

ZONING ORDINANCE
FOR
LEITCHFIELD, KENTUCKY



PREPARED AND ADOPTED BY:

LEITCHFIELD PLANNING COMMISSION

314 WEST WHITE OAK STREET
LEITCHFIELD, KENTUCKY 42754

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Adopted by Leitchfield City Council - 1999
Amended by Leitchfield City Council - 2004
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ARTICLE 1

1.1 ENACTING CLAUSE

By adoption of this ordinance, the City of Leitchfield wishes to exercise the authority granted by the Kentucky Constitution, and the 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 Leitchfield be divided into districts as hereinafter described, and that the regulations, restrictions and boundaries of districts shall be established, enforced and amended as provided in this Regulation.

1.2 TITLE

This regulation shall be known as the “Zoning Ordinance for Leitchfield, Kentucky” hereinafter referred to as “the Ordinance.” The map herein referred to, which is identified by the title “Leitchfield Zoning District Map”, Planning Commission Adoption dated June 4, 1999, City Council Adoption dated July 19,1999, Effective Date January 1, 2000, thereon, is 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 the Leitchfield Comprehensive Plan for the purpose of promoting the public health, safety, goals, 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 of Leitchfield.

1.4 INTERPRETATION

The provisions herein shall be interpreted uniformly so as to implement and protect the purposes for which they are enacted. In the interpretation and application of this Ordinance, the provisions herein shall be held to be of the minimum or maximum requirements (as stated); adopted for the promotion of the health, safety, morals, comfort, prosperity, well-being and general welfare. It is not intended by this Ordinance to repeal, abdicate, annul or in any way impair or interfere with any private restrictions placed upon property such as covenants, deeds or recorded plats; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot areas, larger yards or other open spaces, than are imposed by such private restrictions, the provisions of the Ordinance shall control.

ARTICLE 1

1.5 CONFLICT OF ORDINANCE

Whenever this Ordinance, or subdivision plats or development plans approved in conformance with these regulations, is in conflict with applicable Kentucky Revised Statutes, or other local ordinances, regulations or laws, the more restrictive statute, ordinance, regulations, plat or plan shall govern and shall be enforced by the appropriate local agency. When subdivision and development plans, approved by the Planning Commission, contain setbacks or other features in excess of the minimum Ordinance requirements, such features as shown on the approved plans shall govern. Private deed restrictions or private covenants for a subdivision do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Leitchfield Planning Commission.

1.6 PLANS AND CONSTRUCTION IN PROGRESS

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or premises on which an application for a permit was filed with the Leitchfield Planning Commission prior to the date of adoption of the Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The permit issued pursuant to applications made before the date of adoptions of the Ordinance shall be valid only if it is exercised within one year of the date of issuance of the permit. "Exercised" as set forth in this sections, shall mean that a binding contract for the construction of the main building or other main improvements are under construction, or that prerequisite conditions involving substantial investments shall be under contract, in development or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit. Building/zoning permits are not required for routine maintenance, repairs, and renovations not increasing the size of a structure.

1.7 SEPARABILITY

If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

ARTICLE 1

1.8 DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word 'person' includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word 'structure' includes building; the word 'occupied' includes arranged, designed or intended to be occupied; the word 'used' includes arranged, designed or intended to be used; the word 'shall' is always mandatory and not merely directive; the word 'may' is permissive; and the word 'lot' includes plot or parcel. Other words or terms shall have the following respective meanings.

ABANDONED SIGN An on-premises sign, the use for which it represents having been discontinued for a period of thirty (30) consecutive days.

ACCESSORY USE OR STRUCTURE A use or structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto, including structures such as satellite antennas.

ADMINISTRATIVE OFFICIAL Any department, employee or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

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

ALLEY A public or private vehicular way which affords a means of access to the rear or side of properties adjacent to it and not intended for general traffic circulation.

ALTERATIONS Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

APARTMENT HOUSE For the purpose of this regulation an apartment house means 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 with cooking facilities for each family.

ARTICLE 1

ASSEMBLY A joining together of completely fabricated parts to create a finished product.

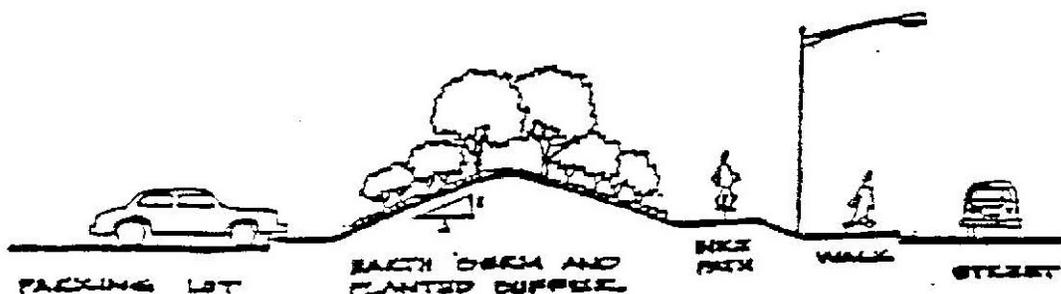
BASEMENT An area below the first floor, having part but no more than one-half of its height above grade, used for storage space by occupants of the building, janitor quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

BASIC MANUFACTURE The first operation or operation which transforms a material from its raw state to a form suitable for fabrication.

BED & BREAKFAST An establishment providing lodging and meals in a residential setting for overnight paying guest.

BILLBOARDS Any notice or advertisement, pictorial or otherwise, with an area of 300 or more square feet, and also those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the plot with such display, except that governmental notices shall not be considered as billboards.

BUFFER AREA A strip of land which is located along the perimeter of a piece of property and is a minimum of five (5) feet wide and contains all perimeter landscaping as specified in this Ordinance. E.g., Open spaces, landscaped areas (including screen trees), fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.



ARTICLE 1

BUILDING Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property; to include fences.

BUILDING PERMIT A document issued by the administrative official authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses - consisting of written permission for the construction of or addition to a structure such a permit is issued in the application of building codes. Building permits are to be issued by the City for residential and commercial construction activities.

BUILDING SETBACK LINE A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or lines. No building shall then be placed in the space between the building setback line and the right-of-way.

CAMPGROUND A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units such as temporary living quarters for recreation, education, or vacation purposes only (45 consecutive days or less).

CARPORT Space for the housing or storage of motor vehicles, camper trailers, or boats and enclosed on not more than two sides by walls.

CELLULAR ANTENNA Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television, AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include paging, public safety, data transmission, specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services., but are not limited to, cellular telephone,

CELLULAR ANTENNA TOWER Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

CENTER LINE OF A STREET The center of the surfaced roadway or the surveyed center line of the street, as defined by the City Engineer or authorized representative.

CERTIFICATE OF OCCUPANCY A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

ARTICLE 1

CHILD CARE CENTER A facility providing direct care and protection of five (5) or more infants, preschool, and school age children outside of their own homes during a portion of a twenty-four (24) hour day.

CHURCH A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLUB PRIVATE Buildings and facilities, the purpose of which is to render a social, educational, or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

CO-LOCATION Locating one or more cellular antennas for more than one provider on single cellular antenna tower or alternative cellular tower structure on a single lot.

COMMERCIAL WAREHOUSE A building or portion thereof used for storage of any property not permitted in a residential storage warehouse. This shall not be deemed to include the storage area in connection with a purely retail business when located on the same property.

COMMISSION The Leitchfield Planning Commission.

COMPREHENSIVE PLAN A comprehensive, long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation, and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements.

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 of performance are imposed in addition to those imposed in the zoning regulation.

CONDITIONAL USE PERMIT A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:

- 1: A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- 2: A statement of the specific conditions, which must be met in order for the use to be permitted.

DETACHED STRUCTURE A structure having no common wall with another principal structure. Common walls with accessory structures are allowed.

ARTICLE 1

DIRECTIONAL SIGN A non-commercial sign of an instructional nature, such as "parking", "exit" or "entrance", displayed solely for the convenience of the public. No more than twenty-five percent (25%) of such sign shall be devoted to the name or logo of the property, business or profession on the site and containing no business advertising, product trade name identification or listing of any product sold or offered on the premises.

DWELLING UNIT One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

FABRICATION Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

FAMILY One or more persons occupying a premises and living as a single nonprofit housekeeping unit.

FENCE An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLASHING SIGN Any sign having a conspicuous and /or intermittent variation in the illumination.

FLAT SIGN Any sign painted on or affixed to a building and which sign does not project more than six inches from such building.

FLOOR AREA The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces on the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet.
2. Basement space.

GARAGE PRIVATE A space or structure, including a carport, on the same lot with or in the buildings to which it is accessory, primarily for storage only of automobiles of the residents of the premises.

HEIGHT, ANTENNA TOWER The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, even if the highest point is the top of the antenna.

HEIGHT OF BUILDING The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is highest, to the highest point of the building.

ARTICLE 1

HEIGHT OF SIGN The vertical distance measured from the highest point of the sign including the frame and any embellishments whichever is greater.

HIGHWAY SEE "STREET" Any vehicular way (KRS 100.111(20)), any public or private way set aside for public travel 20 feet or more in width. The word "STREET" shall include the words, "road," "highway," and "thoroughfare."

HOME OCCUPATION Occupations of dressmaking, handicrafts, millinery, laundering, preserving, home cooking, limited sales or professional services, but excluding barber shops and beauty parlors, but only when said permitted occupations are performed under all the following conditions:

1. The use is clearly incidental and secondary to use for dwelling purposes;
2. The use is conducted entirely within a dwelling unit and not in any accessory building;
3. The use is carried on only by residents of the dwelling;
4. The use does not require external alteration to the dwelling;
5. The use does not adversely affect the uses permitted in the immediate neighborhood and does not substantially increase traffic generation or noise.

HOTEL OR MOTEL A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradiction to a boarding house, rooming houses, lodging houses, or dormitory which is herein separately defined.

ILLUMINATED SIGN Any sign designed to emit or brightly reflect artificial light from any source fixed or incidental.

