

2017 City Zoning Ordinance

Article 1 Enacting Clause & Definitions

City of Horse Cave

January 9, 2016

ARTICLE 1

ENACTING CLAUSE & DEFINITION

1.1 – ENACTING CLAUSE

With the adoption of this Ordinance, the City of Horse Cave is exercising 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 Horse Cave 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 Ordinance.

1.2 – TITLE

This ordinance shall be known as the “Zoning Ordinance for Horse Cave, Kentucky.”

1.3 – ZONING MAP

The map known herein as the “Horse Cave Zoning District Map,” adopted by the Hart County Planning Commission on _____, 20__, and adopted by the City of Horse Cave City Council on _____, 20__, is adopted with this ordinance. The map may be updated from time to time as set forth in KRS 100.211.

1.4 – PURPOSE

The zoning regulations and districts as set forth in this Ordinance have been made in accordance with the Hart County Comprehensive Plan for the purposes of promoting the public health, safety, prosperity, and general welfare of the community. They have been designed to create an orderly, responsible way to plan for the future of city investments and governance and to provide guidance for private property owners.

1.5 – INTERPRETATION

The provisions in this Ordinance 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 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.

1.6 – 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.

1.7 – DEFINITIONS

For the purpose of this Ordinance, the following words are defined as follows. 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.

As used in this chapter, the following terms shall have the meanings indicated as follows:

ACCESSORY AGRICULTURAL ACTIVITIES – Non-commercial agricultural activities such as gardening and the raising of flowers and ornamental plants conducted by the occupants of a residence primarily for their own use or consumption. These activities shall not include any use that is defined as animal husbandry, commercial agriculture, or the keepings of pigs, chickens, or fowl. The excess products of this activity may be sold so long as the volume of sales does not result in excessive noise, traffic, or other adverse impacts on the neighborhood or constitute a commercial operation that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return.

ACCESSORY STRUCTURE – A structure detached from a principal building on the same lot and incidental and subordinate to the principal building.

ACCESSORY USE – A use of land or a building or a portion thereof which is incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

AGRICULTURE – The use of land primarily for the cultivation of crops or animals.

AIRPORT, COMMERCIAL – A facility used for landings and takeoffs by commercial and private fixed wing or rotary wing aircraft. Such a facility typically includes aircraft parking and service facilities.

AIRPORT, PRIVATE – A tract of land used for landings and takeoffs by fixed winged or rotary wing aircraft belonging to the owner or lessor of the land or to a third party using the tract of land with the permission of the owner or lessor of the land.

ALTERATION – A change or rearrangement in the structural parts of a building or structure or in the means of egress or an enlargement, whether by an extension on a side or by an increase in height, or the moving from one location or position to another.

ALLEY – Any public or private way set aside for travel which is twenty (20) feet or less in width.

ANIMAL FEEDLOT – A commercial agricultural establishment consisting of confined feeding areas and related structures used for the finishing of livestock in accordance with USDA regulations. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

ANIMAL HUSBANDRY - LIVESTOCK, ACCESSORY – The breeding and/or raising of livestock, not including poultry (as defined herein), for noncommercial purposes in conjunction with a residence.

ANIMAL HUSBANDRY - POULTRY, ACCESSORY – The breeding and/or raising of poultry for noncommercial purposes in conjunction with a residence.

ANIMAL HUSBANDRY, COMMERCIAL – The commercial breeding and/or raising of livestock. Animal husbandry does not include any activity that is defined as a kennel, stable, animal feed lot, or the keeping of pigs, chickens, and fowl for commercial purposes. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

APARTMENT – Any dwelling unit contained in a multi-unit structure designed to be rented, leased, let, or hired out to be occupied.

APARTMENT HOUSE - Any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two families living independently of each other.

AQUACULTURE – The commercial growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

AQUIFER – A geologic formation, group of formations or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies. Aquifer includes both bedrock aquifers and stratified drift aquifers.

ART CENTER – A facility for the display and/or sale of objects of art, the teaching of art, or the creation of works of art.

AUTOMOBILE CAR WASH – A facility equipped for washing cars manually or automatically.

AUTOMOBILE SERVICE STATION – Any building or premises used primarily for the retail sale of gasoline and lubricants but which may also provide for the incidental servicing of motor vehicles and small engine repair, including grease racks, tire repairs, battery charging, hand-washing of automobiles and the sale of merchandise and supplies related to the servicing of motor vehicles, but excluding body and fender work, engine overhauling, painting, storage of autos not in operating condition or other work involving noise, fumes, glare or smoke.

BASEMENT – Any area of a building having its floor subgrade on all sides.

BED AND BREAKFAST – An owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner's family, not more than four (4) individual sleeping rooms, without cooking facilities, for the purpose of providing to the general public, for compensation, lodging, bathroom facilities and breakfast to overnight patrons only and for no longer than two (2) consecutive weeks. Bed and Breakfast is a conditional use in all Residential and Business zones.

BOARD OF ARCHITECTURAL REVIEW (BOAR) This Board is responsible for reviewing Certificate of Appropriateness applications for projects within the Horse Cave Local Historic District.

BOARDING HOUSE – (An owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner's family, not more than four (4) individual sleeping rooms, without cooking facilities, for the purpose of providing to the general public, for compensation, lodging, bathroom facilities and breakfast to overnight patrons only and for longer than two (2) consecutive weeks. Boarding houses are conditional uses in R-2 and B-2 zones.

BUFFERING – The use of landscaping (other than grass on flat terrain), or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstructs the view.

BUILDABLE AREA – That portion of a building site, exclusive of the required yard areas, on which a structure or building improvement may be erected.

BUILDING – Any structure designed or intended for the support, enclosure, shelter or protection of persons, domestic animals, chattels or property. For purposes of determining exterior measurements or footprint in order to locate the setback line, "building" shall include all attached structures such as open or closed porches, carports, garages, balconies, stairways and other similar structures.

BUILDING CODE – Refers to the Kentucky Building Code.

BUILDING FOOTPRINT – The total area of the ground surface enclosed within the foundation of a building or within the downward projection of the exterior walls of a building.

BUILDING HEIGHT – The vertical distance from the mean grade elevation (average grade around the perimeter of the building) to the mean roof elevation [one-half (1/2) of the vertical distance from eave to ridge].

BUILDING PERMIT – All building construction projects, except single-family dwellings, shall be submitted to the Division of Building Codes Enforcement for review and approval prior to the start of a construction project. Single family dwellings are required to meet the Kentucky Residential Code. The State building inspector shall determine if review and approval is required for accessory structures.

A building permit is issued by the State building inspector and allows a property owner or his or her agent to construct, alter, or remove a building, or engage in similar activity which would alter the character of the lot in question. Neither building permits nor certificates of occupancy for structures are issued by the city, but by the State building inspector or his or her administrative office.

BUSINESS SERVICES – Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.

CAMPGROUND – Any area or tract of land used or designed to accommodate two (2) or more camping parties, including tents, camping trailers, recreation vehicles or other camping outfits, and includes the necessary accessory uses normally associated with such use.

CARETAKER APARTMENT – A dwelling unit that is incorporated into, and is accessory to, a nonresidential use and is occupied by an owner or an employee of the business occupying the principal use and having a gross floor area of less than two thousand (2,000) square feet.

CATEGORY OF USE – Any use listed in ARTICLE 3 as a permitted or conditional use in a zoning district.

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, but are not limited to, cellular telephones, paging, public safety, data transmission, specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

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.

CERTIFICATE OF OCCUPANCY - A document issued by the Building Inspector allowing occupancy and certifying that the structure has been constructed in compliance with all the applicable municipal and state codes and ordinances. A certificate of occupancy is required for all activities that require a building permit. See ARTICLE 2.

CERTIFICATE OF ZONING APPROVAL - A document issued by the Zoning Administrator stating the property is approved for its intended use in compliance with this Ordinance. A Certificate of Zoning Approval is required for all activities that require a Zoning Permit and/or a Building Permit. See ARTICLE 2.

CINEMA – A motion picture theater.

CLUB – A building or portion thereof used by a group of people organized as a non-profit organization for a common purpose to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. A club includes the facilities occupied by a fraternal or similar organization.

COMMERCIAL AGRICULTURE – The use of land for commercial agricultural purposes including tilling of the soil, raising of crops, pasturage, and including the necessary accessory structures and uses normally associated with such uses. Commercial agriculture includes the raising of flowers but does not include any activity that is defined as animal husbandry, an animal feedlot, a plant nursery, or the keeping of pigs, chickens, and fowl. Any activity that requires the filing of Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

COMMERCIAL USE – A nonresidential use operated for profit or compensation.

COMMON OPEN SPACE – Land within or related to a subdivision that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, provide active or passive recreation, or accommodate support facilities related to the subdivision, and that is restricted from significant development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state through legally binding fee ownership or conservation easements.

COMMUNITY CENTER – A building that accommodates recreational, educational, entertainment, and/or cultural activities primarily for use by residents of a subdivision or by residents of the community-at-large.

CONDITIONAL USE – Those uses which because of peculiar characteristics or because of size, technological processes or equipment or because of the exact location with reference to surroundings, streets and existing improvements or because of demands upon public facilities, require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same area.

CONDITIONAL USE PERMIT – An authorization to conduct a conditional use when such authorization is required by these regulations and when established according to the procedures outlined in ARTICLE 2 of these regulations. Conditional use permits are issued by the board of Zoning Adjustment and consists of two parts:

- (a) Date meant of the factual determination by the board of zoning adjustment which justifies the issuance of the permit and,
- (b) A statement of the specific conditions which must be met in order for the use to be permitted

CONDOMINIUM – A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional undivided basis. Condominiums shall be considered a subdivision and reviewed accordingly.

CONFERENCE CENTER – A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. If sleeping accommodations are part of the facility, transients that are not attending activities at the center may occupy not more fifty percent (50%) of the accommodations at any time.

CONSUMER AND PERSONAL SERVICES – Outlets which provide non-auto related repair, grooming, business, fitness centers, financial or non-auto related maintenance services for the consumer, either on site or at another location. Businesses providing for the repair of personal and business property such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; small engines and equipment; and similar items but not including the repair of motor vehicles, boats, or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

CONTIGUOUS - Touching at a point or along a boundary; Adjoining.

CONVENIENCE STORE WITH GASOLINE SALES – A retail store that includes the retail sales of gasoline and similar petroleum products but provides no other automobile services such as repairs or washing.

CRAFTSHOP WITH ACCESSORY PRODUCTION – A studio of a crafts person or group of crafts people. A craft shop may include the sale of crafts and the production of crafts for sale on the premises.

DAY CARE, CENTER – A principal use of a lot containing a facility that employees licensed care and supervision of unrelated individuals for a fee for up to 12 continuous hours separated by minimum of eight hours. The supervision shall comply with all federal, state, and local laws and regulations. Day Care Centers are conditional uses in R-2, B-2 and B3 zones.

DAY CARE, HOME – Incidental and secondary use of a primary dwelling unit for the provision of care during part of the 24-hour day to six or fewer

children, under 12 years of age **or** three (3) or fewer adults, who are not related to the operator by blood, marriage or adoption. Family Home Day Care is a conditional use in residential districts. Day Care Centers are conditional uses in R-2, B-2 and B3 zones.

DEVELOPER – An owner, the owner’s agent, or any other person, firm or organization with authorization from the owner, who intends to improve or to construct improvements upon his/her property.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTURBED AREA – An area in which natural vegetation is removed, exposing the underlying soil.

DRIVE THROUGH FACILITY – A service facility designed for the convenience of the motoring public that is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle

DRIVEWAY – A private, vehicular access connecting a house, parking area, garage or other building with the street.

DWELLING UNIT – One (1) or more rooms arranged, designed or used for residential purposes for one (1) household and containing independent sanitary and cooking facilities. The presence of cooking and sanitary facilities conclusively establishes the intent to use for residential purposes.

EDUCATIONAL FACILITIES – A building or part thereof principally used, designed or adapted for educational use or instruction and operated by an educational institution authorized under Kentucky Revised Statutes and Kentucky Administrative Regulations.

ENTRY, LIMITED BY AGE – The use of any lot or structure that restricts entry based on minimum age requirements. This includes sexually related businesses regulated under Chapter 115 of the Horse Cave Code of Ordinances.

