

**ZONING ORDINANCE FOR THE  
CITY OF CENTRAL CITY, KENTUCKY**

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**ARTICLE I**

**TITLE, ENACTING CLAUSE, PURPOSE AND SCOPE**

**Section 1.01. Title**

This document shall be known as "The Zoning Ordinance of the City of Central City, Kentucky", and all explanatory matter therein is hereby adopted and incorporated as part of this Ordinance.

**Section 1.02. Enacting Clause**

Be it ordained by the City of Central City, Kentucky as follows:

Pursuant to the authority granted by Kentucky Revised Statutes, Chapter 100, Section 100.201 through 100.271 to a legislative body to regulate and restrict the height, number of stories, size of buildings and other structures, the percentage of the lot that may be occupied, the sizes of yards, courts and open spaces, the density of population, and the location and use of purposes, that the City of Central City be divided into districts as hereinafter described and that the regulations, restrictions, and boundaries of districts shall be established, enforced and amended as provided in this Ordinance.

**Section 1.03. Purpose and Scope**

The subsequent Ordinance is enacted in order to promote public health, safety, morals and general welfare of the city to facilitate orderly and harmonious development and the aesthetic and historical character of the city to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this Ordinance provides for vehicle parking and loading space, facilitating fire and police protection, preventing overcrowding of land, blight danger and congestion in the circulation of people and commodities and the loss of life, health or prosperity from fire, flood and other dangers. This Ordinance also protects highways and other transportation facilities, public facilities including schools and public grounds, central business districts and commercial, industrial and other specifics meriting special protection by the city.

**ARTICLE II  
DEFINITIONS**

**Section 2.01. General Rules**

The following general rules shall govern the interpretation of words and phrases used in this Ordinance:

Words used in the present tense include future. The singular number includes the plural and the plural singular. The word

"shall" is mandatory, not merely directive, the word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

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".

The words "erected or altered" include the words "constructed, reconstructed, restored, extended or structurally altered".

## **Section 2.02. Definitions**

Words and phrases used in this Ordinance are defined as follows:

**Accessory Use of Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Administrative Official:** The City Administrator of the City of Central City, Kentucky; or in the alternative, such person designated by the Mayor by Executive Order.

**Agricultural:** Included the growing of crops in the open, dairying, grazing, the raising and maintenance of poultry and other livestock, horticulture, viticulture, floriculture, forests, and timber. Commercial feed lots, the raising of furbearing animals, riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

**Alley:** Any public or private way twenty (20) feet or less in width which affords only a secondary means of access to abutting property.

**Alteration:** Any change, addition or modification in construction or type of occupancy, and change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**Basement:** That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such a storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for the purpose of general household habitation. A basement shall not be counted a story.

**Board:** "Board" shall mean the Board of Zoning Adjustment.

**Boarding House:** A building where, for compensation and by prearrangement, six or more persons other than occasional or transient customers are provided with lodging and meals.

**Buffer:** An area meeting specified widths and depths on the side(s) abutting, facing, or confronting between different land uses. A buffer area serves as a physical and/or visual means of separating differing land uses. Where required under provisions of this Ordinance, a buffer area shall be provided as specified herein.

**Building Area:** The portion of a building site remaining after required yards have been provided.

**Building:** Any covered structure either temporary or permanent intended for the shelter, housing, or enclosure of persons, animals, or chattels of property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

**Building Height:** The vertical distance from established grade to the highest finished roof surface in the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of more than one (1) foot in four and one-half (4 1/2) feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building Inspector:** The Building Inspector of the city or his authorized representative.

**Building, Separate:** Any portion of any structure completely separated from every other portion by a masonry or a fire wall without any window, which wall extends from the ground to the roof.

**Building, Main or Principal:** A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which it is situated.

**Building Site:** The land occupied or to be occupied by a principal building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities, and off-street truck loading facilities as are required by this Ordinance; every building site shall abut upon a dedicated street. Any building site established after the effective date of this

Ordinance which occupies only a portion of a lot of record may be established only in accordance with the requirements of the Subdivision Regulation or this Ordinance, whichever is more restrictive.

**Carport:** A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

**Centerline of Street:** The center of the surfaced roadway or the surveyed centerline of the street as defined by the City Engineer or his designated representative.

**Certificate of Use and Occupancy:** The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulation or conditions of the building permit.

**Clerk:** The Clerk of the Governing Body.

**Clinic, Dental or Medical:** A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory, but it shall not include in-patient care of operating rooms for major surgery.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

**Commission:** The Muhlenberg County Joint City-County Planning Commission.

**Completely Enclosed Structure:** A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

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

**Conditional Use Permit:** Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

a. A statement of the factual determination by the Board of Zoning Adjustment which justifies the issuance of the permit; and

b. A statement of the specific conditions which must be met for the use to be permitted.

**Convalescent Home:** A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders wherein two or more persons are cared for. Said home shall conform and qualify for license under state law.

**Court:** An open, unoccupied, unobstructed space, other than a yard on the same lot as a building.

**Day Care Center:** Facilities for the day care and maintenance of children without living accommodations for the clientele. Such facilities shall be regulated if the center is designated to accommodate more than twelve children or if the center operates outside the residence of the owners regardless of the number of children. The definition shall include day nurseries, nursery schools, kindergartens and related facilities but shall not include facilities providing overnight care.

**Density:** The number of families residing on, or dwelling units developed on an acre of land.

**Dimensional Variance:** A departure from the terms of the zoning ordinance pertaining to height or width of structures and size of 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 actions of the applicant, the literal enforcement of zoning regulations would result in unnecessary and undue hardship.

**District:** A portion of the jurisdiction of the Governing Body within which a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot acres and other requirements are established, e.g., residential district, commercial district, etc.

**Drive-in Establishment:** A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicle. Examples include drive-in banks and drive-in cleaners.

**Drive-in Restaurant:** Any place or premises used for the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including establishments where customers may serve

themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling Unit, Single Family:** A detached conventional or prefabricated building containing one dwelling unit and used exclusively by one family; it shall not be construed to include mobile homes.

**Dwelling Unit, Two-family:** A building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.

**Dwelling, Group:** A group of two (2) or more single-family semi-detached or multiple dwellings occupying a parcel of land in common ownership and having yards or courts in common.

**Dwelling, Mobile Home:** A detached, movable or portable, dwelling unit, with or without permanent foundation, which is manufactured on a chassis or undercarriage as an integral part thereof, and arrives at the site where it can be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assemble, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable; but designed to be joined into one integral unit. Removal of its wheels, chassis or undercarriage and placement upon a permanent foundations shall not warrant reclassification to a conventional, single-family dwelling.

A manufactured dwelling unit which meets all of the following requirements shall not be considered a mobile home for the purposes of this ordinance, but rather shall be a modular home:

(1) The outside dimensions of such unit must be a minimum of 24 feet by 36 feet.

(2) Such unit must have a pitched roof with a minimum pitch ratio of 4:12, i.e. a 4 inch drop for each 12 inches of width of roof, measured from the peak to the eave.

(3) Such unit may not have sheet siding of any material whether metal, vinyl or any other material; provided, however, that aluminum siding, vinyl siding or siding of any other material commonly used in construction which simulates weatherboard siding is permissible.

**Dwelling, Multiple-Family:** A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Row or Town Houses:** A row of three (3) or more attached single-family dwellings, not more than two and one-half (2 1/2) stories in height, in which each dwelling has its own front and rear entrance.

**Enforcement Officer:** The Building Inspector of the City of Central City, Kentucky or in the alternative, any city police officer of the City of Central City.

**Erected:** Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

**Family:** One person or more than one person living together and inter-related by bonds of consanguinity, marriage, or legal adoption, and occupying a dwelling unit as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, club, boarding house, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuitous guests, and not more than three foster or boarded children whose room and board is paid by a recognized child care agency or organization.

**Fast Food Restaurant:** A fast food restaurant is defined to be a restaurant that has all of the following characteristics:

(a) Its principal business is the sale of food items and beverages of the kind which can readily be taken out of the restaurant for consumption off the premises.

(b) Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or Styrofoam or other disposable containers.

(c) Service is not customarily provided to customers at their tables by employees of the restaurant.

**Filling:** Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

**Floor Area Ratio:** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: A floor area ratio (FAR) of 2.0 would allow floor space of twice the area, or a four-story building covering one-half of the lot. A FAR of 0.5 would allow floor space of one-half of the lot area, or a two

story building covering one-quarter of the lot.

**Floor Area, Total:** The area of all floors of a building including finished basements and covered porches.

**Floor Area, Usable:** Any floor area within outside walls of a building, exclusive of areas in cellars, unfinished basements, utility area, unfinished attics, garages, open porches and accessory buildings.

**Foster Child:** A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

**Garage, Private:** An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory, for personal use only.

**Garage, Public:** Any premises used for the storage or care of motor driven vehicles or place where any such vehicles are equipped for operation, repaired, or kept for enumeration, hire or sale.

**Homeless Shelter/Warming Stations:** A facility, the primary purpose of which is to provide temporary shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; may provide meals and ancillary social, educational or health services. The facility is staffed. No facility is operated by the American Red Cross, the City of Central City, or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood, or release of hazardous materials that is operated under the Muhlenberg County Emergency Operations Plan or that of the City of Central City is included.

**Home Occupation:** Professional offices and personal services maintained or conducted within a dwelling. Neither the selling of any merchandise nor processing of any product shall qualify as a home occupation. Home occupations include only those which meet the following performance standards:

(1) Home occupations shall be incidental to the principle residential use conducted within the principle building only be a person resident in the principal building provided no more than one (1) person not a resident of the premises is employed regularly and that not more than twenty-five percent (25%) of the total floor area in any dwelling unit is devoted to such use.

(2) There shall be no visible evidence of the conduct of a home occupation from the exterior of the building other than one sign not exceeding four square feet in area, unlighted, and

mounted flat against the wall of the principle building.

(3) No substantial traffic increase shall be generated in the residential area.

(4) Home occupations shall not generate any atmospheric pollution, light flashes, glare, odors, noise, vibration or truck or other heavy traffic.

**Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff officers.

**Hotel-Motel:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms.

**Inspector:** The Building Inspector of the city or his authorized agent.

**Junk:** The term "junk" means any motor vehicle, machine, appliance, scrap material that is in a condition which prevents its use for the purpose for which it was originally manufactured.

**Junkyards, Used Auto Parts Yards, Salvage Yards:** The use of an area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, abandonment of automobiles, or other vehicles or machines or parts thereof.

**kennel:** Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept either permanently or temporarily for commercial or breeding purposes, excluding dogs kept for hunting purposes, which may be occasionally bred.

**Laboratory:** A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

**Loading Space:** An off-street space on the same parcel of property with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one principle building together with the accessory buildings, yard areas, and parking spaces required by these regulations, and having its principle

frontage upon a publicly maintained street.

**Lot Area:** The total horizontal area within the lot lines of a lot.

**Lot, Coverage:** That part or percent of the lot occupied by buildings, including accessory buildings.

**Lot Depth:** The mean horizontal distance from the front street line to the rear lot line.

**Lot Lines:** The property lines abounding the lot.

**Lot Line, Front:** In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "Front line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit.

**Lot Line, Rear:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long at the farthest point from the front lot line and wholly within the lot.

**Lot Line, Side:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot Line, Street or Alley:** A lot line separating the lot from the right-of-way of a street or alley.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Court Clerk, or a lot or parcel surveyed or described by metes and bounds, the description of which has been so recorded.

**Lot Types:** Lots illustrated in Figure 1 and described in this Ordinance as follows:

a. Corner lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at one interior angle of less than 135 degrees (see lots marked A (1) in Figure 1).

b. Interior Lot: A lot other than a corner lot with only one frontage on a street.

c. Through Lot: A lot other than a corner lot with frontage on more than one street; may be referred to as double frontage lots.

d. Reversed Frontage Lot: A lot on which the frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**Lot Width:** The mean horizontal distance between the side lines at the building line measured along the building line.