INCIDENTAL SIGN A small sign, not exceeding two (2) square feet, limited to information and directions related to the permitted use on the lot or building on which the sign is located and containing no direct illumination. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business and similar information.

INDUSTRY A specific branch of business that obtains its salable items through the assembly of parts into a complete product or through the transformation of a raw material into a finished product.

1. Heavy Industry - Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes or glare, odors, noise or vibration which may be heard or felt off the premises, and those industries which constitute a fire or explosion hazard.
2. Light Industry - Those industries whose processing of products results in none of the above conditions.

ARTICLE 1

INSTITUTION FOR CHILDREN OR THE AGED An establishment providing residence and care for children or the aged.

JUNK Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use of disposition. Examples of which include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, crush, wood and lumber. More than three (3) unregistered or inoperable vehicles constitute junk.

JUNK YARD Any area, lot, land or parcel where junk is kept as defined herein, or waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking structural steel materials and equipment.

LABORATORY A building or part of building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

LOADING SPACE An area that shall be logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicle expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOT CORNER A lot abutting upon two (2) or more streets or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees. Corner lots shall be construed to have front yards along each abutting street, one rear yard and one side yard. The rear yard shall be designated as the yard opposite the shortest length front yard. The remaining yard shall be the side yard.

LOT COVERAGE That portion of the lot that is covered by buildings and structures.

MANUFACTURED HOME PARK Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A manufactured home park may only be located in an R-6 district.

ARTICLE 1

MANUFACTURED HOUSING A manufactured building designed for long-term residential use having the following features or characteristics: (1) mass produced in a factory, (2) designed and constructed for transportation to a site for installation and use when connected to required utilities, and (3) an independent, individual building on the site; i.e.. any structure fabricated in an off-site manufacturing facility for installation at the building site as a permanent structure with transport features removed, bearing a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282,3283 and 42 USC Section 5401, and as mandated by the United States of American and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code. Such single family structures must meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) Commonly know as the HUD (U. S. Department of Housing and Urban Development) code, as well as the Kentucky Building Code structural and installation requirements.

MANUFACTURING, HEAVY Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage, and service areas. extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

MOBILE SIGNS A sign which is affixed to a frame having wheels or capable of being moved, or otherwise portable, which does not have a permanent foundation. The mere removal of wheels or temporary securing of a sign to a surface of real estate shall not prevent its being a mobile sign within this definition.

MODULAR HOUSING UNIT A single-family residential unit that is built off-site and transported to the site for assembly to become a permanent fixture upon that property site. This type of housing includes a set of standards which clarify the difference between manufactured homes and modular housing units, such as:

1. has more than 950 feet of occupied space and is composed on more than 1 section; and
2. is placed onto a permanent under floor support system in accordance with specified installation standards: section 4.51; and
3. is placed onto a permanent perimeter enclosure, in accordance with certain installation standards; and
4. has wheels, axles and hitch mechanisms removed; and

ARTICLE 1

5. has siding material of a type customarily used on site constructed homes, such as board siding plywood or presswood siding, vinyl, stucco, brick, non reflective aluminum, etc.
6. has roofing material of a type customarily used on site-constructed homes, such as: wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood which shall be installed on a surface pitched at a minimum slope of 3:12.

MUSEUM A non-profit, non-commercial establishment operated as a repository or a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

MULTI-FAMILY STRUCTURE: For the purpose of this regulation a multi-family structure means 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 with cooking facilities for each family. This definition does include apartment houses, townhouses and condominium structures.

NON-CONFORMING USE OR STRUCTURE Non-Conforming use or structure means an activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertains to the zone in which it is located.

NURSERY, NURSING HOME A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

OFFICE A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

A professional office business establishment is considered to be within an office building for the purposes of signage regulations when three (3) or more of the following occur:

1. The establishments are within one (1) building;
2. The establishments are on the same lot;
3. The establishments share parking;
4. When the establishments are within more than one (1) building, the buildings have similar setback, and
5. The establishments share ingress/egress.

OFF-PREMISE SIGN A sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

ON-PREMISE SIGN Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

ARTICLE 1

OPEN SPACE Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

PARISH HOUSE A residence for a minister, priest or rabbi in connection with the operation of a church or synagogue.

PARKING LOT OR AREA An off street area used for the parking of any type of vehicle, whether moving, or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and services areas. Driveways, access ways, aisles and maneuvering areas are also considered a part of the parking lots or areas.

PARKING SPACE A space on private land, accessible from a street or alley, not less than nine (9) feet wide and eighteen (18) feet long exclusive of passageways.

PERMITTED STRUCTURE A structure meeting all the requirements established by this ordinance for the district in which the structure is located.

PERMITTED USE Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PRESCHOOL Day care and education of five or more children under legal age to attend public or private grammar school.

PRINCIPAL STRUCTURE A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use of the property, the building in which it is located shall be deemed a principal structure.

PUBLIC USES Public parks, schools, and administrative, and cultural, buildings, and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

RECREATION FACILITIES Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs, and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadium, and bowling alleys.

ARTICLE 1

RECREATIONAL VEHICLE PARK Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. See Campground.

RECYCLING CENTER/PLANT A lot of parcel of land, upon which used materials are separated and processed for shipment for reuse in new products. A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products. Does not include Junkyards.

RESIDENTIAL STORAGE WAREHOUSE (Mini-warehouse) A building or portion thereof designed or used exclusively for storing the excess personal property of an individual or family when such is not located on the lot with their residence, such as passenger motor vehicle, house trailer, motorcycle, boat, camper and other items of personal property generally stored in residential accessory structures. An operation involving a warehouseman as provided for the KRS will not be considered a mini-warehouse

RESTAURANT An establishment where food and drink are prepared, served, and consumed primarily within the principal building. See Restaurant, Take-Out; Retail Food Establishment.

RESTAURANT, TAKE-OUT An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RETAIL FOOD ESTABLISHMENT Any fixed facility in which food or drink is offered or prepared primarily for retail sale.

RETAIL SALES Establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

RETAIL SALES, OUTDOOR The display and sale of products and services is primarily outside of a building or structure, including vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

RIGHT OF WAY A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features, (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

ARTICLE 1

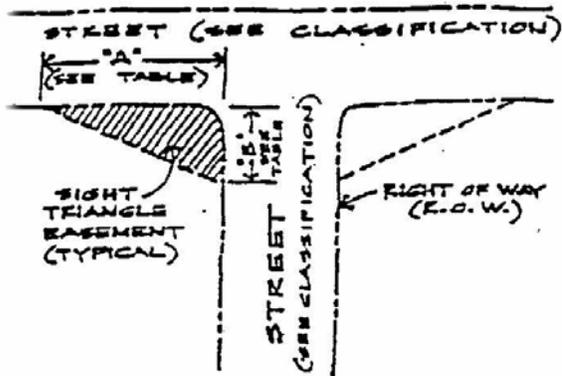
ROAD See "STREET"

SEAT For the purposes of determining the number of off-street parking spaces for certain uses, the number seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

SETBACK LINE That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

SIDEWALK That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGHT TRIANGLE A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



Requirement by Road Classification (measured along F.O.W.)		Local	Collector	Arterial
"A" distance in feet		"B" distance in feet		
30	Local road	30	100	130-150
100	Collector road	30	100	130-150
130-150	Arterial road	30	100	130-150

SIGN Any writing, pictorial representation, form, emblem, trademarks, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed, or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement or of illustrating products.

ARTICLE 1

SPOT ZONING Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that do not meet the goals of the comprehensive plan. Unreasonable spot zoning results in the following:

1. a small parcel of land is singled out for special and privileged treatment, and
2. the singling out is not in the public interest but only for the benefit of the land owner, and
3. the action is not in accordance with the comprehensive plan.

STREET Any public or private way set aside for public travel 20 feet or more in width. The word STREET shall include the words, road, highway, and thoroughfare.

STRUCTURE Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location as the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

TELECOMMUNICATIONS FACILITY The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.

TRAVEL TRAILER A non-self propelled vehicle intended for recreational purposes only. Not allowed or intended to be used as a permanent or temporary residence such as a mobile home.

USE The specific purposes for which land or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.

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

VEHICULAR USE AREA A vehicular use area (VUA) is any open or unenclosed area containing more than one thousand eight hundred (1,800) square feet of area and/or used by five (5) or more of any type of vehicle, whether moving or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and service areas. Driveways are considered to be vehicular use elements described in this Ordinance (and intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency.)

ARTICLE 1

WALL One of the sides of a room or building connecting floor and ceiling or foundation and roof.

YARD, FRONT An open space extending the full width of the lot between a principle structure and the front lot line; unoccupied and unobstructed from the ground upward. The depth of a front yard is the shortest distance measured perpendicularly between any part of a building and the front lot line.

YARD, REAR An open extending the full width of a lot between a principle structure and the rear lot line, unoccupied and unobstructed from the ground upward. The depth of a rear yard is the shortest distance measured perpendicularly between any part of a building and the rear lot line.

YARD, SECONDARY FRONT An open space extending the full width of the lot between a principal structure and the secondary front lot line of a corner lot, unoccupied and unobstructed from the ground upward. The secondary front yard will be that front yard that is parallel to the side exposure of the principal structure, or the rear exposure of the principal structure in the case of lot with three front yards. The depth of the secondary front yard is the shortest distance measured perpendicularly between any part of a building and the secondary front lot line.

YARD, SIDE An open space between a principal structure and a side lot line, unoccupied and unobstructed from the ground upward. The width of a side yard is the shortest distance measured perpendicularly between any part of a building and the nearest side lot line.

ZONING PERMIT A document issued by the administrative official as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the zoning ordinance or authorized variance therefrom. Zoning permits are issued to ensure compliance with the zoning ordinance and map.

1. A zoning permit is required for multi-family, business, commercial and industrial structures.
2. A building/construction permit is required for new residential single-family, single-family manufactured/modular, two-family construction, multi-family, business, commercial and industrial structures. This permit is also required for the construction of an auxiliary structure, an addition to an existing structure and signs.

