/or processing of any commodity.

(3) Retail sale of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction.

(b) Accessory Uses Permitted:

(1) Signs identifying the industrial activity on the same premises in accordance with Section 2.55 of this Regulation.

(2) Garages and other buildings and uses accessory to the principal use.

(c) Conditional Uses:

The following uses shall require a conditional use permit, unless in conflict with any other regulation of the city: Bag cleaning, boiler works, tank works, central mixing plant for cement, mortar, plaster, or paving materials, coke oven, curing, tanning, and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry, or metal fabrication plant, gasoline or oil storage above ground in excess of five hundred (500) gallons, slaughter house or stockyards, smelting plant, and the manufacture of acetylene, acid, alcohol, or alcoholic beverage, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, or tile, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, junk yards, or any other use which in the opinion of the Board of Zoning Adjustment would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust, or other objectionable conditions beyond the confines of its property. The Board may grant such approval if it determines that the proposed use would not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located. Two family dwellings.

(d) Dimension and Area Regulations:

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations on Page 54. The applicable regulations shall be observed in all industrial districts.

4.4 Agricultural District

This district is intended to classify the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Many tracts in this district will be in close proximity to residential, commercial and industrial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

1. Permitted Uses:

- (a) Agricultural crops and the raising of farm animals and feeding lots. Pens or structures for farm animals shall not be located closer than five hundred (500) feet to any residential, commercial or industrial district.
- (b) Commercial greenhouses and plant nurseries including offices and sale yards, provided that no building for any heating plant, ventilation flue or other opening except stationary windows be located within fifty (50) feet of any residential district.
- (c) Animal kennel, provided that any structure or area used for such purposes, including pens, or exercise runs, shall be at least one hundred (100) feet distant from any residential district.
- (d) Single-family dwellings occupied by the owner or full-time operator of the farm and such additional single-family dwellings as are necessary for occupancy by full-time employees of the farm operation.

- (e) Sale on the premises of agricultural products produced on the premises, provided that where such products are sold from a roadside stand, it shall be a temporary structure only, and shall be removed during the winter months, and when in use, shall be set back from any road right-of-way at least thirty (30) feet to permit parking and ingress and egress and shall not be constructed in such location as to create an undue traffic hazard, subject to the regulations and recommendations of the City Engineer.
- (f) Home Occupations: The Planning Commission shall rule on home occupations according to the definition in Section 2.1 of this Regulation, upon application by the Administrative Officer when the classification is in doubt.

2. Accessory Uses Permitted:

Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main buildings.

3. Conditional Uses:

The following uses may be permitted as conditional uses in an agricultural district:

- (a) Airports and/or landing strips, cemeteries, public or private sewerage disposal plants, hospitals, and sanitariums, wireless transmitting stations.
- (b) Public and parochial schools and colleges, and private schools and colleges for academic instruction.
- (c) Oil well or gas well, including the drilling thereof.
- (d) Country club or golf course, libraries, public parks, playgrounds and community centers, churches, private non-commercial recreational areas, public utility and railroad structures.
- (e) Private marine, boat dock, golf course, or driving range or other private outdoor recreational activity.

(f) Quarries and gravel pits.

(g) Other uses which are consistent with the above uses and would not be detrimental to the future use of agricultural land as urban land.

4. Dimensions and Area Regulations:

The regulations on the Dimension and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations on Page 54.

5. Exceptions:

Land which is used solely for agricultural farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location of court requirements for agricultural buildings, except that (a) a setback line of twenty-five (25) feet or greater shall be required of all buildings for the protection of existing and proposed streets and highways; and (b) that all buildings or structures in a designated floodway or flood plain which tend to increase flood heights or obstruct the flow of flood water shall be regulated by the Planning Commission, and therefore, require the review and approval of the Hart County Planning Commission.

All structures other than agricultural buildings shall conform to all zoning regulation requirements.

4.5 Conservancy District

This district is created to protect the public health and reduce the financial burdens imposed on the community, its governmental units and its individuals, that may result from improper use of land which because of certain natural and/or man-made features is not suitable to extensive development. Areas subject to frequent or periodic flood and overflows, unstable soil conditions, underground caverns, rock outcroppings, impregnable rock conditions, and other conditions that are deemed by the City Council to be detrimental to the public welfare. Upon proof that such conditions do not exist, or that corrective measures can be taken to correct such conditions, the land in question may be rezoned.

