

HARDIN COUNTY, KENTUCKY
AMENDMENT NO. 2 TO
ORDINANCE NO. 269, SERIES 2009

AN AMENDMENT to the ORDINANCE relating to the DEVELOPMENT GUIDANCE SYSTEM 2009 adopted for the unincorporated areas of Hardin County, Commonwealth of Kentucky.

BE IT ORDAINED BY THE FISCAL COURT OF HARDIN COUNTY, COMMONWEALTH OF KENTUCKY, as follows:

WHEREAS, the Hardin Circuit Court rendered a Declaratory Judgment in Case Number 21-CI-00994 which requires an Amendment to Section 5-4 of the Development Guidance System of 2009 by replacing Section 5-4 in its entirety as follows (add language in bold italic and delete language in bold and lined through) :

DEVELOPMENT GUIDANCE SYSTEM

5-4 VARIANCES AND CONDITIONAL USE PERMITS – IN THE COMPANY OF MAP AMENDMENTS

The Applicant for the Map Amendment, at the time of the filing of the application for the Map Amendment, may elect to have any Variances or Conditional Use Permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the Map Amendment, or by the Board of Adjustments as otherwise provided for KRS Chapter 100.

The Commission ~~may~~ **shall** hear and finally decide applications for Dimensional Variances or Conditional Use Permits when a proposed development requires a Map Amendment and one (1) or more Dimensional Variances or Conditional Use Permits **when the Applicant elects to have the Commission hear both at the same public hearing** (pursuant to KRS 100.203 (5)). In such cases, the Commission shall assume all powers and duties otherwise exercised by the Board pursuant to KRS 100.231, 100.233, 100.237, 100.241, **100.243**, 100.247 and 100.251.

5-5 APPEAL PROCESS TO CIRCUIT COURT


Subsequent to the final action of the Board, any person or party claiming to be aggrieved **shall appeal** may request that **action to** the Hardin Circuit Court. ~~make the final decision in accordance with this Section of the Zoning Ordinance as follows, pursuant to KRS 100.347:~~

Such appeal shall be taken within thirty (30) days after the final action of the Board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.

Final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the Board.

First Reading on the 26th day of October, 2021.
Second Reading on the 9th day of November, 2021.
Effective upon passage this 9th day of November, 2021.


HARDIN COUNTY FISCAL COURT


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attest:


DEBBIE DONNELLY
HARDIN COUNTY COURT CLERK

Recommended and Tendered:


JENNIFER B. OLDHAM
HARDIN COUNTY ATTORNEY



**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION # 2020-011
NONLISTED USE:
SOLAR FARM**

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;
- WHEREAS** if a use is not specifically permitted and an application is made for such use, the application shall be referred to the Commission for consideration;
- WHEREAS** this proposal is to allow for the Nonlisted Use of a Solar Farm;

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of a Solar Farm (greater than 1 acre in size) be considered on a case by case basis in the A-1, I-1 and I-2 Zones as a Conditional Use Permit because it will not adversely affect long-range planning with the proper conditions based on setbacks, screening, height limits, lighting, signage, phasing, erosion & sediment control measures, stormwater regulations, environmental protections and decommissioning/bonding requirements and is in agreement with the Comprehensive Plan as follows:

- Goal 5, Objectives 1, 2 & 4**
- Goal 6, Objective 5**
- Goal 9, Objective 2**
- Goal 13, Objectives 2 & 3**

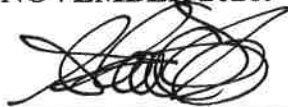
Rooftop Solar Systems mounted to code compliant structures (house, barn or other structure) shall be permitted in all zones as a permitted use by right.

Ground Mount Solar Systems up to 200 sq. ft. in size shall be permitted in all zones as a permitted use by right.

Ground Mount Solar Systems from 200 sq. ft. in size up to 1 acre in size shall be a Conditional Use Permit in all zones.

ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER 2020.


