

MEADE COUNTY ZONING ORDINANCE  
PREPARED AND ADOPTED BY  
MEADE COUNTY LAND USE PLANNING COMMISSION  
516 Fairway Drive  
Brandenburg, Kentucky 40108

December 29, 1997 (Effective 01 March 1998)

\*\*\*This is an unofficial transcript and not an official codification of the Meade County Zoning Regulation. The original document and original amendments to this regulation are on file in the office of the Meade County Clerk, 516 Hillcrest Drive, Brandenburg, KY 40108.

# MEADE COUNTY ZONING ORDINANCE

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### **1.1 ENACTING CLAUSE**

By adoption of this ordinance, Meade County wishes to exercise the authority granted by the Kentucky Constitution, and the Kentucky Revised Statutes, Chapter 100, Section 100.201 through 100.271 to a legislative body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, that the unincorporated areas in Meade County 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 Regulation.

### **1.2 TITLE**

This regulation shall be known as the "Zoning Ordinance for Meade County, Kentucky." The map herein referred to, which is identified by the title "Meade County Zoning District Map," dated December 3, 1997 thereon, is hereby adopted and made a part of this regulation.

### **1.3 PURPOSE**

The zoning regulations and districts as herein set forth have been made in accordance with the Meade County Comprehensive Plan for the purpose of promoting the public health, safety, goals, and convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage control, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the unincorporated areas of Meade County.

### **1.4 INTERPRETATION**

The provisions herein shall be interpreted broadly and liberally so as to implement and protect the purposes for which they are enacted. In the interpretation and application of this Ordinance, the provisions herein shall be held to be of the minimum or maximum requirements (as stated); adopted for the promotion of the health, safety, morals, comfort, prosperity, well-being and general welfare. It is not intended by this Ordinance to repeal, abdicate, annul or in any way impair or interfere with any private restrictions placed upon property such as covenants, deeds or recorded plats; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot areas, larger yards or other open spaces, than are imposed by such private restrictions, the provisions of the Ordinance shall control.

### **1.5 CONFLICT OF ORDINANCE**

Whenever this Ordinance, or subdivision plats or development plans approved in conformance with these regulations are in conflict with applicable Kentucky Revised Statutes, or other local ordinances, regulations or laws, the more restrictive statute, ordinance, regulation, plat or plan shall govern and shall be enforced by the appropriate local agency. When subdivision and development plans, approved by the Planning Commission, contain setbacks or other features in excess of the minimum Ordinance requirements, such features as shown on the approved plans shall govern and shall be enforced by the Meade County Planning Commission or authorized enforcement agent. Private deed restrictions or private covenants for a subdivision

do not fall within the jurisdiction of enforcement by any local agency and cannot be enforced by the Meade County Planning Commission.

## **1.6 PLANS AND CONSTRUCTION IN PROGRESS**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or premises on which an application for a permit was filed with the Meade County Planning Commission or pertinent body prior to the date of adoption of the Ordinance or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The permit issued pursuant to application made before the date of adoption of the Ordinance shall be valid only if it is exercised within one year of the date of issuance of the permit. "Exercised" as set forth in this section, shall mean that a binding contract for the construction of the main building or other main improvements are under construction, or that prerequisite conditions involving substantial investments shall be under contract, in development or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

## **1.7 SEPARABILITY**

If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## **1.8 DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word 'person' includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word 'structure' includes building; the word 'occupied' includes arranged, designed or intended to be occupied; the word 'used' includes arranged, designed or intended to be used; the word 'shall' is always mandatory and not merely directive; the word 'may' is permissive; and the word 'lot' includes plot or parcel. Other words or terms shall have the following respective meanings.

**1. Accessory Structure or Use** - Any structure or use, other than the principal structure or use, and detached there from by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also, as specifically designated under the zoning district regulations of this Regulation.

**2. Administrative Officer** - The administrative officer is that individual appointed by the chief legislative body to administer this regulation. He may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, Zoning Administrator, or various other titles descriptive of his work unless otherwise stated in ordinance.

**3. Adult Book Store** - A person, establishment or business having more than a minimal portion of its stock in trade, such as recordings, books, magazines, periodical films, video tape/cassettes or other reading or viewing materials for sale or viewing at the premises, materials which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specific or general sexual activities or

anatomical areas; or an establishment with a section devoted to the sale or display or viewing of such materials.

**4. Adult Motion Picture Theater** - A structure, either indoors or outdoors, used for showing, displaying or presenting to patrons therein or thereat materials distinguished and characterized by emphasis on depicting, describing or relating to specific or general sexual activities or specific anatomical areas.

**5. Adult Motion Picture Arcade** - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, mechanically or otherwise controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to any one person at any machine at any time so displayed as to distinguish or characterize by emphasis on depicting or describing specific sexual activities or specific anatomical areas.

**6. Adult Entertainment Cabaret** - A public or private establishment which is licensed to serve food and/or alcoholic beverages and which features topless and/or bottomless dancers, strippers, male or female impersonators or similar entertainers, or employees appearing in a bottomless and/or topless manner of dress.

**7. Adult Hotel** - A hotel or motel wherein a substantial or significant portion of the material presented over image producing devices within individual rooms, that are occupied by guests, are distinguished or characterized by an emphasis matter depicting or describing 'specified sexual activities' or 'specified anatomical areas.'

**8. Agricultural Structure** - Any structure or building accessory to the principal agricultural use of the land on which the building is located.

**9. Agricultural Use** - The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

**10. Alley** - A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**11. Alteration** - As applied to a building or structure means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending a side or by increasing the height; or the moving from one location or position to another.

**12. Apartment Unit** - One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

**13. Basement** - An area below the first floor, having part but no more than one-half (1/2) of its height above grade, used for storage space by occupants of the building, janitor or watchmen quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

**14. Bed and Breakfast** - Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. Typically, bed and breakfast (B&B) accommodations differ from rooming and boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the facility. The impact of a B&B should not be much greater than that of a private home with frequent houseguests, with the exception of parking demand. Many B&B's are not accessible by mass transit and, consequently, guests usually arrive by auto. Adequate parking must be provided. Other zoning regulations should address the number of rooms that can be rented out, limit breakfasts to guests only, and require the owner or renter of the house to live on the premises.

**15. Buffer Strip or Area** - Open spaces, landscaped areas (including screen trees), fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.



**16. Buffer Zone** - Distance between designated "zones" where no building or part thereof shall project except, as otherwise provided by this regulation. Purpose, of which, is to separate differing or non-conforming uses.

**17. Building** - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

**18. Building, Accessory** - A subordinate structure on the same lot as the principal or main building or use.

**19. Building, Principal** - A building, including covered porches, carports and attached garages, in which is conducted as the principal use of the lot on which it is situated. For example, in a residential district, the dwelling shall be deemed to be the principal building on the lot on which it is situated.

**20. Building Permit** - A document issued by the Administrative Official authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses on

a lot. The permit would authorize the property owner or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the lot in question.

**21. Building Setback Line** - A line in the interior of a lot which is generally parallel to, and a specified distance from, the street right-of-way line or lines. No building shall then be constructed or installed in the space between the building setback line and the right-of-way.

**22. Cellular Antenna Tower** - A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**23. Cellular Telecommunications Service** - A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**24. Certificate of Occupancy** - A certificate issued by the Administrative Official after construction has been completed which certifies that the building meets the minimum standards for human occupancy, the zoning regulation, and the plans on which the permit was issued.

**25. Change of Use** - Any use that substantially differs from the previous use of a building or land. i.e. Any use in which the, quality, character, and intensity of the use in totality and with regard to the overall effect on the neighborhood changes.

**26. Club, Private** - Buildings and facilities for the purpose of rendering a social, educational or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include a country club.

**27. Co-location** - Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

**28. Commercial Recycle Collection Point** - A commercially operated point of collection for reclaimable material, other than auto/truck recycling, operating in an authorized business or industrial zone subject to a conditional use permit and for which a Kentucky Recycle Permit has been issued pursuant to KRS Chapter 99.21.

**29. Commission, or Planning Commission** - The Meade County Land Use Planning Commission

**30. Compatibility Standards** - Standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction;

**31. Comprehensive Plan** - The plan or any portion thereof, adopted by the planning commission and/or the legislative authority of Meade County showing the general location and extent of present and proposed physical facilities including agriculture,



housing, industrial and commercial uses, major roads, schools, and other community facilities. This plan establishes the goals, objectives, and development policies of the county.

**32. Conditional Use** - A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the other zoning regulations.

**33. Conditional Use Permit** - Legal authorization to undertake a conditional use, issued by the Board of Zoning Adjustment, consisting of two parts:

- (1) A statement of the factual determination by the Board of Zoning Adjustment which justifies the issuance of the permit; and
- (2) A statement of the specific conditions which must be met in order for the use to be permitted.

**34. Conservancy District** - The purpose of this district is to protect the public health and reduce the financial burdens imposed on the community, its governmental units and its individuals, that may result from improper use of land which because of certain natural and/or human made features is not suitable to extensive development. Areas subject to frequent or periodic flood and overflows, unstable soil conditions, underground caverns, rock outcroppings, impregnable rock conditions, and other conditions that are deemed by the Planning Commission to be detrimental to the public welfare.

**35. Convenience Store** - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, primarily for off-site consumption. The maximum size for such corner grocery type stores is three thousand five hundred (3,500) square feet. Due to the typical hours of operation and parking, lighting, litter, and related impacts on adjacent uses, especially residences, such impacts are planning and zoning considerations.

**36. Country Club** - Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests. Such facilities may be used for lease for banquets, weddings, golf tournaments, conferences and similar uses so long as the primary use is for member activities.

**37. Drugstore** - A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and non-prescription medicines but where non-medicinal products may be sold as well.

**38. Dump** - A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap or discarded material of any kind.

**39. Dwelling** - An on-site constructed home, modular housing unit, manufactured home, qualified manufactured home, apartment building, or other building designed or

used primarily for human habitation and connected to the required utilities. The term "dwelling" shall not include boarding or rooming houses, hotels, motels, travel trailers, or trailer coaches with the wheels either in place or detached or other structure designed for transient residence. See definitions "Modular Housing Unit", "Manufactured Home", "Qualified Manufactured Home" and "On-Site Constructed Homes".

**40. Dwelling Unit** - A building or portion thereof designed for and occupied by one (1) family for living and sleeping purposes with kitchen and bath facilities for the exclusive use of the one (1) family.

(1) Single Family - A dwelling containing only one (1) dwelling unit designed and intended for occupancy by a single family.

(2) Two Family - A dwelling containing two (2) dwelling units designed and intended for occupancy by two (2) separate families. Such units shall be separated by a fire wall.

(3) Multi Family - A dwelling containing more than two (2) dwelling units designed and intended for occupancy by more than two (2) separate families. Such units shall be separated by fire walls.

**41. Erect** - To build, construct, attach, hang, suspend, affix or the painting of walls with a message.

**42. Facing** - The surface area of the sign upon, against or through which the message is displayed or illustrated on the sign.

**43. Floor Area, Gross** - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet. This definition is all-inclusive; since it includes structures, the floor area measurement would include parking structures. If the parking structures are proposed to be excluded, then the word "structure" should be dropped.

**44. Floor Area, Net** - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. Typically, net floor area is expressed as gross floor area minus a certain percentage. Empirically, stairwells, elevator shafts, equipment rooms, and utility rooms generally average out to about fifteen (15) percent of the gross floor area. Thus, net floor area may be defined as gross floor area minus fifteen (15) percent.

**45. Garage, Private** - A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise.

**46. Garage, Repair** - Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**47. Golf Course** - A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

**48. Height of Building** - The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

**49. Home Occupation** - Professional offices and personal services maintained or conducted within a dwelling. Home occupation includes only those which meet the following performance standards:

- (1) Home occupations shall be incidental and secondary to the principal residential use, and shall not occupy more than twenty-five (25) percent of the total floor area;
- (2) Home occupations shall result in no exterior evidence, except a permitted sign, that the dwelling is used for a non-residential use;
- (3) The use is conducted entirely within a dwelling unit and not in any accessory building;
- (4) The use does not require the external alteration of the dwelling; and
- (5) Home occupations shall not adversely affect the uses permitted in the neighborhood, or generate any atmospheric pollution, light flashes, glare, odor, noise, vibrations, or truck or other substantial increases in traffic.

**50. Hotel or Motel** - A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradiction to a boarding house, rooming house, lodging house, dormitory, or bed and breakfast which is herein separately defined.

**51. Housing Unit** - A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities. See "Dwelling Unit."

**52. Industry -**

- (1) Heavy - A manufacturing or processing facility engaged in producing a product, which by nature of this processing may result in pollutants, noise or vibration which may be seen, heard or felt off the premises, and may contribute to an intensification of traffic flow and parking congestion.
- (2) Light - A manufacturing or service facility whose process or service functions does not result in any significant way in producing any of the above conditions.

**53. Infill development** - Where fifty percent (50%) or more of either the lots or street frontage (lineal distance) within one thousand (1000) feet of the subject site and on the same side of the street are occupied by principal structures or where fifty percent (50%) or more of either the lots or street frontage (linear distance) within the same block face are occupied by principal structures.

**54. Junk** - Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition. Examples of which include tires, vehicle

parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood and lumber. More than two (2) unregistered or inoperable vehicles constitute junk. Any dilapidated or unlivable manufactured mobile or sectional home shall constitute junk. Materials gathered pursuant to authorized recycle operations operating in industrial zones or in highway business zones under a conditional use permit do not constitute junk.

**55. Junk Yard** - Any area, lot, land or parcel where junk is kept outside as defined herein, or waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking structural steel materials and equipment. A junk yard must have a junk yard permit to operate from the appropriate federal and state agencies to assure that it meets federal and state guidelines for operation. Junkyards are intensive uses, and since they are usually operated outdoors, appropriate screening and buffering is required (see section 4.3.4.).

**56. Loading Space** - Logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces are not to be included as off-street parking in computation of required off-street parking spaces. All off-street loading spaces shall be located beyond the required front building setback lines.

**57. Local government** - A city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS Chapter 100;

**58. Lot** - A piece, parcel or plot of land occupied by or to be occupied by one (1) principal building and required under this Regulation, and having its principal frontage on a maintained road for public use:

(1) Corner Lot - A lot which abuts on two (2) intersecting streets at their intersection.

(2) Double-Frontage Lot - Any lot other than a corner lot which abuts on two (2) streets.

**59. Lot of Record** - A lot which is part of a subdivision or plat duly filed and recorded by the Meade County Clerk's Office, or for which a deed has been recorded by the Meade County Clerk's Office.

**60. Massage Parlor** - An establishment having a place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the following activities:

(1) Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or device, with or without supplementary aids such as rubbing alcohol, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

- (2) The term 'Massage Parlor' shall not apply to licensed hospitals, licensed nursing homes, or clinics or persons holding an un-revoked certificate to practice under the laws of the State of Kentucky.

**61. Mini-Warehouse** - Also known as self-service storage facilities, where a structure or series of structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Proposals for such facilities must address details for security, landscaping, fencing, lighting, and height of buildings. Such storage shall be for dead storage only, and flammable or hazardous chemicals and explosives are prohibited. Other activities prohibited from use within the mini-warehouse cubicles or storage areas include:

- (1) Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
- (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- (3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- (4) The establishment of a transfer and storage business; and
- (5) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

**62. Manufactured home** - A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C Section 5401, et seq., as amended, and designed to be used as a single-family dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**63. Mobile Home Park** - A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes and that may include services and facilities for the residents. All federal, state and local standards for mobile home park design and maintenance must be met.

**64. Modular Housing Unit (Modular Home)** - A dwelling unit designed for occupancy by a single family that is built in sections off-site and transported to the site for assembly to become a permanent fixture upon that property and meets the following standards:

- (1) Has more than nine hundred fifty (950) feet of occupied space and is composed of more than one (1) section;
- (2) Is placed onto a permanent under floor support system in accordance with specified installation standards;
- (3) Is placed onto a permanent perimeter enclosure, in accordance with certain installation standards;
- (4) Is transported to the property site without the aid of attached wheels, axles and hitch mechanisms;
- (5) Exterior material shall be material customarily used on-site built dwellings, such as board siding, plywood or press wood siding, vinyl, stucco, brick, non-reflective aluminum, etc.;

- (6) Roofing material shall be of wood, tile, composition shingles, or other materials compatible with the conventionally built residential structures in the neighborhood;
- (7) Exterior covering material extending from the roofline to the ground or to the top of the foundation shall be used; and
- (8) Structural additions or alterations shall be subject to the same regulations and requirements that must be complied with to obtain a building permit for additions and alterations to a conventionally built home.

Modular Homes must bear an “M” certification seal issued by the Kentucky Department of Building, Housing and Construction. All Modular Housing Units must be inspected in accordance with the applicable residential building codes and a certificate of occupancy issued in the same manner as for traditional structures of similar use.