EXCAVATION – A land area that is used, or has been used, for the commercial taking of earth, including all slopes. This includes removal from its natural location of soil, sand, gravel, rock, topsoil, loam, clay, peat, or other mineral deposits. This does not include the excavation of material incidental to approved construction of buildings, driveways, or parking areas; or the excavation of material incidental to and at the site of construction or repair of streets.

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

FINANCIAL INSTITUTION – A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, free-standing Automatic Teller Machines (ATM), and check cashing facilities.

FLOOR AREA, GROSS – The sum of the areas of all floors of a building as measured from the exterior dimensions, but not including cellars, attics, porches, garages or areas occupied by heating and ventilating equipment.

FLOOR AREA, HABITABLE – Heated areas used daily for living, eating, cooking or sleeping, including bathrooms and bedroom closets; but excluding garages, circulation areas (stairways, hallways, corridors), storage areas, (including but not limited to attics, unfinished basements, and utility rooms). For the purposes of this chapter, "habitable floor area" is deemed to be seventy (70) percent of the gross floor area of a given building unless evidence sufficient to rebut that presumption in the form of complete floor plans drawn to a standard scale is submitted to the Zoning Administrator. This presumption shall not apply in any instance where the owner or occupant(s) of the building allow inspection and measurement of such interior floor areas by the Zoning Administrator. It is recognized that, under this definition, it is possible for the "habitable floor area" to exceed 70% of the gross floor area.

FORESTRY – Forestry shall include the growing, stocking, cutting, or sale of forest trees of any size for habitat management, for producing timber, or for other forest products; and pre-commercial silvicultural activities including but *not* limited to timber stand improvement.

FOUNDATION, PERMANENT – A continuous perimeter foundation of masonry or concrete constructed in accordance with the Kentucky Building Code.

FRONTAGE – See "lot frontage."

FUNERAL HOME – An establishment where the dead are prepared for burial or cremation and where wakes and funerals may be held. A funeral home may include a chapel and/or facilities for the storage of vehicles used in the business.

GALLERY – A business involving the display and sale of objects of art such as paintings, sculpture, assemblies, and collages. A gallery may include the studio of one or more artists.

GARAGE - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.

GARAGE, PUBLIC - A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

GARAGE, STORAGE - A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangement and not to transient, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired or sold.

GOVERNMENT FACILITY – A structure or parcel of land the use of which is governmental. The use, construction or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, or by a county, city, school district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

GOVERNMENT USE – The use or development of a parcel of land or building by a governmental body, agency, or organization or by a quasi-governmental agency or organization carrying out a recognized governmental function.

GROUNDWATER – All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

GROUNDWATER RECHARGE – The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

HOME OCCUPATION – Any occupation maintained and conducted entirely within a dwelling by a resident of that dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes. Neither the selling of any merchandise nor processing of any product shall qualify as home occupation. Home occupations include only those which meet the following performance standards:

- (a) Home occupations shall be incidental to the principal residential use, and shall not occupy more than twenty-five (25%) of the total floor area.
- (b) Home occupations shall result in no exterior evidence, except a permitted sign not to exceed six (6) square feet, that the dwelling is used for nonresidential use.
- (c) Home occupations shall not generate any atmospheric pollution, flashing lights, odor, noise, vibration or truck or other heavy traffic nor result in any change of the residential character of the dwelling.

HOSPITAL – An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL – A building containing one (1) or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities for stays of less than two (2) consecutive weeks, to the general public for compensation, with or without meals, and usually providing on-site recreational services, function rooms, housekeeping, laundry and related services. Access to rooms is provided by interior corridors.

INDUSTRY, HEAVY – Those industries which produce the emission of any atmospheric pollutant, light flashes or glare, odor, noise, or vibration which may be heard, seen, or felt off the premises and those industries which constitute the fire or explosion hazard.

INDUSTRY, LIGHT – Those industries which do not produce or constitute any of the above conditions.

INTERSTATE COMMERCIAL BUSINESS – Commercial uses which are located within two thousand (2,000) feet of the center of an interchange on Interstate 65.

JUNKYARD – An area where junk is stored, bought, or received and processed for resale in part or whole. A lot, land or structure or part thereof used primarily for the collecting, processing, storage, salvaging, purchasing or sale of waste, scrap, salvaged or discarded goods, including vehicles not in working or running condition and whose usable parts are sold to the public.

KARST - A landscape generally underlain by limestone or dolomite, in which the topography is chiefly formed by dissolving the rock and that may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves

KEEPING OF CHICKENS AND FOWL FOR COMMERCIAL PURPOSES– The commercial breeding and/or raising of chickens, ducks, turkeys, and similar fowl. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

KENNEL – An establishment where three (3) or more small animals are kept or boarded or where dogs or small animals are bred or raised on a commercial basis.

LANDSCAPE BUFFER – A permanent landscaped buffer of solid evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum height of five (5) feet shall be required on all rear and side yards of commercial abutting any residential district.

LANDSCAPING – Some combination of planted, living trees, shrubs, hedges, vines, ground cover and flowers suitable for the climate, exposure and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as foundations, pools, artworks, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plans for landscaping purposes shall be arranged in a manner compatible with the building and its surroundings.

LIBRARY – A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints are kept for reference or reading.

LIVESTOCK – Horses, ponies, mules, donkeys, oxen, cattle, sheep, goats, swine, buffalo, llamas, emus, ostriches, alpacas, and any other large animal raised primarily in the outdoors or in unheated structures and that serve as a beast of burden or a source of meat or wool.

LOCAL HISTORIC DISTRICT (LHD): The Horse Cave Local Historic District encompasses a cohesive group of historic commercial and residential buildings and sites that are historically significant and include those buildings and sites listed in the National Register of Historic Places. The Horse Cave Historic Preservation Ordinance # 2000-08 was formally adopted by the Horse Cave City Council on April 9, 2001. A map showing the boundaries of this district is on file with the Zoning Administrator.

LOT – A legally recorded and defined parcel of land or two (2) or more contiguous parcels to be used as a unit under the provisions of these regulations.

LOT AREA – The total horizontal area within the confines of the boundary lines of a lot. The "lot area" shall not include any part of a public right-of-way which it fronts or abuts.

LOT, CORNER – A lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A "corner lot" shall be considered to be in that block in which the lot fronts.

LOT COVERAGE – The aggregate gross ground floor area of all buildings on a lot expressed as a percentage of the total lot area, excluding parking facilities, sidewalks and driveways.

LOT FRONTAGE – A lot line dividing the lot from a street right-of-way.

LOT LINE:

1. **LOT FRONT** – The front property line of a lot shall be determined as follows:

(a) CORNER LOT – The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line.

(b) INTERIOR LOT – The front property line of an interior lot shall be the line bounding the street frontage.

(c) THROUGH LOT – The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block.

2. LOT REAR – The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.

3. LOT SIDE – The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

MAINTENANCE – The replacing or repair of a part or parts of a building or structure which have been made unusable, unsafe, or unsightly, or have been damaged by ordinary wear or tear or by the weather.

MANUFACTURED HOUSING – A manufactured building designed for long-term single family 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 known as the HUD (U. S. Department of Housing and Urban

Development) code, as well as the Kentucky Building Code structural and installation requirements. Any manufactured home less than 20 feet in width or 40 feet in length must be in a manufactured housing park. Manufactured housing larger than 20 feet in width and 40 feet in length, and meeting all other applicable regulations are allowed in R-2 and B-2 zones.

MANUFACTURED HOME PARK – Any site, or tract of land, under single ownership, upon which three (3) or more manufactured or 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 B2 or B3 district as a conditional use approved by the Board of Adjustment and as prepared and approved according to the procedures set forth ARTICLE 2 of this Ordinance.

MEDICAL CLINIC – A structure or group of structures occupied by one or more medical practitioners for the purpose of providing health services to people on an outpatient basis.

MINING – Activities performed in the extraction of minerals including the excavation of pits, removal of minerals, removal of dimension stone, removal or quarrying for the production of construction aggregate, disposal of overburden, and the construction of roads for the haulage of mining materials but not including removal activities that are part of development projects that have received site plan or subdivision approval or that are undertaken only for the purpose of improvement of or use on the owner's property in which there will be no removal of materials from the site.

MODULAR HOME – Manufactured housing as defined in this section which includes a set of standards which clarify the difference between manufactured homes and modular housing units and has the following conditions:

- (a) A building permit is obtained.
- (b) Size shall be a minimum of 20 feet wide and 40 feet long and restricted to R-2 and B-2 Districts.
- (c) The home has a minimum size of eight hundred (800) square feet and is manufactured according to standards set by the most current regulations of the Department of Housing and Urban Development.
- (d) The home is attached to a solid continuous foundation of concrete, or continuous foundation properly laid concrete blocks with footer.
- (e) The home is veneered to the roofline with a brick and or stone and or appropriate and acceptable siding materials from the foundation line.

(f) The home is manufactured with a gable roof built over the entire unit with the pitch of at least two and one-half (2 ½) inches from the peak to the eave or other acceptable industry standards.

(g) All conditions established by utility companies for all other standard housing units must be met and all utilities must be permanently attached to the modular home

(h) The above conditions must be met within 90 days from the date of the permit is issued and the performance bond of 10% of the value the home shall be required with surety acceptable to the city.

MOTEL – A building containing one (1) or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities for stays of less than two (2) consecutive weeks, to the general public for compensation, with or without meals, and usually providing on-site recreational services, function rooms, housekeeping, laundry and related services. Access to individual guest rooms is provided directly from the outside or from exterior corridors, walkways, or balconies.

MOTOR VEHICLE SERVICE FACILITY – A business that provides service, maintenance, and repairs for motor vehicles, including the accessory sale of parts and supplies. This use includes muffler, transmission, and brake shops, tune-up centers, repair garages, and similar uses but shall not include operations involving body work, painting, structural repairs or alterations.

MULTI-BUILDING DEVELOPMENT - A development with the construction of two or more buildings on a single lot which is under single ownership and which will not be divided and sold into smaller parcels.

MUSEUM – A nonprofit institution operated principally for the purpose of preserving, acquiring, and exhibiting objects of historical, cultural, scientific, or artistic interest and which may also engage in the incidental retail sales of items related to its principal purpose.

NEW AND USED MOTOR VEHICLE SALES AND SERVICE – The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers, recreation vehicles, motorcycles, or similar motorized vehicles. This use may include repair facilities for such vehicles.

NONCONFORMING BUILDING – A structure or building, the size, dimensions and location of which were lawful prior to the adoption, revision or

amendment of a Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING LOT – A lot, the area, dimensions and location of which were lawful prior to the adoption, revision or amendment of the Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

NONCONFORMING USE – A lawful use of a building, other structure or use of land which predated the adoption of the zoning use regulations now and/or previously in effect and which would not be a use authorized in the district designation currently applied to that site.

NONMUNICIPAL WELL – Any well not owned and operated by a local government or its agent.

NURSERY OR PRE-SCHOOL – A school for children primarily between the ages of three and five that provides preparation for elementary school.

NURSING HOME – A facility licensed by the State of Kentucky as a nursing home and that provides intermediate and/or skilled nursing care to individuals, who by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

OCCUPANCY – The predominant use classification of a building, structure or land.

OFFICE, BUSINESS – A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place, but where no “walk-in” consumer retail sales of physical products occur. A business office may include research and development activities, software development, and information transfer and management activities but shall not include the production of physical products for sale or distribution.

OFFICE, PROFESSIONAL – A building containing one (1) or more offices in which there is no display of unrelated stock or wares in trade commodity sold, nor any commercial use conducted other than the professional offices of a doctor, dentist, lawyer, architect, engineer and related laboratories, insurance

agent, realtor or other similar professional services, but excluding barbershops, beauty salons or similar services.

OPEN SPACE – Land such as, but not limited to, recreational areas, playgrounds, and conservation land that contains no structures other than those incidental to recreation or agriculture.

OWNER – An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

PARKING SPACE – A space within or without a building, exclusive of driveways, meeting the minimal requirements of this chapter, used to temporarily park a motor vehicle and having access to a public street or driveway.

PERENNIAL STREAM – A stream that, under normal circumstances, runs all year long.

