

**ARTICLE I  
TITLE, INTERPRETATION, AND ENACTMENT**

**100 TITLE**

This ordinance is entitled “Zoning Ordinance, Henry County, Kentucky,” and may be cited as the “Zoning Ordinance.” The zoning map referred to herein is entitled “Zoning Map, Henry County, Kentucky,” and is hereby made a part of the Zoning Ordinance. Certified copies of this ordinance and a map are on file with the Henry County Planning and Zoning Commission.

**110 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENT**

In their interpretation, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing higher standards shall govern.

**120 SEPARABILITY CLAUSE**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**130 REPEAL OF CONFLICTING RESOLUTION AND ORDINANCES, EFFECTIVE DATE**

All ordinances, resolutions, or parts of same in conflict with this zoning ordinance or inconsistent with provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption as provided by law.

**140 ABSENCE FROM SUBDIVISION REGULATION**

Any reference herein the Subdivision Regulations shall mean the Subdivision Regulations enacted by the Henry County Planning Commission and as they may be amended by said Planning Commission from time to time.

**ARTICLE II  
ADMINISTRATOR AND ENFORCEMENT**

**200 ADMINISTRATIVE OFFICIAL**

An Enforcement Officer designated by the Henry County Fiscal Court shall administer and enforce this ordinance. The Enforcement Officer, in the performance of his duties and functions as defined in KRS 100.271 may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. For the purposes of this Ordinance, the Enforcement Officer shall have the following duties:

- a. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, ordering the action necessary to correct such violation;
- b. Order discontinuance of illegal uses of land, buildings or structures;
- c. Order removal of illegal buildings, structures, additions, or alterations thereto;
- d. Order discontinuance of illegal work being done; or
- e. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance;
- f. Make records of all official actions of his office relating to the administration and enforcement of the provisions of his ordinance, including, but not limited to, written records of all complaints and actions taken in regards thereto, and the final disposition of such matters;

#### **210 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Enforcement Officer. The Enforcement Officer shall record properly such complaints, investigate immediately, and take action thereon as provided by this ordinance.

#### **220 PENALTIES FOR VIOLATIONS**

Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500 for each conviction. Each day of violation shall constitute a separate offense. Additionally all civil remedies (including injunctive relief) are available.

#### **240 PERMITS REQUIRED**

No building, manufactured home or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the zoning Enforcement Officer and the city/county building inspector, if applicable. No building permit shall be issued by the zoning enforcement officer except in conformity with the provisions of this regulation and other ordinances of the City or County then in force, unless he/she receives a written order from the Board of Adjustments, in the form of a Conditional Use or Variance as provided by these regulations.

If no building permit has been issued and a building begins or continues to build, a stop order may be issued by the Enforcement Officer. If a building continues to build, the Enforcement Officer may institute appropriate action in court to eliminate the violation in accordance with Kentucky Revised Statutes.

## **250 FEES**

The Planning Commission shall by resolution establish a reasonable schedule of fees, charges and expenses, and a collection procedure for all matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning enforcement officer and may be altered or amended by the Planning Commission as appropriate. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any action or appeal. The Planning Commission and Board of Adjustments may establish a penalty fee for any application filed after work, use or construction has commenced without a permit where such is required.

Building permits approved relating to permission to build expire one year after the date of issuance.

## **260 EXCEPTIONS FOR WHICH ZONING PERMITS ARE NOT REQUIRED**

- A. Recurring maintenance regardless of cost.
- B. Alterations of existing buildings having replacement value of \$500 or less.
- C. Construction or a service connection to a publicly owned and operated utility.
- D. A fee is not to be charged for the construction of improvements such as grading, streets, ditch digging, cutting and filling and the like in conjunction with site improvements prior to building development.
- E. Installation of required improvements according to an approved preliminary subdivision plat or approved planned development plat.
- F. Any structure (other than signs) containing less than 15 square feet of floor space.

## **270 BUILDING PERMIT PROCEDURE**

All applications for permission to build or replace a structure shall be accompanied by a dimensional drawing of the building plan in duplicate showing the location of buildings and structures, lot area to be used, auto parking areas, and water supply and sewage disposal facilities. The County Health Officer's certificate preliminarily approving proposed water and sewage facilities must accompany applications. One copy marked as approved or disapproved shall be retained by the zoning enforcement officer. The applicant shall then take their approved copy to the city/county building inspector (if applicable) to apply for a building permit under the locally adopted State Building Code Regulations, if applicable. Applications for such permits made to the zoning enforcement officer shall be approved or disapproved within a reasonable time. Under normal circumstances, three days shall be considered a reasonable time.

## **280 APPLICATION FORMS**

The zoning enforcement officer shall provide forms upon which application shall be made for permits, variances, zoning change request, or other proceedings called for under this ordinance. Copies for all said applications for permits shall be available at the office of the zoning enforcement officer and shall be used by anyone wishing to make any applications under this ordinance. Any applications for variance, zone change or other requirement under this ordinance shall be made at the zoning enforcement office. All applications shall be signed by the owner of the property for which a zoning map change, conditional use or variance is requested.

**290 RECORDATION OF PARTIAL SELL-OFFS IN A-1 ZONES** Unless specifically permitted elsewhere in this ordinance or approved under subdivision regulations no person shall tender any deed, mortgage, contract for deed or instrument of conveyance for recording with the County Clerk and the County Clerk shall not record any deed, mortgage or instrument purporting to convey a portion of the real estate contained in the grantor(s) source deed unless the grantor(s) thereof shall have first recorded a plat of the partial sell-off. The plat hereby required shall consist of a scale drawing containing: 1) The number of tracts (sell-offs) being conveyed; 2) The boundary dimensions and acreage of the tract or tracts being conveyed; 3) The linear relationship of the tract or tracts being conveyed to the nearest public right-of-way; 4) The road frontage of the tract or tracts being conveyed as well as the road frontage of the remaining land; and; 5) The number of acres in the remaining parent tract; 6) A vicinity map; and 7) Zone classification of original property. Said plat shall be prepared and certified by a Registered Land Surveyor licensed by the Commonwealth of Kentucky. Said plat shall be prepared on 8 ½” by 11” or 8 ½” by 14” mylar or other appropriate material and shall be designated as a plat of the grantor(s) in the Grantor index and filed for recording in the Deed Book. Any instrument making such a conveyance shall make reference to a lot or tract number described on the plat on the grantor(s) “property divided” and the grantor(s) may choose to additionally describe the property being conveyed by the metes and bounds description as it appears on the plat. Prior to recordation of any plat under this section, said plat shall be submitted to the enforcement officer who, along with the chairman of the planning commission, shall review said document and shall have five (5) days from the date of being tendered either return said plat with a notation as to why said plat is not in compliance with this ordinance or shall return said plat with the endorsement of the enforcement officer and the Chairman of the Planning Commission showing compliance with this Ordinance. In the absence of the Chairman, the next ranking officer of the Planning Commission shall fulfill the obligations of the Chairman under this paragraph. In the absence of the enforcement officer, the commissioner of the Planning Commission representing the district where the property is located shall fulfill the obligations of the enforcement officer under this paragraph. No partial sell-off shall be approved which will result in creation of a nonconforming lot. Provided, however, this section shall not apply to the sell-off of a lot from a previously approved or pre-existing nonconforming subdivision plat. Nothing in this section shall be intended to change or contradict any subdivision regulations whether under statute or under this or any other ordinance. This section shall be read in addition to all other regulations regarding subdivision of property.

In addition to the foregoing requirements, all partial sell-offs under this section shall additionally require the following:

- A. Surveyor's certification on the plat as to the number of cut-offs or sub-cuts from the parent tract since June 1, 1991. Said certification shall include a statement as to whether the parent tract is a cut from any other tract since June 1, 1991.
- B. Sign-offs from water and electric utilities certifying the availability of such utilities. Additionally, the enforcement officer may require such other sign-offs evidencing availability of other utilities that are generally available in the area and which are deemed by him/her to be necessary for the enjoyment of the property.
- C. Sign-off from the appropriate road department evidencing the availability of an entrance for said property.

All sell-offs pursuant to this section shall have a minimum of 150 feet of frontage on a public road or a public street if the sell-off tract is less than five acres. Sell-offs pursuant to this section shall have a minimum of 250 feet of frontage on a public road or public street if said sell-off is five acres or greater. Provided, however, if a tract is twenty-five acres or more in size, it shall have a minimum of 250 feet of frontage but which frontage may be on a road, public road, street or public street. Regardless of the size of the tract, the minimum road frontage required by this section shall be contiguous and shall be maintained for a depth of not less than to the building line. Further, unless the track being sold off is twenty-five acres or more in size, the frontage shall be on a public road or a public street as defined in Article XIV, 33(a) and 37(a). A road or street which is open to public travel is not a "public road" or "public street" unless dedicated to and maintained by a governmental unit. For subdivision lots, in case of conflict with this ordinance, subdivision regulations shall prevail. Provided this, Section 290, shall apply only to sell-offs in A-1 Zones.

### **ARTICLE III AMENDMENTS**

#### **300 GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the appropriate legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

#### **310 APPLICATION FOR AMENDMENT**

A proposal for amendment to the Official Zoning Map may originate with the Planning Commission, the City Commission, the Fiscal Court, or by the owner of the subject property, or with a person having written authorization from the owner of the subject property. A proposal for the amendment to the text of this ordinance may originate with any person or governmental body. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this ordinance and the Planning Commission. The Planning Commission may require the submission of further information subsequent to the filing of an

application as provided by Section 1290 of the ordinance and the Planning Commission. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, Fiscal Court, Planning Commission, or any governmental agency. Upon filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, receipt requested.

### **320 PLANNING COMMISSION PROCEDURES**

Upon filing of an application for an amendment to the Official Zoning Map or the text of this ordinance, the Planning Commission shall study and review the application as provided in this ordinance and the bylaws of the Planning Commission.

The Planning Commission shall then hold at least one (1) public hearing after notice is required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies or Fiscal Court involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court or legislative body without a recommendation for approval or disapproval.

The Planning Commission shall act upon any application within sixty-five (65) days of the date of the public hearing unless the applicant signs a written waiver of said time period. The reasons for such an extension/waiver of the time may include but not be limited to the necessity that the applicant provide additional information not available at the public hearing or provide a development plan or certain elements thereof pursuant to Article VIII of this ordinance.

### **325 PLANNING COMMISSION MAY DECIDE CONDITIONAL USE PERMITS AND VARIANCES WHEN COMBINED WITH MAP AMENDMENT APPLICATION**

When an application for a zoning map amendment also requires one (1) or more variances or conditional use permits, the applicant may elect to have any variances or conditional use permits for the same development heard and finally decided by the planning commission at the same public hearing set for the map amendment, or by the board of adjustments as permitted by KRS Chapter 100. The election under this section shall be made at the time application filed with the Zoning Office.

Should the applicant elect to have the Planning Commission finally decide the variance or conditional use permits, then the Planning Commission shall assume all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

### **330 NOTICE OF PUBLIC HEARINGS**

Notice of the time, place and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the County, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing in accordance with KRS 424.130 and KRS 100.211.

Any public notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property is located; and when the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name two (2) streets on either side of the property.

When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

- A. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
  1. The sign shall state “Zoning Change” and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
  2. The sign shall be constructed of durable material and shall state “Zoning Change” and the proposed classification change in letters three (3) inches in height. The time, place and date of the hearing shall be in letters at least one (1) inch in height; and
  3. It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Enforcement Officer shall verify to the Planning Commission at the public hearing that placement occurred pursuant to the provisions of this ordinance.
  
- B. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all

adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

In addition to the public notice requirements of this section, when the Planning Commission, Fiscal Court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

### **340 PUBLIC HEARING ON APPLICATION**

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.

### **350 RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENT**

Before recommending to the City Commission or to the Fiscal Court that an application for amendment to the Zoning Map be granted, the Planning Commission, or the legislative body must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that (1) the original zoning classification given to the property was inappropriate or improper and that the proposed classification is proper, or (2) there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

After voting to recommend that an application for amendment to the Official Zoning Map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Commission, if the subject property is within the jurisdiction of the City at the time the Planning Commission's recommendation is made thereon, or to the Fiscal Court if the subject property is outside of the Territorial jurisdiction of the City at the time the Planning Commission's recommendation is made thereon.

### **360 ACTION BY CITY COMMISSION OR FISCAL COURT ON ZONING MAP AMENDMENTS**

The City Commission or the Fiscal Court shall not act upon a proposed amendment to the Official Zoning Map until it has received the written findings of fact, a summary of evidence, and recommendation thereon from the Planning Commission.



It shall take a majority of the entire legislative body or Fiscal Court to override the recommendation of the Planning Commission and it shall take a majority of the legislative body or fiscal court to adopt a zoning map amendment whenever the Planning Commission forwards the application to the Fiscal Court or legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body or Fiscal Court votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation was made by the Planning Commission, the ordinance of the Fiscal Court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

If the Fiscal Court or legislative body chooses to decide the map amendment, the Fiscal Court or legislative body shall take final action upon a proposed zoning map amendment within Ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Enforcement Officer and the Chairman of the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. The legislative body shall direct the enforcement officer to complete and file for recording with the County Clerk, a certificate of Land Use Restriction for any map amendment approved by the Commission/or legislative body. The provisions of KRS 100.271 are hereby adopted.

### **370 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT**

After voting to recommend that an application for amendment to the text of this ordinance be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Commission or to the Fiscal Court. In the case of a proposed amendment originating with a legislative body or Fiscal Court, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

### **380 ACTION BY CITY COMMISSION OR FISCAL COURT ON TEXT AMENDMENTS**

The City Commission or the Fiscal Court shall not act upon a proposed amendment to the text of this ordinance until it shall have received the written recommendation thereon from the Planning Commission. If the proposed amendment originated with the legislative body or Fiscal Court, it shall take an affirmative vote of the majority of the Fiscal Court or legislative body to adopt the proposed amendment. The legislative body or Fiscal Court shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

### **390 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES**

As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan as per Article VIII which, where agreed upon, shall be followed. As a further condition to the granting of a zoning change, the planning unit may require that substantial construction be initiated within two years, provided that such zoning change may not revert to this original designation unless there has been a public hearing.

In order to insure continuing compliance by a property owner with an agreement to develop property consistent with a development plan, the Planning Commission may require as a

condition to a zone change that appropriate conditions and/or covenants be incorporated into the recorded Deed to the property being rezoned and with provisions making those covenants enforceable by the Planning and Zoning Commission as well as by any other interested party.

## **ARTICLE IV BOARD OF ADJUSTMENTS**

### **400 PROCEDURE FOR APPEALS TO THE BOARD**

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by an office or bureau of the governing body of the city or county affected by a decision of the Enforcement Officer or the Planning and Zoning Commission.

### **410 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

In exercising its duties, the board may, as long as such action is in conformity with KRS 100.217 and the terms of this ordinance, reverse or affirm wholly or partly, or 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 the powers of the Enforcement Officer from whom the appeal is taken. The concurring vote of a majority of a quorum of the Board of Adjustments is required to decide in favor of the applicant in any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance. For the purposes of this ordinance, the Board has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement Officer.
- B. To hear and decide only such exceptions as the Board of Adjustments is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional use permits should be granted; and to grant conditional use permits with such safeguards as are appropriate under this ordinance, or to deny conditional use permits when not in harmony with the purpose and intent of this ordinance.
- C. All authority granted the Board under KRS Chapter 100.

### **420 APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person, or any board, taxpayer, department or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the Commonwealth of Kentucky, and particularly by KRS 100.347.

#### **430 DUTIES OF LEGISLATIVE BODIES IN MATTERS OF APPEAL**

Nothing in this ordinance shall be interpreted as denying or limiting the duties and powers of the legislative bodies in matters of determining and enforcing the zoning regulations. The legislative bodies shall retain all authority, rights and responsibilities assigned it by the Kentucky Revised Statutes, and especially KRS 100.

#### **440 CERTIFICATES OF LAND USE RESTRICTION**

Whenever the Board of Adjustments grants a variance, conditional use or any other form of land use restriction, a Certificate of Land Use Restriction as detailed in Article VII, 760 shall be filed with the county clerk pursuant to KRS 100.3681.

### **ARTICLE V NONCONFORMING LOTS, STRUCTURES AND USES**

#### **500 INTENT**

It is the intent of this ordinance to permit nonconforming lots, structures and/or uses to continue until they are removed, but not to encourage their survival. It shall further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **510 NONCONFORMING LOTS OF RECORD**

In any district in which single family dwellings and related accessory uses are permitted, a single-family dwelling (including manufactured home) may be placed upon any lot of record at the effective date of adoption of this ordinance notwithstanding the nonconformity of such lot. Where a tract existed as a separately described tract prior to June 1, 1991, (whether contained in a separate deed or is described as a separate tract in a deed containing multiple tracts) then notwithstanding the provisions of this ordinance said tract may be conveyed and utilized for purposes otherwise permitted in that zone classification for such tract notwithstanding any nonconformity thereof. These provisions shall apply even though such lot or tract fails to meet the requirements for area or width or both that are applicable in the district provided that yard dimensions and requirements other than those applying to the area, depth and width shall conform to the regulations for the district in which such lot is located. Variance of other dimensional requirements may be obtained only through action of the Board of Adjustments.