ARTICLE 2

2.1 ADMINISTRATION

The Planning Commission and its authorized agent or inspector shall administer and enforce this Ordinance.

The Commission and its authorized agent or inspector shall have the authority to make inspection of buildings and premises necessary to carry out their duties in administration and enforcement of this Ordinance.

2.2 BUILDING PERMITS REQUIRED

2.21 **Required Prior to Construction or Alteration** - It shall be unlawful to commence the demolition, excavation for or the construction or placement of any building, including signs, accessory buildings or fences, or to commence the moving or exterior alteration of any buildings, including accessory buildings, until the Planning Commission or its authorized agent or inspector has issued a permit for such work.

2.22 **Exceptions** - No building permits or certificate of occupancy shall be required in the following cases:

2.22a. Recurring maintenance work.

2.22b. Those structures and uses exempted by Section 3.8.1A & 3.8.1B

2.3 BUILDING / ZONING PERMIT ISSUANCE AND FEE

2.31 **Application** - In applying to the Planning Commission and its authorized agent or inspector for a building or zoning permit, the applicant shall submit a dimensioned sketch or scale plan indicating lot dimensions, the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot or parcel. It shall be stated as to the existing and intended use of all such buildings and supply such other information as may be required by the Commission and its authorized agent or inspector for determining whether the provisions of the Ordinance are being observed and upheld. The County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to Section 4.1.8 of this Ordinance.

2.32 **Issuance** - If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the city then in force, the authorized agent or inspector shall issue a permit for such excavation. If a building permit is refused, the authorized agent or inspector shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The authorized agent or inspector shall grant or deny the permit within fourteen calendar days from the date the application is submitted.

ARTICLE 2

- 2.33 **Validity** - The issuance of a permit shall, in no case, be construed as waiving any provision of this chapter.
- 2.34 **Duration** - A building permit shall become void six months from the date of issuance unless substantial progress has been "Exercised" by that date on the project described therein.
- 2.35 **Fee required** - Application for a building permit shall be accompanied by a fee as required below. The fee shall be paid into the General Fund of the city to be used to help defray the costs of inspections and processing of applications. The fee schedule is in Article 6.
- 2.36 **Permanent File** - The Planning Commission and its authorized agent or inspector shall keep a permanent file of all applications with accompanying plans and all permits issued.

2.4 COMPLIANCE WITH OTHER CODES, STATUTES AND REGULATIONS

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

2.5 CERTIFICATE OF OCCUPANCY REQUIRED

No person shall use or permit the use of any structure or premises or part thereof, hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly until a Certificate of Occupancy has been issued by the Planning Commission's authorized agent or inspector. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformance with the provisions of the Ordinance, and to withhold such certificates unless all requirements of this Ordinance have been met.

2.51 **No Occupancy Permit**

No person shall allow occupancy of any building until the Planning commission has been notified by the appropriate agencies that the private details of water, electricity, and where applicable, sanitary sewer and natural gas are completed in such a fashion that such private utilities are available for use on the property in question.

2.52 **Certificate of Occupancy for Existing Uses or Structures**

Upon request from the owner or tenant, and upon inspection, the Planning Commission or its authorized agent or inspector shall issue a Certificate of Occupancy for any building, premises or use that is in conformity with the provisions of this Ordinance or, that a legal nonconformity exists as specified in the certificate.

ARTICLE 2

2.6 AUTHORIZED USE

Building permits, Zoning permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Planning Commission, its authorized agent or inspector authorize only that use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

2.7 COMPLAINTS REGARDING VIOLATIONS

Any person may file a written complaint alleging violation of the provisions of this Ordinance. Such complaint shall state fully the cause and base thereof and shall be filed with the Planning Commission, its authorized agent or inspector. The Planning Commission shall properly record such complaint and investigate and take action thereon as provided by the Ordinance to site the violator into District Court if an uncorrected violation is determined to exist.

2.8 PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violation of the conditions and safeguards established in connection with granting of variances or conditional uses) shall constitute a violation of this Ordinance.

Any person who so violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined of not less than ten dollars (\$10) but not more than \$500 for each offense. Each day of violation shall constitute a separate offense. Any person shall, upon conviction, be fined not less than \$50 but not more than \$500 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer, where such sale or transfer, or contract therefore, constitutes a violation of this Ordinance.

2.9 PLANNING COMMISSION

The Planning Commission (hereinafter referred to as "Commission") as constituted at the time of this Ordinance shall continue in its authority. There shall be seven (7) members appointed by the City Council for finite terms. Terms shall be staggered so that the terms of no more than two (2) members expire in a year. Vacancies on the Planning Commission shall be filled within sixty (60) days. If the vacancy is not filled within that time, the Commission shall fill the vacancy according to its bylaws.

2.91 The Commission shall appoint or hire persons in order to fulfill its required duties under its Bylaws, this Ordinance, and Kentucky Revised Statutes Chapter 100.

2.92 **Proceedings** The Commission shall conduct regular meetings in accordance with the rules and regulations of it bylaws.

ARTICLE 2

2.93 **General Powers** The Commission shall have all the powers as allowed under the KRS and the United States and Kentucky Constitutions, which include, but are not limited to:

The right to employ or contract with planners or other staff persons as it deems necessary to accomplish its assigned duties.

To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky.

To prepare a comprehensive plan which shall serve as a guide for public and private actions in decisions to assure the development of public and private property in the most appropriate relationships.

To prepare the text and map of all zoning regulations which shall divide the portions of the city into zones on an interim or permanent basis to promote public health, safety, morals and general welfare of the county, to facilitate orderly and harmonious development in the visual or historic character of the unit, to regulate the density of population and intensity of land use in order to provide for adequate light and air.

To adopt and administer regulations for the subdivision of land within its boundaries.

To prepare and adopt official zoning maps.

To review all proposals for amendments to the zoning ordinance.

2.10 MAP AMENDMENT PROCEDURES

A proposal for amendments to the Leitchfield Zoning District Map may originate only with the Leitchfield Planning Commission, the Leitchfield City Council and the owner of the subject property. An owner of property may delegate his or her authority to request a zoning map amendment to his/her agent by written document.

Regardless of the origin of the proposed amendment, an application must be filed with the Commission requesting the proposed amendment in such form and accompanied by such information as required by this Ordinance and the bylaws of the Leitchfield Planning Commission. At the time of filing the amendment, a non-returnable filing fee shall be required as set forth in this Ordinance; however, there shall be no filing fee for amendment requested by the City Council, Planning Commission or any other governmental agency. Upon filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by Kentucky Revised Statutes Chapter 100.

ARTICLE 2

2.10.1 **Pre-Application Conference** - Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Planning Commission to discuss the proposed amendment. The purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed amendment. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, recommendations of the adopted Comprehensive Plan and other issues related to the proposed amendment.

2.10.2 **Commission Procedure** - Upon the filing of an application for an amendment to the Zoning District Map, the Commission shall direct the Administrative Official to review the application, make whatever studies the Commission deems necessary and report his/her findings at a public hearing. In addition, the Commission may require the applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

2.10.3 **Notice** - 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 100), except as provided below:

Notice of the time, place, and reason for public hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the Commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish the Planning Commission the names and addresses of the owners of all adjoining property, including tracts across a road or street. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the owner.

2.10.4 **Posting Subject Property** - When a map amendment (zone change) is proposed, an appropriate sign stating the proposed amendment and the time, date and location of the public hearing shall be posted on the property in question, or where more than one piece of property is involved, the sign shall be posted in a central and conspicuous location. The sign shall be posted at least fourteen (14) days consecutively before the public hearing by the Secretary of the Planning Commission or a person appointed by the Planning Commission.

2.10.5 **Public Hearing** - Upon receipt of a completed application, receipt of fee, notice of map amendment on the subject property and notification of interested parties, the Commission shall hold a public hearing on the proposed amendment, per Kentucky Revised Statutes, Chapter 100.

ARTICLE 2

2.10.6 **Recommendation of Commission for Zoning District Map Amendments -**

Before making recommendations to the Leitchfield City Council on a proposed map amendment, the Planning Commission shall make Findings of Fact, as required by Kentucky Revised Statutes, Chapter 100. Findings of Fact made by the Commission shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for an amendment to the zoning map be granted or denied, the Commission shall forward its Findings of Fact and recommendation in writing to the Leitchfield City Council.

***Necessary Findings** (As required by KRS 100.213)- Before any map amendment is granted, the Planning Commission, and/or the City Council, must find that:

- (1). The map amendment is in agreement with the city's comprehensive plan, or,
- (2). In the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Planning Commission or the legislative body:
 - (a). That the existing zoning classification given to the property was inappropriate and the proposed zoning classification is appropriate; and/or
 - (b). That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the city's comprehensive plan and which have substantially altered the basic character of such area.

The Planning Commission or legislative body must make findings to support these conclusions. A simple restatement of the above conditions does not constitute a proper findings of fact. The evidence adduced at the public hearing must support the findings of the Planning Commission or legislative body.

2.11 ZONING TEXT AMENDMENTS

Amendments to this Ordinance shall be performed in the same manner as adoption of the original Ordinance and in conformance with Kentucky Revised Statutes, Chapter 100, with a minimum of two public hearings, the first held by the Planning Commission, and the second to be published and held by the City Council.

2.12 BOARD OF ZONING ADJUSTMENT

A Board of Adjustments is hereby established in accordance with Kentucky Revised Statutes, Chapter 100. There shall be 5 citizen members appointed by the Leitchfield City Council for four-year terms ending on the first month of the designated year. The terms shall be staggered so that the terms of no more than two (2) members expire in any year. Vacancies on the Board shall be filled within sixty (60) days. If the vacancy is not filled at that time, the 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.

