

**ARTICLE IV
GENERAL PROVISIONS**

Except as hereinafter specifically provided, the following general regulations shall apply:

Section 4.01. APPLICATION OF REGULATIONS

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

Section 4.02. COORDINATION WITH SUBDIVISION REGULATIONS

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind - residential, commercial or industrial - the provisions of pertinent Subdivision Regulations shall apply in addition to the provisions of the zoning ordinance.

Section 4.03. CONDITIONAL USE REGULATIONS

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

(a) All Districts: The following conditional uses only may be approved in all zoning districts:

1. Local and non-local public utility transmission lines and pipes.
2. Utility structures and public service buildings.
3. Expansion of transportation facilities and appurtenances.
4. Government buildings and uses.

(b) Specified Districts: Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations or Chart of Permitted Uses.

(c) Procedure: In applying for conditional use permit, the applicant shall submit a written application to the Administrative Official and follow all procedures set forth in this section. The administrative official shall refer the application to the Board of Zoning Adjustment. The Board of Zoning Adjustment shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424.

(d) Action: The Board may approve, modify or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things must be done before such request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section of this chapter listing the conditional use under consideration. The board shall have the power to revoke a conditional use permit for noncompliance with

the conditions thereof. Further the Board shall have the right of action to compel offending structures of uses removed at the cost of the violator and may have personal judgment for such costs.

(e) Filing: All conditional use permits approved by the Board of Adjustments shall be recorded at the expense of the applicant in the office of the City Clerk and the Muhlenberg County Clerk.

(f) Time Limit: In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing held by the Board of Zoning Adjustment in accordance with KRS 100.424. "Exercised" as set out in this section shall mean that binding contracts for the construction of the main building or other building or other improvement is under construction to a substantial investment, is under contract, in development or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as designated in the permit.

(g) Exemptions: Granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing, and other codes and regulations.

(h) Review: The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the administrative official shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit and a copy of the report shall be furnished to the Chairman of the Board of Adjustments. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause termination of activity on the land which the conditional

use permit authorizes.

(j) Permanent Approval: Once the Board of Zoning Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request by the applicant, may if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the conditional use permit, which is on file with the City Clerk. Thereafter, the said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

Section 4.04. APPROVED WATER SUPPLY AND SEWERAGE DISPOSAL FOR BUILDINGS

No person shall construct any building without water supply and sewerage disposal facilities approved by the State Plumbing Inspector and which is in compliance with all other applicable laws. Wherever sewer mains are accessible, buildings shall be connected to such mains. In other cases, individual water supply and sewerage disposal facilities must meet the requirements set by the State Plumbing Inspector. Such certificate of approval must accompany applications for building permits and certificate of occupancy.

Section 4.05. TOWNHOUSES

Townhouses shall be permitted in the R-3, multi-family residential district, provided that the following requirements are met:

(a) For townhouse development a minimum of two (2) acres, exclusive of streets in single ownership or control shall be developed.

(b) Development involving new or additional streets or any public dedication of land shall be subject to Planning Commission review and approval, as provided in pertinent Subdivision Regulations.

(c) Townhouse Minimum Yard Requirements:
Front Yard.....25 feet
Side Yardattached dwellings...none
 end dwellings of attached or semi-
 attached...10 feet.
Rear Yard.....20 feet
Street Side Yard..Same as the district in which it
 is located

(d) Townhouse Height: Maximum building height..30 ft.

(e) Townhouse Minimum Area Requirement: No lot shall contain less than 2,000 square feet of land; however, there shall be a minimum open area or play area of one-half acre per two acres or fraction thereof developed exclusive of streets, public ways, parking areas, and any other non-residential uses. It shall be the responsibility of the developer to make the necessary provisions for the perpetual maintenance of such open area and parking area subject to the approval of the Planning Commission.

(f) Townhouse Lot Size:
Minimum Frontage for Attached Dwellings: 18 ft.
Minimum Depth: 80 ft.

(g) Other requirements for Townhouses:

1. The total dwelling units in any group of attached dwellings shall not exceed 10 units.

2. Off-street parking shall be permitted on each lot. Off-street parking shall be in compliance with provisions presented in this Zoning Ordinance.