PERMITTED USE – A use specifically permitted or analogous to those specifically permitted as set forth in the Table of Uses or the zoning district standards.

PLACE OF WORSHIP - Building(s) that people regularly attend to participate in or hold religious services, meetings, and other activities.

PLANT NURSERY – The commercial cultivation and/or raising of flowers, ornamental and greenhouse plants, and other vegetation including the necessary accessory structures and uses normally associated with such uses. A plant nursery may include the retail sale of plant materials raised on the premises together with related accessory items.

PLANNED DEVELOPMENT PROJECT - A planned development project may depart from the literal conformance with the regulations for individual lot development. A Planned Development Project may be permitted in any district in accordance with this Ordinance. See ARTICLE 4.

POULTRY – For the purpose of this Ordinance the term “poultry” refers to chickens and turkeys only.

PREMISES – A lot, parcel, tract, or plot of land together with the buildings and structures thereon. Premises may be further defined as the principal use dwelling unit/residence, or non-residential building, and any accessory structures to that principal use, where there are multiple principal buildings on a single lot.

PRIMARY BUILDING LINE – The setback from the reference line.

PRINCIPAL USE – The primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are accessory.

PROHIBITED USE – A use which is not specifically permitted.

PUBLIC FACILITY – Libraries, hospitals, recreational facilities, schools, parks, and similar operated by a unit of government.

PUBLIC UTILITY – A public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, telephone, television cable, gas and transportation for persons and freight.

PUBLIC WAY – A road, sidewalk, footpath, trail, or navigable waterway accessible to the public.

RECREATIONAL FACILITY, INDOOR – A building or structure enclosed by walls and a roof designed and equipped for the conduct of indoor sports, leisure activities, and other customary and usual recreational activities. These include, by way of example only, skating rinks, gymnasia, bowling alleys, fitness centers, shooting ranges, and arcades.

RECREATIONAL FACILITY, OUTDOOR – A place or structure designed and equipped for the conduct of outdoor sports, leisure activities, and other customary and usual outdoor recreational activities. An outdoor recreational facility shall not involve the use of individual motorized vehicles, all-terrain vehicles, off highway recreational vehicles, motorized rides, or fire arms.

Outdoor recreation facilities include, by way of example only, miniature golf courses, cross country ski centers, stadia, tennis courts, and ball fields.

RECREATIONAL PLAYING FIELDS, OUTDOOR – Non-commercial outdoor playing fields for organized practices like soccer, field hockey, baseball and similar outdoor sports. No structures allowed except for necessities like small sheds for maintenance and portable toilets. No lighting, voice amplification equipment or paved parking lots or areas shall be permitted.

RECREATIONAL VEHICLE – A vehicle which is: (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

RECYCLING BUSINESS OR CENTER – One that meets the same criteria as a junkyard except it does not include vehicles in whole or part.

RESIDENTIAL CARE FACILITY- A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities as defined in KAR 20:078. Residential Care Facilities are conditional uses in R-2.

RELIGIOUS USE/FACILITY – A structure or place in which worship ceremonies, rituals and education pertaining to a particular system of beliefs are held.

REPAIR – Work conducted to restore an existing legal structure by partial replacement of worn, broken, or unsound parts or to fix a specific defect, during which all of the exterior dimensions are intact and remain so during construction.

RESIDENCE, DUPLEX –A building and accessories thereto principally used, designed or adapted with two (2) dwelling units, each of which is completely separate. Duplex residences are allowed in R-2 and B-2 zones.

RESIDENCE, MULTI-UNIT – A building and accessories thereto principally used, designed or adapted with three (3) or more dwelling units. A multi-unit residence includes “townhouse,” “apartment,” and “condominium” styles of

attached dwelling units even if the units are separated by a fire wall. Multi-unit residences are conditional uses in R-2 and B-2 zones.

RESIDENCE, SINGLE-FAMILY – A building and accessories thereto principally used, designed or adapted as a single dwelling unit.

RESTAURANT – A commercial establishment open to the general public where food and beverage are prepared, served and consumed primarily within the principal building. Adequate seating shall be provided.

RESTAURANT, CARRYOUT – A commercial establishment open to the general public which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase, either within or outside the premises, of prepared ready-to-eat foods intended to be consumed either on or off the premises.

RESTAURANT OR CAFETERIA ACCESSORY TO AN OFFICE BUILDING – A food service establishment that primarily serves occupants and other users of an office building or complex rather than the general public.

RETAIL SALE OF FARM PRODUCTS – The sale directly to the consumer of agricultural products grown or raised on the premises or on other land that is part of the same agricultural business including processed products that are made from products grown or raised on the premises or related land.

RETAIL STORE – An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SETBACK – The required horizontal distance, in feet, from a lot line to any structure.

SIGN – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definition includes interior signs that are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods for sale displayed in a business window. Also, the definition does

not include religious symbols or paintings which do not display lettering and do not advertise a business, product, or service and which are not a trademark or logo for a business, product, or service. See ARTICLE 5 of this Ordinance for a complete listing of related definitions. Permits for all allowed signs shall be issued by the Zoning Administrator.

SINKHOLE – A closed drainage basin in areas of carbonate (limestone or dolomite) rocks. These concave depressions (as defined in 902. K.A.R. 10:2(13)(i) may be bowl, funnel, or cylindrical. Sinkholes are formed from the solution of the underlying carbonate rock and, upon a landscape which does not have stream valleys, they direct surface runoff into cave streams in the underlying carbonate aquifer.

SITE PLAN – A plan of a lot, tract or parcel of land showing the specific location of all existing and proposed features, such as buildings, other structures, driveways, parking, landscaping, easements, utilities, drainage, etc.

STORAGE UNITS - also known as self-service storage units, “mini storage” – Rooms, lockers, containers, also known as “storage units”, that are rented for the purpose of storing personal property. Rented units may not be used as places of residence or for business activity, merchandising, or sales. Storage Units are conditional uses in Zones B2 and I1.

STREET, PUBLIC – A dedicated public right-of-way for vehicles which affords a principal means of access to abutting properties.

STRUCTURE – That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground. "Structures" include but are not limited to a building, swimming pool, mobile home, billboard, pier, wharf, septic system, parking space/parking lot and deck. It shall not include a minor installation such as a fence under six (6) feet high, a mailbox, a flagpole, or an accessory shed.

SUBDIVISION – the division of the parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots of 5 acres or more and not involving a new street should not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

SURFACE PARKING – A parking lot or other at-grade, uncovered facility for the parking of five (5) or more motor vehicles.

TEMPORARY – A period of less than ninety (90) days when in reference to a time frame and not having or requiring permanent attachment to the ground when in reference to structures.

THEATER – A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

TOWING AND RECOVERY BUSINESS – a lot, land, or part thereof used primarily for the storing of vehicles brought to the property by a towing wrecker or other means for the purpose of storing vehicles until claimed by the owner or sold for storage fees incurred in accordance with state laws.

TOXIC OR HAZARDOUS MATERIAL – Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant actual or potential hazard to water supplies or other hazard to human health. "Toxic or hazardous materials" include,–but are not limited to: volatile organic chemicals; petroleum products; heavy metals; radioactive materials; infectious materials or wastes; acids; alkalis; products such as pesticides, herbicides, solvents and thinners; or such other substances as defined generally in KRS 224 and 401 KAR 31:005.

TRUCKING AND DISTRIBUTION FACILITY – A facility for the short term storage and trans-shipment of materials or goods including express delivery, common carriers, oil terminals, moving companies, and similar operations.

USE – The specific purpose for which a building or lot is arranged, intended, designed, occupied or maintained.

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

VETERINARY CLINIC/GROOMING – A facility where animals or pets are given medical or surgical treatment or where animals and pets are groomed, and in which the boarding of animals is short-term and incidental to the medical care or grooming.

WAREHOUSE – A building for the storage of commercial goods and materials.

WAREHOUSE, MINI STORAGE – Any self-service storage building housing individual storage units or lockers, each of which is accessible through a private entrance, and rented to the public for storage of personal or business belongings.

WHOLESALE SALES – Trade that involves the storage and sale of merchandise, in bulk or large quantities, exclusively to retailers for resale or to industrial, commercial, or institutional users.

YARD – Any open space that lies between the principal building or group of buildings and the nearest lot line and is unoccupied by any structure, unless specifically permitted, and is further defined as front yard, side yard, and rear yard.

ZONING ADMINISTRATOR – Any person authorized to administer any provision of this Ordinance.

ZONING PERMIT – A zoning permit is required for all new structures, additions to structures, demolition, or moving of structures and any other change to a property which involves this Ordinance. Zoning permits are issued to ensure compliance with the zoning ordinance and map. This document is issued by the Zoning Administrator 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 this Ordinance or authorized variance therefrom. This permit must be obtained at City Hall by the property owner or contractor prior to the start of work.

2017 City Zoning Ordinance

Article 2 Administration & Permits

City of Horse Cave

January 9, 2016

ARTICLE 2

ADMINISTRATION & PERMITS

2.1 - ADMINISTRATION

The Zoning Administrator shall administer and enforce this Ordinance. The Zoning Administrator shall have the authority to make inspection of buildings and premises necessary to carry out their duties in administration and enforcement of this Ordinance.

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.

2.2 - ZONING PERMITS REQUIRED

2.2.1 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, or any other work on property covered by this ordinance until the Zoning Administrator has issued a zoning permit for such work.

A Certificate of Appropriateness is required from the Board of Architectural Review for exterior alterations to any building within the Downtown Historic District. This Certificate shall be included in the application for a Zoning Permit for work done within that District. A map of the Downtown Historic District Overlay is on file at City Hall and is incorporated by reference herein. (See City Ordinance 2000-08)

2.2.2 Exceptions - No zoning permits shall be required in the following cases:

2.2.2a Recurring maintenance work.

2.2.2b Installation of required improvements according to an approved subdivision plat.

2.3 - ZONING PERMIT ISSUANCE AND FEE

2.3.1 Application - In applying to the Zoning Administrator for a zoning permit, the applicant shall submit a to-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 Zoning Administrator, for determining whether the provisions of the Ordinance are being observed and upheld.

2.3.2 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 Zoning Administrator shall issue a permit for such excavation. If a zoning permit is refused, the Zoning Administrator 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 Zoning Administrator shall grant or deny the permit within fourteen calendar days from the date the application is submitted.

2.3.3 Validity - The issuance of a permit shall, in no case, be construed as waiving any provision of this chapter.

2.3.4 Duration - A zoning permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the project described therein. A zoning permit may be renewed without fee upon review by the Zoning Administrator before it becomes void.

2.3.5 Fee Required - Application for a zoning permit shall be accompanied by a fee as required by this ordinance. The fee shall be paid into the General Fund of the city to be used to help defray the costs processing of applications. The fee schedule is in ARTICLE 7.

2.3.6 Permanent File - The Zoning Administrator shall keep a permanent file of all applications with accompanying plans and all permits issued.

2.4 - BUILDING PERMITS REQUIRED

A building permit is required to construct, alter, or remove a building or engage in similar activity which would alter the character of the lot in question.

A building permit is issued by the State building inspector and allows a property owner or his or her agent to construct new residential single-family, single-family manufactured/modular, two-family construction, multi-family,

business, commercial and industrial structures. A building permit may also be required to alter or engage in similar activity on existing structures. Neither building permits nor certificates of occupancy for buildings are issued by the Zoning Administrator or other city official, but by the State Building Inspector or his or her administrative office.

2.5 - CERTIFICATE OF OCCUPANCY REQUIRED FOR ALL STRUCTURES THAT REQUIRE A BUILDING PERMIT

No person shall use or allow the use of any structure which requires the issuance of a building permit as required by Section 2.4 of this Ordinance until a certificate of occupancy has been issued by the State Building Inspector or his or her administrative office.

2.6 - CERTIFICATE OF ZONING APPROVAL REQUIRED FOR ALL ACTIVITIES THAT REQUIRE A ZONING AND/OR BUILDING PERMIT

No person shall use or allow the use of any structure or premises, wholly or partly, for which a Zoning Permit has been issued by the Zoning Administrator until a Certificate of Zoning Approval has been issued by the Zoning Administrator. Such certificate shall show that the use, or the premises, or the affected part thereof, are in conformance with the provisions of this Ordinance, and to withhold such certificates unless all requirements of this Ordinance have been met.

