

ZONING REGULATIONS  
FOR BULLITT COUNTY AND THE CITIES OF HILLVIEW, LEBANON  
JUNCTION, MOUNT WASHINGTON & SHEPHERDSVILLE

**BULLITT COUNTY PLANNING COMMISSION**

REVISED APRIL 1987

Recorded in Fiscal Court Order  
Book 23 Page 107

Recorded in County Ordinance  
Book 1 Page 517

Note:

The zoning ordinance that is included in the body of this document is the zoning ordinance as approved by Bullitt County Fiscal Court and in effect for unincorporated Bullitt County. These regulations may or may not be in effect in all cities.

Amendments proposed to change the local zoning ordinances must be approved by each local legislative body in order to become law. Oftentimes the amendments are approved by some jurisdictions, but not by all.

For clarity and ease of reading the text included in the body of this document is the zoning ordinance as approved by Bullitt County Fiscal Court. Any section that is not consistent among all jurisdictions will be marked by an asterisk (\*). The reader will be referred to Appendices A and B to determine what language is in effect for each jurisdiction.

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ARTICLE 1 LEGAL STATUS AND GENERAL PROVISIONS

Section 1.100 Title

Section 1.200 Authority

Section 1.300 Purpose and Intent

Section 1.400 Jurisdiction

Section 1.500 Conflict or Inconsistency with State Law

## ARTICLE 1 LEGAL STATUS AND GENERAL PROVISIONS

### Section 1.100 Title

These regulations shall be known and referred to as the “Official Zoning Regulations of Bullitt County and the Cities of Shepherdsville, Hillview, Lebanon Junction and Mount Washington, Kentucky, 1982,” and may be cited as the County/City Zoning Regulations. Reference to County, or Bullitt County, shall signify the county including the four above mentioned political divisions, unless otherwise stated. (Note- This section was amended in 1991-see page 119 for the amended text)

### Section 1.200 Authority

These zoning regulations are adopted in accordance with the authority granted by the Kentucky Revised Statutes, Chapter 100, the Bullitt County Planning Commission and Fiscal Court, and the City Councils of the above-mentioned political divisions, having fulfilled the requirements set forth as a pre-requisite to the adoption of these regulations.

### Section 1.300 Purpose and Intent

These zoning regulations are adopted by the Fiscal Court of Bullitt County, Kentucky, and the City Council of each of the four above-mentioned political subdivisions for the following purposes:

1.301 To promote the public health, safety, morals, and general welfare of the residents of Bullitt County.

1.302 To help guide the future growth and development of Bullitt County in accordance with a comprehensive plan of land use and population density that provides for beneficial and convenient relationships among the residential, commercial, industrial, agricultural, and public areas within the county, to the best interest of the general public.

1.303 To provide adequate light, air, and privacy for future development, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue concentration of the population.

1.304 To regulate, maintain, and protect residential, commercial, industrial, and agricultural areas from encroachment of incompatible uses, and to protect residential areas specifically against hazards of fire, offensive noise, smoke, odors, vibration, glare or other objectionable influences.

1.305 To reserve land most suited for agricultural use, restricting forms of development which would interfere with agricultural activities, or inflict permanent damage to the county’s natural resources.

1.306 To provide for the reservation of sufficient sites for future industrial development.

1.307 To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in building development, investment, and other economic activity throughout the county.

1.308 To promote creative plans and designs allowing innovations and diversification in residential and other types of developments in deviation from the typical and rigid layouts.

#### Section 1.400 Jurisdiction

The provisions of these regulations shall apply to all lands within Bullitt County, including lands within any of its political subdivisions.

#### Section 1.500 Conflict or Inconsistency with State Law

Should any of these regulations conflict or be inconsistent with any provision of the Kentucky State Law, including Kentucky Revised Statutes Chapter 100, such provisions of the State Law shall apply.

ARTICLE 2 DEFINITIONS

Section 2.100 Interpretations

Section 2.200 Words and Terms Defined

## Section 2.100 Interpretations

For the purpose of these regulations certain terms, phrases, words, and their derivatives shall be interpreted as follows: words in the singular include the plural and plural the singular; the word 'building' includes the word 'structure', the word 'shall' is mandatory and not directory; the word 'occupied' or 'used' shall be considered as though followed by the words 'or intended, arranged or designed to be used or occupied'.

## Section 2.200 Words and Terms Defined

**ACCESSORY USE OR BUILDING:** Any purpose for which a building or tract of land may be designed, arranged, intended, maintained or occupied, which is customarily incidental and subordinate in the areas extent or purpose to the principal building or use which it serves and which is located on the same zoning lot as the principal building or use.

**AGRICULTURAL USE:** Land containing at least ten (10) acres which is used for raising and harboring livestock or agricultural products, including farm buildings and the storage of agricultural equipment; riding, livery and boarding stables, kennels and veterinaries; and as an accessory use the sale of agricultural products raised on the property. Under this term, the sale from roadside stands is limited to agricultural products and the products of home industry which have been produced on the farm where located.

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

**ALLEY:** A dedicated public right-of-way other than a street, that affords a secondary means of access to abutting properties.

**ALTERATION:** Any change, rearrangement, or addition to a building, its supporting members, or its foundation other than repairs, and any modification in construction or in building equipment.

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

**AUTOMOTIVE REPAIR, MINOR:** Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one half (1 ½) tons capacity, but not including any operation named under ‘Automotive Repair, Major,’ or any other similar thereto. Cars or trucks being repaired or under repair shall not be so stored outside the building for more than 48 hours.

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

**BASEMENTS:** That portion of a building located partially underground but having more than one half (1/2) of its clear floor-to-ceiling height below the average grade of adjoining ground.

**BOARD:** The Board of Adjustment having jurisdiction unless the context indicates otherwise.

**BOARDING OR LODGING HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where more than three people are sheltered for profit.

**BUILDING OR STRUCTURE:** Any covered structure for the support, shelter, or enclosure of persons, animals or moveable property of any kind, and which is permanently affixed to the land.

**BUILDING, HEIGHT OF:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

**BUILDING LINE:** A line parallel to the street right-of-way line at any story level of a building, and set at a distance which all or any part of the building is to be set back to from said right-of-way, except as otherwise provided by these regulations.

**BUILDING PERMIT:** A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the building or lot in question.

**BUILDING, PRINCIPAL:** A building, including any permanently covered space such as porches and carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on its lot.

**CERTIFICATE OF ZONING COMPLIANCE, ZONING CERTIFICATE, OR ZONING PERMIT:** A certificate issued by the authorized officer, before use or occupancy of any building or land stating that the proposed use of the building or land conforms to the

requirements of these zoning regulations. This shall apply to any building, premises, or land, or combination (except for the raising of crops and other agricultural activities) hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure.

COMMISSION OR PLANNING COMMISSION: Bullitt County Planning Commission.

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

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustments, consisting of two parts; (a) A statement of the factual determination by the Board of Adjustments 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.

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

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

DIMENSIONAL VARIANCE: A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departure will not conflict with the public interest; and where, owing to conditions peculiar to the property only because of its size, shape, or topography, and not as a result in unnecessary and undue hardship.

DWELLING, OR DWELLING UNIT: Any building or portion thereof with one, or a suite of two or more rooms occupied or intended to be occupied exclusively for residential purposes, that is living and sleeping, by one family or housekeeping unit, and which includes permanently installed cooking and lawfully required sanitary facilities. This definition shall thus exclude a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

- a. Single Family: A single independent building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping unit.

- b. Two Family: a single independent building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units.
- c. Multi-Family: A building or portion thereof, or group of buildings on one lot but containing separate living units, occupied or constructed to be occupied by more than two (2) families or housekeeping units.

Note: See page 123 for a definition of construction.

**DWELLING GROUP:** A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that, unless all members are related by blood, marriage, or adoption, no such single housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or motel – shall contain more than five members.

**\*FARM:** A place on which agricultural operations are conducted at any time under the control or supervision of one person, partnership or a manager. Places of less than 10 acres are counted as farms if the estimated sales of agricultural products for the year amounted or normally would amount to at least \$250.00.

**GARAGE, PRIVATE:** An enclosed space for the storage of not more than four motor vehicles owned or operated by the occupants of the principal building, and provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC:** A building or land available to the public to use, operated for gain, and which is used for storage, repair, rental, greasing, washing, painting, servicing or equipping motor vehicles.

**GRADE, FINISH:** The completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans or designs relating thereto, or in existence at the time the certificate of zoning compliance is issued.

**HOME OCCUPATION:** An accessory use carried on in a dwelling unit or other structure accessory to a dwelling unit, but in no case occupying more than twenty-five (25) percent of the total floor area of the building or buildings, by a member or members of the bona fide residents of the dwelling, except as permitted for a professional home occupation; and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, so that the character thereof is not changed and it shall not have any exterior evidence of such secondary use except as permitted in Section 4.900. Specifically, home occupation shall include any of the following activities: dressmaking, home cooking, tutoring (limited to not more than four (4) children simultaneously), musical instruction (limited to a single pupil at a time) and the practice by an artist, insurance agent, musician, realtor, beauty parlor (limited to one license, one operator) photographer, or the sale of antiques. Also included and

\*See Appendices A and B

provided that no more than two (2) persons not bona fide residents of the dwelling are engaged to perform related work. Home Occupation shall not be interpreted to include any of the following: barber shop, commercial stables and kennels, animal hospitals, restaurants or eating places, musical instructions to groups, convalescent homes, mortuary establishments, garages or premises for the repair of motor vehicles on profit basis, TV radio or electrical appliances.

**HOSPITAL:** Includes sanitarium, clinic, rest home, nursing home, convalescent home, house for the aged and any other place for observation, diagnosis, treatment or care of two or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services.

**HOUSING OR BUILDING REGULATIONS:** Any regulations incorporating any housing, building, or safety code including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulations.

**IMMEDIATE FAMILY:** The owner of the property, his wife, their children, and the parents of the owners of such farm.

**INDUSTRY:** The processing of products or raw materials. The two categories of industry are defined according to the following performance standards:

**GENERAL INDUSTRY:** That industry in which processing of products results in the emission of any atmospheric pollution, visible light flashes or glare, odors, or noises or vibration which may be heard or felt off the premises of that industry which constitutes a fire or explosion hazard.

**LIGHT INDUSTRY:** That industry in which processing of products results in none of the conditions described for above type industry.

**JUNK YARD:** A lot, land or structure, or part thereof of 200 square feet or more, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and /or for the sale of parts thereof.

**LEGISLATIVE BODY:** The chief body with legislative power, whether it is a city council or the county's fiscal court depending on the location of zoning subject of concern.

**LOADING SPACE:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which

abuts on a street, alley or other appropriate means of access, occupied or to be occupied by a building and its accessory buildings, if any, together with such open spaces as are required, having not less than the minimum area, width, and depth required for a lot in the zone in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT AREA:** The total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.

**LOT, CORNER:** A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**LOT DEPTH:** The average horizontal distance from the street line of the lot to its opposite rear line measured at right angles to a straight front lot line, or the tangent to the middle of the arc if it is a curved front line.

**LOT FRONTAGE:** The distance along the front lot line.

**LOT LINE, FRONT:** The line separating the lot from the street right-of-way, and in this respect it constitutes a portion of the street right-of-way line.

**LOT LINE, REAR:** A lot line other than front or side lot lines contributing to the definition of property boundaries.

**LOT LINE, SIDE:** A lot line starting from a point along the front lot line and other than a rear lot line and contributing to the definition of property boundaries.

**LOT WIDTH:** The straight horizontal distance measured between the opposite two points of the intersection of the building line with the two opposite site lot lines.

**\*MOBILE HOME:** A detached residential dwelling unit designed for transportation as one or two units after fabrication, on streets or highways on its own wheels or on flatbeds or other trailers, and arriving at the site as one or two units where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and minor assembly operations, connections to utilities and the like. Removal of the wheels and/or chassis and /or placement on a temporary or permanent foundation does not exempt a mobile home from all requirements applicable to mobile homes in these regulations. Likewise, the joining of two mobile homes units to form a single dwelling does not exempt a mobile home from all requirements applicable to mobile homes in these regulations. A structure manufactured with a serial number and requiring a license receipt for transporting is presumed to be a mobile home under this definition.

Excepted from this definition and not considered mobile homes are modular homes as defined in these regulations, and travel trailers.

**MOBILE HOME PARK:** Any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of mobile homes, on rental basis.

**MOTEL:** A series of attached, semi-attached or detached sleeping or living units, each with at least a bedroom and a bathroom, for the temporary accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

**MULTI-FAMILY DWELLING:** A building grouping a number of rooms or suite of rooms with an independent entrance for each from outside or from a common hallway, and consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities per each such room or suite of rooms.

**NON-CONFORMING USE OR STRUCTURE:** An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulations, but which does not conform to all of the regulations contained in the zoning regulations which pertain to the zone in which it is located.

**OPEN SPACE:** Parks, common greens, other recreation space or generally open areas available to the public or yards or other open areas provided in connection with the residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

**OUTDOOR ADVERTISING:** A visible, immobile contrivance or structure in any shape or form, the purpose of which is to advertise any product or service, campaign, event, etc.

**PARKING SPACE:** An off-street space used for the temporary location of one licensed motor vehicle, which is at least two hundred (200) square feet in area and nine feet wide, not including driveway, and having direct access to street or alley.

**PERMIT:** Refers to a written official document permitting an action relating to the use, development, or improvement of land or building. Permit shall include the certification indicating compliance with the requirements of these regulations as well as certification permitting occupancy and/or use of the land or building in question.

**PLANNED UNIT DEVELOPMENT:** An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential or commercial zone.

**PLAT:** The map of a subdivision, recorded with the county courthouse.

**POLITICAL SUBDIVISION:** A city within the county.

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

**PROCESSING:** Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures, however.

**PROFESSION, OR PROFESSIONAL:** A business in which gain or livelihood depends on and requires specialized knowledge and often long intensive academic preparation; and usually follows a line of conduct and required adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: accounting, chiropractry, dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy, physiotherapy, podiatry, professional planning, architecture, engineering, or psychology.

**PROFESSIONAL RESIDENCE OFFICE:** A residence in which the occupant has a professional office which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof, and where not more than three persons are working.

**PUBLIC FACILITY:** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

**RETAIL SALES:** Sale of any product of merchandise to customers for their own personal consumption or use, not for resale.

**SALES AREA: AUTOMOTIVE, MOBILE HOME, OR TRAILER:** An enclosed or open area, other than a street, used for the display, sale or rental of new or used motor vehicles, mobile homes, trailers, or boats in operable condition, and where no repair work is done.

**SERVICE AREA:** Includes those parts of any lot which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage and collection of wastes and provision for maintenance.

**SLEEPING ROOM:** A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

**SIGN:** A structure, building or part thereof, or pennant, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. A sign does not include the flag or insignia of any nation, state or city; nor any political, education, charitable, philanthropic, religious advertising campaign, provided that such advertising shall not be displayed for a period exceeding thirty days.

**STABLE:** A building in which horses are kept for public or private use, remuneration, hire or sale.

**STATION, FILLING OR GASOLINE:** An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubricating and hand washing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories, but not for painting or major repairs.

**STORAGE OR STORAGE SPACE:** Land or enclosed building used for the keeping of goods, wares, supplies or equipment.

**STORY:** That part of a building included between the surface of any floor and the surface of the floor next to it, or if there be no floor above it then the ceiling above it.

**STREET:** An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property consisting of more than one lot in more than one ownership; or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to enactment of these regulations and provided such street has been accepted by Bullitt County or any of its political subdivisions. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar terms.

**STREET, CENTER LINE OF:** The line which is usually at an equal distance from both street lines, and right-of-way lines.

**STREET GRADE:** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of that street shall be taken as the street grade.

\***STRUCTURE:** See “Building” above.

**SUBDIVISION:** A division of real property, improved or unimproved, or a portion thereof shown, on the last preceding tax roll as a unit or as contiguous units, into two or more parcels, lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or building development, except that the division of land for agricultural purposes in parcels of more than ten (10) acres not involving any new streets or easement of access shall be exempted from the application of this term.

\*See Appendices A and B

**THEATER, DRIVE-IN:** Open land with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, to patrons seated in automobiles or on outdoor seats.

**TOURIST HOME:** Same as “Boarding or Lodging House” above except where the overnight accommodation is provided for compensation for transient type of guests.

**TRAILER, TRAVEL TRAILER:** A vehicular portable structure built on a chassis and not exceeding a gross weight of four thousand five hundred (4500) pounds when factory equipped for the road or an overall length of thirty (30) feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

**VARIANCE:** A modification from the literal provisions of these regulations by the Board of Adjustments in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.

**WILDLIFE RESERVE:** Includes bird sanctuary, zoo, forest reserve, game reserve, botanical garden.

**YARD:** That portion of the lot which is unoccupied and open to the sky and extends from a lot line to its related yard line.

**YARD, FRONT:** The yard extending along the full length of the front lot line.

**YARD, REAR:** A yard extending the full length of the rear lot line.

**YARD, SIDE:** A yard extending along the side lot line or lines from the required front yard to the required rear yard.

**YARD LINE:** A line drawn parallel to the corresponding lot line at a distance specified for the required depth of yard in each respective case.

**YARD LINE, FRONT:** The line which bounds the front yard and is parallel to the front lot line.

**YARD LINE, REAR:** The line which bounds the rear yard and is parallel to the rear lot line.

**YARD LINE, SIDE:** The line or lines which bounds the side yard and is parallel to the side lot line or lines.

**ZONE:** An established area within the community in which the provisions of these regulations are applicable.

ARTICLE 3 ESTABLISHMENT OF ZONES

Section 3.100 Zones

Section 3.200 Official Zoning Map

3.201 Changes in Zoning Map

3.202 Replacement of the Official Zoning Map

Section 3.300 Rules for Interpretation of Zone Boundaries

## ARTICLE 3 ESTABLISHMENT OF ZONES

### Section 3.100 Zones

For the purpose of these regulations, the area of Bullitt County including the incorporated areas of its political subdivisions is divided into the following thirteen (13) zones, or zoning districts:

#### Rural Zones

A – Agricultural

C – Conservation

SR – Stream Valley Reserve

#### Residential Zones

R1 – Single-family

R2 – Single-family

R3 – Multi-family lower density

R4 – Multi-family higher density

#### Business Zones

B1 – Highway Business

B2 – Central Business

#### Industrial Zones

IL – Light industrial

IG – General and Extractive Industrial

#### Planned Unit Development Zones

PR – Planned Unit Development, Residential

PB – Planned Unit Development, Highway Business

Earth Products Zone

EP – Earth Products (see page 14A)

The City of Hillview has established an EARTH PRODUCTS zone. This zone was created by Text Amendment Number 95T-01. The text amendment also made changes to the following sections of the regulations:

- Section 2.200 Words and Terms Defined
- Section 3.100 Zones
- Section 4.700 Mineral Extraction and Regrading
- Section 4.701 Procedure for Mineral Extraction Operations
- Section 4.702 Development Standards
- Section 4.703 Rehabilitation Requirements
- Section 5.301 Natural Resources Uses
- Section 5.303 Business Uses
- Section 5.305 Public and Semipublic Uses
- Section 5.800 Industrial Zones
- Section 5.802 General Industrial, IG
- Section 9.400 Schedule of Fees, Charges & Expenses

The following sections were added:

- Section 5.950 Earth Products Zone

A copy of the text amendment, showing deletions and additions to the text of these regulations, is available upon request.

### Section 3.200 Official Zoning Map

The above zones are bounded and defined as shown on each of the maps titled ‘Official Zoning Map, Bullitt County, Kentucky’; ‘Official Zoning Map City of Shepherdsville’; and ‘Official Zoning Map, City of Lebanon Junction, Kentucky’; and ‘Official Zoning Map, Mount Washington, Kentucky’ and ‘Official Zoning Map, Hillview, Kentucky’.

In addition to its title, the Official Zoning Map shall be identified by the signature of the County Judge, or the respective City Clerk, and bearing the seal of the county or the respective city under the following words: ‘This is to certify that this is the Official Zoning Map referred to in Section 3.200 of regulations Number ---- of ---- (Bullitt County, Kentucky, or respectively, the City of Shepherdsville, the City of Lebanon Junction, City of Hillview, or the City of Mount Washington), adopted by the ---- (Fiscal Court of the County of Bullitt, or respectively, the City Council of Shepherdsville, Lebanon Junction, Hillview, or Mount Washington).

### Section 3.201 Changes in Zoning Map

If, in accordance with the provisions of these regulations and Kentucky Revised Statutes, changes are made in zoning boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made by the local governing body together with an entry on the Official Zoning Map (brief description of nature of change), which entry shall be signed by the County Judge or Mayor of the city concerned and attested by the County Clerk or the City Clerk concerned. The amending regulation shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map of the subject political area. No amendment to these regulations which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth herein. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations and punishable as provided under Section 7.500 herein.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Bullitt County Clerk or the respective City Clerk for the area under his jurisdiction shall be the final authority as to the current zoning status of land, buildings, and other structures within the county.

### Section 3.202 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, or difficult to interpret because of the nature or number of changes and additions, the legislative body having jurisdiction may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning regulations or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the County Judge or the Mayor of the city concerned, attested by County Clerk or the City Clerk of the city concerned and bearing the seal of the county or city concerned under the following words; ‘This is to certify that this Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of regulation Number ---- of ---- (the County of Bullitt, Kentucky, or, respectively, the City of Shepherdsville, City of Lebanon Junction, City of Mount Washington, Kentucky or Hillview, Kentucky).

### Section 3.300 Rules for Interpretation of Zone Boundaries

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

- a- Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- b- Boundaries indicated as approximately following city limits shall be construed as following city limits;
- c- Boundaries indicated as approximately following platted lot lines shall be construed as following platted lot lines;
- d- Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;
- e- Boundaries indicated as approximately following the center lines of streams, rivers, valleys, ditches, gulleys, or other bodies of water shall be construed to follow such center lines;
- f- Boundaries indicated as parallel to or extensions of features listed in Numbers ‘a’ through ‘e’ above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

g- Where physical or cultural features existing on ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by 'a' through 'f' above, the Board of Zoning Adjustment shall interpret the zone boundaries.

h- If, after use of the above rules and the map, the zone classification of any land is in question, it shall be deemed to be in the most restrictive of the adjoining zones.

## ARTICLE 4 GENERAL REGULATIONS

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## ARTICLE 4 GENERAL REGULATIONS

### Section 4.100 Application of Regulations

The regulations established herein within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided and particularly:

### Section 4.101 Conformity With Regulations

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

### Section 4.102 Bulk and Density

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

- a- To exceed the height;
- b- To accommodate or house a greater number of families;
- c- To occupy a smaller lot area;
- d- To have narrower or smaller rear yards, front yards, side yards, or other open spaces

than herein required, or in any manner contrary to the provisions of these regulations.

### Section 4.103 Separability of Purposes Required

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

### Section 4.104 Minimum Lot and Yard

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

#### Section 4.200 Nonconforming Lots, Uses, and Structure

Within the zones established by these regulations, or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use, which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendment. It is the intent of these regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by these regulations to be incompatible with permitted uses and required standards in the zones involved. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone. The Board of Adjustment shall not permit change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification. Such new nonconforming use shall not be reverted to the earlier nonconforming use or any other nonconforming use of lesser restrictions. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of these regulations by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the zone involved. The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of operation at the time these regulations, which make such use nonconforming, were adopted. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plants, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

#### Section 4.201 Nonconforming Lots of Record

Notwithstanding limitations imposed by other provisions of these regulations, in any zone in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the zone in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment. In the event two or more

lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered to be an undivided parcel for the purposes of these regulations and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by these regulations, nor shall be division of the parcel be make which leaves remaining any lot with width or area below the requirements stated in these regulations.

#### Section 4.202 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of these regulations, lawful use of land exists that is no longer permissible under the terms of these regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a- No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
- b- No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations.
- c- If any such nonconforming use of land is discontinued for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by these regulations for the zone in which such land is located.

#### Section 4.203 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a- No such structure may be enlarged or altered in a way which increases its nonconformity.
- b- Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction as determined by the Administrative Official, it shall not be reconstructed except in conformity with the provisions of these regulations.

- c- Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

#### Section 4.204 Nonconforming Uses of Structures

If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of these regulations, that would not be allowed in the zone under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a- No existing structure devoted to a use not permitted by these regulations in the zone in which it is located, except dwelling, shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- b- Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any land outside such building.
- c- If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use, and is more restrictive. In permitting such change, the Board of Adjustments may require appropriate conditions and safeguards in accord with the provisions of these regulations.
- d- Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e- When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

- f- Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### Section 4.205 Repairs and Maintenance

On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building, provided that the cubic content of the building, as it existed at the time of passage or amendment of these regulations shall not be increased. In no case shall these regulations be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### Section 4.206 Conditional Uses Not Nonconforming Uses

Any nonconforming use for which a conditional use is permitted as provided in these regulations shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such zone.

#### Section 4.300 General Lot, Yard and Court Requirements

The following requirements are in addition to any regulations incorporated in any adopted Subdivision Regulations. In the case of any inconsistency or conflict, the more restrictive requirements shall govern.

#### Section 4.301 Lot for Every Building

Every building hereafter erected shall be located on a lot as herein defined. In any zone, except as permitted in a Planned Unit Development Zone, only one main structure housing a permitted use may be erected on a single lot, unless yard and other requirements of these regulations shall be met for each structure as though it were on an individual lot.

#### Section 4.302 Subdivision of a Lot

Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be affected in such manner as not to impair conformity with any of the requirements of these regulations with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the establishment of a land use or the erection of a building on the new lot thus created unless it complies with all the provisions of these regulations, and subdivision regulations as they may be adopted.

#### Section 4.303 Lot Access Requirement

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. In a Planned Unit Development, the lots may face on a common open space, provided that the plan of such development is approved by the Planning Commission. This requirement shall not apply to farm buildings.