**Major Thoroughfare:** The major streets which carry a relatively large amount of vehicular traffic and may connect to secondary or regional thoroughfares. The major thorough fares are as delineated on the Comprehensive Land Use Plan as adopted by the Governing Body.

**Mini-Warehouse:** A building or group of buildings in a controlled-access compound that contains varying sizes of individual compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

**Mobile Home or Trailer Coach:** A detached, movable or portable dwelling unit, with or without permanent foundation, and designed for year-round occupancy, which is manufactured on a chassis or undercarriage as an integral part thereof, and arriving at the site where it can be occupied as a dwelling or office complete and ready for occupancy except for minor and incidental unpacking and assembly, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable, but designed to be joined into one integral unit. Removal of its wheels, chassis or undercarriage and placement upon a permanent foundation shall not warrant reclassification to a conventional one-family dwelling.

A manufactured dwelling unit which meets all of the following requirements shall not be considered a mobile home for the purposes of this ordinance, but rather shall be a modular home:

(1) The outside dimensions of such unit must be a minimum of 24 feet by 36 feet.

(2) Such unit must have a pitched roof with a minimum pitch ratio of 4:12, i.e. a 4 inch drop for each 12 inches of width of roof, measured from the peak to the eave.

(3) Such unit may not have sheet siding of any material whether

metal, vinyl or any other material; provided, however, that aluminum siding, vinyl siding or siding of any other material commonly used in construction which simulates weatherboard siding is permissible.

**Motor Vehicle Repair:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting, completely enclosed spray booth.

**Motor Vehicle Wash Establishments:** A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**Nonconforming Structures or Uses:** A structure or use of any premises which does not conform with applicable provisions of this Ordinance, but which existed at the time of its designation as nonconforming by the adoption or amendment of this Ordinance.

**Nursery-trees and Shrubs:** An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

**Nursing Home, Intermediate and Skilled Care:** Any institution, however named, maintained for the care or treatment of four or more individuals unrelated to the owner or operator or their spouses, which employs nursing services or procedures in the care of such residents that require treatment, judgment, technical knowledge, and skills beyond those possessed by the untrained person.

**Nursing Home, Personal Care:** Any institution, however named, maintained for the care or treatment of four or more ambulatory individuals, unrelated to the owner or operator of their spouses, who requires direction, not nursing care.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Open Air Business Uses:** Open air business uses shall include the following:

(1) Retail sale of trees, shrubs, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;

(2) Retail sale of fruit and vegetables;

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's

amusement parks or similar recreational uses;

(4) Bicycle, trailer, motor vehicle, boats or home equipment sales, service, rental services, farm and construction equipment;

(5) Outdoor display and sale of garages, swimming pools, and similar uses.

**Overall Density:** The dwelling units per gross acre of the total area within a residential planned unit development.

**Overland Transportation of Coal:** The transportation of coal upon the surface using facilities affixed to the land; such as, railroads, tramways, coal slurry pipelines and overland conveyors. The transportation of coal overland shall include the construction, operation, alteration, and maintenance of such facilities, but shall not include the loading of coal, preparation of coal for transportation, or the processing of coal. Such facilities shall not be required to be contained within a Completely Enclosed Structure. However, where any overland conveyor passes over or under a public highway or the operational tracks of a common carrier, then it shall be contained within a protective, access restricted structure. Such structure shall not be required to be a Permitted Structure or to comply with all requirements relating to Building(s) or Structure(s). This section shall not permit the creation or development within the City limits of surface support facilities connecting to underground works, coal preparation facilities, coal loading facilities, or surface mines. The minimum condition for Overland Transportation of Coal in a B-2 zone shall be that the overland conveyor or other method of traverse of such transportation within the city limits of the City of Central City shall be for the sole purpose of passing over or under a public highway or the operational tracks of a common carrier when such public highway or operational railroad tracks of a common carrier lie within the city limits of the City of Central City, and such overland conveyor or other means of traverse comes from territory outside the city limits, crosses such public highway or operational railroad tracks of a common carrier, and immediately after such crossing passes out of the city limits. Establishment of compliance with this condition, in a B-2 zone, shall constitute permanent compliance with such condition so long as such overland conveyor or other means of traverse is maintained in the same location.

**Parking, Off-Street:** An off-street parking space shall consist of a space not less than ten (10) feet wide by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles. Required off-street parking areas for three or more

automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated that no parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without requiring that another one be moved.

**Permitted Structure:** A structure meeting all the requirements established by this Ordinance for the district in which the use is located.

**Permitted Use:** A use meeting all the requirements established by this Ordinance for the district in which the use is located.

**Planned Unit Development (PUD):** A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building sighting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.

**Public Street:** A publicly maintained thoroughfare providing the principle means of access to abutting property and listed on the city, county, state, or federal road system.

**Public Utility:** Any person, firm, or corporation, municipal department board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water, cable television service and any other service coming within the purview of Kentucky Constitutional, Section 163.

**Residential Occupancy:** Those activities customarily conducted in living quarters in an urban setting, and excluding such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

**Rooming House:** A building where, for compensation and by prearrangement, six or more persons other than occasional or transient customers are provided with lodging only.

**Rubbish:** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

**Salvage:** Refers to any motor vehicle, machine, or appliance having sufficient value to justify its sale for repair or recovery

parts.

**Service Station:** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

**Setback:** The required distance between every structure and any lot line of the lot on which its located.

**Shopping Center:** A group of two (2) or more adjoining or adjacent retail stores or service establishments to be planned, constructed, and developed as a single unit, and including any additional such stores or establishments subsequently adjoining or adjacent thereto.

**Sign:** An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

**Sign, Advertising:** A sign which directs attention to a business, product activity, or service which is not conducted, sold, or offered upon the premises where such sign is located.

**Sign, Business:** A sign which directs attention to a business, profession, service, product, activity, or entertainment, sold or offered upon the premises where such sign is located.

**Sink-hole:** A depression or cavity in the terrain caused by the movement of surface water towards a subterranean drain. A sink hole may have an exposed outlet or may be a highly pervious earthen depression which transmits surface water to the underground outlet.

**Story:** That part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

**First Story:** The lowermost story entirely above the grade plane.

**Mezzanine:** An intermediate level between the floor and the ceiling of any story, and covering not more than thirty-three percent (33%) of the floor area of the room in which it is located.

**Street:** A public or private way more than twenty (20) feet in width which affords the principle means of access to abutting property. The term shall include "road", "highway", or

"thoroughfare". A public street is a street accepted according to the Subdivision Regulations and maintained by the governing body. A private street is a street not so accepted or maintained.

**Street Line:** The line or boundary separating the public right-of-way and a contiguous lot or tract.

**Structure:** Anything constructed or erected, the use of which requires fixed location on the ground, or attachment to something having a fixed location on the ground, including buildings, radio towers, swimming pools, and walls or fences exceeding three and one-half (3 1/2) feet in height, billboards and poster panels; reference to buildings includes structures and vice versa.

**Structural Alteration:** Any change in the supporting members of a building or structure, each as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

**Subdivision Regulations:** Regulations as adopted by the city for the subdivision of land.

**Swimming Pool:** The term "swimming pool" shall mean any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth greater than twenty-four (24) inches.

**Tiny House:** A detached, movable or portable, or permanently affixed dwelling unit, with or without permanent foundation, which is either on a trailer or other means of transportation, or secured by a permanent foundation, which has less than 600 square feet of living area. The use of tiny houses as a dwelling unit is prohibited within the limits of Central City.

**Travel Trailer:** A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, with a body width not exceeding eight (8) feet and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons. For the purposes of these regulations, the term includes recreational vehicle, pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

**Travel Trailer Park:** Any premises designed primarily for transient occupation on which one or more travel trailers are parked and used for the purpose of supplying to the public a parking space for one or more such trailers.

**Underground Transportation of Coal:** The transportation of coal underground through mines, entries, tunnels, workings, haulways, and passageways in coal seams and subsurface strata lying more than 150 feet in depth below surface elevation. The transportation of coal underground shall include the extraction and removal of coal and subsurface strata and the provision of adequate roof support and ventilation to create and operate the mines, entries, tunnels, workings, haulways, and passageways necessary for the transportation of coal underground, but shall not include the creation of or extraction of coal from working panels not developed for the underground transportation of coal mined from other areas. Access, ingress and egress to and from areas where the coal is to be, is being, or has been mined may be had through the mines, entries, tunnels, workings, haulways and passageways created for the transportation of coal underground. This section shall not permit the creation or development within the City limits of surface openings, entries, adits, portals, or surface support facilities connecting to underground works.

**Usable Open Space:** Outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Off-street parking and loading space and driveways shall not qualify as usable open spaces.

**Use:** The purpose or activity for which a building, structure, or land is occupied or maintained.

**Yard:** A required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward, provided that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and the requirements limiting obstruction of visibility contained herein.

a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

c. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

**Yard, Required:** The minimum open space as specified in the Ordinance for front, side, and rear yards, as distinguished from any yard area in excess of the minimum required.

**ARTICLE III  
ESTABLISHMENT OF ZONING DISTRICTS**

**Section 3.01. ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the City of Central City is hereby divided into zoning districts designed as follows:

- R-1 -- Residential, single-family
- R-2 -- Residential, single-family and duplex
- R-3 -- Residential, single or multi-family  
(single-family, duplex, townhouses, apartments,  
and mobile home parks)
- B-1 -- Neighborhood business
- B-2 -- General/Highway business
- B-3 -- Central Business
- M-1 -- Light Industrial
- M-2 -- Heavy Industrial
- FP -- Flood prone/Wet land
- AG -- Agricultural

**Section 3.02. ZONING MAP**

The districts referred to above are bounded and defined as shown on a map entitled "Zoning Map of the City of Central City, Kentucky", adopted on April 15, 1992, and certified by the City Clerk, which accompanies this regulation and which with all explanatory matter thereon, is hereby made a part of this ordinance.

**Section 3.03. INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the official zoning map.

(1) Where zoning district boundaries indicated as approximately following the center lines of streets, highways, railroads, streams or bodies of water, such center lines shall be construed to be such boundaries.

(2) Where a zoning district boundary approximately follows a property line or a series of property lines, such line is the boundary of the district.

(3) Where a zoning district boundary approximately follows a stream or the shore line of a body of water, that stream

or shore line as defined on the date this chapter is enacted, is the boundary of this district.

(4) Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the official map scale.

(5) Where a zoning district boundary approximately follows a contour or solid boundary as defined by the U.S. Army Corps of Engineers, U.S. Geological Survey or Soil Conservation District, such contour or soil boundary is the boundary of the district.

(6) In any case where the exact location of a boundary is not clear, the Board of Zoning Adjustment shall use these rules to determine the exact location upon application by the enforcement officer for an original interpretation.

#### **3.04. CHANGES IN ZONING MAP**

If in accordance with the provisions of this ordinance and applicable state laws, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered upon the Zoning Map promptly after the amendment effecting such changes has been adopted.

#### **3.05. ANNEXED TERRITORY**

All territory which may hereafter be annexed to the City shall be reviewed by the City Council which shall initiate a zoning amendment application within 90 days of annexation if a zoning change is appropriate, in the opinion of the City Council. Any annexed property shall be classified as an R-1 district until the Planning Commission and City Council determine otherwise.

### **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 Yard .....attached 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.

### **ARTICLE V DISTRICT REGULATIONS**

#### **Section 5.01. GENERAL PROVISIONS**

The regulations relating to each type of district, established in Article III, are set forth in this section. Other regulations applicable to particular uses or class of uses and to particular or special situations are presented in other sections of this ordinance.

#### **Section 5.02. RESIDENTIAL DISTRICTS**

**5.02. (1).** R-1 District: Residential, Single-Family District. The Residential, Single-Family District is established

as a district in which the principal use of land is for single-family dwellings.

**5.02.** (1)(a). Statement of Purpose. For the single-family residential district, in promoting the general purpose of this ordinance, the specific intent of this section is:

(a) To encourage the construction of, and the continued use of the land for single-family dwellings.