**65. Multi-Building Development** - Multi-building development is the construction of two (2) or more buildings on a single plot of ground which is under single ownership, and which will not be divided and sold into smaller parcels. This type of development is permitted within the R-3, B-2, and Industrial districts only.

**66. Neighborhood Business District** - The purpose of the Neighborhood Business District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of residents of an immediate neighborhood.

**67. Non-conforming Structures or Uses** - A structure or use of any premises, or a building, sign, or a portion thereof which does not conform with all applicable provisions of this Regulation, or the regulations within the zone in which it is now located, but which lawfully existed at the time of its designation as non-conforming by the adoption or amendment of this Zoning Ordinance.

**68. Occupancy** - The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**69. Office Building** - A building used primarily for conducting the affairs of business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities.

**70. Office at Home** - A home occupation in which part of a dwelling unit is used as the residents' office.

**71. On-Site Constructed Home** - A single dwelling unit that is built/constructed on the property site and not fabricated in an off-site manufacturing facility.

**72. Open Space** - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. Open space may also include active recreational facilities, such as swimming pools, play equipment for youngsters, ball fields, court games, and

picnic tables, however the improved facilities would be only a small part of the overall open space.

**73. Owner** - Shall Include and be synonymous with “manager,” “lessee,” “tenant,” and “supervisor.”

**74. Panelized Construction** - Individual components such as wall panels, floor panels, trusses and structural components that are manufactured off site and are used in the construction process. Exterior siding and interior coverings including drywall, electric, and foundation are applied on site but some accessory items such as electric wiring may be placed at the factory. Components manufactured off-site must be certified by a design professional licensed under the laws of the Commonwealth of Kentucky. This type of construction method is considered a method of on-site construction.

**75. Parking Area** - An off-street area used for the parking of any type of vehicle, whether moving or at rest, including but not limited to, parking lots, loading and unloading areas, mobile home parks and sales and service areas. Driveways, access ways, aisles and maneuvering areas are also considered a part of the parking lots or areas.

**76. Parking Space** - A space on private land, accessible from a public maintained street, not less than ten (10) feet wide and twenty (20) feet long exclusive of passageways or required aisle widths. (Refer to section 4.2.8).

**77. Permanent Foundation** - A system of supports that is:

- (1) Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
- (2) Constructed of concrete; and
- (3) Placed at a depth below grade adequate to prevent frost damage.

**78. Personal Communication Service** - Defined in 47 U.S.C. sec. 332(c).

**79. Permitted Use** - Any use listed as a permitted use, a home occupation, or an accessory use in any given district.

**80. Place of Amusement** - Any premises to which the public has access, which has more than three (3) coin-operated amusement devices for use by the public; but does not include exhibitions, fairs held for hire or gain, theater, music halls or bowling alleys or public halls.

**81. Prefabricated Component Construction** - Individual room units are manufactured in an off-site manufacturing facility and delivered to the site for assembly as a single structure, attached to a permanent foundation, inspected in accordance with the applicable building codes and a certificate of occupancy issued in the same manner as for traditional structures of similar use. Foundations, exterior coverings, and roof structures are applied on site as part of the modular construction process. Structures using prefabricated component construction must meet all standards for construction and occupancy contained in the Kentucky Building Code. All components manufactured

off-site must be certified by a design professional licensed under the laws of the Commonwealth of Kentucky.

**82. Public Uses** - Public parks, schools, administrative, and cultural buildings and or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**83. Qualified Manufactured Home (Double-Wide Mobile Home)** - A manufactured home that meets all of the following criteria:

- (1) Is manufactured on or after July 15, 2002;
- (2) The sections of the dwelling are fully factory assembled and are attached to each other during installation;
- (3) Is affixed to a permanent foundation;
- (4) Is installed utilizing exterior covering material extending from the roofline to the ground or to the top of the foundation with masonry type skirting from the ground to the bottom of the exterior wall;
- (5) Is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- (6) Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- (7) Has a minimum total living area of nine hundred fifty (950) square feet; and
- (8) Is not located in a manufactured home land-lease community; and
- (9) Is converted to Real Estate immediately upon placement.

**84. Recreational Vehicle (RV)** - Any of the following:

- (1) "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation;
- (2) "Pickup coach" means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation, or vacation;
- (3) "Motorhome" means a portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle;
- (4) "Camping trailer" means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation, or vacation use;
- (5) "Dependent recreational vehicle" means a recreational vehicle which does not have toilet, lavatory, or bathing facilities; or
- (6) "Self-contained recreational vehicle" means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.

**85. Recreational Vehicle Communities (RV Park)**- A parcel of land available to the public in which two (2) or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure, or other facility used as a part of the community.



**86. Recreational Facilities** - Public or private either “extensive” or “intensive” depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadium, and bowling alleys.

**87. Residential Area** - Any area regardless of the zoning district that contains primarily residential uses with a density of at least ten (10) residential dwellings within a half (1/2) mile radius.

**88. Residential Storage Warehouse** - See Mini-warehouse

**89. Residential Unit** - See Housing Unit.

**90. Restaurant, Drive-In** - An establishment preparing and selling food for immediate consumption, but where the majority of customers are not served seated at tables, booths, or windows, over a counter, or in automobiles, and will not necessarily consume the food on the premises.

**91. Right-of-Way** - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and draining facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**92. Road** - A public maintained vehicular way that:

- (1) is an existing state, county, or municipal roadway;
- (2) is shown upon a plat approved pursuant to law and duly accepted by the Fiscal Court;
- (3) is approved by official action by the Fiscal Court; or
- (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of the planning commission and adoption of the subdivision regulations; includes the land between the right-of-way lines, whether improved or unimproved.

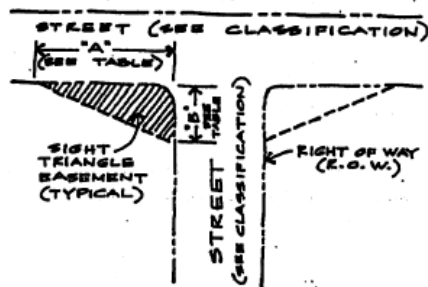
**93. Road, Private** - A street that has not been accepted by the municipality or other governmental entity.

**94. Seat** - For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches or pews. In the case of non-fixed seating, total square footage will be used to determine seating or assembly capacity.

**95. Setback Space** - The required distance (setback line), and the land resulting therefrom, between the lot line and the closest possible line of a conforming structure.

**96. Sight Triangle** - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Requirement by Classification (Measured along R.O.W.)		Local	Collector	Arterial
"A" Distance in Feet		"B" Distance in Feet		
30	Local Road	30	100	130-150
100	Collector Road	30	100	130-150
130-150	Arterial Road	30	100	130-150



**97. Sign** - Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. A representation of any kind for the purpose of advertising and shall include billboards, projection signs, roof signs, temporary signs and wall signs.

**98. Sign, Billboard** - See Off-site sign.

**99. Sign, Ground** - Shall mean a sign supported by one or more poles, steel structures or other base placed on the ground.

**100. Sign, Incidental** - A small sign, not exceeding two (2) square feet, limited to information and directions related to the permitted use on the lot or building on which the sign is located and containing no direct illumination. Examples of incidental signs would include no smoking, "restroom," "no solicitors," "no trespassing," "self-service," "vacancy," credit card acceptance signs, signs indicating hours of business and similar information.

**101. Sign, Off-Site (Billboard sign)** - Shall mean any sign or representation of any kind for the purpose of advertising at a location other than the premise.

**102. Sign, Projected** - Shall mean any sign which is all or in part supported by or attached to a vertical portion of a building and extended beyond the surface of the building to which it is attached with or without ground support.

**103. Sign, Roof** - Shall mean any sign erected wholly upon or wholly over the roof of any building with the principal support on the roof structure.

**104. Sign, Temporary** - Shall mean any sign displayed on an interim basis for a period of time not to exceed thirty (30) days, and said sign may be redisplayed after sixty (60) days.

**105. Sign, Wall** - Shall mean any sign painted upon or secured and affixed to a building.

**106. Specified Anatomical Areas** - Less than completely covered human genitals, pubic regions, buttock, and female breasts below a point immediately above the top of the areola, and the human male genitals in a discernible turgid state.

**107. Specified Sexual Activities** -

- (1) Human male genitals in a state of sexual stimulation or arousal;
- (2) Ultimate sex acts normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy, and
- (3) Fondling of other erotic touching of human or animal genitals, pubic regions, buttocks or female breasts.

**108. Spot Zoning** - Rezoning of a tract or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan. Unreasonable spot zoning results in the following:

- (1) A small parcel of land is singled out for special and privileged treatment;
- (2) The singling out is not in the public interest but only for the benefit of the land owner; or
- (3) the action is not in accordance with the comprehensive plan.

**109. Street** - see Road.

**110. Street, Paper** - A street that has never been built, shown on an approved plan, subdivision plat, tax map, or official map parcels with access to only a paper street are prohibited.

**111. Structure** - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

**112. Structure, Primary** - A building in which is conducted a permitted or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a primary structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed the primary structure, also known as a principal structure.

**113. Subdivision** - The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building

development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots of parcels of five (5) acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or the land subdivided.

**114. Subdivision, Family** - The division of a parcel of land into no more than four (4) tracts, lots or parcels for the sole purpose of providing a buildable site for an immediate family member. Immediate family members are those identified as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents and grandchildren. Each parcel shall consist of no less than two (2) acres with a minimum road frontage requirement of one hundred fifty (150) feet. The road shall be constructed to the Meade County Road Construction Standards in effect at the time of construction with the exception of the paving requirement. If at any time the property is conveyed to a non-immediate family member, the road shall be paved with the cost of the paving the responsibility of the grantor.

**115. Uniform application** - An application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class.

**116. Use** - The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**117. Utility** - Defined in KRS 278.010(3).

**118. Variance, Dimensional** - A departure from the terms of the Zoning Regulations pertaining to height or width of structures and size of yards and open spaces, where such departure will not 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 the Zoning Regulations would result in unnecessary and undue hardship.

**119. Yards** - An open space at grade between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Regulation that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purposes of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

(1) Front Yard - The open space between the right-of-way line or lines and any structure.

(2) Rear Yard - A space which extends from the rear of a structure to the rear lot line or the entire width of the lot.

(3) Side Yard - The yard extending along a side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a structure.

## **2.1 ADMINISTRATION**

The Planning Commission and its authorized agent or inspector shall administer and enforce this Ordinance. The Commission and its authorized agent or inspector shall have the authority to make inspection of buildings or premises necessary to carry out their duties in administration and enforcement of this Ordinance.

## **2.2 PERMITS REQUIRED**

**2.2.1. Building, Electrical, and HVAC Permits** - It shall be unlawful to commence the excavation for or the construction or placement of any building, including accessory buildings, or to commence the moving or exterior alteration of any buildings, including accessory buildings, until the Planning Commission or its authorized agent or inspector has issued any building, electrical, or HVAC permits required for such work.

**2.2.1.a.** All private driveway entrance culverts from county roads developed on real estate must be approved in writing by the Meade County Road Supervisor prior to a building permit being issued. Any person who develops an entrance culvert without a building permit shall be subject to the penalties, remedies and violations set forth in Section 5.2 in this Ordinance.

**2.2.2. Exceptions** - No building permit or certificate of occupancy shall be required in the following cases:

**2.2.2.a.** Recurring maintenance work.

**2.2.2.b.** Those structures and uses exempted by Section 3.6.1.e & 3.6.2.e.

## **2.3 BUILDING PERMIT ISSUANCE AND FEE**

**2.3.1. Application** - In applying to the Planning Commission and its authorized agent or inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating lot dimensions, the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot or parcel. It shall be stated as to the existing and intended use of all such buildings and supply such other information as may be required by the Commission and its authorized agent or inspector for determining whether the provisions of the Ordinance are being observed and upheld. The County Health Officer's certificate approving proposed water and sewerage facilities must accompany applications according to Section 4.1.8 of this Ordinance.

**2.3.2. Issuance** - If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this chapter and other ordinances of the county then in force, the authorized agent or inspector shall issue a permit for such excavation. If a building permit is refused, the authorized agent or inspector shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The authorized agent or inspector shall grant or deny the permit within fourteen (14) calendar days from the date the application is submitted.

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

**2.3.4. Duration** - A building permit shall become void six (6) months from the date of issuance unless substantial progress has been exercised by that date on the project described therein.

**2.3.5. Fee Required** - Application for a building permit shall be accompanied by a fee as required below. The fee shall be paid into the General Fund of the county to be used to help defray the costs of inspections and processing of applications. The fee schedule is in Article 6.

**2.3.6. Permanent File** - The Planning Commission and its authorized agent or inspector shall keep a permanent file of all applications with accompanying plans and all permits issued.

## **2.4 COMPLIANCE AND INTERACTION WITH OTHER CODES, STATUTES AND REGULATIONS**

**2.4.1.** - Nothing in this Section or other sections of this Ordinance shall be construed to exempt any applicant for a permit from compliance with all local, state and federal codes, statutes and regulations.

**2.4.2.** - Certification of Zoning Compliance must be obtained from the administrative official prior to issuance or renewal of any permit, license or similar instrument for any activity that would authorize any land use that is governed by this regulation. Permits which require certification include but are not limited to: Residential Septic Permits, Commercial Environmental and Septic Permits, Permits and Licenses for Places of Entertainment, Day Care Centers, Restaurants, Automobile Dealers, Junk Yards, Recycle Centers, and Surface Disturbance (both coal and non-coal).

## **2.5 CERTIFICATE OF OCCUPANCY REQUIRED**

No person shall use or permit the use of any structure or premises or part thereof, hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly, until a Certificate of Occupancy has been issued by the Planning Commission's authorized agent or inspector. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformance with the provisions of the Ordinance. It shall be the duty of the Planning Commission to oversee the issuance of such certificates by the authorized agent or inspector if it is found that all provisions of this Ordinance have been met, and to withhold such certificates unless all requirements of this Ordinance have been met.

**2.5.1. No Occupancy Permit** - No person shall allow occupancy of any building until the Planning Commission has been notified by the appropriate agencies that the private details of water, electricity, and where applicable, sanitary sewer and natural gas are completed in such a fashion that such private utilities are available for use on the property in question.

**2.5.2. Certificate of Occupancy for Existing Uses or Structures** - Upon request from the owner or tenant, and upon inspection, the Planning Commission or its

authorized agent or inspector shall issue a Certificate of Occupancy for any building, premises or use that is in conformity with the provisions of this Ordinance or that a legal nonconformity exists as specified in the certificate.

## **2.6 AUTHORIZED USE**

Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Planning Commission, its authorized agent or inspector authorize only that use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

## **2.7 COMPLAINTS REGARDING VIOLATIONS**

Any person may file a written complaint alleging violation of the provisions of this Ordinance. Such complaint shall state fully the cause and base thereof and shall be filed with the Planning Commission, its authorized agent or inspector. The Planning Commission shall properly record such complaint and investigate and take action thereon as provided by the Ordinance to cite the violator into District Court.

## **2.8 PLANNING COMMISSION**

The Planning Commission (hereinafter referred to as "Commission") as constituted at the time of this Ordinance shall continue in its authority. There shall be seven (7) members appointed by the Fiscal Court for finite terms. Terms shall be staggered so that the terms of no more than two (2) members expire in a year. Vacancies on the Planning Commission shall be filled within sixty (60) days. If the vacancy is not filled within that time, the Commission shall fill the vacancy according to its bylaws.

**2.8.1. Appointing Persons** - Meade County Fiscal Court shall appoint or hire persons in order to fulfill the required duties under this Ordinance and Kentucky Revised Statutes Chapter 100.

**2.8.2. Proceedings** - The Commission shall conduct regular meetings in accordance with the rules and regulations of its bylaws.

**2.8.3. General Powers** - The Commission shall have all the powers as allowed under the KRS and the United States and Kentucky Constitutions, which include, but are not limited to:

**2.8.3.a.** To prepare a comprehensive plan which shall serve as a guide for public and private actions in decisions to assure the development of public and private property in the most appropriate relationships.

**2.8.3.b.** To prepare the text and map of all zoning regulations which shall divide the unincorporated portions of the county into zones on an interim or permanent basis to promote public health, safety, morals and general welfare of the county, to facilitate orderly and harmonious development in the visual or historic character of the unit, to regulate the density of population and intensity of land use in order to provide for adequate light and air.

**2.8.3.c.** To adopt and administer regulations for the subdivision of land within its boundaries.

**2.8.3.d.** To prepare and adopt official zoning maps.

**2.8.3.e.** To review all proposals for amendments to the zoning ordinance.

## **2.9 MAP AMENDMENT PROCEDURES**

A proposal for amendments to the Meade County Zoning District Map may originate only with the Meade County Planning Commission, the Meade County Fiscal Court, and the owner of the subject property or 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 Commission requesting the proposed amendment in such form and accompanied by such information as required by this Ordinance and the bylaws of the Meade County Planning Commission. At the time of filing the amendment, a filing fee shall be required as set forth in this Ordinance; however, there shall be no filing fee for amendment requested by the Fiscal Court, Planning Commission or any other governmental agency. Upon filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by Kentucky Revised Statutes Chapter 100.