#### Section 4.304 Lots in Two or More Zones

Where a lot in one ownership of record is divided by one or more zone boundary lines, the regulations for the less restrictive zone may extend not more than fifty (50) feet into the more restricted portion.

#### Section 4.305 Front Yards for Corner and Through Lots

In the case of corner lots, a front yard of the required depth shall be provided and a second front yard of half the depth required generally for front yards in the zone shall be provided on the other frontage. In the case of corner lots with more than two frontages, the Administrative Official shall determine the front yard requirements, subject to the following limitations: 1) at least one front yard shall be provided having the full depth required generally in the zone; 2) no other front yard on such lot shall have less than half the full depth required generally. In the case of through lots, i.e., two frontages on opposite sides, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

#### Section 4.306 Measurement of Front Yard Depths

Front yard depths, and side yards for corner lots, shall be measured from the road right-of-way line. For purposes of such measurement, no local road shall be considered as having a right-of-way less than fifty (50) feet wide and no major state road less than sixty (60) feet wide. This provision shall not be construed as requiring the dedication of any property to the state. After adoption of an official detailed plan by the state or county for road widening or relocation, the right-of-way so established shall apply.

#### Section 4.307 Projections Into Yard Space

Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features, may extend into required yard areas not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a

side lot line. Enclosing of such projections into yard areas is prohibited.  
(Note – see page 120 for the latest text amendment of this section.)

#### Section 4.308 Fences, Walls, Hedges and Vegetation

In any required front yard, no fences or walls shall be permitted which materially impede vision across such yard above the height of 30 inches. Except in required front yards, as indicated above, fences, walls, and hedges are permitted in a yard or along the edge of the yard. In Planned Unit Developments, requiring site plan review, the Planning Commission may permit fences, walls, or hedges above 30 inches in the front yard when the site and buildings are designed to accommodate such enclosure, or when required by the Planning Commission as a condition for approval.

#### Section 4.309 Visibility at Intersections in Residential District

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between two and a half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the intersecting street centerlines for a distance of ninety (90) feet from their point of intersection and the diagonal line joining the end points along existing trees, provided that no branches are located closer than six (6) feet to the ground.

#### Section 4.310 Court Requirements

When an enclosed court is provided for the purpose of furnishing light and air to rooms in which persons are to work, live, or sleep, the minimum court dimensions shall be as follows:

- a- Minimum Width: For residential buildings other than a single-family dwelling, the minimum width shall be the sum of the heights of the opposite building walls, but not less than forty (40) feet. For non-residential buildings, two-thirds the sum of opposite building walls, but no less than thirty (30) feet.
- b- Minimum Depth: One and one-half times the width.

#### Section 4.400 Provision of Water and Sewerage Systems

The following requirements are in addition to any provisions incorporated in any adopted Subdivision Regulations. In the event of inconsistency or conflict, the more restrictive provisions shall govern.

#### Section 4.401 Approved Water and Sewerage Systems Required

Any new development in Bullitt County is to be provided with approved water and sewage disposal systems, either through:

- a- Connection with public utility systems;
- b- Connection with approved private systems; or
- c- Use of an approved individual water supply (wells), and, in other than Planned Unit Development zones, individual sewage disposal facilities, (septic tanks or similar method).

No zoning improvement permit shall be issued until the applicant indicates that sufficient provision has been or will be made for water supply and sewage disposal, and that these provisions have been approved by the Bullitt County Health Department. No zoning certificate is to be issued until the Health Department certifies that approved systems for water supply and sewage disposal have been provided.

#### Section 4.402 Minimum Lot Area When Water and/or Sewage Facilities are Lacking

Any lot to be served by an individual water supply (wells) and/or individual sewage disposal system (septic tank) is to have a minimum area of 14,000 square feet and a minimum frontage of 100 feet, or the minimum of such requirements set by the Bullitt County Health Department. The minimum lot areas shall be increased to include any additional area deemed necessary by the Bullitt County Health Department to insure potable water supply and/or adequate sewage disposal. The Administrative Official shall not issue zoning permits until adequate lot area and frontage is provided.

#### Section 4.500 Public Utility Use or Structure

Water, sewer, electric, gas and communications lines, and necessary incidental equipment such as repeaters, transformers, switches, pumps, and regulators (when such equipment is located on the lines) but not administration, construction, maintenance or storage use, are permitted in all zones and shall not be subject to lot, yard, height, and lot coverage requirements. All other public utility facilities not permitted in the zone regulations are permitted only as conditional use in any zone when approved by the Board of Adjustment which shall provide for adequate safeguards to the adjoining properties.

#### Section 4.600 Use of Flood Areas

Notwithstanding other provisions of these regulations, the use of land subject to flooding shall be regulated so as to minimize flood damage and reduce danger to life. Before issuing permits in such areas as defined hereunder, the Administrative Official shall refer the application to the Planning Commission. The Commission shall discuss and may review detailed plans before recommending design improvements, if needed, or issuance of permits.

#### Section 4.601 Types of Flood Areas

'Floodways' are the flood areas that may be covered by two or more feet of water and which are located in the main stream flood-plain where water velocities are likely to be high enough to become dangerous. 'Floodway Plains' are the areas which lie outside the open 'floodway' but within the fifty-year floodplain. In this Floodway Plain, flood waters 'pond' but do not do serious damage by sheer velocity or force.

#### Section 4.602 Uses Permitted in Floodways

Uses permitted in floodways must always be those which do not endanger human life or increase flood damage by raising water heights or increasing flood velocities. Sound foundations and footings and adequate deviations to minimize flood damage are required for any structure allowed in the floodway and no earth fills may be permitted which would have the effect of raising flood heights elsewhere. The Administrative Official may refer applications for a permit to build in a floodway to the Soil Conservation District or other appropriate agencies for reports on floodway proposals. In cases where uncertainty exists as to whether or not a use should be allowed in a floodway, the applicant shall have prepared an engineering analysis by a licensed engineer before a permit shall be issued.

#### Section 4.603 Typical Uses that May be Allowed in Floodways Include:

- a- Open land uses such as parking lots, loading berths, airport landing strips, fish and wildlife preserves, and open recreation uses;
- b- Storage uses for equipment and material not seriously affected by floods and which will not create additional danger by being dislodged;
- c- Most agricultural uses, but not transient labor camps or any kind of temporary residences, or structures housing farm animals.

#### Section 4.604 Uses Permitted in Floodway Plain

Floodway plain areas are not required for the passage of floodwaters and therefore most kinds of structures can be permitted as long as they are built high enough and substantially enough to withstand the flood. The following rules shall apply:

- a- No building shall be allowed in the floodway plain area unless its main floor is at least five (5) feet above the elevation of the maximum expected flood.
- b- Filling of land is permitted, provided that filling will not have the effect of raising flood heights elsewhere.

- c- Foundations and footings of all structures shall be designed to withstand flood conditions.
- d- Whenever possible, the site plan shall be designed so that principal buildings will be located outside of flood plains, and, whenever necessary, floodway plain uses shall be limited to accessory buildings.

In any cases where uncertainty exists as to whether or not proposed foundations or footings are adequate to withstand flood conditions, or whether or not proposed filling operations will increase floodway hazards, the applicant shall have prepared an engineering or structural analysis by a licensed engineer before a permit shall be issued.

#### Section 4.700 Mineral Extraction and Regrading

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

#### Section 4.701 Procedure for Mineral Extraction Operations

In addition to the conditional use permit requirements, two (2) copies of the following information shall be submitted to the Board of Adjustment with the application.

- a- Name of the owner or owners of land from which removal is to be made.
- b- Name of the applicant making request for such a permit.
- c- Name of the person or corporation conducting the actual mining operations.
- d- Location, description and size of the area from which the removal is to be made.
- e- Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.
- f- Type of resources or materials to be removed.

- g- Proposed method of removal and whether or not blasting or other use of explosives will be required.
- h- General description of the equipment to be used.
- i- Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

#### Section 4.702 Development Standards

The following required development standards shall be observed:

- a- No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Adjustment. Where such is deemed necessary for the protection of adjacent property, except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
- b- In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.
- c- Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
- d- Fencing or other suitable barrier, including the planting of multiflora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.
- e- All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Board.

- f- Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.
- g- The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.

#### Section 4.703 Rehabilitation Requirements

All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Board, at its discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out. The Board shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

- a- All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious noncombustible and nonflammable solids to secure:
  - 1. That the excavated area shall not collect and permit to remain therein stagnant water; or,
  - 2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
- b- The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph 'c'.
- c- Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
- d- Proper drainage shall be provided for the mined-out area.
- e- All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining there from.

- f- The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
- g- Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a conditional use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

#### Section 4.800 Off-Street Parking and Loading

Permanent off-street automobile parking space and truck loading space shall be provided for all new structures or uses and any enlargement of existing structures or uses. Structures and uses in existence or under construction on the date these zoning regulations first become effective shall not be subject to parking and loading requirements. However, any parking and loading facilities now existing to serve such structures or uses shall not, in the future, be reduced except where they exceed such requirements, in which case they shall not be reduced below such requirements. When a structure or use which existed prior to the effective date of these zoning regulations shall undergo any increase in intensity of use in a number of dwelling units, floor area, seating capacity, number of employees or other unit of measurements specified hereinafter for required parking facilities or from other causes, and when the increase would result in a requirement for additional parking or loading facilities through application of the requirements of this section, additional parking and loading facilities shall be provided on the basis of the total units of measurements of the new use, or of the alteration or expansion of the existing use.

#### Section 4.801 Application Procedure

No application for a zoning permit or certificate of occupancy shall be approved unless there is included with the plan for such building, improvement, or use, a plot plan showing the required space designated for off-street parking and loading, or that such space is already provided, in accordance with these regulations. The plot plan shall clearly show the size and location of parking and loading spaces, the width and arrangement of access driveways, and arrangement of walls, fences and screen planting.

#### Section 4.802 Design of Parking Areas

Design of parking areas shall meet the following requirements.

- a- **Size of Parking Space:** One automobile parking space shall consist of two hundred (200) square feet of area, with a minimum width of nine (9) feet. In addition, adequate interior driveways and entrance and exit

driveways shall be provided to connect each parking space into the adjoining street. Parking spaces shall be clearly marked.

- b- **Setbacks and Landscaping:** Parking areas shall be subject to the same front yard requirements as a building in that zone, except that on the street side of a corner lot, no side yard of more than ten (10) feet shall be required for a parking area. The required yard areas shall be set off from the parking area by a curb or bumper, and the yards shall be appropriately landscaped.
- c- **Buffer Strips:** When a parking area adjoins a residential zone, a screening fence or wall at least five (5) feet high and ten (10) feet wide, shall be maintained along the side and/or rear lot lines of the parking area.
- d- **Lighting:** When lighting of such parking area is provided, installations shall be arranged so as not to reflect or to cause glare into abutting residential lots or adjacent streets.
- e- **Surfacing and Drainage:** All parking areas shall be surfaced with materials which will eliminate problems of dust and mud and shall be so drained as to prevent erosion damage to abutting properties or streets.
- f- **Entrances:** On corner lots, entrances to parking areas shall be set back at least twenty (20) feet from the point of intersection of property lines. No entrance or exit shall exceed twenty-five (25) in width.

#### Section 4.803 Location of Parking Areas

All automobile parking compounds shall be located on the site or conveniently near, and in no case more than three hundred (300) feet distant from, the main building or use to which parking facilities are appurtenant, except in the case of one and two-family dwellings, where the required parking space shall be provided on the same lot as the dwelling. However, industries employing five hundred (500) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from the main industrial facilities served, upon approval of the Planning Commission. Land in any residential zone adjacent to a commercial or industrial use may also be used for an automobile parking area to serve these uses, provided that:

- a- The land so used immediately adjoins or is directly across an alley or street from the commercial or industrial zone for which such off-street parking area is required;
- b- No charge shall be made for the use of said parking area;
- c- Only passenger vehicles (excluding buses) shall be permitted to use said

parking area;

- d- No service of any kind shall be extended to persons occupying vehicles in said parking areas; nor shall such area be used for automobile service or repair;
- e- When land in any residential zone used for off-street parking purposes abuts the side and/or rear line of a lot in a residential zone, buffer strips shall be provided as outlined above.
- f- Additional protective conditions may be imposed in connection with the use of such residential land for off-street parking when, in the judgment of the Planning Commission, such are deemed necessary or desirable for the protection, convenience, and quiet of surrounding properties.

#### Section 4.804 Review and Approval by Commission Required

The design of all off-street parking lots other than for one and two-family dwelling, and means of access thereto shall be subject to the approval of the Planning Commission.

#### Section 4.805 Schedule of Off-Street Parking Requirements

The following off-street parking schedule indicates minimum requirements and may be increased where necessary as a condition of site plan approval or conditional use permit approval. Other uses operated in association with the uses listed must be provided for in addition. The vehicle parking space on any lot as set forth and designated in these regulations shall be deemed to be required open space on such lot, in addition to any yard space required by the provisions of these regulations, and shall not be reduced or encroached upon in any manner. In addition the following requirements shall be observed:

- a- Any vehicle parking space provided under those regulations in a commercial or industrial zone shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency or the requirement of any payment for the use of such space shall be deemed to constitute a separate commercial use in violation of the provisions of these regulations.
- b- When the number of spaces calculated in accordance with these regulations results in a number containing a fraction, the number shall be rounded off to the nearest whole number.
- c- The off-street parking requirements for two or more uses may be satisfied by providing a common facility containing the sum of the number of spaces required for each of the uses, except as provided in 'e' below.

- d- Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above, shall be determined in each case by the Administrative Official to be comparable to the requirements for uses of similar nature, after considering all factors entering into the parking needs of each such use.
- e- For integrated shopping centers, where the number of spaces required in a common facility is five hundred (500) or more, the off-street parking requirement may be reduced by one-fifth. Where the number of spaces required is seven hundred fifty (750) or more, the off-street parking requirement may be reduced by three-tenths.

<u>USE</u>	<u>NO. OF SPACES</u>	<u>UNIT OF MEASUREMENT</u>
<u>RESIDENTIAL USE:</u>		
ONE AND TWO- FAMILY DWELLINGS OR MIXED OCCUPANCY	ONE	EACH DWELLING UNIT
MULTIPLE DWELLING	TWO	EACH DWELLING UNIT
<u>PUBLIC RESIDENTIAL USE:</u>		
TOURIST HOMES, CABINS OR MOTELS	ONE	EACH SLEEPING ROOM OR SUITE INCLUDING THAT OF THE OWNER OR MANAGER OF RESIDENCE ON THE PREMISES
HOTELS*	ONE	EACH THREE (3) GUEST SLEEPING ROOMS
PRIVATE CLUBS, FRATERNITIES, BOARDING AND LODGING HOUSES	ONE	EACH TWO (2) GUEST SLEEPING ROOMS OR EACH 200 SQUARE FEET OF FLOOR AREA, WHICHEVER IS GREATER
<u>CULTURAL, HEALTH, AND RELIGIOUS USE:</u>		
HOSPITALS, SANATORIUMS, CONVALESCENT HOMES FOR THE AGED OR SIMILAR USE	ONE +ONE	EACH THREE (3) PATIENTS EACH TWO (2) EMPLOYEES AND STAFF MEMBERS

ORPHANAGES OR SIMILAR USE	ONE	EACH TEN (10) BEDS
COMMUNITY CENTERS, LIBRARIES, MUSEUMS, POST OFFICES, CIVIC CLUBS, ETC.	ONE	EACH ONE HUNDRED (100) SQUARE FEET OF FLOOR AREA
CHURCHES & SCHOOLS	ONE	EACH FOUR (4) SEATS IN A PRINCIPAL AUDITORIUM, OR EACH SEVENTEEN (17) CLASSROOM SEATS, WHICHEVER IS GREATER

SOCIAL AND RECREATIONAL USES:

THEATRES AND AUDITORIUMS** (OTHER THAN INCIDENTAL TO SCHOOLS)	ONE +ONE	EACH FOUR (4) SEATS, EACH TWO (2) EMPLOYEES
DANCE HALLS, POOL AND BILLIARD HALLS AND EXHIBITION HALLS WITHOUT FIXED SEATS	ONE	EACH ONE HUNDRED (100) SQUARE FEET OF FLOOR AREA USED FOR DANCING OR ASSEMBLY
STADIUM OR SPORTS ARENAS**	ONE	EACH FOUR (4) SEATS
BOWLING ALLEYS***		FIVE (5) PARKING SPACES FOR EACH ALLEY

SALES AND SERVICE:

MORTUARIES OR FUNERAL HOMES	ONE	EACH FIFTY (50) SQUARE FEET OF FLOOR SPACE IN THE SLUMBER ROOMS, PARLORS, OR INDIVIDUAL FUNERAL SERVICE ROOMS
ESTABLISHMENTS FOR SALE AND CONSUMPTION ON THE PREMISES OF BEVERAGES, FOOD, OR OTHER REFRESHMENTS	ONE +ONE	EACH ONE HUNDRED (100) SQUARE FEET OF FLOOR AREA EACH FOUR (4) EMPLOYEES

EXCLUDING DRIVE-IN  
RESTAURANTS

MEDICAL OR DENTAL CLINICS, BANKS, BUSINESS OR PROFESSIONAL OFFICE	ONE	EACH TWO HUNDRED (200) SQUARE FEET OF FLOOR SPACE
BEAUTY PARLORS & BARBER SHOPS	TWO	EACH BARBER AND/OR BEAUTY SHOP OPERATOR
ALL RETAIL STORES, INCLUDING DRIVE-IN RESTAURANTS AND OTHER SIMILAR ESTABLISHMENTS EXCEPT AS OTHERWISE SPECIFIED HEREIN	NONE	CENTRAL BUSINESS ZONE
	ONE	HIGHWAY COMMERCIAL ZONE – EACH FOUR HUNDRED (400) SQUARE FEET OF GROUND FLOOR AREA

AUTOMOTIVE SALES AND SERVICE:

MOTOR VEHICLE SALESROOMS, REPAIR SHOPS, PUBLIC GARAGES	ONE	FIVE HUNDRED (500) SQUARE FEET OF FLOOR AREA
GASOLINE FILLING STATIONS	ONE	150 SQUARE FEET FLOOR AREA, BUT NOT LESS THAN 10 SPACES, EACH CAR SERVICE RACK MAY BE COUNTED AS ONE SPACE, BUT DRIVEWAY AREAS AND SPACE AT GASOLINE PUMPS MAY NOT BE COUNTED

WHOLESALE AND INDUSTRIAL USES:

WHOLESALE ESTABLISHMENTS, WAREHOUSES, INDUSTRIAL PLANTS	ONE	300 SQUARE FEET FLOOR AREA, OR ONE SPACE PER EACH TWO EMPLOYEES ON THE MAXIMUM WORKING SHIFT, WHICHEVER IS GREATEST
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\*REQUIREMENTS FOR RESTAURANTS, BALLROOMS, AND OTHER PLACE  
OF ASSEMBLY MUST BE PROVIDED FOR IN ADDITION.

**\*\*WHERE THERE ARE NO FIXED SEATS, ONE SPACE PER TEN (10) SQUARE FEET OF FLOOR AREA AVAILABLE TO THE PUBLIC.**

**\*\*\*REQUIREMENTS FOR RESTAURANTS MUST BE PROVIDED IN ADDITION.**

4.806 Off-Street Loading Space

Any building used for commercial, office, industrial or institutional purposes shall provide indoor and outdoor space for the loading and unloading of goods and materials according to the following requirements and schedule.

- a- Each loading space shall have a minimum width of twelve (12) feet, a minimum length of thirty-five (35) feet, and a minimum height, if covered, of fourteen (14) feet. Adequate space shall be provided for driveways, entrances, and exits. Access to an alley or street shall be provided.
- b- Integrated shopping centers of five (5) acres or more may be excluded from the requirements for minimum dimensions of loading berths and from the requirements for minimum numbers of off-street loading spaces listed hereunder, provided other satisfactory loading arrangements are provided.

<u>USE</u>	<u>NO. OF SPACES</u>	<u>FLOOR AREA (SQUARE FEET)</u>
HOSPITAL OR OTHER INSTITUTION	NONE ONE +ONE	FIRST 10,000 10,001 TO 20,000 EACH ADDITIONAL 200,000 OR FRACTION THEREOF
RETAIL SALES AND SERVICES	NONE ONE TWO +ONE	FIRST 5,000 5,001 TO 10,000 10,001 TO 40,000 EACH ADDITIONAL 150,000 OR FRACTION THEREOF
OFFICE BUILDING INCLUDING BANKS	NONE ONE +ONE	FIRST 10,000 10,001 TO 100,000 EACH ADDITIONAL 150,000 OR FRACTION THEREOF
WHOLESALE OR WAREHOUSING	NONE ONE +ONE	FIRST 3,000 3,001 TO 10,000 EACH ADDITIONAL 40,000 OR FRACTION THEREOF

INDUSTRY OR MANUFACTURING	NONE ONE +ONE	FIRST 5,000 5,001 TO 25,000 EACH ADDITIONAL 50,000 OR FRACTION THEREOF
OTHER COMMERCIAL USES	NONE ONE +ONE	FIRST 10,000 10,001 TO 100,000 EACH ADDITIONAL 100,000 OR FRACTION THEREOF

Section 4.807 Modification of Parking and Loading Requirements

The following modifications are permitted only with the approval of the Board of Adjustment.

- a- Hardship: In cases of development or redevelopment of properties where application of the Schedule of Parking Requirements or Loading Requirements would create undue hardship, the applicant may appear before the Board of Adjustment to present a modified plan for the provision of off-street parking or loading space. The Board is authorized to approve such plans, when appropriate, after referral to the Planning Commission.
- b- Joint Use of Parking Areas: In cases of development of properties where several uses could effectively utilize the same parking area, because of different periods of peak demand, the applicant may appear before the Board of Adjustment to present a modified parking plan. An example would be a church adjacent to a shopping center, where peak use hours would not coincide. The Board is authorized to approve such plans, when appropriate, after referral to the Planning Commission. The Board shall require written evidence of an agreement for joint use and may impose any necessary additional conditions.

Section 4.900 Signs

Section 4.901 General Provisions

No sign shall be erected, hung, placed, or painted in any zone, except as provided in this section. No sign erected before the enactment of these regulations shall be structurally altered or moved except in accordance with these regulations. No permit shall be required for the repainting or repapering of a sign which conforms to the provisions of these regulations, or having existed before the adoption of these regulations and are thus established as a nonconforming use.

#### Section 4.902 Zoning Certificate for Signs

No sign shall be erected or displayed until the sign has been approved by the Administrative Official and a zoning certificate issued, except as permitted in Section 4.903. Application for certificate shall be submitted on forms provided at the office of the Administrative Official. Each application shall be accompanied by plans showing the sign area, size, character, and color of letters; designs proposed; method of illumination, if any; proposed location; and, if a projecting business sign, proposed method of fastening such sign to the building or structure. The certificate number and date of issuance shall be affixed to each sign in conspicuous manner. Signs erected without conformance to these standards may be removed on order of the Administrative Official.

#### Section 4.902 Zoning Certificate for Signs, Revised

No sign shall be erected or displayed, except as set forth in Section 4.910, until the sign has been approved by the Administrative Official and a zoning certificate issued, except as permitted in Section 4.903. Application for certificate shall be submitted on forms provided at the office of the Administrative Official. Each application shall be accompanied by plans showing the sign area, size, character, and color of letters; designs proposed; method of illumination, if any; proposed location; and, if a projecting business sign, proposed method of fastening such sign to the building or structure. The certificate number and date of issuance shall be affixed to each sign in conspicuous manner. Signs erected without conformance to these standards may be removed on order of the Administrative Official.

Note: Section 4.902 Zoning Certificate for Signs, Revised is in effect in the City of Hillview only. This section was amended by Text Amendment 97T-01.

#### Section 4.903 Signs Permitted Without a Zoning Certificate

The types of signs listed below are permitted in any zone without a certificate, subject only to the requirements outlined for each type of sign and the construction and lighting standards of this section:

- a- Incidental identification sign, indicating the name or number of the building or premises or the accessory use of a dwelling for a home occupation or for professional purposes. Such sign shall not exceed two (2) square feet in area;
- b- Farm signs, identifying the farm and advertising the sale of farm products grown or produced on the premises. Such sign shall not exceed eight (8) square feet in area and shall be at least fifteen (15) feet from any public right-of-way;
- c- Construction signs, identifying the contractors, engineers, or architects on

building projects under construction, limited to a total area for all such signs of one hundred and fifty (150) square feet. The signs shall be confined to the construction site and removed when construction is completed;

- d- Temporary real estate signs, not to exceed six (6) square feet for a tract under two (2) acres, or fifty (50) square feet for a tract over two acres; and in any case, they shall follow the requirements set forth in the following table establishing a relationship between sign size and its distance from property/right-of-way line.

<u>AREA IN SIGNS</u>	<u>DISTANCE FROM PROPERTY/ RIGHT-OF-WAY LINE</u>
12 SQUARE FEET OR LESS	12 FEET
13 TO 20 SQUARE FEET	50 FEET
21 TO 40 SQUARE FEET	100 FEET
41 TO 50 SQUARE FEET	150 FEET

- e- Temporary subdivision identification signs, not exceeding fifty (50) square feet in area, for each subdivision of five lots or more;
- f- Temporary subdivision approach signs, not to exceed twenty (20) square feet. Each subdivision limited to four such signs;
- g- Political campaign signs to be removed within ten (10) days after last day of the event;
- h- Street banners advertising a public event to be removed within ten (10) days after last day of the event;
- i- Temporary business signs, not to exceed twenty (20) square feet, and not to be displayed longer than fifteen (15) days;
- j- Window signs, provided that such signs shall not exceed thirty (30) percent of the glass area;
- k- Direction and information signs of a public or quasi-public nature;
- l- Zoning signs required by these regulations;
- m- Project identification signs of a permanent nature identifying the name of a subdivision or other residential development, not to exceed twenty-four (24) square feet.
- n- Integral signs, giving the name of the building, date of erection or the like, when made an integral part of the structure;

- o- Institutional signs, giving the name or announcement of any public, charitable or religious institution. Such sign shall be set back at least fifteen (15) feet from the property line and shall not exceed twenty-four (24) square feet in area;
- p- Private traffic direction signs, for directing traffic onto or within a property. Such signs shall not include any advertising and shall not exceed four (4) square feet in area for each sign;
- q- Tourist home sign, for a tourist home permitted as a conditional use, shall not exceed six (6) square feet in area;
- r- Home occupation and small professional or announcement signs for permitted activities in residential zones, shall not exceed five (5) square feet in area. Such signs shall be located not closer than one (1) foot from any street right-of-way line and so placed that they will not obstruct the view of traffic in any way. Any illumination of such signs shall be shaded so that they in no way interfere with the vision of motorists of adjoining property owners.

