

ZONING ORDINANCE
FOR
HODGENVILLE AND LARUE COUNTY, KENTUCKY

ADOPTED MAY, 1978
REVISED November 18, 2021

LAND OF LINCOLN PLANNING AND ZONING COMMISSION
HODGENVILLE, KENTUCKY

THE LAND OF LINCOLN
PLANNING AND ZONING COMMISSION
Hodgenville, Kentucky 42748

NOTICE

RE: ZONING APPLICATION

Any person requesting a rezoning request is responsible for seeing that all requirements have been met in their rezoning request. The Planning and Zoning Commission is here simply to recommend and not to advise. If you have any questions regarding said rezoning, then you should consult legal counsel of your choosing to see that every requirement has been met.

Planning and Zoning Commission

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SECTION I
INTRODUCTION

1.1 TITLE

This ordinance shall be known and may be cited as the **ZONING ORDINANCE FOR HODGENVILLE AND LARUE COUNTY, KENTUCKY.**

1.2 AUTHORITY

Pursuant to the authority granted to cities and counties by the Kentucky Revised statutes (KRS) 100.201 to 199.213, the rules and regulations contained herein shall apply within the corporate limits of Hodgenville and within the unincorporated area of LaRue County.

1.3 PURPOSE

The purpose of these regulations is to promote the public health, safety, and general welfare of the citizens of Hodgenville and LaRue County to facilitate orderly and harmonious development through the regulation of population density and intensity of land use.

1.4 SEVERABILITY CLAUSE

If any word or words, phrase or phrases, sentence or sentences, paragraph or paragraphs of this ordinance should be declared unconstitutional, it shall not invalidate any other portion of the ordinance.

1.5 REPEAL OF CONFLICTING ORDINANCES AND REGULATIONS

All ordinances, regulations or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give the ordinance full force and effect.

SECTION II

DEFINITIONS

For the purpose of these regulations, certain words, terms, and phrases are to be used and interpreted as defined herein.

ACCESSORY BUILDING: a detached building, the use, which is incidental to that of the principal building on the same lot.

ACCESSORY USE: a use incidental to the use of the principal building. An office for home occupations, as defined herein, shall be deemed an accessory use.

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

AGRICULTURAL: means 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. This definition also includes land used for activities involving horses as specifically set forth in KRS 100.111(2)(c) and (d) and, regardless of the size of the tract of land used, small farm, wineries, licensed under KRS 243.155.

Amended August 12, 2008 by LaRue County Fiscal Court; Amended September 8, 2008 by Hodgenville City Council.

ALLEY: means public or private way used for public travel, which is twenty (20) feet or less in width.

APARTMENT BUILDING: a building arranged, designed or intended to be occupied by three (3) or more families living independently of each other.

BOARD OF ADJUSTMENT: The Board of Adjustment of the Land of Lincoln Planning and Zoning Commission.

BUILDING: any structure erected or used so as to enclose residential, or other public or private activities, or activities accessory thereto; and including tents, lunch wagons, dining cars, mobile homes, trailers, trailer coaches, and similar structures, whether stationary or movable.

BUILDING HEIGHT: the vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the building.

BUILDING LINE: the line extending across a lot generally parallel to the street on which the lot faces.

COMMISSION: the Land of Lincoln Planning and Zoning Commission.

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

CONDITIONAL USE PERMIT: means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts;

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

DIMENSIONAL VARIANCE: a departure from the terms of the zoning ordinance pertaining to the height or width of buildings or the size of lots where such deviation will not be contrary to the public interest due to existing conditions peculiar to the property because of size, shape or topography and not as the result action by the applicant where the literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

DWELLING (Single-family): a detached building designed exclusively for occupancy by one (1) family.

DWELLING (Two-Family): a detached building designed exclusively for occupancy by two (2) families living independently of one another.

DWELLING (Multiple-Family): a building designed for or occupied by three (3) or more families living independently of each other.

FLOODPLAIN: the area adjoining the channel of a river, stream, watercourse, lake or body of water, which has been or may be covered by flood waters.

FLOOD-PRONE AREA: All land subject to periodic inundation by the overflow of natural waterways.

HOME OCCUPATION: the keeping of the professional offices, studios, personal service facilities or rental sleeping rooms within a personal dwelling provided such activities are: 1) incidental to the principal residential use, 2) involve the employment of no more than one (1) person not residing in the dwelling and 3) occupy no more than twenty-five (25) percent of the total floor area of the dwelling. The selling of merchandise is not a home occupation.

JUNKYARD: any place where five (5) or more junked, wrecked or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located.

LOT: a parcel of land devoted to a common use or occupied by a single principal building and its accessory structures having its principal frontage upon a street or road.

Lot, Corner: a lot situated at the intersection of two (2) or more streets or roads.

Lot Depth: the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot depth at a point midway between the front and rear lot lines.

Lot Width: the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MOBILE HOMES: any vehicle, trailer, or similar portable structure, with or without its own motive power, having no integral foundation other than wheels, jacks, or skirting, and used, designed, or constructed to be used as a conveyance on the public streets and designed or constructed to permit occupancy, either permanent or temporary, for dwelling or sleeping purposes. The term “mobile home” when applicable, shall include the terms trailer, trailer coach, trailer cabin, camper, and similar terms.

MOBILE HOME PARK: any parcel of land proposed, developed or designed to be used for the location, temporary or permanent, of two (2) or more mobile homes.

NONCONFORMING USE: a building or use of the land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

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 continuous around the full perimeter of the home; and;

3. Placed at a depth below grade adequate to prevent frost damage.

Amended January 24, 2006 by LaRue County Fiscal Court.

PLANNED UNIT DEVELOPMENT: a complex of structures and uses designed as an integral unit of development rather than as single units on individual lots.

QUALIFIED MANUFACTURED HOME: A manufactured home that meets all of the following criteria:

1. Is manufactured on or after July 15, 2002;
2. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
3. Has a width of at least twenty (20) feet at its small 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;
4. Has a minimum total living area of nine hundred (900) square feet; and
5. Is not located in a manufactured home land-lease community.

Amended January 24, 2006 by LaRue County Fiscal Court.

SOLAR: Any implementation of infrastructure to convert radiant energy emitted by the sun for purposes of electrical generation beyond the limits of net-metering, classified for individual use or sold for purposes other than the individual use of the applicant.

Amended November 18, 2021 by LaRue County Fiscal Court.