**2.9.1. Pre-Application Conference** - Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Planning Commission to discuss the proposed amendment. The purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed amendment. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, recommendations of the adopted Comprehensive Plan and other issues related to the proposed amendment.

**2.9.2. Commission Procedure** - Upon the filing of an application for an amendment to the Zoning District Map, the Commission shall direct the Administrative Official to review the application, make whatever studies the Commission deems necessary and report his/her findings at a public hearing. In addition, the Commission may require the applicant to submit further information subsequent to the filing of an application if necessary to make a recommendation.

**2.9.3. Notice** - All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a Zoning Regulation (Kentucky Revised Statutes, Chapter 100), except as provided below:

**2.9.3.a.** Notice of the time, place, and reason for public hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the Commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed.

**2.9.3.b.** It shall be the duty of the person or persons proposing the map amendment to furnish the planning commission the names and addresses of the owners of all adjoining property, including tracts across a road or street. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the owner.

**2.9.4. Posting Subject Property** - When a proposed map amendment (zone change) is proposed, an appropriate sign stating proposed amendment and the time



date and location of the public hearing shall be posted on the property in question, or where more than one piece of property is involved, the sign shall be posted in a central and conspicuous location. The sign shall be posted at least fourteen (14) days consecutively by the Secretary of the Planning Commission or a person appointed by the Commission.

**2.9.5. Public Hearing** - Upon receipt of a completed application, receipt of fee, notice of map amendment on the subject property and notification of interested parties, the Commission shall hold a public hearing on the proposed amendment, per Kentucky Revised Statutes, Chapter 100.

**2.9.6. Recommendation of commission for Zoning District Map**

**Amendments** - Before making recommendations to the Meade County Fiscal court on a proposed map amendment, the Planning commission shall make findings of fact, as required by Kentucky Revised Statutes, Chapter 100. Findings of Fact made by the Commission shall be recorded in the minutes and records of the Planning Commission. After voting to recommend that an application for amendment to the zoning map be granted or denied, the Commission must forward its Findings of Fact and recommendation in writing to the Meade County Fiscal Court.

**Necessary Findings** - Before any map amendment is granted, the Planning Commission, and/or the Fiscal Court, must find that:

- (1) The map amendment is in agreement with the county's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or the legislative body;
- (2) That the original zoning classification given to the property was inappropriate or improper; and/or
- (3) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the county's comprehensive plan and which have substantially altered the basic character of such area.

The Planning Commission or legislative body must make findings to support these conclusions. i.e. A simple restatement of the above conditions does not constitute a proper finding of fact. The evidence adduced at the public hearing must support the findings of the Planning Commission or legislative body.

**2.9.7. Withdrawal of Application for Zoning Map Amendment** - Applicants for zoning district map amendment may withdraw their application in writing to the Administrative Official at any time prior to the conclusion of the public hearing. Applications for Map Amendment may not be voluntarily withdrawn after the Commission has rendered their Findings of Fact as required by KRS Chapter 100.

**2.9.8. Reconsideration of Map Amendment Application** - No applicant may request reconsideration of a denied map amendment or consideration of a map

amendment identical to a denied map amendment for a period of 12 Months after denial of an application for amendment.

## **2.10 ZONING TEXT AMENDMENTS**

Amendments to this Ordinance shall be performed in the same manner as adoption of the original Ordinance and in conformance with Kentucky Revised Statutes, Chapter 100, with a minimum of two (2) public hearings, the first held by the Planning Commission, and the second to be published and held by the Fiscal Court.

## **2.11 BOARD OF ZONING ADJUSTMENT**

A Board of Adjustments is hereby established in accordance with Kentucky Revised Statutes, Chapter 100. There shall be three (3), five (5), or seven (7) citizen members appointed by the Meade County Fiscal Court for four (4) year terms ending on the first month of the designated year. The terms shall be staggered so that the terms of no more than two (2) members expire in any year. Vacancies on the Board shall be filled within sixty (60) days. If the vacancy is not filled at that time, the Commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.

**2.11.1. Meetings** - Meetings of the Board of Zoning Adjustments shall be held at the call of the Chair, or any two (2) members of the Board, who shall give written notice seven (7) days prior to the meeting, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt bylaws and shall keep records of applications and action thereon, which shall be a public record.

**2.11.2. Quorum and Conflicts of interest** - A simple majority of the total membership of the Board of Zoning Adjustments as established by regulation or agreement shall constitute a quorum Any member of a Board of Zoning Adjustment who has any direct or indirect financial interest in the outcome of any question before the body (to include actions deemed beneficial to family members through first cousin) shall disclose the nature of the interest and shall disqualify his or her self from voting on the question, and shall leave the room for the duration of the discussion of the particular matter.

**2.11.3. Minutes** - The Board of Adjustment shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed with the office of the Board. If the Board has no office, such records shall be kept in custody of the County Clerk and shall be available to the general public.

**2.11.4. Powers** - The Board of Adjustment shall have the following powers as allowed under the Kentucky Constitution and Chapter 100 of the Kentucky Revised Statutes, including but not limited to:

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

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

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

**2.11.4.d.** To review administrative action in enforcement of this ordinance;

**2.11.4.e.** To grant and revoke conditional use permits; and

**2.11.4.f.** To grant dimensional variances on lots of record;

**2.11.5. By-Laws** - The Board shall adopt by-laws for its own government.

**2.11.6. Administrative Review** - To hear and decide appeals where it is alleged by the applicants that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrative officer or other administrative official in the carrying out or enforcement of any provisions of this regulation, and/or for interpretation of the Zoning Map.

## **2.12 CONDITIONAL USES**

**2.12.1. Power to Issue Conditional Use Permits** - The Board of Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community for uses which are specifically named in the Zoning Regulations. Conditional uses may be suitable only in specific locations in the zone only if certain conditions are met.

**2.12.1.a. Procedure** - In applying for a conditional use permit, the applicant shall submit a plan to the Board of Adjustments or its representative as set forth in Section 2.3.1., outlining procedure for building permit applications.

**2.12.1.b. Notice** - Within thirty (30) days of the receipt of a conditional use zoning permit request, the Board of Adjustments shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. When a conditional use is proposed, an appropriate sign stating the proposed conditional use, the property involved, and the time, date and location of the public hearing shall be posted on the property ten (10) days prior to the public hearing. The Secretary or Vice Chair of the Board of Adjustments shall post the sign.

**2.12.1.c. Action** - The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section of the zoning ordinance listing the conditional use under consideration.

**2.12.1.d. Filing** - All conditional use permits approved by the Board of Zoning Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.

**2.12.2. Revocation of Conditional Use** - The Board of Adjustments may revoke a conditional use permit if the land owner does not comply with the conditions therein, or if the landowner violates any federal, state, or local laws, codes, regulations, or ordinances in the use of the land. Furthermore, the Board shall have the power to compel the offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

**2.12.3. Procedure -**

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

**2.13.3.b.** - The Administrative Officer will review any conditional use permit, except those for which all conditions have been satisfied, on the request of the Board of Adjustments to determine if the land violates any laws or regulations.

**2.12.4. Power to Inspect** - The Administrative Officer shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all the conditions which are listed on the conditional use permit, or to ascertain if the land is being used for illegal purposes.

**2.12.5. Report of Violation** - If the landowner is not complying with all of the conditions listed on the conditional use permit, the Administrative Officer shall report the fact in writing to the Chairman of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairman of the Board of Adjustment.

**2.12.6. Public Hearing** - The Board shall hold a hearing on the report within thirty (30) days, and a notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.

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

**2.12.8. Time Limit** - In any case where a conditional use permit has not been exercised within one (1) year from its date of issuance, such conditional use shall not revert to its original designation unless there is a public hearing. Once there is a public hearing, the conditional use permit shall revert to its original use unless the Board of Adjustment issues a new conditional use permit. "Exercised" as set out in this section shall mean that binding contracts for the construction of the main building or other improvements have been let, or in the absence of contracts, that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment is under contract, in development, or

completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as designated in the permit.

**2.12.9. Conditional Use as a Permitted Use** - Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such a type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and enter the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in Kentucky Revised Statutes 100.344. Thereafter, said use, if it continues to meet the other requirements of the regulation, will be treated as a permitted use.

If any other sections of this regulation are violated, the permitted use shall revert to a conditional use and steps may be taken to revoke the permit in accordance with this section of this regulation.

## **2.13 VARIANCES**

The Board of Adjustments may grant dimensional variances in accordance with the following requirements.

**2.13.1. Conditions which Warrant a Variance** - The board shall have the power to hear and decide applications for dimensional variance on a lot of record. A dimensional variance can be granted where, because of unusual shape, smallness or other extraordinary physical conditions, the property owner is deprived from the reasonable capacity to use the land in a manner equivalent to the use permitted other landowners in the same zone. The conditions which warrant a variance must have existed at the time this regulation was adopted.

**2.13.2. Variance for Multi-Building Development** - A variance from this ordinance may be granted for multi-building development if it is shown that the land in question cannot be subdivided and that more open space is created, and a lower density can be established and traffic problems are lessened, and a better relationship between the land and the building is created by not subdividing the land. However, in no case shall the Board of Adjustments grant a variance which does not comply with the Meade County Zoning Ordinance, where applicable or which destroys the character of the neighborhood. However, any future development of a multi-dwelling development requires that all lots and buildings meet the requirements of the Subdivision Regulation at the time of such subdivision.

**2.13.3. Variances which are Prohibited** - The Board of Adjustment shall not possess the power to grant a variance to permit a use or alteration or extension of any land, building, or structure which is not permitted in the zoning district in question; to alter density requirements in the zone in question; or to permit a use not authorized by this ordinance.

**2.13.4. Granting a Variance** - Before any variance is granted, the Board of Adjustments must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow

unreasonable circumvention of the requirements of the zoning regulation. In making these findings, the board shall consider whether:

**2.13.4.a.** The specific conditions in detail which are unique to the applicant's land (such special circumstances do not generally apply to land in the general vicinity) and do not exist on other land in the same zone;

**2.13.4.b.** The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone, or would create an unnecessary hardship on the applicant;

**2.13.4.c.** That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Ordinance; and

**2.13.4.d.** Reasons that the variances will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.

**2.13.5. Findings of Fact Required** - Findings of fact relative to the above statements shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

**2.13.6. Addition to Powers** - In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Regulation.

### **2.13.7 Procedure for Appeals to the Board**

**2.13.7.a. Who May Appeal** - Any appeal to the Board of Zoning Adjustment may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Administrative Officer based in whole or in part upon the provisions of this regulation.

**2.13.7.b. Time Limitation** - Such an appeal shall be made by filing with the Board of Zoning Adjustment, a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the notice of refusal of zoning permit or certificate of compliance is mailed by the Administrative Officer and failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.

**2.13.7.c. Establishing Meeting Date** - The Board of Adjustment shall set a date not more than thirty (30) days after receiving the above records for hearing of the appeal.

**2.13.7.d. Notice** - Public notice be given in accordance with Kentucky Revised Statutes Chapter 424 and all interested parties shall be notified of the pending hearing. The appellant will be given notice at least one week prior to the hearing. An appropriate sign will be posted on the property for which the variance is requested at least ten (10) days before the public hearing. The sign will describe the variance requested and the meeting date, time and place. The Secretary of the Board of Adjustment or a person appointed by the Board, shall post the sign.

**2.13.7.e. Evidence of Hardship** - The applicant must present evidence that the property will not yield a reasonable return if used in compliance with the Regulation; that the condition causing the hardship are unique and not shared by neighboring property in the same zone; that the granting of the variance will not conflict with the Zoning Regulation. The Board shall use this evidence, and any other evidence presented in accordance with Kentucky Revised Statutes Chapter 100, in granting a variance in accordance with 2.13 of this Regulation.

**2.13.7.f. Notice of Decision** - The Board of Adjustment shall decide the appeal within sixty (60) days and give written notice to the Administrative Officer and appellant of its decision.

## **2.14 APPLICATION OF VARIANCE**

A dimensional variance applies to the property for which it is granted and may be transferred with the land. It may not be transferred to another site.

## **2.15 HOME OCCUPATION PERMITS**

**2.15.1.** - The Planning and Zoning Administrator of Meade County, Kentucky, is designated to issue home occupation permits. He/she is also designated to revoke home occupation permits, subject to the other provisions of this subsection herein below.

**2.15.2.** - The Planning and Zoning Administrator shall review all Home Occupation Permits at least once annually and shall have the power to inspect the land or structure where the Home Occupation is located in order to ascertain that the landowner is complying with the allowed use as defined in Article 1.8 of this Ordinance. If the landowner is not complying with all of the conditions listed on the Home Occupation Permit Application and does not comply with the definition of "Home Occupation" in Article 1.8 of this Ordinance, the Planning and Zoning Administrator shall create a documented file stating specifically the manner in which the landowner is not in compliance. The Planning and Zoning Administrator shall furnish the landowner, in writing, his/her reasoning for non-compliance. The Planning and Zoning Administrator shall also issue to the landowner notice of a hearing date with the Planning and Zoning Administrator at least one (1) week prior to the hearing. At the hearing, the Planning and Zoning Administrator shall determine whether the landowner remains non-compliant and the landowner may present evidence of compliance. If the Planning and Zoning Administrator determines after the hearing that the landowner remains non-compliant, he/she may revoke the Home Occupation Permit and take the necessary legal action to cause the termination of activity on the land which the Home Occupation Permit authorizes. A Notice of Revocation of Home Occupancy Permit shall be mailed to the landowner.

**2.15.3. Appeal Procedure** - Any appeal to the Board of Zoning Adjustment may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Planning and Zoning Administrator based in whole or in part upon the provision of this subsection. Such an appeal shall be made by filing with the Board of Zoning Adjustment, a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the Notice of Revocation of Home Occupancy Permit is mailed by the Planning and Zoning Administrator. Failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal. The Board of Zoning Adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Planning and Zoning Administrator at least one (1) week prior to the hearing and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

**2.15.4. - Restraint of home occupation without permit.** If no home occupation permit has been issued and a landowner starts an occupation or continues an occupation in his/her home, a restraining order may be obtained upon application to the Meade Circuit Court and evidence of the lack of a home occupation permit shall establish a prima facie case for the issuance of the restraining order.



## **ZONING DISTRICTS ESTABLISHED**

### **3.1 ZONING DISTRICT MAP**

Meade County is hereby divided into zones and districts as provided herein and as shown on the Zoning Map dated December 3, 1997, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. Said Zoning District Map is composed of several map sheets, each of which represents a different geographic area and or subject matter of Meade County. Each map shall be identified as part of the Meade County Zoning District Map, and shall be kept on file in Meade County Court House, and shall be known herein as the Meade County Zoning District Map.”

### **3.2 ZONING DISTRICTS ESTABLISHED**

In order to implement the stated purpose of this ordinance, the county is divided into “Use Districts,” of which there shall be 11 known as:

- “A-1” Agricultural
- “A-2” Agricultural
- “R-1” Residential
- “R-2” Residential
- “R-3” Residential
- “R-4” Residential
- “B-1” Neighborhood Business
- “B-2” Highway Business
- “LI” Light Industrial
- “HI” Heavy Industrial
- “C” Conservancy

### **3.3 MAP AMENDMENT IDENTIFICATION**

Amendments to the Zoning Map shall be promptly posted on the map by the Commission. Each amendment shall be identified on the map by a numerical designation referring to the Planning Commission record of the amendment proceedings.

### **3.4 INTERPRETATION OF ZONE AND DISTRICT BOUNDARIES**

Where uncertainty exists as to the exact boundaries of zones and districts as shown on the Zoning District Map, the following rules shall be used to interpret the exact location of the zoning district boundaries.

**3.4.a.** Where a zoning district boundary approximately follows a street, alley or railroad, the center line of the street or railroad right-of-way is the boundary of the district.

**3.4.b.** Where a zoning district boundary approximately follows a property line or a series of property lines, such line or lines is the boundary of the district.

**3.4.c.** Where a zoning district boundary approximately follows a stream or shore line of a body of water, that stream or shore line at pool, as defined on the date this Regulation is enacted, is the boundary of the district.

**3.4.d.** Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement

according to the Zoning District Map scale.

**3.4.e.** In any case, where the exact location of a boundary is not clear, the Board of Adjustments shall use these rules to determine the exact location upon application by the Planning Commission or Administrator for an original interpretation.

**3.4.f.** Where a designated “zone” is a line along a roadway, street or railroad, the center line of the roadway, street or railroad shall also be the center line of the zone.