3. Maximum area of lot that can be covered by building floor area shall be 40%.

Section 4.06. DUPLEXES

Duplexes shall be permitted in the R-2, two family Residential District and the R-3 Multi-family Residential District provided that the area, height, bulk and placement regulations are met.

(a) Zero Lot Line: Each unit of a two-family dwelling (duplex) may be located on a separate lot. In such case the minimum lot size and the minimum lot width for each lot shall be one-half (1/2) the respective dimensions required by the district for a two-family dwelling and the minimum side yard for each unit's non-common wall side shall equal to the minimum dimension required by the district for a two-family dwelling. (The common wall side yard being zero (0) by definition).

(b) Special Covenants Required: Application of Zero Lot Line provisions will require special covenants within the deeds of affected lots. Such covenants must respond to issues unique to zero line dwelling units. These issues, among others, will include:

(1) Interior zero line building elements will involve maintenance performed from an adjacent property, thereby necessitating maintenance easements.

(2) Common-wall dwelling units should generally correspond in architectural style, color, scheme, etc., which may necessitate a perpetual design control mechanism to define the individual rights and collective responsibilities of affected

property owners.

Section 4.07. JUNKYARDS

Junkyards are not designated as permitted uses in any district and consequently are non-conforming uses in all districts. They shall conform with articles prescribing regulations for non-conforming uses.

Section 4.08. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS ON CORNER LOTS

Within the area defined by the intersection of any two right-of-way lines of streets or railroads and a straight line intersecting those two right-of-way lines a points thirty (30) feet from the intersection, no obstructions to vision between a height of two and one-half (2 1/2) feet and twelve (12) feet above the imaginary plane defined by those three points of intersection are permitted.

Section 4.09. SIDE YARD REGULATIONS FOR CORNER LOTS

The side yard requirement for all principal buildings on corner lots shall be such that no corner building extends toward the side street more than ten feet beyond the setback line set for buildings along the street to the corner lot.

Section 4.10. REGULATIONS FOR DOUBLE-FRONTAGE LOTS

Double frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.

Section 4.11. APPLICATION OF YARDS TO ONE BUILDING ONLY

No part of a yard required for any building may be included as fulfilling the yard requirements for an adjacent building.

Section 4.12. USE OF YARDS FOR ACCESSORY BUILDINGS

No accessory building is permitted in front yards. They are permitted only in rear yards according to the dimension and area regulations.

Section 4.13. USE EXCEPTIONS

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

No building permit or certificate of occupancy required for:

- (a) Local public utility distributing and collecting

structures such as pipes and transmission lines, transformers and meters. Large utility structures such as electrical substations or gas pumping stations are permitted only as conditional uses.

(b) Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Transportation or the City of Central City, whichever is applicable.

(c) Private drives, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.

(d) Real estate signs located on the premises or subdivision signs advertising property for sale or rent.

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

(f) Horticulture and landscaping of any premises.

Section 4.14. HEIGHT EXCEPTIONS

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

Section 4.15. LOT OF RECORD

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

Section 4.16. GROUP HOUSING

In the case of group housing, two or more buildings to be constructed on a plot of ground, not subdivided into the customary

streets and lots, and which will not be so subdivided to where the existing or contemplated street and lot layout make it impractical to apply the requirements of this chapter to the individual building units in such group housing, the application of the terms of this chapter may be varied by the Board of Zoning Adjustment in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the Board of Zoning Adjustment authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district or a greater height, or a smaller yard area than the requirements of this chapter permit in such an area.

Section 4.17. STREETS, ALLEYS AND RAILROAD RIGHT-OF-WAY

All streets, alleys and railroad right-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, or railroad right-of-way. Where the center line of a street or alley serves as a district otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 4.18. PERMITTED USES

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose than is permitted in the district in which the building or land is located.

Section 4.19. PERMITTED AREA

No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

Section 4.20. ZONING LOT

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than one such building on one lot unless otherwise provided for in these regulations.