Mark Hinton, Chairman


Adam C. King, AICP, Director



**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION # 2020-009**

NONLISTED USE:

**Recreational Vehicle (RV) / Camper / Travel Trailer
To be used for Occupancy as a Dwelling**

- WHEREAS** the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;
- WHEREAS** the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;
- WHEREAS** the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;
- WHEREAS** if a use is not specifically permitted and an application is made for such use, it shall refer the application to the Commission for consideration;
- WHEREAS** this proposal is to allow for the Nonlisted Use of a Recreational Vehicle (RV) to be used for Occupancy as a Dwelling;

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of an RV to be occupied as a dwelling be denied because it will adversely affect long-range planning and is NOT in agreement with the Comprehensive Plan as outline below:


Recreational Vehicles / Campers / Travel Trailers may only be used as temporary living quarters for sixty (60) days in a calendar year as a "Temporary Use" as defined in the Development Guidance System, Zoning Ordinance and/or approved for occupancy in an approved mobile home park or campground.

- Goal 1, Objectives 1 & 5**
- Goal 5, Objectives 2 & 4**
- Goal 8, Objective 1**
- Goal 13, Objectives 2 & 3**

ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER 2020.



Mark Hinton, Chairman



Adam C. King, AICP, Director



**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION NO. 2014-008
NONLISTED USE:
Storage Container Unit
To be Designed and Used for Occupancy**

WHEREAS the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;

WHEREAS the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;

WHEREAS the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;

WHEREAS if a use is not specifically permitted and an application is made for such use, it shall refer the application to the Commission for consideration;

WHEREAS this proposal is to allow for the Nonlisted Use of a Storage Container Unit to be Designed and Used for Occupancy to be considered by the Hardin County Board of Adjustment as a Conditional Use Permit;

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of a Storage Container Unit be considered on a case by case basis in the R-1, R-2 and R-3 Zones as a Conditional Use Permit by the Hardin County Board of Adjustment because it will not adversely affect long-range planning and is in agreement with the Comprehensive Plan as follows:

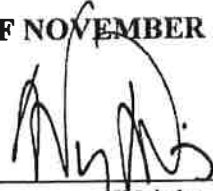
Goal 1: TO IMPROVE HARDIN COUNTY AS A PLACE OF RESIDENCE.

Objective 3: Promote a wide variety of new housing types as required within the community

ADOPTED THIS EIGHTEENTH DAY OF NOVEMBER 2014.



Mark Hinton, Chairman



Wesley T. Wright, Director

**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION NO. 2012-012
NONLISTED USE
RADIO BROADCAST TOWER**

WHEREAS the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;

WHEREAS the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;

WHEREAS the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;

WHEREAS if a use is not specifically permitted and an application is made for such use, it shall refer the application to the Commission for consideration;

WHEREAS this proposal is to allow for the Nonlisted Use of Radio Broadcast Tower to be considered by the Hardin County Board of Adjustment as a Conditional Use Permit

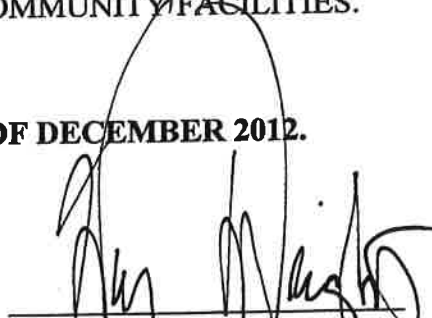
NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of a Radio Broadcast Tower be considered on a case by case basis in any zone as a Conditional Use Permit by the Hardin County Board of Adjustment because it will not adversely affect long-range planning and is in agreement with the Comprehensive Plan as follows:

Goal 3: TO PROVIDE THE CITIZENS OF HARDIN COUNTY WITH ADEQUATE PUBLIC SERVICE AND COMMUNITY FACILITIES.

ADOPTED THIS EIGHTEENTH DAY OF DECEMBER 2012.



Brent Goodin, Chairman



Wesley Wright, Senior Planner

**HARDIN COUNTY PLANNING
AND DEVELOPMENT COMMISSION
RESOLUTION NO. 2012-008
NONLISTED USE
Temporary Dwelling on Agricultural Tract**

WHEREAS the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations;

WHEREAS the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County;

WHEREAS the Development Guidance System, Zoning Ordinance, 2009 outlines the Procedures for Nonlisted Uses in Section 15-8;

WHEREAS if a use is not specifically permitted and an application is made for such use, it shall refer the application to the Commission for consideration;


WHEREAS this proposal is to allow for the Nonlisted Use of a Temporary Dwelling on an Agricultural Tract to be considered by the Hardin County Board of Adjustment as a Conditional Use Permit

NOW THEREFORE, BE IT RESOLVED, by the Hardin County Planning and Development Commission that a request for the Nonlisted Use of a Temporary Dwelling (Agricultural Tract) be considered on a case by case basis in the R-1, R-2 and R-3 Zones as a Conditional Use Permit by the Hardin County Board of Adjustment because it will not adversely affect long-range planning and is in agreement with the Comprehensive Plan as follows:


Goal 1: TO IMPROVE HARDIN COUNTY AS A PLACE OF RESIDENCE.