#### Section 4.904 Limitations

Any individual person or firm erecting, placing or hanging any signs shall apply for a zoning certificate showing that such sign is in conformance with the zoning regulations. Loud speakers, juke boxes, public address systems and electric amplifiers shall be permitted if the use of the same is for the occupants of the building only within which such equipment is installed and does not create a nuisance and disturb the peace of other persons or adjoining properties in its own or any other zone. Signs or other outdoor advertising which involves lighting or motion resembling traffic or directional signals, warnings such as 'stop' and 'danger' are prohibited. Additionally, no sign, outdoor commercial advertising device constituting a nuisance because of light, glare, focus, animation of flashing, or any illuminated signs of such intensity of illumination as to unduly disturb the use of residential property shall be erected or continue in operation.

#### Section 4.905 Number and Area of Signs

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. The surface area of a sign shall be computed as including the entire area within a regular geometric form or a simple combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Only one side of a two face sign shall be used for computing sign area.

#### Section 4.906 Sign Design

- a- Lighting: Lighted signs shall not reflect or result in glare in adjacent streets. Lighting or wording on a sign shall not be of a nature to be confused with public traffic and directional signs.
- b- Placement on Building: Signs shall not be erected on the roofs of buildings and signs erected on the sides of buildings shall not extend more than twelve (12) feet above the roof line. Signs shall not obstruct any window, door, fire escape, stairway, or other opening intended to provide light, air, ingress, or egress for any building or structure. Projecting signs shall not project any more than sixty (60) inches, but in no case shall such a sign extend closer than one foot to the vertical plane of the street curb line. The bottom of a projecting sign shall be at least twelve (12) feet above the finished grade of the sidewalk.
- c- Construction and Maintenance: Signs shall be constructed to be structurally sound and shall be maintained in good order. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or the public safety, in the opinion of the Administrative Official, he shall order that such sign be made safe or removed. Such order shall be complied with within five (5) days of receipt thereof by the person, firm, or corporation owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.
- d- Location of Signs: No sign shall be located in a public right-of-way. No sign shall be erected closer than fifty (50) feet to an intersection, with the exception of public safety and directional signs and signs attached to buildings.

#### Section 4.907 Business Signs

Business signs may be erected in Business and Industrial zones in accordance with the following regulations:

- a- Central Business Zone: The total area of signs on any one building shall not exceed one (1) square foot for each lineal foot of principal frontage of the building or lot, but in no case shall the total area of signs exceed two hundred (200) square feet.
- b- Business Planned Unit Development: The total area of signs on any one building shall not exceed two (2) square feet for each lineal foot of principal frontage of the building or lot, but in no case shall the total area of signs exceed four hundred (400) square feet.

- c- Freestanding Sign: In addition to signs attached to buildings, each separate commercial or industrial lot may have one freestanding identification sign. The sign area shall not exceed two hundred (200) square feet and the height of the sign structure shall not exceed thirty (30) feet. Businesses or industries having frontage on more than one street may have an additional freestanding sign for each street frontage.
- d- Signs for Nonconforming Businesses: Signs for non-conforming businesses shall be governed by the sign regulations for the Central Business Zone.

#### Section 4.908 Outdoor Advertising Signs

The design and location of outdoor advertising shall conform to all state regulations, and the following county regulations. Outdoor advertising signs shall be permitted only in Highway Business, Light, and General Industrial Zones. A zoning certificate shall be required for all outdoor advertising signs, and shall meet the following design requirements.

- a- The maximum area of any outdoor advertising sign shall be one thousand and two hundred (1,200) square feet, with a maximum height of twenty-five (25) feet and a maximum length of sixty (60) feet, inclusive of cutouts and extensions, but excluding border, trim, decorative bases, and structural supports. The overall height of an outdoor advertising sign shall not exceed thirty (30) feet. A sign may contain one or two advertisements per facing, not to exceed the maximum area. Back-to-back or 1-type signs will be permitted and shall be treated as one structure with an area of one thousand and two hundred (1,200) square feet permitted for each facing.
- b- An outdoor advertising sign shall be located at least fifty (50) feet from any street or highway right-of-way line.
- c- No two outdoor advertising signs shall be spaced less than three hundred (300) feet apart on the same side of the highway. No outdoor advertising sign shall be located closer than two hundred (200) feet to a public park, school, or other public building; nor be located in any place where, in the opinion of local officials, the sign would be a menace or hazard to highway traffic safety.

#### Section 4.909 Condemnation for Removal of Signs

If any reaches a state of disrepair and is deemed unsightly or unsafe by the Administrative Official or Building Inspector, and is not properly renovated, it shall be condemned and an order issued for removal immediately at the expense of the sign or building owner.

Section 4.910 Municipal Signs

Any sign which is leased, partially owned and/or owned by any government (Federal, State, County, City) is exempt from the terms and/or requirements of these regulations, and shall be exempt from obtaining any review and/or approval of the Bullitt County Administrative Official and/or Bullitt County Planning Commission and/or Bullitt County Board of Adjustments.

## ARTICLE 5 ZONE REGULATIONS

### Section 5.100 Format of Zone Regulations

### Section 5.200 Types of Application Review

### Section 5.300 Table of Type of Application Review by Zone

- 5.301 Natural Resources Uses
- 5.302 Residential Uses
- 5.303 Business Uses
- 5.304 Industrial Uses
- 5.305 Public and Semi-Public Uses

### Section 5.400 All Zones

- 5.401 Uses Permitted Throughout
- 5.402 Accessory Use and Buildings
- 5.403 Uses and Buildings by Temporary Permits

### Section 5.500 Rural Zones

- 5.501 Agricultural Zone, 'A'
- 5.502 Conservation Zone, 'C'
- 5.503 Stream Valley Reserve Zone, 'SR'

### Section 5.600 Residential Zones

- 5.601 Residential Zone, 'R-1'
- 5.602 Residential Zone, 'R-2'
- 5.603 Residential Zone, 'R-3'
- 5.604 Residential Zone, 'R-4'

### Section 5.700 Business Zones

- 5.701 Highway Business, 'B-1'
- 5.702 Central Business, 'B-2'

### Section 5.800 Industrial Zones

- 5.801 Light Industrial, 'I-L'
- 5.802 General Industrial, 'I-G'

Section 5.900 Planned Unit Development, Residential and Highway Business

5.901 Site and Plan Requirements

5.902 Procedure

5.903 Documentation Required for Planned Unit Development Application

5.904 Permitted Uses and Variations

## ARTICLE 5 ZONE REGULATIONS

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for the primary uses permitted for each of the several following zones together with lawfully permitted home occupation and temporary uses as listed below and permitted accessory uses.

### Section 5.100 Format of Zone Regulations

In this article, the purpose of each zone is outlined, and the permitted principal uses, accessory uses, conditional use together with development design standards, i.e. heights, lot areas, frontage and yards, and maximum lot coverage are stated by zone. These uses and requirements are subject to the General Regulations in Article IV. Special provisions, when applicable, are outlined for each zone. Uses allowed in each zone are listed in Section 5.300, Table of Zone Use Review Requirements.

### Section 5.200 Types of Application Review

In the zoning process, each use requires some form of application review. For purposes of establishing review procedures, uses are divided into the following three main groups:

a- Permitted Use: A use permitted by right in the zone, subject to the zone requirements and the General Regulations in Article IV. In the case of an application for a permitted use, the Administrative Official will check the application to see that its requirements have been met and, if so, will issue the necessary permit. The Administrative Official is also empowered to issue temporary permit not to exceed sixty (60) days for carnivals, fairs, and similar temporary activities.

b- Site Plan Review Use: A use permitted by right in the zone, subject to the zone requirements and the General Regulations in Article IV, but requiring site plan review and approval by the Planning Commission. The Planning Commission may require changes in the proposed site plan of the development before directing the Administrative Official to issue a building permit. Site Plan review procedures and requirements are outlined in Article VI.

c- Conditional Use: A use permitted in a zone only under certain conditions, after approval as a conditional use by the Board of Adjustment. All conditional use applications are referred to the Planning Commission for site plan review and recommendation before the public hearing by the Board of Adjustment.

The Board is also empowered to grant temporary conditional use for certain uses. General conditions for granting a conditional use are outlined in Article VI.

Section 5.300 Table of Type of Application Review by Zone

In the following table this key shall apply:

P---Permitted Subject to Development Standards

S---Permitted Subject to Site Plan Review

C---Permitted as a Conditional Use

TC-Permitted as a Temporary Conditional Use

T---Permitted as a Temporary Use

Absence of the above letters for a use in a zone shall be interpreted that such use is not to be permitted in any way in that zone.

<b>5.301 NATURAL RESOURCES USES</b>	A	C	SR	R-1	R-2	R-3	R-4	PR	B-1	B-2	PB	I-L	I-G
<b>AGRICULTURAL AND FORESTRY</b>													
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial Greenhouses and Nurseries	P	P	C	C	C	C	C	C	S	C	S	S	
Storage and Processing of Agricultural Products	P	P	C									S	S
Vacation Farm	P	P	C	C	C	C	C	C	C	C	C	C	C
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P
Sawmill	C	C	C	TC	TC	TC	TC	TC	TC	TC	TC	TC	S
<b>MINERAL EXTRACTION</b>													
Mineral Extraction	C	C	C	C	C	C	C	C	C	C	C	C	S
Mineral Processing and Related Uses	C	C	C	C	C	C	C	C	C	C	C	C	S
Mineral Based Manufacturing													S
<b>5.302 RESIDENTIAL USES</b>													
<b>STANDARD HOUSING</b>													
Single Family Dwelling	P	P	C	P	P	P	P	S					
Vacation Dwelling	P	P	C										
Single Family Semidetached Dwelling					P	P	P	S					
*Two Family Dwelling				P	P	P	P	S	S	S			
Multiple-Family Dwelling					P	P	P	S					
Multiple-Family Group Development					P	P	P	S					
Mobile Home	P	P	C				P						
Mobile Home Park		C					S						
<b>*See Appendices A&amp;B</b>													

	A	C	SR	R-1	R-2	R-3	R-4	PR	B-1	B-2	PB	IL	IG
<b>TRANSIENT HOUSING</b>													
Agricultural Labor Camp	C	C				P							
Boarding House	C	C	C		P	P							
Motel, Hotel, Tourist Camp									S	C	S		
Tourist Home	C	C	C		P	P							
Travel Trailer Park	C	C	C						S		S		
Vacation Lodge or Camp	C	C	C										
<b>5.303 BUSINESS USES</b>													
<b>RETAIL TRADE</b>													
Antique Shop	C	C	C						S	S	S		
Apparel Store									S	S	S		
Appliance Sales and Service									S	S	S	S	
Auction House									S	S	S	S	
Bakery Retail									S	S	S		
Boat Sales and Service									S	S	S	S	
Books and Magazine Store									S	S	S		
Camera Shop									S	S	S		
Department Store									S	S	S		
Discount Store									S	S	S		
Drug Store									S	S	S		
Dry Goods Store									S	S	S		
Farm Equipment Sales									S	S	S	S	
Feed and Grain Sales	C	C							S	S	S	S	
Florist									S	S	S		
Food and Drink Sales Store									S	S	S		
Ice, Coal, Wood Sales									S	S	S	S	
Furniture Sales and Repair									S	S	S	S	

	A	C	SR	R-1	R-2	R-3	R-4	PR	B-1	B-2	PBI	IL	IG
Garden Center	C	C	C						S	S	S		
Gift Shop									S	S	S		
Hardware Store									S	S	S		
Hobby Shop									S	S	S		
Household Furnishings									S	S	S		
Jewelry Store									S	S	S		
Mobile Home Sales									S		S		
Music and Record Store									S	S	S		
Newsstand									S	S	S		
Office Equipment									S	S	S		
Paint Store									S	S	S		
Pawn Shop									S	S	S		
Radio and TV Sales									S	S	S		
Shoe Store									S	S	S		
Specialty Shop									S	S	S		
Souvenir Shop									S	S	S		
Sporting Goods Store									S	S	S		
Stone Monument Sales									S	S	S	S	
Tobacco Store									S	S	S		
Toy Store									S	S	S		
Variety Store									S	S	S		
Watch Sales and Repair									S	S	S		
Wayside Stand, Temporary	P	P	P	TC	TC	TC	TC	TC	S	TC	S	TC	TC
<b>BUSINESS AND PERSONAL SERVICES</b>													
Bank									S	S	S		
Barber and Beauty Shop									S	S	S		
Carpentry, Electrical, Plumbing, Sheet Metal Printing, Upholstery and Similar Services									S	S	S	S	
Commercial or Business School									S	S	S		



Laboratory, Medical or Dental	A	C	SR	R-1	R-2	R-3	R-4	PR	S	B-1	S	B-2	S	PB	IL	S	IG
Laboratory, Research, Experimental, or Testing			C						S	S	S	S		S	S	S	S
Laundry and Dry Cleaning, non-retail															S	S	S
Machinery Storage Yard									C						S	S	S
Motor Rail Freight Terminal									C						S	S	S
Stone Monuments Processing															S	S	S
Warehouse, Completely Enclosed									C						S	S	S
Warehouse with Open Storage															S	S	S
Welding Shop									C						S	S	S
Wholesale, Enclosed Building									S						S	S	S
Wholesale, with Open Storage															S	S	S
<b>AUTOMOTIVE AND RELATED SERVICES</b>																	
Accessory Sales, No Installation									S	S	S	S		S			
Accessory Sales, Installation									C	C	C	C		C			
Driving School									S	S	S	S		S			
Laundry (Carwash)									C	C	C	C		C			
Parking Garage or Lot				C	C	C	C	C	S	S	S	S	S	S	S	S	S
Rental									S	S	S	S		S			
Repairs (Body Shop)									C					C	S		
Sales									S	S	S	S		S	S		
Service Station									S	S	S	S		S	S		
Showroom, no repairs									S	S	S	S		S			
Storage									S	S	C	C		S	S	S	S
Truck Service Center									S					S	S	S	S
<b>ANIMAL SALES AND SERVICE</b>																	



General Industrial Use	A	C	SR	C	R-1	R-2	R-3	R-4	PR	B-1	B-2	PB	ILI	S
River –oriented Industrial Use	A		C											IG
Salvage Yard		C												S
<b>5.305 PUBLIC AND SEMIPUBLIC USES</b>														
<b>Open Space Use</b>														
Airport or Heliport	C	C	C											
Cemetery	C	C	C	C	C	C	C	C	C					
Country Club	C	C	C	C	C	C	C	C	C					
Fairgrounds	C	C												
Game Refuge	P	P	P	P	P	P	P	P	P					
Golf Course	C	C	C	C	C	C	C	C	C					
Park or Recreation Area	S	S	S	S	S	S	S	S	S	S	S	S		
Shooting Range	C	C	C	TC	TC	TC								
Swimming Pool Community	C	C	C	C	C	C	C	C	C					
Vacation Camps	C	C	C											
<b>Public and Institutional Uses</b>														
Arena, Stadium		C		C	C	C	C	C	C	C	C	C		
Church	S	S	C	S	S	S	S	S	S	S	S	S		
Cultural Facility	S	S	C	S	S	S	S	S	S	S	S	S		
Fire and Police Stations	S	S	C	S	S	S	S	S	S	S	S	S		
Medical Care Institution														
Hospital	C	C	C	C	C	C	C	C	C	S	C	C		
Nursing Home	C	C	C	C	C	C	C	C	C	C	C	C		
Sanitarium	C	C	C	C	C	C	C	C	C	C	C	C		
Private Club, Social	C	C	C	C	C	C	C	C	C	C	C	C		
Public Buildings	S	S	C	S	S	S	S	S	S	S	S	S		

	A	C	SR	R-1	R-2	R-3	R-4	PR	B-1	B-2	PB	IL	IG
Schools													
College or University	C	C	C	C	C	C	C	C	C	C	C		
Elementary or High School	S	S	S	S	S	S	S	S	S	S	S		
Nursery School	C	C	C	C	C	C	C	C	C	C	C		
Private School	C	C	C	C	C	C	C	C	C	C	C		
Tent or Temporary Meeting	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC
<b>Public Utility Uses</b>													
Dump													
Public Utility Use and Structures	C	C	C	C	C	C	C	C	C	C	C	S	S
												S	S

In the above table an attempt has been made to list the uses, individually or collectively, that are likely to occur in Bullitt County; however, inevitably there will always exist a chance that other uses may be applied for. In such case, the Administrative Official shall decide the zone in which the use is permitted, and the type of development review required.

#### Section 5.400 All Zones

The following applies to all zones:

#### Section 5.401 Uses Permitted Throughout

Public Park, playground, and other open public recreation areas not requiring any permanent construction are permitted by right in all zones.

#### Section 5.402 Accessory Use and Buildings

Accessory uses and buildings are permitted in all zones, provided they comply with all provisions contained herein. In Residential Zones, accessory building or use may be located to within five (5) feet of the rear and side property line. In all other zones, accessory buildings must comply with all land requirements established for the principal permitted uses.

#### Section 5.403 Uses and Buildings by Temporary Permits

- a- Temporary permits not to exceed six months, renewable for additional periods of six (6) months for a total maximum of eighteen months (18) months may be issued by the Administrative Official for site construction needs, including non-commercial concrete-batching plant, and temporary office and yard facilities for construction management purposes.
- b- Non-renewable temporary permits not to exceed sixty (60) days may be issued by the Administrative Official for carnivals, circuses, tent revival meetings, and similar special event activities. Before issuing a temporary permit, the Administrative Official shall determine that the site is adequate for the proposed activity, and that the proposed use, including related traffic and parking will not be detrimental to the surrounding area. Temporary dinners, sales and similar activities by school, church, or civic groups shall not require a permit.
- c- Temporary conditional use permit may be authorized by the Board of Adjustment for temporary wayside stands intended for the sale of farm products grown or produced on the premises being permitted by right in rural zones.

In all other zones, the Board of Adjustment may permit similar stands as temporary conditional uses, for a period not to exceed six (6) months. The wayside stand and display of all goods shall be located at least twenty-five (25) feet from the edge of roadway pavement.

#### Section 5.500 Rural Zones

Three types of zones are included under this rural grouping: Agricultural, symbolized by 'A', which covers prime areas for agricultural activities; Conservation, symbolized by 'C', comprising woodland and land of topographic characteristics less favorable for agricultural purposes, and possible potential for wildlife reserve; and Stream Valley Reserve, symbolized by 'SR', being rivers and streams and their adjacent areas, considered potential recreational resources for the count residents and outsiders, and desirable to preserve in their natural river landscape condition. The common theme in those zones is preservation of especially valuable assets to Bullitt County against the anticipated urban and suburban types of development which are occurring in the county.

#### Section 5.501 Agricultural Zone 'A'

a- Principal permitted uses and structures are basically agricultural activities including agricultural crop, dairying, and the raising of farm animals and feeding, and nurseries together with their pertaining structures.

b- Accessory uses and structures permitted are:

1. Single-family dwelling occupied by the owner or operator of the farm and such additional single-family dwellings as are necessary for occupancy by the tenant farmers, provided that there shall be at least two (2) acres for every dwelling unit.

2. One (1) mobile home is permitted on each farm for the use of the owner or his tenant, and one (1) additional mobile home is permitted on each farm for the use of each member of the owner's immediate family, provided that there shall be at least five (5) acres for every mobile home, and provided that each shall conform to the section pertaining to mobile homes in these regulations.

2 (a) Mobile home permits being granted under the above section shall be subject to a 300 foot setback line from the following major roadways: Kentucky Highway 44 and Kentucky Highway 61. Access from such mobile homes unto the main road shall be through the access for the main farm only onto the public right-of-ways.

3. Sale on the premises, and the pertaining needed structures for the sale of agricultural products produced on the premises.

\*c- To fulfill the purpose of the establishment of this zone, no division of land into less than ten (10) acres for use as residential or uses other than listed in Section 5.300 shall be permitted in an Agricultural Zone. A dwelling constructed as an accessory use on a farm tract which is later subdivided must meet the area requirements of the zone. Subdivision of land into lots of less than ten (10) acres is permitted for non-residential uses permitted in the “A” zone.

d- The only yard restriction in this zone is a minimum setback required for any building of forty (40) feet from the right-of-way line.

e- No height restrictions are imposed on any structures of the principal and accessory use categories.

f- Land which is used solely for agricultural farming, dairying, stock raising or similar purposes shall have no regulations imposed as to building permits, certificates of zoning compliance, height, yard, locations of court requirements for agricultural buildings, except that:

1. A setback line of forty (40) feet or greater shall be required of all buildings for the protection of existing and proposed streets and highways.

2. All buildings or structures in a designated floodway or floodway plain which tend to increase flood height or obstruct the flow of flood waters shall be regulated by the Planning Commission, and therefore require the site plan review and approval of the Bullitt County Planning Commission.

#### Section 5.502 Conservation Zone ‘C’

\*a- Principal permitted uses and structures include, in addition to those agricultural activities regulated in ‘A’ zone, forestry, single-family, homes, vacation-oriented services, vacation bungalows, and cabins. To fulfill the purpose of the establishment of this zone, the division of property into less than three (3) acres shall not be permitted.

b- Accessory uses and structures permitted include group eating facilities for group lodging camps, and travel trailer parks, sale and roadside stands for the sale of agricultural products grown on the premises, picnicking and rest facilities.

\*See Appendices A & B

c- Single-family homes on one (1) acre minimum. A single mobile home on a three (3) acre lot minimum. Group lodging, camps, and travel trailer parks for a temporary stay not exceeding three (3) months, are also permitted provided they are located on a single tract of not less than ten (10) acres, and resulting in an overall net density not exceeding five (5) units per acre.

d- Same setback and yard requirements regulating 'A' zone shall apply.

e- No building or structure shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height.

f- Special development standards: no roofed building or buildings shall cover, individually or collectively, more than twenty (20) percent of lot area. Vacation dwellings, used only on a seasonal basis may be exempted from the requirements of direct access to a public road; however, the Planning Commission shall require appropriate design features for vacation home subdivisions as these may become permanent dwellings.

#### Section 5.503 Stream Valley Reserve Zone 'SR'

a- Principal permitted uses are similar to those regulated in the 'A' zone, and public and private open space recreation areas which are being defined to include only recreation land retained primarily in the natural state and used only as picnic areas, trails, and similar uses which do not change the natural landscape pattern. Construction of recreation buildings or other related intensive development (swimming pools, parking lots, and paved game areas) which materially changes the natural landscape shall require a conditional use permit. This shall include vacation lodges and camps and their accessories, research laboratories and non-polluting water oriented industries.

b- Accessory uses and structures are the same as those regulated by a 'C' zone.

c- To fulfill the purposes of establishing this zone, in any and all cases where construction of buildings is involved a minimum area of ten (10) acres shall be required, except for industrial use, in which case a minimum of thirty (30) acres shall be required. In any and all cases development shall not be allowed where natural features, such as floodway plains or steep slopes, make such development unsafe or undesirable. As a general policy, in sections of the zone where level land borders a river or stream, permanent development shall not be permitted closer than one hundred and fifty (150) feet to the normal high water line, except for such facilities which must be located at the waters edge, as docks or fishing jetties.

- d- Same setback and yard requirements as regulated in 'A' zone shall apply.
- e- Same height requirements regulating a 'C' zone shall apply.
- f- Special development standards: same lot coverage restrictions. Vacation home subdivision regulating a 'C' zone shall apply.

#### Section 5.600 Residential Zones

Four types of zones are included under this grouping, 'R-1', 'R-2.', 'R-3', and 'R-4'. Intensity of land utilization for residential purposes is permitted to intensify progressively from the first zone to the last.

#### Section 5.601 Residential Zone 'R-1'

a- Principal permitted uses are:

1. Single-family dwellings
2. Two-family dwellings

b- Accessory uses and structures permitted are:

1. Garage, or other buildings not used as a dwelling, and which is not for rent by any outside non-bona fide resident of the dwelling unit.
2. Private swimming pools and other private recreational facilities.
3. Home occupation as defined in section 2.200.

c- The following area requirements shall apply:

1. Every single-family dwelling shall be located on a single lot of not less than fourteen thousand (14,000) square feet in area. The minimum lot width at the building line shall not be less than one hundred (100) feet.
2. Two-family dwellings or duplexes shall require a minimum lot size of not less than seventeen thousand five hundred (17,500) square feet with a minimum lot width measured at the building line of not less than one hundred twenty-five (125) feet.

d- The following setback and yard requirements shall apply:

1. Front Yards: The minimum front yard setback line shall be fifty (50) feet from the right-of-way line.
2. Side yards: There shall be a minimum side yard on each side of any principal structure of fifteen (15) feet as measured from the property line to the nearest such building. Accessory building or use may be located to within five (5) feet of the side and rear property lines.
3. Rear Yards: There shall be a minimum rear yard building line of not less than twenty-five (25) feet as measured from the rear property line to the nearest building or structure.
4. Corner Lot Yards: The minimum side yard line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of – way line. Where the street on the side of a corner lot has lots fronting upon it within the same block and on the same side of the street, the side yard on the corner lot shall be equal to the front yard requirements for lots fronting on the street.
5. Yards for Public and Semi-Public Buildings: all public and semi-public buildings, including accessory buildings, shall have the same front yard required for all other buildings in the same zone. There shall be a minimum side yard and rear yard for such buildings of fifty (50) feet from any lot line.

e- No building or structure shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height.