SOLAR FIELD: Any arrangement or configuration of devices and related accessories whose purpose is to convert energy or forces generated by the sun into electricity.

Amended November 18, 2021 by LaRue County Fiscal Court.

SPECIAL USE: a use, which must receive approval by the Board of Zoning Adjustment in order to be permitted in a particular zoning district. Special uses include conditional uses and variances.

STREET: any public right-of-way, which affords the primary means of access to abutting property.

STRUCTURE: any man-made object, which is erected or constructed which requires location on the ground or which is attached to something having a location on the ground.

VARIANCE: a departure from the strict compliance with the dimensional and area requirements of this ordinance, which must be approved by the Board of Adjustment.

ZONING PERMIT: the permit required for the construction, alteration, or relocation of a building.

**DEFINITIONS RELATING TO ADULT ENTERTAINMENT/SEXUALLY
ORIENTED BUSINESSES**

ADULT ESTABLISHMENTS include bookstores, motion picture theaters, mini motion picture theaters, bathhouse, massage parlors, modeling studios, body painting studios, cabarets, and video stores and are more specifically defined as:

- A. **Adult bookstore.** An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

- B. **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

- C. **Adult motion picture theater (outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to “specified sexual activity” or “specified anatomical areas”.

- D. **Adult mini motion picture theater.** An enclosed building with a capacity for less than 50 persons used for representing materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

- E. **Adult bathhouses.** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the Commonwealth of Kentucky and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.

- F. **Adult massage parlors.** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by medical practitioner or professional physical therapist licensed by the Commonwealth of Kentucky and which establishment provides for its patrons the opportunity to engage in “specified sexual activity” as defined in this ordinance.

- G. **Adult modeling studios.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

- H. **Adult body painting studios.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this ordinance, the adult body-painting studio shall not be deemed to include a tattoo parlor.

- I. **Adult Cabaret.** An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

- J. **Adult novelty shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.

- K. **Adult video store.** An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas” as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

SPECIFIED ANATOMICAL AREAS is defined as:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state even if completely and

opaquely covered.

SPECIFIED SEXUAL ACTIVITIES is defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- D. Flagellation or torture in the context of a sexual relationship;
- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain;
- F. Erotic touching, fondling or other such contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (a) through (f) above.

SECTION III

ADMINISTRATION AND ENFORCEMENT

3.1 GENERAL REQUIREMENTS

A. No land shall be used and no structure be erected, altered or used except in conformity with all the provisions of this ordinance. No zone change shall occur unless an application for a zone change has been made and approved in conformity with this ordinance.

B. No persons, firm, or corporation shall sell, lease, or attempt to sell or lease any land or structure, upon the representation, falsely made, that such land or structure may be used in a manner or for a use prohibited by this ordinance.

C. No permit, certificate, document or oral approval, the use of which may be subject to the provisions of this ordinance, shall be issued until the Commission shall have certified that the use be made of the permit, certificate, document or oral approval is in full compliance with the provisions of this ordinance.

D. Building/Zoning Permits: No dwelling or other building shall be constructed and no mobile home shall be located within the county unless a building/zoning permit has been applied for and issued in conformity with this ordinance. Such permits shall be valid for six (6) months and may be renewed for cause.

Amended March 10, 2009 by LaRue County Fiscal Court; Amended April 13, 2009 by Hodgenville City Council.

E. The Commission shall not reconsider a denied map amendment request or the consideration of a map amendment identical to a denied map amendment for a period of two (2) years from the date the original amendment was denied.

Adopted August 12, 2008 by LaRue County Fiscal Court; Amended September 8, 2008 by Hodgenville City Council.

F. Recording of Real Estate Transfer Instruments: In order to insure the proper application of these ordinances and regulations, which includes identification of the legal owner or owners of real estate parcels prior to any subdivision of real estate as defined herein or prior to the issuance of any building/zoning permit, all deeds, contracts or other instruments of transfer of ownership pertaining to any parcel of land shall be properly recorded in the County Clerk's office within 60 days of the date of sale and or execution of said instrument.

G. All divisions of land regardless of size shall be platted and shall obtain approval from the Planning Commission prior to and conveyance. The plat shall be in the form of a rectangle and shall be at least eleven (11) inches on one side and seventeen (17)

inches on the other and no more than twenty-four (24) inches on one side and thirty-six (36) inches on the other.

Amended April 27, 2010 by LaRue County Fiscal Court; Amended May 10, 2010 by Hodgenville City Council.

H. Anyone obtaining a zoning change shall have one year from the date of final approval to use said property pursuant to the new classification or shall come before the commission for the review to show why the zoning change should not be revoked. Use as referenced in this section shall mean actual construction of improvements in conformity with the zoning classification or the existence of binding contracts for such construction or other substantial investment incurred in conformity with the rezoning.

I. LaRue County Mobile Home Ordinance:

MOBILE HOME: Any manufactured commercial or residential structure that includes a chassis or undercarriage as an intricate part of its initial construction, and or receives a V.I.N. or H.U.D number upon construction. Units for construction facilities will be approved for temporary use by the State Plumbing Code. All mobile homes will require a building/zoning permit. A building/zoning permit will only be finally approved upon the submission of the following:

1. Proof of final inspection by the LaRue Co. Health Dept. of all onsite septic systems.
2. Inspection of an approval water supply by the appropriate agency.
 - a. Public water supplies on less than 10 acres require proof of final inspection by the State plumbing inspector.
 - b. Public water supplies on 10 acres or more require inspection through the LaRue Co. Water District or the City of Hodgenville.
 - c. Private water supplies shall be completed and connected to the mobile home at final onsite inspection for verification only, by the LaRue Co. Health Dept.
3. Foundation requirements shall be verified by the Planning and Zoning Commission
4. Tie Down requirements must comply with all manufacturers requirements for the specific model, and shall be verified by the Land of Lincoln Planning and Zoning Commission.
5. Trailer location must comply with setback requirements as per plat and zoning approval. Individual lots will be determined through the permitting process

through the Planning and Zoning Commission.