(b) To prohibit business, commercial or industrial use of the land and to prohibit any other use which would substantially interfere with development or maintenance of single-family dwelling in the district.

(c) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance.

(d) To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.

(e) To discourage any use which, because of its character or size would create requirements and costs for public services such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

**5.02.** (1)(b). Permitted Uses.  
See chart at end of this Article.

**5.02.** (1)(c). Conditional Uses.  
See chart at end of this Article.

**5.02.** (1)(d). Area, Height, Bulk Placement Regulations.

**5.02.** (2). R-2 District: Residential, Single-Family and Duplex. The R-2 District is established as a district in which the principal uses of land are for duplex (two-family) and single-family dwellings.

**5.02.** (2)(a). Statement of Purpose. The specific intent of this section is to protect the residential character of the district by prohibiting commercial activities, to encourage a suitable neighborhood environment for family life, and to preserve the openness of the district.

**5.02.** (2)(b). Permitted Uses.  
See Chart at end of this Article.

**5.02.** (2)(c). Conditional Uses.

See Chart at end of this Article.

**5.02.** (2) (d). Area, Height, Build and Placement Regulations  
See attached Schedule of Regulations, Article VI.

**5.02.** (3). R-3 District: Residential, Single-or-Multi-Family (Duplex, Townhouses, and Apartments.) The multi-family district is established as a district in which the principal use of land is for multi-family dwellings based upon a plan to make the most appropriate use of scattered parcels of land within neighborhoods on major thoroughfares, and other areas suitable for multi-family development.

**5.02.** (3) (a). Statement of Purpose. The specific intent of this section is to ensure that only such residential uses as can be properly designed and built will be allowed in this district so as not to over-crowd the land, cause parking or traffic congestion, or to have injurious effects on adjacent properties.

**5.02.** (3) (b). Permitted Uses.  
See Chart at the end of this Article.

**5.02.** (3) (c). Conditional Uses. Any use identified as a conditional use within an R-2 District.

**5.02.** (3) (d). Area, Height, Bulk and Placement Regulations  
See attached Schedule of Regulations, Article VI except for Mobile Home Parks which are further defined in Section 5.02. (3) (e) and (f).

**5.02.** (3) (e). Mobile Home Park General Requirements

(a) Sanitation, fire protection, and utility services shall be provided to every dwelling, mobile home lot and dwelling, and mobile home stand in accordance with state and local health and safety regulations.

(b) Every dwelling, mobile home shall be equipped with foundations and tie-downs intended to secure such units against movement, settling and overturning for the protection of life and property; foundations and tie-downs shall meet the requirements of state and local codes. No certificates of occupancy shall be issued until tie-down requirements have been met.

(b) Area Requirements: No mobile home park shall be permitted on an area of less than 5 acres in size.

(c) Lot Requirements: Individual lots within

a mobile home park shall not be less than 4,000 square feet in area and in no instance shall there be more than one (1) mobile home permitted on a single lot. The minimum lot width shall be forty (40) feet at the building line. The minimum lot depth shall be one hundred (100) feet from the front lot line.

(d) Buffer: A screening of evergreen trees and/or shrubs not less than six (6) feet in height after one full growing season and which at maturity is not less than twelve (12) feet high, shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park. Each mobile home shall be located at least ten (10) feet from the buffer.

(e) Spacing: For a Mobile Home Park; No mobile home unit or other structure shall be located within twenty-five (25) feet of a mobile home park boundary line or public right-of-way line.

For a Mobile Home Unit or Accessory Structure within a Mobile Home Park;  
Front Yard -- 20 feet  
Side Yard -- 10 feet  
Rear Yard -- 20 feet

(f) Off-Street Parking: Each mobile home shall be provided with at least one off-street parking space.

(g) Streets: Streets within a mobile home park may be defined as either public or private right-of-way subject to the following conditions:

1. That if said streets are defined as private right-of-way on the plats, the developer shall agree to effectively maintain such streets and rights-of-way. Said agreement shall be recorded along with the recording plat of mobile home park.

2. Construction standards for all streets shall meet the specifications and approval of the City Council. Minimum paving widths for streets shall be:

a. Two-way street with guest parking permitted on both sides -- 36 feet.

b. Two-way street with guest parking permitted on one side only -- 27 feet.

c. Two-way street with no parking permitted -- 18 feet.

d. One-way street with guest parking

permitted on both sides -- 32 feet.

e. One-way street with guest parking permitted on one side only 23 feet.

f. One-way street with no parking permitted -- 14 feet.

g. The mobile home park entrance shall be thirty-six (36) feet wide with no parking permitted.

(h) All mobile homes shall be underpinned or skirted in an attractive manner; each mobile home shall provide an accessory structure of a minimum of 100 square feet of outside storage which shall be placed a minimum of ten (10) feet.

(i) Not less than eight (8) percent of the gross site area of the mobile home park shall be devoted to recreational facilities generally provided in a central location. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, park office and service buildings, and self-service laundry facilities to serve the park residents.

(j) Utilities: All mobile home lots within the mobile home park shall be provided with water, sewer or approved septic disposal system, fire protection devices and electrical facilities meeting the standards specified by the County Health Department, and the laws of the Commonwealth of Kentucky, and each mobile home shall be properly connected with said utilities. All utilities shall be installed underground.

(k) Mobile Home Support: Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness of size adequate to support the maximum anticipated loads during all seasons.

(l) Lighting of the Park: All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(m) Convenience Facilities: Coin-operated laundries may be permitted in the park provided they are located, designed, and intended to serve only the needs of persons living in the park.

**5.02. (3)(g). Mobile Home Park Special Conditions**

The Administrative Official shall insure that all trailer parks (mobile home parks) maintain valid permits to operate and maintain in conformance with all applicable

regulations of the zoning regulations and all special conditions.

**5.02. (3) (h). Non-conforming Mobile Homes**

(a) In cases where a lawful mobile home park exists on the effective date of this ordinance or an amendment thereto and such would be prohibited by the terms of this ordinance, then, such mobile home park shall not be modified, reconstructed, replaced, enlarged or extended to occupy a larger area of land than occupied on the date of the ordinance.

All regulations pertaining to any such existing mobile home park shall continue in full force and effect until modified by ordinance.

(b) Any other provision of this ordinance notwithstanding, all existing mobile homes within the City of Central which comply with all existing regulations at the time of passage of this ordinance shall be allowed to remain in their present location, but shall be required to maintain a lot size of 3,000 square feet, shall not be modified, reconstructed, replaced, enlarged or extended, and shall be considered an exempted non conforming mobile home. Provided, however, the owner of record as disclosed in the Commonwealth of Kentucky Mobile Home title records may modify, reconstruct or replace (but may not enlarge or expand) such exempted non-conforming mobile home. If there is no title for any such mobile home because no title was required by the Commonwealth of Kentucky at the time of such mobile home's manufacture or sale, then the owner of the real estate upon which the mobile home is located shall be the only person who may modify, reconstruct, or repair, such exempted non-conforming mobile home.

(i) "Owner" as used in this section means any of one, two, three or four co-owners. No non-conforming mobile home having its ownership divided between more than four co-owners shall qualify as an exempted non-conforming mobile home.

(ii) "Person" as used in this section shall include partnerships, corporations, or any other entity.

Should any non-conforming mobile home be removed by any person legally entitled or permitted to do so, whether by an owner maintain an exempted non-conforming mobile home on that lot, tenant, lessee, or otherwise and the lot remain vacant for a period of 90 days, the right of maintaining an exempted non-conforming mobile home on that lot, shall terminate. No further mobile homes shall be permanently located outside of an approved

mobile home park in the City of Central City, except as an exempted non-conforming mobile home in accordance with this section.

(c) No utility, including but not limited to, electric, telephone, water, sewer, cable television, gas, or other like services, shall provide service to any lot or parcel of land upon which a new structure, including a mobile home, either inside or outside a mobile home park, is to be placed unless there has first been issued a building permit by the Enforcement Officer of the City of Central City and a copy of such permit has been furnished to such provider of services from the Administrative Officer of the City of Central City.

Any such utility service provided in violation of this section shall be immediately disconnected by the provider upon notice from the Enforcement Officer of the City of Central City that such service was provided in violation of this section. Such service may not be reconnected until a proper building permit has been issued for such lot.

The building permit mentioned in this section shall be necessary in addition to all other permits required by any state, federal, county, or municipal law or regulation, including, but not limited to, plumbing permits and electrical permits.

### **Section 5.03. B-1: NEIGHBORHOOD BUSINESS DISTRICT**

The neighborhood business district is established to provide appropriate areas for retail business and service centers needed to serve nearby residential areas.

#### **5.03. (1). Statement of Purpose**

The neighborhood business district is established to promote such business development as is possible and appropriate in each subject area. In that interest, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the Comprehensive Plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal, strip business development along major streets.

#### **5.03. (2). Permitted Uses**

See chart at end of this Article.

#### **5.03. (3). Conditional Uses**

(a) Public facilities such as churches, libraries,

parks, recreational facilities, hospital and institutions.

(b) Apartments.

(c) Uses similar to the above permitted uses, when in the opinion of the Board of Zoning Adjustment, it meets the regular needs and convenience of the adjacent residential areas. The burden of proof that the proposed use meets those criteria lies with the prospective developer.

**5.03. (4). General Regulations for all Business Districts**

(a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any business district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.

(b) All business districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district.

(c) All signs and outdoor advertising displays are subject to the provisions established in Article VII.

(d) All uses shall exhibit performance standard characteristics equal to or greater than those which define light industry.

**5.03. (5). Area, Height, Bulk and Placement Requirements**  
See attached Schedule of Regulations, Article VI.

**Section 5.04. B-2 GENERAL/HIGHWAY BUSINESS DISTRICT**

These districts are composed of land and structures occupied by or suitable for uses furnishing, in addition to the retail goods and services supplied by the neighborhood business districts, the wider range of retail goods and services required by residents or a group of neighborhoods (community) and by the city. Usually located on a thoroughfare or highway or near the intersection of principle thoroughfares or highways, these districts are relatively large and within convenient distance of the area they serve.

**5.04. (2). Permitted Uses**  
See Chart at end of this Article.

**5.04. (3). Conditional Uses**  
(a) If a commercial use, not identified in the chart at the end of this Article is proposed the prospective developer shall request a conditional use permit on the basis that

the proposed use would not be detrimental to the development of the general/highway business district.

(b) Shopping Centers.

(c) The owner-operator of a permitted general/highway business district commercial use may be allowed to establish one dwelling unit for his use only as an accessory conditional use to the commercial use. Said Residential use shall follow the procedure for obtaining a conditional use permit as outlined in Section 4.03. All provisions of Section 4.03 shall apply to this section. Additionally, the residential use shall be required to have one off-street parking space in addition to the required spaces for the commercial use. The Proposal shall be submitted to the Board of Zoning Adjustment which may alter, deny or grant any request in accordance with Section 4.03.

(d) Trailer parks (mobile home parks) but only if all requirements set out in Section 5.02 are met, in addition to any other condition or conditions imposed by the Board of Zoning Adjustment.

**5.04. (4). General Regulations**

(a) There shall be no outdoor storage of merchandise or materials and no outdoor processing in any business district unless authorized as a conditional use. All above ground structures accessory to any outdoor use shall be located a minimum of twenty-five (25) feet from any front lot lines.

(b) All business districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district.

(c) All signs and outdoor advertising displays are subject to the provisions established in Article VII.

(d) A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a commercial land abutting a residential district.

**Section 5.05. B-3 DISTRICT: CENTRAL BUSINESS DISTRICT**

This district is composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services required by residents of the trade area.

**5.05. (1). Statement of Purpose**

The intent of the central business district is to provide a focus of commerce and administrative activities of the trade area. Building upon its location at the convergence of principle thoroughfares and highways, district regulations are designed to permit further development of the district for its purpose in a compact and convenient arrangement of uses and structures that is urban character.

**5.05. (2). Permitted Uses**

See chart at end of this Article.

**5.05. (3). Conditional Uses**

(a) Churches, including parish houses, community house and educational buildings.