Objective 3: Promote a wide variety of new housing types as required within the community

ADOPTED THIS SEVENTH DAY OF AUGUST 2012.



Brent Goodin, Chairman



Wesley Wright, Senior Planner

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ORDINANCE NO. 273, SERIES 2011

**AN ORDINANCE RELATING TO
AMENDMENT NO. 1 OF ORDINANCE NO. 269, SERIES 2009**

**AN ORDINANCE RELATING TO THE REVISED DEVELOPMENT GUIDANCE
SYSTEM 2009 TO BE ADOPTED AS AN ORDINANCE FOR THE
UNINCORPORATED AREAS OF THE COUNTY OF HARDIN,
COMMONWEALTH OF KENTUCKY**

- WHEREAS the Hardin County Fiscal Court and the Hardin County Planning and Development Commission have adopted a Comprehensive Plan, Land Use Regulations, and Subdivision Regulations; and
- WHEREAS the above-mentioned regulations are designed to protect the public health, safety and welfare of the citizens of Hardin County; and
- WHEREAS on December 14, 2010 the Hardin County Fiscal Court initiated a text amendment affecting the Interstate and Highway Overlay Zone (IH-O); and
- WHEREAS on February 1, 2011 the Hardin County Planning and Development Commission held a Public Hearing on the proposed text amendment and adopted Resolution 01, Series 2011 recommending approval of the proposed text amendment to Fiscal Court; and
- WHEREAS the proposed text amendment to Section 2-1 – Specific Definitions, adds a definition of “Green Space” used in Section 3-17; and
- WHEREAS the proposed text amendment adds a new sub-section 3 (a) and (b) to Section 3-17 C., providing for the reduction of the required Green Space and Building Setback.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF HARDIN COUNTY COMMONWEALTH OF KENTUCKY TO AMEND THE TEXT OF THE DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE, 2009 AS FOLLOWS:

SECTION 2

DEFINITIONS

Except as otherwise provided, all words used in the DEVELOPMENT GUIDANCE SYSTEM ZONING ORDINANCE shall have their customary dictionary meaning. The words defined are those which have special or limited

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Family	One or more individuals occupying a dwelling unit and living as a single household unit.
Fiscal Court	The chief elected body of Hardin County with legislative power.
Floor Area	The total horizontal area of all of the floors of a building or structure, measured on the exterior perimeter.
Frontage	That side of a lot abutting on a public right-of-way; the front lot line is the distance for which the front boundary line of the lot and the public right-of-way are coincident.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is dead-end, then all the property abutting on one side between an intersecting street and the dead-end of the street.
Full-cutoff light fixture	A light fixture that cuts off all upward transmission of light.
G lare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Grain Bin Facility	Establishments primarily engaged in buying, storing, warehousing and/or marketing grain (such as corn, wheat, oats, barley and soybeans). Country grain elevators primarily engaged in buying or receiving grain from farmers are included, as well as terminal elevators and other merchants marketing grain.
Green Space	<i>An undeveloped portion of land containing only vegetation, farm crops, trees, shrubs, and other landscaping plants with no buildings, structures, or other manmade obstructions. Signage and retention basins shall be permitted pursuant to DGS Section 9 "General Signage Standards" and Ordinance No. 240, Series 2005, An Ordinance relating to Post-Construction Runoff Control.</i>

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U nder Story Tree	A tree which creates an undergrowth of vegetation.
U ndeveloped Land	A parcel of land which is not being actively used and cannot be classified in any other land use category.
U nique Habitats	Areas such as wetlands, rare plant communities, barrens, cedar glades, karst features, caves and endangered species habitats.
U se-By-Right	A use which, because of its nature and impact, is permitted within the zoning in question.
V ariance	A departure from dimensional terms of this regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
W idth To Length Ratio	The relationship between the frontage (width) and the depth (length) of a parcel of land; i.e., a parcel with 100 feet of frontage cannot exceed 300 feet in depth to conform to a 1 to 3 width to length ratio.
Z ero Lot Line	The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