ARTICLE 2

- 2.12.1 **Meetings** - Meetings of the Board of Zoning Adjustments shall be held at the call of the Chair, or any two (2) members of the Board, who shall give written notice seven (7) days prior to the meeting, 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 bylaws and shall keep records of applications and action thereon, which shall be a public record.
- 2.12.2 **Quorum and Conflicts of Interest** - A simple majority of the total membership of the 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 (to include actions deemed beneficial to family members through first cousin) shall disclose the nature of the interest and shall disqualify his or her self from voting on the question, and shall leave the room for the duration of the discussion of the particular matter.
- 2.12.3 **Minutes** - The Board of Adjustment shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed with the office of the Board. If the Board has no office, such records shall be kept in custody of the City or County Clerk, whichever the Board designates, and shall be available to the general public.
- 2.12.4 **Powers** - The Board of Adjustment shall have the following powers as allowed under the Kentucky Constitution and Chapter 100 of the Kentucky Revised Statutes, including but not limited to:
- A. The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.
 - B. To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky.
 - C. To issue subpoenas, and to hear and decide applications for conditional use permits, variances, and nonconforming uses.
 - D. To review administrative action in enforcement of this ordinance.
 - E. To grant and revoke conditional use permits.
 - F. To grant dimensional variances on lots of record.

ARTICLE 2

2.12.5 **Bylaws** - The Board shall adopt by-laws for its own government.

2.12.6 **Administrative Review** - The Board shall have the power to hear and decide appeals where it is alleged by the applicants that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrative officer or other administrative official in the carrying out or enforcement of any of the provisions of this regulation and/or for interpretation of the Zoning Map.

2.13 CONDITIONAL USES

2.13.1 **Power to Issue Conditional Use Permits** - The Board of Adjustments 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:

2.13.1a. 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 Section 2.31, outlining procedure for building permit applications.

2.13.1b. Notice - Within thirty (30) days of the receipt of a conditional use permit request, the Board of Adjustments shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. When a conditional use is proposed, an appropriate sign stating the proposed conditional use, the property involved, and the time, date and location of the public hearing shall be posted on the property ten (10) days prior to the public hearing. The Secretary or Vice Chair of the Board of Adjustments shall post the sign.

2.13.1c. 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 ordinance listing the conditional use under consideration.

ARTICLE 2

2.13.1d. **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.

2.13.2 **Revocation of Conditional Use Permit** - The Board of Adjustments may revoke a conditional use permit if the landowner does not comply with the conditions therein. Furthermore, the board shall have the power to compel the offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2.13.3 **Procedure** -

A. **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.

B. 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 land violates any laws or regulations.

2.13.4 **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 landowner 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.

2.13.5 **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 Adjustment. 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 Adjustment.

2.13.6 **Public Hearing** - The Board shall hold a hearing on the report within thirty (30) days, and a notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.

2.13.7 **Action of Board of Adjustment** - If the Board of Adjustment 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 Adjustment 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.

ARTICLE 2

- 2.13.8 **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 Board of Adjustment 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.)
- 2.13.9 **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, Chapter 100.344. Thereafter, said use, if it continues to meet the other requirements of the regulation, will be treated as a permitted use.
- 2.14 **VARIANCES** - The Board of Adjustments may grant dimensional variances in accordance with the following requirements:
- 2.14.1 **Conditions which warrant a variance** - The Board shall have the power to hear and decide applications for dimensional variance on a lot of record. 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.
- 2.14.2 **Variances which are Prohibited** - The Board of Adjustment 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 zoning district in question; to alter density requirements in the zone in question; or to permit a use not authorized by this Ordinance.

ARTICLE 2

2.14.3 **Granting a Variance** - Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- A. The specific conditions in detail which are unique to the applicant's land (such special circumstances do not generally apply to land in the general vicinity) and do not exist on other land in the same zone; and
- B. 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, or would create an unnecessary hardship on the applicant; and
- C. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Ordinance; and
- D. Reasons that the variances will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.

2.14.4 **Findings of Fact Required** - Findings of fact relative to the above statements 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.

2.14.5 **Conditions May be Imposed** - 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.

2.14.6 Procedure for Appeals to the Board

2.14.61 **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.

2.14.62 **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 zoning permit or certificate of compliance 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.

ARTICLE 2

2.14.63 **Establishing Meeting Date** - The Board of Adjustment shall set a date not more than thirty (30) days after receiving the above records for hearing of the appeal.

2.14.64 **Notice** - Public notice 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 notice at least one week prior to the hearing.

An appropriate sign will be posted on the property for which the variance is requested at least ten (10) days before the public hearing. The sign will describe the variance requested and the meeting date, time and place. The Secretary of the Board of Adjustment or a person appointed by the Board, shall post the sign.

2.14.65 **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 appeal will not 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 6 of this Regulation.

2.14.66 **Notice of Decision** - The Board of Adjustment shall decide the appeal within sixty (60) days and give written notice to the Administrative Officer and appellant of its decision.

2.15 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.

ARTICLE 3

ZONING DISTRICTS ESTABLISHED

3.1 ZONING DISTRICT MAP

The City of Leitchfield is hereby divided into zones and districts as provided herein and as shown on the Zoning Map dated July 19, 1999, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. Said Zoning District Map is composed of one or two map sheets, each of which represents a different geographic area and/or subject matter of the City of Leitchfield. Each map shall be identified as part of the Leitchfield Zoning District Map, and shall be kept on file in Leitchfield City Hall, and shall be known herein as the "Leitchfield Zoning District Map."

3.2 MAP AMENDMENT IDENTIFICATION

Amendments to the Zoning Map shall be promptly posted on the map by the Commission. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission record of the amendment proceedings.

3.3 INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES

Where a uncertainty exists as to the exact boundaries of zones and districts as shown on the Zoning District Map, the following rules shall be used by the zoning administrator to interpret the exact location of the zoning district boundaries shown:

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.

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.

Where a zoning district boundary approximately follows a stream or shore line of a body of water, that stream or shore line at pool, as defined on the date this Regulation is enacted, is the boundary of the district.

Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the Zoning District Map scale. In any case, where the exact location of a boundary is not clear, the Board of Adjustments shall use these rules to determine the exact location upon application by the Planning Commission or Administrator for an original interpretation.

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Where a designated “zone” is a line along a roadway, street or railroad, the center line of the roadway, street or railroad shall also be the center line of the zone.

When a zone or district boundary line divides a lot which was in single ownership at the time and passage of this Ordinance, the zoning administrator may permit, the extension of the zoning district for either portion of the lot not to exceed 50 feet beyond the zone or district line into the remaining portion of the lot.

3.4 APPLICATION OF ZONING DISTRICT REGULATIONS

The regulations set by this Ordinance within each zone shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Ordinance.

No building or other structure shall hereinafter be erected or altered:

1. To exceed the height, bulk or floor area ratio;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards, side yards or other open spaces;
5. To have less perimeter and interior lot landscaping for vehicular use area and non-compatible land uses than herein required, or in any other manner contrary to the provisions of these zoning regulations.

No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted by this Ordinance.

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No yard or lot existing at the time of the adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this zoning regulation shall meet at least the minimum requirements established by this Ordinance.

Except as hereinafter prohibited, there shall be no more than one (1) principal structure and its accessory structures on any lot or parcel of land unless a development plan is approved by the Leitchfield Planning Commission.

Only those uses specifically named as principal, accessory or conditional use or substantially similar to principal, accessory or conditional uses are permitted in each zone or district and all uses not specifically permitted or substantially similar to permitted uses are prohibited. Prohibited uses shall include but not be limited to those specifically named as prohibited.

3.5 CONVERSION OF DWELLING STRUCTURES

The conversion of any structure or structures either residential or non-residential so as to accommodate an increased number of dwelling units or families, or another permitted use, shall be permitted only within the zone of which a new building for similar occupancy would be permitted under this Ordinance. The resulting occupancy shall comply with all requirements governing new construction in such zone including, but not limited to, floor area, dimension or yards, open space and off-street parking. The aforesaid shall not apply if the conversion involves no exterior structural changes to a principal building but shall apply if any accessory building is converted to a principle building.

3.6 USE EXEMPTIONS

- 3.6.1 **Agricultural Land Use Exemptions** - Notwithstanding any other provisions of this Ordinance, land which is used solely for agricultural use as defined herein shall be regulated in conformance with Kentucky Revised Statutes, Chapter 100.
- 3.6.2 **Governmental Use Exemptions** - Notwithstanding any other requirements of Kentucky Revised Statutes, Chapter 100, the Commonwealth of Kentucky and its political subdivisions shall be exempt from complying with any and all requirements of this Ordinance.

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3.7 ESTABLISHMENT OF ZONING DISTRICTS

These regulations establish the following zoning districts within the city as a means to implement the stated purpose of this Ordinance:

A	Agricultural
RR	Rural Residential Single Family
R-1	Single Family low density
R-2	Single Family medium density
<u>R-2A</u>	<u>Single Family high density</u>
R-3	Single Family Manufactured
R-4	Two-Family
R-5	Multi-Family
R-6	Manufactured Home Parks
B-1	Neighborhood Business
B-2	Central Business District
C-1	Highway Commercial
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Public/Institutional

3.8 ZONE DESCRIPTIONS AND PERMITTED USES

3.8.1 **A - Agricultural**

This district is derived of certain large open areas used for agricultural purposes. The regulations of this district are designed to retain the open character and certain other compatible uses.

3.8.1a. Permitted Primary Uses

1. Growing and harvesting of field, tree, or bush crops including flowers; and/or the keeping of poultry, bird and egg farms; and/or the commercial breeding, raising, training, and grazing of horses, cattle, sheep, goats, ostriches and other livestock provided that the site contains not less than five (5) contiguous acres.
2. Single Family detached site constructed dwellings & modular homes.
3. Corrals, stables, pens, barns, and similar structures for keeping of livestock.
4. Plant nurseries and greenhouses for the propagation, cultivation and distribution of plants produced on and off the premises.

ARTICLE 3

5. Schools for academic instruction and associated facilities.
6. Churches, nursery schools and childcare centers for four (4) children or less.
7. Government operated parks and playgrounds.

3.8.1b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Private noncommercial parks and open space.
4. Living quarters with cooking facilities and not rented for guests and employees of the premises.
5. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
6. Barns and related farm structures.
7. Home Occupations.