**3.4.g.** When a zone or district boundary line divides a lot which was in single ownership at the time and passage of this Ordinance, the Planning Commission may approve the extension of the regulations for either portion of the lot not to exceed one hundred fifty (150) feet beyond the zone or district line into the remaining portion of the lot. The intent of which is to allow the district boundary to follow the property boundary line where appropriate to the context. The intent of which is not to create new district boundaries or allow incompatible uses to expand.

### **3.5 APPLICATION OF ZONING DISTRICT REGULATIONS**

The regulations set by this Ordinance within each zoning district shall be the minimum or maximum limitation, as appropriate to the case, and shall apply uniformly to each classification or kind of structure or land, and particularly, except as hereinafter provided:

**3.5.a.** No building or structure shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Ordinance.

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

- (1)** To exceed the height, bulk or floor area ratio;
- (2)** To accommodate or house a greater number of families;
- (3)** To occupy a greater percentage of lot area;
- (4)** To have narrower or smaller rear yards, front yards, side yards or other open spaces;
- (5)** To have less perimeter and interior lot landscaping for vehicular use area and non-compatible land uses than herein required, or in any other manner contrary to the provisions of these zoning regulations.

**3.5.b.** No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted by this Ordinance.

**3.5.c.** No yard or lot existing at the time of the adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this zoning regulation shall meet at least the minimum requirements established by this Ordinance.

**3.5.d.** Except as hereinafter prohibited, there shall be no more than one (1) principal structure and its accessory structures on any lot or parcel of land unless a development plan is approved by the Meade County Planning Commission.

**3.5.e.** Only those uses specifically named as principal, accessory or conditional use or substantially similar to principal, accessory or conditional uses are permitted in each zone or district and all uses not specifically permitted or substantially similar to permitted uses are prohibited. Prohibited uses shall include but not be limited to those specifically named as prohibited.

**3.5.1. Conversion of Dwelling Structures** - The conversion of any structure or structures either residential or non-residential so as to accommodate an increased number of dwelling units or families, or another permitted use, shall be permitted only within the zone of which a new building for similar occupancy would be permitted under this Ordinance. The resulting occupancy shall comply with all requirements governing new construction in such zone including, but not limited to, floor area, dimension or yards, open space and off-street parking. The aforesaid shall apply if the conversion involves no exterior structural changes to a principal building but shall apply if any accessory building is converted to a principal building.

**3.5.2. Agricultural Land Use Exemptions** - Land which is used solely for agricultural use as defined herein shall be exempt from any non-conforming status regulations in any and all zoning districts.

**3.5.3. Governmental Use Exemptions** - Notwithstanding any other requirements of Kentucky Revised Statutes, Chapter 100, the Commonwealth of Kentucky and its political subdivisions shall be exempt from complying with any and all requirements of this Ordinance.

**3.5.4. Recreational Vehicles as Dwellings** - Recreational vehicles shall not be utilized as residential dwelling units and shall not be issued certificates of occupancy for that purpose in any zone. Recreational Vehicles may be utilized as temporary shelter for no longer than 180 days during the construction process of a residential dwelling for which a building permit has been issued but may not be attached to any permanent electric, water or sewage system and must remain mobile/movable at all times. The 180 day period begins on the date that the building permit for the associated residential structure is issued. As with a building permit, a one-time extension of an additional 180 days is allowed at no cost.

**3.5.5. Procedures for Non-listed Uses** – If, in any zone established, a use is not specifically permitted or allows for a conditional use permit and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Commission for consideration. Should the Commission determine that such a non-listed use could be permitted without adversely affecting long-range planning the use shall be properly advertised for a public hearing before the Board as an application for a Conditional Use Permit.

Should the Commission determine that such a non-listed use would adversely affect long-range planning; the application shall be denied with an appropriate record to this effect included in the minutes of the Planning Commission.

### **3.6 USE DISTRICT REGULATIONS**

**3.6.1. “A-1” Agricultural** - The purpose of this district is to preserve and protect agricultural land and uses, and to allow for rural residential uses. This district is also established to limit the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators and/or particularly to minimize development in rural areas until appropriate services and utilities can be efficiently provided.

#### **3.6.1.a. Permitted Uses -**

- 1.** Manufactured Home, Modular Housing Unit, Qualified Manufactured Home and On-Site Constructed Homes.
- 2.** Agricultural crops including timber and the raising of farm animals and feeding lots.
- 3.** Commercial greenhouses and plant nurseries including offices and sale yards.
- 4.** Animal kennel, including pens, or exercise runs.
- 5.** Such additional family dwellings manufactured mobile home, manufactured sectional home, modular housing unit, on-site constructed home occupied by the owner, full-time operator or family members of the farm and such additional dwellings as are necessary for occupancy by full-time employees of the farm operation are permitted on separate tracts containing at least five (5) acres in size.
- 6.** Sale on the premises of agricultural products produced on the premises provided adequate off-street parking is provided.
- 7.** Extraction of clay, gravel, sand, stone, oil and gas in conformity with applicable state and federal regulations, rules and statutes where the use of explosives is not employed.
- 8.** Home Occupations shall be ruled on by the Board of Adjustment according to the definition in Section 1.8 of this Regulation, upon application by the Administrative Officer when the classification is in doubt.
- 9.** Manufactured Mobile Home and Manufactured Sectional Home as permitted under Section 4.3 and Modular Housing Unit and On-Site Constructed Houses are permitted on separate tracts containing the minimum lot area as required in Section 3.7.
- 10.** Cellular Telecommunication Facility.

**3.6.1.b. Accessory Uses Permitted** - Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main buildings.

**3.6.1.c. Conditional Uses -**

- 1.** Airports and/or landing strips, cemeteries, public or private sewerage disposal plants, disposal of garbage or refuse by the governmental agency, hospitals and sanitariums, wireless transmitting stations.
- 2.** Public and parochial schools and colleges, and private schools and colleges for academic instructions.
- 3.** Country club or golf course, libraries, public parks, playgrounds and community centers, churches, private non-commercial recreational areas, public utility and railroad structures.
- 4.** Private manna, boat dock, golf course, or driving range or other private outdoor recreational activity.
- 5.** Seasonal or Temporary Uses- Business uses related to an accessory to the existing agricultural use on the property run by the owner/operator of the farm. These include agriculturally related amusement such as profit making hayrides, corn mazes and bonfires that are seasonal or temporary in nature. These can be for individuals or groups. Concessions and other items not produced on site can be sold, provided that permits, inspections and approvals are obtained from the appropriate federal, state and local agencies. The Board can set conditions related to the hours of operation, length of season and insurance requirements.
- 6.** Family Care Units: Additional provisions for Family Care Units:
  - (a)** Second dwelling allowed on lot per approval of Environmental Office.
  - (b)** All building activities shall conform to provision of the Kentucky Building Code and electric permits shall be acquired prior to the commencement of construction or alteration efforts.
  - (c)** Family members allowed are mother, father, daughter, son, brother, sister, grandparents, stepparents, stepbrother, stepsister, and/or step-grandparents.
  - (d)** Neighbors are to be notified in writing of the home being placed, with a copy of said writing as well as proof of notice being provided to the Meade County Zoning Administrator.
  - (e)** The owner of the real estate on which a family care unit is situated must submit an annual report to the Meade County

Zoning Administrator indicating that the purpose for, which the accessory family care unit was approved, has not changed and the unit continues to be occupied in accordance with the approval. Any change of use that does not comply with this provision will result in termination of the right to occupy or use the unit.

**(f)** The owner of the real estate on which a family care unit is situated is subject to be fined or enjoined if the family care unit ceases to exist and notified that the accessory family care unit must be removed. The accessory family care unit shall be removed within sixty (60) days of the permissible use ceasing.

**(g)** The accessory family care unit shall not be available to the public for rent.

**(h)** The accessory family care unit shall have a sewerage system (septic system and lateral lines) approved by the Meade County Environmental Office.

**(i)** The family care unit shall constitute an impermissible conditional use if the owner of the real estate on which the unit is situated does not live on the real estate.

**7.** Recreational Vehicle Communities with minimum standards set forth by KRS 219 and 902 KAR Chapter 15. The Board can set conditions such as time limits, bond requirements, and proof of contracts.

**3.6.1.d. Dimension and Area Regulations** - The regulations on the dimension and area for lots and structures are set forth in Section 3.7 the Schedule of Dimensions and Area Regulations.

**3.6.1.e. Exceptions** -

**1.** Agricultural buildings on land which is used solely for agricultural farming, dairying, stock raising or similar purposes, shall have no regulations imposed as to building permits or certificates of compliance, except that:

**(a)** setback requirements must be met; and

**(b)** that all buildings or structures in a designated flood-way or flood plain which tend to increase flood heights or obstruct the flow of flood waters shall be regulated by the Planning Commission, and therefore, require the review and approval of the Meade County Planning Commission.

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

**3.6.2. “A-2” Agricultural** - The purpose of this district is to protect agricultural uses, and to allow for single-family residential uses in conjunction with the operation of a working farm.

**3.6.2.a. Permitted Uses -**

1. Permitted uses identified in paragraph 3.6.1.a. for A-1 Agricultural Zones.
2. Additional family dwellings (manufactured mobile home, manufactured sectional home, modular housing unit, on-site constructed home) occupied by the owner, full-time operator or family members of the farm and such additional dwellings as are necessary for occupancy by full-time employee of the farm operation on separate tracts of at least two (2) acres.

**3.6.2.b. Accessory Uses Permitted** - Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main buildings.

**3.6.2.c. Conditional Uses –**

1. Conditional uses as identified in paragraph 3.6.1.c for A-1 Agricultural Zones

**3.6.2.d. Dimension and Area Regulations** - The regulations on the dimension and area for lots and structures are set forth in Section 3.7 the Schedule of Dimensions and Area Regulations.

**3.6.2.e. Exceptions –**

1. Exceptions as identified in paragraph 3.6.1.e. for A-1 Agricultural Zones

**3.6.3. “R-1” Residential** - The purpose of this district is to permit the establishment of single-family uses with lot size sufficient for individual water and sewer facilities. Public water facilities are, however, encouraged where economically feasible.

**3.6.3.a. Permitted Uses** - More than one (1) principal structure per lot or parcel of land shall not be permitted.

1. On-site constructed houses.
2. Schools for academic instruction and associated facilities.
3. Government operated parks and playgrounds.
4. Churches, Sunday Schools and parish houses, including accessory kindergartens, nursery schools and childcare centers. A fence and play area shall be provided which shall contain not less than twenty-five (25) square feet per child.
5. Cellular Telecommunication Facility.

**3.6.3.b. Accessory Uses** - Such uses are customarily accessory, clearly incidental and subordinate to the permitted uses.

1. Private garages, private storage sheds.
2. Living quarters with cooking facilities and not rented for guest's and/or employees of the premises.
3. Swimming pools and tennis courts.
4. Keeping of not more than two (2) roomers or boarders without kitchen facilities.
5. Agricultural uses excluding commercial stock raising (on a lot with a minimum of five (5) acres or more).
6. Private, noncommercial parks and open space.
7. Home Occupations.

**3.6.3.c. Conditional Uses** - Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the Comprehensive Plan. The Board of Adjustment may attach parking restrictions and other restrictions greater than required by this Regulation if deemed necessary, or attach parking restrictions and other restrictions when such restrictions are lacking.



**1.** Kindergartens, nursery schools and childcare centers for four (4) and not more than twelve (12) children when accessory to and located in the same structure with a single-family residential use. A fence and play area shall be provided which shall contain not less than twenty-five (25) square feet per child and shall be located to the rear of and directly adjacent to the principal structure or use.

**2.** Temporary real estate sales office for the sale of lots located only within the subdivision section in which lots are located, to be removed at the end of one (1) year or when all lots are sold, whichever comes first.

**3.** Cemeteries

**4.** Outdoor commercial recreation areas such as golf courses, zoological gardens, sportsman farms, riding stables, fishing lakes, public swimming pools, tennis courts and campgrounds.

**5.** Private Clubs.

**6.** Security house.

**7.** Lodges, Resort Hotels and Restaurants when associated with a golf course.

**8.** Family Care Units: Additional provisions for Family Care Units:

**(a)** Second dwelling allowed on lot per approval of Environmental Office.

**(b)** All building activities shall conform to provision of the Kentucky Building Code and electric permits shall be acquired prior to the commencement of construction or alteration efforts.

**(c)** Family members allowed are mother, father, daughter, son, brother, sister, grandparents, stepparents, stepbrother, stepsister, and/or step-grandparents.

**(d)** Neighbors are to be notified in writing of the home being placed, with a copy of said writing as well as proof of notice being provided to the Meade County Zoning Administrator.

**(e)** The owner of the real estate on which a family care unit is situated must submit an annual report to the Meade County Zoning Administrator indicating that the purpose for, which the accessory family care unit was approved, has not changed and the unit continues to be occupied in accordance with the approval. Any change of use that does not comply with this provision will result in termination of the right to occupy or use the unit.

**(f)** The owner of the real estate on which a family care unit is situated is subject be fined or enjoined if the family care unit ceases to exist and notified that the accessory family care unit must be removed. The accessory family care unit shall be removed within sixty (60) days of the permissible use ceasing.

**(g)** The accessory family care unit shall not be available to the public for rent.

**(h)** The accessory family care unit shall have a sewerage system (septic system and lateral lines) approved by the Meade County Environmental Office.

**(i)** The family care unit shall constitute an impermissible conditional use if the owner of the real estate on which the unit is situated does not live on the real estate.

**9.** Placement of Modular Housing Units and Qualified Manufactured Homes subject to the compatibility standards in Section 4.3.6. The Board of Adjustments may not accept an application for conditional use under this provision that would knowingly be contrary to any deed restriction or private covenant of record.

**10.** Single Family Dwellings where use of Prefabricated Component Construction Methods are employed subject to the compatibility standards in Section 4.3.6. The Board of Adjustments may not accept an application for conditional use under this provision that would knowingly be contrary to any deed restriction or private covenant of record.

**11.** Applications for conditional use permits submitted pursuant to Section 3.6.3.c.9. or 3.6.3.c.10. of this ordinance must include:

**(a)** Application for Conditional Use Permit

**(b)** Design Plans for the proposed structure

**(c)** A copy of any restrictions or covenants of record pertaining to the proposed construction site.

**(d)** All other documents and attachments normally required for conditional use applications.

**(e)** Other documents and attachments as deemed appropriate by the Board of Adjustments or the Administrative Official.

**3.6.3.d. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations.

**3.6.4. “R-2” Residential** - The purpose of this district is to permit the establishment of single-family and two-family uses with lot size sufficient for individual water and sewer facilities. Public water facilities are, however, encouraged where economically feasible.

**3.6.4.a Permitted Uses** - More than one (1) principal structure per lot or parcel of land shall not be permitted.

1. Manufactured Sectional Homes, Modular Housing Units, On-site Constructed Homes.
2. Single Family Dwellings where uses of Prefabricated Component Construction methods are utilized.
3. The permitted uses listed in R-1 district.

**3.6.4.b. Accessory Uses** - Such uses are customarily accessory, clearly incidental and subordinate to the permitted uses.

1. The accessory uses listed in the R-1 district.

**3.6.4.c. Conditional Uses** - Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the Comprehensive Plan. The Board of Adjustment may attach parking restrictions and other restrictions greater than required by this Regulation if deemed necessary, or attach parking restrictions and other restrictions when such restrictions are lacking.

1. The conditional uses listed in the R-1 district.
2. Two Family on-site constructed dwellings (DUPLEX). The board of adjustments must consider the continuity of the surrounding neighborhoods when granting conditional use permits under this condition.

**3.6.4.d. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations.

**3.6.5. “R-3” Residential** - The purpose of this district is to permit the establishment of two-family and multi-family uses where such uses are appropriate. In addition, such uses are also intended to be used as transitional uses between more intensive business uses and less intensive residential use areas, where appropriate.

**3.6.5.a. Permitted Uses –**

1. Manufactured Sectional Homes, Modular Housing Units, On-site Constructed Homes.
2. Two-family on-site constructed dwellings.
3. Multi-family apartment units, townhouses, and condominiums constructed on-site.
4. The permitted uses listed in R-1 district.

**3.6.5.b. Accessory Uses** - Such uses are customarily accessory, clearly incidental and subordinate to the permitted uses.

1. The accessory uses listed in the R-1 district.

**3.6.5.c. Conditional Uses** - Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the Comprehensive Plan. The Board of Adjustment may attach parking restrictions and other restrictions greater than required by this Regulation if deemed necessary, or attach parking restrictions and other restrictions when such restrictions are lacking.

1. The conditional uses listed in the R-1 district.
2. Recreational Vehicle Communities with minimum standards set forth by KRS 219 and 902 KAR Chapter 15. The Board can set conditions such as time limits, bond requirements, and proof of contracts.