Section 5.602 Residential Zone, 'R-2'

a- Principal permitted uses include, in addition to those regulated in R-1 zone, tourist homes.

b- Accessory uses and buildings permitted are:

1. The same as regulated in R-1 zone.
2. Renting or sleeping rooms, three (3) being the maximum number of people to be sheltered in such a building.

c- The following areas and lot width requirements shall apply:

1. Every single-family dwelling shall be located on a single lot of not less than nine thousand (9,000) square feet. The minimum required lot width at the building line for single-family dwellings shall be seventy-five (75) feet.
2. Two-family dwellings or duplexes shall be located on a single lot of not less than eleven thousand (11,000) square feet. The minimum required lot width at the building set back line for two-family dwellings shall be one hundred (100) feet.

d- The following setback and yard requirements shall be observed:

1. Front Yards: forty (40) feet setback shall be required from right-of-way line.
2. Side Yards: there shall be a minimum side yard on each side of any building or structure of fifteen (15) feet measured from the side lot line to the nearest building or structure, except that garages and accessory buildings may extend an additional ten (10) feet into one side yard. (Note: see page 116 for the latest text amendment of this section)
3. Rear Yards: there shall be a minimum rear yard building of not less than twenty-five (25) feet, except that garages and other accessory buildings and uses may extend up to within five (5) feet from rear property line.
4. Corner Lot Yards: the minimum side yard line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way line except that a garage or carport may extend an additional five (5) feet into the side yard adjacent to the street. Where the street on the side of a corner lot has lots fronting upon it within the same block and on the same side of the street the building setback on the side of the corner lot shall be equal to the front yard setback requirements of such street.
5. Yards for Public and Semi-Public Buildings: all public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in this zone. There shall be a minimum side yard and rear yard for such buildings of fifty (50) feet wide from any lot line.

e- No building shall exceed three (3) stories or forty-five (45) feet in height.

Section 5.603 Residential Zone 'R-3'

a- Principal uses permitted include, in addition to those regulated in 'R-1' and 'R-2' Zones, multi-family dwellings.

b- Accessory uses and buildings permitted are the same as those regulated in 'R-2' Zone.

c- The following minimum lot area required shall be provided:

1. Every single-family dwelling shall be located on a single lot of not less than seven thousand two hundred (7,200) square feet for the first dwelling unit. The minimum required lot width at the building line shall be sixty (60) feet.

2. Every two-family and multi-family dwelling shall be located on a single lot of not less than six thousand (6,000) square feet for the first dwelling unit plus one thousand five hundred (1,500) square feet for each additional unit up to four (4). Each unit beyond four (4) in a multi-family dwelling shall be located on a two thousand five hundred (2,500) square foot lot. The minimum required lot width at the building line for two-family and multi-family dwellings shall be eighty (85) feet.

d- The following setback and yard requirements shall be provided:

1. Front Yards: thirty (30) feet required from right-of-way line.

\*2. Side Yards: there shall be a minimum combined side yards lot line equal to eighteen (18) feet. With one (1) side yard line being a minimum of ten percent (10%) of the overall lot width and the remaining side yard line being the difference between the opposite yard line but with both side yard lines adding up to a combined eighteen (18) feet.

3. Rear Yards: there shall be a minimum rear yard building setback of not less than twenty-five (25) feet; except that accessory buildings and uses may extend up to five (5) feet from rear lot lines.

4. Corner Lot Yards: the minimum side yard on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way line except that a garage or carport may extend an additional five (5) feet into the side yard adjacent to the street. Where the street on the side of a corner lot has lots fronting upon it within the same block and on the same side of the street, the building line on the side of the corner lot shall be equal to the front yard line requirements of such street.

5. Yards for Public and Semi-Public Buildings: all public and semi-public buildings, including accessory buildings shall provide the same front yard setback as required for all other buildings in this zone.

There shall be a minimum side yard line and rear yard line for such buildings of fifty (50) feet from any lot line.

e. No building shall exceed three (3) stories or forty five (45) feet in height.

\*f. The following special development standards shall apply to Row House Developments:

1. Subdivision requirements: A Row House Development shall be submitted as a subdivision plat and if it is recorded in sections, each section shall meet all requirements of this regulation. Each dwelling unit shall be located on a separate lot of record fronting on a dedicated street.

2. Yard Requirements:

- a. Front Yard: 30 feet from right-of-way line
- b. Side Yard: For end developments a minimum of 9 feet
- c. Street Side Yard: a minimum of 15 feet
- d. Rear Yard: A minimum of 25 feet

3. Maximum building height: no building shall exceed three (3) stories or 45 feet in height.

4. Maximum area requirements:

a. No recorded lot in a Row House Development shall contain less than 1800 square feet.

b. Land area requirements:

- 2 units – 7500 square feet
- 3 units – 9000 square feet
- 4 units – 10,500 square feet
- Each additional unit - add an additional 2500 square feet.

c. The difference between the total land area required for the entire Row House Development and the total land area of the development's recorded lots for residential purposes shall be provided as an open lot to be used for parking, recreational or scenic purposes. Any such open space lot shall be owned in common and maintained by the owners of lots in the Row House Development.

\*See appendices A & B

5. Lot size: The minimum width of interior lots shall be 18 feet and the minimum width of end lots shall be 27 feet. The minimum depth of any lot shall be 80 feet.

6. Other requirements:

a. No group of attached dwelling units in a Row House Development shall be longer than 200 feet.

b. Maximum lot coverage shall be 60 percent.

c. A statement shall be included on the plat of the subdivision and in all deeds of transfer of property of any land located therein, which will prevent the subdivision and resubdivision of land into a greater number of lots than originally approved.

d. a minimum of two parking spaces per dwelling unit shall be provided.

Section 5.604 Residential Zone, 'R-4'

a- Principal permitted uses and buildings include:

1. Any Principal uses and buildings permitted in 'R-3'.

2. Mobile homes on subdivisions for individual lot ownership, and mobile home parks providing rental space. Mobile homes for individual ownership shall comply with 'R-3' zone requirements and any subdivision regulations as they may be adopted. No mobile home development on a subdivision for ownership, or on lots made available as rental space comprising less than five (5) mobile home units, shall be permitted. Rental space for mobile home temporary parking for less than six (6) months shall be prohibited. Mobile home parks with lots available for rental shall comply with the requirements specified herein.

b. Accessory uses and buildings permitted are those customarily incidental and subordinate to the principal uses permitted above and complying with the requirements specified herein. For mobile home parks, paragraph 'f4' shall be observed.

c. Lot area requirements are as follows:

1. For those uses and buildings permitted in 'R-3' and individual mobile homes, and other than mobile home parks for rental purposes, the same requirements set for that zone shall apply.

2. No mobile home park shall be permitted on an area of less than three (3) acres in size, although the developer shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the Planning Commission for the entire tract. The number of mobile homes permitted in the mobile home park shall not exceed a density of seven (7) mobile homes per gross acre. Individual lots within a mobile home park shall not be less than thirty-six hundred (3,600) square feet in area, and in no instance shall more than one (1) mobile home be permitted on a single lot. The minimum lot width shall be forty (40) feet.

d. Setback, yard and space requirements are as follows:

1. For those uses and buildings permitted in 'R-3', including individual mobile homes, and other than mobile home parks, the same requirements set for that zone shall apply.
2. No mobile home or accessory building or structure shall be located closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is not bounded by a dedicated street the minimum setback shall be thirty (30) feet. No mobile home shall be located closer than fifteen (15) feet to any building or street within the park or to any property line of the park. All mobile home parks shall front on a public street or road for at least one hundred (100) feet. In cases where the mobile home park is removed from the public highway, an access road with a minimum right-of-way of fifty (50) feet shall be provided. No mobile home shall be located within thirty (30) feet from another mobile home, except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two (2) mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.

e. No building shall exceed three (3) stories or forty five (45) feet in height.

f. The following special development standards shall apply to mobile home park development.

1. Street: All mobile home spaces shall abut upon a street, within the mobile home park. All streets within the mobile home park shall have a right-of-way of not less than 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 mobile park or adjoining parks, shall not be less than one hundred (100) feet apart nor be less than one hundred twenty-five (125)

feet from an intersection of two or more public streets. All streets within the park shall be hard-surfaced and well-lighted. No street right-of-way within the mobile home park shall be within three (3) feet of the property line. The owner of the mobile park shall maintain the streets within the mobile home park.

2. Parking: One paved automobile parking area shall be provided on every mobile home lot, plus one (1) parking space for each family's mobile home lot. This additional parking may be in a central location.
3. Utilities: All lots within the mobile home park shall be provided with sewer, water, and electrical facilities meeting the standards specified by local building regulations, and each mobile home shall be properly connected with said utilities.
4. Accessory Uses and Buildings: Convenience commercial establishments, including convenience food stores, laundry and dry cleaning establishments, beauty and barber shops, and similar trades and services shall be permitted as accessory uses and buildings. These establishments and their related parking spaces shall not occupy more than ten (10) percent of the mobile home park area and this area shall not be included in calculations of the park density. They shall be subordinate to the residential use and character of the park, shall be designed to serve only the residents of the mobile home park, and shall present no visible evidence of their commercial character from any area outside of the park. No accessory structure including patios and pads shall be located within five (5) feet from any mobile home lot line. The maximum floor area shall be one hundred (100) square feet and the maximum height shall be no greater than ten (10) feet. It shall be built in compliance with the local building regulations.
5. Foundation: All mobile homes must have their wheels removed and placed on concrete blocks. The bottom of the mobile home must not be more than four (4) feet above the ground at any point. A solid form of a permanent material must be built between the ground and the bottom outside edge of the mobile home.
6. Connecting Structures: Only porches, stairs, and other open structures may be attached to a mobile home. This must be built in compliance with the local building requirements and must be easily removed. No structure for human occupancy or for storage shall be built to the mobile home.

g- The steps listed hereunder shall be followed:

1. Procedures: In applying for a building permit for a mobile home park, the applicant shall submit his plan to the Planning Commission for its

approval of any adopted Subdivision Layout approval of any adopted Subdivision regulations. The plan shall show the following information:

- Name and address of applicant
- Name and location of mobile home park
- Dimensions and locations of all lot lines, roads, and easements; each mobile home lot shall be numbered
- Contour lines to indicate slope and drainage
- Location of all utilities, public and private water, sewerage, drainage, and electrical facilities and easements.
- Public areas such as visitor's parking, recreational areas, etc.
- Large-scale plan of one typical mobile home lot showing mobile home locations, automobile parking space, etc.
- Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition

2. Issuance of Building Permit: The Planning Commission may require reasonable modifications prior to its approval of a mobile home park and may direct the Administrative Official to issue a building permit from the State Department of Health, Division of Environmental Health, Sanitation Program, Frankfort, Kentucky, as required by Kentucky Revised Statutes 219.150. The Administrative Official shall not issue the building permit until he has received written authorization from the Planning Commission, and until the valid construction permit is presented.

3. Issuance of Certificate of Zoning Compliance: The Administrative Official shall issue a certificate of zoning compliance only after he has determined that the mobile home park has been prepared according to all applicable regulations and special conditions and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes 219.130.

4. Enforcement: The Administrative Official shall insure that all mobile home parks maintain valid permits to operate and maintain conformance with all applicable regulations of these zoning regulations and all special conditions.

h- All existing mobile homes within Bullitt County which complied with all existing regulations at the time of passage of these regulations shall be allowed to remain in their present location as long as the mobile home is occupied by the present residents. Should a present mobile home resident renter decide to move elsewhere or to replace his present mobile home, the right to maintain a mobile home outside a mobile home park shall terminate and the owner shall be required to move the mobile home into a mobile home park before the mobile home can be re-occupied. No mobile home shall be permanently re-located on another lot. It is further provided that the existing mobile home parks legally operating at the time shall be required to maintain a lot size of three thousand and six hundred (3,600) square feet per mobile home and comply with other provisions of this regulation or be regarded and certified as a nonconforming use. No future mobile homes shall be permanently located unless complying with the provisions as prescribed in Sub-section 5.604, paragraph 'a2'.

i – Exception: The Planning Commission may reject any proposed mobile home park even though it meets all the above requirements if the Planning Commission determines that existing mobile home parks are not fully occupied and /or utilized and the development of more land to this use is not the public welfare of the community.

j – The regulations shall not be constructed so as to prohibit the location or storage of a single mobile home on a lot in addition to a principal building, provided the mobile home is owned by or has permission from the occupant of the principal building or dwelling unit on the lot and provided the mobile home is parked on the rear of the lot and the setback and yard requirements for an accessory building in the zone are observed, and provided that the mobile home is not connected to any service utility nor used for sleeping purposes for more that two (2) weeks, per year.

#### Section 5.700 Business Zones

Two types of zones are included under this grouping: Highway Business, symbolized by 'B-1', is a zone established to provide locations for businesses oriented primarily towards serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways; and Central Business, symbolized by 'B-2', is a zone established to provide for the development of commercial and related activities serving an urban center and its neighborhoods and the adjoining parts of Bullitt County. Uses permitted in this zone will serve daily shopping needs of adjacent neighborhoods and their outlying areas.

#### Section 5.701 Highway Business, 'B-1'

a- Principal permitted uses and structures pertaining, as examples but not limited to the following activities:

1. Agricultural implement sales and service.

2. Animal hospitals, kennels or pounds, provided the kennel structure and runs are fifty (50) feet from any 'B' district.
3. Antiques.
4. Appliance sales and service.
5. Art and school supplies.
6. Auction house.
7. Automobile accessories.
8. Automobile and truck sales, new and used.
9. Automobile rental and lease.
10. Automobile repair garages.
11. Automobile service stations and laundries.
12. Bakeries, retail.
13. Banks and financial institutions.
14. Barber and beauty schools.
15. Barber and beauty shops.
16. Bicycle sales, rental, repair.
17. Billiard rooms.
18. Blue printing, photo copying and photo finishing service.
19. Boat and marine equipment sales, rental, and service.
20. Book stores and card shops.
21. Bowling alleys.
22. Bridal consultants.
23. Business machines, sales and service.

24. Cameras – photo supplies.
25. Carpet and floor covering.
26. Catering services.
27. China, glassware.
28. Clothing stores and shoes.
29. Community centers.
30. Dancing studios.
31. Delicatessen.
32. Department stores.
33. Dressmaking, seamstress.
34. Driver training schools.
35. Drug stores.
36. Dry Cleaning and Laundromats (self service).
37. Dry Goods.
38. Data processing centers.
39. Eating places.
40. Eating places (carry out).
41. Eating places (drive-in).
42. Equipment rental services (but not including automobiles, trucks and Trailers).
43. Exterminating services.
44. Florists.
45. Food stores.

46. Frozen food lockers.
47. Furniture and home furnishings.
48. Furniture and upholstery repair.
49. Garden stores, garden centers, greenhouses and nurseries.
50. Gifts and novelties.
51. Hardware.
52. Hay, grain and feed stores.
53. Health studios.
54. Heating, air conditioning, electrical and plumbing sales.
55. Heating, air conditioning, electrical and plumbing service and repair.
56. Hobby shops.
57. Hospitals.
58. Hotels and motels.
59. Indoor recreation (wholly enclosed places of recreation or amusement not heretofore appearing as a permitted use).
60. Lawn mower sales.
61. Magazine distribution agency.
62. Mail order catalogue store.
63. Mobile Home sales, rental and service.
64. Motorcycle sales and service.
65. Music, musical instruments.
66. News-stand.
67. Office furniture and supplies.

68. Outdoor recreation (nonenclosed places of recreation or amusement not heretofore appearing as a permitted use).
  69. Paint, glass and wallpaper.
  70. Party supply.
  71. Pet sales and supplier.
  72. Photo studios.
  73. Radio and television sales and services.
  74. Research and development laboratories.
  75. Schools and educational services.
  76. Sporting goods.
  77. Taxidermists.
  78. Theaters, including drive-in theaters.
  79. Trading stamp redemption stores.
  80. Utility trailer sales and rentals.
  81. Veterinarians offices provided that offices shall be housed in a completely enclosed and soundproof building.
  - \*82. Single family dwellings and multiple family dwelling if combined with a B-1 Commercial use.
- \*See Appendices A & B
- b- Accessory uses and buildings permitted shall include those customarily incidental to the above permitted uses.
- c- 1. Where not serviced by sanitary sewers a minimum of one (1) acre for each lot and no lot shall be developed for highway business use which is less than one hundred and fifty (150) feet wide at the building line.
2. Where serviced by sanitary sewers, a minimum of 6,000 square feet for each lot and no lot shall be developed for highway business use which is less than one hundred and fifty (150) feet wide at the building line.

d- The following setback and yard requirements shall be provided:

1. Front Yards: the front yard building line for all building and accessory buildings shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road. In case of service stations, all gas pumps, gas pump islands, grease pits or racks and other similar facilities shall be located no closer than twenty-five (25) feet from a street or highway right-of-way line.

2. Side Yards: a minimum side yard of twenty-five (25) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the side property line to the nearest building or structure.

3 Rear Yards: a minimum rear yard of thirty (30) feet shall be required for all structures in the B-1 Highway Commercial Zone as measured from the rear property line to the nearest building or structure.

e- No building shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height.

f- Special development standards: where the property lines separate a Business Zone from a Residential one, a visual and mechanical barrier a minimum of six (6) feet in height shall be provided along the common lines, which may consist of any of the following:

1. An evergreen hedge with a chain link fence not less than three (3) feet in height.
2. A fence of non-deteriorating material
3. A masonry wall

\*g- When residential uses are mixed with other uses on the same lot in business zones, the density requirements of the R-3 zone as stated in Section 5.603 (c) (2) shall be used to determine the number of allowable units on each lot.

\*See Appendices A & B

Section 5.702 Central Business, "B-2"

a- All types of retail sales and services excluding automobile repair garages, service stations, drive-in theaters, drive-in restaurants, and bait shops, but including and not necessarily limited to the following:

1. All types of financial institutions.
2. All types of offices and office buildings.

3. Department stores, variety stores, clothing stores, and other similar stores and shops.
4. Recreation and entertainment facilities, except drive-in theaters.
5. Theaters except as otherwise specified.
6. Restaurants and other food establishments except drive-in eating places.
7. Souvenir shops, gift shops.
8. Commercial parking lots.
- \*9. Single family dwelling and multiple family dwelling if combined with B-2 Commercial use.

b- Accessory uses and buildings permitted shall include those customarily incidental to the above permitted uses.

c- There shall be no minimum area or lot width requirements within the “B-2” zone.

d- There shall be no minimum front, side or rear yard requirements in this zone

e- There shall be no height limitations in this zone.

f- Special development standards: where the property lines separate a Business Zone from a Residential one, the same requirements for a visual and barrier separation shall be required as regulated under the sub-section 5.701, paragraph “f”.

g- No off-street parking facilities are required only for retail sales and retail service establishments of less than five hundred (500) square feet of floor area within this ‘B-2’ zone. All similar uses of larger floor area and other structures including public and semi-public uses and structures shall comply with the parking requirements established in Section 4.800.

\*h- When residential uses are mixed with other uses on the same lot business zones, the density requirements of the R-3 zone as stated in Section 5.603 (c) (2) shall be used to determine the number of allowable units on each lot.

### Section 5.800 Industrial Zones

Two types of zones are included under this industrial grouping; Light Industrial, symbolized by 'IL', the purpose of which is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and for the protection of adjacent residential and business activities. The second industrial zone is the General and Extractive Industrial, Symbolized by 'IG', the purpose of which is to provide for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic should be isolated from residential uses. These perform essential functions for the community, are best suited for industrial development by reason of location topography, soil considerations and the availability of adequate utilities and transportation systems.

### Section 5.801 Light Industrial, 'IL'

a- The following are examples of principal permitted uses in this 'IL' Zone:

1. Assembly plants except automobile assembly plants or plants of a similar nature.
2. Automobile repair, but no commercial wrecking, dismantling or salvage yard.
3. Auto service station.
4. Automobile, truck, boat sales.
5. Bottling works.
6. Builders' supply store.
7. Building and trades, including contractor's yard and utilities storage yard.
8. Carpet Cleaning, dry cleaning and dyeing, laundry.
9. Cold storage plant.
10. Commercial greenhouses.
11. Dairy products manufacture.

12. Fabrication, processing, packaging and/or manufacture of food products and condiments excluding fish products, slaughterhouses and rendering and refining or fats, oils, fish, vinegar, yeast and sauerkraut.
13. Fabrication, processing, packaging and/or manufacture of cosmetics, drugs, perfumes, pharmaceuticals and toiletries.
14. Fabrication, processing, packaging and/or manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood and yarn.
15. Fabrication, processing, packaging and/or manufacture of musical instruments, toys, novelties, rubber or metal stamps.
16. Fabrication, processing, and packaging and/or manufacture of ice, cold storage plant, bottling plant.
17. Farm implements and contractor equipment sales and service.
18. Foundry casting light weight nonferrous metals, or electric foundry, not causing noxious fumes or odors.
19. Fuel or Coal Company.
20. Furniture reupholstering and repair.
21. Industrial research laboratories.
22. Inflammable liquids, underground storage only.
23. Lumber Yards including incidental millworks: coal, brick, stone.
24. Monument sales including incidental mechanical operations.
25. Motor freight depot or trucking terminal: provided the truck entrances and exits are onto streets whose pavements width is at least thirty (30) feet between curbs.
26. Painting, varnishing shops.
27. Plumbing supply and contracting shops including storage yards.
28. Cattle, sheep, swine, and poultry killing and dressing.

29. Public garages, motor vehicle and bicycle repair shops, auto paint and body shops.
30. Publishing and printing.
31. Railroad freight stations, but not including switches, storage freight yards, siding or maintenance or fueling facilities.
32. Repair, rental and servicing for appliance and equipment.
33. Sign Contractor.
34. Stone grinding, dressing and cutting.
35. Storage yard for building supplies and equipment, food, fabrics, hardware and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.
36. Television and radio broadcasting towers.
37. Theatre (drive-in).
38. Tin and sheet metal shop.
39. Tool and die shop, wrought iron shop, blacksmith or machine shop, excluding punch presses over twenty tons rated capacity, drop hammers and screw machines.
40. Trailer rental and sales.
41. Truck terminal.
42. Used car lot.
43. Veterinary clinics or kennels, animal hospital, provided that all animals are housed in buildings or enclosures which are at least one hundred (100) feet from any residential zone.
44. Warehouses.
45. Wholesale distributors.

46. Uses similar to the above uses and any other manufacturing or industrial enterprise, operation or process whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping or storing; provided, that any resulting cinders, dust flashing, fumes, gas noise, odor, refuse, matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the proposed use as determined by the Board of Adjustments as similar in character to one of the specified uses in the section.
- b- Accessory uses and buildings permitted shall include those customarily incidental to the above permitted uses.
- c- A minimum lot size of one (1) acre shall be required for any industrial use in this 'IL' zone. No lot shall be less than one hundred (100) feet in width at the building line.
- d- The following setback and yard requirements shall apply:
1. Front Yards: the front yard building setback line shall be a minimum of fifty (50) feet from any existing right-of-way line of any street or road.
  2. Side Yards: there shall be a minimum side yard on each side of any building or structure of twenty-five (25) feet measured from the side lot line to the nearest building. Where said use abuts any residential zone, there shall be a side yard setback on the side abutting the residential district of fifty (50) feet. Such space shall remain open and unoccupied by any building or accessory building or use, except that any portion of a side yard in excess of twenty-five (25) feet from a side property line must be included in the required parking space.
  3. Rear yards: there shall be a minimum rear yard as measured from the rear property line to the nearest building of twenty-five (25) feet, except where the property abuts a residential zone, and then such rear yard shall be not less than fifty (50) feet wide. Such space shall not be occupied by any building or accessory use.
- e- No building shall exceed three stories or forty (40) feet in height; provided an additional one foot of building height may be permitted for each foot the building is set back from all required yard lines.
- f- Special development standards: inasmuch as all industrial uses permitted in this industrial zone require a site plan review by the Planning Commission, or if they are applied for in another zone, they shall be subject to a review by the Board of Adjustments as a application for a conditional use permit, no zoning certificate shall be issued for a 'IL' use, until the applicant shall have Certified to the Administrative Official and the reviewing body that:

1. The industrial activity will be conducted wholly within a completely enclosed building, except for automobile service stations, drive in restaurants and theaters, equipment rentals services, including automobiles, truck and trailers; truck and motor freight terminals and hauling services.

2. No noise from any operation conducted on the premises, either continuous or intermittent, shall cause any nuisances to the immediately neighboring properties so that there shall be no emission of odors or odor causing substances, nor vibrations which can be detected without the use of instruments at or beyond the lot lines.

3. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.

4. Where the property lines separate an industrial zone from a residential zone, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:

- An evergreen hedge used with a chain link fence, not less than three (3) feet in height.
- A fence of a nondeteriorating material
- Masonry wall

\*5. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be enclosed fireproof vaults. The storage utilization or manufacture of flammable radioactive and explosive materials and products which decompose by detonation is prohibited in the 'IL' Zone.