#### **520 NONCONFORMING USES OF LAND**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise legal subject to the following limitations:

- A. Nonconforming Use Not To Expand. Nonconforming uses may not be expanded.
- B. Nonconforming Use Not To Build. Any nonconforming building or structure which has been damaged to the extent of 50 percent of its current fair cash value, as estimated immediately prior to damage, shall not be

repaired or in conformity with this ordinance; provided, however, that a nonconforming residential structure may be rebuilt in the same general yard area if such damage was due to fire or natural causes and if rebuilt within 12 months of the date of damage, and provided that the manufactured homes are only placed on property in conformance with Article XV.

- C. Discontinued Nonconforming Use Not to Re-establish after one year. No nonconforming use shall be established after having been discontinued for twelve (12) months. Vacating of premises or building or nonoperative status shall be evidence of discontinued use.
- D. Substituting Nonconforming Uses. No nonconforming use may be substituted for any other nonconforming use except when the use is typical of that permitted by the Board of Adjustments after a public hearing.

### **530 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or to other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.

### **540 ADDITION TO NONCONFORMING STRUCTURES**

Any proposed addition or substantial remodeling of a nonconforming structure may be granted after public hearing as a dimensional variance by the appropriate Board of Adjustments. The Board of Adjustments must first determine that the proposed addition or substantial remodeling will not facilitate or expand a nonconforming use before such variance can be granted. The intention of this ordinance is to amortize out of existence the placement of Type III mobile homes and certified mobile homes where same are nonconforming. To that end replacement and/or remodeling of such type 3 mobile homes and certified mobile homes is not authorized under this section.

### **550 ORDINARY REPAIR AND MAINTENANCE**

Work may be done on ordinary repair and maintenance, or on repair or replacement of nonload bearing walls, fixtures, wiring, or plumbing. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure to be unsafe and orders its restoration to a safe condition.

### **560 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES**

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district but shall, upon granting the conditional use permit, be considered a conforming use.

### **570 NONCONFORMING TRACTS ADDING TO LARGER TRACTS**

Notwithstanding other provisions hereof, where one adjoining property owner wishes to convey to another adjoining property owner a tract of land which would otherwise be considered to be a nonconforming lot for the purpose of adding to that adjoining lot, straighten a line or otherwise enlarging the recipient property, the property conveyed shall not be considered a nonconforming lot and said partial conveyance shall be permitted (after review by the zoning enforcement officer and the chairman of the planning and zoning commission) so long as the lot from which said tract of land is conveyed is not thereby rendered to be a nonconforming lot. However, any tract conveyed under this section shall not be used as a building lot independent of the lot to which it is added. For any conveyance made pursuant to this section, the grantee shall incorporate the granted property into the pre-existing property of grantee with such language as is necessary contained in the incorporating deed so as to merge said tracts in a manner that would prevent use of the property being conveyed as a separate building lot and that would prevent same from being severed from the remaining property of the grantee without receiving necessary approval from the Planning and Zoning Commission.

In the alternative to incorporating the granted property by deed, the incorporation may be by plat prepared by a registered land surveyor whereon there is contained similar language of incorporation as well as markings evidencing the incorporation. Where the alternative manner of incorporation is used, the plat shall be reviewed by the enforcement officer and recorded in the office of the Henry County Clerk.

Where property of one zone classification is merged with property of another zone classification, the entire property shall be deemed to have the zoning uses (permitted, accessory and conditional) of the more restrictive of the two zones. However, if both pieces of property being merged would be considered conforming lots if they hadn't been merged, then each shall have the full uses of the zone classification for that separate property.

## **ARTICLE VI ESTABLISHMENT OF ZONING DISTRICTS**

### **600 OFFICIAL ZONING MAP**

The boundaries of the zoning districts are hereby established as shown on the Zoning Map, which, with all notations, references and other matters shown thereon, shall be a part of this ordinance. The official Zoning Map shall be identified by the signature of the County Judge/Executive and Mayors attested by the County and City Clerk, and bear the following words: "This is to certify that this is official Zoning Map for Henry County and the Cities of Eminence, New Castle, Campbellsburg, Pleasureville and Smithfield Kentucky, referred to section 100 of the Zoning Ordinance, Henry County, Kentucky, and as amended.

If, in the accordance with the provisions of this ordinance and Kentucky Revised Statutes, changes are made in zoning district boundaries or other matters portrayed on the Zoning Map, such changes shall be made on the official Zoning Map. The Planning Commission Chairman shall insure that amended zoning district boundaries are accurately placed on the certified copy

of the Zoning Map and shall initial and date all such additions to the map. No such amending resolution or ordinance shall become effective until it has been duly entered upon the official Zoning Map.

**605 PERMITTED AND CONDITIONAL USE:** Permitted and Conditional Uses are provided for in each Zone within the County and Incorporated Cities in accordance with Article VI of this Ordinance. Recognizing that such a list cannot be exhaustive, where a proposed use is not explicitly provided for in any zone (as either a permitted, accessory, or conditional use) it shall be the duty of the Administrative Official to determine the appropriate zone for that use. If the Administrative Official cannot make a clear determination then the proposed use will go before the Board of Adjustments for a decision. Any person aggrieved by the Administrative Officials decision shall have the right to appeal that decision to the Board of Adjustments.

**610 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

The following rules shall apply in interpreting the exact location of zoning district boundaries on the zoning map:

- A. Where a zoning district boundary follows a street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary is indicated as a lot line, that line is the boundary.
- C. Where a zoning district follows a stream or the shoreline of a body of water, that stream or shoreline is the boundary.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.
- E. Where the exact location of a boundary is not clear, the Board of Adjustment shall use these rules to determine the exact location of the boundary.

**620 ANNEXATIONS**

All territory which may hereafter be annexed by the legislative bodies shall remain in its existing zone.

**630 ESTABLISHMENT AND DESIGNATION**

Henry County is divided into eleven principle districts as shown on the Zoning Map. These districts are designated as follows:

- |            |                                  |            |                                 |
|------------|----------------------------------|------------|---------------------------------|
| <b>A-1</b> | Agricultural - Farming Oriented  | <b>R-1</b> | Residential - Single Family     |
| <b>A-2</b> | Agricultural - Rural Residential | <b>R-2</b> | Residential - Single and Duplex |
| <b>A-3</b> | Agricultural - Small City        | <b>R-3</b> | Residential - Multi-Family      |

- B-1** Business - Neighborhood
- B-2** Business - Highway/General
- B-3** Business - Central Business District

- I-1** Industrial – Light
- I-2** Industrial - Heavy

In addition to these principle districts, four overlay districts are also created. This overlay is designated Small Lot Residential (SLR), L’Esprit Pavilion, Shawnee Industrial Park and Henry County Park.

**640 AGRICULTURAL DISTRICTS**

The intent of the Agricultural District is to preserve, promote and to protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the watercourse, and to minimize erosion of soil, siltation and pollution of streams and lakes.

Because that the Comprehensive Plan designates that it is the purpose of this ordinance to preserve agricultural land and uses throughout Henry County and because that agricultural is the predominant nature of land in Henry County and land not otherwise specifically designated into a zoning district shall be deemed to be zoned A-1.

**I. FARM-ORIENTED AGRICULTURE DISTRICT A-1**

The purpose of A-1 districts

**A. PERMITTED USES IN A-1 DISTRICTS**

1. Land use exclusively for agricultural, farming, dairying, stock raising.
2. Horticultural services
3. Hunting, trapping, wildlife refuge, forestry
4. Single family detached dwellings--provided there shall be a permitted maximum density of one such dwelling for the first five acres in the tract and one additional dwelling for each additional 25 acres in the tract.
5. Churches and cemeteries

**B. ACCESSORY USES IN A-1 DISTRICTS**

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as tenant homes, agriculture structures, stables, and parking areas.
2. Roadside stands offering for sale only agricultural products grown on the premises.

3. Keeping of roomers or boarders by a resident family.
4. Swimming pools and tennis courts for private use.
5. Horse training track.

**C. CONDITIONAL USES IN A-1 DISTRICTS**

1. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes.
2. Sewage disposal plants.
3. Extraction of crude petroleum or natural gas. Extraction storing and processing of minerals or raw materials. The Board of Adjustments special conditions necessary to protect neighboring premises from undesirable effects of such operation.
4. Veterinarian clinics.
5. Home Occupations and Agriculture Home Occupations as defined according to Article XIV, number 16a. Providing, agricultural home Occupation shall only be considered for conforming A-1 tracts.
6. Recreational facilities not creating a nuisance by reason of noise, traffic, volume, physical appearance or otherwise, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes, private clubs, and landing strip for property owner's use.
7. Land farming of sludge provided that the applicant provides evidence that it meets all state and federal regulations in addition to any other conditions determined by the Board of Adjustments.
8. Construction and demolition Debris Landfill (CDDL) if one acre or less (provided, and CDDL shall not be less than 1,000 feet from any adjoining property, public highway, or streams.)
9. Commercial kennels.



10. Garden Supply and Nursery Stock Stores
11. Camp and Campground
12. Commercial Resort
13. Because of the many changes now occurring in the agricultural economy of this county and the need to encourage farmers and farm owners to find alternative means of producing income while maintaining the agricultural integrity of the surrounding area, it is recognized that conditional uses may be appropriate in the A-1 district for non-agricultural uses, quasi-agricultural uses and for uses which are not directly agricultural but which may tend to support the agricultural community. To this end, the Board of Adjustments may grant conditional uses for centers of entertainment, restaurants, convention facilities, retail sales, processing of agricultural goods not raised on the property, as well as processing of agricultural goods that are produced on the property, repair shops, light machine shops, contractors equipment storage, woodworking, and other activities deemed to be similar or compatible with the foregoing and with an agricultural use of the property. The Board of Adjustments shall establish a maximum number of employees permitted to be employed by any enterprise authorized pursuant to this section and shall consider the impact of the use on infrastructure of the area.

**D. DIMENSION AND AREA REGULATIONS IN A-1 DISTRICTS**

1. See Section 680

**II. RURAL RESIDENTIAL AGRICULTURAL DISTRICT A-2**

**A. PERMITTED USES IN A-2 DISTRICT**

1. Single Family Dwellings
2. Those permitted uses in A-1 Districts (Section 640 I (A) if the lot is two acres or more.
3. Those permitted uses in R-1 Districts (Section 650 I (A) if the lot is less than two acres.

**B. ACCESSORY USES IN A-2 DISTRICT**

1. Those accessory uses permitted in R-1 Districts (Section 650 I (B) less than two acres.
2. Those accessory uses permitted in A-1 Districts (Section 640, I (B) if the lot is two acres or more

**C. CONDITIONAL USES IN A-2 DISTRICTS**

1. Those conditional uses permitted in A-1 (Section 640, I (C) if the lot is two acres or more
2. Those conditional uses permitted in R-1 Districts (Section 650, I (C) less than two acres.

**D. DIMENSIONS AND AREA REGULATIONS IN A-2 DISTRICTS**

1. See Section 680

**III. SMALL COMMUNITY AGRICULTURAL DISTRICTS A-3**

Certain geographic areas within Henry County have been determined to be small community districts and zoned A-3. Such small community districts may be more accurately described and defined by reference to the Zoning Map.

**A. PERMITTED USES IN A-3 DISTRICTS**

1. Those permitted uses in A-1 district (Section 640 I (AI) if the lot is two acres or more.
2. Those permitted uses in R-2 district (Section 650, II (A) if the lot is less than two acres.
3. Those uses, retail and consumer oriented business, permitted in B-1 district (Section 660, I (A)
4. Mobile home subdivisions.

**B. ACCESSORY STRUCTURES AND USES PERMITTED IN A-3 DISTRICTS**

1. Those accessory structures and uses customarily incidental or subordinate to principle structures and uses as listed in A-1 District (Section 640, I (B)) and R-2 District (Section 650 II (B)).

**C. CONDITIONAL USES IN A-3 DISTRICTS**

1. Non-profit or private facilities, such as schools, churches, cemeteries, libraries, parks, recreational facilities.
2. Veterinarian clinics.
3. Agricultural home occupations as defined in Article XIV, Number 16a.
4. Mobile home parks.
5. Recreational Vehicle Parks.
6. Nursing Home

**D. DIMENSIONAL AND AREA REGULATIONS IN THE SMALL COMMUNITY DISTRICT**

1. See Section 680

**650 RESIDENTIAL DISTRICTS**

The purpose of the residential districts is to establish and preserve single and multifamily home neighborhoods as desired by large numbers of people free from other uses except those which are both compatible with and convenient to the residents of such a district.

**I. SINGLE FAMILY RESIDENTIAL DISTRICT R-1**

**A. PERMITTED USES IN R-1 DISTRICTS**

1. Single family dwellings- Provided there shall not be more than one single family dwelling unit per lot of record.

**B. ACCESSORY STRUCTURES AND USES PERMITTED IN R-1 DISTRICTS**

1. Garage or other building not used as a dwelling and being accessory to the principle use.
2. Private swimming pools.

**C. CONDITIONAL USES IN R-1 DISTRICTS**

1. Schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, funeral homes
2. Renting of sleeping rooms
3. Home occupations as approved by the Board of Adjustments.
4. Mobile home subdivisions.

**D. DIMENSIONS AND AREA REGULATIONS IN R-1 DISTRICTS**

1. See Section 680

**II. SINGLE FAMILY AND DUPLEX RESIDENTIAL DISTRICT R-2**

**A. PERMITTED USES IN R-2 DISTRICTS**

1. Single Family Dwellings- provided, there shall be not be more than one single family dwelling per lot of record.
2. Duplex dwellings

**B. ACCESSORY STRUCTURES AND USES PERMITTED IN R-2 DISTRICTS**

1. Garage or other building not used as a dwelling and being accessory to the principle use.
2. Private swimming pools.

**C. CONDITIONAL USES IN R-2 DISTRICTS**

1. Schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, funeral homes.
2. Renting of sleeping rooms.
3. Home occupations and approved by the Board of Adjustments
4. Mobile Home Subdivisions
5. Nursing Homes

**D. DIMENSIONS AND AREA REGULATIONS IN R-2 DISTRICTS**

1. See Section 680

**III. MULTI-FAMILY RESIDENTIAL DISTRICT R-3**

**A. PERMITTED USES IN R-3 DISTRICTS**

1. Single Family Dwellings- provided, there shall be no more than one single-family residence per lot of record.
2. Duplex dwellings and multifamily dwellings.
3. Mobile Home Subdivisions.

**B. ACCESSORY STRUCTURES AND USES PERMITTED IN R-3 DISTRICTS**

1. Garage or other building not used as a dwelling and being accessory to the principle use.
2. Private swimming pools.

**C. CONDITIONAL USES IN R-3 DISTRICTS**

1. Schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, funeral homes.
2. Renting of sleeping rooms.
3. Home occupations as approved by the Board of Adjustments.
4. Mobile home parks
5. Recreational vehicle parks
6. Nursing Home

**D. DIMENSIONS AND AREA REGULATIONS IN R-3 DISTRICTS**

1. See Section 680

## **660 BUSINESS DISTRICTS**

Accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations and to preserve and protect existing and further development of non-business uses of access points, service roads, parking and loading areas, screening, and other regulations.

### **I. NEIGHBORHOOD BUSINESS DISTRICT B-1**

This district is to be used for retail trade personal service enterprises, which will meet the regular needs of the occupants of surrounding residential areas. Processing is permitted only if all products are sold at retail on the premises.

#### **A. PERMITTED USES IN B-1 DISTRICTS**

1. Any use permitted and as regulated in the residential district most closely adjoining the B-1 District; and if there are adjoining two or more different categories of residential districts, the regulation of the least restrictive residential district shall apply.
2. Retail and personal service outlets as follows:
  - Antiques
  - Apparel stores, including furriers, hosiery
  - Grocery
  - Toy Stores
  - Variety Stores
  - Veterinarian clinics
  - Video sales and rental
3. Offices: business and professional offices of any kind.
4. Banks: including, drive-thru banks, savings and loan companies, finance companies, and similar services.
5. Soda fountains, ice cream parlors, tearooms, private dining rooms, and restaurants, taverns and bars.
6. Automotive services: service stations, including minor repair; commercial parking lots provided that the surface water from which establishment shall not drain onto adjacent property.
7. Other uses: Any other retail business or service use which is determined by the Board of Adjustments to be of the

same general character as the above permitted uses, but not including any use which is first permitted in the B-2 District, or which is prohibited in the B-2 District.