(b) Fire Station.

(c) Nursery, day care center or kindergarten.

(d) Revival church (temporary). See chart at end of this Article.

**5.05. (4). General Regulations**

(a) There shall be not outdoor storage of merchandise or materials and not outdoor processing in any business district unless authorized as a conditional use.

(b) All business districts located on lots adjacent to a residential district shall maintain a minimum setback of twenty-five (25) feet on the side adjacent to the residential district.

(c) All signs and outdoor advertising displays are subject to the provisions established in Article VII.

(d) A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a commercial land abutting a residential district.

**5.05. (5). Area, Height, Bulk and Placement Requirements**

See attached Schedule of Regulations, Article VI.

**Section 5.06. M-1: LIGHT INDUSTRIAL DISTRICT**

The light industrial district provides planned areas within the city for locating certain industries which are of a light manufacturing character.

**5.06. (1). Statement of Purpose**

It is intended that light industrial districts be located within the city so that such uses may be integrated with land uses, such as commercial and residential areas. Limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities.

**5.06.** (2). Permitted Uses  
See chart at end of this Article.

**5.06.** (3). Conditional Uses  
uses (a) Gasoline, oil, alcohol or liquefied petroleum and will require the approval of the Board of Zoning Adjustment.  
  
(b) Uses which constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties shall not be allowed.

**5.06.** (4). Area, Height, Bulk and Placement Regulations  
See attached Schedule of Regulations, Article VI.

**Section 5.07. M-2: HEAVY INDUSTRIAL DISTRICT**

The heavy industrial district provides locations for heavy commercial and industrial establishments in planned areas of the city.

**5.07.** (1). Statement of Purpose  
It is intended that this district accommodate those heavy commercial and industrial establishments which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts. These uses are primarily of a manufacturing, assembling, and fabricating nature requiring good access by road and/or railroad, and needing special sites or public utility services. Reasonable regulations apply to uses in this district, so as to permit the location of industries which will not cause adverse effects on residential and commercial areas.

**5.07.** (2). Permitted Uses  
district. (a) Any use permitted in the light industrial

(b) Manufacturing, fabrication and/or processing of any commodity, subject to limitations imposed under "conditional uses" below.

(c) Accessory buildings and uses - garages and other buildings and uses accessory to the principle use.

(d) See Chart at the end of this Article.

**5.07. (3). Conditional Uses**

The following shall require a conditional use permit in accordance with the procedure in Section 4.03. Any use not in conflict with other Ordinances of the City, provided however, that the following uses shall be considered conditional uses and require approval by the Board of Zoning Adjustments: bag cleaning, boiler works, tank works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage above ground in excess of five hundred (500) gallons, slaughter house or stockyards, smelting plant, and the manufacturing of acetylene, acid, alcohol, or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, synthetic fuel production or operations, or any other use which in the opinion of the Board of Zoning Adjustments would not emit detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located.

**5.07. (4). Area, Height, Bulk and Placement Regulations**

See attached Schedule of Regulations, Article VI.

**Section 5.08. FP: FLOODPRONE AREAS DISTRICTS**

This district regulates use of those areas of the city subject to periodic flooding.

**5.08. (1). Statement of Purpose**

The purpose of this section is to identify areas within the city which are subject to periodic inundation in order to ensure that potential land buyers and developers are notified that property is in an area which is subject to periodic flooding.

**5.08. (2). Boundaries of Floodprone Areas**

The boundaries of floodprone areas shall be established to include those areas identified by the U.S. Corps of Engineers to be subject to inundation by an Intermediate Regional Flood, or identified as floodprone by the U.S. Department of Housing and Urban Development, Federal Insurance Administration

(FIA) or an FIA Flood Hazard Boundary Map for Central City or, based on other reliable engineering data, areas determined by the Planning Commission to be subject to inundation by a 100-year flood.

**5.08. (3). Definitions**

(a) Intermediate Regional Flood: An intermediate Regional Flood is a flood that could occur once in 100 years on an average, although it could occur in any year, as determined by flood plain studies conducted by the U.S. Corps of Engineers for major watersheds in Central City. The peak flow of this flood was developed from statistical analyses of stream flow, precipitation records and runoff characteristics for the study areas.

(b) 100-year Flood: A 100-year flood is one that could occur once in 100 years on an average, although it could occur in any year.

**5.08. (4). Warning**

The intent of this section is to ensure that potential land buyers and developers are notified when a tract of land is located in a floodprone area. Larger floods can and may occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas designated as being flood prone will be free from flooding or flood damages. The provisions of this section are not intended to prohibit development in flood prone areas, however, individuals who place or construct improvements (example: buildings, mobile homes, etc.) on land which has been platted and approved by the Planning Commission with the stipulation that all or portions of said land is in a flood prone area, or individuals who acquire land so designated shall not be entitled to public relief for damages or losses associated with flooding.

**5.08. (5). Notification**

Any subdivision plat of land which is located in a flood prone area shall have affixed to the final plat the following statement of notification:

NOTICE: FLOODPRONE AREA  
THE TRACT(S) OF LAND DESCRIBED HEREON IS (ARE) LOCATED  
IN A FLOODPRONE AREA AS ESTABLISHED BY ARTICLE VI  
OF THE ZONING REGULATION OF THE CITY OF CENTRAL CITY,  
KENTUCKY AND IS (ARE) SUBJECT TO THE PROVISIONS  
THEREOF.

**5.08. (6). Disclaimer of Liability**

This Article shall not create liability on the part of the City of Central City, the Planning Commission, or by any officer or employee thereof for any flood damages that result

from reliance on the provisions of this Article or any administrative decision lawfully made thereunder.

**CHART OF PERMITTED USES**

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>M-1</u>	<u>M- 2</u>
Boarding House	*	*	*	*	*	*	*	*
Dwelling, 1 family	R	R	R	C	C	C	*	*
Dwelling, mobile home	*	*	C	*	*	*	*	*
Dwelling, multiple family	*	*	R	C	C	C	*	*
Dwelling, 2 family	*	R	R	*	C	*	*	*
Homeless Shelter/Warming Station	*	*	*	*	*	*	C	*
Hotel, including Motel, Tourist Rooms								
Mobile Home Park	*	*	*	*	*	*	*	*
Residence Hall, dormitories	*	*	R	R	R	R	*	*
Rooming House	*	*	*	*	*	*	*	*
<b><u>RETAIL AND WHOLESALE TRADE</u></b>								
Antique Store, sales only	*	*	*	R	R	R	C	*
Apparel and accessory store	*	*	*	R	R	R	C	*
Appliance Store, incl. Radio & TV	*	*	*	R	R	R	C	*
Apothecary, limited to sale of pharmaceuticals & medical supplies	*	*	*	R	R	R	C	*
Auto Glass & Upholstery	*	*	*	*	R	R	R	*
*Auto & Truck Sales & Repair; not including commercial wrecking, dis- mantling or auto salvage yard; unenclosed	*	*	*	C	R	R	R	*

part shall comply with off-street parking requirements, except for prohibition of sales

*Auto Wrecking, Dismantling or Salvage Must be enclosed within a fence at least seven feet in height and adequate to obstruct view, noise and passage of persons; chain link or similar fence will be permitted if screen planting adequate to obstruct view is provided	*	*	*	*	*	*	C	C
*Bait Store or Sales (live bait)	*	*	*	C	R	R	C	*
Bakery, Retail	*	*	*	R	R	R	C	*
Bakery, Wholesale	*	*	*	*	R	R	R	*
Bicycle and/or Lawnmower Sales and Repair	*	*	*	*	R	R	C	*
Boat & Marine Sales	*	*	*	C	R	R	R	*
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Book Store	*	*	*	R	R	R	C	*
Book Store, Adult				C				
Building Specialties Store	*	*	*	R	R	R	R	*
Business Machines & Office Equipment	*	*	*	*	R	R	C	*
Camera & Photographic Supplies	*	*	*	R	R	R	C	*
Candy, Nut and Confectionery	*	*	*	R	R	R	C	*
Catering Shop	*	*	*	R	R	R	C	*
Curb Market or Farmer's Market	*	*	*	*	C	*	C	*
Dairy Product Sales	*	*	*	R	R	R	R	*
Delicatessen	*	*	*	R	R	R	C	*
Department Store	*	*	*		R	R		
*Distilled spirits and wine retail	*	*	*	*	R	*	*	*
Package store								
Drug Store								
Fabric Store	*	*	*	R	R	R	C	*
Farm Equipment & Supplies Sales	*	*	*	*	R	R	R	*
Feed Store	*	*	*	*	R	R	R	*
Fixture Sales	*	*	*	*	R	R	R	*
Floor Covering Sales	*	*	*	C	R	R	C	*
Floral Shop	*	*	*	R	R	R	C	*

Florist Wholesale	*	*	*	*	R	R	R	*
Food Products, Wholesale Storage & Sales	*	*	*	*	C	*	R	R
Fruit and Produce Wholesale	*	*	*	*	C	*	R	R
Furniture Store, Retail	*	*	*	R	R	R	C	*
Gardening Supplies Store handling package fertilizers and no other type	*	*	*	C	R	R	R	*
Gift Shop	*	*	*	R	R	R	C	*
Glass Store	*	*	*	C	R	R	R	*
Grocery Store Retail	*	*	*	R	R	R	C	*
Hardware Store Retail	*	*	*	C	R	R	C	*
Hardware Store, wholesale storage and sales	*	*	*	*	R	R	R	*
Hobby Supply Store, ceramics, variety sales	*	*	*	R	R	R	C	*
Jewelry Store	*	*	*	C	R	R	C	*
*Landscape and Garden Supplies & Sales	*	*	*	C	R	R	R	*
Leather or Luggage Store	*	*	*	R	R	R	C	*
Lumber Yard & Building Materials	*	*	*	*	R	C	R	R
Machinery, Tools & Construction	*	*	*	*	R	*	R	R
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Mail Order House	*	*	*	R	R	R	C	*
Motorcycle Sales & Service	*	*	*	*	R	R	R	*
Music Store	*	*	*	C	R	R	C	*
News Stand	*	*	*	R	R	R	C	*
Optical Goods	*	*	*	R	R	R	C	*
Paint and Wallpaper Store	*	*	*	C	R	R	C	*
Paper Supplies Wholesale	*	*	*	*	C	*	R	R
Pawn Shop	*	*	*	*	C			*
Pet Shop	*	*	*	*	R	R	C	*
Restaurant	*	*	*	C	R	R	C	*
Restaurant, Drive-in	*	*	*	*	R	C	C	*
Restaurant, Supply Sales	*	*	*	*	R	R	R	*
Roofing and Sheet Metal Shop	*	*	*	*	R	*	R	R
Seafood Store, Retail	*	*	*	*	R	R	C	*
Seed Store	*	*	*	*	R	R	C	*

Shoe Store, Retail	*	*	*	R	R	R	C	*
Shoe Store, Wholesale	*	*	*	*	R	*	R	*
Sporting Goods Store, Retail	*	*	*	R	R	R	C	*
Sporting Goods, Wholesale	*	*	*	R	R	R	R	
*Stockyards	*	*	*	*	*	*	C	C
*Stone Monument Sales; may include cutting and processing of mdse. sold at retail on site	*	*	*	*	R	*	R	*
Surgical or Dental Supplies Store	*	*	*	C	R	R	R	*
Tire Store	*	*	*	*	R	R	R	*
Tobacco Store	*	*	*	R	R	R	C	*
Toy Store	*	*	*	R	R	R	C	*
*Trailer Sales including Travel & RVs	*	*	*	*	R	*	R	*
Variety Store; limited to the sale of items which may be sold by any other use in this district	*	*	*	C	R	R	C	*
Warehouse, Mini; Rental storage with individual storage units limited to 400 sq. ft. of floor area per unit	*	*	*	*	C	*	R	R
Wholesale and Warehousing	*	*	*	*	C	*	R	R
<b><u>SERVICES</u></b>								
Air Conditioning	*	*	*	*	R	R	R	*
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Ambulance Service	*	*	*	*	R	R	C	*
Auto or Truck Fleet Maintenance, Shop & Garages	*	*	*	*	*	*	R	R
Auto Filling Station, Service & Repair; not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with requirements for maintenance of off-street parking facilities except prohibition of sales	*	*	*	C	R	R	R	R
Auto and Truck Body Repair	*	*	*	*	R	C	R	*
Auto Wash; where primary function is washing autos but not trucks or trailers;	*	*	*	C	R	*	R	*

operations shall be within an enclosed structure and all wastewater shall be discharged directly into sewer