**3.6.5.d. Dimension and Area Regulations** - The regulations on the dimension and area for lots and structures are set forth in Section 3.7 the Schedule of Dimensions and Area Regulations.

**3.6.6. “R-4” Residential** - The purpose of this district is to provide a location for the establishment of manufactured mobile home and manufactured sectional home development with lot size sufficient for individual water and sewer facilities. Public water facilities are encouraged where economically feasible. Where Manufactured Mobile Home Parks are established, lot sizes shall be established according to state statutory requirements and/or County Health Department Standards.

The purpose of this district is to provide a location for the establishment of manufactured mobile home and manufactured sectional home development with lot size sufficient for individual water and sewer facilities. Public water facilities are encouraged where economically feasible. Where Manufactured Mobile Home Parks are established, lot sizes shall be established according to state statutory requirements and/or County Health Department Standards.

**3.6.6.a. Permitted Uses -**

1. Single family dwellings.
2. Principle uses listed in the R-1 district.

**3.6.6.b. Accessory Uses** - Such uses are customarily accessory, clearly incidental and subordinate to the permitted uses.

1. The accessory uses listed in the R-1 district.

**3.6.6.c. Conditional Uses** - Uses permitted only with Board of Adjustment approval after consideration of the intent and purpose of these regulations and consideration of the guidelines as detailed in the Comprehensive Plan. The Board of Adjustment may attach parking restrictions and other restrictions greater than required by this Regulation if deemed necessary, or attach parking restrictions and other restrictions when such restrictions are lacking.

1. The conditional uses listed in the R-1 district.
2. Recreational Vehicle Communities with minimum standards set forth by KRS 219 and 902 KAR Chapter 15. The Board can set conditions such as time limits, bond requirements, and proof of contracts.

**3.6.6.d. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations.

### **3.6.7. GENERAL REGULATIONS FOR ALL COMMERCIAL\BUSINESS DISTRICTS**

**1. Adjacent to Residential Districts** - All commercial or industrial uses located on lots adjacent to a residential district shall maintain a minimum setback requirement of fifty (50) feet on the side adjacent to the residential district.

**2. Structures on Corner Lots** - All commercial structures on corner lots shall meet the provisions of Sections 1.8 & 4.2.1 of this Ordinance.

**3. Sign Requirements** - All signs identifying the commercial activity on the same premises shall meet the provisions of Section 4.2.7 of this Ordinance.

**4. Performance Standards** - All use in commercial districts shall exhibit performance standard characteristics equal to or greater than those which define Light Industry.

**5. Buffer Areas for Screening** - A permanent landscaped buffer of evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum effective height of six (6) feet to act as an effective screen shall be required on all rear and side yards of commercial or industrial land adjacent to a residential district. The same requirement applies to front yards adjacent to a residential district, except the required height shall be two (2) to three (3) feet in height.

**6. Commercial Development Plan** - Plans for building construction, parking areas, yards, driveways, entrances, exits and screenings (including location, type & height) shall be approved by the Meade County Planning Commission. The Commission may require such changes therein as may be deemed necessary or desirable to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.

**7. Dimension and Area Regulations for Commercial Districts** - The regulations on the dimensions and area of lots and structures are set forth in the Schedule of Dimension and Area Regulations in Section 3.7. The applicable regulations shall be observed in all districts.

**\*The yard requirements of surrounding residential districts shall apply in Neighborhood Business Districts.** When a Neighborhood Business District is between one or more residential districts, the Planning Commission shall decide the standards to be applied in the District. These structures must be similar in size and scale as in one of the surrounding Residential Districts.

**3.6.8. “B-1” Neighborhood Business** - The purpose of this district is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall be strategically located with access to a major collector or arterial road. Minimal Strip development shall be permitted.

**3.6.8.a. Permitted Uses in Neighborhood Business Districts -**

1. Grocery, self-service laundries, drug stores, meat or fruit markets, barber or beauty shops, shoe repair shops, laundry or dry cleaning establishments, and restaurants.
2. Child Care/Day Care Centers, subject to applicable state statutes, guidelines, and approvals.
3. Cellular Telecommunications Facilities.

**3.6.8.b. Off-Street Parking Facilities**

**3.6.8.c. Residential Uses** - Those residential uses permitted in surrounding residential districts shall be permitted in Neighborhood Business Districts.

**3.6.8.d. Uses Prohibited** - In All Business Zones - Any business which is live animal or poultry sales, gasoline, oil or alcohol storage above ground in excess of five hundred (500) gallons, and any similar uses which, in the opinion of the Board of Adjustment, would be detrimental to the development of the business districts.

**3.6.8.e. Conditional Uses -**

1. Public facilities such as churches, libraries, parks, recreational facilities, hospitals and institutions shall be allowed as conditional uses in all business zones.
2. Outdoor storage of merchandise or materials and outdoor concessions shall be allowed as conditional uses in all business zones.
3. In the Neighborhood Business Districts - New and used car sales, farm implement sales, drive-in theaters, drive-in restaurants, shall be allowed as conditional uses in the Neighborhood Business Districts.
4. Recreational Vehicle Communities with minimum standards set forth by KRS 219 and 902 KAR Chapter 15. The Board can set conditions such as time limits, bond requirements, and proof of contracts.

**3.6.8.f. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations.

**3.6.9. “B-2” Highway Business** - The purpose of this district is to encourage the establishment of areas for highway business uses. This district is specifically designed to service the public through the use of automobile. Such districts shall be strategically located with access to a collector or arterial road. Strip development shall be discouraged.

**3.6.9.a. Permitted Uses in General Business District -**

1. Retail Sales - Stores which deal in retail sales exclusively. Retail sales shall include restaurants and places of amusement.
2. Consumer and Personal Services - Outlets which provide repair, grooming, business, financial or maintenance service for the consumer, either on the premises or at another location. Consumer and personal services shall include self-service laundries, hotels and motels, and private gymnasiums.
3. Office Buildings, including professional services
4. Limited Manufacturing - Any retail business or retail service which includes the making of articles to be sold at retail on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.
5. Off-Street Parking Facilities
6. Cellular Telecommunication Facility.
7. Mini-warehouses.
8. Recreational Vehicle Communities with minimum standards set forth by KRS 219 and 902 KAR Chapter 15. The Board can set conditions such as time limits, bond requirements, and proof of contracts.

**3.6.9.b. Uses Prohibited** - In All Business Zones - Any business which is live animal or poultry sales, gasoline, oil or alcohol storage above ground in excess of five hundred (500) gallons, and any similar uses which, in the opinion of the Board of Adjustment, would be detrimental to the development of the business districts.

**3.6.9.c. Conditional Uses -**

1. Public facilities such as churches, libraries, parks, recreational facilities, hospitals and institutions shall be allowed as conditional uses in all business zones.
2. Outdoor storage of merchandise or materials and outdoor concessions shall be allowed as conditional uses in all business zones.



**3. Commercial Recycle Collection Points** as defined in section 1.8 of this regulation subject to the following minimum restrictions:

- (a)** Collection operations must be conducted within an enclosed and covered structure.
- (b)** Only materials prepared for and awaiting transfer to a recycling center may be stored outside of the primary collection structure for periods of time not to exceed seventy-two (72) hours. A permanent physical barrier constructed of uniform materials must be placed to prevent the storage area from being in direct view of adjoining properties or the adjacent right-of-way.
- (c)** Temporary outdoor storage areas must be located behind the rearmost point of the primary structure being used as a collection point.
- (d)** No processing of reclaimed materials other than minimal cutting required for bailing or bundling of the materials will be permitted in a general business zone.
- (e)** Collection and storage points for liquid reclaimable materials must conform to S.P.C.C. specifications for containment stations.
- (f)** The Zoning Board of Adjustments may place additional restrictions or provisions as deemed appropriate for the area in which the collections point is located but may not permit conditions less stringent than those provided in KRS Chapter 99.21 for recyclers.

**3.6.9.d. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations.

**3.6.10. “LI” Light Industrial** - The purpose of this district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; which operate primarily within enclosed structures and generate little industrial traffic. This district is further encouraged to act as a transitional use between heavy industrial uses and other less intensive business and residential uses.

**3.6.10.a. Permitted Uses -**

1. Wholesale, storage, warehouse, animal hospital, bakery, bottling works, building material yard, optical goods, printing, publication or engraving, cabinet making, clothing manufacturers, dying and dry cleaning, ice plants, cellular telecommunication facility and laundry. These permitted uses to include manufacturing, treatment, altering, finishing or assembling incidental thereto.

2. Adult Entertainment Establishments subject to the minimum restrictions contained in Section 4.0 of this ordinance. The Board of Adjustments may impose additional restrictions and provisions as deemed to be in the best interests of the resident of Meade County but nothing less stringent than the provisions of Section 4.0 of this ordinance.

**3.6.10.b. Accessory Uses Permitted -**

1. Signs identifying the industrial activity on the same premises in accordance with Section 4.2.7 of this Ordinance.

2. Garages and other buildings and uses accessory to the principal use.

**3.6.10.c. Conditional Uses in Light Industrial Districts -**

1. Junk yards and other industrial uses not listed above which can be classified as Light Industry according to Section 1.8 shall be considered conditional uses and will require the approval of the Board of Zoning Adjustments.

**3.6.10.d. Dimension and Area Regulations** - The regulations on the area and dimensions for lots and structures are set forth in Section 3.7 Schedule of Dimension and Area Regulations. The applicable regulations shall be observed in all industrial districts.

**3.6.11. “HI” Heavy Industrial** - The purpose of this district is to encourage the development of major manufacturing processing, warehousing, and major research and/or testing operations. These activities require extensive community facilities, and reasonable access to arterial or interstate highways; they may have extensive open storage and service areas, generate heavy traffic but shall be prohibited if they create nuisances beyond Federal and State guidelines.

**3.6.11.a. Permitted Uses -**

1. Any use permitted in the light industrial district.
2. Retail sale of any commodity manufactured, fabricated, or processed on the premises or of any commodity designed especially for use in agricultural, mining industry, business, transportation or construction.
3. The generation of electric power and/or gas distribution or the manufacturing or processing of clay, tile, primary metals, wood, paper, glass, plastic, rubber, and related products and services.
4. All permitted uses must meet all State and Federal regulatory requirements.
5. Mining, extraction of clay, gravel, sand, stone, minerals, oil and gas in conformity with applicable state and federal regulations, rules and statutes and any related processing activity including those extraction and processing activities where use of explosives is employed.

**3.6.11.b. Accessory Uses Permitted -**

1. Signs identifying the industrial activity on the same premises in accordance with Section 4.2.7. of this Ordinance.
2. Garages and other buildings and uses accessory to the principal use.

**3.6.11.c. Conditional Uses -** Must meet all State and Federal regulatory requirements.

1. All manufacturing and industrial process not enumerated in Section 3.6.11.a.
2. The conditional uses listed in the “LI” Heavy Industrial District.

**3.6.11.d. Dimension and Area Regulations** - The regulations on the dimensions and area for lots and structures are set forth in Section 3.7 Schedules of Dimensions and Area Regulations. The applicable regulations shall be observed in all Industrial Districts.

**3.6.12. "C" Conservancy** - The purpose of this district is to protect the public health and reduce the financial burdens imposed on the community, its governmental units and its individuals, that may result from improper use of land which because of certain natural and/or human made features is not suitable to extensive development. Areas subject to frequent or periodic flood and overflows, unstable soil conditions, underground caverns, rock outcroppings, impregnable rock conditions, and other conditions that are deemed by the Planning Commission to be detrimental to the public welfare.

**3.6.12.a. Permitted Uses -**

1. Any use that does not require the erection of a structure, or structures, intended for year-round use or occupancy, fences excepted.
2. Cellular Telecommunication Facility.

**3.6.12.b. Conditional Uses -**

1. Public parks, playgrounds, recreational areas, provided no structure intended for regular occupancy is erected.
2. General agricultural operations.
3. The construction, installation, operation and maintenance of water and gas pipes, mains and conduits, electric transmission and distribution lines, telephone, television and telegraph lines, oil pipe lines, and sewer lines, provided such facilities are properly screened and protected.

**3.7 Schedule of Lot Requirements** - Any parcel or lot created upon the adoption of this Ordinance Shall meet the lot standards on the following page:

<b>Zoning Districts</b>	<b>Units</b>	<b>A-1</b>	<b>A-2</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1<sup>*4</sup></b>	<b>B-2<sup>*4</sup></b>	<b>LI</b>	<b>HI</b>	<b>C-1</b>
<b>MAXIMUM BUILDING PERCENTAGE</b> Apartment Houses	<b>Percent</b>	N/A	40 N/A	40 N/A	40 N/A	40 50	40 N/A	40 N/A	50 N/A	50 N/A	N/A	N/A
<b>MAXIMUM BUILDING HEIGHT</b> Apartment Houses	<b>Feet</b>	N/A	30	30	30	30 50	30 N/A	30	30	50	50	N/A
<b>MINIMUM LOT WIDTH</b> 1-Family Unit 2-Family Unit Apartment Houses <sup>*1</sup>	<b>Feet</b>	250 N/A N/A	200 N/A N/A	125 N/A N/A	125 150 N/A	125 150 200	125 N/A N/A	<sup>*2</sup>	75			N/A
<b>MINIMUM SETBACKS</b> Front Yard Rear Yard Side Yard	<b>Feet</b>	30 25 25	30 15 15	30 15 15	30 15 10	25 15 10 <sup>*3</sup>	25 15 15	<sup>*2</sup>  <sup>*2</sup>	30 20 10 <sup>*5</sup>	50 <sup>*6</sup>	200 <sup>*7</sup>	N/A N/A N/A
<b>MINIMUM LOT AREA<sup>*9</sup></b> 1-Family 2-Family Apartment Houses <sup>*1</sup>	<b>Square Feet</b>	217,800 N/A N/A	87,120	39,204 N/A N/A	39,204 43,560 N/A	39,204 43,560 N/A	39,204 N/A N/A	<sup>*2</sup>		40,000	150,000	N/A
<b>ACCESSORY BUILDINGS</b>		<sup>*7</sup>	<sup>*7</sup>	<sup>*7</sup>	<sup>*7</sup>	<sup>*7</sup>	<sup>*7</sup>	<sup>*8</sup>	<sup>*8</sup>	N/A	N/A	N/A

N/A= Not Applicable

<sup>\*1</sup>=Also see Section 4.3.3.

<sup>\*2</sup>=See Sections 3.6.7.(7)

<sup>\*3</sup>=Apartment Houses shall have a minimum side yard of fifteen (15) feet

<sup>\*4</sup>=See Sections 3.6.7. and 4.2.

<sup>\*5</sup>=On lots adjacent to residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjacent to the residential district. Streets or public right-of-ways may be included in this side yard

<sup>\*6</sup>=Same as <sup>\*5</sup> except that the side yard requirement is increased from fifty (50) to one hundred (100) feet

<sup>\*7</sup>=All unattached accessory buildings shall be at least eight (8) feet from all property lines, except as provided in Sections 3.6.7. and 4.2

<sup>\*8</sup>=Not applicable except as provided in Section 3.6.7.

<sup>\*9</sup>=All minimum lot areas shall be subject to review and approval by the County Health Department to ensure there is adequate area for placement of septic systems, wells, etc....where the Health Department requires additional area for such facilities, such as space must be accounted for in the creation of lots or development

At the time when sanitary sewer is made available, the minimum lot size requirements in the "R" districts may be reduced upon individual review by the Planning Commission.

## **4.0 ADULT ENTERTAINMENT REGULATIONS**

### **4.0.1. Findings -**

**4.0.1.a.** The Fiscal Court finds that certain adult entertainment activities which might be located near areas zoned for residential use, near schools and public parks, and near shopping centers and similar open spaces that cater to use by family groups and children adversely affect the viability of such nearby properties for such purposes; and

**4.0.1.b.** That adult entertainment activities, because of the conditions of their operations, have contributed to an increased incidence of crime and juvenile delinquency particularly when adult entertainment activities are located in close proximity to one another; and

**4.0.1.c.** That adult entertainment activities, through outside displays, tend to attract an undesirable clientele that discourages neighboring residents from undertaking civic improvements and causes residents and businesses to move elsewhere and frustrates attempts to attract new residents and businesses to come into the area, all of which factors contribute to a diminution of property values and to a general deterioration of Meade County's neighborhoods; and

**4.0.1.d.** That the noise generated by patrons coming and going from adult entertainment activity establishments causes a substantial disruption to nearby residents and a modest curtailment of the hours during which entertainment is offered to patrons coming and going from such establishments would afford some relief to persons living in such nearby residences without significantly interfering with the availability of the entertainment offered therein; and

**4.0.1.e.** That nationally there is extensive involvement of organized crime in the business of such adult entertainment activities and that the disclosure of the names of persons who own, as well as, the name of the persons who operate such adult activity establishments will aid law enforcement officials in the enforcement of the Racketeer influenced and Corrupt Organizations Act (RICO) as well as in the enforcement of the laws of the Commonwealth of Kentucky prohibiting such distribution.