8. Single Family Dwellings.
9. Laundry & Dry Cleaning Stores.

**B. ACCESSORY USES IN B-1 DISTRICTS**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted principle B-1 uses.

**C. CONDITIONAL USES IN B-1 DISTRICTS**

1. Public facilities, such as schools, libraries, churches, parks, recreational facilities, hospitals, cemeteries, and funeral homes
2. Renting of sleeping rooms
3. Home occupations as approved by the Board of Adjustment
4. Mobile home subdivisions
5. Mobile home parks
6. Recreational vehicle parks

**D. REQUIRED CONDITIONS FOR USES PERMITTED IN THE B-1 DISTRICT**

1. Business in enclosed buildings: all businesses, service or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations, and such outdoor display or storage of vehicles, materials and equipment as is hereinbefore specifically authorized. The premises, all buildings and accessory structures, including walls, fences, and other enclosures, shall be kept in sightly and proper condition and repair. Provided, however, the placement of inventory and the conduct of business outside may be permitted by the Board of Adjustments as a conditional use.
2. Production for sale at retail: all products produced on the premises whether primary or incidental shall be sold at retail on the premises where produced.

3. Use must be non-objectionable; processes of equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noises, vibration, refuse matter, or water carried waste.
4. New merchandise: goods for sale shall consist primarily of new merchandise, except bona fide antiques. Secondhand merchandise shall be prohibited except for stores dealing in trade-in merchandise.

**E. DIMENSION AND AREA REGULATIONS FOR B-1 DISTRICTS**

The regulations on dimension and areas for lots and structures are set forth in the schedule of Dimensions and Area Regulations (SECTION 680)

**II. HIGHWAY/GENERAL BUSINESS DISTRICT B-2**

This district is intended to accommodate business development which requires a high volume to support operations with emphasis on large scale stores and shops serving a regional retail and wholesale trading area.

**A. PERMITTED USES IN B-2 DISTRICTS**

1. Any use permitted and as regulated in the residential district most closely adjoining the B-2 district, and if there are adjoining two or more of the residential districts, the regulations of the least restrictive residential district shall apply; also, any use permitted in the B-1 neighborhood Business District.
2. Automobile service stations including car wash.
3. Drive-through/in restaurants, provided that all outside food services are located at least 100 feet from any residential district.
4. Hotel and motel
5. Indoor amusements, such as billiard or pool halls, skating rinks, theaters or bowling alleys.
6. Drive-in theaters. (Provided not any parking, projection screen or concession area to be within 500 feet of any residential zoning boundary)
7. Mobile home sales and service



8. Motor vehicle sale and/or service
9. Motor vehicle repair
10. Boat and marine supplies
11. Single Family Dwellings
12. Farm Implements
13. Laundry and Dry Cleaning Stores
14. Fruit and Vegetable Stores
15. Garden Supply and Nursery Stock Stores
16. Mini-Warehouse for personal storage use.
17. Golf driving range and/or putt putt

**B. ACCESSORY USES IN B-2 DISTRICTS**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses including wholesaling of merchandise or services subordinate to the permitted principle use.

**C. CONDITIONAL USES IN B-2 DISTRICTS**

1. Nonretail commercial
2. Warehouse
3. Schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, funeral homes.
4. Renting of sleeping rooms
5. Home occupancy as approved by the Board of Adjustments
6. Mobile home subdivisions
7. Mobile home parks
8. Recreational Vehicle Park
9. Recreational facilities

10. Storage of contractor equipment

**D. REQUIRED CONDITIONS FOR USES PERMITTED IN B-2 DISTRICTS**

1. Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.
2. Uses to be enclosed or screened from residential districts: all businesses, service repair, processing, storage, or display except nursery stock, whether principle or accessory, if not conducted wholly within a completely enclosed building, shall be enclosed by a solid wall or fence or by other structures, vegetation or otherwise as deemed appropriate by the Planning Commission at least six (6) feet high, where such as abuts, in the rear or on the sides either directly or across an alley, any R-District. The premises, all buildings and accessory structures, including walls, fences, and other enclosures, shall be kept in sightly and proper condition and repair.
3. Night Operations: no building customarily used for night operations shall have any opening, other than stationary windows and required exits, within two hundred (200) feet of R-District, and no space used for loading or unloading commercial vehicles in connection with such an operation shall be located within one hundred (100) feet of any R-District.

**E. DIMENSION AND AREA REGULATIONS FOR B-2 DISTRICTS**

The regulations on dimension and areas for lots and structures are set forth in the schedule of Dimensions and Area Regulations (SECTION 680)

**III. CENTRAL BUSINESS DISTRICT B-3**

The purpose of this district is to provide for business activity in the historical downtown business areas. The uses permitted in this district are generally those that offer services for the general public.

**A. PERMITTED USES IN B-3 DISTRICTS**

1. Any use permitted and as regulated in the residential district most closely adjoining the B-3 District; if there are adjoining two or more different categories of residential

districts, the regulations of the least restrictive residential districts shall apply; also, any use permitted in the B-1 Neighborhood Business District.

2. Retail and personal service outlets as follows:

Automotive supply stores  
Department and junior department stores  
Discount house  
Drafting supply house  
Drug stores of any size  
Fish markets  
Floor covering stores  
Furniture stores  
Household furnishings  
Interior decorating stores  
Libraries-commercial  
Mail order houses  
Musical instruments sales and services  
Office furnishings and equipment  
Orthopedic and medical appliances  
Poultry and egg shops  
Sewing machine stores, sales and service  
Travel agencies and ticket sales  
Variety stores of any size.

3. Eating and drinking places; banquet halls, bowling alleys, night clubs, theaters, and other assembly halls, subject to all applicable regulations and such permits and licenses as may be required by law.

4. Commercial Recreation: billiard parlors, pool halls, bowling alleys, night clubs, theaters, and other assembly halls, subject to all applicable regulations and such permits and licenses as may be required by law provided the maximum seating capacity of any place of public assembly shall not exceed two thousand (2000) square feet.

5. Commercial schools and art studios; including automobile driving schools, business colleges, trade schools, dancing studios, photographic studios, radio, and telecasting studios.

6. Storage facilities; frozen food lockers; icehouses not to exceed five (5) ton capacity.

7. Hotels and motels.
8. Retail and personal services; caters, farm implements, funeral homes, and mortuaries, garden supply and nursery stock stores, glass and mirror shops, pawn shops, public auction rooms, used for second hand merchandise and military surplus stores.
9. Eating and drinking establishments: Provided that all outside food services are located at least fifty (50) feet from any R- District., and provided that the premises shall be enclosed by a solid wall or fence at least six (6) feet high where it abuts, in the rear of or on the sides, any R-District, public park, school or church.
10. Automotive sales and display: sale and retail display of self-propelled and other vehicles of any kind, including automobiles, trucks, buses, motorcycles, bicycles, trailers, airplanes, and boats.
11. Automotive service and repair: automotive service and repair garages of any kind, including engine and transmission shops, body and fender shops, electric and battery shops, tire repair and glass shops, auto upholstery shops, service stations, and car wash establishments, but excluding automobile wrecking yards and salvage operations.
12. Automotive wholesaling: wholesalers and auctioneers of self propelled and other vehicles of any kind, including storage yards for new and used vehicles, retails or wholesale of auto parts and supplies of any kind.
13. Vehicle storage garages of any kind, including bus and taxi garages, ambulance service garages, movers and motor freight garages.
14. Animal hospitals, veterinary clinics, kennels, display and housing or boarding of pets and other domestic animals, provided that any building in which the animals are kept shall be sound proof and any exercise run shall be enclosed on all sides by a sight obscuring, unpierced wall at least six (6) feet in height.
15. Commercial recreation: any type of commercial recreation, including ball parks, or field, golf driving ranges, skating

rinks, swimming pools and similar open-air facilities; provided the premises upon which such open-air commercial use is located shall be enclosed by a solid wall at least six (6) feet high where it abuts, in the rear or on the sides or any R- District.

16. Household services: laundry, dyeing and dry cleaning establishments, provided no building accommodating any such use shall have any heating or power plant, ventilating device or other opening, except stationary windows and required fire exits, within fifty (50) feet of any R-District; household goods and appliances repair shops, exterminators, Venetian blind and awning shops.
17. Building and related trade: carpenter shops, air conditioning, plumbing and heating shops, furniture and upholstery.
18. Printing and related trades: publishing, job printers, lithographing, blue printing, book binding.
19. Miscellaneous trades and business services: sheet metal shops, sign painting shops, monument service shops.
20. Single-family dwellings.

**B. ACCESSORY USES IN B-3 DISTRICTS**

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-3 uses.

**C. CONDITIONAL USES IN B-3 DISTRICTS**

1. Schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, funeral homes.
2. Renting of sleeping rooms
3. Home Occupations as approved by the Board of Adjustments.
4. Use of second story floors and above as residential dwellings.
5. Any conditional use as may be approved by the Board of Adjustments as a consistent and compatible use with the above permitted uses.

**D. REQUIRED CONDITIONS FOR USES PERMITTED IN B-3 DISTRICTS**

1. Uses to be enclosed or screened from residential districts: all businesses, service repair, processing, storage and display, except nursery stock, whether principle or accessory, if not conducted wholly within a completely enclosed building, shall be enclosed by a solid wall or fence or by other structure, vegetation, or otherwise as deemed appropriate by the Planning Commission at least six (6) feet high, where such use abuts in the rear or on the sides, either directly or across an alley, any R-District. The premises, all buildings and accessory structures, including walls, fences, and other enclosure, shall be kept in sightly and property conditions and repair.
2. Use must not be objectionable: Processes and equipment employed in goods processed or solid shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noises, vibration, refuse matter, or water carried waste.

**E. DIMENSION AND AREA REGULATIONS FOR B-3 DISTRICT**

The regulations on dimension and areas for lots and structures are set forth in the schedule of Dimensions and Area Regulations (SECTION 680)

**670 INDUSTRIAL DISTRICTS**

**I. INDUSTRIAL DISTRICT I-1 (Light Industrial):** The purpose of the I-1 Light Industrial District is to provide for commercial use, storage and manufacturing use not normally creating a nuisance or adverse environmental effect discernible beyond its property by reason of release or discharge of pollutants including but not limited to odor, noise, dust, smoke, contaminants, hazardous substance, waste water, vibration, waste or recycled materials.

**A. PERMITTED USES I-1 DISTRICTS**

1. Any use permitted in the B-1, B-2, and B-3 Business Districts except for residential uses unless they are recommended by the Planning Commission and approved by the Governing Legislative Body.
2. Automobile sales, servicing, painting, upholstering, tire retreading or recapping, battery manufacturing and the like; not including automobile and gasoline service stations.

3. Blacksmith shop or horse shoeing establishment.
4. Boat building
5. Box factory
6. Building materials, sales establishment, and storage area.
7. Building-mover and wrecker's establishment.
8. Brewery, distillery.
9. Cleaning and dyeing establishment.
10. Contractor's equipment storage.
11. Cooperage works.
12. Dispensary, only with emergency facilities incident to an industry.
13. Distribution plant, including parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishment.
14. Feed mixing plant.
15. Grain elevator.
16. Laboratories-experimental, photo or motion picture, film or testing.
17. Landscape gardener's sales area or business, provided no odor, dust, noise, or glaring light is noticeable outside any lot in this district.
18. Laundry.
19. Lumber storage, millwork and sales.
20. Machine shop.
21. Machine repairing, sales and display.
22. Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures,

light sheet metal products including heating and ventilating ducts and equipment; cornices, eaves, and the like, and also including plumbing, heating or electrical contracting business.

23. Manufacture, fabricating, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious metals or stones, shell, textiles, tobacco, yarns, wood and paint not employing a boiling process.
24. Manufacture, fabricating, compounding, canning, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, soft drinks, toiletries, and food products, not including the rendering of fats and oils or slaughter of animals.
25. Manufacture of appliances, electrical or mechanical: instruments, electronic, musical, precision or the like; machines, electric or mechanical, for the home or office and the like; phonographs, radios, telephones or other instruments or machines for receiving, reproducing or transmitting sound, watches and clocks, toys, novelties and rubber and metal hand stamps.
26. Planning Mill.
27. Printing, Lithographing, type composition, ruling and binding establishment.
28. Processing, canning, packaging or treatment of fish and meat products, sauerkraut, vinegar, yeast but not including the following: fish smoking, curing or canning; rendering of fats and oils; or slaughter of animals.
29. Public utility facilities and installations for electricity, gas, oil, steam, telegraph, telephone, (including telephone exchange building) and water.
30. Railroad or other mass transportation company freight and/or passenger and supporting facilities, limited receiving and distribution yards, right-of-way, trackage and sidings, with accessory poles and overhead wire, signal or other



operating devices, shelters and comfort stations incident to the use thereof, including private off-street turn around and layover areas for mass transit vehicles and parking area for buses, car houses, yards and headquarters for operating and maintenance employees.

31. Repair shop, other than a railroad major repair shop.
32. School, industrial trade, when not objectionable due to noise, odor, vibration, dust, smoke, or other similar causes.
33. Solid fuel such as coal, coke and wood, storage and sales.
34. Stable.
35. Stone or monument works.
36. Storage and distribution of any merchandise or material other than: explosives or inflammables; garbage, offal, or dead animals; paper, exclusive of rolled newsprint and other similar rolled paper; petroleum and petroleum by products in excess of an amount necessary for use of the premises, and rags, metal or junk.
37. Structure or equipment for landing, mooring of boats or barges, or other like purposes and the use of the same for land or water transportation interchange.
38. Veterinary establishments.
39. Wholesale business.
40. Agricultural uses.
41. Commercial Warehouses
42. Adult Entertainment

**B. ACCESSORY USES IN I-1 DISTRICTS:**

Accessory use and structure customarily incidental to any of the above uses, located within the buildable area of the lot, unless otherwise specified and including:

1. Fence or enclosure wall
2. Loading space

3. Lunchrooms for employees
4. Parking garage or parking area
5. Recreation area, nonprofit
6. Repair garages for vehicles
7. Signs, related to or advertising the use being conducted on the premises.

**C. CONDITIONAL USES IN I-1 DISTRICT:**

Any use which in the Opinion of the Board of Adjustments is of the same general character as those listed above as a permitted use in I-1. Provided, however, unless expressly enumerated hereafter, the Board of Adjustments shall not permit as a conditional use any item which is classified as:

1. Aircraft factory or hangar, not including wind tunnel and testing field.
2. Foundry, casting of only lightweight non-ferrous metal.
3. Iron, steel or metal fabrication (no foundry or drop hammer and no punch press over fifty (50) ton capacity.
4. Wrecking & Salvage Operations.
5. Punching, blanking, and shearing presses over 500 tons.
6. Recycling and processing of recyclable materials.
7. Manufacturing, repacking and blending of non-hazardous chemicals for use off-premises.
8. Truck stops, truck terminals, truck plaza and related business activities.
9. Killing or dressing and/or packing of poultry and rabbits.
10. Roller Mills

**D. DIMENSION AND AREA REGULATIONS IN I-1 DISTRICTS:**

1. See Section 680 of this Article.

## **II. INDUSTRIAL DISTRICTS I-2 (Heavy Industrial):**

The purpose of the I-2 Heavy Industrial District is to provide for the industrial uses not allowed in any other district providing that, such uses are not obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, fumes, cinders, vibrations, refuse matter or water carried waste and that such characteristics are normally not discernible beyond its property.

### **A. PERMITTED USES IN THE I-2 DISTRICT**

1. Any permitted use in the I-1 District.
2. Wrecking and salvage operations if located not less than four hundred (400) feet from any R-District; providing such operation is conducted within an area enclosed on all sides with a tight painted fence not less than eight (8) feet high and provided further that such operation shall not be visible from street or road.
3. Brick, tile, or terra cotta manufacture.
4. Concrete products manufacture not including cement.
5. Hospital, only with emergency facilities incident to any industry.
6. Manufacturing, fabrication compounding assembling or treatment of bone, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, precious or semi precious metals, or stones, shell, textiles, tobacco, yarns and wood, or articles of merchandise made therefrom.
7. Manufacture, fabricators, compounding, canning, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, soft drinks, toiletries and food products, including fish and meat products, sauerkraut, vinegar and yeast, but not including the following: fish smoking, curing, or canning.
8. Oilcloth or linoleum manufacture.
9. Quarry, gravel, pit or stone mill.
10. Railroad repair shop, receiving, distribution and classification yards and supporting facilities.
11. Rock, sand, slag or gravel distribution.