Section 4.21. VISIBILITY

No structure, wall, fence, shrubbery or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shade trees will be permitted where all branches are not less than eight (8) feet above the street level. In the case of corner lots, this shall also mean that there shall be provided an

unobstructed triangular area formed by the street from the intersection of the street lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

Section 4.22. DWELLINGS IN NON-RESIDENTIAL DISTRICTS

No dwelling shall be erected in the M-1 or M-2 districts. Dwellings shall be permitted in business districts only by conditional use permit as noted in the Chart of Permitted Uses.

Section 4.23 NUMBER OF BUILDINGS ON LOT

Restriction: Each dwelling hereafter erected or structurally altered shall be located on a lot and except in the case of a multiple housing project, or PUD, there shall be not more than one main building and an accessory building on any single lot.

Section 4.24. ACCESSORY BUILDINGS

Except as otherwise permitted in these regulations, accessory buildings shall be subject to the following regulations:

(a) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to main or principal buildings.

(b) Accessory buildings shall not be erected in any required yard except a rear yard, providing that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot line or rear lot line.

(c) An accessory building, not exceeding one (1) story or fourteen (14) feet in height, may occupy not more than twenty-five percent (25%) of any non-required yard; provided that in no instance shall the accessory building exceed the ground floor of the principal building.

(d) No detached accessory building other than a garage shall be located closer than fifteen (15) feet to any principal building.

(e) In the case of double frontage lots, accessory building shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

(f) When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to the lot to its rear, said

building shall not project beyond the front yard line required on the lot in rear of such corner lot.

(g) In any residential zone no garage shall be erected closer to the side lot line than the permitted distance for the dwelling unless the garage shall be completely to the rear of the dwelling in which event the garage may be erected five (5) feet from the side and rear lot line. No garage or portion thereof shall extend beyond the front building line of the dwelling. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garages shall not encroach in or upon the minimum front yard areas as required by these regulations and provided the cornice, eaves, or overhang shall not extend more than six (6) inches into the required side yard area.

(h) Carports constructed in residential zoning districts shall comply with the following requirements:

1. A carport that is placed at the side of an existing residence and which consists of a roof and supporting posts made of non-combustible materials, may extend to within five (5) feet of an interior side lot line. The carport may also extend to within ten (10) feet of the side lot line along a public street. The requirements stated in this paragraph refer to the distance between a side property line and the roof line of the carport.

2. A carport which is structurally part of a residence (i.e., one that is composed of the same building materials as the house of which it is a part, and that has the same roof line as the house of which it is a part) shall not extend into a required side yard. Such a carport is usually constructed at the same time as the residence of which it is a part.

3. No carport shall extend into the required front yard of a lot.

4. A carport that encroaches into the required side yard of a lot as permitted by this section may not later be converted into living area, a storage room, garage or other walled structure.

Section 4.25. PROHIBITED USES IN ALL RESIDENTIAL DISTRICTS

(a) No appliances such as washing machines and refrigerators shall be stored for more than 24 hours in any residential district except in a carport or enclosed building or behind the portion of a building nearest to a street. Automotive vehicles or trailers of any kind or type without current license

plates shall not be parked or stored in any residential district other than in completely enclosed buildings. Boats and boat trailers are exempt from the provisions of this section.

(b) Commercial highway trucks and semi-trailers shall not be parked or stored in residentially zoned districts at any time with the exception that a commercial highway truck used for business purposes by the occupant of a residential property may be parked in a driveway of that property.

(c) It shall be a prohibited use in an open area in all residentially zoned district to park or store wrecked or junked vehicles, power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material.

Section 4.26. EXCAVATION, SOIL REMOVAL AND FILLING OF LAND

The principal use of land for the excavation, soil removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products is not permitted in any zoning district except under a permit from and under the supervision of the enforcement officer in accordance with a topographic plan, approved by the local government engineer, submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 200 feet equals 1 inch and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the local government engineer. Such permit may be issued in appropriate cases upon the filing with the application of a Surety Bond executed by a surety company authorized to do business in the Commonwealth of Kentucky, in favor of the Planning Commission in an amount established by the local government engineer which will be sufficient in amount to rehabilitate the property upon default of the operator of such excavating or filling operation, and to cover court costs and other reasonable expenses. This regulation does not apply to normal soil removal for basements or foundation work when a building permit has previously been duly issued by the enforcement officer. Neither do these regulations apply to general agricultural uses.