2.6.1 No Occupancy Permitted - No person shall occupy or allow occupancy of any building or premises until the Zoning Administrator has been notified by the Building Inspector that the details of water, electricity, and where applicable, sanitary sewer and natural gas are completed in such a fashion that such utilities are available for use on the property in question.

2.7 - AUTHORIZED USE

Building permits, Zoning permits or Certificates of Zoning Approval and Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Administrator and Building 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.

2.8 - 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 Zoning Administrator. The Zoning Administrator shall properly record such complaint and investigate and take action thereon as provided by the Ordinance.

2.9 - 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 not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each offense. Each day of violation shall constitute a separate offense. Any person shall, upon conviction, be fined not less than fifty dollars (\$50) but not more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer, where such sale or transfer, or contract therefore, constitutes a violation of this Ordinance.

2.10 - MAP AMENDMENT PROCEDURES

A proposal for amendments to the Horse Cave Zoning District Map may originate only with the Hart County Planning Commission, the Horse Cave City Council or 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 Hart County 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.

2.10.1 Pre-Application Conference - Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Zoning Administrator 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 Zoning Administrator 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. An affidavit shall be supplied to the Commission Secretary at the public hearing affirming that such actions have occurred as required.

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.

2.10.6 Recommendation of Commission for Zoning District Map Amendments - Before making recommendations to the Horse Cave 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 Horse Cave City Council.

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

2.10.7.1 The map amendment is in agreement with the city's comprehensive plan, or,

2.10.7.2 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:

2.10.7.2a That the existing zoning classification given to the property was inappropriate and the proposed zoning classification is appropriate; and/or

2.10.7.2b 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.

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 Horse Cave City Council for four-year terms ending on the first month of the designated year. No more than two (2) members of the Board shall be current members of the Horse Cave City Council. 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.

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

2.12.2 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.

2.12.3 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.

2.12.4 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.

2.12.5 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:

2.12.5a The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

2.12.5b To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky.

2.12.5c To issue subpoenas, and to hear and decide applications for conditional use permits, variances, and non-conforming uses.

2.12.5d To review administrative actions in enforcement of this Ordinance.

2.12.5e To grant and revoke conditional use permits.

2.12.5f To grant dimensional variances on lots of record.

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

2.12.7 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 Zoning Administrator 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 zoning 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. An affidavit shall be supplied to the Board Secretary at the public hearing affirming that such actions have occurred as required.

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.

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:

2.13.3a Annual Review - The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met.

2.13.3b Annual Review - The Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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.

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.

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:

2.14.3a 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

2.14.3b 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

2.14.3c 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

2.14.3d 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

2.14.6.1 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 Zoning Administrator based in whole or in part upon the provisions of this regulation.

2.14.6.2 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 Zoning Administrator and failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.

2.14.6.3 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.

2.14.6.4 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. An affidavit shall be supplied to the Board Secretary at the public hearing affirming that such actions have occurred as required.

2.14.6.5 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.

2.14.6.6 Notice of Decision - The Board of Adjustment shall decide the appeal within sixty (60) days and give written notice to the Zoning Administrator 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.

2.16 - FEES

A schedule of fees and a collection procedure shall be established by the Board of Zoning Adjustment. No action shall be taken by the Board on any application or appeal unless the appropriate fees have been paid.

2.17 - 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 Ordinance:

2.17.1 The Administrative Officer has initial authority for the literal enforcement of this Ordinance. He or she has no discretionary authority to allow any departure from the literal conformance with this regulation.

2.17.2 The Board of Zoning Adjustment has authority to hear appeals from decisions by the Zoning Administrator and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Zoning Administrator. The Board also has the power to make only those departures from a literal conformance with this Ordinance which is specifically delegated to it.

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

2017 City Zoning Ordinance

Article 3.1

Residential Districts

City of Horse Cave

January 9, 2016

ARTICLE 3

ZONING DISTRICT REGULATIONS

3.1 – RESIDENTIAL DISTRICTS

The following regulations shall apply in residential districts:

3.1.1 Permitted uses in R-1 Districts:

3.1.1a Single Family Dwellings

3.1.2 Conditional Uses in R-1 Districts:

3.1.2a Home Occupations as defined by ARTICLE 1 of this ordinance.

3.1.2b Home day care.

3.1.2c Public or non-profit private facilities such as schools, churches, cemeteries, libraries, recreational facilities, hospitals. The Board of Zoning Adjustment may attach restrictions – including required parking – as deemed necessary to protect the character of Residential Districts.

3.1.2d Bed and Breakfast

3.1.3 Dimension and Area Requirements in R-1 Districts

3.1.3a Minimum lot area: 6,000 square feet

3.1.3b Minimum lot width at building line: 75 feet

3.1.3c Minimum setback from Right of Way: 25 feet

3.1.3d Minimum rear yard: 25 feet

3.1.3e Minimum side yard: 15 feet

3.1.3f Maximum building coverage: 40 percent of gross lot

3.1.3g Maximum building height above grade: 30 feet

3.1.3h Maximum units per gross acre: 7.26 units

3.1.3i Accessory structures permitted only in side and rear yards – 5-foot minimum setback

3.1.4 Permitted uses in R-2 Districts:

3.1.4a Single Family Dwellings

3.1.4b Two Family Dwellings

3.1.5 Conditional Uses in R-2 Districts:

3.1.5a Home Occupations as defined by ARTICLE 1 of this ordinance.

3.1.5b Home day care.

3.1.5c Day care centers.

3.1.5d Apartment houses comprising more than two (2) units in one structure; manufactured home parks as defined in ARTICLE 1.

3.1.5e Bed and Breakfast

3.1.5f Boarding House

3.1.5g Residential Care Facility

3.1.5h Public or non-profit private facilities such as schools, churches, cemeteries, libraries, recreational facilities, hospitals. The Board of Zoning Adjustment may attach restrictions – including required parking – as deemed necessary to protect the character of Residential Districts.

3.1.6 Dimension and Area Requirements in R-2 Districts

3.1.6a Minimum lot area:

3.1.6a.1 Single family: 6,000 square feet

3.1.6a.2 Two family: 9,000 square feet

3.1.6a.3 Apartment house (when permitted by conditional use): 10,000 square feet for first 3 units; 3,000 additional lot square feet required for each additional unit

3.1.6a.4 Manufactured home park (when permitted by conditional use): 43,560 square feet; 3,000 square feet for each individual lot-see ARTICLE 4.4.2 for additional standards

3.1.6b Minimum lot width at building line:

3.1.6b.1 Single family: 75 feet

3.1.6b.2 Two family: 100 feet

3.1.6b.3 Apartment house (when permitted by conditional use): 100 feet

3.1.6b.4 Manufactured home park (when permitted by conditional use): see ARTICLE 4.4.2 for additional standards

3.1.6c Minimum setback from Right of Way:

3.1.6c.1 Single family: 25 feet

3.1.6c.2 Two family: 25 feet

3.1.6c.3 Apartment house (when permitted by conditional use): 25 feet

3.1.6c.4 Manufactured home park (when permitted by conditional use): see ARTICLE 4.4.2 for additional standards

3.1.6d Minimum rear yard:

3.1.6d.1 Single family: 25 feet

3.1.6d.2 Two family: 25 feet

3.1.6d.3 Apartment house (when permitted by conditional use): 25 feet

3.1.6d.4 Manufactured home park (when permitted by conditional use): see ARTICLE 4.4.2 for additional standards

3.1.6e Minimum side yard:

3.1.6e.1 Single family: 8 feet

3.1.6e.2 Two family: 8 feet

3.1.6e.3 Apartment house (when permitted by conditional use): 15 feet

3.1.6e.4 Manufactured home park (when permitted by conditional use): see ARTICLE 4.4.2 for additional standards

3.1.6f Maximum building coverage:

3.1.6f.1 Single family: 45 percent

3.1.6f.2 Two family: 45 percent

3.1.6f.3 Apartment house (when permitted by conditional use): 50 percent

3.1.6f.4 Manufactured home park (when permitted by conditional use): N/A

3.1.6g Maximum building height above grade:

3.1.6g.1 Single family: 30 feet

3.1.6g.2 Two family: 30 feet

3.1.6g.3 Apartment house (when permitted by conditional use): 30 feet

3.1.6g.4 Manufactured home park (when permitted by conditional use): 20 feet

3.1.6h Maximum units per acre:

3.1.6h.1 Single family: 7.26 units per gross acre

3.1.6h.2 Two family: 9.6 units per gross acre

3.1.6h.3 Apartment house (when permitted by conditional use): 14.1 units per gross acre

3.1.6h.4 Manufactured home park (when permitted by conditional use): 12 units per net acre

3.1.6i Accessory structures permitted only in side and rear yards
5-foot minimum setback

3.1.7 Accessory Structures and uses permitted in all Residential Districts

3.1.7a Garages as defined as in ARTICLE 1.

3.1.7b Swimming pools accessory to dwelling units and not intended for use by the general public.

3.1.7c Recreational facilities and structures accessory to dwelling units and not intended for use by the general public.

3.1.7d Storage Building

DRAFT

2017 City Zoning Ordinance

Article 3.2

Commercial Districts

City of Horse Cave

January 9, 2016

ARTICLE 3.2 COMMERCIAL DISTRICTS

The following regulations shall apply in Commercial Districts:

3.2.1 Commercial District General Regulations

3.2.1a General Regulations for B-1, B-2, B-3 Districts

3.2.1a.1 All development in Commercial Districts shall conform to ARTICLE 4.

3.2.1a.2 There shall be no outdoor storage of merchandise or materials and no outdoor processing in B-1 and B-2 districts. Outdoor storage and processing in B-3 districts shall be permitted as a conditional use.

3.2.1a.3 All B-2 and B-3 uses located on lots adjacent to a residential district shall maintain a minimum setback requirement of 25 feet on the side adjacent to the residential district.

3.2.1a.4 All structures in B-2 and B-3 districts on corner lots shall meet the provisions of ARTICLE 4 of this ordinance.

3.2.1a.5 All uses in B-1, B-2 and B-3 districts shall exhibit performance standards equal to or greater than those defined under Light Industry.

3.2.1a.6 A permanent landscaped buffer of solid evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum height of five (5) feet shall be required on all rear and side yards of commercial districts abutting any residential district.

3.2.1a.7 Plans for building construction, vehicle and pedestrian circulation parking areas, landscaping and other items shall be approved by the Zoning Administrator or other designated person.

3.2.1a.8 Public facilities such as, libraries, parks, recreational facilities, hospitals shall be allowed as conditional uses in all commercial zones.

3.2.1a.9 The Horse Cave Historic Preservation Design Guidelines apply to the local historic district overlay that includes parts of B-1 and B-2 and take precedent over general regulations for B1 or B2 zones when located within the Local Historic District. Any new construction, alteration, restoration, relocation or demolition of an

historic building, structure, site, or object that is visible to the public within this area must submit an application the Horse Cave Board of Architectural Review (BOAR) for approval.'

3.2.2 B-1 Downtown Commercial District - The purpose of the Downtown Commercial District is to encourage renewal while maintaining the existing character and overall appearance of the core 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.

3.2.2a Permitted uses in B-1 Districts:

3.2.2a.1 Retail sales

3.2.2a.2 Restaurants

3.2.2a.3 Consumer and personal services

3.2.2a.4 Business services

3.2.2a.5 Professional offices

3.2.2a.6 Financial institutions

3.2.2a.7 Galleries and Museums

3.2.2a.8 Off-street parking facilities

3.2.2a.9 Any accessory use or building customarily incidental to the above permitted uses.