12. Rolling mill.
13. Salt works.
14. School, industrial trade.
15. Slaughter houses and the rendering of lard.
16. Storage and distribution of any merchandise or material other than: explosives or inflammables, garbage, offal or dead animals.
17. Tool manufacture.
18. Truck terminals, truck stops, truck plaza and related business activities.
19. Wool pulling or scouring.
20. Punching, blanking and shearing presses.
21. Recycling and processing of recyclable materials.
22. Adult Entertainment

**B. ACCESSORY USES IN I-2 DISTRICTS:** Accessory use and structure customarily incident to any of the above uses including:

1. Fence or enclosure wall.
2. Loading space.
3. Parking garage or parking area.
4. Recreation area, nonprofit.
5. Offices.
6. Manufacture, processing and/or storage of gas in its various forms, not in excess of quantities determined by the Board to adjacent properties.
7. Storage of explosives or inflammables, not in excess of the determined by the Board to be not hazardous.
8. Lunchrooms for employees.

9. Repair garages for vehicles.

**C. CONDITIONAL USES IN I-2 DISTRICTS:**

Any use, which in the opinion of the Board of Adjustment is of the same general character as those listed above. The following conditional uses in the I-2 zone must comply with all requirements specified in Article IX.

1. The storage, treatment or disposal of hazardous wastes for which a federal or state permit is required, and the use of hazardous waste as a fuel.
2. A sanitary landfill for which a state permit is required, or a landfill of any type.
3. Incinerators.
4. Construction and Demolition Debris Landfill (CDDL)
5. Manufacturing, repackaging and blending of chemicals for use off-premises.

**D. DIMENSION AND AREA REGULATIONS IN I-2 DISTRICTS**

1. See Section 680 of this Article.

**680 DIMENSIONAL AND AREA REGULATIONS**

(For dimensional requirements, see last page)

**A. FOOTNOTES**

1. For zone A-1 on legally existing non-conforming tracts under five (5) acres – The minimum rear yard setbacks and side yard setbacks for garages and outbuildings not associated with an agricultural home occupation shall be four (4) feet.
2. Nonconforming tracts in an A-1 zone and those created pursuant to Section 770 with an area of 2.5 acres or less shall conform with the dimensional and area regulations of an A-2 zone.
3. Nonconforming tracts in an A-1 zone and those created pursuant to Section 770 with an area of more than 2.5 acres shall conform to the dimensional and area regulations of an A-1 zone.

4. For zones A-2 & A-3 – The minimum rear yard setbacks and side yard setbacks for garages and outbuildings not associated with an agricultural home occupation shall be four (4) feet.
5. For zones R-1, R-2, & R-3 – The minimum rear yard setbacks and side yard setbacks for garages and outbuildings not associated with a home occupation shall be four (4) feet.
6. For zones B-1 and B-2 – The minimum rear yard setbacks and side yard setbacks for accessory structures shall be four (4) feet.
7. For Zone A-1 on tract of 5 acres or more, the minimum side and rear setback shall be 15 feet for garages and outbuildings and other accessory structures.

### **690 OVERLAY DISTRICT**

Some areas within Henry County have specific physical characteristics that warrant special considerations. When a property with a principle zoning classification also falls within the overlay district, those regulations of the overlay district shall take precedence over the regulations of the principle zoning district. To this provision shall apply only those regulations specifically addressed by the overlay district. All other principle zoning district regulations shall continue to be enforced as detailed in the principle district.

- I. Small lot residential (SLR) - The purpose of this district is to permit the continued legal existence of small lots presently without existing sewer service within the incorporated City of Smithfield. In the SLR overlay district, the minimum lot area with no public sewer shall be 10,000 square feet.
- II. Overlay districts may only be changed through actions initiated by the Planning Commission.
- III. L'Esprit Pavilion- The purpose of this district is to recognize the unusual character of the improvements at the hereinafter described property and to recognize the fact that said improvements existed prior to the date of enactment of this ordinance. The purpose of recognizing the existence of these improvements and the fact that they predated this ordinance is to make lawful certain uses of said improvements that may not be lawful under the ordinance as it existed prior to this amendment. The property which is the subject of this overlay district is described as follows, to-wit:

**BEGINNING** at the centerline of L'Esprit Parkway, being the centerline of a 60 foot right-of-way easement and being a common corner with Tract KPI 1 and Tract 114 as shown on the record plat of L'Esprit Subdivision; thence, leaving the centerline of L'Esprit Parkway and following the common division line of Tract KPI1 and Tract 114

North 35 02'02" West, 500.14 feet, to the TRUE POINT of BEGINNING of the zoning amendment area; thence, continuing with the common division line of Tract KPI 1 and Tract 114 North 35 02'02" West, 700.00 feet, to a point; thence, leaving the common line of Tract 114 and following the new zoning amendment line as follows: North 34 17' 00" East, 400.00 feet, to a point; thence North 56 20' 19" East, 200.00 feet, to a point; thence North 56 20' 19" East, 600.00 feet, to a point in a common line with Tract 115 of L'Esprit Subdivision; thence, with the common division line of Tract 115 and following the new zoning amendment line South 56 20' 19" West to the TRUE POINT of BEFINNING.

Said property being located in Henry County, Kentucky and containing 24.31 acres, more or less.

In addition to all other uses authorized by this ordinance and particularly in A-1 district, the above described property may also be used for the following purposes:

- A. Business and professional offices, including administrative, marketing, educational, training, research, conferencing, and exhibition function.
- B. Community facility and exhibition space for educational purposes for state and county use including testing, education, meeting and conferencing.
- C. Charitable functions and parties.
- D. Exhibition of arts, artifacts, and collectibles, and auctions and sales thereof.
- E. Performing arts concerts conducted indoors.

**IV. SHAWNEE INDUSTRIAL PARK** - The purpose of this district is to recognize the unusual characteristics of the Shawnee Industrial Park area which was an Industrial Park existing at the time of the adoption of the Planning and Zoning Ordinance. Said Industrial Park contains a mixture of uses that are I-1 uses and some I-2 uses. Additionally, said pre-existing industrial park is located in an area of such proximity to populated areas that it is not appropriate to change the zone to I-2. However, it is deemed appropriate that the uses in this overlay district be expanded beyond the scope of I-1. This district is to provide for commercial use, storage and manufacturing not normally creating a nuisance or adverse environmental effect discernible beyond its property by reason of release or discharge of pollutants including but not limited to odor, noise, dust, smoke, contaminants, hazardous substance, wastewater, vibration, waste or recycled materials. This area which is the subject of this overlay district is described as follows to wit:

That area north of Mulberry Road in Eminence, Kentucky which is known as Shawnee Industrial Park and which is categorized as I-1 on the official Zoning Map for Henry County and described as follows:

A certain tract of land located in Henry County, Kentucky, within the city limits of Eminence, Kentucky, and being on the north side of Mulberry Pike (KY 1899) and on both sides of Shawnee Drive and further described as follows:

Beginning in the center of Mulberry Pike corner to Mulberry Acres Subdivision (D.B. 121 pg. 203) and corner to Eminence Speaker Corporation (D.B. 119 pg. 69); with Mulberry Pike and the south line of Eminence Speaker South 83 degrees 00 minutes 00 seconds East a distance of 337.30 feet to the intersection of Mulberry Pike and Shawnee Drive and corner to Lewis LaRoche Sr. (D.B. 190 pg. 516) (7.19 acres tract); with the south line of LaRoche and Mulberry Pike for the following 3 calls, South 57 degrees 07 minutes 46 seconds East a distance of 46.26 feet; thence South 53 degrees 21 minutes 49 seconds East a distance of 65.31 feet; thence South 47 degrees 55 minutes 42 seconds East a distance of 494.75 feet to the corner to Eminence Plant Hussey Copper Limited (D.B. 106 pg. 603); with Mulberry Pike and Hussey Copper Limited for the following 3 calls, South 48 degrees 35 minutes 33 seconds East a distance of 335.06 feet; thence South 41 degrees 04 minutes 30 seconds East a distance of 471.36 feet; thence South 43 degrees 03 minutes 49 seconds to the corner of Danny Gregory (D.B. 157 pg. 87); with the line of Gregory and Hussey Copper North 12 degrees 08 minutes 12 seconds East a distance of 748.80 feet; with the line of Hussey Copper and Gregory and continuing on with the line of Marvin Atchison (D.B. 186 pg. 415) South 85 degrees 46 minutes 48 seconds East a distance of 712.86 feet to the line of Harold McCreight (D.B. 132 pg. 166); with the line of McCreight and Hussey Copper North 02 degrees 04 minutes 22 seconds East a distance of 1,128.00 feet to the South line of 4.095 acres tract conveyed to Lewis LaRoche Sr. (D.B. 190 pg. 516); with the line of LaRoche and McCreight and continuing on with the line of Anthony Hernandez (D.B. 175 pg. 564) and Scott McClamroch (D.B. 181 pg. 606) and Allen Parrish (D.B. 163 pg. 795) South 82 degrees 46 minutes 35 seconds East a distance of 1,165.55 feet to a point in the South right of way line of CSX (not in use); crossing the right of way line North 07 degrees 03 minutes 27 seconds East a distance of 50.00 feet to the southeast corner of Lewis LaRoche Sr. (D.B. 190 pg. 516) (25.512 acres tract) and J.T. Stinson and LaRoche North 04 degrees 36 minutes 49 seconds East a distance of 944.24 feet to the corner of Steel Technologies Inc. and LaRoche for the following 3 calls, North 78 degrees 29 minutes 43 seconds West a distance of 1,059.72 feet to the corner of Lewis LaRoche Sr. (D.B. 190 pg. 516) (5.00 acres tract); with the line of LaRoche North 78 degrees 29 minutes 42 seconds West a distance of 209.12 feet to the corner of Lewis LaRoche Sr. (D.B. 190 pg. 516) (20.00 acres tract); with the line of LaRoche North 78 degrees 29 minutes 43 seconds West a distance of 818.93 feet to a point in the line GCH Inc. (D.B. 168 pg. 291) and Southern Strip Steel Inc. (D.B. 140 pg. 664); with the line of Southern Strip Steel and GCH Inc. for the following 5 calls, North 72 degrees 57 minutes 44 seconds West a distance of 1,356.42 feet to the corner to GCH Inc. (D.B. 1656 pg. 369); with the line of GCH for the following 6 calls North 74 degrees 45 minutes 00 seconds West a distance of 370.35 feet; thence North 05 degrees 00 minutes 00 seconds East a distance of 272.58 feet; thence North



23 degrees 15 minutes 00 seconds West a distance of 382.80 feet; thence North 49 degrees 09 minutes 46 seconds West a distance of 365.02 feet to the corner of J.T. Wilson Estate (D.B. 98 pg. 592); with the line of Wilson South 04 degrees 20 minutes 00 seconds West a distance of 1,991.50 feet to the line of Mulberry Acres Subdivision; with the line of Mulberry Acres Subdivision for the following 2 calls, South 78 degrees 20 minutes 00 seconds East a distance of 73.12 feet to the corner of Eminence Speaker; with the line of Eminence Speaker; with the line of Eminence Speaker and Mulberry Acres Subdivision South 04 degrees 20 minutes 00 seconds West a distance of 632.57 feet to the point of beginning. The above described parcel contains 8,497,766 square feet of 195.082 acres more or less according to a plat prepared by R.B. Batts RLS # 2119 dated May 24, 1999 and being subject to all right of ways, easements, and passways of record and in existence.

Being the same property conveyed to Eminence Speaker Corporation as recorded in Deed Book 119 page 69 and a part of the same property conveyed to Lewis LaRoche Sr. and Terri LaRoche and recorded in Deed Book 190 page 516 and the same property conveyed to Hussey Copper Limited as recorded in Deed Book 106 page 603 and the same property conveyed to Southern Strip Steel Incorporated in Deed Book 116 page 326 and in Deed Book 124 page 558 and in Deed Book 140 page 664 and the same property conveyed to GCH Incorporated and recorded in Deed Book 165 page 369, all deeds recorded in the Office of the Henry County Court Clerk. (See attached)

**A. PERMITTED USES IN SHAWNEE INDUSTRIAL PARK OVERLAY DISTRICT**

1. Any use enumerated as a permitted use in I-1.
2. Wrecking and salvage operations (except not including auto salvage operations) if located not less than 400 feet from any R-District; provided such operation is conducted within an area enclosed on all sides with a tight painted fence not less than 8 feet high and provided further that such operation shall not be visible from street or road.
3. Brick, tile or terra cotta manufacturer.
4. Concrete products manufacture not including cement or asphalt.
5. Hospital, only with emergency facilities incident to any industry.

6. Manufacturing, fabrication compounding, assembling or treatment of bone, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather. Precious or semiprecious metals or stones, shell, textiles, tobacco, yarns and wood or articles of merchandise therefrom.
7. Oilcloth or linoleum manufacture.
8. Rolling mill.
9. School, industrial trade.
10. Storage and distribution of any merchandise or material other than explosives or inflammables, garbage, offal or dead animals.
11. Tool manufacture.
12. Aircraft factory or hanger, not including wind tunnel and testing field.
13. Foundry, casting of only lightweight non-ferrous metal.
14. Iron, steel, and metal fabrication. Provided however, no press in excess of 1000 tons.

**B. CONDITIONAL USES IN SHAWNEE INDUSTRIAL PARK OVERLAY DISTRICT**

Any use which in the opinion of the Board of Adjustments is of the same general character as those listed above. But unless specifically enumerated as a permitted use above, not including any use which is first permitted or conditional in I-2.

1. Manufacture, fabrication, compounding, canning, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfume and toilet soap, soft drinks, toiletries and food products, including fish and meat products, sauerkraut, vinegar and yeast, but not including the following: fish smoking, curing or canning.
2. Truck terminals
3. The storage, treatment or disposal of hazardous wastes for which a federal or state permit is required but only if related to an on-site process of fabrication or manufacture for which this is a by-product or pre-requisite of manufacture. The conditional use shall not include such storage, treatment or disposal I done for others.

4. Presses in excess of 1000 tons.

**C. ACCESSORY USES IN SHAWNEE INDUSTRIAL PARK OVERLAY DISTRICT**

Accessory uses and structures customarily incident to any of the above permitted and conditional uses including:

1. Fence or enclosure wall.
2. Loading space.
3. Lunchroom for employees.
4. Parking garage or parking areas.
5. Recreation area, non-profit.
6. Repair garage for vehicles.
7. Offices.
8. Processing and/or storage of gas in various forms, not in excess of quantities determined by the Board of Adjustments to be determined not hazardous to adjacent properties.
9. Storage of explosives or inflammables, not in excess of those quantities determined by the Board of Adjustments to be not hazardous.
10. Signs as allowed in Article XI.

**D. DIMENSION AND AREA REGULATIONS IN SHAWNEE INDUSTRIAL PARK OVERLAY DISTRICT**

1. Dimension and area regulations in the Shawnee Industrial Park Overlay District shall be those as set forth for I-1 and I-2 in section 680.

The invalidity of any item or provision of this ordinance shall not affect the validity of the remainder. This ordinance shall be considered item by item.

**V. HENRY COUNTY PARK OVERLAY DISTRICT**

The purpose of this overlay district is to provide a venue for recreational uses and quasi-governmental offices and community service related agencies and businesses. These uses shall include Governmental, Quasi-Governmental, and Non-Profit Agencies. The re-zoning of each individual lot or area in this development is not desirable as several of said parcels would require

different zoning classifications both because of the foreseen varied uses of the property and the various dimensional requirements imposed by the Henry County Zoning Ordinance. At the time of the adoption of this overlay district, the Entire property is owned and being developed by the Henry County Fiscal Court. The area which is subject to this overlay district is described as follows to wit:

A certain tract of land located in Henry County, Kentucky, on the west side of US Hwy. 421, approximately 0.3 mile north of the Town of New Castle, and further described as follows:

Beginning at an iron pin and cap, set this survey, in the west Right-of-Way line of US Hwy. 421, being the northeast corner of New Castle Cemetery Company (DB 144, Pg. 431 & DB 121, Pg. 323); thence, leaving said Right-of-Way line, with said cemetery, the following (2) two calls: North 79 Degrees 54 Minutes 37 Seconds West 756.34 feet, to an iron pin and cap, set this survey; thence, South 11 Degrees 06 Minutes 25 Seconds West 306.24 feet, to a wood post (with a witness iron pin and cap set at North 11 Degrees 06 Minutes 25 Seconds East 2.09 feet); thence, with cemetery line and the line of Ray D. and Sue C. Powell (DB 217, Pg. 672) and Sallie Nalley (DB 216, Pg. 708), North 84 Degrees 32 Minutes 15 Seconds West 2,037.27 feet, to an iron pin and caps set this survey, in the east line of Joseph A. and Lauri V. Rush (DB 190, Pg. 104); thence, with the line of Rush, North 14 Degrees 26 Minutes 16 Seconds East 771.41 feet, to an iron pin and cap, set this survey, in the south line of Gregory L. McCarty (DB 248, Pg. 950); thence, with the line of McCarty, North 77 Degrees 41 Minutes 04 Seconds East 647.12 feet, to an iron pin and cap, set this survey, being the southwest corner of Steven D. White Family Limited Partnership (DB 202, Pg. 478); thence, with the line of White, South 83 Degrees 08 Minutes 41 Seconds East 1,392.62 feet, to an iron pin and cap, set this survey; thence, South 80 Degrees 34 Minutes 45 Seconds East 304.08 feet, to an iron pin and cap, set this survey, being the southwest corner of Dennis R. and Harriett J. Campbell (DB 194, Pg. 349); thence, with the line of Campbell, South 79 Degrees 43 Minutes 02 Seconds East 201.57 feet, to an iron pin and cap, set this survey, being the northwest corner of HILLP's Henry County Properties, LLC. (DB 229, Pg. 524); thence with the HILLP's line, the following (2) two calls: South 10 Degrees 59 Minutes 07 Seconds West 269.49 feet, to a found iron pin and cap (stamped "BATTS 2119"); thence, South 79 Degrees 43 Minutes 15 Seconds East 249.42 feet, to an iron pin and cap, set this survey, in the west Right-of-Way line of US Hwy. 421; thence, with said Right-of-Way line, South 10 Degrees 59 Minutes 07 Seconds West 356.23 feet, to the point of beginning, containing 51.688 Acres, per survey performed by Marshall L. Bright, Jr., PLS #3651, on December 21, 2006.