**4.0.2. Declaration of Public Purpose -** The Fiscal Court declares as a matter of public policy that in order to preserve surrounding neighborhoods, prevent blight and the deterioration of the neighborhoods of Meade County, protect property values, promote the return of residents and businesses to the County's neighborhoods, protect children from the deleterious effects of exposure to sexually explicit acts, and decrease the incidence of crime and juvenile delinquency, the licensing and regulation of adult entertainment establishments is a public necessity and is required in the interest of public health, safety and welfare and the economic and aesthetic well-being of the people.

**4.0.3. Purpose** - It is further stated that the purposes of this ordinance are:

**4.0.3.a.** to protect neighborhoods from the noise, the blighting influence and the increase in crime brought about by the concentration and harmful location of adult entertainment establishments;

**4.0.3.b.** to prevent health risks caused by illicit and unlawful sexual relations in such public establishments;

**4.0.3.c.** to protect children and the family environment from the deleterious and harmful effects of exposure to certain sexually explicit matter; and

**4.0.3.d.** to obtain the identity of persons licensed and to be licensed for renting certain sexually explicit material in order to identify the persons responsible for operating such business and assist in enforcing this ordinance.

It is not the purpose of this Ordinance to establish community standards on obscenity nor to permit persons to engage in any activity which is in violation of law, including but not limited to, state laws pertaining to the advertising, promotion, distribution or sale of obscene matter portraying a sexual performance by a minor, or the use of a minor to distribute material portraying sexual performance by a minor.

**4.0.4. Uses Regulated** - Uses regulated by the provisions of this Section shall hereinafter be designated as adult entertainment establishments, and shall be further defined as follows:

**4.0.4.a.** An adult entertainment establishment shall be defined as any commercial establishment open to the public which displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents or leases a substantial or significant portion of its stock in trade, or characterized by 'specified sexual activities' or 'specified anatomical areas,' as herein defined.

**4.0.4.b.** Any commercial establishment open to the general public which involves employees or customers who engage in conduct which is distinguished or characterized by specified sexual activities or specified anatomical areas as herein defined.

Adult entertainment establishments specifically identified and regulated by the provisions of this Section shall include, but are not necessarily limited to:

- (1) Adult Book Stores
- (2) Adult Motion Picture Theaters
- (3) Adult Motion Picture Arcades
- (4) Adult Entertainment Cabarets
- (5) Adult Hotels
- (6) Massage Parlors

#### **4.0.5. Location and Distance –**

**4.0.5.a. Permitted Zoning Districts** - An adult entertainment establishment located within the County limits shall be subject to the following minimum restrictions:

**1.** An adult entertainment establishment shall not be permitted or enlarged (except when required by a governmental agency) within:

**(a)** Two thousand (2,000) feet of a preexisting adult entertainment establishment;

**(b)** Two thousand (2,000) feet of a preexisting religious institution;

**(c)** Two thousand (2,000) feet of a preexisting educational institution;

**(d)** Two thousand (2,000) feet of a preexisting hospital or governmental/civic facility;

**(e)** One half (1/2) mile of a preexisting interstate;

**(f)** Two thousand (2,000) feet of a preexisting scenic corridor;

**(g)** One thousand (1,000) feet of a preexisting park;

**(h)** Five hundred (500) feet of a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption.

**(i)** Two thousand (2,000) feet of any recorded residential subdivision or established residential area.

**2.** The distance from a proposed or existing adult entertainment establishment to a preexisting adult entertainment establishment, a preexisting religious institution, a preexisting educational institution, a preexisting hospital or governmental and civic facility, a preexisting interstate, a preexisting scenic corridor, a preexisting park, or a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the preexisting adult entertainment, a preexisting religious institution, a preexisting educational institution, a preexisting hospital or governmental and civic facility, a preexisting interstate, a preexisting scenic corridor, a preexisting park, or a preexisting commercial establishment that sells or dispenses alcohol for on-premises consumption.



#### **4.0.6. Development Plan Requirements -**

**4.0.6.a.** A development plan must be submitted and shall include, but not be limited to, access, parking, signage, landscaping, dumpster location, and justification that the adult entertainment use is not located within the distance setbacks.

**4.0.6.b.** The development plan shall be submitted to the Meade County Planning and Zoning Office for review of the proposed development. Staff will review and approve, or approve with exceptions noted, or deny the development plan within sixty (60) calendar days.

**4.0.6.c.** The staff shall not be required to approve a development plan if the staff has reason to question its accuracy or its compliance with this adult entertainment regulation, the zoning regulation or any other regulations. Staff shall refer any such issues to the full Planning Commission. Reasons for denial of the development plan shall be stated in writing.

**4.0.6.d.** Final approval or denial of the development plan by staff or by the full Planning Commission may be appealed to the Meade Circuit Court pursuant to KRS 100.347(2) as a final action of the Planning Commission.

**4.0.6.e.** Parking Standards: The minimum and maximum number of parking spaces required allowed is outlined below:

##### **(1) Live Adult Entertainment Establishment**

**(a)** Minimum: one (1) space for each one hundred fifty (150) square feet of gross floor area

**(b)** Maximum: one (1) space for each seventy-five (75) square feet of gross floor area

##### **(2) Adult Retail Entertainment**

**(a)** Minimum: one (1) space for each two hundred seventy-five (275) square feet of gross floor area

**(b)** Maximum: one (1) space for each one hundred seventy-five (175) square feet of gross floor area

**4.0.6.f.** Landscaping Standards: Landscaping shall be provided on the premises of any adult entertainment establishment to screen and buffer the adjoining uses.

**4.0.6.g.** Signage Standards: Exterior signs located on the building of an adult entertainment establishment shall conform to the requirements of 4.2.7. of the Meade County Zoning Ordinance, otherwise known as the Sign Regulation. Such exterior signs shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any 'specified sexual

activity' or 'specified anatomical area,' as herein defined. There shall be no electronic reader boards or changing message center signs. No display of goods, product or services shall be visible from outside the building.

**4.0.6.h. Freestanding Building:** An adult entertainment establishment shall be located in a freestanding building, containing no other uses or adult entertainment establishments.

**4.0.6.i.** All adult entertainment facilities shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such businesses or on any door or apparatus to such building.

**4.0.7. Hours of Business -** An adult entertainment establishment shall not be permitted to allow such establishment to remain open for business, or to permit any worker to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of one o'clock (1:00) a.m. and eleven o'clock (11:00) a.m., of any particular day. A worker of an adult entertainment establishment shall not be permitted to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of one o'clock (1:00) a.m. and eleven o'clock (11:00) a.m., of any particular day.

**4.0.8. License Requirement -** An adult entertainment establishment shall obtain any licenses which may be required by the applicable governmental agency after adoption of this regulation.

**4.0.9. Age Requirement -** Adult entertainment establishments shall not employ nor permit entry of minors (17 years of age and under).

**4.0.10. Definitions -** The definition of adult entertainment establishment and the provisions of this Section shall apply to the opening or commencement of a new business, the conversion of an existing business to any sexually oriented business, the addition to or expansion of an existing adult entertainment establishment, or the relocation of any adult entertainment establishment. See Section 1.8

**4.0.11. Penalties and remedies -**

**4.0.11.a.** Violation of Section (I) above pertaining to minors shall constitute a Class A misdemeanor and be punishable by up to twelve (12) months in the county jail and/or a five hundred dollar (\$500) fine and/or both.

**4.0.11.b.** Violation of any other section contained in 4.0 shall be a misdemeanor punishable by up to six (6) months in the county jail and/or up to a one thousand dollar (\$1,000) fine. Each day of a violation shall constitute a separate offense.

**4.0.11.c.** None of the penalties provided hereinabove shall prevent an aggrieved party from seeking injunctive relief in the Meade Circuit Court to enforce any provision in Section 4.0 of this Ordinance. In the event an aggrieved party is a

successful litigant in the Meade Circuit Court action, it shall be entitled to an Order from the Circuit Court that its costs be paid by the litigant found to have violated this ordinance.

## **4.1 GENERAL REGULATIONS**

**4.1.1. Coordination with Subdivision Regulations** - Except as exempted by applicable KRS 100 statutes where land is divided for the purpose of eventual development of lots or tracts, the provisions of the Meade County Subdivision Regulations shall apply in addition to the provisions of this Zoning Ordinance.

**4.1.2. Conditional Use Regulations** - Conditional uses may be permitted in districts as designated under each zoning district, but only when specifically approved by the Board of Zoning Adjustment. All conditional uses must meet the following: such a use must be essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning ordinance.

**4.1.3. Non-conforming Uses and Structures** - The lawful use of a building or premises, existing at the time of adoption of this zoning regulation may be continued, except as otherwise provided herein, although such use does not conform to the provisions of such regulations.

Non-conforming structures remain subject to the following regulations:

**4.1.3.a. Extension** - A non-conforming structure, or structure containing a non-conforming use, shall not be enlarged, replaced or structurally altered except as provided in 4.1.3.c. and 4.1.3.f.

**4.1.3.b. Alteration** - No structure containing a non-conforming use shall hereafter be altered in a manner that would tend to prolong the non-conforming use except for ordinary repairs, except in accordance with Article 2.

**4.1.3.c. Discontinuance** - No non-conforming use may be reestablished after it has been discontinued for a period of twelve (12) months, except when government action or structural damage prevents such use. Vacating of premises or building or non-operative status shall be evidence a discontinued use.

**4.1.3.d. Prior Approval** - Proposed structures for which permits have been issued prior to their designation as non-conforming by the adoption or amendment of this Ordinance may be completed and used as originally intended provided they are completed and in use one (1) year after the date on which the permit was issued.

**4.1.3.e. Use Change** - No non-conforming use may be changed to any other non-conforming use unless the Board of Zoning Adjustment shall find that the proposed non-conforming use is less detrimental to the district than the existing non-conforming use of the property. The Board of Zoning Adjustment may specify such appropriate conditions and safeguards as may be required in

connection with such change and shall require the owner to meet all other specifications of this regulation. This section does not allow for the expansion of a non-conforming structure containing old or new non-conforming uses.

**4.1.3.f. Repairs and Maintenance** - On any non-conforming structure or portion of structure, and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the floor area or cubic content of the non-conforming structure or portion shall not be increased. Nothing in the Zoning Ordinance shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure or part thereof.

**4.1.3.g. Restoration** - Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Ordinance and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction demolition.

**4.1.4. Required Street Frontage** - All lots shall front on an improved, maintained street or road for the minimum distance listed in section 3.7 except that lots which front on turnarounds of permanent dead-end streets or on curves, the required frontage shall be measured at the building setback line.

**4.1.5. Height** - No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet. This section shall not apply to the Light Industrial district where the building height shall not exceed fifty (50) feet. There shall be no height restrictions in Heavy Industrial and Agricultural districts.

**4.1.6. Rear Dwelling Prohibited** - No building in the rear of a main building on the same lot may be erected for residential purposes.

**4.1.7. Reductions In Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this regulation are not maintained.

**4.1.8. Approved Sewerage Disposal for Buildings** - It shall be unlawful to construct any building for human occupancy and use without sewerage disposal facilities approved by the County Health Department wherever sewer mains are accessible (within 500 feet), buildings shall be connected to such mains. In every other case, individual sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Meade County Health Officers certificate approving proposed and completed sewerage facilities must accompany applications for building permits and certificates of compliance or occupancy respectively. This will allow the required lot sizes to be addressed prior to the creation of lots and will help insure that septic systems are

in place prior to occupancy by the user.

**4.1.9. Regulation of Principal Buildings** - Unless a plat has been approved for a multi-building project, only one principal building and authorized accessory structures are permitted, except as stated in this Ordinance.

**4.1.10. Sinkholes** - Sinkholes and other similar depressions and the area within a certain number of feet (set by the County Health Department) from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Planning Commission shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be “punched” or otherwise altered to improve drainage.

**4.1.11. Flood Plains** - The Administrative Official shall administer the Meade County Flood Damage Prevention Ordinance.

## **4.2 GENERAL REGULATIONS FOR LOTS AND YARDS**

**4.2.1. Obstruction to Vision at Street Intersections on Corner Lots** - Corner lots in all districts shall be free from all obstructions to traffic visibility according to the Sight Triangle Standards in Section 1.8. The requirements Section 1.8 shall not be deemed to prohibit any necessary retaining wall.

**4.2.2. Building Setback Lines** - A building setback line shall be established to provide a front yard for all buildings and structures at the minimum distance found in the schedule of Lot Dimensions and Area Regulations.

**4.2.3. Setback Requirements for Corner Lots** - In residential districts, if the required building setback is greater than twenty-five (25) feet from the street right-of-way, a corner building either along its front or side, shall not be closer than the distance established for the building set-back line in that district.

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

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

**4.2.6. Use of Yards for Accessory Buildings** - No accessory buildings are permitted in front yards. They are permitted only in rear or side yards according to the dimension and area regulations.

**4.2.7. General Regulations for Signs and Outdoor Advertising** -

**4.2.7.a. Classification** - Outdoor Advertising shall be classified as a business use and shall be permitted in Business and Industrial Districts. Outdoor

advertising devices except as provided in Section 4.4 shall be prohibited in all Residential and Agriculture zones.

**4.2.7.b. Definitions** - For the purpose of this ordinance, certain words or terms used herein shall be interpreted and are defined in Section 1.8.

**4.2.7.c. General Regulations** - The following requirements shall apply with any zoning district.

1. No sign shall be erected at any location where by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure or interfere with the view of or be confused with any authorized traffic sign, signal or device.
2. All signs shall be erected in conformity with the required side and rear yard setbacks.
3. Flashing signs or intermittent illumination shall be prohibited.
4. No Illuminated sign shall be permitted within twenty-five (25) feet of a residential district unless the sign is designed to not shine or reflect onto the residential property or street.
5. Signs may be illuminated by internal lighting or from an exterior source provided the beam of light from an external source shall be effectively concealed from view.
6. Only one (1) ground sign shall be permitted per street frontage including a shopping center or a building containing two (2) or more businesses.
7. A property having frontage on more than one (1) street may have one (1) sign located at the corner of the two (2) frontages.
8. One (1) wall and one (1) ground sign shall be permitted for each business.
9. No billboard or ground sign shall exceed thirty-five (35) feet in height.
10. No projection sign shall extend more than ten (10) feet outwardly nor extend above the height of the building.
11. Political signs shall be removed within ten days following the election. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election.
12. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such as to interfere with, mislead or confuse the public.

**13.** No rotating sign shall exceed eight (8) rounds-per-minute (RPM) and no direct beam of light shall rotate or revolve.

**14.** No sign shall project over any public right-of-way.

**15.** The setback, spacing and facing area of billboards along all state or municipal highways shall be in compliance with all applicable state and/or federal regulations and all county ordinances.

**16.** A temporary sign shall not be suspended across public streets or at other public places without written permission issued by the Judge Executive.

**17.** No signs, placards or notices shall be attached to poles, stanchions or supports constructed primarily for other purposes or functions which would under this ordinance constitute a ground or projection sign or temporary sign.

**18.** All abandoned signs or signs relating to abandoned use shall be removed within thirty (30) days after abandonment and such removal shall be responsibility of the owner of the sign. If not removed within thirty (30) days a fifty dollar (\$50.00) fine could be levied to the owner of the sign.

**19.** All signs shall be maintained by the owner in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballast and transformers shall be kept in a safe working condition. The Administrator or their appointee may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair.

**4.2.7.d. Permits** - A sign permit shall be required for all signs, except as specified in Section 4.4, for the placement of all signs. Sign permit applications shall be made upon forms provided by the Administrator. All signs shall comply with the provisions of this ordinance and it shall be the duty of the Administrator or appointee to examine the specifications and premise involved for compliance of all applications. The application will contain the following information.

**1.** Name of applicant, location of business and a contact number

**2.** Plans (blueprints) for proposed sign.

**3.** Materials to be used for construction of the sign.

**4.** Proposed location of the sign on the building or property or off-site location.

**5.** Sketch of the proposed sign and wording to be used (if sign is for a specific business or other type of advertisement).

Sign Permit fee shall be –

\$75.00 for each new approved sign

\$50.00 for each existing sign revitalized

\$50.00 for each neighborhood business sign

#### **4.2.7.e. Location -**

1. Industrial and General Business Districts - No outdoor advertising sign or display shall be erected, placed, painted, or repainted or hung nearer to any street right-of-way line upon which said display faces the building lines provided in zones where the use is permitted except that one sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than six (6) feet to the street right-of-way line, but in no case be permitted to obstruct the view of traffic.

2. Neighborhood Business District- Only one ground sign shall be permitted per Neighborhood Business (Home Occupation). No billboards or projection, wall or roof signs shall be permitted.