3.2.2a.10 Signs according to ARTICLE 5

3.2.2b Prohibited uses in B-1 Districts:

3.2.2b.1 Restaurants with drive-thru facilities

3.2.2b.2 Day care centers

3.2.2b.3 Places of worship

3.2.2b.4 Funeral homes

3.2.2b.5 Any business which is primarily of a wholesale storage or a warehouse nature

3.2.2b.6 Motels

3.2.2b.7 Coal, lumber, or building supply yard

3.2.2b.8 Fertilizer bulk plant

3.2.2b.9 Feed mill

3.2.2b.10 Dairies

3.2.2b.11 Bottling works

3.2.2b.12 Electric welding,

3.2.2b.13 Gasoline, oil or alcohol storage above ground in excess of 500 gallons

3.2.2b.14 Ice plants

3.2.2b.15 Self storage units

3.2.2b.16 New and used motor vehicle sales and service

3.2.2b.17 Farm implement and trailer sales

3.2.2b.18 Any other use which is not specifically permitted

3.2.2c Conditional Uses in B-1 Districts:

3.2.2c.1 Apartment houses

3.2.2c.2 Bed and Breakfast

3.2.2c.3 Public or non-profit private facilities such as schools, cemeteries, libraries, recreational facilities, hospitals.

3.2.2c.4 Other uses which would not be incompatible with the purposes of the B-1 District

3.2.2d Dimension and Area Requirements subject to the requirements of ARTICLE 4.2 for B-1 Districts

3.2.2d.1 Minimum lot area: NA

3.2.2d.2 Minimum lot width at building line: 50 feet

3.2.2d.3 Minimum front yard setback: NA

3.2.2d.4 Minimum rear yard setback: NA

3.2.2d.5 Minimum side yard setback: NA

3.2.2d.6 Maximum building height: 30 feet

3.2.2d.7 Maximum lot coverage: 100 percent

3.2.2d.8 Accessory structures: subject to ARTICLE 4.2

3.2.2d.9 Apartment houses: density as required in ARTICLE 3.1

3.2.3 B-2 General Commercial Districts - The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Downtown Commercial District.

3.2.3a Permitted uses in B-2 Districts:

3.2.3a.1 All uses in B-1 Districts

3.2.3a.2 Apartment houses

3.2.3a.3 Retail Sales

3.2.3a.4 Consumer and personal services

3.2.3a.5 Professional offices

3.2.3a.6 Business services and offices

3.2.3a.7 Funeral homes

3.2.3a.8 Financial institutions

3.2.3a.9 Restaurants with drive-thru facilities

3.2.3a.10 New and used car sales

3.2.3a.11 Farm implement, supplies, and trailer sales

3.2.3a.12 Day Care Centers

3.2.3a.13 Places of worship

3.2.3a.14 Hotels

3.2.3a.15 Motels

3.2.3a.16 Medical clinics

3.2.3a.17 Motor vehicle service facility

3.2.3a.18 Nursery or pre-school

3.2.3a.19 Plant nurseries

3.2.3a.20 Mini Storage

3.2.3a.21 Kennels

3.2.3a.22 Galleries and Museums

3.2.3a.23 Off-street parking facilities

3.2.3a.24 Signs according to ARTICLE 5.

3.2.3a.25 Any accessory use or building customarily incidental to the above permitted uses.

3.2.3b Prohibited uses in B-2 Districts:

3.2.3b.1 Any business which is primarily of a wholesale storage or a warehouse nature

3.2.3b.2 Coal supply yard

3.2.3b.3 Fertilizer bulk plant

3.2.3b.4 Feed mill

3.2.3b.5 Dairy

3.2.3b.6 Bottling works

3.2.3b.7 Electric welding,

3.2.3b.8 Ice plant

3.2.3b.9 Metal Buffing or Polishing

3.2.3b.10 Any other use which is not specifically permitted

3.2.3c Conditional Uses in B-2 Districts:

3.2.3c.1 Building supply dealers

3.2.3c.2 Public or Storage Garages

3.2.3c.3 Towing and recovery (max 10 vehicles)

3.2.3c.4 Drive-in theaters

3.2.3c.5 Indoor or outdoor recreational facilities

3.2.3c.6 Nursing homes

3.2.3c.7 Bed and Breakfast

3.2.3c.8 Boarding House

3.2.3c.9 Multi-unit Residential

3.2.3c.10 Convenience Store

3.2.3c.11 Service Station

3.2.3c.12 Craft shop with Accessory Production

3.2.3c.13 Public or non-profit private facilities such as schools, churches, cemeteries, libraries, recreational facilities, hospitals.

3.2.3c.15 Other uses which would not be incompatible with the purposes of the B-2 District

3.2.3d Dimension and Area Requirements subject to the requirements of ARTICLE 4.2 for B-2 Districts

- 3.2.3d.1** Minimum lot area: 2,000 square feet
- 3.2.3d.2** Minimum lot width at building line: 100 feet
- 3.2.3d.3** Minimum front yard setback: 30 feet
- 3.2.3d.4** Minimum rear yard setback: 20 feet
- 3.2.3d.5** Minimum side yard setback: 10 feet
- 3.2.3d.6** Maximum building height: 30 feet
- 3.2.3d.7** Maximum lot coverage: 50 percent
- 3.2.3d.8** Accessory structures: subject to ARTICLE 4.2
- 3.2.3d.9** Apartment houses: density as required in ARTICLE 3.1

3.2.4 B-3 Interstate Commercial Districts - The purpose of the Interstate Commercial District is to encourage the establishment of areas for high traffic business uses. This district is specifically designed to service the motoring public. This district is only intended to be created within two thousand (2,000) feet from the center of an Interstate interchange with another road.

3.2.4a Permitted uses in B-3 Districts:

- 3.2.4a.1** All uses in B-1 and B-2 Districts
- 3.2.4a.2** All uses in I-1 Districts
- 3.2.4a.3** Apartment houses
- 3.2.4a.4** Retail Sales
- 3.2.4a.5** Consumer and personal services
- 3.2.4a.6** Professional offices
- 3.2.4a.7** Business services and offices
- 3.2.4a.8** Restaurants with drive-thru facilities

- 3.2.4a.9** Financial institutions
- 3.2.4a.10** Funeral homes
- 3.2.4a.11** Galleries
- 3.2.4a.12** Golf courses
- 3.2.4a.13** Hospitals
- 3.2.4a.14** Nursing homes
- 3.2.4a.15** Hotels
- 3.2.4a.16** Motels
- 3.2.4a.17** Medical clinics
- 3.2.4a.18** Motor vehicle service facility
- 3.2.4a.19** New and used motor vehicle sales and service
- 3.2.4a.20** Public and Storage Garages
- 3.2.4a.21** Nursery or pre-school
- 3.2.4a.22** Plant nurseries
- 3.2.4a.23** Farm implement, supplies, and trailer sales
- 3.2.4a.24** Recreational facility, indoor or outdoor
- 3.2.4a.25** Retail sale of farm products
- 3.2.4a.26** Drive-in theaters
- 3.2.4a.27** Theatres
- 3.2.4a.28** Cinemas
- 3.2.4a.29** Convenience stores with gasoline sales
- 3.2.4a.30** Service Stations
- 3.2.4a.31** Craft shop with accessory production

3.2.4a.32 Private airport

3.2.4a.33 Campground

3.2.4a.34 Conference center

3.2.4a.35 Day Care centers

3.2.4a.36 Places of worship

3.2.4a.37 Mini Storage

3.2.4a.38 Towing, and recovery facilities (less than 10 vehicles)

3.2.4a.39 Off-street parking facilities

3.2.4a.40 Signs according to ARTICLE 5

3.2.4a.41 Public facilities

3.2.4a.42 Any accessory use or building customarily incidental to the above permitted uses.

3.2.4b Prohibited uses in B-3 Districts:

3.2.4b.1 Junkyards

3.2.4b.2 Recycling centers

3.2.4b.3 Any uses permitted in I-2 Districts

3.2.4b.4 Any other use which is not specifically permitted

3.2.4c Conditional Uses in B-3 Districts:

3.2.4c.1 Towing and Recovery (more than 10 vehicles)

3.2.4c.2 Trucking and Distribution facility

3.2.4c.3 Outdoor storage and processing

3.2.4c.4 Manufactured Home Parks

3.2.4c.5 Any business that limits entry by age requirements except sexually oriented business, which are permitted only in I-1 zones.

3.2.4c.6 Public or non-profit private facilities such as schools, churches, cemeteries, libraries, recreational facilities, hospitals.

3.2.4c.7 Other uses which would not be incompatible with the purposes of the B-3 District

3.2.4d Dimension and Area Requirements subject to the requirements of ARTICLE 4.2 for B-3 Districts

3.2.4d.1 Minimum lot area: 10,000 square feet

3.2.4d.2 Minimum lot width at building line: 100 feet

3.2.4d.3 Minimum front yard setback: 50 feet

3.2.4d.4 Minimum rear yard setback: 30 feet

3.2.4d.5 Minimum side yard setback: 30 feet

3.2.4d.6 Maximum building height: 50 feet

3.2.4d.7 Maximum lot coverage: 50 percent

3.2.4d.8 Accessory structures: subject to ARTICLE 4.2

3.2.4d.9 Apartment houses: density as required in ARTICLE 3.1

2017 City Zoning Ordinance

Article 3.3

Industrial Districts

City of Horse Cave

January 9, 2016

ARTICLE 3.3 INDUSTRIAL DISTRICTS

The following regulations shall apply in Industrial Districts:

3.3.1 Industrial District General Regulations

3.3.1a General Regulations for I-1 and I-2 Districts

3.3.1a.1 All development in Industrial Districts shall conform to ARTICLE 4.

3.3.1a.2 Plans for building construction shall be approved by the Building Inspector. Plans for vehicle and pedestrian circulation parking areas, and other items shall be approved by the Zoning Administrator or other designated person.

3.3.1b Dimension and Area Regulations for Industrial Districts -

The regulations on the dimensions and area of lots and structures are set forth below.

3.3.2 I-1 Light Industrial District - 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.

3.3.2a Permitted Uses in I-1 Districts:

3.3.2a.1 Non-retail commercial uses except retail sale of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction.

3.3.2a.2 Wholesale commercial uses

3.3.2a.3 Warehouse

3.3.2a.4 Mini Storage

3.3.2a.5 Animal hospital

3.3.2a.6 Bakery

3.3.2a.7 Bottling works

3.3.2a.8 Building material yard

3.3.2a.9 Cabinet making

3.3.2a.10 Carpenter's shop

3.3.2a.11 Clothing manufacture

3.3.2a.12 Dairy

3.3.2a.13 Drying and dry-cleaning works

3.3.2a.14 Fruit canning or packing

3.3.2a.15 Ice plants

3.3.2a.16 Laundry

3.3.2a.17 Milk distribution station

3.3.2a.18 Optical goods

3.3.2a.19 Paper box manufacture

3.3.2a.20 Pencil printing

3.3.2a.21 Publication or engraving

3.3.2a.22 Storage Garage

3.3.2a.23 Trucking and Distribution Facility

3.3.2a.24 Towing and recovery (less than 10 vehicles)

3.3.2a.25 Plastic molding

3.3.2a.26 Signs according to ARTICLE 5

3.3.2a.27 Any accessory use or building customarily incidental to the above permitted uses.

3.3.2a.28 These permitted uses to include manufacturing, treatment, altering, finishing or assembling incidental thereto.

3.3.2b Prohibited Uses I-1 Districts:

3.3.2b.1 Uses which constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties shall not be allowed.

3.3.2c Conditional Uses in I-1 Districts:

3.3.2c.1 Recycling centers

3.3.2c.2 Kennels

3.3.2c.3 Towing and recovery (more than 10 vehicles)

3.3.2c.4 Other industrial uses not listed above which can be classified as light industry according to the definition in ARTICLE 1

3.3.2d Dimension and Area Requirements subject to the requirements of ARTICLE 4.2 for I-1 Districts

3.3.2d.1 Minimum lot area: 6,000 square feet

3.3.2d.2 Minimum lot width at building line: 75 feet

3.3.2d.3 Minimum front yard setback: 50 feet

3.3.2d.4 Minimum rear yard setback: 25 feet

3.3.2d.5 Minimum side yard setback: 25 feet except on lots adjacent to residential districts or public rights of way, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjacent to the residential district or public right of way.

3.3.2d.6 Maximum building height: 30 feet

3.3.2d.7 Maximum lot coverage: 50 percent including accessory structures

3.3.2d.8 Accessory structures: same setbacks as with primary structure

3.3.3 I-2 Heavy Industrial Districts - 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.

3.3.3a Permitted Uses in I-2 Districts:

3.3.3a.1 Any use permitted in the Light Industrial District.