All iron pin set for this survey are 5/8 inch diameter rebar with a plastic cap stamped "M Bright Jr. PLS 3651."

The bearings for this survey are based on GPS Observations (Kentucky North Zone (1601 (NAD83)) on December 6, 2006.

#### **A. PERMITTED USES IN HENRY COUNTY PARK OVERLAY DISTRICT**

1. Governmental or Quasi-Governmental agencies or offices.

2. Non-profit agency housing or health services, including those for mentally impaired adults which may include duplex dwellings.
3. Senior Citizens centers or buildings for activities for senior citizens.
4. Ball fields, Playgrounds, walking trails, or tracks.
5. Facilities for healthcare services, including hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes and health departments.
6. Any uses not covered in this Overlay District and not specifically covered as either conditional uses or permitted uses in an A-1 zone **shall not** be allowed.

## **ARTICLE VII GENERAL REGULATIONS**

### **700 APPLICATION OF REGULATIONS**

All existing and future structures and uses of premises within Henry County, shall conform with all applicable provisions of the Zoning Ordinance. Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the nonconforming or conditional use provisions, and is intended for the protection of those uses. No other uses are permitted except as specifically permitted elsewhere in the ordinance.

### **710 SPECIAL PROVISIONS FOR AGRICULTURAL AREAS**

For the purposes of this ordinance, land which is used solely for agricultural, farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits, height, yard location or court requirements for agricultural buildings except that:

- A. Setback lines and/or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Commonwealth of Kentucky Department of Transportation, Bureau of Highways Regulations as regarding distance, sight and drainage shall be complied with; and
- B. All buildings or structures in a designated floodway or flood plain, or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.
- C. As approved in Article 260.

### **720 SUBDIVISION OF AGRICULTURAL LAND**

Land owners or developers desiring to subdivide agricultural land for any use must meet the following requirements:

- A. Obtain a zoning change to the appropriate zoning district unless the intended use is suitable in the agriculture district.
- B. Conform with the Subdivision Regulations, including design and processing requirements, if tracts are ten acres in size or less or if a new road is required.
- C. Conform with the dimension requirements and other special requirements as may be imposed by the Commission.

### **730 COORDINATION WITH SUBDIVISION REGULATIONS-**

In all cases, the provisions of the Subdivision Regulations of Henry County and amendments thereto shall apply in addition to the provision of the Zoning Ordinance.

### **740 CONSTRUCTION EQUIPMENT**

No construction equipment shall be parked more than twenty four (24) hours on any publicly dedicated subdivision street or county or state highway while being used in the construction of any building or addition thereto.

### **750 MISCELLANEOUS REGULATIONS**

Exceptions to Height Regulations - The height limitations contained in the schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.

### **760 CERTIFICATES OF LAND USE RESTRICTION**

Whenever a legislative body approves a zoning map amendment, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustments approves a variance or conditional use permit, a Certificate of Land Use Restriction as detailed below shall be filed with the county clerk.

### **770 DIVISION OF PROPERTY**

Subject to the provisions of this section, an owner of a tract of land located in an A-1 agricultural zone may sever and convey a portion thereof containing less than five (5) acres but not less than one (1) acre without obtaining a zone change. The maximum number of severance/conveyances under this section shall be three and will only be approved subject to the following conditions:

- (1) All dimensional requirements otherwise provided for under this ordinance shall remain unaltered and shall be complied with.

(2) No severances shall be allowed under this section if the tract from which the severance is made is less than twenty-five (25) acres.

(3) The owner of a farm of twenty-five (25) acres or more who wishes to retain the primary residence and convey the remaining acreage may sever and retain the residence upon said farm on a minimum of one acre so long as the remaining acreage on the farm being conveyed does not become a nonconforming lot.

(4) In addition to the cut permitted in Section 770 (3) of this ordinance, the owner of a farm shall be permitted two (2) additional severances pursuant to this section if the primary tract is in excess of fifty (50) acres and one additional severance if the primary tract is not less than twenty five (25) acres but is less than fifty (50) acres. No conveyances shall be permitted under this section 770 (4) if the primary tract is less than twenty five (25) acres.

(5) The severances permitted by this section shall only be allowed on farms that existed on June 1, 1991, and were at least twenty-five acres or greater in size at that time. If a farm was subdivided subsequent to June 1, 1991, without any severances less than five (5) acres having been made, then the tract with the largest remaining acreage shall be the only tract entitled to use any of the remaining severances [up to a maximum of three (3)]. Any severance of less than 5 acres occurring after June 1, 1991 shall be counted towards the maximum allowable severances under this section unless the severed tract was merged into adjoining property.

(6) Any severance permitted under this section shall be considered agricultural in nature as per KRS 100.111 (2) and (222).

(7) Any severance permitted under this section shall also show the number of parcels being conveyed.

(8) Prior to receiving zoning approval for any severance/conveyance under this section, the plat shall be certified by a registered land surveyor to reflect that such severance/conveyance complies with the provisions of this section.

(9) Conveyances under this section shall apply to the tract and not the owner and shall be cumulative.

(10) Nothing in this, Section 770, shall in any way limit the transfer of conforming tracts under other sections of this ordinance and/or Henry County Subdivision Regulations.

(11) Dimensional requirements, other than the minimum lot acre, for lots created by a division pursuant to this section shall be the same as those applicable to the zoning district in which the property is located.

## **780 PERMITTED RESIDENTIAL DWELLINGS**

It shall be unlawful in Henry County to live in or use any of the following for a residential purpose or residential dwelling: a portable building, boat, automobile, storage container, camper, recreational vehicle, or similar type equipment. Nothing in this section shall prevent the use of a manufactured home as a residential dwelling as otherwise permitted under Article XV of this ordinance.



**CERTIFICATE OF LAND USE RESTRICTION**

1. Name & Address of Property Owner

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Name of Subdivision or  
Development (if applicable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Type of Restriction(s)

- Zoning Map Amendment  
    To  zone
- Development Plan
- Subdivision Plan
- Variance
- Conditional Use Permit

(Check all that apply)

Conditional Zoning Cond.

Other

(Specify) \_\_\_\_\_

5. Name & Address of Planning Commission, Board of Adjustment, Legislative Body or Fiscal Court which maintains the original record containing the restriction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved On: \_\_\_\_\_

\_\_\_\_\_  
Signature of Completing Officer

\_\_\_\_\_  
Name & Title of Completing Officer

## **ARTICLE VIII DEVELOPMENT PLANS**

### **800 APPLICATION**

Development plans may be required for any proposed amendment to the Zoning District Map. The initial determination when to require a development plan shall be made by the Planning Commission. However, when map amendment requests are made specifically for I-1, I-2 and PUD zoning districts, development plan shall be required. Under any circumstances that the Planning Commission may require a development plan, it may in its discretion only require certain elements thereof.

### **810 INTENT**

The development plan is intended to demonstrate to the Planning and Zoning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the affect of the proposed development would have on the community and determine what provisions, if any, should be altered for the protection and promotion of the general public welfare.

Whenever the Planning and Zoning Commission requires the submission of a development plan, a public hearing of the Zoning District map amendment shall not be held until the conceptual development plan has been submitted to the Commission for action. (If the development plan and zone change is approved by the Commission, and the Zoning District Map amendment is subsequently approved by the appropriate legislative body, the commission shall take action upon the development plan within ninety (90) days of the action of the legislative body. )

Where the Planning and Zoning Commission determines it to be appropriate, the Commission may permit the development plan to be submitted in a conceptual form at the time of rezoning application, with a final and more detailed plan submitted for Commission approval prior to the issuance of building permits. The Conceptual Development Plan shall be prepared in accordance with Section 820 of this article. More specific aspects of the approved conceptual plan shall be designated on the final development plan; or the final development plan may be waived in lieu of preliminary and final subdivision plat.

### **820 CONCEPTUAL DEVELOPMENT PLAN**

The conceptual development plan shall show the following:

- A. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views, and historic sites.
- B. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community.

- C. The compatibility of overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;
- D. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;
- E. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
- F. Conformance of the development plan with the comprehensive Plan and Zoning District Regulations; and
- G. Impact on community facilities and schools may be required.

**830 ADDITIONAL SUBMITTAL**

All requests involving hazardous waste sites or facilities shall require additional submittal as detailed in Article IX, as part of the development plan.

**840 FINAL DEVELOPMENT PLAN INFORMATION**

The Planning Commission may require development plans to include the following elements in graphic or written form as are applicable to subject property and appropriate for adequate public review of the development proposal:

- A. Vicinity map with measurements to existing streets;
- B. Date
- C. Boundary description, including area and bearings and dimensions of all property lines;
- D. North arrow with property generally oriented toward the top of the plan;
- E. Existing topography and proposed topographic changes, with contour intervals not greater than five (5) feet, unless other contour intervals are deemed appropriate by the Commission;
- F. Zoning classification of the property and adjacent properties;
- G. Lot size and location, height, floor area, and arrangement of proposed and existing building and structures;
- H. Proposed use of structures on the property;

- I. Names of adjacent property owners;
- J. Name of builder, owner or developer;
- K. Name, signature and seal of the Engineer or Architect responsible for preparation of the plan;
- L. Site statistics including:
 

Total Gross Area	Area in R.O.W.
Total Net Area	Number of Lots
Density- Lots/gross Acre	Lots/Net Acre
- M. Existing tree masses, significant rock outcroppings, streams, flood plains and other natural features;
- N. Provisions for screening and buffering, landscaping, recreational and open space area (if applicable);
- O. The location, arrangement and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking area (including number of off-street parking spaces as well as street cross sections), points of ingress and egress, off-street loading areas, and other vehicular, bicycle, or pedestrian right-of-way;
- P. Provisions for handling surface water drainage and utilities information, where appropriate, such as proposals for gas, water, electricity, telephone service, sewage lines, fire hydrants and similar information, and the location and dimensions of other existing or proposed easements;
- Q. Conservation and manhole notes placed on the plan;
- R. Demonstration of compliance with land use intensity requirements;
- S. Proposed stages of development, if applicable, and the anticipated time required to develop each stage;
- T. Other such information the Planning and Zoning Commission deems appropriate; and
- U. All development plans shall be drawn to a scale of no less than 1 inch equals 100 feet to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan. All development plans shall be stamped by a licensed land surveyor, or licensed engineer.

**850 AMENDMENT TO DEVELOPMENT PLANS**

Amendments to approved development plans can be made only by official Planning and Zoning Commission action.

**ARTICLE IX  
LANDFILLS, INCINERATORS, AND  
HAZARDOUS WASTE FACILITIES**

**900 INTENT**

The purpose of this Article is to establish criteria and standards for the assessment of the social, economic, human health, public safety and natural resources effects of the siting of landfills, incinerators, or hazardous waste facilities within Henry County.

**910 APPLICABILITY**

This Article shall apply to any person who is an owner/operator of a hazardous waste site or facility as hereinafter defined and any person who is the owner/operator of any type landfill and/or incinerator.

This Article shall not apply to any landfill, incinerator, or hazardous waste site or facility in existence and holding all authorizations or permits required under applicable state or federal laws as of the date of enactment of the Ordinance and shall not apply to any Construction and Demolition Debris Landfill (CDDL) if one acre or less provided, however, any owner/operator of a hazardous waste site or facility shall be required to obtain Planning Commission approval as required by this ordinance in the event that the owner/operator proposes to alter the activity conducted to:

- A. Include a new sanitary landfill, incinerator of any type, hazardous waste incinerator, landfill, waste pile or impoundment unit at an existing landfill, incinerator, or hazardous waste site or facility; or
- B. Increase the throughput or any feed rates of an existing hazardous waste incinerator, or any other type of incinerator, by 25% or greater; or
- C. Modify or expand an existing sanitary landfill or hazardous waste landfill, waste pile, or surface impoundment resulting in an increase in the facilities disposal capacity; or
- D. Increase existing storage in containers or tanks resulting in greater than a 25% increase in the facility's container or tank storage capacity; or
- E. Utilize hazardous wastes as fuel.

## **920 PROHIBITION**

No person shall construct or operate a landfill, incinerator, or hazardous waste site or facility until proper zoning and a conditional use permit have been obtained from the Henry County Planning Commission pursuant to this ordinance.

## **930 SUBMITTAL**

The owner/operator of the facility or proposed facility shall file the following information with the Henry County Planning Commission as part of the conceptual development plan required for necessary rezoning of the property and/or (if the property is already property zoned) separately as part of the conditional use permit application.

- A. The name and address of the owner/operator and the street address, if any, of the proposed site of the facility;
- B. A copy of the deed or other document establishing the right, title and interest of the owner/operator in and to the proposed site of the facility;
- C. A USGS map showing the location of the proposed site, at a scale of 1"=2000';
- D. A description of the type of waste involved in the landfill, incinerator, or hazardous waste activity to be conducted on the site together with a description of the technology and the procedures the owner/operator proposes to utilize in its waste management activities at the site;
- E. A description of the owner/operator's experience in the ownership and operation of the landfills, incinerators, or hazardous waste sites or facilities, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of waste facilities, and with respect to the owner/operator, such description shall disclose:
  - I. Any administrative, criminal or civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning hazardous waste, the protection of public health and safety, or the environment;
  - II. For the five (5) year period immediately preceding the date of filing of the Petition for Site Approval, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of nolo contendere or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding, involving the violation of any federal, state or

local law or regulation applicable to the management of hazardous wastes, the protection of the public health and safety, or the environment;

- F. The petition for site approval shall identify the following persons and entities, and provide the compliance information required by Section 930E for each person or entity so identified:
- I. The owner/operator applying for site approval;
  - II. If the owner/operator is a proprietorship, each proprietor and the interest held;
  - III. If the owner/operator is a partnership, each of the partners and their respective interests, and any corporation, joint venture, partnership or proprietorship in which any of the partners of the applicant owner/operator holds twenty-five percent (25%) or greater interest, whether ownership or otherwise, and any corporation, joint venture, proprietorship or partnership holding twenty five percent (25%) or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds twenty five (25%) or greater interest.
  - IV. If the owner/operator is a corporation, a detailed listing of the officers, directors and major stockholders; any corporation of which the applicant owner/operator is a subsidiary or which holds a twenty five percent (25%) or greater interest in the applicant; any corporations which are either subsidiaries of the applicant or in which the applicant holds a twenty five percent (25%) or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds a twenty five (25%) or greater interest.

For the purposes of this section, “interest” includes ownership or other interest reflected in stocks, assets or other beneficial interest.