1. Permitted Uses:

- (a) Any use that does not require the erection of a structure or structures intended for year-round use or occupancy, fences excepted.
- (b) General agricultural operations: This shall not include or permit a use or activity within three hundred (300) feet of any residential or business district boundary, if such use or activity results in unreasonable and continuous odor or dust. (In the event that such use or activity is conducted within three hundred (300) feet of a residential or business structure adjacent to the district boundary line, no right shall be acquired to continue such use after the erection of a residential or business structure adjacent to the district boundary line.)

2. Conditional Uses:

- (a) Public parks, playgrounds, recreational areas, provided no structure intended for regular occupancy is erected.
- (b) The construction, installation, operation and maintenance of water and gas pipes, mains and conduits, electric transmission and distribution lines, telephone, television and telegraph lines, oil pipe lines, and sewer lines, provided such facilities are properly screened and protected.

3. Any structure except fences shall comply with the set-back requirements on Page 54 for Conservancy Districts.

ARTICLE V

ADMINISTRATION

5.1 Administrative Officer

The provisions of this Regulation shall be administered and enforced by an Administrative Officer appointed by the chief legislative body, who shall have the power to make inspection of buildings and premises necessary to carry out his duties in the enforcement of this Regulation. The Administrative Officer, in the performance of his duties and function, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property.

5.2 Building Permits

1. Required Prior to Construction or Alteration:

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

2. Exceptions:

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

- (a) Recurring maintenance work.
- (b) Those structures and uses exempted by Section 4.4.
- (c) Installation of required improvements according to an approved subdivision plat.

3. Procedure:

- (a) Application: In applying to the Administrative Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining conformance with this order. The County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to Section 2.45

of this Regulation.

- (b) Issuance: If the proposed construction or alteration conforms with all applicable provisions of this Regulation and all other applicable ordinances, regulations, and codes, the Administrative Officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Building Inspector shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.
- (c) Validity: The issuance of a building permit by the Building Inspector shall not waive any provisions of this Regulation.
- (d) Duration: A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Building Inspector before it becomes void.
- (e) Permanent File: The Building Inspector shall keep a permanent file of all applications with accompanying plans and all permits issued.

### 5.3 Certificate of Occupancy

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

5.4 Board of Zoning Adjustment

1. Creation and Appointment:

A Board of Zoning Adjustment is hereby established in accordance with Kentucky Revised Statutes, Section 100.217. The Board of Zoning Adjustment shall consist of five (5) citizen members, not more than two (2) of whom may be a member of the City Council. They shall be appointed by the legislative body of the city. The term of membership shall be four (4) years except that the initial individual appointments to the Board shall be terms of one, two, and three years respectively. Vacancies on the Board of Zoning Adjustment shall be filled within sixty (60) days by the appropriate appointing authority. If the authority shall fail to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

2. The Horse Cave Board of Adjustments annually shall elect a Chairman, Vice-Chairman, Secretary, and any other officers it deems necessary. Any officer shall be eligible for re-election at the expiration of this term.

3. Meetings:

(a) Meetings of the Board of Zoning Adjustment shall be held at the call of the Chairman, or any two (2) members of the Board, who shall give written notice, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt by-laws and shall keep records of applications and action thereon, which shall be a public record.

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

4. Powers and Duties:

The Board of Zoning Adjustment shall have the following powers and duties:

- (a) Bylaws: The Board shall adopt bylaws for its own government.
- (b) Administrative Review: To hear and decide appeals where it is alleged by the applicants that there is error in any order, requirements, permit, decision, determination or refusal made by the Administrative Officer or other administrative official in the carrying out or enforcement of any provisions of this Regulation, and for interpretation of the Zoning Map.
- (c) Conditional Uses: The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community for uses which are specifically named in the zoning regulations. Conditional uses may be suitable only in specific locations in the zone only if certain conditions are met.
  - (1) Procedure: In applying for a conditional use permit, the applicant shall submit a plan to the Board of Adjustments or its representative as set forth in Article V, Section 5.23 outlining procedure for building permit applications. Within thirty (30) days of the receipt of a conditional use zoning permit request, the Board of Zoning Adjustment shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes Chapter 424.
  - (2) Action: The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section of the Zoning Regulation listing the conditional use under consideration.
  - (3) Filing: All conditional use permits approved by the Board of Zoning Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.