Bank	*	*	*	R	R	R	C	*
Barber Shop or Beauty Shop	*	*	*	R	R	R	C	*
Barber or Beauty Supplies & Equip sales	*	*	*	C	R	R	R	*
Blueprinting & Photostatting	*	*	*	C	R	R	R	*
Business College	*	*	*	*	R	R	R	*
Carting, Express Crating, Hauling & Storage	*	*	*	*	*	*	R	R
*Cemetery	C	C	C	C	C	*	C	*
Church, including Parish House, Community & Educational Buildings	C	C	C	C	C	C	C	*
City Hall, Police Station, Court House	*	*	C	R	R	R	C	*
Clinic, Dental/Medical	*	*	*	R	R	R	C	*
Cold Storage Plant	*	*	*	*	*	*	R	R
College or University	C	C	C	C	C	C	C	*
*Contractor's Storage Yard; for vehicles, equipment, materials/supplies	*	*	*	*	*	*	R	R
Correctional, Detention or Penal Instit.	*	*	*	*	C	C	C	C
Dairy Equipment Sales	*	*	*	*	R	R	R	*
*Dog Pound	*	*	*	*	*	*	R	R
Dry Cleaning, self service	*	*	*	R	R	R	C	*
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Dry Cleaning	*	*	*	C	R	R	R	*
Electric Repair Shop	*	*	*	C	R	R	R	*
Exterminators	*	*	*	*	*	R	R	*
Fire Station	C	C	C	R	R	R	C	C
Fix-it Shop	*	*	*	R	R	R	R	*
Food Locker Plant; renting only individual lockers for customer storage of food; cutting and packaging of meats & game but not including slaughtering or eviscerating thereof	*	*	*	*	R	*	R	*
Funeral Home, Mortuary, Undertaking	*	*	*	C	R	R	C	*
Furniture Repair, Refinishing & Reupholstering	*	*	*	C	R	R	R	*

Hospital or Sanitarium	C	C	C	R	R	R	C	C
Incinerator	*	*	*	*	*	*	*	R
*Junk Yard; incl. Storage, bailing or sale of rags, paper, iron or junk; must be enclosed within a fence at least 6 ft. high and to the ground and adequate to obstruct view, noise and passage of persons, rodents and other vermin	*	*	*	*	*	*	R	R
Laboratory	*	*	*	*	C	*	R	R
Laboratory, Dental or Medical	*	*	*	C	R	R	C	*
Laundry, Self Service	*	*	*	R	R	R	C	*
Laundry and/or Dry Cleaning Pick-up Station	*	*	*	R	R	R	C	*
Laundry, Linen Supply or Diaper Service	*	*	*	C	R	R	R	*
Loan Office	*	*	*	R	R	R	C	*
Locksmith	*	*	*	R	R	R	C	*
Machine Shop	*	*	*	*	C	*	R	R
Nursery, Day Care or Kindergarten	C	R	R	C	C	C	C	*
Nursing Home, Intermediate or Skilled	*	C	C	R	R	*	C	*
Nursing Home, Personal Care	*	C	C	R	R	*	C	*
Office	*	*	*	R	R	R	R	R
Optician	*	*	*	R	R	R	C	*
Painting and Decorating Contractor	*	*	*	C	R	R	R	*
Photographic Studio and/or Processing	*	*	*	C	R	R	C	*
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Picture Framing and/or mirror silvering	*	*	*	R	R	R	C	*
Plumbing Shop	*	*	*	C	R	R	R	*
Police Sub-station incl. State Police	*	C	C	R	R	R	R	R
Post Office	*	*	*	*	R	R	C	*
Post Office Branch	*	*	*	R	R	*	C	*
Pressing, Altering and Repair of Apparel	*	*	*	C	R	R	C	*
Radio and TV Store and Repair Shop	*	*	*	C	R	R	C	*
Reducing/Exercise Salon	*	*	*	R	R	R	C	*
Revival Church (temporary) on permit issued by Administrative Official, such permit not to exceed a period of one week in	*	*	*	R	R	R	C	*

duration with renewal for not more than three such periods

Rug and Carpet Cleaning	*	*	*	C	R	R	R	*
*Sand and Gravel Storage Yard	*	*	*	*	*	*	R	R
Schools, Elementary and/or Secondary meeting all requirements of compulsory education laws of the State of Kentucky	C	C	C	C	C	C	C	*
Shoe Repair Shop	*	*	*	R	R	R	C	*
Sign Shop	*	*	*	C	R	R	R	*
Studio for professional teaching of Fine Arts	*	*	*	R	R	R	C	*
Studio for dance or music	*	*	*	R	R	R	C	*
Tailor Shop	*	*	*	R	R	R	C	*
Tattoo Shop	*	*	*	*	C			*
Taxidermist	*	*	*	*	R	R	R	*
Trade School	*	*	*	*	R	R	R	*
Travel Trailer Park	*	*	*	*	R	*	R	*
*Transit & Taxi Vehicle Storage & Service	*	*	*	*	R	*	R	R
Venetian Blind & Metal Cleaning & Fabrication	*	*	*	*	*	R	R	R
Veterinary Clinic	*	*	*	C	R	R	R	*
Vulcanizing Shop	*	*	*	*	*	*	R	*

**CULTURE, ENTERTAINMENT, RECREATION**

*Amusement, Commercial (e.g. bowling, miniature golf, arcades, billiard parlors, pool halls, etc.)	*	*	*	*	C	*	*	*
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Art Gallery or Museum	*	*	*	C	R	R	C	*
Auditorium	*	*	*	*	R	R	C	*
*Carnival or Circus; as a temporary use or permit issued by Administrative Official permit to be valid for period not exceeding 3 days with renewal limited to one more such period	*	*	*	*	C	*	C	C
Club or Lodge, Private	*	*	*	C	R	R	C	*
Fairgrounds, Baseball Park & Stadium	*	*	*	*	C	*	C	C





Millinery Manufacture	*	*	*	*	*	*	R	R
Millwork & Similar Wood Products	*	*	*	*	*	*	R	R
Novelty & Souvenir Manufacture	*	*	*	*	*	*	R	*
Office Equipment & Supplies Mfg.	*	*	*	*	*	*	R	*
Oils & Fats Mfg., Animal & Vegetable	*	*	*	*	*	*	*	R
Orthopedic Brace Artificial Limb Mfg.	*	*	*	*	R	*	R	*
Packing & Gasket Manufacture	*	*	*	*	*	*	R	R
Paints, Pigments, Enamels, Japans, Lacquers, Putty, Varnishes, Whiting & Wood Filling Manufacture or Fabrication	*	*	*	*	*	*	*	C
Paper Products Manufacture	*	*	*	*	*	*	*	C
Paper, Pulp, Cellulose & Rayon Mfg.	*	*	*	*	*	*	*	C
Petroleum and Petroleum Products Mfg., Processing or Storage	*	*	*	*	*	*	C	C
Plastic Fabrication	*	*	*	*	C	*	R	R
Plastics Manufacture	*	*	*	*	*	*	R	R
Potash Works	*	*	*	*	*	*	*	R
Poultry (live) Storage &/or Dressing	*	*	*	*	*	*	R	*
Printing, Publishing & Allied Industries	*	*	*	*	R	R	R	*
Rubber Mfg., Processing or Reclaiming	*	*	*	*	*	*	*	C
Sawmill or Planing Mill	*	*	*	*	*	*	R	R
Shoe Polish or Stove Polish Manufacture	*	*	*	*	*	*	*	R
Soda or Washing Compound Mfg.	*	*	*	*	*	*	*	R
Sporting Goods Manufacture	*	*	*	*	*	*	R	R
Sugars & Starches Manufacture	*	*	*	*	*	*	*	R
Syrup Manufacture	*	*	*	*	*	*	*	R
Tar Manufacture or Distillation	*	*	*	*	*	*	*	C
	<b><u>R-1</u></b>	<b><u>R-2</u></b>	<b><u>R-3</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
Textile Mill	*	*	*	*	*	*	R	R
Tool Manufacture	*	*	*	*	*	*	R	R
Toy Manufacture	*	*	*	*	*	*	R	R
Water Distillation	*	*	*	*	R	*	R	*
Welding Shop	*	*	*	*	C	*	R	R
Wood Preserving by Creosote or Other Impregnation Treatment	*	*	*	*	*	*	R	R
<b><u>TRANSPORTATION,</u></b> <b><u>COMMUNICATION, UTILITIES</u></b>								

*Airport &/or Dusting Service	*	*	*	*	*	*	R	R
*Auto Storage (commercial) Incl. Parking	*	*	*	R	R	R	R	R
Freight Depot, Railway &/or Truck	*	*	*	*	*	*	R	R
Overland Transportation of Coal	*	*	*	*	R	*	R	R
Radio & Television Receiving Transmitter or Relay Tower								
Radio & Television Broadcasting Studio not including transmitter	*	*	*	R	R	R	*	*
Sewage Disposal Plant	C	C	C	C	C	C	C	C

Underground Transportation of Coal	R	R	R	R	R	R	R	R
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**RESOURCES PRODUCTION OR  
EXTRACTION**

Animal (small) Raising	*	*	*	*	*	*	*	*
*Aviary	*	*	*	*	*	*	*	*
Hatchery (poultry)	*	*	*	*	*	*	*	*
Natural Production Uses: incl. extraction of coal, oil, gas or other natural mineral deposit, such as sand, clay, gravel	*	*	*	*	*	*	*	*
Overland Transportation of Coal	*	*	*	*	R	*	R	R
*Rock Crusher								
Stone Cutting	*	*	*	*	*	*	*	R
Underground Transportation of Coal Well Drilling Co.	R	R	R	R	R	R	R	R

**OTHER**

Accessory Use	R	R	R	R	R	R	R	R
*Pipe Storage	*	*	*	*	*	*	R	R
Outdoor Advertising	*	*	*	R	R	R	R	R

1. NOTES: Uses by Right. The uses listed are permitted subject to the conditions established in this ordinance. (R)
2. Conditional Uses. Uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be

subject to approval of the Board of Zoning Adjustments in accordance with the provisions of this ordinance. (C)

3. Enclosure of Uses. Every use in any district, except an M-1 and **M-2** District, shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements. Uses that are not required within a completely enclosed structure are indicated by an asterisk (\*) [located at the end of the named use, not in the R-2, et al. columns. Asterisks located in the R-2, et al. columns indicate uses that are not permitted.]
4. [Uses that are in existence at the time of passage of an amendment to the Chart of Permitted Uses that prohibits the further usage of that type are allowed to continue unless the use is terminated/ends for a period of thirty (30) days and are indicated by a (+) at the end of the named use.]

5. The location of any distilled spirits and wine retail package store in the B-2/General Highway Business District prior to the enactment of the Ordinance amendment (11-13-02) is ratified and confirmed.

#### **5.09. AG AGRICULTURAL DISTRICT**

##### **5.09(1) STATEMENT OF PURPOSE**

The AG District is intended to be a transition zone between town and country. Areas suitable for this designation are typically on the perimeter of the City limits, but are suitable for agricultural purposes. Some other city ordinance imposing restrictions on some activities may not be appropriate for the AG District, and thus exemption from those ordinances (or modification of their effects) in the AG District should be addressed in those separate ordinances.

AG Districts should be relatively large districts. It is not intended that lots of small plots be zoned AG, although some agricultural activities may take place on some otherwise vacant lots or plots. For example, vegetable gardens may be maintained in other zoning districts, and an AG designation would not be necessary to carry on that activity.