3.2 COMMISSION

The duties and powers of the Commission shall include:

- A. Enforcement of this ordinance.
- B. Conduction of investigations and surveys to determine compliance or noncompliance with the provisions of this ordinance.
- C. Make written orders requiring compliance with the provisions of this ordinance. Such orders shall be served by registered mail upon the person deemed by the Commission to be violating the provisions of this ordinance. The date of mailing shall be deemed the date of the service of any order served by registered mail.
- D. Institution in courts of proper jurisdiction proceedings for the enforcement of the provisions of this ordinance. The Commission attorney shall be the City Attorney of Hodgenville for violations within the municipality and the County Attorney of LaRue County for violations within the unincorporated areas of the county.
- E. Conduct necessary public hearings and investigations and to amend, update and adopt a comprehensive plan for Hodgenville and LaRue County from time to time in conformity with KRS 100.
- F. Adopt and amend from time to time as necessary subdivision regulations for Hodgenville and LaRue County.
- G. Consider and make recommendations on all zone change applications. Consider and approve or disapprove all applications for land division or subdivision.
- H. Hear and finally decide applications for variances and conditional use permits when a proposed development requires a map amendment and one (1) or more variances or conditional use permits.

Adopted August 12, 2008 by LaRue County Fiscal Court; Amended September 8, 2008 by Hodgenville City Council.

3.3 ADMINISTRATIVE OFFICIAL

A. The Commission shall designate, with the concurrence of the Fiscal Court and City Council, an Administrative Official to be charged with and provided the authority to enforce the orders, ordinances, and regulations of the Commission.

B. The duties and powers of the Administrative Official include:

1. Propose and recommend to the Commission the enactments of amendments to this ordinance for the purpose of improving administration and enforcement.
2. Propose and recommend to the Commission the enactment of amendments to the official maps as necessary by judicial or administrative proceedings or as deemed desirable because of changing conditions.
3. Review all applications and shall, upon compliance with this ordinance, approve and issue zoning permits.
4. Receive all applications for amendments to this ordinance and the official map, refer such applications to the appropriate agencies for examination and submit all applications with recommendations to the Commission.
5. Administer rules and regulations established by the Commission.
6. Maintain a map or maps showing the current zoning classification of all land within the jurisdiction of the Commission.
7. Maintain a current register of all nonconforming uses, variances, and conditional use permits.
8. Record with the City Clerk and/or the County Clerk all matters required to be recorded by the Commission.
9. Maintain written records of all actions taken by the Commission under this ordinance.
10. Prepare an annual financial report for submission to the Commission, Fiscal Court, and City Council.

3.4 BOARD OF ADJUSTMENT

A. A Board of Adjustment shall be appointed pursuant to the provisions of KRS 100.217 before this ordinance shall have legal effect.

B. The Board of Adjustment shall conduct meetings at the call of the Chairman who shall give written notice to all members at least fourteen (14) days prior to the meeting. The notice shall contain the date, time and place for the meeting and the subject or subjects to be discussed. The Board shall also give notice to the public of such meetings as required in KRS Chapter 424 and shall give notice by registered mail to affected adjoining property owners.

1. A simple majority of the total membership of the Board of Adjustment shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the Board shall disclose the nature of the interest and shall disqualify himself from voting on the question.
2. The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, determinations, the number of votes for and against each question, members absent and members abstaining from voting.

C. The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses, which are specifically named in the ordinance pursuant to the provisions of KRS 100.237.

D. The Board of Adjustment shall have the power to hear and decide on applications for dimensional variances pursuant to the provisions of KRS 100.217 to 100.263. The findings necessary for granting a variance by the Board of Adjustment shall include all of the following:

1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
2. The manner in which the strict application of this ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
3. That the unique conditions and circumstances are not the result of actions of the applications taken subsequent to the adoption of this ordinance.
4. That the variance will preserve and not harm the public safety and welfare or alter the essential character of the neighborhood.

E. That appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by any official action or decision of the Commission or Administrative Official within thirty (30) days after notification of the action. The procedure for all appeals to the Board of Adjustment shall be pursuant to the provisions of KRS 100.261. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice in accordance with KRS Chapter 424, provide written notice to the appellant and Administrative Official at least one (1) week prior to the hearing and shall decide it within sixty (60) days. The appellant may appear at the hearing in person or by attorney.

SECTION IV

ZONING DISTRICT MAP

AND NONCONFORMING USES

4.1 ADOPTION

A. The City of Hodgenville and the unincorporated area of LaRue County are hereby divided into zones or districts as described in Section V and as shown on the Zoning District Map(s) which are hereby adopted by reference and declared to be a part of this ordinance.

B. A complete and accurate copy of the official Zoning District Map(s) shall be filed and available for inspection in the Commission Office. A copy of the official map as originally adopted shall be filed and available for public inspection in the offices of the Hodgenville City Clerk and the LaRue County Clerk.

4.2 DISTRICT BOUNDARY INTERPRETATIONS

A. Where a zoning district boundary follows an alley, street, railroad, stream, or body of water, the centerline of such feature is the boundary of the district.

B. Where a zoning district boundary approximately follows a lot or property line, the line is the boundary of the district.

C. Where a zoning district boundary does not clearly follow any of the features indicated on subsections A or B, the exact location on the ground shall be determined by measurement in accordance with the map scale.

D. Where the area is divided into two (2) or more districts, the entire area may be used in conformity with the subject to the regulations established for the district in which is located one-half (1/2) of the area of the entire lot.

4.2A VIEWSHED PROTECTION

A. The purpose of this provision is to protect and enhance the aesthetic character of areas that are highly visible from Lincoln Parkway and Route 31E.

B. For the purpose of this provision, on Lincoln Parkway, from the Hardin County/LaRue County line to the intersection of Lincoln Parkway and Route 31E, 400 feet on either side of the Parkway, measured from the edge of the right of way, shall be considered a viewshed protection area. In addition, on Route 31E, from the Nelson County/LaRue County Line to Lincoln Birthplace National Park, 130' from centerline of the road, measured from the center of the roadway, shall be considered a viewshed

protection area. Areas along Route 31E, that are zoned residential, shall be excluded from the requirements under this section.

C. If an applicant can demonstrate that the boundaries of the viewshed protection area are inappropriate due to topographic conditions, the applicant shall submit a proposed viewshed protection area and include the justification for the proposed change.

D. For new developments proposed in viewshed protection areas, the following measures either individually or in combination may be used to meet the purposes of these regulations.

1. Existing vegetation on the subject road shall be preserved for a minimum depth of 50 feet as measured perpendicular to the right of way. If the existing vegetation is less than 50 feet in depth or is insufficient to serve as a visual buffer, then a combination of at least one other technique shall be used.