(4) Revocation of Conditional Use Permit

(a) Power: The Board of Adjustments may revoke a conditional use permit if the land owner does not comply with the conditions therein, or if the landowner violates any federal state, or local laws, codes, regulations, or ordinances in the use of the land. Furthermore, the Board shall have the power to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(b) Procedure:

1. Annual Review: The Administrative Officer shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met.
2. The Administrative Officer shall review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if the conditions in the permit are being met and to determine if the land violates any laws or regulations.

(c) Power to Inspect: The Administrative Officer shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the land owner is complying with all the conditions which are listed on the conditional use permit, or to ascertain if the land is being used for illegal purposes.

(d) Report of Violation: If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Officer shall report the fact in writing to the

chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board of Adjustments.

- (e) Public Hearing: The Board shall hold a hearing on the report within 30 days, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.
  - (f) Action of Board of Adjustments: If the Board of Adjustments finds that the facts alleged in the report of the Administrative Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Administrative Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (5) Time Limit: In any case where a conditional use permit has not been exercised within one (1) year from its date of issuance, such conditional use shall not revert to its original designation unless there is a public hearing. Once there is a public hearing, the conditional use permit shall revert to its original use unless the planning commission issues a new conditional use permit. ("Exercised" as set out in this section shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or completed. When construction is not a part

of the use, exercised shall mean that the use is in operation in compliance with the conditions as designated in the permit.)

- (6) Conditional Use as a Permitted Use: Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such a type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and enter the conclusion in the margin of the copy of the conditional use permit which is on file with the county clerk, as required in Kentucky Revised Statutes 100.344. Thereafter said use, if it continues to meet the other requirements of the regulation will be treated as a permitted use. If any other sections of this regulation are violated, the permitted use shall revert to a conditional use permit and steps may be taken to revoke the permit in accordance with this section of this regulation.

- (d) Variance: The Board of Adjustments may grant dimensional variances in accordance with the following regulations:

- (1) Conditions which warrant a variance: The Board shall have the power to hear and decide on applications for dimensional variance. A variance can be granted where because of unusual shape, smallness of size or other extraordinary physical conditions, the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use permitted other landowners in the same zone. The conditions which warrant a variance must have existed at the time this regulation was adopted.
- (2) Variances which are prohibited: The Board of Zoning Adjustments shall not possess the power to grant a variance to permit a use or alteration or extension of any land, building, or structure which is not permitted in the zone in question; to alter density requirements in the zone in question; or to

permit a use not authorized by this Regulation.

- (3) Granting a Variance: Before any variance is granted, the Board must find all of the following facts which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:
- a. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
  - b. The manner in which the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
  - c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation.
  - d. Reasons that the variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.
- (4) Addition to Powers: In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Regulation.
- (5) Procedure for Appeals to the Board:
- a. Who May Appeal: Any appeal to the Board of Zoning Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Administrative officer based in whole or in part upon

the provisions of this Regulation.

- b. Time Limitation: Such an appeal shall be made by filing with the Board of Zoning Adjustment a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the notice of refusal of building permit or certificate of occupancy is mailed by the Administrative Officer and failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.
- c. Establishing Meeting Date: The Board of Adjustments shall set a date not more than 30 days after receiving the above records for hearing of the appeal. Public notice, when necessary, shall be given in accordance with Kentucky Revised Statutes Chapter 424, and all interested parties shall be notified of the pending hearing. The appellant will be given written notice at least one week prior to the hearing.
- d. Evidence of Hardship: The applicant must present evidence that the property will not yield a reasonable return if used in compliance with the Regulation; that the conditions causing the hardship are unique and not shared by neighboring property in the same zone; that the granting of the variance will not be in conflict with the Zoning Regulation. The Board shall use this evidence, and any other evidence presented in accordance with Kentucky Revised Statutes Chapter 100, in granting a variance in accordance with Section 5 of this Regulation.
- e. Notice of Decisions: The Board of Adjustments shall decide the appeal within sixty (60) days and give written notice to the Administrative Officer and appellant of its decision.

(6) Application of Variance

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

5.5 Violations

1. Remedies:

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

2. Penalties:

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

5.6 Clarification of Administrative Jurisdictions

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of their jurisdictions concerning the administration of this Zoning Regulation:

1. The Administrative Officer has initial authority for the literal enforcement of this Zoning Regulation. He has no discretionary authority to allow any departure from the literal conformance with this Regulation.
2. The Board of Zoning Adjustment has authority to hear appeals from decisions by the Administrative Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Administrative Officer. The Board also has the

authority to make only those departures from a literal conformance which is specifically delegated to it.