3.8.1c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.
5. Riding and boarding stables.
6. Animal hospitals, clinics, and boarding kennels.
7. Sales stands for the sale of farm or ranch products.

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3.8.1d. A-Yard Area Minimum Requirements:

1. Lot area is 217,800 square feet.
2. Lot width is 250 feet.
3. Front yard setback is 50 feet.
4. Rear yard setback is 50 feet.
5. Side yard setback is 35 feet on both sides of each lot.

3.8.1e. A - Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

3.8.1f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.2- **RR - Rural Residential Single Family**

This district is composed of rural/low density single-family detached site constructed homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than one (1) permitted principle structure per lot or parcel of land shall not be permitted.

3.8.2a. Permitted Primary Uses

1. Single Family detached site constructed dwellings, modular homes and manufactured housing that meets modular home standards as defined.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or less.
4. Government operated parks and playgrounds.

ARTICLE 3

3.8.2b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

3.8.2c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

3.8.2d. RR Yard Area Minimum Requirements:

1. Lot area is 87,120 square feet.
2. Lot width is 200 feet.
3. Front yard setback is 45 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 25 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

ARTICLE 3

3.8.2e. RR - Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

3.8.2f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.3 **R-1 Single Family Low Density**

This district is composed of low density single-family detached site constructed homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than one (1) permitted principle structure per lot or parcel of land shall not be permitted.

3.8.3a. Permitted Primary Uses

1. Single Family detached site constructed dwellings, modular homes and manufactured housing that meets modular home standards as defined.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or less.
4. Government operated parks and playgrounds.

3.8.3b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

ARTICLE 3

3.8.3c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools, and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

3.8.3d. R-1 Yard Area Minimum Requirements:

1. Lot area is 14,725 square feet.
2. Lot width is 95 feet.
3. Front yard setback is 25 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 15 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.3e. R-1 - Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

3.8.3f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

ARTICLE 3

3.8.4 **R-2 Single Family Medium Density**

This district is composed of medium density single-family detached site constructed homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than one (1) permitted principle structure per lot or parcel of land shall not be permitted.

3.8.4a. Permitted Primary Uses

1. Single Family detached site constructed dwellings, modular homes and manufactured housing that meets modular home standards as defined.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or less.
4. Government operated parks and playgrounds.

3.8.4b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

3.8.4c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools, and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.

ARTICLE 3

4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

3.8.4d. R-2 Yard Area Minimum Requirements:

1. Lot area is 8,350 square feet.
2. Lot width is 75 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 25 feet. Auxiliary Structures 10 feet rear yard setback.*
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.4e. R-2 - Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

- 3.8.4f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.4.1 R-2A Single Family High Density

This district is composed of high density single-family detached and attached site constructed homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than one (1) permitted principle structure per lot or parcel of land shall not be permitted.

3.8.4.1 a. Permitted Primary Uses

1. Single Family detached and attached site constructed buildings.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or less.
4. Government operated parks and playgrounds.

ARTICLE 3

3.8.4. 1 b. Permitted Accessory Uses

1. Private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

3.8.4.1 c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools, and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

3.8.4.1 d. R-2A Yard Area Minimum Requirements:

1. Lot area is 4,000 square feet.
2. Lot width is 30 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 15 feet. Detached Auxiliary Structures are not allowed in any yard.
5. Side yard setback is 10 feet on one side for end units of attached structures or one side of detached structures, 0 feet for all other sides.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.
7. A storm water drainage plan is required for development under this zoning district. Required on-site drainage retention, if any, shall be set aside as undeveloped area. There shall be no net increase in storm water runoff rate offsite post development.

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3.8.4.1 e. R-2A - Maximum Requirements:

1. Lot coverage is 50 percent (50%).
2. Building height is two stories or 34 feet.

3.8.4. 1f. Private sewage systems – where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

*Revised by Ordinance 07/2010

3.8.5 R-3 Single Family Manufactured

This district is composed of medium density single-family detached site constructed homes and manufactured homes in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district. More than one (1) permitted principle structure per lot or parcel of land shall not be permitted.

3.8.5a. Permitted Primary Uses

1. Single Family detached site constructed dwellings & modular homes.
2. Single Family Manufactured Homes or dwellings.
3. Schools for academic instruction and associated facilities.
4. Churches, nursery schools and childcare centers for four (4) children or less.
5. Government operated parks and playgrounds.

3.8.5b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

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3.8.5c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools, and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, ball fields, tennis courts and campgrounds.

3.8.5d. R-3 Yard Area Minimum Requirements:

1. Lot area is 10,000 square feet.
2. Lot width is 100 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.5e. R-3 Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

3.8.5f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.6 **R-4 Two-family**

This district is composed of higher density single family and two-family duplex site constructed dwelling units in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district.

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3.8.6a. Permitted Primary Uses

1. Two-family site constructed homes or dwellings.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or less.
4. Government operated parks and playgrounds.

3.8.6b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

3.8.6c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergarten, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Cemeteries.
4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.

3.8.6d. R-4 Yard Area Minimum Requirements:

1. Lot area is 8,350 square feet per single family dwelling; 16,000 square feet for duplexes.
2. Lot width is 80 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

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3.8.6e. R-4 - Maximum Requirements:

1. Lot coverage is 35 percent (35%).
2. Building height is two stories or 34 feet.

3.8.6f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.7 **R-5 Multi-Family**

This district is composed of higher density multi-family site constructed dwelling units in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district. Public and private parks and schools are permitted within the district provided that they serve the residents of the district.

3.8.7a. Permitted Primary Uses

1. Multiple-family dwellings.
2. Schools for academic instruction and associated facilities.
3. Churches, nursery schools and childcare centers for four (4) children or
4. Government operated parks and playgrounds.

3.8.7b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Living quarters with cooking facilities and not rented for guests and employees of the premises.
6. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
7. Home Occupations.

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- 3.8.7c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)
1. Kindergartens, nursery schools and childcare centers for five (5) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
 2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
 3. Cemeteries.
 4. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts and campgrounds.
- 3.8.7d. R-5 Yard Area Minimum Requirements:
1. Lot area is 12,500 square feet with 3,500 square feet added for each additional dwelling unit over two units - (three (3) units require 16,000 square feet.)
 2. Lot width is 100 feet.
 3. Front yard setback is 20 feet.
 4. Rear yard setback is 25 feet.
 5. Side yard setback is 10 feet on both sides of each lot.
 6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.
- 3.8.7e. R-5 - Maximum Requirements:
1. Lot coverage is 50 percent (50%).
 2. Building height is two stories or 34 feet.
- 3.8.7f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

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3.8.8 **R-6 Single Family Manufactured Home Parks**

This district is composed of high density manufactured home parks in certain areas of the city, as well as certain open areas where similar residential development is appropriate. The regulations for this district are designed to promote and encourage a suitable environment for affordable housing areas and family life, and to promote orderly planning and development of land uses by limiting activities other than residential in nature from this district.

3.8.8a. Permitted Primary Uses

1. Manufactured Home Parks that meet Kentucky State Regulations regarding Mobile Home Parks and have a permit from the State and County Health Department to operate as such.

3.8.7b. Permitted Accessory Uses

1. Private garages, private storage sheds and private parking areas.
2. Private swimming pools and tennis courts.
3. Agricultural uses.
4. Private noncommercial parks and open space.
5. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
6. Home Occupations

3.8.8c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
2. Cemeteries.

3.8.8d. R-6 Yard Area Minimum Requirements:

1. Required lot areas, setbacks as required by Kentucky Mobile Home Park Regulations (set forth in KRS 219.330 to 219.410 & 227.555 as amended; and as set forth by the regulations enforced by the Secretary of the Cabinet for Health Services.)
2. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

ARTICLE 3

3.8.9 **B-1 Neighborhood Business District**

The purpose of the Neighborhood Business District is to allow for the continuance of and encourage the establishment of relatively small areas for businesses that minimally impact surrounding residences, and which tend to meet the daily needs of the residents in an immediate neighborhood or as characterized by low volume daily customers. Such districts shall be strategically located with access to a collector street. The primary intent of this District is to insure compatibility with adjoining residential neighborhoods, while satisfying some of their daily commercial and service business needs.

3.8.9a. Permitted Primary Uses

1. Beauty Shops, barber shops.
2. Gift shops and antique shops.
3. Establishments for the retail sale of food products, such as supermarkets, no greater than 3,000 square feet in building area, and provided that no drive through facilities are provided.
4. Schools for academic instruction and associated facilities.
5. Community Centers.
6. Nursing and rest homes.
7. Restaurants, no greater than 3,000 square feet in building area and no drive-in or drive-through service facilities are provided.
8. Bed and Breakfast establishments.
9. Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and holding and investment companies.
10. Day care facilities.
11. Signs in accordance with Section 4.3 of this Ordinance.

3.8.9b. Permitted Accessory Uses

1. Parking Areas
2. One (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of the building and shall have a separate entrance.

3.8.9c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.) None.

ARTICLE 3

3.8.9d. B-1 Yard Area Minimum Requirements:

1. Lot area is 7,500 square feet.
2. Lot width is 80 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.9e. B-1 - Maximum Requirements:

1. Lot coverage is 40 percent (40%).
2. Building height is two stories or 34 feet.

3.8.9f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

ARTICLE 3

3.8.10 **B-2 Central Business District**

The purpose of the Central Business District is to protect and encourage renewal while maintaining the existing character and overall appearance of the core residential and business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential, and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the historical and cultural significance inherent in the area. Compatibility with the existing structures and uses is the primary goal of the district, while enhancing the overall appearance and function as an actively used district.