2. A landscaped earth berm with a maximum slope of four to one, and rising at least four feet above the existing roadway pavement grade shall be provided. The earth berm shall be landscaped with evergreen trees, deciduous understory trees, and evergreen shrubs as selected from Table 1. The top of the berm shall have a minimum width of six (6) feet. A difference in elevation between areas requiring screening does not constitute an earth mound.

Table 1

SHRUBS (FINGERTIP HIGH 7.0' AND OVER)	
BOTANICAL NAME	COMMON NAME
<i>Buxus sempervirens</i>	<i>English or Common Boxwood</i>
<i>Ilex auifolium</i>	<i>English Holly</i>
<i>Taxus baccata</i>	<i>English Yew</i>
<i>Laurus nobilis</i>	<i>Sweet Bay or Laurel</i>
<i>Ligustrum</i>	<i>Evergreen Privets</i>
<i>Osmanthus</i>	
<i>Rhododendron hybrids</i>	
SHRUBS (HEAD HIGH 5.0 – 6.5')	
BOTANICAL NAME	COMMON NAME
<i>Ilex crenata</i>	<i>Japanese Holly</i>
<i>Vibumum burkwoodii</i>	<i>Burkwood Viburnum</i>
<i>Rosmarinus officinalis</i>	<i>Rosemary</i>
<i>Rhododendron indicum</i>	<i>Evergreen Azaleas</i>
<i>Boxus sempervirens suffruticosa</i>	<i>Dwarf English Boxwood</i>
<i>Raphiolepis umbellate</i>	<i>Yeddo Hawthorn</i>

TREES FOR SCREENS AND BUFFERS	
These trees are useful for screening or buffering of unsightly areas	
BOTANICAL NAME	COMMON NAME
<i>Chamaecyparis obtuse</i>	Hinoki False Cypress
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Ilex opaca</i>	American Holly
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Picea abies</i>	Norway Spruce
<i>Picea pungens</i>	Colorado Spruce
<i>Pinus nigra</i>	Austrian Pine
<i>Pinus strobus</i>	White Pine
<i>Pinus sylvestris</i>	Scotch Pine, Scots Pine
<i>Pinus thunbergiana</i>	Japanese Black Pine
<i>Populus alba</i>	White Poplar
<i>Prunus sargentii</i>	Sargent Cherry
<i>Prunus serrulata</i>	Japanese Flowering Cherry
<i>Abies concolor</i>	White Fir
<i>Abies nordmanniana</i>	Nordmann Fir
<i>Abies procera</i>	Noble Fir
<i>Acer campestre</i>	Hedge Maple
<i>Calocedrus decurrens</i>	Incense Cedar
<i>Chamaecyparis obtusa</i>	Hinoki False Cypress
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Ilex opaca</i>	American Holly
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Picea abies</i>	Norway Spruce
<i>Picea omorika</i>	Serbian Spruce
<i>Picea pungens</i>	Colorado Spruce
<i>Picea sitchensis</i>	Sitka Spruce
<i>Pinus aristate</i>	Bristlecone Pine
<i>Pinus bungeana</i>	Lacebark Pine
<i>Pinus densiflora</i>	Japanese Red Pine
<i>Pinus echinate</i>	Shortleaf Pine
<i>Pinus lambertiana</i>	Sugar Pine
<i>Pinus monophyla</i>	Single-Leaf Pinyon Pine
<i>Pinus nigra</i>	Austrian Pine
<i>Pinus parviflora</i>	Japanese White Pine
<i>Pinus pungens</i>	Table Mountain Pine
<i>Pinus strobes</i>	White Pine
<i>Pinus sylvestris</i>	Scotch Pine, Scots Pine
<i>Pinus thunbergiana</i>	Japanese Black Pine
<i>Pinus virginiana</i>	Virginia Pine
<i>Pinus wallichiana</i>	Himalayan Pine
<i>Populus alba</i>	White Poplar

Populus nigra	Lombardy Poplar
Populus simonii	Fastigiata
Prunus avium	Sweet Cherry
Prunus sargentii	Sargent Cherry
Prunus serotina	Black Cherry
Prunus serrulata	Japanese Flowering Cherry
Prunus subhirtella	Higan Cherry
Prunus virginiana	Chokecherry
Prunus yedoensis	Yoshino Cherry
Prunus cerasifera	Cherry Plum
Thuja occidentalis	American Arborvitae
Thuja plicata	Western Red Cedar
Tsuga Canadensis	Canadian Hemlock

3. Landscaping or reforestation techniques shall be used when none of the other listed viewshed protection options is feasible. A minimum planting strip of 50 feet shall be provided with one (1) tree per 40 feet of linear boundary, or fraction thereof. Alternatively, a reforestation program may be established for a minimum area 50 feet in depth as measured perpendicular to the right-of-way. A detailed description with plans shall be submitted along with the Final Plat. The reforestation program shall be prepared by a licensed forester or a licensed landscape architect.

4. Trees and shrubs shall be maintained in a manner that satisfies the visual buffer requirements of this section.

E. Property that is zoned Agricultural within the viewshed protection areas shall be exempt from the requirements of this section.

Adopted August 12, 2008 by LaRue County Fiscal Court; Adopted by City of Hodgenville September 8, 2008.

4.3 NONCONFORMING USE

A. A nonconforming use shall not be extended or enlarged beyond the scope and area of its operation at the time of adoption of the ordinance or regulation, which makes such use nonconforming. Area shall mean that the structure and/or lot within or upon which said nonconforming use is being operated.

B. Whenever a nonconforming use of any structure or lot has been discontinued for a period of twelve (12) months, the structure or lot must thereafter be used in conformance with this ordinance.

4.4 NONCONFORMING STRUCTURES

A. A nonconforming structure shall not be enlarged, replaced, or structurally

altered except in conformance with this ordinance. Any structure may be restored to a safe condition, however, if declared unsafe by a public official with jurisdiction except as provided elsewhere in this ordinance.

B. A nonconforming structure for which restoration to a safe condition would cost more than seventy (70) percent of its replacement value shall not be restored except in conformance with this ordinance.

C. Proposed structures for which building permits have been issued prior to their designation as nonconforming by the adoption of or amendment to this ordinance may be completed as originally intended provided the structure is completed and in use within one (1) year after the issue date of the building permit.

4.5 NONCONFORMING LOTS

A. A lot of record which has received final plat approval by the Commission at the date of adoption or amendment to this ordinance but which does not conform to the width or area requirements shall be considered a legal nonconforming lot.