Section 4.27. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF REGULATION

Nothing in these regulations shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of these regulations, and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within one (1) year from the date of passage of these regulations.

Section 4.28. VOTING PLACE

The provisions of these regulations shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election or referendum.

Section 4.29. ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or governmental departments or commission, of underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary furnishing of adequate service by such public utilities or governmental departments or commissions, or for the public health or safety or general welfare shall be permitted as authorized and regulated by law and other regulations of the governing body in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of these regulations.

Section 4.30. BUILDING CODES

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the front lot line to the finished grade line at the front of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas provided proper means are constructed and maintained to prevent the runoff of surface water from creating a nuisance on the adjacent properties. Final grades shall be subject to the approval of the enforcement officer.

Section 4.31. BUILDING TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises located within the jurisdiction of the City Council shall not be moved and be placed upon any other premises in the same jurisdiction until a building permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of the regulations in the same manner as a new building or structure. No building or structure shall be moved into the jurisdiction of the City Council until such building permit has been secured.

Before a permit may be issued for moving a building or structure, the enforcement officer shall inspect same and shall determine if it is in a safe condition to be moved, whether it may be reconditioned to comply with the Building Code and other requirements of the City Council for the use and occupancy for which it is to be used.

Section 4.32. EXCAVATION OR HOLES

Removal and filling of land, the construction, maintenance or existence within the jurisdiction of the governing body of any unprotected, unbarricaded, open and dangerous excavations, holes, pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued pursuant to these regulations or the Building Code of the governing body where such excavations are properly protected and warning signs posted in such a manner as may be approved by the enforcement officer and, provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the Commonwealth of Kentucky, or other governmental agencies.

Section 4.33 SIGNS

The erection, construction or alteration of all outdoor advertising structures, billboards, signs and other notices which advertise a business, commercial venture or name of a person or persons, shall comply with the Building Code and all requirements of this regulation.

Section 4.34. JUNK AND/OR USED AUTO PARTS

Junk and/or used auto yards shall comply with the following:

(a) Fences around the entire area of junk yards and/or used auto parts yards or salvage yards, shall be required. Fences shall not be less than six (6) feet nor greater than ten (10) feet in height. Fences shall be designed and constructed in compliance with existing building codes, including construction from ground level in order to prevent animal migration. Fences and/or green belts shall be used to shield contents of such business from view of public streets or residential areas. Fences shall be properly maintained at all times.

(b) Stacking of motor vehicles or parts of motor vehicles in a salvage or used auto parts yard shall be limited to a height of two (2) vehicles high.

(c) Stacking in a junk yard shall be limited to forty (40) feet in height. There must be enough space provided so that if any material falls or is blown over, it will fall on the property. The Board of Zoning Adjustment shall have the authority to permit stacking in excess of forty (40) feet in height.

(d) No items for sale shall be stored or displayed on the fence or outside of the fenced area except complete units which have not been damaged which shall be limited to five (5) such units.

(e) Any new business or old business moving to a new location shall be in full compliance with the regulations of this ordinance.

Section 4.35. EXCLUSIVE USE DISTRICT

The purpose of this district is to allow rezoning applicants to request that a certain area be designated "Exclusive Use" (EU) which area, after having been recommended by the Planning Commission and approved by the City Council shall be used for only those uses prescribed by the application. An applicant applying for an exclusive use may ask for and receive consideration by the Planning Commission under the same terms and conditions prescribed for in any other rezoning request. The applicant may be required to submit a site plan, architectural rendering, or other such material as might be of assistance to both the Planning Commission and the City Council in their consideration.

Section 4.36. PUBLIC NOTICE REQUIREMENTS

All re-zonings must follow public notice requirements for public hearings as set forth in KRS, Chapter 100.