3. The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Zoning Adjustment or the Planning Commission.

#### 5.7 Schedule of Fees, Charges and Expenses

A schedule of fees, charges and expenses and a collection procedure for appeals from Board of Zoning Adjustment action, variances, and conditional use permits may be established by the City of Horse Cave's legislative body. No conditional use permit or variance or other change shall be granted nor shall any action be taken on proceedings before the Board of Zoning Adjustment unless or until preliminary charges and fees have been paid in full.

ARTICLE VI

AMENDMENTS

6.1 Procedure:

Such regulations, restrictions and boundaries as are provided for in this Regulation may be amended, supplemented, changed, modified or repealed. A proposal for amendment to any zoning regulation may originate with the Hart County Planning Commission, any legislative body which has jurisdiction in Horse Cave or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one public hearing after notice as required by Kentucky Revised Statutes Chapter 424.

All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a Zoning Regulation. (Kentucky Revised Statutes Chapter 424).

Before any map amendment is granted, the Planning Commission must find that the map amendment is in agreement with the county's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the City Council.

- (a) That the original zoning classification given to the property was inappropriate or improper.
- (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

ARTICLE VII

LEGAL STATUS

7.1 Conflict with Other Ordinances and Private Deeds

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

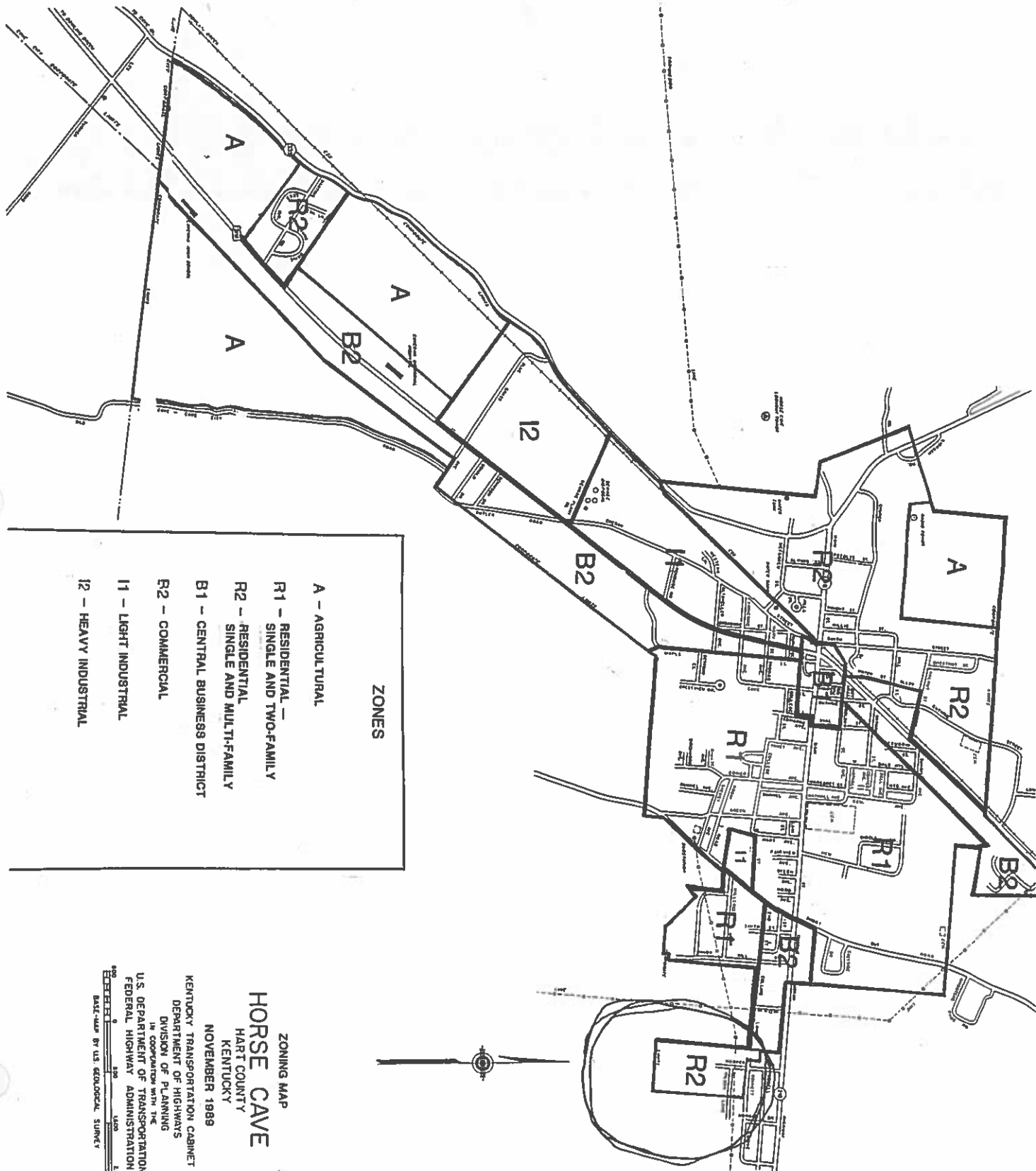
7.2 Validity

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

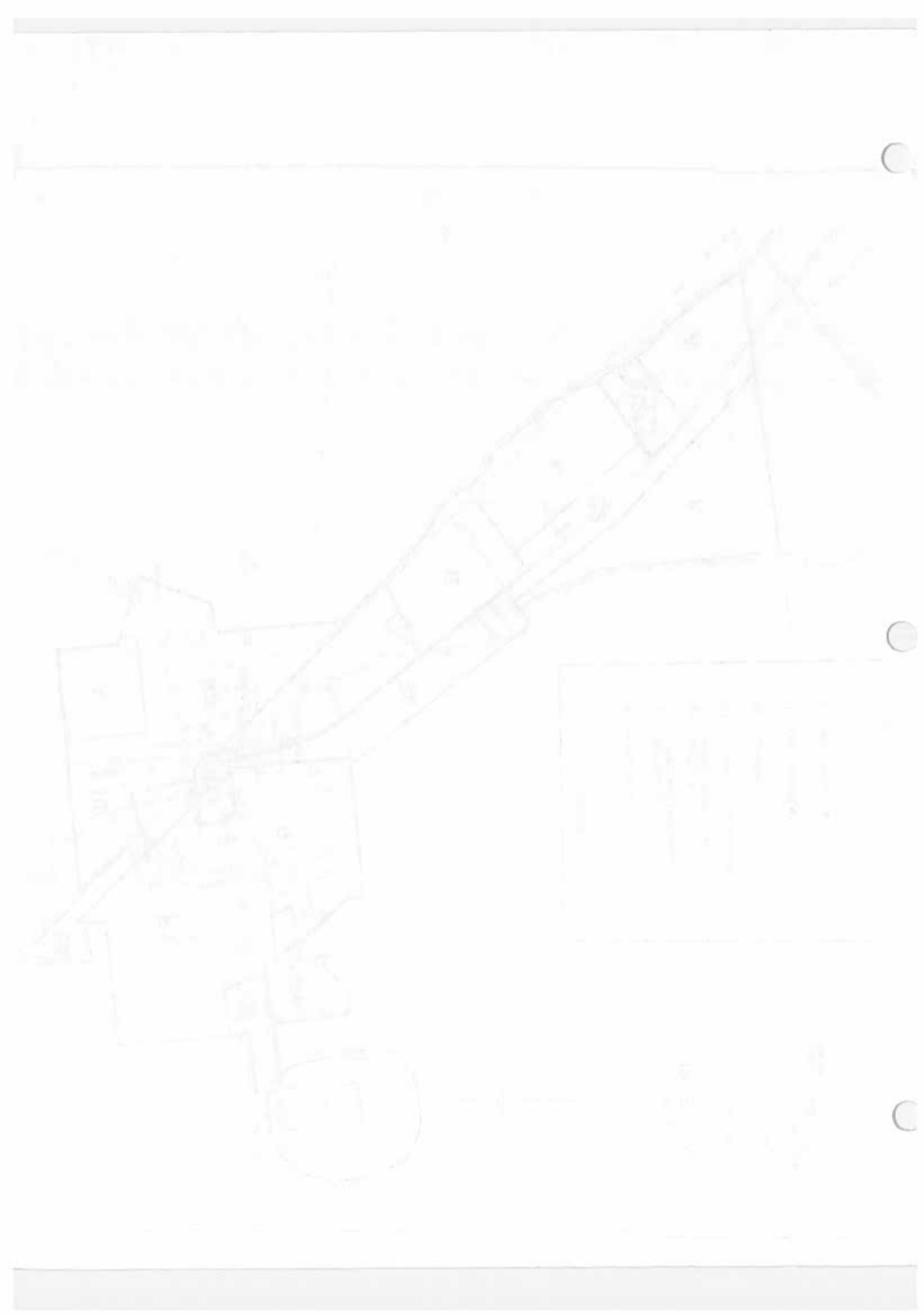
7.3 Effective Date

This regulation shall take effect and be in force immediately after its adoption and legal publication, the public welfare demanding it.