3.3.3a.2 Manufacturing, fabrication and/or processing of any commodity subject to the specific Conditional Uses in Section 3.3.3b.

3.3.3a.3 Retail sale of any commodity manufactured, fabricated or processed on the premises, or of any commodity designed especially for use in agriculture, mining, industry, business, transportation or construction.

3.3.3a.4 The generation of electric power and/or gas distribution.

3.3.3a.5 All permitted uses must meet all State and Federal regulatory requirements.

3.3.3a.6 Signs according to ARTICLE 5.

3.3.3a.7 Any accessory use or building customarily incidental to the above permitted uses.

3.3.3b Conditional Uses in I-2 Districts The following uses shall require a conditional use permit, unless in conflict with any other regulation of the city:

3.3.3b.1 Central mixing plant for cement, mortar, plaster, or paving materials

3.3.3b.2 Coke oven

3.3.3b.3 Curing, tanning, and storage of raw hides and skins

3.3.3b.4 Distillation of bones, coal, wood or tar

3.3.3b.5 Fat rendering

3.3.3b.6 Forge plant

3.3.3b.7 Foundry or metal fabrication plant

3.3.3b.8 Gasoline or oil storage above ground in excess of five hundred (500) gallons

3.3.3b.9 Slaughter house or stockyards

3.3.3b.10 Smelting plant

3.3.3b.11 The manufacture of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, or tile, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, or storage of same, linseed oil, paint, paper, oil, turpentine, varnish, soap and tar products

3.3.3b.12 Junk yards with vehicles

3.3.3b.13 Any other use which in the opinion of the Board of Zoning Adjustment would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust, or other objectionable conditions beyond the confines of its property. The Board may grant such approval if it determines that the proposed use would not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located.

3.3.3c Dimension and Area Requirements subject to the requirements of ARTICLE 4.2 for I-2 Districts

3.3.3c.1 Minimum lot area: 20,000 square feet

3.3.3c.2 Minimum lot width at building line: 100 feet

3.3.3c.3 Minimum front yard setback: 100 feet

3.3.3c.4 Minimum rear yard setback: 30 feet

3.3.3c.5 Minimum side yard setback: 30 feet except on lots adjacent to residential districts or public rights of way, all buildings shall be located so as to provide a minimum side yard of one hundred (100) feet on the side adjacent to the residential district or public right of way.

3.3.3c.6 Maximum building height: 30 feet

3.3.3c.7 Maximum lot coverage: 50 percent, including accessory structures

3.3.3c.8 Accessory structures: same setbacks as with primary structure.

2017 City Zoning Ordinance

Article 3.4

Agricultural Districts

City of Horse Cave

January 9, 2016

ARTICLE 3.4 AGRICULTURAL DISTRICTS

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

3.4.2 Permitted Uses in Agriculture Districts:

3.4.2a Agricultural crops and the raising of farm animals and feeding lots. Pens or structures for farm animals shall not be located closer than five hundred (500) feet to any residential, commercial, or industrial district.

3.4.2b Commercial greenhouses including offices and sale yards, provided that no building for any heating plant, ventilation flue, or other opening except stationary windows be located within fifty (50) feet of any residential district.

3.4.2c Animal kennel, provided that any structure or area used for such purposes, including pens, or exercise runs, shall be at least one hundred (100) feet distant from any residential district.

3.4.2d Single-family dwellings occupied by the owner or full-time operator of the farm and such additional single-family dwellings as are necessary for occupancy by full-time employees of the farm operation. The gross density shall not exceed 1 unit per five acres. Development within an Agriculture Zone shall require a minimum of five acres per lot and a plat to be drawn and submitted to the Hart County Planning Commission for approval. The development plat shall conform to the requirements set forth by the Hart County Planning Commission. Any changes to a road or street in an Agriculture Zone subdivision shall be submitted to the Hart County Planning Commission for approval.

3.4.2f Sale on the premises of agricultural products produced on the premises, provided that where such products are sold from a roadside stand, it shall be a temporary structure only, and shall be removed

during the winter months, and when in use, shall be set back from any road right-of-way at least thirty (30) feet to permit parking and ingress and egress and shall not be constructed in such location as to create an undue traffic hazard, subject to the regulations in ARTICLE 4.

3.4.2g Accessory Uses Permitted: Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main buildings; private swimming pools; and tennis courts.

3.4.3 Conditional Uses in Agriculture Districts - The following uses may be permitted as conditional uses in an Agricultural District:

3.4.3a Airports and/or landing strips, cemeteries, public or private sewerage disposal plants, hospitals, and sanitariums, wireless transmitting stations.

3.4.3b Public and parochial schools and colleges, and private schools and colleges for academic instruction.

3.4.3c Oil wells or gas wells, including the drilling thereof.

3.4.3d Country club or golf course, libraries, public parks, playgrounds and community centers, churches, private non-commercial recreational areas, public utility and railroad structures.

3.4.3e Private outdoor recreational activity.

3.4.3f Quarries and gravel pits.

3.4.3g Home occupations.

3.4.3h Other uses which are consistent with these permitted and conditional uses.

3.4.4 Dimension, Area Regulations, & Exceptions for Agricultural Districts

3.4.4a Dimension and Area Regulations:

3.4.4a.1 Lot area: 5 acres

3.4.4a.2 Lot width: 250 feet

3.4.4a.3 Front yard setback: 50 feet

3.4.4a.4 Rear yard setback: 50 feet

3.4.4a.5 Side yard setback: 50 feet

3.4.4b Exceptions Land which is used solely for agricultural farming, dairying, stock raising or similar purposes shall have no regulations imposed as to zoning permits, certificates of occupancy, height, yard, location of court requirements for agricultural buildings, except that:

3.4.4b.1 A setback line of twenty-five (25) feet or greater shall be required of all buildings for the protection of existing and proposed streets and highways; and

3.4.4b.2 that all buildings or structures in a designated floodway or flood plain which tend to increase flood heights or obstruct the flow of flood water shall be regulated by the Planning Commission, and therefore, require the review and approval of the Hart County Planning Commission.

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

2017 City Zoning Ordinance

Article 3.5

Conservancy Districts

City of Horse Cave

January 9, 2016

ARTICLE 3.5 CONSERVANCY DISTRICTS

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

3.5.2 Permitted uses in Conservancy Districts:

3.5.2a Any use that does not require the erection of a structure or structures intended for year-round use or occupancy, fences excepted.

3.5.2b General agricultural operations: This shall not include or permit a use or activity within three hundred (300) feet of any residential or business district boundary, if such use or activity results in unreasonable and continuous odor or dust. In the event that such use or activity is conducted within three hundred (300) feet of a residential or business district boundary prior to the construction of a residential or business structure, no right shall be acquired to continue such use after the erection of a residential or business structure adjacent to the district boundary line.

3.5.3 Conditional Uses in Conservancy Districts - The following uses may be permitted as conditional uses in a Conservancy district:

3.5.3a Public parks, playgrounds, recreational areas provided no structure intended for regular occupancy is erected.

3.5.3b The construction, installation, operation and maintenance of water and gas pipes, mains and conduits, electric transmission and distribution lines, telephone, television and telegraph lines, oil pipe lines, and sewer lines, provided such facilities are properly screened and protected.

3.5.4 Dimension and Area Regulations

3.5.4a Lot area: NA

3.5.4b Lot width: NA

3.5.4c Front yard setback: NA

3.5.4d Rear yard setback: NA

3.5.4e Side yard setback: NA

2017 City Zoning Ordinance

Article 4

General Regulations

City of Horse Cave

January 9, 2016

ARTICLE 4 GENERAL REGULATIONS

4.1 – ORDINANCE 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 Hart County/Horse Cave 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 as per the standards and procedures laid out in Article 2 of this 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 are 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 six (6) consecutive 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.

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. A non-conforming structure, or a structure containing a non-conforming use, may be modified as long as it complies with all setbacks for the zoning district. Non-conforming structure must continue to comply with all building codes.

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.

4.1.3h Zoning Interpretation - In the case of a single lot of record which is unevenly divided by a zoning district line, the entire lot will be zoned with the majority. In cases where a single lot is evenly divided by a zoning district line, then the Horse Cave Board of Adjustment shall determine the lot zoning district according to Article 2 of this Ordinance.

4.1.4 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 Hart County Health Officer's review for proposed sewerage facilities or certificate approving completed sewerage facilities must accompany applications for zoning permits and certificates of occupancy and zoning compliance for uses that require a zoning permit.

4.1.5 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 Hart County Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action.

4.2 – GENERAL REGULATIONS FOR LOTS AND YARDS

4.2.1 Obstruction to Vision at Street Intersections on Corner Lots - A sight triangle shall be established for corner lots in all districts except B-1 Central Business districts. This sight triangle shall be determined by a straight line intersecting the two right-of-way lines at a point thirty (30) feet from the intersection. Within this sight triangle there shall be no obstruction to vision between a height of two and one half (2½) feet and twelve (12) feet above the average elevation of the existing street surfaces.

4.2.2 Building Setback Lines - A front yard building setback line for all districts except B-1 Central Business districts 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.

All front yard setback lines shall be established at a distance of twenty-five (25) feet from the street right-of-way. Except in cases of corner lots, variances may be granted according to Article 2 of this Ordinance for a lot where adjoining development does not meet this requirement, but in no case shall the setback distance be less than fifteen (15) feet.

4.2.3 Setback Requirements for Corner Lots - In residential districts, if the required building front yard 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.

4.2.4 Regulations for Double-Frontage Lots - Double frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.

4.2.5 Application of Yards to One Building Only - No part of a front yard required for any building may be included as fulfilling the front yard requirements for an adjacent building.

4.2.6 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.

4.2.7 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.

4.3 GENERAL REGULATIONS FOR VEHICLES

4.3.1 Required Off-street Parking - Off street parking spaces with access to a public right-of-way shall be required for all land uses according to this Ordinance 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.

4.3.1a Required Parking Calculations

4.3.1a.1 Single-Family Residences - Two (2) spaces per dwelling unit.

4.3.1a.2 Two-Family Residences - Two (2) spaces per dwelling unit.

4.3.1a.3 Apartment House - One and one-half (1-1/2) spaces per unit.

4.3.1a.4 Nursing home - One (1) space for every two (2) rooms.

4.3.1a.5 Hotels and Motels - One (1) space per unit plus one (1) space per each three employees.

4.3.1a.6 Auditorium, Theater or Stadium or Other Similar Use - One (1) parking space for each five seats available at maximum capacity.

4.3.1a.7 Place of Worship - One (1) space for each three seats available at maximum capacity.

4.3.1a.8 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.

4.3.1a.9 Commercial uses - 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.

4.3.1a.10 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 Hart County Planning Commission may require additional space if it deems necessary.

4.3.2 Existing Parking Spaces - Existing off-street parking spaces provided for any building or use at the time of the enactment of this Ordinance shall not thereafter be reduced unless it exceeds the requirements of this regulation. Any existing building or use not providing the amount of off-street parking required by this Ordinance shall provide the required off-street parking upon any building alteration or expansion of the use.

4.3.3 Parking Requirements for Change in the Principal Structure or 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.

4.3.4 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:

4.3.4a 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.

4.3.4b 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.

4.3.4c 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.

4.3.4d 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 with appropriate plant material or fencing.

4.3.4e 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. See Article 10 of the Hart County/Horse Cave Subdivision Regulations for Guidelines.

4.3.4f Parking areas shall be paved with an asphalt, concrete, brick, or other properly bound surface, so as to be durable and dustless.

4.3.4g Each parking space shall be physically delineated on the surface of the parking area.

4.3.4h All driveway aprons shall be paved.

4.3.4i 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.

4.3.4j Fire lanes shall be at least twenty (20) feet in width with the pavement edge closest to the building and 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.

4.3.5 Off-Street Loading and Unloading Regulations for Trucks –

Except in B-1 zones, 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.

4.3.6 Additional Parking, Loading and Unloading Regulations

4.3.6a Arrangement of Off-Street Parking Space - Off-street parking space required for any building or use may be located within 400 feet from the premises it serves, but detached there from, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Hart County 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.

4.3.6b Proof of Availability - The Hart County 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 permit.