\*6. The storage and utilization of flammable liquids or of materials that produce flammable or explosive vapors or gases shall be permitted on any lot in accordance with the following table:

\*See appendices A & B

Total Permitted Quantities Of Flammable Materials in Gallons		Closed Cup Flashpoint in Degrees F
<u>Above Ground</u>	<u>Below Ground</u>	
Class I Not Permitted	20,000	Class I Below 100 Degrees F
Class II 1,000	40,000	Class II Above 100 Degrees F and Below 140 Degrees F
Class III 5,000	80,000	Class III Above 140 Degrees F

Section 5.802 General Industrial, 'IG'

a- Principal permitted uses in this 'IG' Zone include as examples, but not limited to the following:

1. Any use first permitted in IL Light Industrial Zone.
2. Acetylene, oxygen manufacture.
3. Acid manufacture including all corrosive acids and materials.
4. Alcohol manufacture.
5. Ammonia, chlorine or bleaching powder manufacture.
6. Animal black, lamp black or graphite manufacture.
7. Asphalt products, manufacture or refining.
8. Automotive wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six (6) feet in height.
9. Automotive, tractor, trailer, farm implement assembly or manufacture.
10. Battery, manufacture, tire recapping or retreading.
11. Bleaching, cleaning and dying plant.

12. Boiler shops, machine shops, structural steel fabricating shops, metal working shops.
13. Celluloid or proxyline products, manufacture or storage.
14. Cement, lime, gypsum or plaster manufacture.
15. Cement products manufacture, including ready-mix concrete batching plants.
16. Coke ovens.
17. Crematory.
18. Creosote manufacture or treatment.
19. Dexatrine, starch or glucose processing.
20. Distillation of coal, petroleum, refuse, grain, wood or bones.
21. Electric power manufacture.
22. Emery cloth or sandpaper manufacturing.
23. Enameling, lacquering or japanning.
24. Explosives manufacturing or storage.
25. Extractive industry, gravel or sand.
26. Flour or grain mill.
27. Fat rendering.
28. Fertilizer, compost, manufacture or storage.
29. Fish curing, smoking or packing.
30. Fish oil manufacture or refining.
31. Forging plants.
32. Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay.

33. Glue manufacture.
34. Gelatin manufacture.
35. Landfill or incinerator.
36. Livestock feeding yards or market.
37. Paint, linseed oil, shellac, turpentine, lacquer, or varnish manufacture.
38. Petroleum or inflammable liquids production, refining.
39. Rock crushing.
40. Sanitary landfill for refuse disposal in conformance with the standards set forth in the Kentucky Department of Health Manual, 'Recommendations for the Disposal of the Refuse by the Sanitary Landfill Methods'. Approval of the sanitary landfill by the State Board of Health shall also be obtained.
41. Sodium compounds manufacture.
42. Slaughtering of animals.
43. Smelting.
44. Wholesale storage of petroleum, gasoline, oil.
45. Wire rod drawing, nut, screw or bolt manufacturing.
46. The Board of Adjustment may allow any use similar in character to one of the specified uses listed above if such use is equally in harmony with the character of the district as a permitted use.

b- Accessory uses or buildings permitted shall include those customarily incidental to the above permitted uses.

c- A minimum lot size of two (2) acres shall be required for any industrial use of the above categories or types in this 'IG' zone. No lot shall be less than one hundred (100) feet in width at the building line.

d- The following setback and yard requirements shall apply:

1. Front Yards: the front yard building setback line shall be a minimum of seventy-five (75) feet from any existing right-of-way line of any street or road.

2. Side Yards: there shall be a minimum side yard on each side of any building or structure of twenty-five (25) feet measured from the side lot line to the nearest building. Where said use abuts any residential zone, there shall be a side yard setback on the side abutting the residential district of one hundred (100) feet. Such space shall remain open and unoccupied by any building or accessory building or use, except that any portion of a side yard in excess of twenty-five (25) feet from a side property line may be used and included in the required parking space.

3. Rear Yards: there shall be a minimum rear yard as measured from the rear property line to the nearest bldg. of twenty-five (25) feet except where the property abuts a residential zone, and then such rear yard shall not be less than fifty (50) feet wide. Such space shall not be occupied by any building or accessory use.

e- There shall be no building height limitations.

f- Special development standards: inasmuch as all industrial uses permitted in this industrial zone require a site plan review by the Planning Commission, or if they are applied for in another zone, they shall be subject to a review by the Board of Adjustment as an application for a conditional use permit, no zoning certificate shall be issued in this 'IG' zone until the applicant shall have verified to the reviewing body and the Administrative Official the same items 1 through 4 in paragraph 'f' of Subsection 5.801 and that:

4. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

5. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be in enclosed fireproof vaults.

\*6. The storage and utilization of flammable liquids, or of materials that produce flammable or explosive vapors or gasses shall be permitted on any lot in accordance with the following table.

\*See appendices A & B

Total Permitted Quantities of  
Flammable Materials in Gallons

Closed Cup Flashpoint in  
Degrees F

Above Ground    Below Ground

Class I  
Not Permitted    Unlimited

Class I  
Below 100 Degrees F

Class II  
Unlimited    Unlimited

Class II  
Above 100 Degrees F and  
Below 140 Degrees F

Class III  
Unlimited    Unlimited

Class III  
Above 140 Degrees F

Section 5.900 Planned Unit Development, Residential and Highway Business

This section is intended to permit creation of new Residential and Highway Business Planned Unit Development Zones. Such zones are to be permitted as amendments to the Zoning Maps, on application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as integrated units. A Planned Unit Development may be referred to and cited hereafter as a Planned Development or Development.

Regulations set forth herein are adapted to unified planning and development in such zones. Nothing herein should be construed to mean that the land owner has the inherent right to develop a Planned Unit Development. The Planning Commission has the power to decide whether or not to allow Planned Unit Development based on their experience, public hearing and the standards set forth herein. Applications for Planned Unit Development rezoning will be granted only when the plan for the project is such that the public health, safety and morals will not be jeopardized by a departure from the restrictions on corresponding uses in the standard zone. In addition, the purposes of this section is: to permit a more varied, efficient, attractive and economical residential development pattern; to increase the flexibility in the location and arrangement of homes; to provide a more usable pattern of open space; to provide an opportunity to preserve areas of natural values; to provide for different for different types of dwellings in the same general area; to allow for increased residential densities; and, to encourage innovations in developmental designs.

### Section 5.901 Site and Plan Development

The legislative body having jurisdiction shall not approve an application for a Planned Unit Development unless the Planning Commission has recommended such approval after it had, in each specific case, made specific findings of fact directly based upon the particular evidence presented to it, which shall provide proof of meeting the requirements and support the conclusions set hereafter, while remaining subject to all other provisions of this sections:

- a- The property for which the application for a reclassification to a Planned Unit Development is located only in an R-2 zone for a residential type of such development, or in a B-1 zone for a business type of development.
- b- The property applied for measure a minimum of ten (10) acres for a residential development, and five (5) acres for a business development, provided that such acreage is under a single ownership.
- c- No building permit shall be issued for any structure in any portion of a Planned Development unless and until the final Subdivision Plat for that portion has been approved by the Planning Commission and recorded.
- d- The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon by the proposed Development and the streets and the streets and driveways on the site of the proposed Development will be adequate to serve the residents or occupants of the proposed Development. Traffic control signals will be provided without expense to Bullitt County or the political subdivision concerned when the Planning Commission or its assigned planner or engineer determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.
- e- The Development will not impose an undue burden on public services and facilities, such as fire and police protection.
- f- The Development plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for the public health, safety and morals.

g- The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved. When business structures or uses in a Planned Development Zone abut a Residential Zone, screening shall be provided as provided in Sub-section 6.105 Paragraph 'd' and by the requirements of the Planned Unit Development Zone in question. In no event shall a business structure in a Planned Development Zone be located nearer than one hundred (100) feet to a residential building.

h. The Planned Unit Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer and approved by the Planning Commission.

#### Section 5.902 Procedure

The following procedure shall be followed in placing land in a Planned Unit Development Zone.

a- The owner(s) or lessee(s) of a tract of land meeting the requirements set in Sub-section 5.901 may request that the Zoning Map be amended to include such tract in a Planned Unit Development Zone.

b- The applicant is encouraged to engage in informal consultations with the Bullitt County Planning Commission or its assigned planner or engineer prior to preparing his final plans, it being understood that no statement or representation by a member of the Commission or its representative planner shall be binding upon the Planning Commission or upon any zoning body.

c. The request shall then be referred to the Planning Commission for formal review before being forwarded with the Commission's recommendations to the legislative body having jurisdiction for final action.

d. The Planning Commission shall hold a public hearing on the proposed Development Plan as provided by KRS 424 and Sub-section 3.201 and Article VIII, of these regulations. Such public hearing shall consider all aspects of the Development plan including all proposed stages and/or units of development. Within thirty days after the last public hearing on such plan, the Commission shall prepare and transmit to the legislative body having jurisdiction and to the applicant specific findings of fact with respect to the extent to which the Planned Development complies with the standards set out in this section and the zone for which the change has been requested, together with its recommendations to the Fiscal Court or City Council concerned with respect to the action to be taken on the application for the

Planned Development. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

e. The legislative body having jurisdiction shall have a period of sixty (60) days to reject or approve by resolution, a residential or business Planned Unit Development Zone application. If the application is rejected, the written reasons for such rejection shall be made available. The final decision of the legislative body having jurisdiction may be appealed directly to the Board of Adjustment. If approved, such resolution shall incorporate the Development plan, including any condition or restriction that may be imposed by the legislative body having jurisdiction. In any case, approval of all applications shall be based on conformance of the Planned Development to the stated intentions and objectives of this section.

f- The approval of a single stage Development shall become null and void and the land shall revert to its former zoning classification, unless within two (2) years the Subdivision Plat shall have been recorded in the records of Bullitt County.

g- When the recording of the Subdivision Plat for the successive stages of a multi-stage plan falls more than two (2) years behind the schedule submitted under Sub-sections 5.903 Paragraph 'e' the Planned Development shall become null and void as to that portion of the tract for which no Subdivision Plat shall have been recorded; and that portion of the tract shall revert to its former zoning classification.

h- An extension of the time limit or the modification of the approved Planned Development may be approved by the legislative body having jurisdiction. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification, and evidence of reasonable effort toward the accomplishment of the original Planned Development. Such modification shall follow the procedure of Article VIII of these regulations.

#### Section 5.903 Documentation Required For Planned Unit Development Application

Two (2) copies of a Planned Unit Development plans shall be submitted with the application and shall include in text and map form:

a- A survey of the tract that is to be developed showing of all existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

b- A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the Development, the areas to be developed for parking, the points of ingress and egress, including access streets

where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, and recreational facilities.

c. A statement of the anticipated land use density, and the percentage of the development which is to be occupied by structures.

d- Preliminary sketches of the proposed structures and landscaping.

e- When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a land density that exceeds by more than twenty (20) percent of the proposed land use density of the entire Planned Unit Development. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Development.

f- Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and proposed Development.

g- In the case of Business Planned Unit Development, a statement identifying the principal types of official business uses that are to be included in the proposed Development.

h- When a Planned Development included provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Articles of Incorporation and By-laws of such entity shall be submitted.

i- Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development Zone.

#### Section 5.904 Permitted Uses and Variations

In a Planned Unit Development, only those uses permitted in the original zone shall be permitted in the new classification with the following variations allowed:

- a- In a 'PR' residential type development, while the original 'R-2' zone permits only single-family and two-family dwellings, a mixture of dwellings unit types shall be permitted resulting in a maximum of fifty (50%) percent of the

units in multi-family or two-family type, with a minimum of fifty (50%) percent in single-family type units.

b- Each single and two family dwelling lot area requirement in the original zone may be reduced by one-fifth.

c- Multi family lot area requirements shall be those of 'R-3' with a permitted reduction of one-fifth for each requirement.

d- a minimum of twenty (20) percent of the total acreage of the property shall be left as landscaped open space, other than streets, easements, and similar right-of-ways.

e- In a B-1 business type development twenty (20) percent increase shall be permitted in the lot coverage allowed in the original B-1 zone if front yard requirements under original zone are doubled while maintaining other yard requirements.

The resulting open space must be convenient to the dwellings, of reasonable configuration and slope, and shall be appropriately designed as part of the compliance.

## ARTICLE 6 TYPES OF DEVELOPMENT APPLICATION REVIEW

### Section 6.100 Site Plan Review

- 6.101 Site Plan Review Limitation
- 6.102 Required Information
- 6.103 Procedure for Preparation
- 6.104 Procedure for Processing
- 6.105 General Standards for Site Plan Approval
- 6.106 Specific Standards and Conditions for Site Plan Approval
- 6.107 Appeal of Site Plan Review Decision

### Section 6.200 Conditional Use

- 6.201 Special Exception Procedure
- 6.202 General Requirements for Granting a Conditional Use
- 6.203 Additional Provisions
- 6.205 Conditional Use – Off Street Parking (see page 120)

## ARTICLE 6 TYPES OF DEVELOPMENT APPLICATION REVIEW

This Article Outlines procedures and requirements for Site Plan and Conditional Use Reviews.

### Section 6.100 Site Plan Review

Routine administration of the Zoning Regulations is the responsibility of the Zoning Administrative Official. However, sound future development of Bullitt County and its political subdivisions requires that certain high intensity development, and development in certain critical areas, receive special site plan review by the Planning Commission. Site plan review and approval are required for uses which are not intrinsically objectionable but which have inherent characteristics that, if not properly handled, have the potential for yielding unsatisfactory results of some type. They are uses which depend upon sound site planning and design to prevent them from becoming detrimental to the health, safety, morals, or general welfare of the public, or to neighboring land uses. For uses and areas which require site plan review, no building or use shall be established or continued except in conformity with a site development plan approved by the Planning Commission, and no zoning certificate shall be issued until all of the requirements of this section have been met. Continued conformance with such a plan and such requirements shall be a condition of any zoning permit. The Administrative Official shall be responsible for certifying that the requirements of this section have been met.

### Section 6.101 Site Plan Review Limitation

Uses requiring site plan review are indicated in Section 5.300, Table of Types of Application Review by Zone. Site plan review is required for all development in business and industrial zones, for all uses requiring conditional use permits, and for certain other uses which are listed in the table. Site plan review is intended only for construction of buildings or other improvements on the land. After a site plan has been approved and construction of the development has been completed in accordance with the site plan, a permitted change in use which does not materially affect the design of the development and which requires no new construction, other than minor remodeling and changing of permitted signs, shall not require an additional site plan review by the Planning Commission. Such a use change may be processed by the Administrative Official. The Administrative Official may refer uncertain cases to the Planning Commission. Any major expansion or modification of a use with an approved site plan shall be subject to a new site plan review by the Planning Commission.

### Section 6.102 Required Information

An application for a building permit requiring site plan approval by the Planning Commission shall be made to the Administrative Official and shall be accompanied by the following information:

- a- Map of applicant's entire holding at a convenient scale;
- b- Vicinity map at a scale of six hundred (600) feet or more to the inch indicating the location of the property with respect to surrounding property and streets. The map shall show all streets, easements, subdivisions, and properties within one thousand (1,000) feet of the applicant in the area shall be identified.
- c- Topographic map of the property, at two (2) foot contour intervals, unless otherwise specified by the Planning Commission, showing the existing and proposed regarded surface of the land and the location of natural features, such as streams, swamps, rock outcrops, and major trees.
- d- A site plan showing location, proposed use and height of all buildings; location of all parking and truck loading areas with access and egress drives thereto; location of outdoor storage if any; location and type of recreation facilities, if any; location of all existing or proposed site improvements including drains, culverts, retaining walls and fences; the proposed grading, landscaping, and screening plans; description of method of water supply and sewage disposal and location of such facilities; location and proposed development of buffer areas and landscaping where required; location and design of lighting facilities; and location, size and type of all signs;
- e- A computation of total lot area, of building floor area for each type of proposed use, building coverage, roads, and parking;
- f- For commercial uses, specific uses proposed; number of employees for which buildings are designed; type of power to be used, if any; type of wastes or by-products to be produced; and proposed method of disposal of such wastes or by-products.

Section 6.103 Procedure For Preparation

- a- It is recommended that applicants acquaint themselves with the Subdivision Regulations, as they may be adopted by Bullitt County and any of the Cities of Shepherdsville, Hillview, Lebanon Junction and Mount Washington, so that documentation for site plan review by the Planning Commission, when required, may be prepared simultaneously.
- b- Site plans or any portion thereof, involving engineering, architecture or land surveying, shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly authorized by the State or practice as such.

- c- Site plans shall be prepared to a scale of not smaller than one-inch equals one hundred feet; the sheet or sheets shall be twenty-four inches by thirty-six inches, including a 1-1/2 inch margin for binding along left edge. A site plan may be prepared in one or more sheets, in which case match lines and an index sheet shall be provided.
- d- Six clearly legible, blue or black line copies of a site plan shall be submitted to the Administrative Official, accompanied by payment of all site plan fees as established by the Fiscal Court, or the legislative body of the city concerned.

#### Section 6.104 Procedure For Processing

Each application involving site plan approval, together with the required information described in Sub-sections 6.102 and 6.103 above shall be submitted to the Administrative Official for review. Action shall be taken by the Planning Commission and a decision rendered thereon within sixty (60) days of the date the application is received by the Administrative Official. The Administrative Official shall route copies of the application to reviewing agencies and officials during the reviewing period.

- a- Prior to approval of any site plan, there shall be executed by the owner or developer and submitted with the site plan an agreement to construct such required physical improvements as are made conditional to site plan approval in form and substance as approved by the Planning Commission.
- b- Approval of a site plan submitted under the provisions of this article shall expire two years after the date of such approval unless construction has begun at that time.
- c- Any site plan may be revised in the same manner as originally approved, and any requirements of this article may be waived by the Planning Commission in specific cases where such requirement is found to be unreasonable and such waiver will not be adverse to the purpose of this section.
- d- Upon satisfactory completion of the installation of required improvements as shown on the approved site plan or a section thereof, the developer shall submit to the Administrative Official six copies of 'as-built' site plan, certified by the engineer of surveyor, at least one week prior to anticipated occupancy of any building, for the review and approval for conformity with the approved site plan. The Administrative Official shall not process the zoning use and certificate of zoning compliance until the appropriate 'as-built' site plan has been reviewed and approved.

### Section 6.105 General Standards For Site Plan Approval

In acting upon any site development plan, the Planning Commission shall determine that the proposed use, site layout and overall appearance of all building in the proposed development are such that they will have a harmonious relationship with existing or permitted development of contiguous land and of adjacent neighborhoods, and that the proposed development is in harmony with the development policies outlined in the 'Bullitt County Comprehensive Plan', as it may be approved, and in these zoning regulations. The Planning Commission shall seek to provide for the conservation of woodland and the protection of water courses from erosion and siltation, and a maximum of safety, convenience, and amenity for the residents or users of the proposed development. To these ends, the Planning Commission shall consider the location of buildings, parking areas, points of egress and ingress, and other features such as streams and large trees, the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of open space; the adequacy, location, and screening of the parking lots; and such other matters as the Planning Commission may find to have a material bearing upon the stated intent of the site plan review procedure. In reviewing individual development proposals in the mobile home, business an industrial zones, the Planning Commission shall attempt to promote a modern, harmonious development pattern such as is achieved through unified site planning in the PR and PB Zones. The Planning Commission shall encourage such development by promoting common frontage roads, development of shared parking areas, and coordinated building arrangements, landscaping, and signing.

### Section 6.106 Specific Standards And Conditions For Site Plan Approval

The following specific standards shall be met in site development plans, in addition to the standards in other sections of these regulations.

- a- No parking space shall be located within any required setback areas.
- b- All lighting shall be so shielded that there will be no objectionable glare, especially to residential areas, observable from surrounding properties or streets.
- c- The County Health Department shall certify that water and sewage services are adequate to service the proposed development, or shall certify the adequacy of any on-site water supply or sewage treatment proposal.
- d- The Planning Commission may require screening along the property lines when necessary, as a condition for site plan approval. Minimum standards for all screening when required shall be a strip at least four (4) feet wide, densely planted with shrubs or trees which are at least four (4) feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3)

years.

- e- The capacities of existing streets shall be adequate for the volume of traffic which the proposed development is expected to generate.
- f- If the plan of development includes common areas, property, and/or facilities, the Planning Commission as a condition of approval shall establish such conditions on the ownership, use, and maintenance of such lands or property as it deems necessary to insure the preservation of such areas, property and facilities for their intended purpose.

#### Section 6.107 Appeal of Site Plan Review Decision

The applicant for a use involving site plan review shall have the right to appeal the decision of the Planning Commission to the Board of Adjustment. The Board shall review the entire record of the application and may affirm, modify, or establish such other or additional conditions to the decision as may seem appropriate, consistent with the intent of the regulations.

#### Section 6.200 Conditional Use

The regulations of this Section deal with certain unusual uses which need special consideration to achieve compatibility with existing or planned future development. The effects of such uses on the surrounding environment cannot be foreseen until a specific site has been proposed. They must be given special consideration and located properly relative to the existing and planned future development pattern. They are not permitted automatically, but are subject to the general regulations, and the conditions imposed in a Conditional Use Permit issued by the Board of Adjustment under these regulations.

#### Section 6.201 Conditional Use Procedure

The Board of Adjustment has the authority to grant a conditional use permit after referral of the conditional use application to the Planning Commission for site plan review and recommendation, and the holding of a legally advertised public hearing. A conditional use application shall therefore include the plans and data required for site plan review. In addition, the requirements outlined in Article VII, Sub-section 7.302, and the procedures outlined hereafter shall be followed. When approving a conditional use, the Board of Adjustment shall incorporate the site planning recommendations of the Planning Commission. The Board may add additional conditions.

- a- A written application for a conditional use is submitted indicating the section of these regulations under which the conditional use is sought and stating the grounds on which it is requested.

- b- The Planning Commission has reviewed application and has stated its recommendations to the Board.
- c- A public hearing has been held.
- d- The Board determines that the conditional use requested meets the general and specific conditions of these regulations.
- e- Upon receipt of a notice of grant of conditional use permit, the Administrative Official shall indicate the same in the proper place on the Zoning Map by use of appropriate code number of symbol.
- f- No use or activity permitted as a conditional use shall be enlarged or extended beyond the limits authorized in the grant of conditional use permit. All such enlargements or extensions shall require grants of conditional use, as in the case of an original application.
- g- If a grant of conditional use is denied, no new application for the denied use on the same property shall be accepted by the Board of Adjustment until one year after the date of hearing on the denied application.
- h- Notice of action taken by the Board on each application for a conditional use shall be transmitted to the petitioner and to the Planning Commission. In cases where conditional use has been granted, the notice shall set forth the conditions, standards, and rules to which the conditional use is subject.  
\*See appendix A & B

#### Section 6.202 General Requirements For Granting A Conditional Use

A grant of conditional use is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Adjustment should therefore consider the relation of the proposed use to existing and future development patterns. In general, a conditional use may be granted when the Board finds that:

- a- The proposed use is in harmony with the purpose and intent of the 'County Comprehensive Plan', as it may be adopted, and of these zoning regulations.
- b- The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the zone in which it is located.

- c- The location, nature and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- d- Operations in connection with any conditional use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or other characteristics, than would be the operations of any permitted use not requiring a conditional use permit.
- e- Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out to achieve maximum safety.
- f- Public utility service (electricity, sewerage, storm drainage and water) will be adequate to service the proposed use and will have suitable access thereto, and the proposal will not overburden existing facilities; or, any on-site water supply, sewage treatment, or storm drainage disposal system will be adequate to service the proposed use.

#### Section 6.203 Additional Provisions

A conditional use permit may be granted in accordance with the general and specific requirements enumerated in the preceding sections. The Board may, and is hereby authorized, to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and/or workers therein. Violation of such additional conditions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of these regulations and may be grounds for termination of the conditional use permit.

#### Section 6.205 Conditional Use – Off Street Parking – see page 120

## ARTICLE 7 ADMINISTRATION

### Section 7.100 Administration and Enforcement: Building Permits and Certification of Zoning Compliance

- 7.101 Administration and Enforcement
- 7.102 Certificate of Zoning Compliance for New, Altered, or Nonconforming Uses and/or Structures
- 7.103 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

### Section 7.200 The Board of Adjustment: Procedure

- 7.201 Meetings of Board; Quorum; Minutes; Bylaws
- 7.202 Procedure for all Appeals to Board
- 7.203 Public Notice of Appeal Hearing
- 7.204 Stay of Proceedings

### Section 7.300 The Board of Adjustment: Powers and Duties

- 7.301 Administrative Review
- 7.302 Conditional Use Permits
- 7.303 Dimensional Variance
- 7.304 Procedure for all Appeals to Board
- 7.305 Decisions of the Board of Adjustment
- 7.306 Appeals from Commission or Board of Adjustment

### Section 7.400 Duties of Administrative Official

- 7.401 Administrator of Zoning Regulations: Powers

### Section 7.500 Penalties for Violation

## ARTICLE 7 ADMINISTRATION

### Section 7.100 Administration and Enforcement: Building Permits and Certification of Zoning Compliance

#### Section 7.101 Administration and Enforcement

An Administrative Official designated by the Fiscal Court and with the approval of the respective City Councils shall administer and enforce these regulations. He may be provided with the assistance of such other persons as the respective legislative body may direct. If the Administrative Official shall find that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. He shall order discontinuance of illegal work being done: or shall take any other action authorized by these regulations or KRS Chapter 100 to insure compliance with or to prevent violations of their provisions.

#### Section 7.102 Certificate of Zoning Compliance For New Altered, or Non-Conforming Uses and/or Structures

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of zoning compliance shall have been issued therefore by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of these regulations. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Administrative Official. The certificate of zoning compliance shall state specifically where-in the non-conforming use differs from the provisions of these regulations provided that upon enactment or amendment of these regulations, owners or occupants of non-conforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of these regulations. A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (6) months during alterations or partial occupancy of the building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this regulation and punishable under Section 7.500 of these regulations.

Section 7.103 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Certificates of zoning compliance issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this regulation and as provided by Section 7.500 hereof.

Section 7.200 The Board of Adjustment: Procedure

A Board of Adjustment is hereby established, which shall consist of seven (7) members, but, not more than two (2) of which shall be members of the Bullitt County Planning Commission. Members shall be appointed pursuant to KRS 100.217. The County shall have three (3) and the four cities within the County shall have one (1) member each on the Board of Adjustment.