3.8.10a. Permitted Primary Uses

1. Beauty Shops, barber shops.
2. Gift shops and antique shops.
3. Establishments for the retail sale of food products, such as supermarkets, no greater than 4,500 square feet in building area.
4. Schools for academic instruction and associated facilities.
5. Community Centers.
6. Nursing and rest homes.
7. Banks, credit agencies, security and commodity brokers and exchanges, savings and loan companies, and holding and investment companies; provided, however, building is no greater than 3,000 square feet.
8. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
9. Libraries, museums, art galleries, and reading rooms.
10. Medical and dental offices, clinics and laboratories.
11. Studios for working and teaching the fine arts.
12. Churches, Sunday Schools and Childcare Centers.
13. Computer and data processing centers.
14. Ticket and travel agencies.
15. Business Colleges or technical schools.
16. Restaurants with no drive-in or drive-through facilities are provided.
17. Bed and Breakfast establishments.
18. Indoor amusements such as billiard or poolhalls, skating rinks, or bowling alleys.
19. Indoor theaters.
20. Establishments for the retail sale of merchandise.
21. Signs in accordance with Section 4.3 of this Ordinance.

ARTICLE 3

3.8.10b. Permitted Accessory Uses

1. Parking Areas
2. One (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of the building and shall have a separate entrance.

3.8.10c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.)

1. Multiple-family dwellings.
2. Mixed use developments that combine residential & permitted primary commercial uses where the residential uses retain separate building entrances.

3.8.10d. B-2 Yard Area Minimum Requirements:

1. Lot area is 7,500 square feet.
2. Lot width is 80 feet.
3. Front yard setback is 0 feet.*
4. Rear yard setback is 10 feet
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.10e. B-2 - Maximum Requirements:

1. Lot coverage is 60 percent (60%).
2. Building height is two stories or 34 feet.

3.8.10f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

***Revised by Ordinance #2003-3 4/7/03**

ARTICLE 3

3.8.11 **C-1 Highway Commercial District**

The purpose of the Highway Commercial District is to encourage the establishment of areas for highway business uses only. This district is specifically designed to service the motoring public. Highway Commercial Districts are generally associated with areas along major highways.

3.8.11a. Permitted Primary Uses

1. The Primary Uses in the B-1 and B-2 Districts.
2. Establishments and lot for the display, rental, sales, service and repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes or supplies for such items.
3. Restaurants.
4. Motels and hotels.
5. Wholesale establishments.
6. Garden Centers.
7. Kennel, animal hospitals or clinics, including offices of veterinarians, provided that such structure or use not including accessory parking area shall be at least 200 feet from any residential zoning district.
8. Funeral Homes.
9. Hospitals
10. Automobile service stations.
11. Car washes, provided surface water from such establishments shall not drain onto adjacent property and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
12. Residential storage warehouses (Mini-warehouses).
13. Signs in accordance with Section 4.3 of this Ordinance.

3.8.11b. Permitted Accessory Uses

1. Parking Areas
2. One (1) dwelling unit for owners, operators or employees of a permitted use provided that such dwelling unit shall be a part of the building and shall have a separate entrance.

3.8.11c. Permitted Conditional Uses (Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and the comprehensive plan.)

1. Recycling Centers.

ARTICLE 3

3.8.11d. C-1 Yard Area Minimum Requirements:

1. Lot area is 7,500 square feet.
2. Lot width is 80 feet.
3. Front yard setback is 20 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 10 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.11e. C-1 - Maximum Requirements:

1. Lot coverage is 60 percent (60%).
2. Building height is two stories or 34 feet.

3.8.11f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.12 **I-1 Light Industrial**

The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, relatively quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; which operate primarily within enclosed structures and generate little industrial traffic.

3.8.12a. Permitted Uses

1. Wholesale, storage, warehouse, animal hospital, bakery, bottling works, building material yard, optical goods, printing, publication or engraving, cabinet making, clothing manufacturers, dying and dry cleaning, ice plants and laundry. These permitted uses to include manufacturing, treatment, altering, finishing or assembling incidental thereto.

ARTICLE 3

3.8.12b. Accessory Uses Permitted

1. Signs identifying the industrial activity on the same premises in accordance with Section 4.3 of this Ordinance.
2. Garages and other buildings and uses accessory to the principle use.

3.8.12c. Conditional Uses - Junk yards and other light industrial uses not listed above which can be classified as light industry according to Section 1.8 shall be considered conditional uses and will require the approval of the Board of Zoning Adjustment.

3.8.12d. I-1 Yard Area Minimum Requirements:

1. Lot area is 43,560 square feet.
2. Lot width is 100 feet.
3. Front yard setback is 50 feet.
4. Rear yard setback is 25 feet.
5. Side yard setback is 25 feet on both sides of each lot.
6. On a corner lot or a lot fronting on two streets, the required front yard setback shall be required on the side yard facing the street.

3.8.12e. I-1 - Maximum Requirements:

1. Lot coverage is 60 percent (60%).
2. Building height is five (5) stories or 70 feet.

3.8.12f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.13 **I-2 Heavy Industrial**

The purpose of this district is to encourage the development of major manufacturing , processing, warehousing, and major research and testing operations. These activities require extensive community facilities, and reasonable access to arterial highways; they may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances beyond Federal and State guidelines.

ARTICLE 3

3.8.13a. Permitted Uses

1. Any use permitted in the light industrial district.
2. Retail sale of any commodity manufactured, fabricated, or processed on the premises or of any commodity designed especially for use in agricultural, mining industry, business, transportation, or construction.
3. The generation of electric power and/or gas distribution or the manufacturing or processing of clay, tile, primary metals, wood, paper, glass, plastic, rubber, and related products and services.
4. All permitted uses must meet all State and Federal regulatory requirements.

3.8.13b. Accessory Uses Permitted

1. Signs identifying the industrial activity on the same premises in accordance with Section 4.3 of this Ordinance.
2. Garages and other buildings and uses accessory to the principle use.

3.8.13c. Conditional Uses - All manufacturing and industrial processes not enumerated in Section 3.6.11a shall require a conditional use permit. Furthermore, such conditional use must meet all State and Federal regulatory requirements. "Sexually oriented businesses" as a conditional use, subject to the following conditions also to be contained in section 3.8.13c:

- a) Appropriate buffer between adult entertainment businesses and adjoining land uses:

Property currently in residential use:	500'
Another adult business:	500'
Church, school, day care center, park or playground, civic facility, historic resource and cemeteries	500'
- b) Limitations on business hours may be imposed
- c) Any other restrictions or conditions as deemed appropriate by the Board of Adjustment

3.8.13d. I-2 Yard Area Minimum Requirements:

1. Lot area is 87,120 square feet.
2. Lot width is 150 feet.
3. Front yard setback is 100 feet.
4. Rear yard setback is 50 feet.
5. Side yard setback is 50 feet on both sides of each lot.

ARTICLE 3

3.8.13e. I-2 - Maximum Requirements:

1. Lot coverage is 60 percent (60%).
2. Building height is five (5) stories or 70 feet

3.8.13f. Private sewage systems - where private sewage systems or on-site septic treatment facilities are used, if the minimum lot area required by the health department is greater than the minimum listed within the Ordinance, then the health department required lot size shall be the required size.

3.8.14 **P-1 Public Area**

The purpose of this district is to provide areas for publicly owned offices, facilities, and institutional uses.

3.8.14a. Permitted Uses

1. Cemeteries,
2. Airports and heliports,
3. Churches and other places of worship,
4. Public libraries,
5. Shelters and non-commercial public recreational facilities,
6. Hospitals,
7. Philanthropic institutions and clubs,
8. Schools and structures incidental thereto,
9. Open uses of land for public recreation,
10. Historical parks.

3.8.14b. Conditional Uses - (Uses permitted only with Board of Zoning Adjustment approval after consideration of the intent and purpose of these regulations.)

1. Kindergartens, nursery schools, and childcare centers for four (4) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and screened play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principle structure or use.
2. Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all the lots are sold, whichever comes first.
3. Outdoor commercial recreation facilities such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, swimming pools, tennis courts, and campgrounds.

ARTICLE 4

GENERAL REGULATIONS

- 4.1.1 **Coordination with Subdivision Regulations** - In all cases where land is divided for the purpose of eventual development of lots of any kind, the provisions of the Leitchfield Subdivision Regulations shall apply in addition to the provisions of this Zoning Ordinance.
- 4.1.2 **Conditional Use Regulations** - Conditional uses may be permitted in districts as designated under each zoning district, but only when specifically approved by the Board of Zoning Adjustment. All conditional uses must meet the following: such a use must be essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning ordinance.
- 4.1.3 **Nonconforming Uses and Structures** - The lawful use of a building or premises, existing at the time of 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:

- 4.1.3a. Extension - A non-conforming structure, or structure containing a non-conforming use, shall not be enlarged, replaced or structurally altered except as provided in 4.1.3c and 4.1.3f.
- 4.1.3b. 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, except in accordance with Article 2.
- 4.1.3c. Discontinuance - No non-conforming use may be reestablished after it has been discontinued for a period of twelve (12) months, except when government action or structural damage prevents such use. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.

ARTICLE 4

- 4.1.3d. Prior Approval - Proposed structures for which permits have been issued prior to their designation as non-conforming by the adoption or amendment of this Ordinance may be completed and used as originally intended provided they are completed and in use one (1) year after the date on which the permit was issued.
- 4.1.3e. 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 has the same impact or less on 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 containing old or new non-conforming uses.
- 4.1.3f. Repairs and Maintenance - On any non-conforming structure or portion of structure, and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the floor area or cubic content of the non-conforming structure or portion shall not be increased. Nothing in the Zoning Ordinance shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure or part thereof.
- 4.1.3g. Restoration - Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Ordinance and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition.
- 4.1.4 Required Street Frontage - All lots shall front on an improved, public maintained street or road for the minimum distance listed for each district except that lots which front on turn-around of permanent dead-end streets or on curves, the required frontage shall be measured at the building setback line.
- 4.1.5 **Height** - No building shall exceed two (2) stories or thirty-four (34) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-four (34) feet. In no case shall the height exceed fifty (50) feet. This section shall not apply to the Industrial districts where the building height shall not exceed seventy (70) feet. There shall be no height restrictions in Agricultural districts, except in the proximity of airports - where FAA restrictions shall apply.