#### **4.2.7.f. Size and Placement -**

**1. Industrial and General Business Districts** - A single sign, billboard or advertising device containing no more than two hundred (200) square feet (including border) shall be permitted in industrial or general business zones. No more than four (4) signs may be erected together containing no more than two hundred (200) square feet each in total. Any other sign or billboard shall be at least two thousand (2000) feet from this point.

**2. Neighborhood Business** - All outdoor advertising signs shall have no more than twelve (12) square feet. No sign shall exceed three (3) feet in height once constructed.

**4.2.7.g. Maintenance and Compliance** - All signs existing at the time of the enactment of this regulation and not conforming to its provisions shall be considered nonconforming signs. Non-conforming signs may be continued as long as the sign is maintained in good condition. If for any reason the non-conforming sign is damaged or not maintained the Administrator or their appointee may order the removal of any sign which becomes a public hazard if not repaired or maintained within sixty (60) days of being damaged or notified. The non-conforming sign may not be replaced without obtaining a permit from the Administrator. Any and all repairs to an existing sign must not significantly change the structure of the original sign.

**4.2.7.h. Penalties** - Any sign erected in Meade County without a sign permit is subject to a fine not to exceed fifty dollars (\$50.00) to the business and/or individual erecting the unauthorized sign. Any owner causing or allowing a violation of any of the provisions of this regulation shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty five



dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each twenty-four (24) hour period of said violation shall be deemed a separate offense.

#### **4.2.8 GENERAL REGULATIONS FOR VEHICLES**

##### **4.2.8.a. Off-Street Parking Space Regulations for Automobiles -**

**1. Existing Parking Space** - Existing off-street parking space provided for any building or use at the time of the enactment of this Regulation shall not thereafter be reduced unless it exceeds the requirements of this Regulation. Any existing building or use not providing off-street parking space in conformance with this Regulation shall at the time of any structural alteration of the building or expansion of the use, provide the required parking.

**2. Required Off-Street Parking Space** - Off-street parking space shall be provided on the premises so that there will be no generation of automobile parking on any street. For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 x 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

**3. Off-Street Parking Standards** - The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed. Where more than one use occupies a building, the total of the combined standards shall be required.

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

**(b) Apartment House** - One and one-half (1-1/2) spaces per unit.

**(c) Boarding Houses and Rooming Houses** - One (1) space for the first two (2) rooms and one (1) space for each additional two (2) rooms.

**(d) Hotels and Motels** - One (1) space per unit plus one (1) space for each three (3) employees.

**(e) Auditorium, Theater, Stadium or Other Similar Use** - One (1) parking space for each five (5) seats available at maximum capacity.

**(f) Church** - One (1) space for each three (3) seats available at maximum capacity.

**(g) Restaurant** - One (1) space for each three (3) seats available as maximum capacity. Employee parking shall be provided at the ratio of one (1) space for each three (3) employees.

**(h) Commercial or Business Building** - Four (4) spaces for the first one thousand (1,000) square feet of floor space used and usable in the sale of merchandise, and one (1) additional or each additional two hundred fifty (250) square feet of such floor space.

**(i) Manufacturing and Warehousing** - One (1) parking for each two (2) employees at maximum employee on a single shift plus one (1) car space for each truck operated by the business. The Planning Commission may require additional space if it deems necessary.

#### **4. Off-Street Loading and Unloading Regulations for Trucks -**

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Planning Commission shall interpret the amount of loading and unloading space required for any building or use whenever it is unable to apply this standard literally.

#### **4.2.8.b. Additional Parking, Loading and Unloading Regulations**

**1. Arrangement of Off-Street Parking Space** - Off-street parking space required for any building or use may be located within four hundred (400) feet from the premises it serves, but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Planning Commission. Such parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

**2. Proof of Availability** - The Planning Commission may require a plat, deed, or any other proof necessary to show that the required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a zoning permit.

### **4.3 SPECIAL REGULATIONS**

#### **4.3.1. Manufactured Housing -**

**4.3.1.a. Permitted** - Manufactured Mobile Homes and Manufactured Sectional Homes occupied by a resident not solely engaged in agricultural activity shall be allowed in the "A-1," "A-2," and "R-4" districts. Manufactured mobile home parks shall be authorized in the "R-4" district.

**4.3.1.b. Foundation** - All manufactured mobile and sectional housing must be placed either on concrete foundations or mortared concrete blocks. The bottom of the manufactured mobile and sectional housing unit must not be more than four (4) feet above the ground at any point, except where flooding is prevalent. A solid form of permanent material must be built between the ground and the bottom outside edge of the manufactured mobile and sectional housing unit.

**4.3.1.c. Anchorage tie-down** - Every space for manufactured mobile and sectional home units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored. Where concrete platforms are provided for the parking of manufactured mobile units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.

**4.3.1.d. Prohibition** - It is illegal under this ordinance to erect, construct, reconstruct, or structurally alter any mobile home, manufactured home or manufactured sectional home so as to combine it with or attach it to another building, structure, mobile home, manufactured home or manufactured sectional home in an attempt to make them as one building, structure, mobile home, manufactured mobile home, or manufactured sectional home. Any violation of this section shall be subject to the provisions set forth in Section 5.2 in this Ordinance.

**4.3.1.e. Additions** - Manufactured Sectional Homes and Manufactured Modular Homes may be attached to constructed additions subject to the following restrictions:

- 1.** Any addition to a Manufactured Sectional Home or Manufactured Modular Home must comply with the residential construction standards of the Kentucky Building Code and may not alter the engineered load design of the original structure unless accompanied by a design plan bearing the seal of an engineer licensed by the Commonwealth of Kentucky to certify such construction plans. Building Permits are required for additions constructed under this provision.
- 2.** It is illegal under this regulation to extend the physical electrical wiring of a Manufactured Sectional Home or Manufactured Modular Home beyond its original configuration into or connected to any addition or modification built under this provision. Electric service to any additions constructed under this provision must be on dedicated circuits or independent electric source.
- 3.** It is illegal under this regulation to energize the electrical system of an addition constructed under this provision without first obtaining a satisfactory electrical inspection by the Meade County Electrical Inspector.

4. If any addition constructed under this provision will contain or be utilized as sleeping space, or require any modification or extension to the wastewater disposal system of the original dwelling a certification from the Meade County Environmental Department will be required prior to issuance of a building permit.

5. It is unlawful to occupy or allow to be occupied any addition constructed under this provision without a Certificate of Occupancy issued pursuant to the provisions of this regulation that pertain to such certificates.

6. It is unlawful to attach a Manufactured Sectional Home or Modular Housing Unit to another Manufactured Sectional Home, Modular Housing Unit or Mobile Home with the intent of making them as a single unit.

#### **4.3.2. Mobile Home Parks -**

**4.3.2.a. Procedure** - In applying for a zoning permit for a manufactured mobile home park, the applicant shall submit a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes 219.130.

#### **4.3.3. Apartment Houses -**

**4.3.3.a. Permitted** - Apartment houses and condominiums shall be permitted in the R-3 residential districts.

**4.3.3.b. Area and Density Requirements** - An apartment house shall have a minimum lot area of thirteen thousand five hundred (13,500) square feet for the first three (3) units. For each additional unit, there shall be an additional three thousand (3,000) square feet. The minimum required lot width at the building line shall be one hundred (100) feet. If municipal sewers are not available for an apartment complex the required health department lot dimensions shall take precedence.

#### **4.3.3.c. Yard Requirements -**

Front Yard: 25 feet

Rear Yard: 10 feet

Side Yard: 15 feet

Corner lots shall meet the applicable requirements of Section 4.2 of this Regulation.

**4.3.3.d. Lot Coverage** - The combined area occupied by all principal and accessory buildings shall not exceed fifty percent (50%) of the total lot area.

**4.3.3.e. Off-Street Parking** - Off-street parking shall be provided on site only. All parking areas shall be hard-surface concrete or asphalt and shall provide one and one-half (1 ½) space per dwelling unit.

**4.3.3.f. Procedure** - An applicant, before applying for a zoning permit or beginning construction, shall prepare a plan or sketch showing lot dimensions and bearings of the parcel intended to be developed, the location, the intended general layout and design and improvements to be installed on the land. The proposal may be reviewed by the Planning Commission.

Before approving the intended development plan, the Planning Commission may make conditional requirements pertaining to landscaping, screening, road requirements, open space or any other similar requirements. These requirements shall be made part of the plan before approval is given to the plat. Once approval is received, a zoning permit may be issued.

#### **4.3.4. Junk Yards -**

**4.3.4.a. Classification** - Junk yards are conditional uses, permitted only in industrial zones. All junk yards shall comply with the following regulations:

1. All junk yards must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The Planning Commission shall be required to approve the type of screening used,
2. Any junk yard located closer than two thousand (2,000) feet from a center line of any public road must comply with the Kentucky Revised Statutes, Chapter 177. The Administrative Officer shall insure that all junk yards comply with county and state regulations.
3. No junk shall be left outside of the screened area for more than twenty four (24) hours,
4. No junk yard, shall be within two thousand (2,000) feet of any residential zone,
5. The Board of Adjustment shall have the power to determine if a parcel is being used for a junk yard or not. An occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of a land is being used for a junk yard, and
6. As junk yards can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc. any junk yard must meet Federal and State standards in order to continue to operate. Those found to be in violation shall be notified and be instructed to be brought into compliance.

#### **4.3.5. Cellular Telecommunication Facility -**

**4.3.5.a. Purpose-** The purpose of this section is to better provide communication capabilities throughout Meade County, Kentucky, and in doing

so, to protect the people and the land from unsightly facilities and overcrowding of such facilities.

**4.3.5.b. Authority-** The Meade County Planning Commission has the authority to regulate the placement of cellular telecommunication facilities within Meade County, Kentucky, under Kentucky Revised Statutes (KRS) Chapter 100 Sections 100.985 and 100.987.

**4.3.5.c. Provider Requirements** - The following regulations shall apply to all proposed cellular telecommunication facilities within the unincorporated Meade County, Kentucky.

Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within unincorporated Meade County Kentucky shall:

1. Submit a copy of the utility's completed uniform application to the Meade County Planning Commission within five (5) days of applying to the PSC for a certificate of necessity and convenience as required by KRS 278.020(1). The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

- (a) All of the Meade County Planning Commission's jurisdiction; and

- (b) A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna tower.

2. Include in any contract with an owner of property upon which a tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a tower including a timetable for removal; and

3. Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. 332(c), KRS 278.030, 278.040 and 278.280.

**4.3.5.d. Planning Commission Requirements** - After receiving the uniform application to construct a cellular antenna tower, the Planning Commission shall:

1. Review the uniform application in light of its agreement with the Comprehensive Plan and Meade County Zoning Ordinance;

2. Make its final decision to approve or disapprove the uniform application; and

**3.** Advise the utility and the PSC in writing of its final decision within sixty (60) days commencing from the date that the uniform application is received by the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the utility. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, it is presumed that the Planning Commission has approved the utility's uniform application.

**4.** If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the Meade County Zoning Ordinance. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first. If a Planning Commission rejects the uniform application to construct an antenna tower, the PSC may override the decision of the Planning Commission and issue a certificate of convenience and necessity for construction of the cellular or personal communication services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity required the proposed construction.

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

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

**(b)** Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing

structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that:

1. Identifies the location of the towers which the applying utility attempted to co-locate on; and
  2. Lists the reasons why the co-location was unsuccessful in each instance.
6. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.
7. In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

#### **4.3.5.e. Additional Requirements -**

1. Each proposal shall have a development plan approved by the Planning Commission.
2. The setbacks from property lines shall be a minimum of thirty four percent (34%) of the height of a self-supporting tower. For monopole towers, the setbacks shall be equal to the height of the tower. For guyed towers, the setbacks shall be a minimum of eighty two percent (82%) of the height of the tower.
3. The subdivision of land is not necessary; therefore, the proposal shall provide a copy of the executed lease agreement and proof of ingress/egress.
4. No proposed tower shall locate within one (1) mile of an existing tower.
5. Fencing around the compound is required.
6. Any structure on the property shall not be for habitation: therefore, it shall not be connected to any water supply or sewage disposal system.
7. The Meade County Fiscal Court shall be notified, in a timely fashion, by the Planning & Zoning Administrator of any applications for the construction of cellular telecommunication facilities within the Meade County Planning & Zoning jurisdiction.



**4.3.6. Compatibility Standards for Manufactured Housing and Prefabricated Component Construction** - For the purposes of this section the following definitions shall apply unless the context requires otherwise:

**4.3.6.a.** - The following standards are applicable to all factory built housing and component construction under these capability standards:

1. The structure shall be permanently attached to a permanent foundation system and shall be anchored in accordance with the state standards set forth in KRS 227.570 through KRS 227.590.
2. Exterior material shall be material customarily used on site-built dwellings, such as board siding, plywood or press wood siding, non-glossy vinyl siding, stucco, brick or non-reflective aluminum.
3. Roofing material shall be of wood, tile or composition shingles, and must have an have projection of no less than six (6) inches
4. Exterior covering material extending from the roofline to the ground or to the top of the foundation shall be used. Masonry type skirting shall be constructed from the ground to the bottom of the exterior wall.
5. Structural additions or alterations shall be subject to the same building code regulations as apply to additions or alterations to a conventionally built house. Any other alteration or conversion of a factory built house must be performed in accordance with KRS 227.550 et seq., 815 KAR 25:050, Section 2 and 42 USC Chapter 70.
6. An adequate guttering and roof drainage system shall be installed.

**4.3.6.b.** - The following standards are applicable to all factory built housing and prefabricated component construction to be placed on lots that qualify as infill sites in the district applicable to the site:

1. Roofed front porches must be included on each structure if more than 50% of the structures in the same block face or within one thousand (1000) feet of the subject site, whichever is less, include them. Porches shall equal the average size and must resemble the architectural style, roof pitch, foundation, and façade material of porches existing within the block face. The Planning Director shall determine if the proposed porch design is sufficiently similar to those of adjacent residences.
2. Façade materials shall match in appearance to that of one (1) of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative materials, if the Director finds that the proposed design and façade materials are substantially in keeping with the existing character of the block face.

3. Front facing windows must have consistent size, spacing, and proportion to that of the adjacent residences (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential). The Planning Director may approve alternative window sizes and patterns that the Director determines are in keeping with the existing character of the block face.

4. The first floor elevation of the proposed dwelling shall be no lower than the average floor elevations of the existing adjacent residential buildings (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).

5. Minimum width of each unit's first story shall be at least equal to the average of the two nearest residential buildings in the same block face (residential buildings on either side of the infill lot, or two nearest residences, if the adjacent structures are non-residential).

6. The roof of each infill unit shall have pitch at least as steep as the average of the roof pitch of the two nearest residential buildings in the same block face. The Planning Director may approve a lower roof pitch if the Director finds that the adjacent roof pitches are not representative of the block face in which the factory built home is to be located.

7. Infill structures shall be consistent in number of stories with the pattern established by surrounding residences.

8. HVAC units shall not be located between the front façade and the street.

9. The Zoning Board of Adjustments may approve proposed developments of five or more infill units that vary from standards, if they find that the units are compatible with the neighborhood in which they will be located.

**4.3.6.c.** - The following standards are applicable to all factory built housing to be placed on lots that do not qualify as infill sites in the district applicable to the site:

1. The roof shall be pitched at a minimum slope of 5:12.

2. The minimum width of each structure's first floor shall be at least twenty (20) feet and must have a main entrance facing the street.

3. HVAC units shall not be located between the front façade and the street.

4. Each residence must measure at least nine hundred fifty (950) square feet of floor area not including basement or garage space.

#### **4.3.7. Solar Energy Systems (SES) –**

**4.3.7.1. Permitted** – Level 1 Solar Energy Systems that comply with the requirements of the Section 4.3.7. shall be allowed in all zoning districts. Level 2 and 3 SES, as set

forth below, shall be a conditional use in all Agricultural or Commercial/Heavy Industrial Zones. Those seeking a permit for Level 3 SES must be granted approval by the Planning and Zoning Commission, with final approval by a majority vote of Meade County Fiscal Court.

**4.3.7.2. Design Standards - A Solar Energy System (SES)** is the components and subsystems required to convert solar energy into electric energy suitable for use or placement on the electrical grid, including transmission lines, transformers and substations. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, and areas required to connect to the electrical grid, including transmission lines, transformers and substations. For the purposes of these zoning regulations, solar energy systems are divided into three (3) classes.

**4.3.7.2.a. Level 1 Solar Energy System** - A roof mounted system on any code compliant structure or any ground mounted system on an area of up to fifty (50) percent of the footprint of the primary structure on the parcel but not more than one (1) acre and not more than twenty-five (25) feet tall or any building integrated system (i.e. shingle, hanging solar, canopy, etc.)

**4.3.7.2.b. Level 2 Solar Energy System** - Any ground mounted system not included in a Level 1 SES and meets the following area restrictions:

- (1) The area of the SES shall not exceed five (5) acres in size.
- (2) An SES of any size up to five (5) acres shall require a site plan approved by the staff of the Meade County Planning and Zoning Office.