##### **5.09(2) PERMITTED USES**

The following uses are permitted as of right in the AG District:

(a) Residential: Any use permitted in R-2, single family and duplex district; the "Schedule of Regulations" contained in Article VI, pertaining to R-2, shall apply to the AG District for such uses and structures as are permitted in R-2.

(b) Commercial:

(1) General agricultural uses including farming, dairy, and stock raising, except that animal feed lots are not permitted. Greenhouses and nurseries are permitted, including both wholesale and retail sales of products grown on the premises. Stables and riding academies are permitted.

(2) Agricultural buildings and structures accessory to the principal agricultural use of the land. The "Schedule of Regulations" contained in Article VI pertaining to M-1 shall apply in the AG District for these types of buildings and structures.

(3) Signs identifying the name and type of agricultural activity conducted on the premises.

(4) Sale of agricultural products and services produced on the premises provided that where such products or services are sold from a roadside stand, such roadside stand provide automobile access and off-street parking space for at least three vehicles.

(c) Conditionally Permitted Uses:

- (1) Cemeteries.
- (2) Churches and other buildings for the purpose of religious worship.
- (3) Governmental offices.
- (4) Nursery schools.
- (5) Police and fire stations.
- (6) Public and parochial schools.
- (7) Veterinarian offices for large and small animals, including outside runs.
- (8) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
- (9) Recreational uses, other than those publicly owned and/or operated, as follows:
  - (a) Golf courses/driving ranges.
  - (b) Country Clubs.
  - (c) Swimming pools.
  - (d) Tennis, racquet ball, etc., courts/clubs
  - (e) Fishing lakes.
  - (f) Gun clubs and ranges.

No other use may be conditionally permitted in the AG District.

(d) Minimum Contiguous Area:

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No AG District shall be created unless there shall be a minimum of ten (10) contiguous acres contained in such AG District.

**ARTICLE VI  
SCHEDULE OF REGULATIONS**

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>M-1</u>	<u>M-2</u>
Maximum Lot Coverage	35%	35%	40%	-	-	-	-	-
Maximum Bldg. Height (ft)	30	30	35	35	35	35	35	35
Minimum Lot Width (A)	*	*	*					
1-Family	80	60	60					
2-Family	-	75 (B)	75 (B)	-	-	-	-	-
Multi-Family	-	-	70 (C)	-	-	-	-	-
Others	-	-	-	-	-	-	-	-
Minimum Setbacks (ft)	*	*	*					
Front Yard	25	20	20	25	25	-	50	50
Rear Yard	25	20	20	-	-	-	25	25
Side Yard	10	8	8	-	-	-	25	25
Minimum Lot Area (sq ft)	*	*	*					
1-Family	10,000	7,500	7,500					
2-Family	-	10,000	10,000					
Multi-Family	-	-	10,000					
Other	-	-	-					
Mobile Home Parks (See Text at 5.02 (3) (f))								

- 
- (A) At the required front yard setback line.
- (B) Zero lot line (2-family dwelling) - Minimum Lot Width 37.5';  
See Article IV, Section 4.06, for additional requirements.
- (C) Except townhouses - See Article IV, Section 4.05.
- \* -These standard regulations apply to lots with community water and sewer services.
- Lots with community water and individual septic tank must comply with 100' lot width and 15,000 sq. ft. lot size.
  - Lots with individual well and septic tank must comply with state and county health department regulations.
  - Mobile homes must comply with minimum lot size of 15,000 sq. ft.

**ARTICLE VII  
SIGNS AND OUTDOOR ADVERTISING DISPLAYS**

**Section 7.01. SIGNS AND OUTDOOR ADVERTISING DISPLAYS PERMITTED**

Signs and outdoor advertising displays shall be permitted in all districts subject to the provisions and regulations contained herein.

**Section 7.02. DEFINITIONS - SIGNS AND OUTDOOR ADVERTISING DISPLAYS**

(a) Signs: Any advertising display affixed to land or improvements thereon, which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter. No billboards (an advertising display that is not affixed to the improvements but is affixed to the land) are allowed in B-2 districts unless the proposed billboard is advertising the business located on the same property or unless the billboard was in existence prior to the enactment of this ordinance amendment.

(b) Outdoor Advertising Display: Any advertising display, whether affixed to land or improvements thereof and which is not an accessory use to the premises upon which it is located and which may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter. No billboards (an advertising display that is not affixed to the improvements but is affixed to the land) are allowed in B-2 districts unless the proposed billboard is advertising the business located on the same property or unless the billboard was in existence prior to the enactment of this ordinance amendment.

(c) Directional Sign: A sign conveying directions to a premises other than the premises on which the sign is located. Directional signs shall not exceed 16 square feet in area and may be either illuminated or non-illuminated, except where illumination is otherwise specifically prohibited in this chapter.

(d) Pennants and Special Events Signs: A sign or advertising display or pennant which relates specifically to a scheduled special event. All such signs or pennants shall be removed within seven (7) calendar days from the final day of the event.

**Section 7.03. PERMIT REQUIRED**

A building permit shall be required for all signs and outdoor advertising displays, except

pennants and special event signs. Any buildings located in the area designated B-3 shall be required to apply for a conditional use permit for any proposed alterations to the outside of a commercial building related to change in building color, signs, or artwork on said building(s). Any alterations to the outside appearance of a commercial building related to change of building color, signs painted on said building(s) and/or artwork on said building(s) located in areas zoned B-3 shall not be made to said building if the conditional use permit is denied.

#### **Section 7.04. LOCATION**

(a) Signs - No sign shall be erected or placed nearer to any street right-of-way upon which said display faces than the building lines provided in zones where the use is permitted, except one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than five feet to the street right-of-way line, but in no case to be permitted to obstruct view of traffic. If the use is on a corner lot, two signs are allowed, one on each street, however, in the Central Business District where buildings may be built up to the street right-of-way line, one sign, attached parallel and flush to the wall of the building is permitted; provided that no signs shall project from the face of the building or structure over a street, alley or other public space more than eighteen inches. A clear space on not less than ten feet shall be provided below all parts of such signs. Projecting signs shall be securely attached to the building or structure. No overhanging sign which was in compliance with this ordinance as of December 1, 1992 (hereinafter referred to as "grandfathered sign"), shall continue to be in compliance subsequent to the effective date of the amendment contained in the City of Central City Ordinance Bill #92-9A (which amendment prohibits projecting overhead signs in the Central Business District) from the time that any such grandfathered sign is removed, for any reason, from its grandfathered position. Any such removal shall extinguish such sign's "grandfathered" status, and it may not be reinstalled, contrary to the provisions of this ordinance, either at its former location or at any new location. Any such removal shall include, but is not limited to, removal for maintenance, by vandalism, for safety, involuntary removal by casualty or disaster of any sort.

(b) Outdoor advertising display - Outdoor advertising displays shall be permitted only in B-2 and B-3 districts. All outdoor advertising displays shall be placed not closer than twenty (20) feet from any street right-of-way line upon which said display faces. The total number of outdoor advertising displays on any one lot shall not exceed two. Back-to-back displays commonly supported shall be considered as one display.

(c) Direction sign - Directional signs shall be permitted in all commercial and industrial districts only. Such signs shall not be placed closer than five feet to any street right-of-way line nor shall it be permitted to obstruct the flow or view of traffic.

(d) Pennants and special events signs - Pennants and special events signs are allowed in commercial districts and shall not be permitted to obstruct the view or flow of traffic.

(e) Signs, advertising, billboards and "bench" advertising erected on public property other than signs erected by public authority for public purposes are prohibited.

(f) Signs so located as to prevent free ingress or egress from any door, window, or fire escape are prohibited. No sign shall be attached to a standpipe or fire escape.

(g) On-premise signs erected, maintained, or continued which cause any interference to sight distance are prohibited.

(h) No on-premise sign shall contain commercial advertising which is unrelated to the existing use of the property.

(i) Signs which are obscene, indecent, or immoral are prohibited.

#### **Section 7.05. LIGHTING**

Signs and outdoor advertising displays which involve lighting or motion resembling traffic or directional signals, warning - such as "stop" or "danger" or any other signal signs which are normally associated with highway safety or regulations are prohibited. Additionally, no sign or outdoor advertising display device constituting a nuisance because of light, glare, focus, animation, flashing, or any illuminated signs of such intensity of illumination as to unduly disturb the use of residential property shall be erected or continue in operation.

#### **Section 7.06. MAINTENANCE**

Signs and outdoor advertising displays shall be maintained. Such maintenance shall include proper alignment of structure, continued readability of the structure and preservation of the structure with paint or other preservatives. If a sign or outdoor advertising display is not maintained, written notice of any disrepair shall be issued by the enforcement officer to the owner of said structure. If the disrepair is not corrected within sixty (60) days on issuance of said notice, said structure shall be removed at the owners expense.

**Section 7.07. NON-CONFORMING SIGNS AND OUTDOOR ADVERTISING**

All non-conforming signs, awnings, or marquee existing at the time of enactment of this chapter, but not in conformity with the provisions of this Ordinance, may be continued with the following limitations:

(a) Except for normal maintenance, such as cleaning, painting or replacing globes or tubing, a permit for any other repairs and maintenance must first be secured from the Building Inspector.

(b) Any sign, awning, or marquee which is hereinafter reconstructed or repaired wherein a major structural change is made, must, after said reconstruction or repairs, conform with the provisions of this Ordinance.

(c) Any sign, awning, or marquee which, in accordance with the findings and judgment of the Building Inspector, is considered to be materially damaged or dangerous or detrimental to the public safety by its continued use, and which must be removed from the building or its supports for the purpose of repair, must, after said repairs, conform with the provisions of this Ordinance.

(d) Any sign, awning, or marquee which is dislodged from the building or its supports by the elements or other causes must, upon replacement or reconstruction, conform with the provisions of this Ordinance.

**Section 7.08. ILLEGAL SIGNS AND OUTDOOR ADVERTISING DISPLAYS**

The city shall remove at the owners expense, any sign or outdoor advertising display erected or maintained illegally if the owner or lessee thereof fails to do so within sixty (60) days after receiving notice from the enforcement officer to remove the sign or display. The city shall have a lien against the real estate upon which or for which such illegally maintained signs are located for the cost of such removal. Such lien shall be co-equal with real estate ad valorem taxes and may be included with the tax bill for such property.

**Section 7.09. 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 zoning permit or certificate of occupancy required:

(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.

**ARTICLE VIII  
OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Section 8.01. OFF-STREET PARKING REQUIREMENTS**

In all zoning districts, except B-3, Central Business District, off-street parking spaces for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of these regulations, shall be provided as herein prescribed. The remodeling or alteration of present buildings would be exempt from these provisions if:

(a) the exterior dimensions are not changed; and

(b) any increase in floor space is confined within the basic structure.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main buildings or structures remain, unless an equivalent number of such spaces are provided elsewhere in conformance with these regulations. The owner or owners of a building, structure or other land use requiring off-street parking space must show, to the satisfaction of the Building Inspector, that he is the record title holder of the property devoted to said principle land use and of the property proposed for off-street parking use, or that he is the lessee of such property.

(a) Area for Parking Space. For the purpose of this section, 300 square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that 200 square feet of lot of area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

(b) Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of fractional space, any fraction up to, and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

(c) Loading Space Limitations. Loading space as required in this Article shall not be construed as supplying off-street parking space.

(d) Location of Parking Space for One (1) and Two (2)

Family Dwellings. The off-street parking facilities required for one and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.

(e) Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to be served.

(f) Useable Floor Area. For the purpose of this Article, useable floor area in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by customers, patrons, clients, patients, owners and tenants, less twenty percent (20%) thereof.

(g) Seating Capacity of Seats. As used in this Article for parking requirements, shall mean that each twenty-one (21) inches in seat width of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity shall be used as the basis for required parking space.

(h) Bed. Whenever the term "bed" is herein referred to, it shall mean such beds as are occupied by the patient or guests of the hospital or building in question, provided however, that bassinets and incubators shall not be counted as beds.