4.4 – SPECIAL REGULATIONS

4.4.1 Manufactured Housing

4.4.1a Permitted - Single Family Manufactured or Modular Housing with minimum dimensions of twenty (20) feet wide and forty (40) feet long shall be allowed in the R-2 and B-2 zones, subject to the conditions as defined in ARTICLE 1 of this Ordinance, and subject to all requirements of those zones as stated in Article 3 of this ordinance.

4.4.1b 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.

4.4.2 Manufactured Home Parks

4.4.2a 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 twelve (12) 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.

All units less than twenty (20) feet wide and forty (40) feet long must be located in Manufactured Home Parks.

4.4.2b Lot Requirements - Individual lots within a manufactured home park shall not be less than three thousand (3,000) 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 forty (40) feet.

4.4.2c 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.

4.4.2d Frontage - All manufactured home parks shall front on a public street or road for at least one hundred (100) feet.

4.4.2e 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 ten (10) 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.

4.4.2f 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 as specified in Section 5.3 of the Hart County Subdivision Regulations. The owner of the manufactured home park shall maintain the streets within the park: no streets in a manufactured home park shall be eligible for dedication to the city.

4.4.2g Parking - One paved automobile parking area shall be provided on every manufactured housing lot, plus one-quarter (1/4) parking space for each manufactured home lot. This additional parking may be in a central location, but in no case more than three hundred (300) feet from the manufactured housing unit for which it is provided.

4.4.2h 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.

4.4.2i 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. Such structures shall be built in compliance with the Kentucky State Building Code.

4.4.2j Foundation - All manufactured housing must be placed either on concrete foundation or mortared concrete blocks. All manufactured housing shall have their wheels removed. The bottom of a manufactured housing unit shall 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 mobile home.

4.4.2k 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.

4.4.2l Connecting Structures - Only porches, stairs, and other open structures may be attached to a manufactured housing unit and must be easily removable. No structure for human occupancy shall be built on or added to the manufactured home.

4.4.2m Procedure - In applying for a zoning permit for a manufactured home park, the applicant shall first submit his/her plan to the Horse Cave Zoning Administrator and the Horse Cave Board of Adjustment for approval of a conditional use permit. If such conditional use is approved, the applicant shall then provide his/her plan in accordance with the Preliminary Plat/Development Plan requirements of the Hart County/Horse Cave Subdivision Regulations to the Hart County Planning Commission for its review and approval. At a minimum, the plan shall show the following information:

4.4.2m.1 Plat or plan of the entire park property.

4.4.2m.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.

4.4.2m.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.

4.4.2m.4 Large-scale plan of one (1) typical manufactured housing lot showing home location, parking, etc.

4.4.2m.5 Location of landscape planting or as required for buffer as a special condition of the Horse Cave Board of Adjustment conditional use approval.

4.4.2n Issuance of Zoning Permit - The Horse Cave Board of Adjustment may attach reasonable special conditions to its approval of a manufactured home park and may direct the Horse Cave Zoning Administrator to issue a zoning permit when the applicant presents a valid construction permit from the State Building Inspector and the State Department of Health, as required by Kentucky Revised Statutes 219.150 as well as all other information required by this Ordinance and the Subdivision Regulations and approved by the Hart County Planning Commission. The Horse Cave Zoning Administrator shall not issue the zoning permit until he/she has received written authorization from the Hart County Planning Commission and the Horse Cave Board of Adjustment, and until the valid construction permit is presented.

4.4.2o Issuance of Certificate of Occupancy - The Horse Cave Zoning Administrator shall issue a Certificate of Zoning Approval in accordance with Section 2 of this Ordinance only after he/she has determined that the manufactured home park has been prepared according to previously approved plans and special conditions and all applicable state regulations and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes.

4.4.2p Enforcement – The Horse Cave Zoning Administrator 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.

4.4.2q Non-conforming use - All existing manufactured housing units within the planning unit which complied with all existing regulations at the time of passage of this Ordinance shall be allowed to remain in their present location.

4.4.2r Conflict of Regulations - All parts of any existing regulation in conflict herewith are hereby repealed.

4.4.3 Junk Yards and Recycling Centers

4.4.3 Classification - Junk Yards and Recycling Centers are conditional uses only in the I-1 and I-2 industrial zones. Applications for conditional use for junk yards shall follow the requirements of Section 2 of this

Ordinance. All Junk Yards and Recycling shall comply with the following regulations:

4.4.3a All Junk Yards and Recycling Centers must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The Horse Cave Zoning Administrator shall approve the type of screening used.

4.4.3b 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 Horse Cave Zoning Administrator shall insure that all Junk Yards comply with city and state regulations,

4.4.3c No junk or recycling material shall be left outside of the screened area for more than twenty-four (24) hours,

4.4.3d No junk yard or recycling center shall be within 1,000 feet of any residential zone,

4.4.3e The Horse Cave Zoning Administrator shall have the power to determine if a parcel is or is not being used for a junk yard or recycling center. 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 or recycling center.

4.4.3f As junk yards or recycling centers can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc. any junk yard or recycling center 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.

4.4.3g All existing junk yards and recycling centers must comply with this Ordinance within two (2) years and receive a conditional use permit from the Horse Cave Board of Adjustment or cease to operate within two (2) years from the date of passage of this ordinance.

4.5 – PLANNED DEVELOPMENT PROJECT REGULATIONS

4.5.1 A planned development project which may depart from the literal conformance with the regulations for individual lot development may be permitted in any district in accordance with this Ordinance. All planned development projects shall be subject to the following regulations:

4.5.1a Procedure - When a planned development project is proposed, the procedure for subdivision approval as set forth in the Hart County

Subdivision Regulations and the most recent Hart County Comprehensive Plan shall be followed in its entirety.

A preliminary plat and final plat, both approved by the Hart County Planning Commission shall be required for every planned development project. The project shall be developed according to the approved final plat. Zoning and building permits shall be required before construction and certificates of occupancy and zoning approval are required according to Article 2 of this Ordinance.

4.5.1b Uses - The uses of premises in a planned development project shall conform with the permitted uses of the zoning district in which it is located. Mixed uses are only permitted in districts specifically zoned for "planned development." The Horse Cave Board of Adjustment retains sole review and discretion for any conditional use in planned development projects.

4.5.1c Standards - In any planned development project, although it is permissible to depart from the literal conformance with these regulations and lot dimensions, there shall be no diminution of the total equivalent lot area. The Hart County Planning Commission may allow reductions in lot size, parking requirements, street widths, and loading and unloading areas upon proof by the developer that efficiencies of large scale development may permit such reductions. These efficiencies could include offering open space in the development, provision of other amenities, and/or the protection of scenic, natural, or historic resources.

4.5.1d Special Conditions - The Hart County Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Ordinance. The planned development project shall conform with all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects must be flexible.

4.6 – WALLS AND FENCES

4.6.1 Front walls and fences in R-1, R-2, B-2, and B-3 zones shall not be permitted any closer to the street than the front yard setback as established by the Horse Cave Zoning Ordinance or subdivision plat filed or any closer than the house/principle structure, except for permitted schools, cemeteries, government buildings and agricultural uses. Permitted side and rear yard fencing and walls in R-1 and R-2 zones shall not exceed eight (8) feet in height and shall not contain any barbed wire.

4.6.2 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.

4.6.3 Walls and fences shall be permitted in any yard in an industrial zone. Their maximum height of such fences shall not exceed the maximum height for permitted structures. Any barbed wire fence shall be not less than six (6) feet above ground level.

4.7 – EXCEPTIONS

4.7.1 Use Exceptions - Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. No zoning permit or certificate of compliance is required for the following structures and uses:

4.7.1a Local public utility distributing and collecting structures, such as pipe and transmission lines, transformers and meters.

4.7.1b 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.

4.7.1c Private drive, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.

4.7.2 Height Exceptions - Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings such as radio towers, ornamental spires, water towers, smoke stacks, silos, and flag poles which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in this Ordinance. The Horse Cave Board of Adjustment shall interpret whether or not height regulations apply upon application by the Horse Cave Zoning Administrator in doubtful cases. The Kentucky Airport Zoning Commission and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

2017 City Zoning Ordinance

Article 5

Sign Regulations

City of Horse Cave

January 9, 2016

ARTICLE 5

SIGN REGULATIONS

5.1 Intent

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

- A. Reduce intrusions and protect property values;
- B. Minimize undue distractions to the motoring public;
- C. Protect the tourist industry by promoting a pleasing community image; and
- D. Enhance and strengthen economic stability.

5.2 Scope

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the city of Horse Cave.

5.3 Exempt Signs

The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit:

- A. Signs not visible beyond the boundaries of the property upon which they are located.
- B. Government signs that are placed by government officers in the performance of their professional/elected duties.
- C. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
- D. Vehicle signage when painted directly on a vehicle or attached magnetically.
- E. Temporary signage of 3 square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three square feet or smaller placed on or after the first day of October and removed by November 15.
- F. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- G. Signage placed by realtors in the performance of their professional duties.
- H. Window signage.

5.4 Permit Requirements

- A. No sign regulated by this ordinance (except those specifically exempted in Section 5.4.1 below) shall be displayed, erected, relocated, or altered

unless all necessary permits have been issued by the Zoning Administrator. Applicants shall submit an application form to the department before any permit may be issued.

- B. The city of Horse Cave has created a local historic district overlay. Applicant shall obtain a Certificate of Appropriateness from the Horse Cave Board of Architectural Review for signage proposed within the Local Historic District Overlay (HDO). Applications are available at City Hall and online at the city's website.
- C. Signs shall only be erected or constructed in compliance with the approved permit.
- D. Applicants shall obtain a building permit for the footer of freestanding and monument signs. Applicants shall also obtain an electrical permit for signs that require electrical service.
- E. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

5.4.1 Signs Exempt from Permit Requirements

The following signs shall not require a permit:

- A. Incidental signs
- B. Historic markers
- C. Change of copy on any sign where the framework or other structural elements are not altered

5.5 Nonconforming Signs

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition.

These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A. Changed to another nonconforming sign except where only the face or copy is changed;
- B. Structurally altered so as to increase the degree of nonconformity of the sign;
- C. Expanded or enlarged;
- D. Reestablished after its removal; or
- E. Moved to a new location on the building or lot.

5.6 Illegal Signs

All illegal signs shall be subject to immediate enforcement action as outlined in Article 6 of the Horse Cave Zoning Ordinance.

5.7 General Requirements

All signs in all zones shall meet the following requirements:

- A. Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- B. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- C. No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
- D. Projecting signs shall have at least 7' of clearance above a road or sidewalk.
- E. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.
- F. No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to Design Standards of the Hart County/Horse Cave Subdivision Regulations.
- G. No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- H. Freestanding, monument, and projecting face sign area shall be computed as follows:
 - a. Double-faced signs shall have only one face counted in calculating the area.
 - b. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
 - c. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.
 - d. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
 - e. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
- I. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

5.8 Prohibited Signs in All Zones (with noted exceptions)

The following signs and/or sign features shall be prohibited in all zones:

- A. Mobile signs;
- B. Roof signs that extend higher than the top of the roof;
- C. Rotating or moving signs;
- D. Abandoned signs;
- E. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
- F. Any sign which emits any noise or odor;
- G. Freestanding signs which overhang any part of a building;
- H. Flashing or blinking signs;
- I. Billboards with an electronic message display system;
- J. Signs in a public right-of-way;
- K. Handbills; and
- L. Billboards or signs over 200 square feet (except in Zone B-3).

5.9 Signs Requiring a Conditional Use Permit in All Zones

- A. Signs painted directly on a building.
- B. Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a Development Plan. Applications for these signs shall be submitted and processed as outlined in Article 2 of the City of Horse Cave Zoning Ordinance.

5.10 Signs Permitted by Specific Zone

Any sign not specifically permitted shall be prohibited.

5.10.1 Agricultural Zone (A-1)

- A. Residence** - One wall sign not exceeding one (1) square foot in area.
 - a. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - 1. On the front of every building, residence or structure;
 - 2. On each side of an authorized U.S. Postal Service mailbox; and
 - 3. On one post which measures no more than 48 inches in height and four (4) inches in width.
- B. Farm**
 - a. Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Signs shall not exceed 32 square feet in area each.
 - b. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.
- C. Buildings Used for Religious or Educational Activities**
 - a. One freestanding sign not exceeding 32 square feet in area and eight (8) feet in height.
 - b. One bulletin board, not exceeding 12 square feet in area and eight (8) feet in height.
 - c. One wall sign per building not exceeding 32 square feet in area.