B. Any subdivision which has received preliminary plat approval by the Commission shall be reviewed and may be considered as legal nonconforming lots if it is found that each lot may be reasonably used as a building site for any structure or use permitted within the district without requiring a dimensional variance.

SECTION V

ZONING DISTRICTS

5.1– AGRICULTURAL (A-1)

A. Description of District

The district is composed of agricultural operations and accessory uses.

B. Principle Permitted Uses

- * Agricultural operations and accessory uses as defined in Section II
- * Single-family dwelling units (agricultural only)
- * Schools
- * Churches
- * Cemeteries

C. Accessory Uses Permitted

- * Agricultural structures
- * Home Occupations as defined in Section II

D. Conditional Uses

- * Private country clubs and golf courses
- * Temporary roadside stands for sale of products grown exclusively on the farm
- * Sanitary landfill
- * Other uses compatible with the district as deemed appropriate by the Commission
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.2-A SINGLE-FAMILY RESIDENTIAL CONVENTIONAL (R-1A)

A. Description of District

The district is composed of single-family, low density residential areas plus certain open areas where similar residential developments appear likely to occur. Qualified manufactured homes shall be permitted in this district provided the below listed compatibility standards are met; however, mobile homes or manufactured homes shall not be permitted in this district.

Amended January 24, 2006 by LaRue County Fiscal Court.

B. Principal Uses Permitted

- * Single-family dwelling units
- * Churches
- * Schools
- * Cemeteries

C. Accessory Uses Permitted

- * Detached garages
- * Home occupations as defined Section II
- * Accessory structures incidental to the residential use

D. Conditional Uses Permitted

- * Private clubs and golf courses
- * Home occupations conducted outside the principal residential structure
- * Other uses compatible with the district as deemed appropriate by the Commission.
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

G. Compatibility Standards for Qualified Manufactured Homes

In order to ensure that when a qualified manufactured home is placed in a residential zone, it is compatible, in terms of assessed value, with existing housing located within a one-quarter (1/4) mile or less radius from the proposed location of the qualified manufactured home, the following architectural features shall be considered as having a significant impact on the overall assessed value of the structure:

- * Roof Pitch
- * Square footage of livable space
- * Type and quality of exterior finishing materials
- * Existence and type of attached structures

Nothing in this section shall be construed to affect, modify or abolish restrictions contained in recorded deeds, covenants, or developers' subdivision restrictions.

Amended January 24, 2006 by LaRue County Fiscal Court.

5.2-B SINGLE-FAMILY RESIDENTIAL MANUFACTURED (R-1B)

A. Description of District

This district is composed of single-family residential areas plus certain open areas where similar residential development appears likely to occur and where mobile homes and manufactured homes shall be permitted.

B. Principal Use Permitted

- * Single-family dwelling units
- * Mobile homes and manufactured homes
- * Churches
- * Schools
- * Cemeteries

C. Accessory Uses Permitted

See R-1A District

D. Conditional Uses Permitted

See R-1A District

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.3 TWO-FAMILY RESIDENTIAL (R-2)

A. Description of District

The district is composed of single-family and two-family, medium-density residential areas plus certain open areas where similar residential developments are likely to occur

B. Principal Uses Permitted

- * Single-family dwelling units
- * Two-family (duplexes) dwelling units
- * *Zero lot line attached duplexes*
- * Churches
- * Schools
- * Cemeteries

C. Accessory Uses Permitted

- * Detached garages
- * Home occupations as defined in Section II
- * Accessory structures incidental to the residential use

D. Conditional Uses Permitted

- * Home occupations conducted outside the principal residential structure
- * Private clubs and golf courses
- * Mobile home on an individual lot of record
- * Other uses compatible with the district as deemed appropriate by the Commission.
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See Section VIII

G. Additional Requirements for Zero Lot Line Attached Duplexes

1. Limited to areas with the public sewer and water.
2. Development must include a minimum of 6 units.
3. Existing duplexes are not eligible.
4. The Developer must meet all of the regulations and procedures that pertain to a Major Subdivision as outlined in the Subdivision Regulations.
5. The Developer must submit a development plan depicting building, pavement, and landscaping locations for the development. Any deviation of building locations from the development plan shall cause the development plan and record plat to be resubmitted for approval by the Commission prior to further issue of building permits.
6. Landscaping shall be located along the entire outer perimeter of the property. A landscaping plan shall be submitted for review by the Planning Commission staff and the Planning Commission.

Amended October 22, 2008 by LaRue County Fiscal Court.

5.4 MULTIPLE-FAMILY RESIDENTIAL (R-3)

A. Description of District

The district is composed of multiple-family high-density residential areas plus certain open areas where similar residential developments are likely to occur.

B. Principal Uses Permitted

- * Single-family dwelling units
- * Two-family (duplexes) dwelling units
- * Multiple-family dwelling units
- * Mobile Home Parks
- * Churches
- * Schools
- * Cemeteries

C. Accessory Uses Permitted

- * Detached garages
- * Private recreational facilities directly associated with the residential use
- * Home occupations as defined in SECTION II
- * Accessory structures incidental to the residential use

D. Conditional Uses Permitted

- * Home occupations conducted outside the principal residential structure
- * Private clubs and golf courses
- * Mobile home on an individual lot of record
- * Other uses compatible with the district as deemed appropriate by the Commission
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.5 CENTRAL BUSINESS DISTRICT (B-1)

A. Description of District

The district is composed of certain land and structures used primarily to provide retail, wholesale, professional, and personal services of all kinds to support the primary needs of the citizenry.

B. Principal Uses Permitted

- * Retail Sales (except those listed as conditional uses)
- * Wholesale Sales (except those listed as conditional uses)
- * Professional Offices
- * Personal Services Establishments
- * Business Offices
- * Churches
- * Schools
- * Cemeteries

C. Accessory Uses Permitted

- * Parking lots and accessory structures
- * Garage or other building not used as a dwelling unit
- * One dwelling unit within the commercial structure used exclusively for occupancy by the owner or operator
- * One (1) or more dwelling units on the second floor of existing commercial structures

D. Conditional Uses Permitted

- * All retail, wholesale or services drive-in-facilities
- * Automobile service stations and/or repair garages
- * Used car lots
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.6 NEIGHBORHOOD BUSINESS DISTRICT (B-2)

A. Description of District

The district is composed of certain land and structures used primarily to provide the retailing of convenience goods, professional and personal services.