ARTICLE 4

- 4.1.6 **Rear Dwelling Prohibited** - No building in the rear of a main building on the same lot may be erected for residential purposes.
- 4.1.7 **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.
- 4.1.8 **Approved Sewerage Disposal for Buildings** - It shall be unlawful to construct any building for human occupancy and use without sewerage disposal facilities approved by the County Health Department. Wherever sewer mains are accessible (within 500 feet), buildings shall be connected to such mains. In every other case, individual sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Grayson County Health Officer's review for proposed sewerage facilities or certificate approving completed sewerage facilities must accompany applications for zoning permits and certificates of compliance, respectively.
- 4.1.9 **Regulation of Principle Buildings** - Unless a plat has been approved for a multi-building project, only one principle building and authorized accessory structures are permitted, except as stated in this Ordinance.
- 4.1.10 **Sinkholes** - Sinkholes and other similar depressions and the area within fifty (50) feet horizontally 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.
- 4.1.11 **Flood Plains** - The Administrative Official shall uphold the Grayson County or Leitchfield Flood Damage Prevention Ordinance.

ARTICLE 4

4.2 GENERAL REGULATIONS FOR LOTS AND YARDS

- 4.2.1 **Obstruction to Vision at Street Intersections on Corner Lots** - Corner lots in all districts shall be free from all obstructions to traffic visibility according to the Sight Triangle Standards in Section 1.8. The requirements Section 1.8 shall not be deemed to prohibit any necessary retaining wall.
- 4.22 **Building Setback Lines** - A building setback line shall be established to provide a front yard for all buildings and structures at the minimum distance found in the schedule of Lot Dimensions and Area Regulations.
- 4.23 **Setback Requirements for Corner Lots** - In residential districts, if the required building setback is greater than twenty-five (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 setback line in that district.
- 4.24 **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.
- 4.25 **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.
- 4.26 **Use of Yards for Accessory Buildings** - No accessory buildings are permitted in the front yards. They are permitted only in rear or side yards according to the dimension and area regulations.

ARTICLE 4

4.3 GENERAL REGULATIONS FOR SIGNS AND OUTDOOR ADVERTISING

4.31 **Classification** - Outdoor advertising shall be classified as a business use and shall be permitted in all Agriculture, Business and Industrial Districts. Outdoor advertising devices except as provided in Section 4.61, shall be prohibited in all residential zones.

4.31a. Location

1. Industrial, Commercial, General Business and Agricultural Districts - No outdoor advertising sign or display shall be erected, placed, painted or repainted or hung nearer to any street right-of-way line upon which said display faces 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.
2. Neighborhood Business District - Only signs attached to the structure shall be permitted in Neighborhood Business Districts. Projection signs should not project more than three (3) feet from the building, measured from the building line or point at which the sign is attached, whichever is greater from the street right-of-way or lot line.

4.31b. Size and Placement

1. Industrial, Commercial, General Business and Agricultural Districts - A single sign, billboard or other advertising device containing no more than 200 square feet (including border) shall be permitted in industrial, commercial, general business and agricultural zones. No more than four (4) signs may be erected together containing no more than 200 square feet total. Such signs shall be erected within fifty (50) feet of a common point. Any other sign, or signs, shall be at least 1,000 feet from this point. No sign, billboard or other such device shall be built at a height greater than the maximum building height permitted in the district in which it is located.
2. Neighborhood Business - All outdoor advertising signs shall have no more than fifty (50) square feet or have a height greater than three (3) feet.

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- 4.31c. 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 regulations, are prohibited. Additionally, no sign or outdoor commercial advertising device because of light, glare, focus, animation, or flashing, or any illuminated signs of such intensity or illumination shall not unduly disturb the use of residential property. Any illuminated sign(s) of such intensity or illumination as to unduly disturb the use of residential property shall have devices which eliminate noise or sound. Excessive glare producing signs shall be prohibited from affecting residential areas.
- 4.31d. 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 and 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 sixty (60) days of issuance of said notice, said structure shall be removed at the owner’s expense.
- 4.31e. Non-conforming Signs and Advertising Structures - Any advertising sign, billboard, commercial advertising structure or statuary which is existing and maintained at the time of this Regulation becomes effective, which does not conform with the provisions hereof, shall not be structurally altered except to comply with this Ordinance.

ARTICLE 4

4.4 GENERAL REGULATIONS FOR VEHICLES

4.41 **Parking Requirements for Change in the Principal Use** - When the principle use is changed to a use for which additional parking space is required under the provisions of this Ordinance, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided.

4.42 **Minimum Design and Maintenance Requirements for Parking Areas**
Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

1. Off-street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface and have convenient ingress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served.
2. All driveways shall be a minimum of five (5) feet from the property line except single family residential units or as otherwise provided for in this Ordinance.
3. Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses or private right-of-ways.
4. Any off-street parking area having more than 1,800 square feet of area and/or used by eight (8) or more vehicles shall be landscaped and screened as required by this Ordinance.
5. All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
6. Where parking areas are provided for eight (8) or more vehicles or contain more than 4,200 square feet of area or are enlarged or expanded to provide eight (8) or more vehicles or contain more than 4,200 square feet of area, they shall be paved with an asphalt, concrete, brick, or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area. All driveway aprons shall be paved.
7. All parking spaces located along the perimeter of a parking area or adjacent to any structure on the lot shall be provided with concrete or other wheel protection for any landscape materials and sidewalks.
8. Fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building. The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Department.

ARTICLE 4

4.43 **Off-Street Parking Space Requirements for Automobiles**

- 4.43a. 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 providing off-street parking space in conformance with this Regulation shall at the time of any structural alteration of the building or expansion of the use, provide the required parking.
- 4.43b. Required Off-Street Parking Space - Off-street 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 X 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.
- 4.43c. Off-Street Parking Standards - The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed. Where more than one use occupies a building, the total of the combined standards shall be required.
1. Single-Family Residences - Two (2) spaces per dwelling unit.
 2. Apartment House - One and one-half (1-1/2) spaces per unit.
 3. Boarding Houses and Rooming Houses - One (1) space for the first two rooms and one (1) space for each additional two rooms.
 4. Hotels and Motels - One (1) space per unit plus one (1) space per each three employees.
 5. Auditorium, Theater or Stadium or Other Similar Use - One (1) parking space for each five seats available at maximum capacity.
 6. Church - One (1) space for each three seats available at maximum capacity.
 7. Restaurant - One (1) 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.
 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 (1) additional space for each additional 250 square feet of such floor space.
 9. Manufacturing and Warehousing - One (1) parking space for each two (2) employees at maximum facility 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.

ARTICLE 4

4.43d. 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.

4.44 Additional Parking, Loading and Unloading Regulations

4.44a. Arrangement of Off-Street Parking Space - Off-street parking space required for any building or use may be located within 200 feet from the premises it serves, but detached there from, 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.

4.44b. Proof of Availability - The Planning Commission may require a plat, deed, or any other proof necessary to show that the required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a zoning/building permit.

4.5 SPECIAL REGULATIONS

4.51 Manufactured Housing

4.51a. Permitted - Single Family manufactured housing occupied by a resident not solely engaged in agricultural activity shall be allowed in the “R-3” and “R-6” districts. Single family manufactured housing shall be allowed in the “R-1” and “R-2” districts subject to modular housing standards. Manufactured home parks shall be authorized in the “R-6” district.

4.51b. Foundation - All manufactured housing must be placed either on concrete foundations or mortared concrete blocks. The bottom of the manufactured housing unit must not be more than four (4) feet above the ground at any point. A solid form of permanent material must be built between the ground and the bottom outside edge of the manufactured housing unit.

4.51c. Anchorage and tie-down - Every space for manufactured units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored. Where concrete platforms are provided for the parking of manufactured units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.

ARTICLE 4

4.52 **Manufactured Home Parks**

- 4.52 a. **Manufactured Home Parks** - No manufactured home park shall be permitted on an area of less than one (1) acre in size. The developer may be permitted to develop the park in stages as long as he/she complies with the overall approved plan for the entire tract. The number of manufactured housing units permitted in the park shall not exceed a density of ten (10) manufactured housing units per net acre. A net acre being the land to be subdivided into lots after streets and other required improvements have been installed.
- 4.52 b. **Lot Requirements** - Individual lots within a manufactured home park shall not be less than 4,000 square feet in area and on a Health Department approved sewerage disposal system and in no instance shall more than one (1) manufactured housing unit be permitted on a single lot. The minimum lot width shall be fifty (50) feet.
- 4.52 c. **Setback** - No manufactured housing unit or structure shall be located closer to any public street than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No manufactured housing unit shall be located closer than twenty-five (25) feet to any building or street within the park or to any property line of the park.
- 4.52 d. **Frontage** - All manufactured home parks shall front on a public street or road for at least one hundred (100) feet.
- 4.52 e. **Spacing** - No manufactured housing unit shall be located within twenty-five (25) feet of another manufactured housing unit except that a minimum end-to-end clearance of not less than fifteen (15) feet shall be permitted, and in instances where the sides opposite the entrance of two manufactured housing units may be reduced to not less than twenty (20) feet.
- 4.52 f. **Streets** - All manufactured housing spaces shall abut upon a street within the trailer park and shall have a right-of-way of not less than twenty-five (25) feet and a pavement of not less than twenty (20) feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single manufactured home park or 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 paved, hard surfaced and well drained and well lighted. No street right-of-way within the manufactured home park shall be within five (5) feet of the property line. The owner of the manufactured home park shall maintain the streets within the park.