- d. Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits.

D. All Other Conditional Uses

- a. One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed 32 square feet in area and eight (8) feet in height.
- b. One wall sign that shall not exceed 12 square feet in area, and eight (8) feet in height.

5.10.2 Mobile Home Parks

- A. One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, eight (8) feet in height, and shall have a minimum setback of 20 feet from any street.
- B. One nameplate wall sign per mobile home that shall not exceed one (1) square foot in area.

5.10.3 Residential Zones (R-1, R-2)

- A. **Residence** - One nameplate wall sign not exceeding one (1) square foot in area.
 - a. One wall sign not exceeding one (1) square foot in area.
 - b. Every parcel shall be entitled to one sign not exceeding 36 square inches in area to be placed in any of the following locations:
 - i. On the front of every building, residence or structure;
 - ii. One each side of an authorized U.S. Postal Service mailbox; and
 - iii. On one post which measures no more than 48 inches in height and four (4) inches in width.
- B. **Home Occupation** - One wall sign not exceeding six (6) square feet in area.
- C. **Subdivision** - One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight (8) feet in height.
- D. **Buildings Used for Religious or Educational Activities**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign that shall not exceed 12 square feet in area;
 - c. One bulletin board that shall not exceed 12 square feet in area and eight (8) feet in height; and
 - d. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.
- E. **All other Conditional Uses:**
 - a. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height;
 - b. One wall sign that shall not exceed 12 square feet in area; and
 - c. Incidental signs which shall not exceed two (2) square feet in area nor require sign permits.

5.10.4 Standard Signage Permitted in B-2, B-3, I-1, and I-2 Zones

- A. One freestanding or monument sign per street frontage with a maximum of two (2) signs per lot.
 - a. Freestanding signs shall not exceed 75 square feet in area, 25 feet in height, and shall have a minimum setback of 10 feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed 50 square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building.
 - b. Monument signs shall not exceed 60 square feet in area, eight (8) feet in height, and shall have a minimum setback of 10 feet.
- B. One wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15 percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.
- C. One wall sign per tenant or lessee not exceeding two (2) square feet in area.
- D. One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight (8) feet in height.
- E. One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight (8) feet.
- F. Temporary signs – Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - a. Shall not exceed 50 square feet per sign where non-rigid materials are used.
 - b. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - c. Shall comply with the applicable regulations for the zone in which they are located.
 - d. Shall not remain in place for a period of more than 14 continuous days.
 - e. Shall not be displayed for more than a total of eight (8) times in any calendar year.
 - f. Shall not be placed within the public right-of-way or the sight triangle at intersections.
- G. One marquee per theatre.

- a. A marquee shall not exceed 32 square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet.
- H. Incidental signs – which shall not exceed two (2) square feet in area nor require sign permits.
- I. Buildings Used for Religious or Educational Activities
 - a. In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight (8) feet in height.
 - b. Signs with electronic message display systems shall be prohibited in the B-1 districts. Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within the B-3, I-1, and I-2 zones.

5.10.5 Additional Signage Permitted in Specific Commercial and Industrial Zones

The Horse Cave Historic Preservation Design Guidelines apply to the Local Historic District overlay that includes parts of B-1 and B-2 and take precedent over the following regulations. Any new signage that is visible to the public within this area must submit an application to the Horse Cave Board of Architectural Review (BOAR) for approval.

- A. **Downtown Business Zone (B-1)** - the following signs shall be permitted:
 - a. One wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or 15 percent of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.
 - b. One wall sign per tenant or lessee not exceeding two (2) square feet in area.
 - c. Portable sign - One shall be permitted for each business entrance subject to the following restrictions:
 - i. Maximum surface area of the sign shall be six (6) square feet per face, maximum height of the sign shall be three (3) feet, and maximum width of the sign shall be two (2) feet.
 - ii. A minimum 36 inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

- d. Temporary signs – Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:
 - i. Shall not exceed 50 square feet per sign where non-rigid materials are used.
 - ii. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
 - iii. Shall comply with the applicable regulations for the zone in which they are located.
 - iv. Shall not remain in place for a period of more than 14 continuous days.
 - v. Shall not be displayed for more than a total of eight (8) times in any calendar year.
 - vi. Shall not be placed within the public right-of-way or the sight triangle at intersections.

B. Highway Business Zone (B-3) - In addition to the signage permitted in 5.10.4, the following signs shall be permitted:

- a) One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 5.10.5 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
 - 1. Shall not have an electronic message display system.
 - 2. Individual signs shall not exceed 250 square feet in area.
 - 3. Height (from the base to the top of the sign) shall not exceed 90 feet.
 - 4. The sign's base shall be at least 90 feet from any residential zoned property.
 - 5. In addition to a sign permit, a building permit shall be obtained prior to installation.

C. Light Industrial and Heavy Industrial Zones (I-1, and I-2)

In addition to the signage permitted in 5.10.5, the following signs shall be permitted:

- a. One interstate sign for those businesses which lie within a 2,500-foot radius of the center point of an interstate interchange overpass. This interstate sign shall take the place of either the permitted freestanding or wall sign outlined in 5.10.5 above. These businesses may have a combination of any two of these signs: interstate sign, freestanding sign, or wall sign. Interstate signs shall be subject to the following restrictions:
 - 1. Shall not have an electronic message display system.
 - 2. Individual signs shall not exceed 250 square feet in area.

3. Height (from the base to the top of the sign) shall not exceed 90 feet.
 4. The sign's base shall be at least 90 feet from any residential zoned property.
 5. In addition to a sign permit, a building permit shall be obtained prior to installation.
- b. One billboard shall be permitted subject to the following restrictions:
1. The sign shall not have an electronic message display system.
 2. The property on which the billboard is located shall abut a federal or state highway.
 3. The sign shall be the principal use; there shall be no other buildings, freestanding signs, etc., on the lot.
 4. Signage face shall not exceed 720 square feet in area.
 5. The sign shall be located no closer than 300 feet to any other structure.
 6. The sign shall be at least 150 feet away from any residential zone or residential use.
 7. There shall be a 40-foot setback requirement from any right-of-way.
 8. Maximum height shall be 35 feet.

5.11 Advertising on Interstate Highways

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Zoning Ordinance with respect to the zoning district involved.

5.12 Maintenance Standards

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times. When a business ceases to exist (closed for 6 months), all signs related to the business must be removed, painted over and maintained, or covered and maintained.

5.13 Penalties for Violation

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 6 for violation of this Zoning Ordinance.

5.14 Substitution Clause

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over

noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

5.15 Severability Clause

In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

5.16 Definitions

The definitions contained in this section shall be applied in the interpretation of all sections within Article 5 of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

1. **Abandoned Sign:** Signage that has been neglected and fallen into disrepair.
2. **Attraction Board:** Copy is changed manually or electronically on a regular basis.
3. **Awning Sign:** Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.
4. **Banner Sign:** Made of non-rigid material with no enclosing framework.
5. **Billboard:** Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.
6. **Bulletin Board:** Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.
7. **Canopy Sign:** Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.
8. **Double-faced Sign:** Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.
9. **Electronic Message Display System:** Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.

- 10. Farm:** A tract of at least 10 contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.
- 11. Flashing or Blinking:** Intermittent or sequential illumination for the purpose of attracting attention to the sign.
- 12. Freestanding Sign:** Attached to the ground by columns, poles, braces, or other means and not attached to any building.
- 13. Government Sign:** Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
- 14. Handbill:** Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.
- 15. Illegal Sign:** Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
- 16. Illuminated Sign:** Emits or reflects artificial light from any source.
 - a. **Directly illuminated:** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
 - b. **Indirectly illuminated:** Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
 - c. **Internally illuminated:** Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.
- 17. Incidental Sign:** Not exceeding two (2) square feet in area.
- 18. Interstate Sign:** Sign that is designed to be seen from an interstate highway.
- 19. Marquee Sign:** Used in conjunction with a theatre, is attached to the building, and projects from the building.
- 20. Menu Board:** Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.
- 21. Mobile Sign:** Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

- 22. Monument Sign:** Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.
- 23. Nonconforming Sign:** Legally erected but does not comply with the current regulations for the zone in which it is located.
- 24. Non-illuminated Sign:** Does not emit or reflect artificial light from any source.
- 25. Portable Sign:** Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.
- 26. Projecting Sign:** Attached to a building, extends more than 24 inches.
- 27. Roof Sign:** Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.
- 28. Rotating or Moving Sign:** Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.
- 29. Sign:** Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.
- 30. Sign Clearance:** The vertical distance between the lowest point of any sign and the grade at the base of the sign.
- 31. Sign Copy:** Any word, figure, number, symbol, or emblem affixed to a sign.
- 32. Sign Height:** The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.
- 33. Sign Setback:** The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.
- 34. Sign Surface:** That part of the sign on which the message is displayed.
- 35. Square Foot:** A unit of area equal to one foot by one foot square.
- 36. Street Frontage:** Property line that lies adjacent to street right-of-way.
- 37. Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 14 continuous days or more than eight (8) times per calendar year.
- 38. Vehicle Signage:** Signage painted directly on a vehicle or attached magnetically.

- 39. Wall Sign:** Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.
- 40. Window Display:** Merchandise or other objects placed inside a building to be viewed from outside the building.
- 41. Window Sign:** Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.

2017 City Zoning Ordinance

Article 6

Administration: Jurisdiction, Violation, & Fees

City of Horse Cave

January 9, 2016

ARTICLE 6

ARTICLE 6

ADMINISTRATION:

JURISDICTION – VIOLATIONS - FEES

6.1 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.

6.11 The Zoning Administrator has initial authority for the literal enforcement of this Zoning Regulation. She/he has no discretionary authority to allow any departure from the literal conformance with this Ordinance.

6.12 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.

6.13 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.

6.2 VIOLATIONS

6.21 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 Zoning Administrator, 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.

6.22 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.

6.3 SCHEDULE OF FEES

6.31 - 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 and sign permits, certificates of compliance, and requests for zone changes, may be established by the City Council. No action shall be taken on any item pending at the Planning Commission or the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

6.32 – The Hart County Planning Commission and Horse Cave Board of Adjustment requests must be accompanied by the Hart County Clerk filing fee to file the Certificate of Land Use Restriction. Contact the Hart County Clerk’s office for a list of fees.

6.33 – Zoning Administrator Required Review Fee Schedule

The fees below are for the City of Horse Cave’s review and approval process. The Hart County Planning Commission may charge additional fees in when their review is required. All fees subject to change in accordance with local, state and federal laws.

- **ZONING ADMINISTRATOR REVIEW: Developments**
+ Additional fee for Planning Commission review may be required for these types of developments.

Commercial Developments	\$100.00
Industrial Parks	\$100.00
Residential Development	\$100.00
Mobile Home Parks	\$100.00

- **ZONING ADMINISTRATOR REVIEW: Buildings**
+Building, Plumbing, HVAC, and/or Electrical Inspection fees may be required

Dwellings	\$25.00
Rooms Added	\$10.00
Garage	\$10.00
Commercial Building	\$50.00
Mobile Home	\$25.00
Move Structure (+ performance bond)	\$10.00

- **ZONING ADMINSTRATOR REVIEW ONLY: Signs and Misc.**

Utility Building	\$ 5.00
Permanent Signs or Billboards	\$10.00
Portable Signs	\$ 5.00

Demolitions (+ performance bond)	\$10.00
Porch, Deck	Review Only, No Fee

- BOARD OF ADJUSTMENT REVIEW

Zoning Ruling Appeal	\$125.00
Variance Request	\$ 50.00
Conditional Use Permit	\$ 50.00

- Board of Architectural Review/Certificate of Appropriateness
REQUIRED ON PROPERTIES IN THE LOCAL HISTORIC DISTRICT-
No Fee

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2017 City Zoning Ordinance

Article 7

Legal Status

City of Horse Cave

January 9, 2016

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 Ordinance No. _____ shall take effect after its passage and upon publication, with the effective date of _____, 20___. Duly adopted on this the _____, 20___, and having been read on _____, 20___.