Section 7.201 Meeting of Board; Quorum; Minutes; Bylaws

- a- The Board of Adjustment shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the Board at least seven days prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.
- b- A simple majority of the total membership of the Board of Adjustment as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- c- The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceeding, including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting indicating the fact, all of which shall, immediately after adoption be filed in the office of the Board. If the Board has no office, such records may be kept in custody of an officer of the Board and shall be available to the general public. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

### Section 7.202 Procedure For All Appeals to Board

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning enforcement officer. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

### Section 7.203 Public Notice of Appeal Hearing

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

### Section 7.204 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, or on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

### Section 7.300 The Board of Adjustment: Powers And Duties

#### Section 7.301 Administrative Review

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of these zoning regulations. Such appeal shall be taken within sixty (60) days.

#### Section 7.302 Conditional Use Permits

The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the

zone and only if certain conditions are met:

- a- 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 of 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 in the zoning regulations listing the conditional use under consideration. The Board shall have power to revoke conditional use permits, or variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- b- Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- c- In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- d- The Administrative Official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Official 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 chairman of the Board of Adjustment. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If

the Board of Adjustments finds that the facts alleged in the report of the Administrative Official are true and that the landowner had taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrative Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

- e- Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative 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 the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk or City Clerk concerned, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

#### Section 7.303 Dimensional Variance

(See page 121 for the latest text amendment on this section)

The Board shall have the power to hear and decide on applications for dimensional variances where, by reasons of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of these zoning regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. The following shall govern the granting of a variance:

- a- Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.
  1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
  2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of these zoning regulations.
  4. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- b- The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulations in the zone in question, or to alter density requirements in the zone in question.

#### Section 7.304 Procedure For All Appeals to Board

Appeals to the Board may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of any zoning Administrative Official. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative Official at least one (1) week prior to the hearing and shall decide it within sixty (60) days from the date of appeal. The affected party may appear at the hearing in person or by attorney.

#### Section 7.305 Decisions of The Board of Adjustment

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from; and, may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.

#### Section 7.306 Appeals From Commission or Board of Adjustment

Any appeal from Commission action may be taken in the following manner:

- a- Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustment may appeal from the action to the Circuit Court of the county. Such appeal shall be

taken within thirty (30) days after the final action of the Commission or Board. Final action shall not include Commission's recommendations made to other governmental bodies.

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

#### Section 7.400 Duties of Administrative Official

It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decision of the Board of Adjustment shall be to the courts as provided by law.

#### Section 7.401 Administrator of Zoning Regulations: Powers

An Administrative Official shall be designated by Bullitt County to administer the zoning regulations, and, if delegated, housing or building or other related regulations. The Administrative Official may be designated to issue building permits or certificates of zoning compliance, or both, in accordance with the literal terms of the regulations, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of these zoning regulations.

#### Section 7.500 Penalties For Violation

Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 and 100.991; or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten (10) dollars but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

ARTICLE 8 AMENDMENTS

Section 8.100 Amendment Application Procedure

- 8.101 Qualified Applicants
- 8.102 Submission of Application
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Section 8.200 Text Amendment

Section 8.300 Map Amendment

- 8.301 Findings Necessary for Map Amendment:
  - Board of Adjustment Required
- 8.302 Application Format

Section 8.400 Planning Commission Recommendation and Fiscal Court Decision

## ARTICLE 8 AMENDMENTS

For the purpose of establishing and maintaining sound, stable and desirable development within Bullitt County and its political subdivisions these regulations or any part thereof, and as here used the term regulations shall be deemed to include the official zoning maps shall not be amended except as follows:

### Section 8.100 Amendment Application Procedure

#### Section 8.101 Qualified Applicants

A proposal for amendment to any zoning regulation may originate with the Planning Commission, with the Fiscal Court or legislative body which is a member of the planning unit, or with the owner of the property in question.

#### Section 8.102 Submission of Application

Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission before adoption. Applications for zoning text or map amendments shall be submitted in duplicate to the Planning Commission, through the Administrative Official, on forms supplied by the Planning Commission. The Administrative Official shall not accept an application if it fails to conform to all applicable requirements of this Article, including the payment of any fee established by the County Fiscal Court or the council of the respective city concerned, nor if the application is for reclassification of the whole or any part of land, the reclassification of which has been approved or denied on its merits within twelve (12) months prior to the date of submission of the application.

#### Section 8.103 Public Hearing Required

Upon accepting an amendment application, the Planning Commission shall hold at least one public hearing after notice as required by KRS Chapter 424 and make recommendations to the legislative body having jurisdiction, and it shall take a majority of the entire legislative body having jurisdiction to override the recommendation of the Planning Commission. 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.

#### Section 8.200 Text Amendment

Application for amendment of the zoning order text may be made by any interested person or governmental agency. The application shall set forth the new text to be added and the existing text, if any, to be deleted.

## Section 8.300 Map Amendment

### Section 8.301 Finding Necessary for Map Amendment:

#### Board of Adjustment Required

Before any map amendment is granted, the Planning Commission, and the legislative body having jurisdiction must find that the map amendment is in agreement with the community's comprehensive plan, or in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission and the legislative body or Fiscal Court.

- a- That the original zoning classification given to the property was inappropriate or improper.
- b- That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's Comprehensive Plan and which have substantially altered the basic character of such area.
- \*c- The zoning regulations or map shall not be amended, changed, or modified in such manner as to create a free-standing zone of less than five (5) acres, except for B-1 Highway Commercial which may be as small as three (3) acres.

\*This acreage requirement for rezoning shall not apply within the municipal boundary of any incorporated city within Bullitt County. The City Council of each respective City shall have the authority to rezone property containing less than the above stated acreage with their boundary.

### Section 8.302 Application Format

The zoning map application shall be in duplicate in such a form as prescribed by the Planning Commission, and shall include:

- a- A written statement, specifying the following:
  - 1. The location of the land proposed to be reclassified, including the street number, if any;
  - 2. A description by metes and bounds, courses and distances, of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the county land records, a lot, block, and subdivision designation with appropriate plat reference;
  - 3. The present classification and classification proposed for such land;

\* See Appendices A & B

4. The name and address of the owner of the land;
  5. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre and in acres if one (1) acre or more.
- b- An identification plat, prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing by metes and bounds, courses and distances the land proposed to be reclassified, or if the boundaries conform to boundaries within a subdivision for which a plat is recorded among the county land records, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other lands shown on the plat.
- c- A vicinity map, covering the area within at least one thousand (1,000) feet of the boundaries of the land proposed to be reclassified showing the existing zoning classification of all land appearing on the map.

#### Section 8.400 Planning Commission Recommendation and Fiscal Court Decision

After the public hearing the Planning Commission shall, by resolution, recommend or reject the proposed zoning amendment and shall forward their recommendation to the legislative body having jurisdiction. The Planning Commission shall also forward the complete application record, including the transcript of the public hearing. At the meeting of the legislative body having jurisdiction following receipt of the recommendation from the Planning Commission, the legislative body having jurisdiction shall proceed to consideration of the proposed zoning amendment. An application for the Official Zoning Map or Text Amendment shall be decided on the basis of the evidence of record. Such application shall be approved, denied, dismissed, withdrawn, or decided in any manner as provided by Chapter 100 of Kentucky Revised Statutes. The legislative body having jurisdiction may dismiss any such application if it finds that:

- a- The application does not conform to any stated procedure requirement of this Article;
- b- The application is not acceptable for filing because filed within twelve (12) months as hereinbefore provided, or;
- c- The application is frivolous or filed for purposes of harassment.

If application is not dismissed or allowed to be withdrawn as herein provided, it shall be approved, denied, or decided in any manner as provided by Chapter 100 of Kentucky Revised Statutes. In any case, no application for the reclassification of all or any part of the land which is the subject of the application shall be accepted for filing for twelve (12) months following the date of such decision. No application for the Official Zoning Map amendment shall be approved for a class of district other than that applied for. No application for a map amendment shall be approved for a greater area than that applied for, but an application may be approved for a smaller area than that applied for if the reclassification of such smaller area is supported by the evidence or record and if such smaller area is accurately delineated in the record. The decision of the Fiscal Court or City Council concerned, on any application for an Official Zoning Map or Text amendment shall be rendered within sixty (60) days of the original hearing (unless such time is extended by resolution of the legislative body having jurisdiction) and shall be in the form of a resolution adopted by the legislative body having jurisdiction in open session by a majority of those voting on roll call by yeas and nays and appearing in the minutes of the meeting. The resolution shall be promptly mailed by the Administrative Official to the applicant and to all persons who appeared at the hearing as shown by the hearing transcript.

ARTICLE 9 REGULATION PROVISIONS

Section 9.100 Interpretation

Section 9.200 Separability Clause

Section 9.300 Repeal of Conflicting Regulations

Section 9.400 Schedule of Fees, Charges and Expenses

Section 9.500 Effective Date

## ARTICLE 9 REGULATION PROVISIONS

### Section 9.100 Interpretation

In interpreting and applying the provisions of these regulations, said provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare. Wherever these regulations require a greater width or size of yards or open spaces or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other ordinance or regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other ordinance, regulation, private deed restriction or private covenant is more restrictive, then those requirements shall govern.

### Section 9.200 Separability Clause

If for any reason any one or more section, headings, clauses of parts of these orders are held invalid by a court of competent jurisdiction, such decision shall not affect, impair or in validate the remaining provisions, but shall be confined to the specific section, headings, clauses or parts held invalid and the invalidity of any section, heading, clauses or part of these orders in any one or more instances shall not affect or prejudice in any way the validity of the orders in any other instance.

### Section 9.300 Repeal of Conflicting Regulations

The existing zoning regulations now in effect in Bullitt County, Kentucky and each of the Cities of Shepherdsville, Hillview, Lebanon Junction and Mount Washington, and in conflict with the zoning regulations as they are established herein, are hereby repealed. However, all suits at law or in equity and or all prosecutions resulting from violation of any zoning regulations heretofore in effect, which are now pending in any of the Courts of the State of Kentucky or of the United States, shall not be abated or abandoned by reason of the adoption of these zoning regulations; but shall be prosecuted to their finality the same as if these zoning regulations had not been adopted, and any and all violations of existing zoning regulations, prosecutions for which have not yet been instituted, may be thereafter filed and prosecuted; and nothing in these zoning regulations shall be so construed as to abandon, abate, or dismiss any litigation or prosecuting now pending, and/or which may have heretofore been instituted or prosecuted.

### Section 9.400 Schedule of Fees, Charges & Expenses

The Fiscal Court of the County of Bullitt and each of the legislative bodies of the Cities of Shepherdsville, Hillview, Lebanon Junction and Mount Washington shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to these

regulations. The schedule of fees listed below shall be posted in the office of the Administrative Official, and may be altered or amended only by the local legislative body having jurisdiction. No permit, certificate, conditional use permit, or variance shall be issued unless or until such cost, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken or proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

SCHEDULE OF FEES, CHARGES & EXPENSES

ZONING TEXT AMENDMENT: \$50.00

ZONING MAP AMENDMENT:

A-	\$50.00	R2-	\$125.00	B2-	\$250.00
SC-	\$50.00	R3-	\$150.00	IL-	\$300.00
C-	\$50.00	R4-	\$200.00	IG-	\$400.00
R1-	\$100.00	B1-	\$225.00	PUD-	\$250.00

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CONDITIONAL USE: \$50.00

DIMENSIONAL VARIANCE: \$50.00

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SITE PLAN REVIEW:	Administrator Review:	\$50.00
	Commission Review:	\$100.00

APPEAL EACH ADMINISTRATIVE STEP: \$50.00

ZONING COMPLIANCE: \$10.00

SIGN CERTIFICATION:

FREESTANDING AND ATTACHED BUSINESS:--\$25.00  
 OUTDOOR ADVERTISING-----\$50.00

WIRING PERMIT: \$2.00

ZONING REGULATION BOOK: \$10.00 each

COMPREHENSIVE PLAN BOOK: \$25.00

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**BUILDING PERMITS:**

	Over	Less Than	Over	Less Than
\$	0	\$ 10,000 - \$ 15	\$ 100,000	\$ 150,000 - \$175
\$	10,000	\$ 25,000 - \$ 50	\$ 150,000	\$ 250,000 - \$250
\$	25,000	\$ 50,000 - \$ 75	\$ 250,000	\$ 500,000 - \$350
\$	50,000	\$ 75,000 - \$ 100	\$ 500,000	\$1,000,000 - \$500
\$	75,000	\$100,000 - \$150	\$1,000,000	and up - \$750

LATE FEE: (Note: See page 121 for the latest text amendment on this section.)

In addition to the regular building permit fee, there shall be a LATE FEE, assessed by the Administrative Official, of \$10.00 for all building permits purchased after construction has started.

Section 9.400 Schedule of Fees, Charges and Expenses (Revised)

The Fiscal Court of the County of Bullitt and the legislative bodies of the Cities of Shepherdsville, Hillview, Lebanon Junction, Mt. Washington, and Hebron estates, shall establish a schedule of fees, charges and expenses, and a collection procedure for building permits, zoning compliances, appeals, and other matters pertaining to these regulations. The Schedule of fees listed below shall be posted in the office of the Administrative Official, and may be altered or amended only by the local legislative body having jurisdiction. No permit, zoning compliance, certificate, conditional use permit, or variance shall be issued unless, or until such cost, charges, fees or expenses listed below have been paid in full, nor shall any action be taken or proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

Zoning Text Amendment: \$200.00

**Zoning Map Amendment:**

The zoning map amendment fee for Agricultural, Conservation, Stream Reserve, R-1, R-2, R-3 and R-4 zones are as follows:

Acreage	Fee
.99 and under	\$100.
1.0 to 2.99	150.
3.0 to 4.99	200.
5.0 to 9.99	250.

10.0 to 14.99	300.
15.0 to 19.99	350.
20.0 to 24.99	400.
25.0 to 29.99	450.
30.0 to 34.99	500.
35.0 to 39.99	550.
40.0 to 44.99	600.
45.0 to 49.99	650.
50.0 to 54.99	700.
55.0 to 100.00	750.
100.0 to 149.99	800.
150.0 to 199.99	850.
200.0 and above	\$850. plus \$10 per acre for Every acre over 200

The zoning map amendment fee for B-1 Highway Business, B-2 Central Business, and Planned Unit Development (PUD) zones are as follows:

Acreage	Fee
.99 and under	\$200.
1.0 to 2.99	300.
3.0 to 4.99	400.
5.0 to 9.99	500.
10.0 to 14.99	600.
15.0 to 19.99	700.
20.0 to 24.99	800.
25.0 to 29.99	900.
30.0 to 34.99	1000.
35.0 to 39.99	1100.
40.0 to 44.99	1200.
45.0 to 49.99	1300.
50.0 to 54.99	1400.
55.0 to 100.00	1500.
100.0 to 149.99	1600.
150.0 to 199.99	1700.
200.0 and above	\$1700. plus \$20. per acre for each acre over 200

The zoning map amendment fee for IL Light Industrial, IG General Industrial and Earth Products (EP) zones are as follows:

Acreage	Fee
.99 and under	\$300.
1.0 to 2.99	450.
3.0 to 4.99	600.
5.0 to 9.99	750.
10.0 to 14.99	900.
15.0 to 19.99	1050.
20.0 to 24.99	1200.
25.0 to 29.99	1350.
30.0 to 34.99	1500.
35.0 to 39.99	1650.
40.0 to 44.99	1800.
45.0 to 49.99	1950.
50.0 to 54.99	2100.
55.0 to 100.00	2250.
100.0 to 149.99	2400.
150.0 to 199.99	2550
200.0 and above	\$2550 plus \$30 per acre for each acre over 200
 <b>Special Meetings:</b>	
Planning Commission:	\$1000.
Board of Adjustments:	600.
 <b>Printed Material:</b>	
Official Zoning Regulations	\$25.
Comprehensive Plan Book	25.
Subdivision Regulations	12.
 <b>Building Permit/Zoning Compliance:</b>	
New Buildings	
Single family Dwelling	\$100.
Relocated single family dwelling	100.
Multi family dwelling	50. per unit

**Building Permit/Zoning Compliance:**

New Buildings

Row Houses	100. per unit
Mobile Home	100.
Garage/Accessory Bldgs. (attached and detached)	50.
Accessory Buildings (less than 200 sq. ft.)	25.
Commercial Building	400.
Industrial/Earth Products Buildings	500.
Public Facility	200.
Other (pools, carports, decks, etc.)	15.

Additions or alterations to existing buildings, 1/2 the fee of a permit for a new building.

**Sign Permits:**

\$1.00 per square foot of sign area

For signs exceeding 30' in overall height, for which a variance has been granted by the Board of Adjustments, the following fee schedule, based on height of the sign, will apply in addition to the \$1.00 per square foot of sign area.

Sign Height	*Cost per linear foot of sign height
30.01' to 50.00'	\$100 per foot
50.01' to 70.00'	\$150 per foot
70.01' to 85.00'	\$200 per foot
85.01' to 100.00'	\$250 per foot
100.01' and above	\$300 per foot

(\*as measured from the finished grade of the earth, immediately adjacent to the base, to the top of the sign face)

**Plat /Survey Review Fee:**

Plats/Surveys containing two tracts or less	\$25.00
Plats/Surveys containing 3 tracts or less	\$50.00
Plats containing 4 or more tracts	\$75.00 plus \$10.00 per lot

**Revision of Plat/Survey Review Fee:**

Plats/Surveys containing two tracts or less	\$5.00
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**Revision of Plat/Survey Review Fee: (cont)**

Plats/Surveys containing 3 tracts of less	\$10.00
Plats containing 4 or more tracts	\$25.00

**Conditional Use Permits:**

Conditional Use Permit application	\$125.00
Annual review fee for Conditional Use Permits	\$ 50.00
Temporary Conditional Use Permits	\$ 50.00

**Dimensional Variance:**

Variance applications fee	\$125.00
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**Appeals:**

Appeal fee:	\$100.00
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**Site Plan Review Fee:**

Site Plan Review fee	\$100.00
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**Late Fee and Penalty Fee:**

In addition to the regular building permit and or compliance fee established herein, there shall be a LATE FEE, assessed by the Administrative Official, for obtaining a building permit and or compliance after construction has commenced of One Hundred Dollars (\$100.00) minimum plus and additional Penalty fee of One Hundred Dollars (\$100.00) per day for each day, after the first day occurs without a building permit and or compliance being issued with the total sum of these Late Fees and Penalty Fees not to exceed One Thousand Dollars (\$1000.00).

(See Appendix B- This section was approved under text amendment 94T-01)

Section 9.500 Effective Date

These regulations shall take effect and be in force immediately after their adoption and legal publication.

Certified by the Planning Commission.

APPENDIX A

STATUS OF AMENDMENTS

The table below summarizes the status of some amendments to the zoning ordinance text not in effect in parts of Bullitt County because of pending action by the appropriate legislative body. Portions of text related to these amendments are briefly stated.

ACTION BY THE LEGISLATIVE BODY

A--approved  
 D--disapproved  
 P--pending  
 U--uncertain

<u>SECTION</u>	<u>SUBJECT</u>	Commission Action						<u>DOCKET #</u>
		Fiscal Court	Mt. Washington	Shepherdsville	Lebanon Junction	Hillview		
5.801	Slaughter in I-L Zone	D	A	P	D	P	U	T-14-77
2.200	Beauty Shop as Home Occup.	D	A	U	A	P	U	T-39-78
5.701	Min lot in B-1 w/ sewers	A	A	P	A	P	P	T-39-78
4.402	Min lot w/ septic tank	U	A	U	U	U	A	U
9.400	Fee Schedule Amendment	A	A	D	D	U	A	T-1-79
5.301-305	Administrative Correction to chart of permitted uses	A	A	A	A	A	A	T-1-80
2.200	Definition of Farm	A	D	A	D	D	D	T-1-81
2.200	Definition of Mobile Home	D	D	A	A	D	A	T-2-81
7.500	Penalties	A	D	A	A	A	A	T-3-81

<u>SECTION</u>	<u>SUBJECT</u>	Commission Action						<u>DOCKET #</u>
		Fiscal Court	Mt. Washington	Shepherdsville	Lebanon Junction	Hillview		
2.200	Definition of Immediate Family	A	A	A	A	A	A	T-4-81
5.501 (b) -2	Mobile Home on Farms	A	A	A	A	A	A	T-4-81
5.603	Side yard setbacks	D	A	D	A	A	D	T-5-81
5.701	Single Family dwellings with commercial use	A	A	D	A	A	D	T-1-82
5.702	Single Family dwellings with commercial use	A	A	D	A	A	D	T-1-82
5.302	Chart for two Family dwellings	A	A	D	A	A	D	T-1-82
8.301 (c)	acreage requirements for any incorporated city	A	D	A	A	A	A	T-2-82
5.501 (c)	Changing of the word "subdivision" to "division"	A	A	A	D	D	D	T-4-83
5.502 (a)	Changing of the word "subdivision" to "division"	A	A	A	D	D	D	T-4-83
5.603	Adding Row House Development	A	A	A	A	A	D	T-5-83
8.301 (c)	Acreage requirements in Agricultural to R-1	A	D	A	D	D	D	T-2-84
2.200	Definition of Mobile Home	A	A	D	D	D	D	T-2-85

Appendix A (con't.)

Section	Subject	Planning Commission	Fiscal Court	Lebanon Junction	Mt. Washington	Shepherdsville	Hillview	Pioneer Village	Hunters Hollow	Hebron Estates	Fox Chase	Docket No.
6.201	Conditional Use Procedure	A	A	U	A	A	A	U	A	A	U	89T-05
1.100	Name of regulations	A	A	A	A	A	A	A	A	A	A	91T-01
4.307	Projections into yard space	A	U	U	U	U	A	U	A	U	U	91T-02
7.303	Dimensional Variance	A	A	A	A	A	A	U	A	U	A	91T-03
9.400	Schedule of Fees, Charges and Expenses	A	A	U	A	A	A	A	A	A	A	94T-01
6.205	Conditional Use- Off Street Parking	A	A	A	A	A	A	A	A	A	A	94T-02
8.400	Planning Commission Recommendation and Fiscal Court Decision	A	A	U	U	A	A	A	A	A	A	94T-04
2.200	Words and Terms Defined	D	U	U	A	U	A	U	U	U	U	95T-01
3.100	Zones	D	U	U	A	U	A	U	U	U	U	95T-01
4.700	Mineral Extraction and Regrading	D	U	U	A	U	A	U	U	U	U	95T-01
4.701	Procedure for Mineral Extraction Operation	D	U	U	A	U	A	U	U	U	U	95T-01
4.702	Development Standards	D	U	U	A	U	A	U	U	U	U	95T-01
4.703	Rehabilitation Requirements	D	U	U	A	U	A	U	U	U	U	95T-01
5.301	Natural Resources Uses	D	U	U	A	U	A	U	U	U	U	95T-01
5.303	Business Uses	D	U	U	A	U	A	U	U	U	U	95T-01
5.305	Public and Semipublic Uses	D	U	U	A	U	A	U	U	U	U	95T-01
5.800	Industrial Zones	D	U	U	A	U	A	U	U	U	U	95T-01
5.802	Permitted uses in IG zones	D	U	U	A	U	A	U	U	U	U	95T-01
9.400	Schedule of Fee, Charges and Expenses	D	U	U	A	U	A	U	U	U	U	95T-01
5.950	Earth Products Zone (new section)	D	U	U	A	U	A	U	U	U	U	95T-01
2.200	Words and Terms Defined	D	U	U	U	U	A	U	U	U	U	2001T-01
3.100	Zones	D	U	U	U	U	A	U	U	U	U	2001T-01
4.700	Mineral Extraction and Regrading	D	U	U	U	U	A	U	U	U	U	2001T-01

4.701	Procedure for Mineral Extraction Operation	D	U	U	U	U	A	U	U	U	U	2001T-01
4.702	Development Standards	D	U	U	U	U	A	U	U	U	U	2001T-01
4.703	Rehabilitation Requirements	D	U	U	U	U	A	U	U	U	U	2001T-01
5.301	Natural Resources Uses	D	U	U	U	U	A	U	U	U	U	2001T-01
5.303	Business Uses	D	U	U	U	U	A	U	U	U	U	2001T-01
5.305	Public and Semipublic Uses	D	U	U	U	U	A	U	U	U	U	2001T-01
5.800	Industrial Zones	D	U	U	U	U	A	U	U	U	U	2001T-01
5.802	General Industrial, IG	D	U	U	U	U	A	U	U	U	U	2001T-01
5.950	Earth Products Zone	D	U	U	U	U	A	U	U	U	U	2001T-01
5.951	Rehabilitation Requirements in EPA Zone (new section)	D	U	U	U	U	A	U	U	U	U	2001T-01
5.802	General Industrial, IG	A	U	U	A	A	A	U	U	U	U	2002T-01
5.801	Permitted uses in IL zones	A	U	U	A	A	A	U	U	U	U	2002T-01
5.801	Quantities of Flammable Materials in Gallons	A	A	U	U	A	U	U	U	U	U	2008T-01
5.801(f)(5) 5.801(f)(6) 5.802(f)(6) 5.802(f)(7)	(DELETED) Use, Storage and Disposal of Flammable Liquids or Materials. (Created new section 5.404)	A	A	U	U	U	D	D	U	D	D	2009T-01
2.200	Words and Terms Defined "Structure"	A	A	A	A	A	A	A	A	A	A	2011T-02

## APPENDIX B

### TEXT AMENDMENTS

The following amendments are in effect in certain incorporated cities in Bullitt County. Please refer to Appendix A for status of these amendments.

#### Section 2.200 Definition of FARM (T-1-81)

A distinct bounded parcel of land containing ten (10) or more acres which is used for farming operations.