- G. Financial data, including:
- I. An estimate of the total cost of the facility and an estimate of the cost of each of the major components of the facility;
  - II. Audited statements of income and balance sheets for each of the three (3) years immediately preceding the year in which the Petition for Site Approval is filed;

- III. A plan financing for the proposed facility, including the amount to be raised through debt and the potential sources thereof. If the owner/operator is a subsidiary corporation which wishes to have the financial resources of its parent considered, when the owner/operator shall submit, in addition to the foregoing, a description of the relationship between the subsidiary and the parent and written confirmation from such parent corporation that its financial resources are available to finance the proposed facility as represented by the subsidiary;
- IV. A statement as to the extent of liability insurance in effect or proposed with respect to the facility, together with true copies of any policies of insurance in effect and a listing of any claims made or threatened under any policies of liability insurance;
- V. A statement as to whether the owner/operator has been designated as a potentially responsible party under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; and, if so the location of the site or sites involved and an estimate of the owner/operator's share, if any, of the costs to clean up the site;
- H. A statement as to the present suitability of the site for conduct of the proposed activity at the facility and of any additional measures that would be required to make the site suitable for such activity.
- I. A set of drawings depicting the proposed facility, which drawings impart sufficient detail and information for the conduct of the petition review provided under this Ordinance;
- J. A Facility Impact Report (FIR) as detailed below:

Baseline information, which includes a detailed description of existing conditions, is a necessary component of the review process. The proponent of a landfill, incinerator, or hazardous waste disposal site must bear the cost of and submit to the enforcement officer the report by an independent consultant containing a comprehensive community and environmental inventory which includes:

- I. An inventory of existing natural environment
  - a) soils and geology
  - b) hydrology and water quality
  - c) hydro geologic conditions
  - d) groundwater quality/quantity



- e) aquatic communities
  - f) presence of significant, threatened or endangered species
  - g) climate
  - h) air quality
  - I) wetlands
  - j) flood-prone areas
  - k) seismic areas
- II. A profile of the existing community
- a) land use (historical and projected)
  - b) proximity to sensitive areas including:
    - residential
    - schools
    - churches
    - public parks
    - agricultural land
    - nursing homes
    - hospitals
    - infant care facilities
- III. Profile of business
- IV. Population data and trends
- V. Transportation
- VI. Usage
- a) Limiting characteristics affecting capacity or safety
- VII. Population statistics
- a) Mortality
  - b) Incidence of Disease
  - c) Cancer Incidence
  - d) Birth Defects
  - e) Respiratory Illness

These are some obvious areas of information collection that are necessary to establish a “baseline” of information against which to judge 1) those services and other improvements necessary to protect the public and environment, and 2) to judge the social and economic impacts of the proposal. They are not inclusive of all areas of baseline data that should be collected, but illustrate some major and obvious areas for which information should be developed.

This detailed information on the proposed landfill, incinerator, or hazardous waste facility must be provided by the applicant to an independent consultant for determination of the risks associated with routine operations and upset conditions at the proposed facility, and the impacts on the community, including but not limited to:

- I. Risks of Transportation Accidents
- II. Nature, extent, quantity and impacts of routine emissions to air, water, land from all sources at facility, including chemical transfer, storage, handling, destruction
- III. Nature, extent, quantity and impacts of emissions in “upset” conditions, including both historical data from comparable facilities, and modeling reasonable “worst case” upset conditions
- IV. Health Effects from Emissions
  - a) Occupational Health
  - b) Public Health
  - c) Acute Exposure
  - d) Chronic Exposure
- V. Adequacy of Emergency Services (Police, fire, Medical) to protect Public Health, Safety and Environment from:
  - a) Fire
  - b) Explosion
  - c) Flood
  - d) Chemical Release
  - e) Tornado/Earthquake/Other natural Disaster
- VI. Adequacy of Transportation System in Emergency
  - a) Evacuation Plan
- VII. Short and Long-Term Impact on Community
  - a) Community Perception
  - b) Closure and Post-Closure Plan Adequacy
  - c) Adequacy of Liability Insurance
  - d) Financial Solvency and Viability of Applicant
  - e) Applicant Profile and Compliance History
  - f) Comprehensive Economic Analysis of Land Values
  - g) Psychological Impact on Affected Area Residents
- K. A copy of the public notice of the right to submit comments to the Planning Commission;

L. A list of the names and addresses of all persons to whom the Petition for Site Approval was submitted; and

M. The following certification:

“I certify under the penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons directly responsible for gathering and evaluating the information, the information submitted to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.”

N. The owner/operator sitting fee or fees required under this Ordinance.

O. Submission, Distribution and Procedure

Any information submitted to the Planning Commission pursuant to this Ordinance may be claimed as confidential by the submitted. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “Confidential Business Information” on each page containing such information. If no claim is made at the time of submission, the Planning Commission may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in KRS 224.036. Claims that the name and address of any owner/operator is confidential will be denied.

I. The Application shall be submitted to the Enforcement Officer. Within ten (10) days of the receipt of the application, the owner/operator shall be notified in writing if the application is administratively complete. For this purpose “administratively complete” means an application determined to contain information addressing each requirement of this ordinance and to contain all information necessary to initiate technical processing and public review.

II. Upon receipt of the notification from the Enforcement Officer of administrative completeness, the owner/operator shall forthwith deliver the application to the following persons:

- A. Members of the Henry County Fiscal Court at those addresses set out in the list to be provided to the owner/operator by the Enforcement Officer.
  - B. Director, Henry County Health Department
  - C. Chairman, Henry County Board of Zoning Adjustments
- III. The procedure for approval shall follow those steps detailed in other articles of this ordinance as required.

**ARTICLE X  
REGULATIONS: OFF-STREET PARKING & LOADING**

**1000 EXISTING PARKING SPACE REGULATIONS**

Existing off-street parking provided for any building or use at the time of the adoption of the Zoning Ordinance shall not thereafter be reduced to an amount less than the requirements of this ordinance.

**1010 REQUIRED OFF-STREET PARKING SPACE**

When any new structure is constructed, it shall be provided with sufficient off-street parking space on or near the premises so that no automobile parking will be generated on any street as a result of its normal activity.

- A. If off-street parking is exceeded and street parking is necessitated more often than 6 times during a 6 month period, this shall be considered as resulting from normal activity and additional off-street parking shall be required.

**1020 OFF-STREET PARKING STANDARDS**

The following standards comprise the minimum off-street parking requirements (outside right-of-way) for the common types of buildings and uses listed:

- A. RESIDENTIAL DWELLING - Space for 2 automobiles outside the right-of-way.
- B. MULTIPLE FAMILY UNITS - 1 and ½ parking spaces for each 1 bedroom unit; 2 parking spaces for each 2 bedroom unit; 2 and ½ parking spaces for each unit with 3 or more bedrooms; 1 parking space for each room in a motel or hotel; plus 1 parking space for each 2 employees.

- C. INDOOR RETAIL BUSINESS AND SERVICE - 1 parking space per 400 square feet of gross floor area except for the B-1 or B-2 District where the municipality has provided the on-street or off-street parking facilities.
- D. INDUSTRIAL PLANTS - 1 and ½ parking space for every 2 employees at maximum employment on a single shift, plus 1 space for every vehicle operated by the plant.
- E. PLACES OF PUBLIC ASSEMBLY - 1 parking space for each 3 persons, based on maximum capacity of the central meeting area.
- F. ADDITIONAL PARKING STANDARDS - The Planning Commission shall use similar criteria of floor area, employment or capacity, or interpret standards for buildings and uses not specifically listed above.

**1030 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

All buildings and uses which generate regular truck traffic shall be provided with sufficient off-street loading and unloading space on the premises except where the municipality has provided the on-street or off-street parking facilities.

- A. A loading space shall have minimum dimensions of not less than 12 feet in width, and 50 feet in length, and height of clearance of not less than 15 feet.
- B. One (1) off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet; one (1) loading space shall be provided for each additional 10,000 square feet, or fraction thereof.

**1040 ADDITIONAL PROVISIONS**

The items listed below shall pertain to off-street parking and loading areas:

- A. Off-street parking for commercial, institutional or industrial uses shall be located not more than 700 feet from the principle use but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses if such arrangement complies with the requirements of this ordinance.
- B. Off-street parking and loading spaces shall be improved with acceptable impervious material to provide durable and properly drained surface. The surface shall be paved according to the local street specifications, except that if the loading area has only minimal traffic by the public, it may be surfaced with gravel only. Whether said loading area is trafficked in a fashion so as to not require paving is in the sole discretion of the Henry County Planning & Zoning Commission to whom requests must be

submitted for waiver of the paving requirements. Loading areas shall be maintained by the property owner in good condition without holes and free from all dust, trash, and other debris. Fencing between residential and other districts shall follow the requirements as identified in Article VI.

## **ARTICLE XI REGULATIONS: SIGNS**

### **1100 INTENT**

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the historic quality and natural beauty of designated areas.

**1105 FEE SCHEDULE** Nothing contained in this Article XI shall exempt a person desiring to install, erect, modify or place any sign, otherwise permitted by this Ordinance, from applying for, and being issued a sign permit from the Henry County Planning & Zoning Office. The Henry County Planning Commission may establish a fee schedule for sign permits. The Enforcement Office shall verify that the proposed sign conforms with applicable square footage requirements, height, setbacks and other limitations set by this Ordinance.

### **1110 SIGNS PERMITTED IN ALL ZONES AND DISTRICTS**

The following non illuminated signs are permitted in all zones and districts:

- A. Temporary signs not exceeding 32 square feet in surface area, for architectural, engineering, construction or other similar firms engaged in the work on a construction site.
- B. Temporary signs not exceeding 32 square feet in surface area, announcing or relating to a political or sales campaign, drive, or event of a civic, philanthropic, educational or religious organization.
- C. Any additional informational or directional sign or historical marker erected by a governmental agency.
- D. One (1) temporary real estate sales or rental sign per 500 feet of road frontage or portion thereof, indicating only sales or rental of the premises. Such sign shall not exceed 2 square feet of surface area when placed flat against the building or 16 square feet when free standing with set back from the street not less than 10 feet.
- E. Any sign advertising a commercial enterprise in a district zoned residential shall require a sign permit, shall not exceed 32 square feet in surface area,

and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

### **1115 SIGNS PERMITTED IN ALL ZONES AND DISTRICTS**

The following non illuminated signs are permitted in all zones and districts:

- A. Temporary signs not exceeding 32 square feet in surface area, for architectural, engineering, construction or other similar firms engaged in the work on a construction site.
- B. Temporary signs not exceeding 32 square feet in surface area, announcing or relating to a political or sales campaign, drive, or event of a civic, philanthropic, educational or religious organization. Such temporary signs shall be set back from the street not less than ten feet in order to provide for visibility related to public safety. No such signs shall be located on a utility pole. All signs addressed by this paragraph shall be removed within 3 days of the event promoted thereby. Because of the urgency of the public safety issues related hereto any sign in violation hereof may be removed by any person immediately.
- C. Any additional informational or directional sign or historical marker erected by a governmental agency.
- D. One (1) temporary real estate sales or rental sign per 500 feet of road frontage or portion thereof, indicating only sales or rental of the premises. Such sign shall not exceed 2 square feet of surface area when placed flat against the building or 16 square feet when free standing with set back from the street not less than 10 feet.
- E. Any sign advertising a commercial enterprise in a district zoned residential shall require a sign permit, shall not exceed 32 square feet in surface area, and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
- F. **SECTION 1115 APPLIES ONLY TO THE CITY OF EMINENCE.**

### **1120 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS**

In a business or Industrial district, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below:

- A. Flush mount signs - Each business shall be entitled to have one sign, which is mounted flush against a building. The depth of such a sign from face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to the 1½ square feet of lineal foot of building width occupied by such enterprise. In

the event that the area shall exceed 50 square feet, then an application must be made and approved by the Henry County Planning Commission.

- B. Projecting Signs- Each business shall be entitled to have one sign which projects from the surface of the business building. Such a projecting sign shall not project in excess of six (6) feet from the surface of the business building and such a sign shall not exceed twelve (12) square feet except upon application and approval from the Henry County Planning Commission.
- C. Free Standing Signs- Each business may have one free standing sign located upon the business property. Such a free standing sign shall not exceed fifty (50) square feet without an application for and receiving approval of same from the Henry County Planning Commission. Flashing signs and mobile signs shall be prohibited.

Where the dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on the one side of the display area of the sign. Free standing signs shall not exceed a height of 25 feet.

Provided further, where a business or industry is adjacent to more than one street or highway, additional signs may be allowed upon application and receiving approval of same from the Henry County Planning Commission.

### **1125 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS(EMINENCE ONLY)**

In a business or Industrial district, each business shall be permitted to have permanent outside signs. Signs permitted under this section shall be limited to those as described below:

- A. Flush mount signs - Each business shall be entitled to have one sign, which is mounted flush against a building. The depth of such a sign from face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to the 11/2 square feet of lineal foot of building width occupied by such enterprise. In the event that the area shall exceed 50 square feet, then an application must be made and approved by the Henry County Planning Commission.
- B. Projecting Signs – Each business shall be entitled to have one sign which projects from the surface of the business building. Such a projecting sign shall not project in excess of six (6) feet from the surface of the business building and such a sign shall not exceed twelve (12) square feet except upon application and approval from the Henry County Planning Commission.
- C. Free Standing Signs – Each business may have one free standing sign located upon the business property. Such a free standing sign shall not exceed fifty



square (50) feet without an application for and receiving approval of same from the Henry County Planning Commission. Flashing signs and mobile signs shall be prohibited.

Where the dimensions of any two-faced or multi-sided sign must be determined by measuring the surface area on the one side of the display area of the sign. Free standing signs shall not exceed a height of 25 feet.

Provided further, where a business or industry is adjacent to more than one street or highway, additional signs may be allowed upon application and receiving approval of same from the Henry County Planning Commission.

D. Informational / Directional Sign – Upon showing of business necessity or if deemed to be consistent with the public’s best interest, informational and /or directional signs may be permitted off premises which will advise of the location of a business or other entity. Such signs shall be reviewed for approval by the Henry County Planning & Zoning Commission on application. Provided, however, no such sign shall be illuminated. All signs permitted under this section shall be of a permanent type, shall not be of a mobile nature and shall not exceed 24 square feet.

E. Temporary Commercial / Promotional Signs- Any business having a short term promotion may place such signs pursuant to the following restrictions:  
1) Said signs shall be maintained in good condition.  
2) Said signs shall not be placed so as to create a hazard.  
3) Said signs shall not be placed within 10’ of any road or street unless attached to a building.  
4) Said signs shall not be left in place for more than 30 days.

F. SECTION 1125 APPLIES ONLY TO THE CITY OF EMINENCE.

**1130 SIGN SETBACK REQUIREMENTS**

Except as otherwise provided for in this Ordinance, all signs permitted under this Ordinance shall be setback from the established right-of-way of any street or highway at least one half of the distance of the established front yard setback or side yard setback, as the case may be, established for the district where said sign is located.

**1140 NONCONFORMING SIGNS AND BILLBOARDS**

Nonconforming signs and billboards shall be allowed to continue in use provided they are maintained and kept in good state of repair. No new signs or billboards shall be permitted under any circumstances except in those zones where such signs or billboards are a permitted use.

## **1150 SPECIFICALLY PROHIBITED SIGNS**

- A. Except as permitted otherwise in this ordinance, no billboards or outdoor advertising shall be erected or placed in Henry County, except on application and approval by the Commission, upon showing business necessity.
- B. No sign or outdoor commercial advertising device constituting a nuisance shall be erected or continue in operation.

## **1155 SIGNAGE AT INTERSTATE HIGHWAY INTERCHANGES(EMINENCE ONLY)**

It is recognized that the signage needs of businesses and the welfare of the County and of travelers necessitates that special rules be established for signage at interstate highway interchanges. These interstate highway interchanges are hereby defined as those areas within one thousand feet of the intersection of an interstate highway entrance or exit ramp at such ramp's intersection with any other state, federal or county highway. In said interchange area, each business shall be permitted to have permanent outside signs as follows:

- A. **FLUSH MOUNT SIGNS** Each business shall be entitled to have one sign, which is mounted flush against a building. The depth of such a sign from face to the building shall not exceed two (2) feet. The area of such a flush mount sign shall be limited to a total surface area equivalent to 2 ½ square feet of sign area for each lineal foot of building width occupied by such enterprise. In the event that the area shall exceed fifty (50) square feet, then an application must be made and approved by the Henry County Planning Commission to exceed said footage. Provided, however, where property in single ownership is occupied by more than one business under separate management upon those premises, then each such business shall be entitled to have a separate flush mount sign. Provided, however, the square footage requirement set forth herein shall not exceed those set forth herein without receiving approval from the Henry County Planning Commission.
- B. **PROJECTING SIGNS** Each business shall be entitled to have one sign which projects from the surface area of the business building. Such a projecting sign shall not project in excess of six (6) feet from the surface of the business building and such sign shall not exceed twelve (12) square feet except on application and approval from the Henry County Planning Commission. Provided, however, where property in single ownership is occupied by more than one business under separate management upon those premises, then each such business shall be entitled to have a separate projecting.
- C. **CANOPY SIGNS** Notwithstanding provisions herein to the contrary, flush mounting signage may be placed upon the canopy of any

free-standing island/canopy so long as said signage does not project from the canopy and so long as said signage does not extend beyond the width or length of the canopy proper.

- D. FREE-STANDING SIGNS Each business may have two (2) free-standing signs located upon the business property. Each of said free-standing signs shall not exceed eighty (80) square feet without an application for and receiving approval of same from the Henry County Planning Commission.

Where more than one business occupies premises in common ownership the square footage of signage permitted shall apply to each said business. Provided, however, such businesses shall be required to share the same mast and shall not be permitted to have more than two signed masts in the aggregate upon such premises.

Free-standing signs shall not exceed a height of 40 Feet. Where the dimensions of any two-faced or multi-sided sign must be determined they shall be determined by measuring the surface area on one side of the display area of the sign.