B. Principal Uses Permitted

- * All Commercial uses allowed as principal uses within the B-1 district
- * Grocery stores and Drug store
- * Professional Offices
- * Beauty and Barber shops

Amended April 27, 2010 by LaRue County Fiscal Court; Amended May 10, 2010 by Hodgenville City Council.

C. Accessory Uses Permitted

- * Parking lots and necessary structures
- * One (1) dwelling unit within the commercial structure used exclusively for occupancy by the owner or operator

D. Conditional Uses Permitted

- * Any neighborhood-oriented business or services not specified in item B. above which unquestionably does not impair the integrity of the district.
- * Solar

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.7 HIGHWAY BUSINESS DISTRICT (B-3)

A. Description of District

The district is composed of certain land and structures providing a wide range of highway-oriented commercial activities.

B. Principal Uses Permitted

- * All Commercial uses allowed as principal uses within the B-1 and B-2 district
- * Warehouse

C. Accessory Uses Permitted

- * Parking lots and accessory structures

D. Conditional Uses Permitted

- * Automobile service stations and/or repair garages
- * Used car lots
- * Drive-in theaters
- * Junkyards
- * Adult entertainment establishments as defined in Section 2

provided that they remain 750 feet from any school, church, park, daycare facility, another adult entertainment business, or residentially zoned property.

- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning Districts Specifications

F. Parking Requirements

See SECTION VIII

5.8 LIGHT INDUSTRIAL DISTRICT (I-1)

A. Description of District

The district is composed of land and structures used for assembling and warehousing facilities plus certain other areas where similar developments appear likely to occur

B. Principal Uses Permitted

- * Manufacture, fabrication, assembly or processing of any product which does not emit more noise, air pollution, light glare or other factors higher than the adjacent industrial use or zoning district.
- * Warehousing

C. Accessory Uses Permitted

- * Parking lots
- * Garages or other buildings not used as a dwelling unit

D. Conditional Uses Permitted

- * Other light industrial related activities compatible with the district and surrounding area as deemed appropriate by the Commission.
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning Districts Specifications

F. Parking Requirements

See SECTION VIII

5.9 HEAVY-INDUSTRIAL DISTRICT (I-2)

A. Description of District

The district is composed of land and structures related to heavy industrial operations plus certain areas where similar developments appear likely to occur.

B. Principal Uses Permitted

- * All uses permitted within the I-1 District
- * Airports
- * Other heavy-industrial operations provided they comply with applicable state and federal environmental regulations

C. Accessory Uses Permitted

- * Parking lots
- * Garages or other buildings not used as a dwelling unit

D. Conditional Uses Permitted

- * Junkyards
- * Sanitary landfill
- * Other heavy-industrial related activities compatible with the district and surrounding area as deemed appropriate by the Commission
- * Solar fields

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

5.10 ADDITIONAL AGRICULTURAL DISTRICT REQUIREMENTS

In-Family Conveyances

There shall be permitted in the agricultural district the creation of lots for the purpose of making an in-family conveyance from the property owner to a member of that property owner's immediate family of a lot not smaller than 30,000 square feet. Upon the approval of the zone change request and plat creating such lot by the Planning Commission the owner shall convey to the immediate family member a deed to such lot within one (1) year. In the event such conveyance does not occur the Planning Commission approval of the lot shall lapse. In-family conveyances shall be subject to the following requirements:

Amended April 27, 2010 by LaRue County Fiscal Court; Amended May 10, 2010 by Hodgenville City Council.

- a. Only one such conveyance may occur off of the original agricultural land within any five (5) year period.
- b. The plat of such division shall contain a notation and the deed to such lot shall contain a restriction prohibiting further conveyance of that lot by the family member to a non-family member within five (5) years of the date of the deed to such property unless by order of the appropriate court.
- c. One (1) dwelling may be constructed on such lot.
- d. The lot created shall meet all appropriate road frontage and depth to width requirements.
- e. Immediate family as used herein shall mean parent to child, child to parent, husband to wife, wife to husband, grandparent to grandchild and sibling to sibling.

Amended September 13, 2011 by LaRue County Fiscal Court; Amended October 10, 2011 by Hodgenville City Council.

- B. Division of Agricultural Land Deleted by Ordinance Amendment August 12, 2008 by LaRue County Fiscal Court; Deleted by Ordinance Amendment September 8, 2008 by Hodgenville City Council.

5.11 PUBLIC DISTRICT (P-1)

- A. Description of District

This district is composed of city, county, state or federally owned property. The purpose of this district is to provide areas for public and public-related uses in appropriate locations to accommodate the needs of the community. With approval of the Planning Commission, a Public Zone may be located entirely within, or adjacent to, any other Zone.

B. Principal Uses Permitted

- * Government Buildings
- * Non-commercial parks
- * Public cemeteries
- * Athletic Fields
- * Public Schools
- * Libraries

C. Accessory Uses Permitted

- * Accessory Structures incidental to the public uses above
- * Parking lots

D. Conditional Uses Permitted

- * Airports
- * Golf Courses
- * Other uses compatible with the district as deemed appropriate by the Commission
- * Solar field

Amended November 18, 2021 by LaRue County Fiscal Court.

E. Dimensional and Area Requirements

See Table of Zoning District Specifications

F. Parking Requirements

See SECTION VIII

Adopted on February 14, 2011 by Hodgenville City Council.

SECTION VI

AMENDMENT

6.1 PROCEDURE

A. A proposal for amendment to this ordinance may originate with the Commission, the LaRue County Fiscal Court, the Hodgenville City Council or with the owner of the property in question. The proposed amendment, regardless of origin, shall be referred to the Commission for action.

B. The Commission shall conduct a minimum of one (1) public hearing on the proposed amendment after notice as required by KRS Chapter 424. The Commission shall make a recommendation to the applicable legislative body (the LaRue County Fiscal Court and/or the Hodgenville City Council) within forty-five (45) days from the date of the public hearing. It shall take a majority of the entire legislative body to override the recommendation of the Commission.

6.2 PUBLIC HEARING

When a public hearing is scheduled for a proposal to amend the zoning district map or ordinance, the following shall be given in addition to other notices required by other local regulations or ordinances.

A. Notice of the public hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing.

Posting shall be as follows:

1. The sign shall state “zoning change” and the proposed classification change in letters three (3) inches in height. The time, place, and date of the hearing shall be in letters at least on (1) inch in height.
2. The sign shall be constructed of durable material and shall state the telephone number of the Commission.
3. It shall be the responsibility of the applicant to post signs conspicuously on the property. The administrative official shall verify to the Planning Commission at the hearing that placement occurred in conformity with this ordinance.

B. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered or certified mail, return receipt requested, to the owners of the property adjoining the property classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish the Commission the names and addresses of the owners of all adjoining property.

6.3 MAP AMENDMENT

The Commission and Fiscal Court or City Council must find before any map amendment is granted that the proposed amendment is in agreement with the 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 Commission and Fiscal Court or City Council:

A. That the original zoning classification given the property was inappropriate or improper; or

B. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area.

SECTION VII

VIOLATIONS, PENALTIES AND LIABILITIES

7.1 VIOLATIONS

The Administrative Official or Commission Chairman shall issue written notice to violators of all violations of this ordinance and order such violations to cease. If necessary, the Commission, through the City or County Attorney, or any property owner or occupant who would be damaged by a violation may institute appropriate action in court.

7.2 PENALTIES

Any person who violates the provisions of this ordinance shall, upon conviction, be fined not less than ten dollars (\$10) nor more than twenty-five (\$25) for each offense. Each day of violation shall constitute a separate offense.

7.3 LIABILITIES

Any member of the Commission or Board of Adjustment or any employee thereof, shall not render himself liable personally in the discharge of his duties. Any suit brought against any member of the Board of Adjustment, Commission or any employee, because of such act performed by him in the enforcement of any provision of this ordinance, shall be defended by legal representation of the Commission until the final termination of the proceedings.

SECTION VIII

PARKING REQUIREMENTS

8.1 Residential

Two (2) spaces containing a minimum of one hundred eighty (180) square feet for each dwelling unit.

8.2 Commercial

A. There shall be no parking space requirement within the Central Business District except for a granted conditional use or dimensional variance.

B. One (1) parking space (180 square feet) for each one hundred (100) square feet or floor space in the facility plus one (1) space for each employee.

8.3 Industrial

One (1) parking space (180 square feet) for every two (2) persons employed on the premises.

8.4 Public

One (1) parking space (180 square feet) for each four (4) members or patrons measured at full capacity except when it can be shown that the use generates its parking volume at a time when adequate parking space is available, unused and is located within four hundred (400) feet of the facility.

SECTION IX

ADOPTION OF KENTUCKY RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

Section 1. That certain documents, three (3) copies of which are on file in the office of the Land of Lincoln Planning and Zoning administrator, being marked and designed as the *Kentucky Residential Code*, Chapters 1 through 43, as published by the International Code Council, Inc. and is hereby adopted as the code of LaRue County, Kentucky, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and two family dwellings and townhouses not more than three stories in height in LaRue County, Kentucky, and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of the most recent edition of *Kentucky Residential Code*, published by the International Code Council on file in the office of the Land of Lincoln Planning and zoning administrator are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Amended March 10, 2009 by LaRue County Fiscal Court; Amended April 13, 2009 by Hodgenville City Council.

Section 2. Any other ordinance or part of any ordinance in conflict herewith is hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. LaRue County, Kentucky, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That the County Clerk of LaRue County, Kentucky, is hereby ordered and directed to cause this ordinance to be published.

Section 5. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Adopted January 24, 2006 by LaRue County Fiscal Court.

SECTION X

CELLULAR ANTENNA TOWER REGULATIONS

A. PURPOSE

The purpose of these regulations are

1. To provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community;
2. To provide for such facilities in coordination with any recommendations of the comprehensive plan; and
3. To allow for such facilities with the intention for furthering the public health, safety, and general welfare.

B. PREAPPLICATION CONFERENCE

Applicants are encouraged to notify the Planning Commission to discuss proposals, to allow for early coordination, and to identify those that are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

C. DEFINITIONS

For the purpose of these regulations the following definitions shall apply unless the context clearly indicated or requires a different meaning.

1. **ALTERNATIVE CELLULAR ANTENNA TOWER.** Man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures that accommodate, camouflage, minimize, or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antenna of cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure. For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.
2. **ANTENNAS OR RELATED EQUIPMENT.** Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
3. **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.

4. **CELLULAR TELECOMMUNICATIONS SERVICE.** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
5. **CO-LOCATION.** Locating two (2) or more transmission antennas of related equipment on the same cellular antenna tower.
6. **GUYED CELLULAR ANTENNA TOWER.** A type of wireless transmission tower that is supported by guy wires.
7. **LATTICE CELLULAR ANTENNA TOWER.** A self-supporting tower with multiple legs and cross bracing of structural steel.
8. **MONOPOLE CELLULAR ANTENNA TOWER.** A slender self-supporting tower on which wireless antennas can be placed.
9. **PERSONAL COMMUNICATION SERVICE.** Has the meaning as defined in 47 U.S.C. sec 332(c).
10. **PLANNING COMMISSION.** The Land of Lincoln Planning and Zoning Commission [hereafter "Planning Commission"].
11. **UNIFORM APPLICATION.** An application to construct a cellular antenna tower submitted to the Planning Commission in conformity with KRS 100.9865 through 100.987.
12. **UTILITY APPLICATION.** The meaning as defined in KRS 278.010(3).

D. **GENERAL**

Cellular antenna towers for cellular telecommunications services or personal communications services may allow in any zone after a Planning Commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

(1) **Applicability.**

Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct a cellular antenna tower shall submit a completed Uniform Application to the Planning Commission. Where the Planning Commission finds that circumstances of conditions related to the application of an alternative cellular antenna tower are such that one or more of the requirements of the Uniform Application listed

below are not necessary or desirable for the protection of surrounding property of the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable the Planning Commission, or its duly authorized representative, may modify or waive such requirement of the Uniform Application, either permanently or on a temporary basis. Any such modification of waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure. However, every utility/entity choosing to locate an antenna of related equipment on an existing structure, shall file with the Land of Lincoln Planning and Zoning Commission the name and address of the entity/utility, the structure(s) upon which the utility/entity plans to place antennas or related equipment and the information set forth in section (D)(2) below.

(2) Application requirements.

Applications for the construction of personal communications services shall comply with KRS 100.9865 and include the following:

- (a) The full name and address of the applicant.
- (b) The applicant's articles of incorporation, if applicable.
- (c) A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
- (d) A written report prepared by profession engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
- (e) Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
- (f) The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and the provision in the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a proposed cellular antenna tower, including a timetable for removal.
- (g) The identity and qualifications of each person directly responsible

for the design and construction of the proposed tower.