In effect in: Mt. Washington

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#### Section 2.200 Definition of MOBILE HOME (T-2-81)

A detached residential dwelling unit designed for transportation as one or more units after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site as one or more units where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and minor assembly operations, location on jacks or other temporary or permanent foundation, connections to utilities, and the like. Mobile homes are built on a permanent, integral chassis and can be used with or without a permanent foundation. Removal of the wheels and placement on a foundation does not exempt a mobile home from all requirements applicable to mobile homes of these regulations. Likewise, the joining of two or more units to form a single dwelling does not exempt a mobile home from all requirements applicable to mobile homes of these regulations. A travel trailer is not to be considered as a mobile home.

In effect in: Hillview, Mt. Washington, Shepherdsville

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#### Section 7.500 Penalties (T-3-81)

Note: This amendment merely corrected an improper citation of the Kentucky Revised Statutes. It is in effect throughout the county, and is included in the body of the text.

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#### Section 5.603 (d) (2) Side Yard Setbacks (T-5-81)

Side yard – There shall be a minimum side yard on each side of any building or structure of 10 feet measured from the side lot line to the nearest building or structure except that garages or carports and accessory buildings and uses may extend an additional five (5) feet into one side yard.

In effect in: Hillview, Mt. Washington

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Section 5.701 Single Family Dwellings with Commercial Use (T-1-82)

Note: Sections 5.701 (a) (82) and 5.701 (g) as found in the main text were not approved, and therefore are not in effect in: Hillview, Mt. Washington.

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Section 5.702 Single Family Dwellings with Commercial Use (T-1-82)

Note: Sections 5.702 (a) (9) and 5.702 (h) as found in the main text were not approved, and therefore are not in effect in: Hillview, Mt. Washington.

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Section 5.302 Chart for Two Family Dwellings (T-1-82)

Note: Section 5.302 as found in the main text permits two family dwellings in B-1 and B-2 districts upon approved site plan review. This amendment was not approved, and therefore is not in effect in: Hillview, Mt. Washington.

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Section 8.301 Acreage Requirements for Cities (T-2-82)

Note: The last two sentences of Section 8.301 (c) were added by amendment and approved by all the cities, although denied by Fiscal Court. Since Fiscal Court's denial had no effect on the enforcement of the new regulation (since it deals entirely with city regulations), the amendment has been included in the main text.

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Sections 5.501 and 5.502 Changing the word "subdivision" to "division" (T-4-83)

Note: Sections 5.501 (c) and 5.502 (a) of the main text refer to the "division of land" and the "division of property" respectively. This amendment was not approved by all jurisdictions. The previous phrases "subdivision of land" and "subdivision of property" are still in effect in: Hillview, Lebanon Junction, Shepherdsville.

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Section 5.603 Adding Row House Development (T-5-83)

Note: Section 5.603 (f) was added by amendment. This amendment was not approved, and is not in effect in: Hillview.

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Section 8.301 (c) Acreage Requirements in Agricultural to R-1 (T-2-84)

The zoning regulations or map shall not be amended, changed, or modified in such manner as to create a freestanding zone of less than five (5) acres, except for B-1 Highway Commercial which may be as small as three (3) acres and except for amendments from A Agricultural to R-1 Residential which may be as small as one (1) acre where the Planning Commission finds that such an amendment is harmonious with the surrounding land use and, thus in agreement with the community's comprehensive plan.

This acreage requirement for rezoning shall not apply within the municipal boundary of any incorporated city within Bullitt County. The City Council of each respective City shall have the authority to rezone property containing less than the above stated acreage within their boundary.

In effect in: Mt. Washington.

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Section 6.201 (89T-05) Conditional Use Procedure

Section 6.201 is amended to remove the requirement of the Planning Commission to review applications for Conditional Use Permits. See Section 6.201 for complete text amendment.

In effect in: unincorporated areas of Bullitt County as well as the cities of Shepherdsville, Mt. Washington, Hillview, Hunters Hollow, and Hebron Estates.

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Text Amendment 91T-01

Section 1.100

These regulations shall be known and referred to as the 'Official Zoning Regulations of Bullitt County' and all cities within its boundaries and may be cited as the County / City Zoning Regulations. Reference to County, or Bullitt County, shall signify the county including all municipal corporations within its boundaries, unless otherwise stated.

Each Section of the City / County Zoning Regulations which sets forth the original four political divisions is amended to include all municipal corporations

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This text amendment was adopted by Bullitt Fiscal Court and the cities of Shepherdsville, Hillview, Lebanon Junction, Mt. Washington, Pioneer Village, Hunters Hollow, Fox Chase, and Hebron Estates.

Text Amendment 91T-02

Section 4.307

Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features, may extend into required yard areas not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing of such projections into yard areas is prohibited, except within the City Limits of the City of Hillview, which shall be controlled by the provisions of Section 5.602 (d).

Section 5.602

- d. the following setback and yard requirements shall be observed:
  - 2. Side Yards: there shall be a minimum side yard on each side of any building or structure of fifteen (15) feet measured from the side lot line to the nearest building or structure, except that garages and accessory buildings may extend an additional ten (10) feet into one side yard. This requirement the location of garages or carports within the City Limits of the City of Hillview. This side yard requirement within the City of Hillview on an addition which does not extend into the side yard any further than the existing house shall not require a variance; nor shall a garage or a carport which is at least 18” from the side property line require a variance.

\*\*\*\*\*

This text amendment is in effect in the Cities of Hillview and Hunters Hollow.

Text Amendment 91T-03  
Amendment to Section 7.303

Section 7.303 Dimensional Variance

The Board shall have the power to hear and decide on applications for dimensional variances where, by reasons of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of there zoning regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no populations density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant. The following shall govern the granting of a variance:

- a. Applications for building line variances, for buildings which have been constructed, or on which construction has been commenced before the variance is applied for shall be accompanied by an additional minimum fee of One Hundred Dollars (\$100.00) and Ten Dollars (\$10.00) per inch of any variance requested for more than Ten (10 inches). This fee is non-refundable unless the variance request is withdrawn. Any variance requested for an existing building which was completed prior to the adoption of this regulation shall be exempt from this fee requirement.
- b. Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.
  1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
  2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
  3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of these zoning regulations.

Text Amendment 91T-03 con't.

- 4. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- c. The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulations in the zone in questions, or to alter density requirements in the zone in question.

\*\*\*\*\*

This amendment is in effect in the unincorporated areas of Bullitt County and the cities of Lebanon Junction, Fox Chase, Mt. Washington and Shepherdsville and Hillview, and Hunters Hollow. No response from Hebron Estates, and/or Pioneer Village.

TEXT AMENDMENT 94T-01

SECTION 9.400 SCHEDULE OF FEES, CHARGES & EXPENSES

LATE FEE & PENALTY FEE:

In addition to the regular building permit and or compliance fee established herein, there shall be a LATE FEE, assessed by the Administrative Official, for obtaining a building permit and or compliance after construction has commenced of One Hundred Dollars (\$100.00) minimum plus an additional Penalty Fee of One Hundred Dollars (\$100.00) per day for each day, after the first day construction has commenced, on which addition construction activity occurs without a building permit and or compliance being issued with the total sum of these Late Fees and Penalty Fees not to exceed One Thousand Dollars (\$1000.00).

SECTION 2.200 WORDS AND TERMS DEFINED

The following section shall be added to this section:

Construction: The delivery, to the site, of materials which are to be incorporated into subsequent improvements which are located on the site. This may include but is not limited to; concrete, lumber, brick, steel, block/brick or other similar material.

\*\*\*\*\*

This text amendment was adopted by Bullitt Fiscal Court and the cities of Mt. Washington, Shepherdsville, Hillview, Hunters Hollow, Fox Chase, Pioneer Village and Hebron Estates.

TEXT AMENDMENT 94-T-02  
ADDITION OF SECTION 6.205

SECTION 6.05 CONDITIONAL USE – OFF STREET PARKING

An off-street parking area may be allowed in a properly zoned area provided it serves a demonstrable purpose benefiting the public welfare and when developed in compliance with all the following listed requirements:

- a. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- b. The minimum front, street side, and side yards required in the zoning district shall be maintained free of parking.
- c. All driveways and the area used for the parking of vehicles shall be surfaced with a hard and durable material and be properly drained.
- d. All non-residential off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and shall be so designed and located that vehicles shall not back from or into a public street. Non-residential off-street parking facilities designed for vehicles backing from or into an alley may be allowed at the discretion of the Board of Adjustment.
- e. The parking areas and spaces required by these regulations shall not be used for the display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.
- f. Building or structures shall be permitted for shelters for guards, attendants or watchmen.
- g. All off-street parking areas, except for those serving detached single family uses and agricultural uses, shall be of a hard and durable surface which limits or precludes particulate air pollution. Examples of such surfaces are: Asphalt, brick or concrete paving and interlocking paver blocks including those that retain space for vegetation (“Grasscrete” – type products) are acceptable paving materials.

Text Amendment 94T-02 con't.

- h. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the appropriate government which is responsible for traffic engineering prior to the public hearing on the conditional use permit.

\*\*\*\*\*

This text amendment was adopted by Bullitt Fiscal Court and the cities of Mt. Washington, Lebanon Junction, Shepherdsville, Hillview, Pioneer Village, Fox Chase, Hebron Estates and Hunters Hollow.

TEXT AMENDMENT 2002T-01  
AMENDMENT TO SECTION 5.801 AND 5.802

Section 5.801 a-40

Trailer storage, rental sales, assembly and manufacturing plant.

Section 5.802 a-9

Automotive, tractor, motorized farm implement assembly or manufacture

This amendment was approved by the cities of Shepherdsville, Mt. Washington and Hillview.

## Text Amendment 2008T-01

### Current

5.801 (f) (6)

The storage and utilization of flammable liquids or of materials that produce flammable or explosive vapors or gases shall be permitted on any lot in accordance with the following table:

Total Permitted Quantities of Flammable Materials in Gallons		Closed Cup Flashpoint in Degrees F.
<u>Above Ground</u>	Below Ground	
Class I Not Permitted	20,000	Class I Below 100 Degrees F.
Class II 1,000	40,000	Class II Above 100 Degrees F. and Below 140 Degrees F.
Class III 5,000	80,000	Class III Above 140 Degrees F.

### Proposed

Total Permitted Quantities of Flammable Materials in Gallons		Closed Cup Flashpoint in Degrees F.
<u>Above Ground</u>	Below Ground	
Class I <u>Not Permitted in A, B-1 B-2, IL and IG zones subject to compliance with the Kentucky Standards of Safety administered by the Kentucky Fire Marshal's Office</u>	20,000	Class I Below 100 Degrees F.
Class II 1,000	40,000	Class II Above 100 Degrees F. and Below 140 Degrees F.
Class III 5,000	80,000	Class III Above 140 Degrees F.

TEXT AMENDMENT 2009T-01  
AMENDMENT TO SECTIONS:  
5.801 (f) (5), 5.801 (f) (6),  
5.802 (f) (6) and 5.802 (f) (7)

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF BULLITT COUNTY, KENTUCKY:

SECTION ONE: Sections 5.801 (f) (5), 5.801 (f) (6), 5.802 (f) (6) and 5.802 (f) (7) shall be deleted in their entirety.

SECTION TWO: There shall be created a new section as follows:

SECTION 5.404. USE, STORAGE AND DISPOSAL OF FLAMMABLE LIQUIDS OR MATERIALS.

- (a) All activities involving the use, storage and/ or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion in accordance with the Kentucky Standards of Safety administered by the Kentucky Fire Marshal's Office and with any other applicable state or local laws and regulations. In addition, adequate fire fighting and suppression equipment and devices in accordance with applicable standards and regulations shall be provided.
- (b) All above ground storage shall be in enclosed, fireproof vaults if so required by and in accordance with the Kentucky Standards of Safety administered by the Kentucky Fire Marshal's Office and with any other applicable stated of local laws and regulations.
- (c) The storage, utilization or manufacture of flammable radioactive and/or explosive materials and products which decompose by detonation is prohibited in all zones except General Industrial, "IG".
- (d) The storage and utilization of flammable liquids or of materials that produce flammable or explosive vapors or gases shall be permitted on a single lot in each zone only in quantities as set forth in the following table:

Total Permitted Quantities  
Of Flammable Materials in Gallons

Zones	Class I		Class II		Class III	
	Above Ground	Below Ground	Above Ground	Below Ground	Above Ground	Below Ground
A	500	20,000	1,000	6,000	2,000	10,000
C	<50	<50	1,000	1,000	1,000	2,000
SR	<50	<50	1,000	1,000	1,000	2,000
R-1	<50	<50	1,000	1,000	1,000	2,000
R-2	<50	<50	1,000	1,000	1,000	2,000
R-3	<50	<50	1,000	1,000	1,000	2,000
R-4	<50	<50	1,000	1,000	1,000	2,000
B-1	1,500	20,000	1,000	40,000	3,000	40,000
B-2	1,000	20,000	1,000	40,000	3,000	40,000
IL	3,000	20,000	5,000	40,000	5,000	80,000
IG	3,000	20,000	5,000	40,000	5,000	80,000
PR	<50	<50	1,000	2,000	2,000	5,000
PB	<50	<50	1,000	2,000	2,000	5,000
EP	1,000	20,000	5,000	40,000	5,000	80,000

Closed Cup Flashpoint in Degrees F

	Below 100 Degrees F	Above 100 Degrees F &Below 140 Degrees F	Above 140 Degrees F
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**All Zones Subject to Compliance With the Kentucky Standards of Safety  
Administered By the Kentucky Fire Marshal's Office.**

SECTION THREE: This Ordinance shall take effect upon publication.

This text amendment was adopted by Bullitt Fiscal Court and the City of Shepherdsville.

This text amendment does not apply in any other cities in Bullitt County.

**Text Amendment 2011T-02**

The following definition of a “Structure” was added to Section 2.200 of the Official Zoning Regulations of Bullitt County and All Cities within Its Boundaries. This definition was taken from: KRS 100.111 (21).

**“Structure” means anything constructed or made, the use of which requires a permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs**

Bullitt Fiscal Court	Approved
City of Hillview	Approved
City of Lebanon Junction	Approved
City of Pioneer Village	Approved
City of Shepherdsville	Approved
City of Mt. Washington	Approved
City of Hebron Estates	Approved
City of Fox Chase	Approved

EARTH PRODUCTS ZONE

(TEXT AMENDMENT  
95T-01)

Applicable in the City of Hillview only.

The Earth Products zone was created by Text Amendment Number 95T-01. The text amendment also made changes to the following sections of the regulations:

- Section 2.200 Words and Terms Defined
- Section 3.100 Zones
- Section 4.700 Mineral Extraction and Regrading
- Section 4.701 Procedure for Mineral Extraction Operations
- Section 4.702 Development Standards
- Section 4.703 Rehabilitation Requirements
- Section 5.301 Natural Resources Uses
- Section 5.303 Business Uses
- Section 5.305 Public and Semipublic Uses
- Section 5.800 Industrial Zones
- Section 5.802 General Industrial, IG
- Section 9.400 Schedule of Fees, Charges & Expenses (this section has been changed again by Text Amendment No. 98T-01 - see page 108A of the Official Zoning Regulations of Bullitt County and all cities within its boundaries.)

The following sections were added:

- Section 5.950 Earth Products Zone

The deletions to the regulations are struck through. The additions and changes are underlined.

## Section 2.200 Words and Terms Defined

**ACCESSORY USE OR BUILDING:** Any purpose for which a building or tract of land may be designed, arranged, intended, maintained or occupied, which is customarily incidental and subordinate in the area's extent or purpose to the principal building or use which it serves and which is located on the same zoning lot as the principal building or use.

**ADJOINING:** Next to, abutting, touching, adjacent, contiguous, having a common boundary, or being directly across a public roadway.

**AGRICULTURAL USE:** Land containing at least ten (10) acres which is used for raising or harboring livestock or agricultural products, including farm buildings and the storage of agricultural equipment; riding, livery and boarding stables, kennels and veterinaries; and as an accessory use the sale of agricultural products raised on the property. Under this term, the sale from roadside stands is limited to agricultural products and the products of home industry which have been produced on the farm where located.

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

**ALLEY:** A dedicated public right-of-way other than a street, that affords a secondary means of access to abutting properties.

**ALTERATION:** Any change, rearrangement, or addition to a building, its supporting members, or its foundation other than repairs, and any modification in construction or in building equipment.

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

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

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

**BASEMENTS:** That portion of a building located partially underground but having more than one half (1/2) of its clear floor-to-ceiling height below the average grade of adjoining ground.

**BOARD:** The Board of Adjustment having jurisdiction unless the context indicates otherwise.

**BOARDING OR LODGING HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where more than three people are sheltered for profit.

**BUILDING OR STRUCTURE:** Any covered structure for the support, shelter, or enclosure of persons, animals or moveable property of any kind, and which is permanently affixed to the land.

**BUILDING, HEIGHT OF:** The ~~verticle~~ vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

**BUILDING LINE:** A line parallel to the street right-of-way line at any story level of a building, and set at a distance which all or any part of the building is to be set back to from said right-of-way, except as otherwise provided by these regulations.

**BUILDING PERMIT:** A permit issued by the authorized officer allowing a proprietor or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the building or lot in question.

**BUILDING, PRINCIPAL:** A building, including any permanently covered space such as porches and carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on its lot.

**CERTIFICATE OF ZONING COMPLIANCE, ZONING CERTIFICATE, OR ZONING PERMIT:** A certificate issued by the authorized officer, before use or occupancy of any building or land stating that the proposed use of the building or land conforms to the requirements of these zoning regulations. This shall apply to any building, premises, or land, or combination (except for the raising of crops and other agricultural activities) hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure.

**COMMISSION, OR PLANNING COMMISSION:** Bullitt County Planning Commission.

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

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Adjustments, consisting of two parts; (a) A statement of the factual determination by the Board of Adjustments 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.

**CONSTRUCTION:** The delivery, to the site, of materials which are to be incorporated into subsequent improvements which are ~~located~~ located on the site. This may include but is not limited to; concrete, lumber, brick, steel, block/brick or other similar material.

**CONVALESCENT OR NURSING HOME:** An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; hospital or sanitarium shall not be construed to be included in this definition.

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

**DIMENSIONAL VARIANCE:** A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departure will not conflict with the public interest; and where, owing to conditions peculiar to the property only because of its size, shape, or topography, and not as a result in unnecessary and undue hardship.

**DWELLING, OR DWELLING UNIT:** Any building or portion thereof with one, or a suite of two or more rooms occupied or intended to be occupied exclusively for residential purposes, that is living and sleeping, by one family or housekeeping unit, and which includes permanently installed cooking and lawfully required sanitary facilities. This definition shall thus exclude a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

- a. **SINGLE FAMILY:** A single independent building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping unit.
- b. **TWO FAMILY:** A single independent building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units.
- c. **MULTI-FAMILY:** A building or portion thereof, or group of buildings on one lot but containing separate living units, occupied or constructed to be occupied by more than two (2) families or housekeeping units.

**DWELLING GROUP:** A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**EARTH PRODUCTS:** Any solid or liquid material, aggregate, or substance, excluding water; whether consolidated or loose, found in natural deposits on or in the earth, including, but not limited to: clay, silt, diatomaceous earth, sand, gravel, stone, metallic ores, shale and soil.

**FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that, unless all members are related by blood, marriage, or adoption, no such single housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel or motel - shall contain more than five members.

**\*FARM:** A place on which agricultural operations are conducted at any time under the control or supervision of one person, partnership or a manager. Places of less than 10 acres are counted as farms if the estimated sales of agricultural products for the year amounted or normally would amount to at least \$250.00.

**GARAGE, PRIVATE:** An enclosed space for the storage of not more than four motor vehicles owned or operated by the occupants of the principal building, and provided that no business, occupation or service is conducted for profit therein.

**GARAGE, PUBLIC:** A building or land available to the public to use, operated for gain, and which is used for storage, repair, rental, greasing, washing, painting, servicing or equipping motor vehicles.

**GRADE, FINISHED:** The completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans or designs relating thereto, or in ~~existence~~ existence at the time the certificate of zoning compliance is issued.

**HOME OCCUPATION:** An accessory use carried on in a dwelling unit or other structure accessory to a dwelling unit, but in no case occupying more than twenty-five (25) percent of the total floor area of the building or buildings, by a member or members of the bona fide residents of the dwelling, except as permitted for a professional home occupation; and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, so that the character thereof is not changed and it shall not have any exterior evidence of such secondary use except as permitted in Section 4.900. Specifically, home occupation shall include any of the following activities: dressmaking, home cooking, tutoring (limited to not more than four (4) children simultaneously) musical instruction (limited to a single pupil at a time) and the practice by an artist, insurance agent, musician, realtor, beauty parlor (limited to one license, one operator) photographer, or the sale of antiques. Also included and provided that no more than two (2) persons not bona fide residents of the dwelling are engaged to perform related work. Home Occupation shall not be interpreted to include any of the following: barber shop, commercial stables and kennels, animal hospitals, restaurants or eating places, musical instructions to groups, convalescent homes, mortuary establishments, garages or premises for the repair of motor vehicles on profit basis, TV, radio or electrical appliances.

**HOSPITAL:** Includes sanitarium, clinic, rest home, nursing home, convalescent home, house for the aged and any other place for observation, diagnosis, treatment or care of two or more

\* See Appendices A and B

individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services.

**HOUSING OR BUILDING REGULATIONS:** Any regulations incorporating any housing, building, or safety code including, but not limited to such codes as plumbing, electrical, elevator, boiler, fire safety, and minimum housing, or any other regulations.

**IMMEDIATE FAMILY:** The owner of the property, his wife, their children, and the parents of the owners of such farm.

**INDUSTRY:** The processing of products or raw materials. The two categories of industry are defined according to the following performance standards:

**GENERAL INDUSTRY:** That industry in which processing of products results in the emission of any atmospheric pollution, ~~visable~~ visible light flashes or glare, odors, or noises or vibration which may be heard or felt off the premises of that industry which constitutes a fire or explosion hazard.

**LIGHT INDUSTRY:** That industry in which processing of products results in none of the conditions described for above type industry.

**JUNK YARD:** A lot, land or structure, or part thereof of 200 square feet or more, used primarily for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

**LEGISLATIVE BODY:** The chief body with legislative power, whether it is a city council or the county's fiscal court depending on the location of zoning subject of concern.

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

**LOT:** Land under a single ownership devoted to common use, or occupied or to be occupied by a building and its accessory buildings, if any, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the zone in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT AREA:** The total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.

**LOT, CORNER:** A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

**LOT DEPTH:** The average horizontal distance from the street line of the lot to its opposite rear line measured at right angles to a straight front lot line, or the tangent to the middle of the arc if it is a curved front line.

**LOT FRONTAGE:** The distance along the front lot line.

**LOT LINE, FRONT:** The line separating the lot from the street right-of-way, and in this respect it constitutes a portion of the street right-of-way line.

**LOT LINE, REAR:** A lot line other than front or side lot lines. contributing to the definition of property boundaries.

**LOT LINE, SIDE:** A lot line starting from a point along the front lot line and other than a rear lot line and contributing to the definition of property boundaries.

**LOT WIDTH:** The straight horizontal distance measured between the opposite two points of the intersection of the building line with the two opposite site lot lines.

**MINING:** The removal of earth products from the ground by whatever means, including, but not limited to underground and open pit mining.

**\*MOBILE HOME:** A detached residential dwelling unit designed for transportation as one or two units after fabrication, on streets or highways on its own wheels or on flatbeds or other trailers, and arriving at the site as one or two units where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and minor assembly operations, connections to utilities and the like. Removal of the wheels and/or chassis and/or placement on a temporary or permanent foundation does not exempt a mobile home from all requirements applicable to mobile homes in these regulations. Likewise, the joining of two mobile home units to form a single dwelling does not exempt a mobile home from all requirements applicable to mobile homes in these regulation. A structure manufactured with a serial number and requiring a license receipt for transporting is presumed to be a mobile home under this definition. Excepted from this definition and not considered mobile homes are modular homes as defined in these regulations, and travel trailers.

**MOBILE HOME PARK:** Any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of mobile homes, on rental basis.

\* See Appendices A and B

**MOTEL:** A series of attached, semi-attached or detached sleeping or living units, each with at least a bedroom and a bathroom, for the temporary accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

**MULTI-FAMILY DWELLING:** A building grouping a number of rooms or suite of rooms with an independent entrance for each from outside or from a common hallway, and consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities per each such room or suite of rooms.

**NON-CONFORMING USE OR STRUCTURE:** An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulations, but which does not conform to all of the regulations contained in the zoning regulations which pertain to the zone in which it is located.

**OPEN SPACE:** Parks, common greens, other recreation space or generally open areas available to the public or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

**OUTDOOR ADVERTISING:** A visible, immobile contrivance or structure in any shape or form, the purpose of which is to advertise any product or service, campaign, event, etc.

**PARKING SPACE:** An off-street space used for the temporary location of one licensed motor vehicle, which is at least two hundred (200) square feet in area and nine feet wide, not including access driveway, and having direct access to a street or alley.

**PERMIT:** Refers to a written official document permitting an action relating to the use, development, or improvement of land or building. Permit shall include the certification indicating compliance with the requirements of these regulations as well as certification permitting occupancy and/or use of the land or building in question.

**PLANNED-UNIT DEVELOPMENT:** An area of land controlled by a single landowner and developed as a single entity for a number of dwellings, the plan for which does not necessarily correspond in lot size, bulk, type of dwelling unit, density, lot coverage or required open space to any other residential or commercial zone.

**PLAT:** The map of a subdivision, recorded with the county courthouse.

**POLITICAL SUBDIVISION:** A city within the county.

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

**PROCESSING:** Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures, however.

**PROFESSION, OR PROFESSIONAL:** A business in which gain or livelihood depends on and requires specialized knowledge and often long intensive academic preparation; and usually follows a line of conduct and required adherence to technical or ethical standards. Included in this definition, but not limited, are the following professional business activities: accounting, chiropractry, ~~denistry~~ dentistry, practice of medicine, landscape architecture, land surveying, practice of law, optometry, osteopathy, physiotherapy, podiatry, professional planning, architecture, engineering, or psychology.