- E. Because of the peculiar needs of interchange business properties, the Planning Commission may, upon applications filed by the property owner, allow signage that meets specifications other than those set forth in this, Section 1155, upon satisfactory evidence of the peculiar needs of the business/property owner.
- F. All flashing signs (signs with flashing lights or reflectors) shall be prohibited. Additionally, mobile signs and advertisements shall be prohibited.

**1160 VIOLATIONS** - In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Enforcement Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation, and shall be punishable under Section 220 of this ordinance.

**ARTICLE XII  
REGULATIONS: PLANNED DEVELOPMENTS**

**1200 OBJECTIVES FOR PLANNED UNIT DEVELOPMENTS**

It shall be the policy of Henry County to promote progressive development of land and construction thereon by encouraging Planned Unit Development (PUD) in order to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, building setbacks and

area requirements; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetation, and prevents disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets; and a development pattern in harmony with land use density and community facilities objectives.

### **1210 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS**

Whenever there is a conflict or difference between the provisions of this Article of the ordinance, and those of the other Articles of the ordinance, the provisions of this Article shall prevail for the development of land for Planned Unit Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this ordinance.

### **1220 USES PERMITTED**

Compatible residential, commercial, public and quasi-public uses may be combined in PUD districts provided that the proposed location of the commercial uses will not adversely affect adjacent property and/or the public health, safety, and general welfare.

### **1230 PROJECT OWNERSHIP**

The project land may be owned, or leased or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

### **1240 OPEN SPACE**

The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development, or be dedicated to the city or county and retained as common open space for parks, recreation and related uses.

- A. Any land dedicated to the city or county must meet the Planning and Zoning Commission's requirements as to size, shape and location.
- B. Public utility and similar easements and right-of-ways are not acceptable for common open space dedication to the city or county unless such land or right-of-way is usable as a trail or other similar purpose, and approved by the Planning and Zoning Commission.
- C. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final PUD plan.
- D. Not more than 30% of the land reserved as open space may lie in the flood plain.
- E. The required yards and parking areas shall not be credited toward the minimum open space requirements.

### **1250 MINIMUM ACREAGE REQUIRED AND PERMITTED USES**

- A. A PUD residential project with a minimum of five (5) contiguous acres may contain single family houses (but not mobile homes), town houses, or multifamily houses, or a combination of these plus customary home occupations and customary residential accessory buildings and uses as defined by Article VI or XIV of this ordinance.
- B. A PUD residential project with a minimum of ten (10) contiguous acres may contain single family houses (but not mobile homes), 2 family houses, row houses, town houses or multifamily houses, or combinations of these plus customary home occupations and customary residential accessory buildings and uses, together with a limited amount of B-1 business and retail uses, including offices; such B-1 uses shall not represent more than 10% of the total proposed development.

### **1260 LOT YARD AND HEIGHT PROVISIONS**

- A. Minimum lot sizes for single family houses required by the zoning district in which the PUD residential project is located may be waived, but each single-family residential structure shall be placed on a separate lot of record.
- B. The minimum lot sizes for town houses or multifamily houses in the zoning district in which the PUD project is located may be waived, as well as the requirement that each structure be placed on a separate lot.
- C. The yard requirements of the zoning district in which the PUD project is located may be waived except along the exterior boundaries of the development.
- D. The height limitations of the zoning district in which the PUD project is located may be waived.

### **1270 DENSITY CONTROLS**

The maximum density of a PUD project shall not exceed twenty five (25) units per acre in multifamily use areas. For the purpose of this Article, density shall be interpreted as the number of dwelling units per gross acre devoted to residential development.

### **1280 DEVELOPMENT IN STAGES**

The entire PUD project may be divided into logical geographical sections, subject to the approval of the Planning and Zoning Commission. In such cases, reasonable periods within which the development of each section must be commenced and finished shall be specified.

## **1290 PROCEDURE FOR APPLICATION AND APPROVAL**

All proposed Planned Unit Developments shall follow procedure for zoning change approval, plat preparation and subdivision approval, as set forth in the Henry County Subdivision Regulations. In addition, the Planning Commission shall hold a public hearing on the preliminary plat of the proposed project. Accompanying all preliminary plats shall be calculations for overall density, parking requirements and other material which the commission may reasonably require.

- A. Upon approval by the Planning Commission and the Henry County Fiscal Court, a Planned Unit Development may be established in any district.
- B. A building permit shall be required for each building in accordance with this ordinance.
- C. Approval of a PUD shall expire if no substantial work on the site has begun within one (1) year of the original approval or if the project is abandoned for more than twelve (12) consecutive months.
- D. All approved PUD plats shall be recorded on the Zoning Map, with the notation "PUD" and be recorded in the County Clerk's office.

## **ARTICLE XIII REGULATIONS: MOBILE HOME SUBDIVISIONS, MOBILE HOME PARKS and RECREATIONAL VEHICLE PARKS**

**1300 INTENT-** The intent of these regulations is to guide the establishment of mobile home parks, mobile home subdivisions and recreational vehicle parks in areas providing a residential setting and convenient to major arterial, and to provide maximum compatibility between the adjacent uses and the mobile home park or subdivision.

### **1310 MANUFACTURED HOMES PERMITTED**

Manufactured homes shall be allowed only as provided under Section 640, 650, and 660, this Article and Article XV, Section 1514 and 1520.

#### **I. EXCEPTIONS:**

- A. In an A-1 district, manufactured homes used as dwelling units by farm owners, members of the farm owner's immediate family or full-time (permanent or temporary) employees of the farm owner, provided that prior approval of the sanitary waste disposal system is granted by the Henry County Health Department and provided that the "set back" requirements of the zoning district can be met. Placement of more than two manufactured homes as permitted herein shall require application and

approvals of the Henry County Planning Commission. Provided further, in no event shall the manufactured home density exceed one (1) manufactured home per twenty five (25) acres.

- B. Manufactured homes used as temporary offices of construction companies on or near a construction site.
- II. All manufactured homes used as dwellings (with the exception of recreational vehicles) are to be placed on fixed permanent foundations with the wheels or mobile parts removed, and they are to be considered as real estate in accordance with Kentucky Revised Statutes 132.750.

### **1320 MOBILE HOME SUBDIVISION**

- I. **DEFINITION:** A mobile home subdivision is a subdivision used exclusively for placement of manufactured homes for residential use along with other expressly permitted uses as permitted herein. To qualify as a mobile home subdivision, neither the subdivision developer nor his heirs, successors or assign shall be permitted to rent subdivision lots. Lots in a mobile home subdivision shall be available for sale to the general public. Nothing herein shall prohibit the purchaser of an individual lot from placing a manufactured home upon the lot purchased from the subdivision developer and renting the subdivision lot and manufactured home thereon.
- II. **PROCEDURES FOR SUBDIVIDING:** The procedure for subdividing land for mobile home subdivisions shall be the same as those for subdividing land for conventional dwellings. The Henry County Subdivision Regulations shall be the minimum standards, requirements and procedures governing the filing, designing, utilities, facilities and other improvements or physical complements of mobile home subdivisions.
- III. **MINIMUM MOBILE HOME SUBDIVISION REQUIREMENTS NOT WITHSTANDING ANY OTHER PROVISIONS OF THIS ORDINANCE:** The site and proportions of lots in any mobile home subdivision shall conform to the zoning of the property in effect at the time of the final plat submission with the following exceptions. No lot in a mobile home subdivision shall contain less than 20,000 square feet of land where public sewers are not available, or less than 6,000 square feet of land where public sewers are available.

All lots shall front on a public street and have a minimum width at the building line of 70 feet.

No more than one (1) manufactured home within the subdivision shall be situated on any one single subdivided lot.

Corner lots shall be laid out so as to provide at least minimum front yard requirements along both street frontages. Access to corner lots shall be at a distance of at least 50 feet from the intersection of the right-of-ways.

The minimum setback line from the street right-of-way shall be 15 feet; the minimum side yard on each side shall be 10 feet; and the minimum rear yard shall be 15 feet.

### **1330 MOBILE HOME PARKS**

#### **I. DEFINITION:**

A mobile home park is a residential area in which mobile home lots are rented exclusively for use as sites for manufactured homes for residential use along with other uses permitted herein. Ownership of all land in a mobile home park shall be maintained by the developer, his heirs, successors or assigns. No lots shall be severed and sold from the mobile home park.

#### **II. BASIC REQUIREMENTS:**

- A. Mobile home parks shall comply with the regulations of the Kentucky Mobile Home and Recreational Vehicle Park Law, as set forth in Chapter 219 of the Kentucky Revised Statutes.
- B. All mobile home parks shall abut upon an arterial or collector thoroughfare.
- C. No mobile home park shall be located on less than five (5) acres of land where public sewers are not available or less than two (2) acres of land where public sewers are available.
- D. No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 to 219.410.
- E. An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the Kentucky State Bureau for Health Services. In addition, the following information shall be presented to the Commission.
  - 1. A vicinity map showing the proposed location of the park in relation to major streets or highways.
  - 2. A description of the method proposed for disposal of storm drainage.



3. Proof of receipt of KRS 219 Mobile Home Park Permit.

**III. CONSTRUCTION PLAN SUBMISSION:** Following tentative approval from the Commission and the Bureau for Health Services, the applicant shall submit a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration, showing the following:

- A. A site plan showing all existing facilities and proposed facilities, as follows:
  1. Land to be developed.
  2. The number, location and size of all mobile home lots.
  3. A detailed drawing of the foundation for the placement of manufactured homes within the mobile home subdivision.
  4. The location and width of roadways, driveways and walkways; the number, location and size of all off-street automobile parking spaces.
  5. The location of parking, street lighting and electrical systems; detail drawings of water supply if sources other than approved public water supply system; detail drawings of sewage disposal facilities if other than a public sewage disposal system to be used; the location and size of all existing or proposed water and sewer lines, vents and riser pipes.
  6. A separate floor plan of all buildings and other improvements either existing or proposed.
  7. Size and location of the playground and other public areas to be provided within the park.

**IV. LOCATION AND GENERAL LAYOUT:**

- A. All manufactured homes shall be located at least 50 feet from any park boundary line abutting a public street or highway, and at least 20 feet from other park property boundary lines.

**V. UTILITY SYSTEMS:**

**A. RESPONSIBILITY OF PERMIT HOLDER:**

1. The person to whom a permit is issued for a mobile home park shall operate the park in compliance with this

ordinance and KRS 219, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this ordinance and KRS 219, and inform them of their duties and responsibilities under this ordinance.

**B. SUPPLEMENTARY PROVISIONS AND REGULATIONS:**

1. The Commission may impose such other conditions that it deems necessary to ensure that the mobile home park will not adversely affect the public health, safety or general welfare.
2. The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.
3. Off-street parking shall be provided according to the following requirements:
  - a. 2 spaces for each mobile home lot
  - b. 1 space for each full-time park employee
  - c. 1 space for each 400 square feet of gross floor area for any structure used for office, recreational or cultural activities
  - d. 1 space for each 4 mobile home lots for use by guests
  - e. 2 parking spaces required for each manufactured home shall be located on the mobile home lot; all other required spaces should be located in the bays convenient to facilities.
4. Adequate anchorage facilities must be provided for each manufactured home. Each manufactured home must be equipped with tie-downs which must be used.

C. **EXISTING PARKS:**

Any mobile home park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to presently operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

**1340 RECREATIONAL VEHICLE PARK**

I. **DEFINITION:**

Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one (1) night to several weeks.

II. **BASIC REQUIREMENTS:**

A. Size:

The minimum size of a recreational vehicle park shall be not less than five (5) acres.

B. Density:

Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet except that 20% of the lots may be as small as 1,200 square feet in area, but these may be used by tent campers only.

III. **ZONING:**

Recreational vehicle parks may be permitted as conditional use in R-3, B-2 and/or A-3 districts provided they meet the following criteria, and provided further that they are approved by the Commission:

A. That the proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations.

B. That the park will not be detrimental to the health, safety or general welfare of persons who live in the adjacent areas.

C. That the park will comply with all city, county state or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

- D. That the park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

**IV. EXISTING RECREATIONAL VEHICLE PARKS:**

Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this ordinance which does not fully meet the design and construction requirements of this ordinance may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

**ARTICLE XIV  
DEFINITIONS**

**INTERPRETATION OF TERMS AND WORDS**

The word, “person”, includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular. The word, “shall”, is a mandatory requirement; the word, “may”, is a permissive requirement, and the word “should”, is a preferred requirement. The words, “used” or “occupied”, include the words, “intended, designed, or arranged to be used or occupied”. The word, “lot”, includes the words, “plot” or “parcel” or tract. Definitions as hereinafter set forth shall be first used in the interpretation of any words or phrases not defined in this Ordinance. Any words or phrases not defined in this Ordinance shall be given the definition provided in KRS Chapter 100 and KRS Chapter 219 where defined therein. Words neither defined in this Ordinance nor in KRS Chapter 100 and KRS Chapter 219 shall be given their ordinary meaning and usage.

1. Accessory Structure or Use: Any structure or use other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of the Zoning Ordinance.
2. Administrative Officer: Enforcement Officer.
3. Agriculture: The use of the land only - minus agricultural structures - for the cultivation of crops or the raising of animals or preservation of natural state.
4. Agricultural Structure: Any structure or building accessory to a principally agricultural use of land.
5. Alteration: Any change or addition to the supporting members or foundation of a structure.

- 5a. Building Permit: Permit required to be issued pursuant to Henry County Ordinance 950-07-16-03 prior to the construction of any building in Henry County in conformance with the Kentucky Building Code and the Kentucky Residential Code as adopted by Henry County, Kentucky.
- 6. Building: Any structure which fully encloses a space for the occupancy of persons or their activities. A mobile home is not, however, a building.
- 6a. Camp or campground: Tracts of land of design or character suitable for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonal, temporary or moveable nature, such as a cabin, hunting shelter, or tent. Any permanent structures, such as cabins, must comply with the appropriate requirements for dwellings in that district.
- 6b. City Commission/City Council: Any reference to City Commission or City Council shall refer to the legislative body of the municipality(ies).
- 7. Commercial Floor Area: Floor area of a building which is devoted to the storage and display of merchandise, the performance of consumer services for the circulation and accommodation of customers.
- 8. Commercial Resort: A resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.
- 8a. Commercial Use: Any use for which land, premises or structures are used where there is intended that said use will result in profit to the owner or occupant.
- 9. Conditional Use: Means a use which is essential to or would promote the public health, safety or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations.
- 10. Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:
  - a. A statement of the factual determination by the Board of Zoning Adjustment which justifies the issuances of the permit;

- b. A statement of the special conditions which must be met in order for the use to be permitted.
- 10a. Construction and Demolition Debris Landfill (CDDL)- A Landfill for limited purposes of disposing of construction or demolition waste as permitted under and subject to the limitations and conditions stated in KRS 224.40-120.
- 11. Customarily Accessory Building: Any structure which by common usage and ordinary standards is normally associated with a permitted or conditional use.
- 12. Dimensional Variance: Departure from the terms of the zoning regulations pertaining to height or width of structure and yards and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the action of the applicant, the literal enforcement of its zoning regulations would result in unnecessary and undue hardship.
- 13. Dwelling and Dwelling Unit: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. It does not include mobile homes, temporary lodging or sleeping rooms. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.
- 14. Enforcement Officer: Any administrative official designated by the Commission who shall be charged with and provided with the authority to enforce the ordinances, regulations, codes and orders of the Planning Commission and the legislative bodies.
- 15. Height: The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
- 16. Home Occupations: Home occupation is a use of residential property which use is clearly incidental to the primarily residential use of the property. Any uses permitted or authorized under this ordinance as a home occupation shall be limited strictly to the terms of this definition and the terms of this definition are to be strictly construed. Any use not falling within the strict confines of this definition as a home occupation shall be unlawful under this ordinance. To qualify as a home occupation the use must meet each and every one of the following criteria:
  - a. Home occupations shall be incidental to the principal residential use of the property.

- b. Home occupations shall result in no exterior evidence of the home occupation excepting a sign not to exceed 2 square feet in area.
  - c. Home occupations shall not generate any atmospheric pollution, light flashers, glare, odors, noise, vibration, or truck or other heavy traffic.
  - d. Home occupation shall be conducted only by a person who is resident in the dwelling and no additional persons shall be employed in said home occupation at the residence.
  - e. No work shall be done related to the home occupation outside the residence or garage and no materials related to the home occupation shall be stored outside the residence or garage.
  - f. The Board of Adjustments shall consider what the parking need will be for the home occupation and shall place such restrictions on parking so as to be consistent with parking in the neighborhood.
- 16a. Home Occupation, Agricultural: Any home occupation which home occupation conducted elsewhere on the premises or conducted in an accessory building in any agriculture zone, provided that the home occupation is incidental to a primarily agricultural use of land and further provided that the Board of Adjustments deems the home occupation to be consistent with the public interest and not detrimental to the primarily agricultural nature of this district. Home occupations occurring in an agriculturally zoned area shall be subject the following provisions which shall prevail over any inconsistent provision in the definition shall be strictly construed and shall not be expounded upon through interpretation.