ARTICLE 4

- 4.52 g. Parking - One paved automobile parking area shall be provided on every manufactured housing lot, plus 1/2 parking space for each manufactured home lot. This additional parking may be in a central location, but in no case more than 300 feet from the manufactured housing unit for which it is provided.
- 4.52 h. Utilities - All lots within the manufactured home park shall be provided with water, sewer and electrical facilities meeting the standards specified by city, county and state regulations, and each manufactured housing unit shall be properly connected with said utilities.
- 4.52 i. Accessory Structures - No accessory structures including patios and pads shall be located within five (5) feet from any manufactured housing lot line. The maximum floor area shall be 100 square feet and the maximum height shall be no greater than the 10 feet.
- 4.52 j. Foundation - All manufactured housing must be placed either on concrete foundation or mortared concrete blocks.
- 4.52 k. Anchorage and tie-down - Every space for manufactured units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored. Where concrete platforms are provided for the parking of manufactured units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.
- 4.52 l. Connecting Structures - Only porches, stairs, and other open structures may be attached to a manufactured housing unit. No structure for human occupancy shall be built to the manufactured home.
- 4.52 m. Procedure - In applying for a zoning permit for a manufactured home park, the applicant shall submit his plan to the Planning Commission for its approval in accordance with the Preliminary Plat approval of the City Subdivision Regulations. The plan shall show the following information:
1. Plat of the entire park property.
 2. Subdivision of the property, including all streets, dimensions of streets, and lots, access to public streets, and public areas such as visitor parking spaces, recreational areas, swimming pools, etc. if such areas are proposed.
 3. Location and layout of all utilities, including pipe sizes, meter locations, valves, fire hydrants, sanitary sewer connections, manholes, and connections to the existing public utilities.

ARTICLE 4

4. Typical layout of one manufactured home lot, showing manufactured housing unit location, automobile parking spaces, patio, garbage can receptors, etc.
5. Location of planting to be provided for landscaping purposes, or as required for protective buffer.

4.52 n. Issuance of Zoning Permit - The Planning Commission may attach reasonable special conditions to its approval of a manufactured home park and may direct the Administrative Officer to issue a zoning permit when the applicant presents a valid construction permit from the State Department of Health, as required by Kentucky Revised Statutes 219.150. The Administrative Officer shall not issue the zoning permit until he/she has received written authorization from the Planning Commission, or Board of Adjustment, and until the valid construction permit is presented.

4.52 o. Issuance of Certificate of Compliance - The Administrative Officer shall issue a Certificate of Compliance only after he has determined that the manufactured home park has been prepared according to all applicable state 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.

4.52 p. Enforcement - The Administrative Officer shall insure that all manufactured home parks maintain valid permits to operate and maintain conformance with all applicable regulations of the Zoning Regulation and all special conditions.

4.52 q. Existence - All existing manufactured housing units within the Planning unit which complied with all existing regulations at the time of passage of this Regulation shall be allowed to remain in their present location. No future manufactured housing unit in a new site shall be permanently located outside of an approved park, except as provided in Agricultural and Residential Districts.

4.52 r. Conflict of Regulations - All parts of any existing regulation in conflict herewith are hereby repealed.

ARTICLE 4

4.53 Apartment Houses

4.53 a. Permitted - Apartment houses shall be permitted in the R-5 residential districts.

4.53 b. Area and Density Requirements - An apartment house shall have a minimum lot area of 12,500 square feet for the first two units. For each additional unit, there shall be an additional 3,500 square feet. The minimum required lot width at the building line shall be 100 feet. If municipal sewers are not available for an apartment complex, the required health department lot dimensions shall apply.

4.53c. Yard Requirements -

Front Yard: 25 feet

Rear Yard: 10 feet

Side Yard: 15 feet

Corner lots shall meet the applicable requirements of Section 4.2.3 of this Regulation.

4.53d. Lot Coverage - The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area.

4.53e. Off-Street Parking - Off-street parking shall be provided on site only. All parking areas shall be hard-surface concrete or asphalt and shall provide one and one-half space per dwelling unit.

4.53f. Procedure - An applicant, before applying for a zoning permit or beginning construction, shall prepare a plan or sketch showing lot dimensions and bearings of the parcel intended to be developed, the location, the intended general layout and design and improvements to be installed on the land. The proposal may be reviewed by the Planning Commission.

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 part of the plan before approval is given to the plat. Once approval is received, a zoning permit may be issued.

ARTICLE 4

4.54 Junk Yards

4.54a. Classification - Junk yards are conditional uses, permitted only in industrial zones. All junk yards shall comply with the following regulations:

1. 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,
2. Any junk yard located closer than 2,000 feet from a center line of any public road must comply with the Kentucky Revised Statutes, Chapter 177. The Administrative Officer shall insure that all junk yards comply with city and state regulations,
3. No junk shall be left outside of the screened area for more than twenty-four (24) hours,
4. No junk yard shall be within 1,000 feet of any residential zone,
5. The Board of Adjustment shall have the power to determine if a parcel is being used for a junk yard or not. An occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of a land is being used for a junk yard, and
6. As junk yards can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc. any junk yard must meet Federal and State standards in order to continue to operate. Those found to be in violation shall be notified and be instructed to be brought into compliance.

4.55 Walls and Fences

- 4.55a. Walls and fences shall not be permitted any closer to the street than the yard setback as established by the Zoning Ordinance or subdivision plat filed or any closer than the house/principle structure, except for permitted schools, cemeteries, government buildings and agricultural uses. Residential permitted side and rear yard fencing and walls shall not exceed eight (8) feet in height and shall not contain any barbed wire.
- 4.55b. Where a lot in a residential or commercial zone abuts a publicly dedicated alley, a wall or fence shall be permitted to be located on the property line in the yard that abuts the alley, provided any gate swings in toward the property.

ARTICLE 4

4.55c. Walls and fences shall be permitted in any yard in an industrial zone. There shall be no height restriction placed on any wall of fence erected or maintained in industrial zones, and any barbed wire construction shall be not less than six (6) feet above ground level.

4.6 EXCEPTIONS

4.61 **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. No zoning permit or certificate of compliance is required for the following structures and uses:

4.61a. Local public utility distributing and collecting structures, such as pipe and transmission lines, transformers and meters.

4.61b. 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 Transportation.

4.61c. Private drive, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.

4.61d. Real estate signs or subdivision signs advertising property for sale or rent with less than an area of forty-eight (48) square feet.

4.61e. Signs not over two (2) square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises in residential zones.

4.62 **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, smoke stacks, silos, and flag poles which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in the Zoning Regulation. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the Administrative Officer in doubtful cases. The Kentucky Airport Zoning and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

ARTICLE 4

- 4.63 **Lot of Record** - Where the owner of a lot of official record, which at the time of the adoption, approval and effective date of this Ordinance, 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 2.14

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.

4.7 GENERAL BUFFER/SCREENING REGULATIONS AND RESIDENTIAL/COMMERCIAL/INDUSTRIAL DEVELOPMENT REQUIREMENTS

- 4.71 **Adjacent to Residential Districts** - All commercial or industrial uses located on lots adjacent to a residential district shall maintain a minimum setback requirement of fifty (50) feet on the side adjacent to the residential district.
- 4.72 **Structures on Corner Lots** - All commercial structures on corner lots shall meet the provisions of Sections 1.8 and 4.21 of this Ordinance.
- 4.73 **Sign Requirements** - All signs identifying the commercial activity on the same premises shall meet the provisions of Section 4.3 of this Ordinance.
- 4.74 **Development Characteristics** - All uses in commercial districts shall exhibit characteristics equal to or less than those characteristics which define Light Industry.
- 4.75 **Buffer Areas for Screening** - A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum effective height of six (6) feet, to act as an effective screen shall be required on all rear and side yards of multi-family, manufactured home parks, commercial or industrial land adjacent to a residential district, or within view of a residential use. The same requirement applies to front yards adjacent to a residential district, except the required height shall be two (2) to three (3) feet in height. In addition, multi-family and manufactured home parks shall provide screening from adjacent commercial or industrial districts.

ARTICLE 4

- 4.76 **Multi-family, Manufactured Home Park, Industrial and Commercial Development Plan** - Plans for building construction, parking areas, yards, driveways, entrances, exits and screenings (including location, type and height) shall be approved by the Leitchfield Planning Commission. The Commission may require such changes therein as may be deemed necessary or desirable to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.
- 4.77 **Lot Sizes and Building Scales for Neighborhood Business Districts** - The yard requirements of surrounding residential districts shall apply in Neighborhood Business Districts. When a Neighborhood Business District is between one or more residential districts, the Planning Commission shall decide the standards to be applied in the District. In addition, these structures must be similar in size and scale as in one of the surrounding Residential Districts.

ARTICLE 5

ADMINISTRATION: JURISDICTION AND VIOLATIONS

5.1 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.

- 5.11 The Administrative Officer has initial authority for the literal enforcement of this Zoning Regulation. He/she has no discretionary authority to allow any departure from the literal conformance with this Ordinance.
- 5.12 The Board of Zoning Adjustments 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.
- 5.13 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.

5.2 VIOLATIONS

- 5.21 **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 party 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.
- 5.22 **Penalties** - Any person, or group of persons, including a member of legislative and administrative body of the city violating any provision of this Regulation shall, upon conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

ARTICLE 6

ADMINISTRATION: FEES

6.1 SCHEDULE OF FEES, CHARGES AND EXPENSES

A schedule of fees, charges and expenses and a collection procedure for appeals from the Board of Zoning Adjustment action, variances, conditional use permits, zoning/building permits, certificates of compliance, and requests for zone changes, may be established by the City Council. 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.

Planning Commission and Board of Adjustment Requests must be accompanied by the County Clerk filing fee of twenty dollars (\$20.00) to file the Certificate of Land Use Restriction.

6.2 REZONING REQUEST

Rezoning of any district:

- | | | |
|-------|-----------------|--|
| 6.2a. | 0 - 5.99 acres | \$125.00 |
| 6.2b. | 6 or more acres | \$125.00 plus \$2.00 per additional acre
(not to exceed \$500.00) |

6.3 BUILDING/ZONING PERMIT

See fee structure on following page.

6.4 CONDITIONAL USE PERMIT

Cost	\$75.00
------	---------

6.5 VARIANCE REQUEST

Cost	\$35.00
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ARTICLE 7

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 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 not in itself unconstitutional.

7.3 EFFECTIVE DATE

This Regulation, Ordinance #99-6, shall take effect after its passage and upon publication, with the effective date of January 1, 2000. Duly adopted on this the 19th day of July 1999, and having been read on July 6, 1999.

s/ William H. Thomason
William H. Thomason, Mayor

Clerk Attest:
s/Kerry White
Kerry White

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