(i) Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements for off-street parking existing at the effective date of these regulations which serves an existing building or use, shall not be reduced in size less than that required under the terms of these regulations.

(k) Collective Provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under this Article.

(l) General Use Conditions. Except when land issued as storage space in connection with the business of a repair or service garage, the time limits for parking in off-street parking areas shall prevail as specified under this Article, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to provide and it shall be unlawful to

permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such area.

(m) Joint Use. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums, and other places of public assembly, stores, office buildings, and industrial establishments lying within 1,500 feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 A.M., and 6:00 P.M., on Sundays, and are not made available for other parking, may be used to meet not more than seventy-five percent (75%) of the off-street requirements of a church.

(n) Required Barriers. When off-street parking spaces or access aisles are located adjacent to the right-of-way line of a public street or alley, a concrete or asphalt curb measuring six (6) inches in height shall be placed along the edge of the parking space or access aisle for the purpose of preventing vehicle encroachment onto the street or alley right-of-way.

(o) Table of Off-Street Parking Requirements. The amount of off-street parking space required as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

(p) Off-street parking facilities shall be properly graded for drainage and maintained in proper condition, free of weeds, dust, trash and debris.

(q) Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining residential lots and parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided however, that the barrier shall be located on the setback line as herein required.

(r) Whenever such parking area adjoins residential property and/or a residential street or alley, a protective wall shall be erected and maintained between the required yard space and the area to be used for parking. Location of said wall facing a residential street shall be determined with due regard to side yard and building setback requirements adjoining the residential district as may be required in the particular commercial, office or industrial zoning district. The said wall shall be constructed

in such a manner that the first twelve (12) feet back from the street shall be four (4) feet high and the balance shall be provided to prevent vehicles striking said wall or shrubbery.

(s) In all cases where such parking lots abut public sidewalks, concrete curbing, at least six (6) inches in height, set end to end, shall be placed so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. In all cases where necessary for the protection of the public and adjoining properties, streets and sidewalks, curbs as described above, shall be installed.

(t) Means of ingress and egress shall be provided and shown on plans submitted. Minimum shall be fifteen (15) feet wide for one-way and twenty-four (24) feet wide for two-way traffic.

(u) Where street setback lines are provided by ordinance or established through the adoption of a Comprehensive Plan, such setback lines shall be maintained and required parking spaced shall not encroach thereon.

(v) No repairs or service to vehicles and no display of vehicles for purposes of sale shall be carried on or permitted on such premises.

**Section 8.02. OFF-STREET LOADING REQUIREMENTS**

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandising, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet Floor Area
0- 2,000	None
2,000- 5,000	One (1) Space
5,000- 20,000	One (1) Space plus one (1) space for each 5,000 square feet
20,000- 100,000	Four (4) Spaces plus one (1) space for

100,000- 500,000	each 20,000 square feet Five (5) Spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet

**SECTION 8.03. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES**

On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces for each service window.

Any off-street waiting space is defined as an area ten (10) feet wide by twenty (20) feet long.

Self-service motor vehicle car wash establishments shall provide at least four (4) off-street waiting spaces for each washing stall. Motor vehicle car wash establishments other than self-service, shall provide twenty (20) waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

USE	REQUIRED NUMBER PARKING SPACES	PER EACH UNIT OF MEASURE AS FOLLOWS
1. Banks (except drive-in, only) business or professional offices of lawyers, architects, engineers or similar or allied professions	1	300 sq. ft. of usable floor area
2. Banks (drive-in only)	1	Per service window, plus 1
3. Beauty parlor/barber shop	2	Each barber &/or beauty shop operator or chair, whichever is greater
4. Bowling alleys	8	Each bowling lane plus for any bar, restaurant, or assembly space attached to a bowling alley
5. Churches	1	Six (6) seats based on maximum seating capacity in the main place of assembly
6. Dance halls, exhibition halls pool and billiard halls, skating rinks, lodge halls, and assembly halls without fixed seats	1	Forty (40) sq ft of usable floor space, with a minimum of ten (10) parking spaces
7. Elementary schools, junior high schools	1	Two teachers, employees, or administrators in addition to the requirements

			of the audi- torium or assembly hall
8. Establishments other than drive-in for sale and consumption on the pre- mises of beverages, food or refreshments	1		One Hundred (100) sq ft of usable floor area
9. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair, laundry, motor vehicle salesroom, hard- ware stores, wholesale stores, & machinery sales	1		Eight hundred (800) sq ft of usable floor area occupied in processing or manufacturing for which re- quirements see industrial establishment below
10. Hospitals	1		Two (2) beds
11. Hotels	1		Guest bedroom
12. Industrial establishments including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops warehouses, and storage buildings	1		Two (2) emp- loyees compu- ted on the basis of the greatest no. of persons employed at any one period during the night or day
13. Laundromat &/or dry cleaning center	1		Each combina- tion of washer/dryer machine + 1 space
14. Libraries and museums	1		Two hundred (200) sq ft of floor space
15. Mortuary establishments,	1		Sixty (60) sq

funeral homes		ft of floor space
16. Motor vehicle car wash		
a. self-service operation	4	Each motor vehicle wash
establishment		in addition off-street automobile waiting spaces shall be in accordance with Section 6.03
b. other than self-service operations	4	Car wash establishment parking in addition off-street automobile waiting spaces shall be in accordance with this Article
17. Fraternity houses, dormitories	1	Two (2) beds
18. Professional offices of doctors and dentists	1	Two hundred (200) sq ft of useable floor area
19. Residential-single or 2 family	2	Per dwelling unit
20. Multi-family: Efficiency & one-bedroom apt.	1.5	Per dwelling unit
Townhouse	2	Per dwelling unit
21. Rooming or boarding house	5	Plus 1 every 5 beds (min. 6 spaces)

22. Retail store, except as otherwise specified herein	1	Sq. feet of useable floor space
23. Sanitariums, convents, home for the aged, convalescent homes and children homes	1	Two beds
24. Senior high schools, colleges and universities	1	Each teacher, employee and administrator, in addition to the requirements of the auditorium assembly therein
or area		
25. Stadiums and sports arenas auditoriums and places of public assembly	1	Four (4) or seven (7) ft. of benches
26. Tourist home, motel	1	Guest bedroom
27. Automobile service stations	4	Each station + one (1) additional space for each
gasoline		pump above three
28. Service garages, auto salesrooms, auto repair, collision or body shops	1	Eight hundred (800) sq. ft. of useable floor area plus one (1) space for each two (2) employees computed on the basis of the maximum no. of employees on duty at any one time, plus two (2)

spaces for  
each stall in  
a collision,  
body or  
painting shop  
plus one (1)  
space for ea.  
stall or  
service area  
or wash rack  
in a servic-  
ing or repair  
shop

**ARTICLE IX  
NON-CONFORMING USES AND STRUCTURES**

**Section 9.01. INTENT OF REGULATIONS**

Within the districts established by this Ordinance or amendments that may later be adopted, there exist: (1) structures, (2) uses of land and/or structures, and (3) characteristics of use which were lawful before the effective date of this Ordinance or of an amendment thereto, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is also the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for the addition of other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, land, or a structure and land in combination shall not be extended or enlarged by the installation of additional signs attached to a building or located on the premises if they are intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

**Section 9.02. NON-CONFORMING LOTS OF RECORD**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be

erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are applicable in the district, provided that yard dimensions and other requirements other than these applying to area or width of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

**Section 9.03. NON-CONFORMING USES OF LAND WITHOUT STRUCTURES (OR WITH MINOR STRUCTURES ONLY)**

(a) Continuance. In cases where a lawful use of land exists on the effective date of this Ordinance or an amendment thereto, and such use would not be permitted by the regulations imposed by this Ordinance or by an amendment thereto and if such use involves no individual structures with a replacement cost exceeding \$1,000, the use may be continued as long as it remains otherwise lawful.

(b) Enlargement. No such non-conforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied on the effective date of this Ordinance or of an amendment thereto. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

(c) Extension or Movement. No such non-conforming use shall be extended or moved to any portion of the premises or parcel of land other than that occupied by such use on the effective date of this Ordinance or of an amendment thereto.

(d) Change in Use. No such non-conforming use of land shall be changed to any other non-conforming use, unless the Board of Zoning Adjustment finds that the new non-conforming use is in

the same or a more restrictive classification.

(e) Cessation. If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. However, for mobile homes, see Section 5.02(3)(i).

#### **Section 9.04. NON-CONFORMING STRUCTURES**

(a) Continuance. In cases where a lawful structure exists on the effective date of this Ordinance or of an amendment thereto and such structure could not be built under the terms of this Ordinance or amendment thereto by reason of restrictions on area, building site, coverage, height, yards, location on the building site, or other requirements concerning the structure, the structure may be continued as long as it remains otherwise lawful.

(b) Enlargement. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

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

(d) Replacement. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

#### **Section 9.05. NON-CONFORMING USES OF STRUCTURES (AND/OR PREMISES)**

(a) Continuance. In cases where a lawful use of a structure, or of structures and premises in combination, exists on the effective date of this Ordinance or an amendment thereto, and such use would not be permitted by the regulations imposed by this Ordinance or by amendment thereto, and such structures have a replacement cost of \$1,000 or more, the use may be continued as long as it remains otherwise lawful.

(b) Enlargement. No existing structure devoted to a use not permitted by this Ordinance or by amendment thereto in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(c) Extension. Any non-conforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use on the effective date of this Ordinance or of amendment thereto, but no such use shall be extended to occupy any land outside such structure that was not occupied at the time of adoption on this Ordinance or amendment thereto.

(d) Change in Use. If no structural alterations are made, any non-conforming use of a structure, or of structures and premises in combination, may as a conditional use be changed to another non-conforming use provided that the Board of Zoning adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance. In any structure, or structure and premises in combination, where a non-conforming use is superseded by a permitted use, no non-conforming use shall thereafter be resumed.

(e) Cessation. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for any combination of twenty-four (24) months during any three (3) year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, for mobile homes, see Section 5.02(3)(i).

(f) Replacement. In cases where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. For the purposes of this section, "destruction" is defined as damage to an extent of more than sixty (60) percent of the replacement cost at the time of destruction.

#### **Section 9.06. CONSTRUCTION BEGUN PRIOR TO ORDINANCE**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun in good faith prior to the effective date of this Ordinance or of an amendment thereto and upon which actual construction has been carried on in a diligent manner. Substantial actual construction is hereby defined to include the placing of construction materials in a permanent position and the fastening of them in a permanent manner. If excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding,

such excavation, demolition, or removal shall be deemed to be actual construction, provided the work is carried on in a diligent manner.

**Section 9.07. REPAIRS AND MAINTENANCE**

(a) Ordinary Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any twelve (12) consecutive months on ordinary repairs or on the repair and replacement on nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the structure, provided that the cubic content existing when the structure or portion thereof became non-conforming shall not be increased.

(b) Unsafe Structures. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

**Section 9.08. USES REQUIRING CONDITIONAL USE APPROVAL**

Any lawful use which exists on the effective date of this Ordinance or an amendment thereto, and which would be required to be a conditional use under the terms of this Ordinance or amendment thereto, is, without further action conforming under these provisions.

**ARTICLE X  
BOARD OF ZONING ADJUSTMENTS**

**Section 10.01. POWER AND DUTIES**

A Board of Zoning Adjustment is hereby created for the City of Central City, Kentucky. The Board shall be known as the Central City Board of Zoning Adjustments. The Board shall have the powers, duties, and responsibilities as set forth in KRS, Chapter 100.

(a) The membership, appointment, and term of office of the Board of Zoning Adjustments is as follows:

The Board shall consist of five citizen members, at least one and not more than two of which shall be a Planning Commission member. The mayor of the city shall appoint the members of the Board with the approval of the City Council. The term of office of members first appointed shall be staggered so that a proper proportionate number serve one, two, three and four years respectively, with

later appointments or re-appointments continuing the staggered pattern. Members of the Board of Zoning Adjustment previously existing, at the effective date of this Ordinance, shall constitute the membership of the Board of Zoning Adjustment created hereunder.