It is the intention of this ordinance to limit home occupations, agricultural to those as set forth herein and to no others. The provisions specifically relating to home occupation, agricultural are as follows:

- a. No more than one (1) person other than a member of the family residing on the agricultural property shall be engaged in the home occupation.
- b. Unless approved by the Board of Adjustments, after hearing, there shall be no change in the outside appearance of the building or premises or other than one (1) sign not exceeding sixteen (16) square feet in area, non illuminated,

and not placed in such a manner as to create traffic visibility problem or obstructions.

- c. Because it is recognized that there are areas in the County that are zoned agricultural that are not in fact used for agricultural use, it is not a requirement hereof that the use be one that is incidental to the agriculture use of the land.

However, the home occupation must be clearly incidental to either an agricultural use or residential use of the property and shall not be the primary use of the property.

- d. The following shall not be authorized as home occupations, agricultural:
  - I. Sales or display of any merchandise that is not contained entirely within an agricultural structure or residence at all times.
  - II. Repairs to any equipment that cannot be contained entirely within an agricultural structure or residence at all times.

17. Legislative Body: The chief body of the city with legislative power, whether it is the board of alderman, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court.

18. Local Information Sign: A sign indicating directions to a local commercial, industrial or other type of establishment.

19. Lot: A parcel of land under one ownership devoted to a common use or occupied by a single principal building plus accessory structures.

Corner Lot: A lot which abuts on two intersecting streets at their intersection.

Double-Frontage Lot: Any lot other than a corner lot, which abuts on two streets.

Lot Line: The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear and side lot lines are self-explanatory.

Lot of Record: A lot, which is recorded in the Office of the County Clerk.



20. **Manufactured/Mobile Home:** Definitions relating to the three types of manufactured homes, certified mobile homes and mobile homes are found in Article XV.
21. **Mobile Home Park:** A tract of land prepared and approved according to the procedures in the Zoning Ordinance to accommodate certified mobile manufactured homes.
22. **Modular Unit:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated subelements, which are to be incorporated into a structure at the site.
23. **Non-conforming Structure or Use:** A structure or use of any premises which does not conform with all applicable provisions of the Zoning Ordinance, but which existed at the time of the adoption or amendment of the Zoning Ordinance.
- 23a. **NURSING HOME:** A home for the aged, chronically ill or incurable persons in which three (3) or more persons, not of the immediate family, are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnoses, treatment, or care of the sick or injured.
24. **Outdoor:** Refers to that which is not within a building.
25. **Parking Space:** A space with minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking.
26. **Planned Unit Development:** A complex of structures and uses planned as an integral unit or community development (See Article XII).
27. **Planning and Zoning Commission:** Planning Commission
28. **Planning Commission:** Planning and Zoning Commission
29. **Premises:** A lot or other tract of land under one ownership and all the structures on it.
30. **Private Use:** Any use which is neither a commercial use nor a use that is for the general public.

31. Processing: Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restrictive treatment applied to any materials, products or personal property processing does not refer to the fabrication of structures.
32. Retail: Sale of any product or merchandise to customers for their own personal use, not for resale.
33. Road: A traffic-carrying way. As used in the Zoning Ordinance, a road may be privately owned.
- 33a. Public Road: A street or road as defined herein which is open to public travel and which is dedicated to and maintained by a governmental unit.
34. Set Back: The distance between the portion of any structure nearest to any adjacent street or highway and the right-of-way of said street or highway whether of record or established statutorily.
35. Sign: Any word, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices, (including loud speakers), designs, pictures, trade names, or trade marks by which anything is made known, such as are used to designate an individual, a firm or association, a corporation, a profession, a business, a service commodity, or a produce, which are visible from any public street, or right-of-way, and designed to attract attention. The term, "sign", shall not include the flag, pennant, or insignia of any nation, state, city of other political, education, charitable, philanthropic, civic, professional or religious campaign, drive, movement or event (See Article XI for regulations).
36. Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
37. Street: A traffic-carrying way. As used in the Zoning Ordinance, a street may be privately owned.
- 37a. Public Street: A street or road as defined herein which is open to public travel and which is dedicated to and maintained by a governmental unit.
38. Structure: Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings and manufactured homes. However, no fence eight feet or less in height shall be considered to be a

structure for purposes of this ordinance. Structure does not include materials laid flush with the ground which do not contain interior space for occupancy (driveway).

39. Subdivision: The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this definition.
40. Use: Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.
41. Variance: A departure from the strict conformance with the dimension and area regulations which must first receive the approval of the Board of Zoning Adjustment.
42. Yard: The open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by the Zoning Ordinance. Yards are further defined, as follows:
  - Front Yard: That portion of the yard extending the full width of the lot and measured between the front lot and a parallel line tangent to the nearest part of the principle building, which line shall be designated as the front yard line.
  - Rear Yard: That portion of the yard extending the full width of the lot and measured between the rear lot and a parallel line tangent to nearest part of the principal building.
  - Side Yard: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principle buildings.
43. Zoning Enforcement Officer: Enforcement Officer.

**ARTICLE XV  
MANUFACTURED HOMES ON INDIVIDUAL LOTS  
OUTSIDE OF MOBILE HOME PARKS**

**1500 INTENT**

It is the intent of this ordinance to encourage provision of alternative, modest housing in general residential areas by permitting the use of certain manufactured homes, as constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same district.

**1510 EXTERIOR APPEARANCE STANDARDS**

Manufactured homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residences:

**1511 TYPE I MANUFACTURED HOMES**

Type I Manufactured Homes shall:

- A) have more than nine hundred and fifty (950) square feet of occupied space in a double or larger multi-section unit;
- B) be placed on a permanent foundation;
- C) utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Section 1530;
- D) be anchored to the ground, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
- E) have wheels, axles and hitch mechanisms removed;
- F) have utilities connected, in accordance with the One and Two Family Dwelling Code and manufacturer's specifications;
- G) have siding material of a type customarily used on site-constructed residences. The list of approved siding materials shall be adopted and revised by Planning Commission action only; and
- H) have roofing materials of a type customarily used on site-constructed residences. The list of approved roofing materials shall be adopted and revised by Planning Commission action only.

### **1512 TYPE II MANUFACTURED HOMES**

Type II Manufactured Homes shall:

- A) have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- B) be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 1540;
- C) be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 1530;
- D) be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- E) have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;
- F) have siding material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List); and
- G) have roofing material of a type customarily used on site-constructed residences (the Planning Commission's designated administrator may compile a list of approved materials meeting the compatibility test - see Approved Materials List).

### **1513 TYPE III MANUFACTURED HOMES**

Type III Manufactured Homes shall:

- A) have more than three hundred and twenty (320) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);
- B) be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;
- C) be placed onto a support system, in accordance with approved Installation Standards, as specified in Section 1540;
- D) be enclosed with foundation siding/skirting, in accordance with approved Installation Standards, as specified in Section 1530;
- E) be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.

**1515 MANUFACTURED HOMES FOR NON-RESIDENTIAL PURPOSES**

Use or placement of Type I, Type II, and Type III manufactured homes for non-residential purposes shall be a conditional use in all districts. No manufactured home shall exceed 40 foot in length. Placement of any manufactured home other than a Type I, Type II, or Type III manufactured home as defined by this ordinance shall be prohibited in all districts and for all purposes. Except, however, nothing herein shall be construed so as to require removal of those nonconforming manufactured home legally in existence as of the date of enactment of this ordinance.

**1520 SCHEDULE OF USES**

Manufactured or certified mobile homes are permitted for permanent residences as follows:

	<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>
	<b>MH</b>	<b>MH</b>	<b>MH</b>
<b>A-1</b>	P	PC*	P*
<b>A-2</b>	P	C	C
<b>A-3</b>	P	C	C
<b>R-1</b>	C	X	X
<b>R-2</b>	C	C**	X
<b>R-3</b>	P	C**	X
<b>B-1</b>	C**	C**	X
<b>B-2</b>	C**	C**	X
<b>B-3</b>	C**	C**	X
<b>I-1</b>	C*	X	X
<b>I-2</b>	C*	X	X
<b>MOBILE HOME PARKS</b>	P	P	PC**
<b>MOBILE HOME SUBDIVISION</b>	P	P	PC**

- P -Permitted
- P\* -Requires a minimum of 10 acres
- PC\* -Permitted if 10 acres or more; Conditional if less than 10 acres.
- PC\*\* -Permitted if 5 years old or newer at time of placement; Conditional if older than 5 years at time of placement
- C -Conditional
- C\* -Conditional-BOA can permit them for industrial purposes only.
- C\*\* -Conditional-BOA can permit them if 5 years old or newer at time of placement
- X -Not permitted.

Provided, however, a determination of manufactured home placement which is allowable under this section shall utilize the more restrictive of the following:

1. The manufactured home placement originally designated for the zone, or
2. The manufactured home placement allowable on any lot which has more restrictive permitted uses because of the size of the lot.

### **1530 INSTALLATION STANDARDS**

#### **A. PERMANENT PERIMETER ENCLOSURE**

Those manufactured homes designated in the zoning ordinance as requiring a permanent perimeter enclosure must be set onto an excavated area, with foundations, footers and crawl space or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

#### **B. FOUNDATIONS SIDING/SKIRTING (FOR TEMPORARY STRUCTURES)**

All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six (6) inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half (1½) square feet for each twenty-five (25) linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one half (½) inch in any dimension. The underfloor area shall be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the under floor space, or other approved access mechanism.

## **1540 SUPPORT SYSTEM**

### **A. TYPE I MANUFACTURED HOMES:**

All HUD-Code TYPE I Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

### **B. TYPE II AND III MANUFACTURED HOMES:**

All HUD-Code TYPE II and III Manufactured Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support Systems regulations in the ANSI/NFPA 501A 1977 Installation Standards.

## **1580 TEMPORARY USE**

### **1. CIRCUMSTANCES FOR PERMIT ISSUANCE**

Subject to conditions, fees, and standards otherwise required by this Ordinance, a temporary use permit shall be issued:

- A. To an applicant in an area zoned A-1 or A-2 in the process of building a conventional dwelling to locate a manufactured home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued;
- B. To an applicant to use a manufactured home as a caretaker's quarters or construction office at a job site;

### **2. LENGTH OF PERMIT**

- A. A temporary use permit may be issued, at the discretion of the Planning Commission's designated administrator, for a period not to exceed twelve (12) months. The temporary permit may be renewed for additional three (3) month periods upon showing of good cause, and with permission to do so. However, at the discretion of the Planning Commission's designated administrator, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstances.



**B. PERMIT EXPIRATION**

At the time the temporary permit expires, the manufactured home and all appurtenances shall be removed from the property within ninety (90) days.

**C. UTILITY REQUIREMENTS**

Manufactured homes used for temporary uses shall have an approved water supply, Sewage disposal system, and utility connections, where appropriate, and at the Discretion of the Planning Commission's designated administrator.

**1591 MANUFACTURED HOMES DEFINITIONS**

**1. ADD-A-ROOM UNIT**

A unit of manufactured housing, not designed as a part of the original structure, which may have less occupied space than a manufactured housing section.

**2. ANCHORING SECTION**

An approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured home.

**3. ANSI/NFPA 501 A STANDARD FOR INSTALLATION OF (MANUFACTURED) HOMES**

Model national standards (including authorized successor documents) for installation of manufactured homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

**4. APPROVED**

Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

**5. EXPANDO UNIT**

An expandable manufactured housing unit.

**6. FOUNDATION SIDING/SKIRTING**

A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particle board, treated pressed wood or other approved materials, enclosing the entire Undercarriage of the manufactured home.

**7. MANUFACTURED HOME**

A dwelling unit fabricated in an off-site manufactured facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. The three types of manufactured homes (Type I, Type II, Type III) are defined as meeting all of the appropriate requirements of this chapter.

**8. MANUFACTURED HOME SUBDIVISION**

A parcel of land platted for subdivision according to all requirements of the comprehensive plan and zoning ordinance designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

**9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE**

Title VI of the 1974 Housing and Community Development Act (42U.S.C. 5401 et sequentia), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer), which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules.

**10. MANUFACTURED OR MOBILE HOME COMMUNITY (PARK)**

A parcel of land on which two (2) or more manufactured or certified mobile homes are occupied residences.

**11. MOBILE HOME**

Type I, Type II, Type III as described in Chapter 1500.

**12. OCCUPIED SPACE**

The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios, porches.

**13. ONE AND TWO FAMILY DWELLING CODE**

The nationally recognized model building code prepared by the Council of American Building Officials.

**14. PERMANENT PERIMETER ENCLOSURE**

A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground.

**15. PERMANENT FOUNDATION**

Any structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**16. RECREATIONAL VEHICLE**

A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers, and motor homes.

**17. SECTION**

A unit of a manufactured home at least ten (10) body feet in width and thirty (30) body feet in length.

**18. SPECIAL EXCEPTION PERMIT OR CONDITIONAL USE PERMIT**

A device for permitting a use within a district other than a principally permitted use.

**19. SUPPORT SYSTEM**

A pad or a combination of footing, piers, caps, plates, and shims, which, when properly installed, support the manufactured home.

**ARTICLE XVI  
RECYCLING**

**1600 RECYCLING CENTERS/CONDITIONAL USE**

Centers for the collection of certain recyclables shall be considered to be a conditional use in all districts except for R-1, R-2, and R-3 where said centers shall be prohibited and for I-1 and I-2 where said centers are permitted uses. The recycling centers referred to as a conditional uses under this section and specifically provided for shall be centers for the pick up/drop off of recyclable household (but not commercial or industrial) materials including glass containers, plastic containers, tin and aluminum cans, newspapers, cardboard, paper and similar recyclable

material. Said center shall be considered conditional uses subject to Board of Adjustment's approval in said districts. However, such conditional use shall not include any processing on site (except for manual compaction not utilizing mechanical devices) of such materials to be recycled. Further, no such recyclable materials shall be stored so as to be visible from any street or public way or from any adjoining property. Any recycling center for materials not identified above or that involves on site processing shall be addressed in the appropriate industrial zone.

## **ARTICLE XVII CELLULAR ANTENNA TOWER**

### **1700 CELLULAR ANTENNA TOWERS**

The Henry County Planning Commission shall register with the Public Service Commission in the form of an official resolution adopted by the Planning Commission. Henceforth, every utility or company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower of cellular telecommunications services or personal communication services within this jurisdiction shall comply with all provisions of KRS 100.987. Further, the Henry County Planning Commission shall conform to all requirements, and including confidentiality requirements, as are set forth in KRS 100.987.

- I. After receiving the uniform application to construct a cellular antenna tower, the Planning Commission shall:
  - A. Review the uniform application in light of its agreement with the Comprehensive Plan and locally adopted zoning regulations.
  - B. Make its final decision to approve or disapprove the uniform application.
  - C. Advise the utility and the Public Service Commission or within a date certain specified in a written agreement between the local Planning Commission and the utility. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the local Planning Commission has approved the utility's uniform application.
- II. A. If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired, whichever is first. If a

Planning Commission rejects the uniform application to construct an antenna tower, the Public Service Commission may override the decision of the Planning Commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity requires the proposed construction.

B. Any party, other than the applying utility that is aggrieved by the final action of a Planning Commission under this section may intervene in the action to the Public Service Commission, but this appeal shall not automatically postpone action by the Public Service Commission.

III. The Planning Commission may require the utility to make a reasonable attempt to collocate additional transmitting or related equipment on any new or existing towers, if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower. A Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applying utility can successfully co-locate its transmitting and related equipment. If the local Planning Commission requires the utility to attempt co location, the utility shall provide the local planning unit with a statement indication that the utility has:

A. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as telecommunications tower or another suitable structure capable of supporting the utility's facilities, and that identifies the location of the tower which the applying utility will co-located its transmission and related facilities on; or

B. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that;

1. Identifies the location of the towers which the applying utility attempted to co-locate on; and

2. List the reasons why the co-location was unsuccessful in each instance.

IV. The local Planning Commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.

- V. In the event of co-location, a utility shall be considered the primary user of the tower if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

**1710 GUIDELINES FOR PLACEMENT OF CELLULAR TOWERS**

cellular antenna towers shall be considered permitted uses in all zoning districts. Provided, however, the Planning Commission must first approve any particular placement of a cellular tower and shall use the following criteria in determining location of a cellular tower, to wit:

1. Cellular antenna towers should not be placed within a one-mile radius of any existing developed residential area or any area that is anticipated for high-density residential development unless same cannot be co-located with an existing cellular tower or other reasonable steps can be made so as to mitigate the effect that the tower would have upon the surrounding residential communities.
2. Cellular antenna towers should not be placed within a one-mile radius of any incorporated town unless same cannot be co-located with an existing tower or other existing structure so as to mitigate the impact upon the residents thereof.