**4.3.7.2.c. Level 3 Solar Energy System** - Any system that does not satisfy the parameters for a Level 1 or Level 2 SES. Each Level 3 SES shall require a site plan approved by the Meade County Planning and Zoning Commission.

**4.3.7.3. Requirements** - Solar Energy Systems (SES) shall comply with the following criteria:

**4.3.7.3.a.** The height of any ground mounted SES shall not exceed twenty-five (25) feet as measured from the highest natural grade below each solar panel (excludes utility poles, substations and antennas constructed for the project).

**4.3.7.3.b.** Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.

**4.3.7.3.c.** Setback requirements for Level 3 SES shall be as follows:

- (1) All components of the SES shall be at least fifty (50) feet from the perimeter property lines of the project area and at least two hundred fifty (250) feet from any residential structure, nursing home, church, or school; interconnection facilities may be located within the setback lines, and
- (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties.
- (3) The Planning and Zoning Commission may require more stringent setback lines, to be determined on a case-by-case basis.

**4.3.7.3.d.** All Level 3 SES shall be screened with a seven (7) foot tall fence and, to the extent reasonably practicable, a visual buffer that provides reasonable

screening to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right of way). A vegetation screening plan to reduce the view of the SES from residential dwelling units on adjacent lots will be submitted as part of the site plan for approval of the Meade County Planning Commission. The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. When no alternative vegetation screening plan is approved by the Meade County Planning Commission, a double row of staggered evergreen trees will be planted 15' on center from adjacent non participating residential dwellings including the outdoor living space immediately near residential dwellings. Parcel boundaries with no proximity to residential dwellings shall not require screening. The proposed evergreen trees shall be placed on the exterior of security fencing. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential properties. The Meade Count Planning Commission may require additional screening and/or visual buffers on a case-by-case basis.

**4.3.7.3.e.** There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by a federal, state or local agency. Such signs shall not exceed five (5) square feet in area.

**4.3.7.3.f.** Excessive lighting shall be prohibited except that required by federal or state regulations.

**4.3.7.3.g.** The total number of acres in the unincorporated areas of the county which are permitted to allow Level 3 SES shall be limited to ONE THOUSAND TWO HUNDRED (1,200) acres. No permits shall be authorized once the total number of permitted acres has been allotted.

**4.3.7.3.h.** Upon application to the Planning and Zoning Commission, a Level 3 SES shall provide a soil erosion plan. A Level 3 SES shall comply with all existing federal, state, and local environmental restrictions.

**4.3.7.3.i.** Decommissioning of Level 3 SES shall be as follows:

**(1)** The developer shall post a Surety Bond or other form of Security acceptable to the County, for the abandonment of the site and in the event the Commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The surety bond or other form or security, shall be one hundred (100) percent of the reasonable estimate submitted for the decommissioning of the project to be re-calculated every five (5) years during the project life. The decommissioning will include a reasonable reduction for the scrap value of the components left on the property.

**(2)** A decommissioning plan shall be submitted at the time of application by the developer responsible for decommissioning and must include the following:

**(a)** Defined conditions upon which the decommissioning will be initiated. i.e. there has been no power production for twelve (12) months, the land lease has ended, or succession of use of abandoned facility, etc.,

- (b) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations to the depth of three (3) feet,
- (c) Restoration of the property to substantially similar physical condition that existed immediately prior to construction of the SES,
- (d) The time frame for completion of decommissioning activities,
- (e) The party currently responsible for decommissioning, and
- (f) Plans for updating the decommissioning plan.

## 4.4 EXCEPTIONS

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

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

**4.4.1.b.** Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Transportation.

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

**4.4.1.d.** Real estate signs or subdivision signs advertising property for sale or rent with less than an area of twelve (12) square feet.

**4.4.1.e.** Signs not over two (2) square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises in residential zones.

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

### 4.4.3. Non-conforming Lot of Record -

**4.4.3.a. Non-conforming Lots of Record with the Availability of Public Water and Sewer** - There shall be no requirement for minimum lot area, building setbacks, minimum lot width, or percentage of lot coverage for an existing lot of Official Record in which public water and sewer is available,

provided the permitted uses and height restriction are adhered to, pursuant to Section 3.7.

**4.4.3.b. Other Non-conforming Lots of Record** - There shall be no minimum lot size requirements for a lot of Official Record, which existed before the time of the adoption, approval and effective date of the Ordinance (March 1, 1998). If a lot of Official Record does not include sufficient land to conform to the setback or other requirements of this Regulation, an application may be submitted to the Board of Zoning Adjustment for a variance from the terms of the Regulation in accordance with provisions of Section 2.14.

Such lot may be used as a building site provided, however, the permitted uses in the district must be adhered to and 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.

## **5 ADMINISTRATION JURISDICTION AND VIOLATIONS**

### **5.1 CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS**

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of their jurisdictions concerning the administration of this Zoning Regulation.

**5.1.1.** - The Administrative Officer has initial authority for the literal enforcement of this Zoning Regulation. He\she has no discretionary authority to allow any departure from the literal conformance with this Ordinance.

**5.1.2.** - The Board of Zoning Adjustments has authority to hear appeals from decisions by the Administrative Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Administrative Officer. The Board also has the authority to make only those departures from a literal conformance which is specifically delegated to it.

**5.1.3.** - The Fiscal Court has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Zoning Adjustment or the Planning Commission.

### **5.2 VIOLATIONS, REMEDIES AND PENALTIES**

**5.2.1. Remedies** - In case any building or structure is, or is proposed to be erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of this Ordinance, the Meade County Zoning Administrator and/or Meade County Attorney, or any other appropriate party who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the work or occupancy of such building, structure or land, or to prevent the use of any building, structure or land that is not in conformity with this ordinance, in any court of competent jurisdiction.

**5.2.2. Penalties** - Pursuant to KRS 24A.110, the Meade District Court shall have exclusive jurisdiction to make final disposition of all violations of this Ordinance. Any person, or groups of persons, including members of any legislative and administrative body of the county violating any provision of this Ordinance shall, upon conviction, be guilty of a violation (as defined at KRS 431.060(3) and KRS 500.080(17)) and be fined not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00) for each conviction. Each day of violation shall constitute a separate offense. "Each day of violation" shall be measured beginning the day the violator has actual notice of the violation or beginning the sixth (6th) day following the date on the letter notice ("Letter notice" shall be a written notification mailed to the violator at his/her address by the Planning and Zoning Administrator or the Meade County Attorney, which notifies the violator that he/she is in violation of this Ordinance and information on remedial steps to take. If the violator's current address is uncertain or unknown, notification may be mailed to the last address on record in the Meade County PVA Office). The ending day of violation shall be either (1) the day the violator comes into compliance with this Ordinance or (2) the date of his/her conviction. An appeal from a judgment of conviction by the Meade District Court shall be made to the Meade Circuit Court in a manner that complies with Rules 12.02 and 12.04 of the Kentucky Rules of Criminal Procedure.

Upon conviction, the court shall order that the fine assessed for each separate offense be paid, in full, within thirty-one (31) days following the conviction date. In the event an individual sentenced to pay a fine, defaults in the payment of the fine as ordered by the Meade District Court. KRS 534.060 shall be utilized and shall be applicable in this Ordinance. Notwithstanding the fact that each day of violation shall constitute a separate offense, if the Court sentences an individual to serve consecutive jail sentences for nonpayment of a fine for each separate offense pursuant to KRS 534.060(2)(c) an individual shall be imprisoned for nonpayment of fines for a period not to exceed twelve (12) months.

## 6 ADMINISTRATION: FEES

### 6.1. SCHEDULE OF FEES, CHARGES AND EXPENSES

A schedule of fees, charges and expenses and a collection procedure for appeals from Board of Zoning Adjustment action, variances, conditional use permits, zoning\building permits, certificates of compliance, and requests for zone changes, may be established by the County of Meade's legislative body. No conditional use permit or variance or other change shall be granted nor shall any action be taken on proceedings before the Board of Zoning Adjustment unless or until preliminary charges and fees have been paid in full. Planning Commission and Board of Adjustment Requests must be accompanied by the County Clerk filing fee required by KRS 100.3681 to file the Certificate of Land Use Restriction.

The Planning and Zoning Commission shall set reasonable fees, subject to annual review and approval of Fiscal Court. The initial fees to be charged are as follows effective January 1, 2020:

#### 6.1.1. Building and Electrical Fees

Construction/Building Permit Fees	FEE CHARGED
Modular and Manufactured Single Family Dwellings (Includes any decks)	100.00
On Site Constructed Residential Dwelling (2000 Sq./Ft or less)(Foundation/Rough/Final)	200.00 + .02/ Sq./Ft
On Site Constructed Residential Dwelling (Over 2000 Sq./Ft)(Foundation/Rough/Final)	250.00 + .02/ Sq./Ft
Additions and Attached Garages (Footer/Rough/Final)	150.00
Detached Accessory Bldg. (Foundation)	82.50
Detached Accessory Bldg. w/bathroom (Foundation, Framing, Final)	100.00
Swimming Pool, Storm Shelter, Deck w/Roof, and Porch w/Roof (Foundation & Final)	82.50
Deck, Porch, Shed, or Ramp (Foundation & Final)	50.00
Commercial Buildings and Structures	\$200.00
State Jurisdiction	\$200.00 + Per Sq./Ft Fee in KY
Local Jurisdiction	Bldg. Code Table 121.3.1
Sign Installation-	
New	75.00
Revitalized/Neighborhood	50.00
Solar Energy Systems-	
Level 1-Roof Mounted System	\$75
Level 1 or 2-Ground Mounted System (Less than 5 acres)	\$100
Level 3-Solar Farm (5 or more acres)	\$250
Fee for each re-inspection required	50.00
<b>Electrical Inspection Fees</b>	
Single Family Dwelling (Site Built and Modular Construction)(Rough and Final Inspection) under 2500 Sq./Ft	95.00
Single Family Dwelling (Site Built and Modular Construction)( Rough and Final Inspection) over 2500 Sq./Ft	135.00
Manufactured Single Family Dwellings	50.00
Residential Addition and Attached Garages (Rough and Final)	75.00
Residential Rewiring	95.00
Residential Service Change	45.00
Residential Underground Service (Final)	45.00
Temporary on main	35.00
Temporary on pole	35.00
Re-inspections	35.00



Emergency Service Inspection (24 Hour Notice)	75.00
Permanent Meter Pole	50.00
Barn	45.00
Grain Bin	45.00
Sign	40.00
Swimming Pool (Grounds and Final)	50.00
Garage and Pole Barn (No interior wall coverings) (Finished Garage/Pole Barn use SFD Fees and Inspections)	45.00
Garage/Accessory Building (Rough and Final)	65.00
Gas Well	45.00
Commercial/Industrial	Greater of \$75.00 or 1% of Electric Contract amount
Multi-Family Units (Rough and Final)	65.00
Ceiling Cable Heat	45.00
Miscellaneous	45.00
<b>HVAC Permit Fees</b>	<b>FEE CHARGED</b>
Pursuant to 815 KAR 8:070	See Schedule

### 6.1.2. Zoning Administrative Fees

<b>Zoning Administration Fees</b>	
Zoning Map Amendment Application	235.00
Conditional Use Permit Application	135.00
Dimensional Variance Application	135.00
Combination Plat Review and Approval	No Fee
Preliminary Major Subdivision Plat Review	250.00 + 10.00/lot
Minor Plat Review and Approval	250.00 + 20.00/Lot
Amended Record Plat	50.00 + 5.00/Lot
Revised & Corrected Plat	150.00 + 25.00/Lot
Commercial Development Plan	200.00 + 15.00/Acre over 6
Cellular Tower Application Review and Permit (Includes Bldg. Permit but not Electric inspection costs.)	2500.00
Level 3 Solar Farm (5 or more acres)(Fee includes Application Review Only)	1000.00 & 2.00/Acre
Amended Commercial Development Plan	100.00
Home Occupation Permit	50.00 25.00 yearly renewal
Administrative Appeal or Hearing Request Filing Fee	100.00
Demand Special Session or Hearing (Planning Commission)	600.00
Demand Special Session or Hearing (Board of Adjustments)	300.00
Floodplain permit	50.00
Public Hearing Notice Fees	40.00

## 6.2. ADDITIONAL FEE INFORMATION

**6.2.1.** When any person or representative commences residential or commercial construction or alteration of any structure that requires a building or electrical permit under the Kentucky Building Code or Kentucky Residential Building Code fails to obtain the required permit an additional

fee of \$50 for Residential or \$100 for Commercial will be assessed on that permit.

**6.2.2.** When any person or representative commences commercial construction or alteration of any structure that requires a building or electric permit under the Kentucky Building Code or Kentucky Residential Building Code fails to obtain the required permit an additional fee equal to the amount of the original fee, not less than five hundred dollars (\$500.00), will be assessed on that permit.

**6.2.3.** Where a resident requests review Board of Adjustments review of a request for residential change of non-conforming use for personal use and occupancy no hearing fee will be assessed. This waiver does not apply to rental property or commercial activities.

## **7 LEGAL STATUS**

**7.1 CONFLICT WITH OTHER ORDINANCES AND PRIVATE DEEDS** - In case of conflict between this Regulation, and any part thereof, and the whole or part of any existing or future ordinance of the County or the whole or part of any existing or future private covenants of deeds, the most restrictive in each case shall apply.

**7.2 VALIDITY** - If any section, clause, provision or portion of this Regulation shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the Regulation which not in itself unconstitutional.

**7.3 EFFECTIVE DATE** - This Regulation shall take effect and be in force March 1, 1998 after its adoption and legal publication, the public welfare demanding it.

This Ordinance having been read for the first time in open session of the Meade County Fiscal Court, on December 9, 1997; having thereafter been published in the Meade County Messenger on December 17, 1997; having been read for the second time in open session of the Meade County Fiscal Court, on December 29, 1997; having been adopted after passage upon motion duly made, and seconded, shall become effective on March 1, 1998 after publication as provided by statute.

JOE M. HAGER  
MEADE COUNTY JUDGE EXECUTIVE

ATTEST:  
MARY LAWSON  
MEADE COUNTY FISCAL COURT

## ORDINANCE AMENDMENT LIST

- **920.01** Nonconforming Lots
- **99.05** Cellular Telecommunication Regulations
- **99.06** Penalties Section
- **99.07** Home Occupation Regulations
- **00.02** Definition of Yards
- **00.05** Definition of Junk
- **00.06** R-1 (site built only) & Definitions
- **00.07** Family Subdivision
- **00.08** Amending the Meade County Zoning Map
- **00.10** Cellular Telecommunication Setbacks
- **00.11** Refund Re-Zoning Fee
- **00.14** Amendment changing minimum lot sizes in Residential Zones to 1.2 Acres
- **00.15** Permitted Use in the HI/Highway Industrial District
- **00.16** Changes to Road Frontage & Lot Size Requirements in Residential Zones
- **01.02** Penalties for Violations
- **03.01** "Seasonal or Temporary Uses" to the Conditional Uses in A-1 (Agricultural) Zone set forth in Section 3.6.2c
- **03.02** "Seasonal or Temporary Uses" to the Conditional Uses in A-2 (Agricultural) Zone set forth in Section 3.6.2c
- **03.13** Family Care Units to the R-1, R-2, R-3, R-4 (Residential) and A-1, A-2 (Agricultural) Zones
- **03.14** Mini-warehouses to the B-2 (Highway Business) Zone
- **04.15** Illegal in placing of two (2) mobile homes together to make one (1)
- **04.16** Private driveway entrance culverts approved by Meade County Road Department Supervisor
- **07.02** Resolution-Meade County Zoning District Map
- **09.02** Permitted uses in Agricultural Zones regarding blasting and residential use
- **09.03** Provisions for non-auto recycle operations in B-2 (Highway Business) Zones
- **09.04** Construction of Additions to manufactured & modular homes, Placement of Duplex in R-2 (Residential) Zone as Conditional Use
- **09.07** Re-filing & Withdrawal of Re-Zoning Applications
- **09.08** Definitions-Place of Amusement & Residential Area; Compliance with other codes, Statutes, and Regulations; Certification of Zoning Compliance; Conditional Uses in LI (Light Industrial) and HI (Heavy Industrial) Zones; Permissions & Restrictions regarding Adult Entertainment Establishments
- **11.04** Compatibility Standards for Manufactured Housing; Conditional Uses for Manufactured & Modular Housing in R-1, R-2 (Residential) Zones; Restrictions for RV's
- **12.03** Hire of P&Z Administrator and Staff
- **19.04** Establishment of RV Parks, Non-listed Uses, and Fee Schedule Update.
- **20.02** Solar Energy Systems
- **20.03** HVAC Permits
- **21.02** Reduction of lot size
- **21.05** Solar Energy Systems Amendment