Certified by the Hart County Planning Commission on December 18, 1989.



ZONING MAP  
 HORSE CAVE  
 HART COUNTY  
 KENTUCKY  
 NOVEMBER 1989  
 KENTUCKY TRANSPORTATION CABINET  
 DEPARTMENT OF HIGHWAYS  
 DIVISION OF PLANNING  
 IN COOPERATION WITH THE  
 U.S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION  
 BASED UPON THE GEOLOGICAL SURVEY



Schedule of dimension and area regulations

| <u>District</u>                             | <u>Residential</u>   |            | <u>Unit of Measure</u> |
|---|--|------------|------------------------|
|   | <u>R-1</u>   | <u>R-2</u> |                        |
| <u>Dimensions</u>                           |  |            |                        |
| Maximum Building Coverage (Apartment House) | 40   | 45         | Percent                |
|   | N/A  | 50         |                        |
| Maximum Building Height                     | 30   | 30         | Feet                   |
| Minimum Width of Lot at Building Line:      |  |            |                        |
| 1-family unit                               | 75   | 75         | Feet                   |
| 2-family unit                               | 80   | 80         |                        |
| Apartment House                             | N/A  | 85         |                        |
| Minimum Setback:                            |  |            |                        |
| Front Yard                                  | 25   | 25         | Feet                   |
| Rear Yard                                   | 25   | 25         |                        |
| Side Yard                                   | 8  | 8          |                        |
| Minimum Lot Area:                           |  |            |                        |
| 1-family unit                               | 6,000  | 6,000      | Square Feet            |
| 2-family unit                               | 9,000  | 9,000      |                        |
| Apartment House                             | 10,000   | 10,000     |                        |
| Accessory Buildings:                        | All unattached accessory buildings shall be five (5) feet from all property lines, except as provided in Section 2.6 |            |                        |

# SCHEDULE OF DIMENSION AND AREA REGULATIONS

| District                           | Commercial       |                  | Unit of Measure |
|------------------------------------|------------------|------------------|-----------------|
|                                    | General Business | Central Business |                 |
| Dimensions                         |                  |                  |                 |
| Maximum Lot Coverage               | 30               | 100              | Percent         |
| Maximum Building Height            | 30               | 30               | Feet            |
| Minimum Lot Width at Building Line | 60               | 50               | Feet            |
| Minimum Setback:                   |                  |                  |                 |
| Front Yard                         | 30               | NA               | Feet            |
| Rear Yard                          | 20               |                  |                 |
| Side Yard                          | 10 (1)           |                  |                 |
| Minimum Lot Area                   | NA               | NA               | Square Feet     |

Principal Buildings

Accessory Buildings Not applicable except as provided in Section 2.6.

(1) See Sections 2.6 and 4.2 of this Regulation.

# SCHEDULE OF DIMENSION AND AREA REGULATIONS

| District                | Light In- | Heavy In- | Agricul- | Conservancy | Unit of Measure |
|-------------------------|-----------|-----------|----------|-------------|-----------------|
| Dimensions              | dustrial  | dustrial  | tural    |             |                 |
| Maximum Coverage        | NA        | NA        | NA       | NA          | Percent         |
| Maximum Building Height | 30        | 30        | NA       | NA          | Feet            |
| Minimum Lot Width       | 75        | 100       | NA       | NA          | Feet            |
| Minimum Setback:        |           |           |          |             |                 |
| Front Yard              | 50        | 100       | 25       |             | Feet            |
| Side Yard               | (1)       | (2)       | 15       | (3)         |                 |
| Rear Yard               | NA        | NA        | 25       |             |                 |
| Minimum Lot Area        | 6,000     | 20,000    | NA       | NA          | Square Feet     |

Accessory Buildings Not applicable.

- (1) On lots adjacent to a residential district all buildings shall be located so as to provide a minimum side yard of fifty feet on the side adjacent to the residential district. Streets or public rights-of-way may be included in this side yard requirement.
- (2) Same as (1) above except that the side yard requirement is increased from 50 feet to 100 feet.
- (3) See Section 4.5 of this Regulation.