(b) Reimbursement for expenses lawfully incurred by a member of the Board in the performance of his duties may be authorized by formal action of the City Council. No member of the Board shall receive any other compensation.

(c) The Board shall have the power to receive, hold, administer and disburse funds which it may lawfully receive from any and every source. Prior to the beginning of each fiscal year the Board may adopt a budget which will be presented to the City Council for the purpose of receiving funds for the cost of its operation.

(d) Expenditures of such appropriations and funds shall be in accordance with the formal action of the Board pursuant to the regulations lawfully established. Administration of the Board shall be as described in KRS Chapter 100 and as may be amended in the future.

(e) Vacancies on the Board shall be filled within sixty (60) days by the mayor and City Council. If City Council fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of terms of office, it shall be filled for the remainder of the term.

(f) All members of the Board of Adjustments shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any Judge, Notary Public, Clerk of a Court or Justice of the Peace within the district or county in which he/she resides.

(g) Any member of the Board of Adjustments may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance or conflict of interest. Any appointing authority who exercises the power to remove a member of the Board of Adjustments shall submit a written statement to the Planning Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Board of Adjustments which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Circuit Court of the County in which he/she resides.

(h) The Board of Adjustments shall annually elect a Chairman, Vice-Chairman and Secretary and any other such officers it deems necessary and any officer shall be eligible for re-

election at the expiration of his term.

(i) The Board of Adjustments shall conduct meetings at the call of the Chairman who shall give written notice or oral notice to all members of the Board at least seven (7) days prior to the meeting, which notice shall contain the date, time and place for the meeting and the subjects which will be discussed.

(j) A simple majority of the total membership of a Board of Adjustments as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself/herself from voting on the question.

(k) The Board of Adjustments shall adopt by-laws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall immediately after adoption, be filed in the office of the Board. A transcript of the minutes of a Board of Adjustments meeting shall be provided if requested.

(l) The Board of Adjustments may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

(m) The Board of Adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions about it. Any person authorized by the Kentucky Rules of Civil Procedure to serve subpoenas in the Courts of Kentucky may serve such subpoenas issued by the Board of Adjustments.

(n) The Chairman of the Board of Adjustments shall have the power to administer an oath to witnesses prior to their testifying before the Board on any issue.

(o) The Board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met.

1. The Board may approve, modify, or deny and application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before

the request can be initiated or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits or variances for non-compliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing and other regulations.

3. 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 back to its original designation unless there has been a public hearing. Exercised as set forth in this section shall mean that binding contracts for the construction of the main building or other improvements have been met; or in the absence of contracts that the main building or other improvements is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development are completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

4. 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 listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the Chairman of the Board of 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 landowner at the same time it is 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 of Adjustments may authorize the administrative official to revoke the conditional

use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may if the facts warrant, make a determination that the conditions have been satisfied (note the conclusion in the margin of the copy of the conditional use permit which is on file with the County Court Clerk as required in KRS 100.344.) Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

(q) Before any variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

1. The specific conditions in detail which are unique to the applicants land and do not exist on other land in the same zone.

2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.

3. That unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations.

4. Reasons that the variance will preserve, not harm the public safety and welfare and will not alter the essential character of the neighborhood.

(r) The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

(s) A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the application to a different site.

(t) The lawful use of a building or premises existing at the time of adoption of any zoning regulations affecting it may

be continued, although such use does not conform to the provisions of such regulations except as otherwise provided herein.

The Board of Adjustments shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at the time the regulation which makes its use non-conforming was adopted, nor shall the Board permit a change from one non-conforming use is in the same or a more restrictive classification provided, however, the Board of Adjustments may grant approval, effective to maintain non-conforming use status, for enlargements, or extensions, made or to be made of the facilities of a non-conforming use where the use consists of the presenting of a major public attraction or attractions such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.

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

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

(w) The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 100.424 as well as written notice to the appellant and the zoning enforcement officer at least one week prior to the hearing and shall decide it within sixty days. The affected party may appear at the hearing in person or by attorney.

(x) If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

**ARTICLE XI  
ADMINISTRATION, ENFORCEMENT AND VIOLATIONS**

**Section 11.01. ENFORCEMENT OFFICER**

The provisions of this chapter shall be administered and enforced by a Zoning Administrator appointed by the City Council of Central City who shall have the power to make inspection of buildings and premises necessary to carry out his duties in the enforcement of this chapter. The enforcement officer in the performance of his duties and functions may enter upon any land and make examination and surveys that do no damage or injury to private property.

**Section 11.02. BUILDING PERMITS**

(a) Required prior to construction or exterior alteration. No person shall commence excavation for or the construction of any building, including accessory buildings, or commence the moving or exterior alteration of any buildings, including accessory buildings until the enforcement officer has issued a building permit for such work.

(b) Exceptions. No building permit or certificate of occupancy shall be required in the following cases;

1. Recurring maintenance work;
2. Alterations to the interior of a building;
3. Alterations to the exterior of a building which do not appreciably increase the exterior dimensions of the building (e.g., siding, doors, windows, roofing, etc.)
4. Installation of required improvements according to an approved subdivision plat.
5. Exceptions set forth in Section 5.10.(4).

(c) Procedure:

1. Application: In applying to the enforcement officer for a building permit the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon the outside dimensions of all structures yard depths, and any other information necessary for

determining conformance with this order. The State Plumbing Inspector's certificate approving proposed water and sewerage facilities must accompany applications according to Section 4.04 of Article IV.

2. Permanent File: The enforcement officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspection violations, stop orders, and condemnations.

3. Issuance: If the proposed construction or alteration conforms with all applicable provisions of this Ordinance and all other applicable ordinances, regulations and codes, the enforcement officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the enforcement officer shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The enforcement officer shall act upon applications for building permits within two weeks from the date of their submission or shall inform City Council in writing as to why no action has been taken.

4. Validity: The issuance of a building permit by the enforcement officer shall not waive any provisions of this Article.

5. Duration: A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the enforcement officer before it becomes void.

#### **Section 11.03. CERTIFICATES OF OCCUPANCY**

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the enforcement officer shall have issued a certificate of occupancy, stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the enforcement officer to make final inspection thereof and to issue a certificate of occupancy, if the land, building, or part thereof and the proposed use thereof, are found to conform with the provisions of this Ordinance, or if such certification is refused, to state refusal in writing, with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application

#### **Section 11.04. VIOLATIONS; PENALTIES**

(a) Remedies. In case any building or structure is, or is proposed to be erected, constructed or reconstructed, or any building structure or land is, or is proposed to be used in violation of this ordinance, the enforcement officer or any other appropriate property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or appropriate action or proceeding to prevent the work or occupancy of such building, structure or land in any court of competent jurisdiction.

(b) Penalties. Any person violating any provision of this Ordinance shall, upon conviction, be fined not less than \$10 nor more than \$500 for each conviction. Each day of violation shall constitute a separate offense.

#### **Section 11.05. CLARIFICATION OF ADMINISTRATIVE JURISDICTION**

The following is a recapitulation of the administrative agencies with jurisdiction and the extent of their jurisdiction concerning the administration of this Ordinance.

(a) The enforcement officer has initial authority for the literal enforcement of this Ordinance. He has no discretionary authority to allow any departure from the literal conformance with this Ordinance.

(b) The Board of Zoning Adjustment has authority to hear appeals from decisions by the enforcement officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretations by the enforcement officer. The Board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from a literal conformance which is specifically delegated to it.

(c) The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Zoning Adjustment or the City Council of Central City.

### **ARTICLE XII AMENDMENTS**

#### **Section 12.01. APPLICATION FOR AMENDMENT**

A proposal for amendment to the Zoning Ordinance may originate with the Planning Commission, Legislative Body, any other government body, the owner of the subject property or by a person having written authorization from the owner of the subject property. Regardless of the origin of the proposed amendment, an

application must be filed with the Planning Commission at least twenty-one days prior to the first Tuesday of the following month requesting the proposed amendment, accompanied by such information as required by this Zoning Ordinance and in such form as established by the Planning Commission. The Planning Commission may require the submission of further information subsequent to the filing of an application, a non-returnable filing fee shall be paid according to the schedule of fees as established herein. Upon the filing of an application for a Zoning Map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail. Regardless of the origin of a proposed Zoning Map amendment, the owners of all property adjoining the subject property shall be notified by registered mail.

**Section 12.02. COMMISSION PROCEDURE**

Upon the filing of an application for an amendment to this Zoning Ordinance, the Planning Commission shall study and review the application as provided in this Zoning Ordinance and the By-laws of the Planning Commission.

**Section 12.03. NOTICE OF PUBLIC HEARING**

Before voting upon any proposed amendment, notice of the time, place and reason for holding a public hearing shall be given as required by KRS 100.424.

**Section 12.04. PUBLIC HEARING ON APPLICATION**

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

**Section 12.05. RECOMMENDATION OF THE PLANNING COMMISSION ON ZONING AMENDMENT**

The Planning Commission shall make its recommendation to the City Council of Central City within sixty (60) days of the advertised public hearing. Before recommending to the City Council that an application for the amendment to the Zoning Ordinance be granted, the Planning Commission shall find that the map amendment is in agreement with the Comprehensive Plan or in the absence of such a finding that: (1) the original zoning classification given to the property was inappropriate or improper, or (2) that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan, and which have substantially altered the basic character of such area. The findings of fact made by the Planning Commission shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application

for amendment to the Zoning Ordinance be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council. Once the Planning Commission has made a determination of fact and recommendation to the City Council concerning the disposition of zoning on an individual tract of land, said tract of land, or any portion thereof, shall not be reconsidered for reclassification to the same zone by the Planning Commission for a period of at least six (6) months.

**Section 12.06. ACTION BY THE LEGISLATIVE BODY ON ZONING ORDINANCE AMENDMENT**

The City Council shall not act upon a proposed amendment to the Zoning Ordinance until it shall have received written findings of fact and recommendation thereon from the Planning Commission. Before an amendment to the Zoning Ordinance is granted the City Council must find that the map amendment is in agreement with the Comprehensive Plan or, in the absence of such a finding that:

(a) The original zoning classification given to the property was inappropriate or improper; or

(b) There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan which have substantially altered the basic character of such area.

(c) Any other finding which, under the law of Kentucky, would support a change in zoning.

It shall take a majority of the entire City Council to override the recommendation of the Planning Commission.

**Section 12.07. SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, zoning certificates, appeals, applications for amendment, approval of special plans, conditional uses, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the enforcement officer and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

This is an emergency ordinance, the emergency consisting of an immediate need for the City of Central City to put in place a revamped zoning ordinance and revamped zoning map so as to foster,

as rapidly as possible, economic growth in the City of Central City, which is currently experiencing a severely depressed economy. Because of the emergency nature hereof, and this Ordinance having passed by at least a two-third (2/3) majority vote of the City Council of the City of Central City, the requirement of a second reading is dispensed with.

**Severability:**

This ordinance shall be deemed severable, and if any portion hereof shall be declared invalid, the remainder hereof shall be declared invalid, the remainder hereof shall remain in full force and effect.

This ordinance shall take effect upon its recommendation by the Muhlenberg County Joint Planning and Zoning Commission, its approval by the City Council of the City of Central City, Kentucky, and publication, all as required by Kentucky Revised Statutes 100.207.

Recommended by the Joint City-County Planning Commission on April 24, 1986.

Passed and approved by the City Council of the City of Central City, Kentucky, on May 21, 1986.

Effective: 05/21/86 (#1986-8)  
Amended: 04/11/90 (#1990-7)  
12/09/92 (#1992-9A & #92-10A)  
09/11/96 (#1996-08)  
1/26/99 (#1998-10)  
11/13/02 (#2002-10)  
11/13/02 (#2002-11)  
03/11/04 (#2004-02)  
06/08/05 (#2005-03)  
02/13/13 (#2013-01)  
12/13/17 (#2017-10)  
04/10/19 (#2019-04)  
07/17/19 (#2019-09)  
03/10/21 (#2021-02)  
12/11/24 (#2024-06)