- (h) A site development plan, signed and sealed by a professional engineer or surveyor licensed in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system. Additionally the development plan shall show the following:
 - 1. A survey, prepared by a surveyor licensed in Kentucky. The survey shall be in accordance with all of the requirements of the Land of Lincoln Planning and Zoning and KRS 100, that shows lease lines or property line, which upon approval, shall be recorded.
- (i) A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
- (j) The tower and foundation design plans and description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
- (k) A map, drawn to scale no less than one (1) inch equals two hundred (200) feet, which identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
- (l) A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - 1. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
 - 2. Given the telephone number and address of the Land of Lincoln Planning and Zoning Commission; and
 - 3. Informed of his or her right to participate in the Planning Commission's proceedings on the application.

- (m) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- (n) A statement that the County Judge Executive of LaRue County and Magistrates and the Mayor of Hodgenville and City Council, when applicable have been notified, in writing, of the proposed construction and a copy of said notification.
 - 1. A statement that:
 - i. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - ii. A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the address and telephone numbers of the applicant and the Planning Commission, has been posted on the public road nearest to the site.
- (o) A statement that notice of the location of the proposed construction has been published in the LaRue County Herald Newspaper.
- (p) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
- (q) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonable available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower

designed to host multiple wireless service providers' of other suitable structure capable of supporting the applicant's antennas and related facilities.

- (r) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
- (s) A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sited for new cellular antenna towers within an area that includes:
 - 1. All of the area within the Land of Lincoln Planning and Zoning Commission's jurisdiction.
 - 2. A one-half mile (1/2) area outside the boundaries of the Land of Lincoln Planning and Zoning Commission's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

(3) Confidentiality of application.

All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.

(4) Application fee.

An applicant for the construction of cellular antenna towers for cellular telecommunications services of personal communications services shall pay an application fee of two thousand five hundred dollars (\$2,500.00).

(5) Processing of application.

Applications for the construction of cellular antenna towers for cellular telecommunications services of personal communications services shall be processed as follows:

- (a) The Planning Commission shall review the uniform application to determine whether it is in agreement with the Comprehensive Plan

and locally adopted zoning regulations.

- (b) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in the LaRue County Herald Newspaper, provided that one publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
- (c) Notice of the proposal shall be posted on the site at least fourteen (14) days in advance of the hearing. The notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and include the addresses and telephone numbers of the applicant and the Planning Commission. Notice of the proposal shall, also, be posted on the property nearest to the public road. This notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications towers on this site" and include the addresses and telephone numbers of the applicant and the Planning Commission.
- (d) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. The notice shall include a map of the location of the proposed construction, the telephone number and address of the Planning Commission and shall inform the addressee of his or her right to participate in the Planning Commission's proceedings on the application. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event a property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (e) Upon holding the hearing, the Planning Commission shall, within sixty (60) days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the

applicant, make its final decision to approve or disapprove the uniform application. 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, the uniform application shall be deemed approved.

- (f) If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for the construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first.
- (g) Upon approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

(E) **DESIGN STANDARDS.**

The applicant shall provide information demonstrating compliance with the requirements contained herein. Potential sites that should be considered (in order from most-preferred to least-preferred) include existing utility towers, industrial zones, commercial zones, and government buildings and properties. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirements, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

- (1) **Monopoles.**
Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones.

- (2) **Minimum lot size.**
Regardless of the minimum lot sizes listed in the specific zoning districts, or the Land of Lincoln Planning and Zoning Subdivision Ordinance, the lot size may be the minimum necessary to comply with the objectives and standards of the section.
- (3) **Setbacks.**
Setbacks for all structures constructed in connection, with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least the height of the tower, but not less than fifty (50) feet. All structures constructed in connection with monopole or alternative cellular antenna tower shall comply with the applicable setback requirements established for other structures within the applicable zoning district.
Alternative cellular antenna towers that are to be located as part of a utility service facility (e.g., power pole or telephone pole) shall comply with setback requirements applicable to such service facilities, if any.
- (4) **Height.**
A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in subsection (F).
- (5) **Construction standards.**
The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standard and other applicable state standards.
- (6) **Illumination.**
Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
- (7) **Staffing.**
The site shall be un-staffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall be only from approved access points.
- (8) **Fencing.**

Woven wire or chain link (eighty percent [80%] open) or solid fences made from wood or other materials (less than fifty percent [50%] open) shall be used to enclose the site. Such fences shall not be less than four feet and no more than eight feet in height, and may be located within the front, side or rear yard.

(9) **Screening.**

Screening shall be provided by evergreen trees, with a minimum height of six feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. Then screening shall be placed in an area between the property line, or lease line, and a ten (10) foot setback. Screening shall be required when located in or adjacent to a residential zone.

(10) **Surfacing.**

All driveways and off-street parking areas shall be paved with a durable surface such as asphalt or concrete.

(11) **Signs.**

There shall be no signs permitted, except those displaying emergency information, owner contact information, warning of safety instructions, or signs that are required by a federal, state, or local agency.

(12) **Number of service providers.**

All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers.

(13) **Lease Agreement.**

All option and site lease agreements shall not prohibit the possibility of co-location, and in case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.

(14) **Other approvals required.**

Approval of the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) or documentation where approval is not required shall be submitted prior to the issuance of a building permit for the construction of the cellular antenna tower.

(F) **CRITERIA**

(1) Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the comprehensive plan and zoning regulations.

(a) The Planning Commission may require the applicant to make a

reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the Commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement that the applicant has:

1. 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 applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities: or
2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structure such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - (a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
 - (b) Lists the reasons why the co-location was unsuccessful in each instance.

- (b) The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- (c) The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

(G) **ABANDONMENT AND DISMANTLING.**

Any cellular antenna tower including but not limited to guyed, lattice, and monopole cellular antenna towers, alternative cellular antenna towers, antennas and related equipment (hereinafter referred to as "structure") shall be deemed abandoned when such structure is removed from or no longer in service for a

period in excess of thirty (30) days. At the point in time any structure is considered to be abandoned within the meaning of this section, the structure shall be disassembled and removed from the property upon which it is located within sixty days thereafter.

(H) **AMENDMENTS.**

Any amendments to plans, except for minor adjustments and determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required by subsection (E), subject to the same limitation and requirements as those under which such plans were originally approved.

Adopted August 12, 2008 by LaRue County Fiscal Court; Adopted September 8, 2008 by Hodgenville City Council. .