**PROFESSIONAL RESIDENCE OFFICE:** A residence in which the occupant has a professional office which is clearly secondary to the dwelling use for living purposes and does not change the residential character thereof, and where not more than three persons are working.

**PUBLIC FACILITY:** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and ~~cemeteries~~ cemeteries.

QUARRY: A location where earth products are removed from the ground for processing, sale or for off-lot use.

**RETAIL SALES:** Sale of any product of or merchandise to customers for their own personal consumption or use, not for resale.

**SALES AREA: AUTOMOBILE, MOBILE HOME, OR TRAILER:** An enclosed or open area, other than a street, used for the display, sale or rental of new or used motor vehicles, mobile homes, trailers, or boats in operable condition; and where no repair work is done.

**SERVICE AREA:** Includes those parts of any lot which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage and collection of wastes and provision for maintenance.

**SLEEPING ROOM:** A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

**SIGN:** A structure, building or part thereof, or pennant, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. A sign does not include the flag or insignia of any nation, state or city; nor any political, education, charitable, philanthropic, religious advertising ~~campaign~~ campaign, provided that such advertising shall not be displayed for a period exceeding thirty days.

**STABLE:** A building in which horses are kept for public or private use, remuneration remuneration, hire or sale.

**STATION, FILLING OR GASOLINE:** An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubricating and handwashing hand washing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories, but not for painting or major repairs.

**STORAGE OR STORAGE SPACE:** Land or enclosed building used for the keeping of goods, wares, supplies or equipment.

**STORY:** That part of a building included between the surface of any floor and the surface of the floor next to it, or if there be no floor above it then the ceiling above it.

**STREET:** An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property consisting of more than one lot in more than one ownership; or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of these regulations and provided such street has been accepted by Bullitt County or any of its political subdivisions. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, ~~throughfare~~ thoroughfare or any other similar terms.

**STREET, CENTER LINE OF:** The line which is usually at an equal distance from both street lines, or right-of-way lines.

**STREET GRADE:** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of that street shall be taken as the street grade.

**STRUCTURE:** See 'Building' above.

**SUBDIVISION:** A division of real property, improved or unimproved, or portion thereof shown, on the last preceding tax roll as a unit or as contiguous units, into two or more parcels, lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale, transfer of ownership, or building development, except that the division of land for agricultural purposes in parcels of more than ten (10) acres not involving any new streets or easement of access shall be exempted from the application of this term.

**THEATER, DRIVE-IN:** Open land with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, to patrons seated in automobiles or on outdoor seats.

**TOURIST HOME:** Same as 'Boarding or Lodging House' above except where the overnight accommodation is provided for compensation for transient type of guests.

**TRAILER, TRAVEL TRAILER:** A vehicular portable structure built on a chassis and not exceeding a gross weight of four thousand five hundred (4,500) pounds when factory equipped for the road or an overall length of thirty (30) feet and designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

**VARIANCE:** A modification from the literal provisions of these regulations by the Board of Adjustment in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.

**WILDLIFE RESERVE:** Includes bird sanctuary, zoo, forest reserve, game reserve, botanical garden.

**YARD:** That portion of the lot which is unoccupied and open to the sky and extends from a lot line to its related yard line.

**YARD, FRONT:** The yard extending along the full length of the front lot line.

**YARD, REAR:** A yard extending the full length of the rear lot line.

**YARD, SIDE:** A yard extending along the side lot line or lines from the required front yard to the required rear yard.

**YARD LINE:** A line drawn parallel to the corresponding lot line at a distance specified for the required depth of yard in each respective case.

**YARD LINE, FRONT:** The line which bounds the front yard and is parallel to the front lot line.

**YARD LINE, REAR:** The line which bounds the rear yard and is parallel to the rear lot line.

**YARD LINE, SIDE:** The line or lines which bounds the side yard and is parallel to the side lot line or lines.

**ZONE:** An established area within the community in which the provisions of these regulations are applicable.

## ARTICLE 3 ESTABLISHMENT OF ZONES

### Section 3.100 Zones

For the purpose of these regulations, the area of Bullitt County including the incorporated areas of its political subdivisions is divided into the following ~~thirteen (13)~~ fourteen (14) zones, or zoning districts:

#### Rural Zones

- A - Agricultural
- C - Conservation
- SR - Stream Valley Reserve

#### Residential Zones

- R1 - Single-family
- R2 - Single-family
- R3 - Multi-family lower density
- R4 - Multi-family higher density

#### Business Zones

- B1 - Highway Business
- B2 - Central Business

#### Industrial Zones

- IL - Light industrial
- IG - General and Extractive Industrial

Planned Unit Development Zones

PR - Planned Unit Development, Residential

PB - Planned Unit Development, Highway Business

Earth Products Zone

EP = Earth Products

#### Section 4.700 Mineral Extracation Filling of Land and Regrading

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

~~Section 4.701 Procedure for Mineral Extraction Operations~~

~~In addition to the conditional use permit requirements, two (2) copies of the following information shall be submitted to the Board of Adjustment with the application:~~

- ~~a. Name of the owner or owners of land from which removal is to made.~~
- ~~b. Name of the applicant making request for such a permit.~~
- ~~c. Name of the person or corporation conducting the actual mining operations.~~
- ~~d. Location, description and size of the area from which the removal is to be made.~~
- ~~e. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.~~
- ~~f. Type of resources or materials to be removed.~~
- ~~g. Proposed method of removal and whether or not blasting or other use of explosives will be required.~~
- ~~h. General description of the equipment to be used.~~
- ~~i. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.~~

## Section 4.702 Development Standards

The following required development standards shall be observed:

- ~~a. No mining of sand and gravel shall be carried on, or any stock pile placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Adjustment. Where such is deemed necessary for the protection of adjacent property, except that this distance requirement may be reduced by the written consent of the owner or owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.~~
- ~~b. In the event that the site of the mining operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.~~
- ~~c. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.~~
- ~~d. Fencing or other suitable barrier, including the planting of multiflora rose, shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board.~~
- ~~e. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition by surfacing or other treatment as may be specified by the Board.~~
- ~~f. Quarrying shall not be carried out closer than three hundred (300) feet to any adjoining property line unless the written consent of such adjoining property owner has first been obtained.~~
- ~~g. The Board is authorized to impose such requirements with respect to providing adequate barriers as it may feel necessary to protect the public safety.~~

#### Section 4.703 Rehabilitation Requirements

~~All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Board, at its discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out. The Board shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:~~

- ~~a. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or back-filled with non-noxious noncombustible and nonflammable solids to secure:
  - ~~1. That the excavated area shall not collect and permit to remain therein stagnant water, or,~~
  - ~~2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.~~~~
- ~~b. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one foot vertical and said banks shall be restored with vegetation in a manner set forth in paragraph 'c'.~~
- ~~c. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.~~
- ~~d. Proper drainage shall be provided for the mined-out area.~~
- ~~e. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.~~
- ~~f. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.~~
- ~~g. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, the Board is hereby empowered, in the issuance of a conditional use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.~~

5.301 NATURAL RESOURCES USES

Agriculture and Forestry

	A	C	SR	R1	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
Agricultural Uses . . . . .	P		P	P	P	P	P	P	P	P	P	P	P	P
Commercial Greenhouses and Nurseries . . . . .	P		C	C	C	C	C	C	S	C	S			
Storage and Processing of Agricultural Products . . . . .	P		C											
Vacation Farm . . . . .	P		C	C	C	C	C	C	C	C	S	S	S	S
Forestry . . . . .	P		P	P	P	P	P	P	P	P	C	C	C	C
Sawmill . . . . .	C		C	TC	P									

Mineral Extraction

Mineral Extraction . . . . .	E		C	C	C	C	C	C	C	C	C	C	C	C
Mineral Processing and Related Uses . . . . .	E		C	C	C	C	C	C	C	C	C	C	C	C
Mineral-Based Manufacturing . . . . .	E		C	C	C	C	C	C	C	C	C	C	C	C

Earth Products Removal

Earth Products Removal . . . . .														
Quarry . . . . .														
Earth Products Processing & Related Uses . . . . .														
Earth Products Based Manufacturing . . . . .														

P  
P  
S  
S

5.303 BUSINESS USES

	A	C	SR	RI	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
Retail Trade														
Antique Shop	C	C	C						S	S	S			
Apparel Store									S	S	S	S		
Appliance Sales and Service									S	S	S	S		
Auction House									S	S	S	S		
Bakery Retail									S	S	S	S		
Boat Sales and Service									S	S	S	S		
Books and Magazine Store									S	S	S	S		
Camera Shop									S	S	S	S		
Department Store									S	S	S	S		
Discount Store									S	S	S	S		
Drug Store									S	S	S	S		
Dry Goods Store									S	S	S	S		
Farm Equipment Sales									S	S	S	S		
Feed and Grain Sales	C	C	C						S	S	S	S		
Florist								S	S	S	S	S		
Food and Drink Sales Store									S	S	S	S		
Ice, Coal, Wood Sales									S	S	S	S		
Furniture Sales and Repair									S	S	S	S		
Garden Center	C	C	C						S	S	S	S		
Gift Shop									S	S	S	S		
Hardware Store									S	S	S	S		

	A	C	SR	R1	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
Hobby Shop									S	S	S			
Household Furnishings									S	S	S			
Jewelry Store									S	S	S			
Mobile Home Sales									S	S	S			
Music and Record Store									S	S	S			
Newsstand									S	S	S			
Office Equipment									S	S	S			
Paint Store									S	S	S			
Pawn Shop									S	S	S			
Radio and TV Sales									S	S	S			
Shoe Store									S	S	S			
Specialty Shop									S	S	S			
Souvenir Shop									S	S	S			
Sporting Goods Store									S	S	S			
Stone Monument Sales									S	S	S			
Tobacco Store									S	S	S			
Toy Store									S	S	S			
Variety Store									S	S	S			
Watch Sales and Repair									S	S	S			
Wayside Stand, Temporary	P								S	S	S			

Business and Personal Services

Bank														
Barber and Beauty Shop									S	S	S			
Carpentry, Electrical, Plumbing, Sheet Metal, Printing, Upholstering and Similar Services									S	S	S			
Commercial or Business School									S	S	S			
Dance or Music Studio									S	S	S			
Dry Cleaning, Retail									S	S	S			
Food Locker									S	S	S			
Film Processing									S	S	S			
Fortune Teller									S	S	S			

	A	C	SR	R1	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
Funeral Home														
Health Club				C	C	C	C	C	S	S	S			
Home Occupation				P	P	P	P		S	S				
Laundry, Retail	P	P	P						S	S	S			
Laundromat									S	S	S			
Medical Clinic									S	S	S			S
Office, Business									S	S	S			
Office, Professional									S	S	S			
Photography Studio	C	C	C	C	C	C	C	C	S	S	S			
Private Club, Commercial									S	S	S			
Restaurant									S	S	S			
Shoe and Luggage Repair									S	S	S			
Tailor, Dressmaker									S	S	S			
Tavern									S	S	S			
Bakery, Non-retail	C	C	C						S	S	S			
Blacksmith Shop	C	C	C						S	S	S			
Bottling Plant									S	S	S			
Building Materials Storage Yard									S	S	S			
Excluding Asphalt or Concrete Mixing									S	S	S			
Including Asphalt or Concrete Mixing									S	S	S			
Bulk Materials Storage	C	C	C						S	S	S			
Carpet or Rug Cleaning									S	S	S			
Catering Service									S	S	S			
Contractors Storage Yard	C	C	C						S	S	S			
Contractors Temporary Buildings	TC													
Fuel Oil Storage Yard									S	S	S			
Laboratory, Medical or Dental									S	S	S			
Laboratory, Research, Experimental or Testing			C						S	S	S			
Laundry and Dry Cleaning, Non-retail									S	S	S			
Machinery Storage yard									S	S	S			
Motor Rail Freight Terminal									S	S	S			P
Stone Monuments Processing									S	S	S			
Warehouse, Completely Enclosed									S	S	S			S

	A	C	SR	R1	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
Warehouse, with Open Storage												S	S	
Welding Shop									C			S	S	
Wholesale, Enclosed Building									S			S	S	
Wholesale, with Open Storage												S	S	
Automotive and Related Services														
Accessory Sales, No Installation									S	S	S			
Accessory Sales, Installation									C	C	C			
Driving School									S	S	S			
Laundry (Carwash)									C	C	C			
Parking Garage or Lot					C	C	C	C	S	S	S	S	S	
Rental									S	S	S			
Repairs (Body Shop)									C		C	S		
Sales									S	S	S	S		
Service Station									S	S	S	S		
Showroom, No repairs									S	S	S	S		
Storage									S	C	S	S	S	S
Truck Service Center									S	S	S	S	S	S

Animal Sales and Service

Animal Hospital									C	C	C			
Animal Ranch									C	C	C			
Kennel									C	C	C			
Pet Store									C	C	C			
Riding Stable, Commercial									C	C	C			
Veterinarian									C	C	C			





	A	C	SR	R1	R2	R3	R4	PR	B1	B2	PB	IL	IG	EP
<b>Public and Institutional Uses</b>														
Arena, Stadium		C		C	C	C	C	C	C	C	C			
Church	S	S	C	S	S	S	S	S	S	S	S			
Cultural Facility	S	S	C	S	S	S	S	S	S	S	S			S
Fire and Police Stations	S	S	C	S	S	S	S	S	S	S	S			S
Medical Care Institution														
Hospital	C	C	C	C	C	C	C	C	S	C	C			
Nursing Home	C	C	C	C	C	C	C	C	C	C	C			
Sanitarium	C	C	C	C	C	C	C	C	C	C	C			
Private Club, Social	C	C	C	C	C	C	C	C	C	C	C			S
Public Buildings	S	S	C	S	S	S	S	S	S	S	S			S
Schools														
College or University	C	C	C	C	C	C	C	C	C	C	C			S
Elementary or High School	S	S	S	S	S	S	S	S	S	S	S			S
Nursery School	C	C	C	C	C	C	C	C	C	C	C			
Private School	C	C	C	C	C	C	C	C	C	C	C			
Tent or Temporary Meeting	TC													
<b>Public Utility Uses</b>														
Dump	C	C	C	C	C	C	C	C	C	C	C	S	S	S
Public Utility Use and Structures	C	C	C	C	C	C	C	C	C	C	C	S	S	S

## Section 5.800 Industrial Zones

Two types of zones are included under this industrial grouping: Light Industrial, symbolized by 'IL', the purpose of which is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reason of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and for the protection of adjacent residential and business activities. The second industrial zone is the General and Extractive Industrial, symbolized by 'IG', the purpose of which is to provide for industrial and other uses that by virtue of their external effects, noise, glare, fumes, smoke, dust, odors, truck and/or rail traffic, should be isolated from residential uses. These perform essential functions for the community, are best suited for industrial development by reason of location topography, soil considerations and the availability of adequate utilities and transportation systems.

Section 5.802 General Industrial, 'IG'

a- Principal permitted uses in this 'IG' Zone include as examples, but not limited to the following:

1. Any use first permitted in IL Light Industrial Zone
2. Acetylene, oxygen manufacture
3. Acid manufacture including all corrosive acids and materials
4. Alcohol manufacture
5. Ammonia, chlorine or bleaching powder manufacture
6. Animal black, lamp black or graphite manufacture
7. Asphalt products, manufacture or refining
8. Automotive wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid fence or masonry wall not less than six (6) feet in height
9. Automotive, tractor, trailer, farm implement assembly or manufacture
10. Battery, manufacture, tire recapping or retreading
11. Bleaching, cleaning and dying plant
12. Boiler shops, machine shops, structural steel fabricating shops, metal working shops
13. Celluloid or proxyline products, manufacture or storage
14. Cement, lime, gypsum or plaster manufacture
15. Cement products manufacture, including ready-mix concrete batching plants
16. Coke ovens
17. Crematory
18. Creosote manufacture or treatment

19. Dextrine, starch or glucose processing
20. Distillation of coal, petroleum, refuse, grain, wood or bones
21. Electric power manufacture
22. Emery cloth or sandpaper manufacturing
23. Enameling, lacquering or japanning
24. Explosives manufacturing or storage
- ~~25. Extractive industry, gravel or sand~~
- ~~26.~~ 25. Flour or grain mill
- ~~27.~~ 26. Fat rendering
- ~~28.~~ 27. Fertilizer, compost, manufacture or storage
- ~~29.~~ 28. Fish curing, smoking or packing
- ~~30.~~ 29. Fish oil manufacture or refining
- ~~31.~~ 30. Forging plants
- ~~32.~~ 31. Glass products, pottery, figurines or manufacture of similar products using previously pulverized clay
- ~~33.~~ 32. Glue manufacture
- ~~34.~~ 33. Gelatin manufacture
- ~~35.~~ 34. Landfill or incinerator
- ~~36.~~ 35. Livestock feeding yards or market
- ~~37.~~ 36. Paint, linseed oil, shellac, turpentine, lacquer, or varnish manufacture
- ~~38.~~ 37. Petroleum or inflammable liquids production, refining
- ~~39.~~ Rock crushing

- ~~40:~~ 38. Sanitary landfill for refuse disposal in conformance with the standards set forth in the Kentucky Department of Health Manual. 'Recommendations for the Disposal of Refuse by the Sanitary Landfill Methods'. Approval of the sanitary landfill by the State Board of Health shall also be obtained.
- ~~41:~~ 39. Sodium compounds manufacture
- ~~42:~~ 40. Slaughtering of animals
- ~~43:~~ 41. Smelting
- ~~44:~~ 42. Wholesale storage of petroleum, gasoline, oil
- ~~45:~~ 43. Wire or rod drawing, nut, screw or bolt manufacturing
- ~~46:~~ 44. The Board of Adjustment may allow any use similar in character to one of the specified uses listed above if such use is equally in harmony with the character of the district as a permitted use.

## Section 5.950 Earth Products Zone

The Earth Products Zone, symbolized by EP, is a zone established to allow the mining of diverse earth products, the reclamation of mined real estate, and to permit such operations where they are consistent with the terms of these Regulations. Development of facilities within the County to supply earth products is necessary to support construction of buildings, roads, and other infrastructure in a cost-effective manner and to provide tax revenues that benefit the public as a whole.

The EP Zone serves to secure earth products for current and future development, and to protect efforts to remove earth products from the ground from encroaching land uses that would be incompatible with this zone. The EP Zone is also established to encourage earth product industries to co-locate with compatible uses.

a. The excavation of earth products shall be permitted outside of the EP Zone only to a degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted.

b. In addition to the general location principles set forth in the terms of these Regulations, the following additional location principles shall be considered and included in the record by the Planning Commission and legislative body in determining the appropriate location of EP Zones:

1. Demonstrated existence of significant and economically accessible earth product resources.
2. Use of land for earth product industries or removal of earths from the ground is reasonably compatible with other uses in the area.

c. The following are examples of permitted principal uses in this EP Zone:

1. Agricultural uses or structures, horticulture, forestry or fishery.
2. Asphalt mixing plant.
3. Concrete batching or mixing plants.
4. Contractor service establishment.
5. Crushing, treating, washing, screening or processing of materials.
6. Earth products processing activities.

7. Elementary or high school.
8. Excavation, quarries, mining, dredging and stripping.
9. Exterior and interior storage of processed or unprocessed earth products.
10. Fire, police or rescue station.
11. Game refuge, wildlife refuge, golf course, park or recreation area.
12. Loading and unloading from rail, river or highway vehicles.
13. Machinery storage, accessory to a permitted principal use.
14. Manufacturing of concrete block, cinder block or pre-formed concrete products, accessory to a permitted principal use.
15. Motor vehicle parking, storage or impoundment, accessory to a permitted principal use.
16. Motor vehicle service and repair, accessory to a permitted principal use.
17. Office facilities incidental to a permitted principal use.
18. Production, storage and sale of manufactured sand or lime.
19. Production, processing, storage, sale, loading, weighing or transport of earth products.
20. Public buildings.
21. The removal of sand, gravel, rock, clay, silt, shale, stone, or other earth products from pits open to the surface, or from underground mining.
22. Storage for building material, contractor equipment, and similar material.
23. Storage of gasoline, petroleum products and natural gas, accessory to a permitted principal use.
24. Storage of explosives, accessory to a permitted principal use.
25. Underground warehousing.

26. Up to two residences on each lot for individuals and their families to serve caretaking and security functions on premises.
27. Utility substations and transmission facilities.
28. Vehicle weighing facilities incidental to a permitted principal use.
29. Vehicle washing facilities incidental to a permitted principal use.
30. Warehouse.

d. Allowed accessory uses shall include those customarily incidental to the above permitted uses.

e. Adjoining tracts of real estate under single ownership or lease shall be counted as a single lot for all purposes of Section 5.950, including satisfying setback limitations.

f. The following setback requirements shall apply in an EP Zone:

1. Structures and buildings enclosing processing equipment associated with an the removal of earth products from the ground, including, but not limited to crushers, conveyors, washers, screens and scale houses, shall be located a minimum of 100 feet from an EP Zone boundary line.
2. Concrete or asphalt plants shall be located a minimum of 100 feet from an EP Zone boundary line.
3. Buildings devoted solely to office and administrative uses shall be located a minimum of 50 feet from an EP Zone boundary line.
4. All other buildings not exempted from setbacks by other provisions of Section 5.950 shall be subject to a minimum setback of 100 feet from the EP Zone boundary line.
5. No open pit mining of earth products shall be conducted any closer than 100 feet from the EP Zone boundary line. This setback provision may be permanently waived by obtaining the written consent of the adjoining fee simple property owner of record, binding on all successor owners, and recorded in the chain of title of the benefited real estate tract and the adjoining real estate tract; so long as there is still no open pit mining to be conducted any closer than 100 feet from the lot line of the next closest tract of real estate existing at the time the written consent is recorded.
6. The entrance or exit for an underground mine shall be at least 100 feet from an EP Zone boundary line. This setback provision does not prohibit the installation of ventilator shafts for an underground mine within 100 feet of an EP Zone boundary

line. This setback provision may be permanently waived by obtaining the written consent of the adjoining fee simple property owner of record, binding on all successor owners, and recorded in the chain of title of the benefited real estate tract and the adjoining real estate tract; so long as there is still no entrance or exit for an underground mine any closer than 100 feet from the lot line of the next closest tract of real estate existing at the time the written consent is recorded.

7. There shall be no setbacks for underground mining of earth products.
8. There shall be no setbacks for signage, fencing, barriers, gates, berms, plantings, or roadways.
9. There shall be no setbacks for the buildings, structures, uses and functions described in Section 5.950 (f1-f4) when they are underground.

g. All new buildings and structures, specifically excluding the construction of roadways, signage, fencing, barriers, gates, berms, plantings, stockpiles of earth products, and mining activities within the EP Zone, shall be subject to site plan approval pursuant to the terms of these Regulations.

h. Special development standards: All EP uses shall be subject to the following special development standards:

1. Air pollution - All operations in the EP Zone shall be in compliance with the statutes and regulations of state and federal authorities.
2. Water pollution - All operations in the EP Zone shall be in compliance with the statutes and regulations of state and federal authorities.
3. Noise pollution - All operations in the EP Zone shall be in compliance with the regulations of the Kentucky Natural Resources and Environmental Protection Cabinet or its successor, and governing statutes.
4. Blasting - All operations in the EP Zone involving the use of explosives shall be conducted in accordance with the regulations of the Kentucky Department of Mines and Minerals and the Mine Safety and Health Administration and governing statutes.
5. No blasting or other use of explosives shall be conducted without permits from the state or federal government entities with jurisdiction. Duplicate copies of all state or federal permits dealing with blasting and explosives will be filed with the local legislative body having jurisdiction and the Bullitt County Planning and Zoning Administrative Official.

6. All blasting in the EP Zone shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m., local time, except when necessary to comply with safety statutes and regulations adopted by state or federal authorities.
7. All loads of earth products leaving the EP Zone boundary by truck shall be covered, except two (2) ton trucks or smaller.
9. Duplicate copies of all filings with state or federal authorities or any state or federal permits concerning reclamation will be made with both the local legislative body having jurisdiction and the Bullitt County Planning and Zoning Administrative Official contemporaneous with state and federal filings.
10. In the event that written authority is granted by the public entity with a public right-of-way for underground mining beneath the public right-of-way, and if there is a valid EP Zone on both sides of the public right-of-way, no further approval from local authorities shall be required for a EP Zone owner to conduct underground mining operations beneath the public right-of-way. In addition, equipment, structures and transportation of materials conducted underground shall not be subject to the setback restrictions of Section 5.950 (f) as to the public right-of-way when written authority for mining has been obtained, and vehicles proceeding underground beneath a public roadway from one EP Zone tract to another shall be deemed to have not left the EP Zone tract.
11. The owner shall provide copies of all permits obtained from state or federal authorities under the terms of Section 5.950 (h) by filing same with both the local legislative body having jurisdiction and the Bullitt County Planning and Zoning Administrative Official.

I. Vested rights for existing operations removing earth products from the ground - Any operation removing earth products from the ground lawfully existing as a non-conforming use or with a Conditional Use Permit pursuant to KRS Chapter 100 as of the effective date of this Section 5.950 shall be permitted to continue as a non-conforming use either in conformance with its previous non-conforming use status or in accordance with the provisions of any Conditional Use Permit existing as of the effective date of this Section 5.950 until it is abandoned. For purposes of this section, "abandoned" means a mine site on which no significant mine use or principal permitted use as set forth above has occurred for more than three (3) years.

j. Violation of the terms of Section 5.950 after an EP Zone has been established shall not serve as a basis for revocation of the EP Zone except as required by statute.