SECTION 3

ZONING REGULATIONS

3-17 INTERSTATE AND HIGHWAY OVERLAY ZONE (IH-O)

A. INTENT

This Overlay Zone regulates the land adjacent to and surrounding interstates and highways in Hardin County by guiding the placement of structures, signs, display areas, parking, green space and outdoor storage areas. In addition to the above limitations, this Overlay when and where applied prohibits the establishment of specific business uses that have been determined to be detrimental to the viability of these areas. An example of this Overlay can be found in Figure 5 (Pg. 9) of the Industrial Element of the Comprehensive Plan.

The purpose of this Overlay is to:

- 1) Protect the safety of the traveling public by limiting the distractions to the traveling public;
- 2) Preserve the physical appearance and integrity of the Interstates and Highways in Hardin County;
- 3) Protect and preserve the economic, commercial, industrial or residential integrity of the overlay area by limiting businesses which might be detrimental to the economic viability of the area; and to
- 4) Allow for the efficient, effective and attractive use of the limited resource that is land located at strategic interchanges in Hardin County.

B. USES FOR THE ZONE

The Permitted, Accessory and Conditional Uses for lots and structures in the underlying zoning apply provided that they are not identified as a Prohibited Use as outlined for this Overlay Zone.

C. DIMENSION AND AREA REGULATIONS

The regulations on the dimensions and area for lots and yards are set forth as in the underlying zoning provided that they can meet the regulations as outlined for this Overlay Zone.

The following standards govern the green space and building setbacks that apply in this Overlay Zone:

1. *There is a one hundred (100) foot Green Space setback from the right of way line adjacent to Interstates; and*
2. *There is a one hundred and fifty (150) foot Building Setback from the right of way line of Interstates; and*
3. *Reduction to Green Space and Building Setbacks:*
 - a. *The Building Setback may be reduced to one hundred (100) feet from the right of way line of Interstates with the setback area containing one (1) of the following:*
 1. *Two (2) canopy/shade trees for each fifty (50) linear feet of Interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and eight (8) to ten (10) feet in height at*

time of planting; OR

2. *Two (2) understory/flowering trees for each twenty-five (25) linear feet of Interstate frontage and shall be at least one and one-half (1 ½) inches to two (2) inches in caliper size and six (6) to eight (8) feet in height at time of planting; OR*
 3. *An approved mixture of canopy/shade or understory/flowering trees in ratios as set out above may be used after consultation with the designee of the Commission.*
- b. *The Green Space and the Building Setback may be reduced to seventy (70') feet from the right of way line of Interstates with the addition of the following, in combination with the landscaping set out above in DGS Section 3-17 (C) (3) (a) 1-3:*
1. *An earthen berm having a four-foot minimum height and a three-to-one (3:1) maximum slope, with a six-foot minimum width at the crown. The berm height shall be a minimum of four-foot above the grade of pavement at the Interstate; AND*
 2. *Two staggered rows of evergreen trees must be planted atop the earthen berm twenty (20) feet on center and five (5) feet in height at time of planting.*

D. PROHIBITED USES

The following uses and uses of a substantially similar nature and with similar incidents of operation as documented and determined by the Director of these regulations are prohibited in the Interstate and Highway Overlay Zone (IH-O):

- 1) Asphalt Manufacturing;
- 2) Blast furnaces, Metal Smelting, Ore or Metal Reducing;
- 3) Crushed Stone, Sand, Gravel Operations;
- 4) Junk Yard;
- 5) Livestock Auction and/or Stock Yard;
- 6) Petroleum Production, Refining and/or Storage;
- 7) Ready Mix and/or Concrete Plant;
- 8) Saw Mills;
- 9) Scrap Metal;
- 10) Sexually Oriented Business; and
- 11) Slaughter House

ADDITIONAL STANDARDS THAT MAY APPLY

Development Requirements, Pg. 70
 Parking Standards, Pg. 89
 Signage Standards, Pg. 97
 Landscaping Standards, Pg. 103

Lighting Standards, Pg. 105
 Building and Electric Permits, Pg. 117
 Special Provisions, Pg. 143

- OUTDOOR STORAGE AND DISPLAY, Pg. 147
- REFUSE / GARBAGE DISPOSAL CONTAINERS, Pg. 148

Given First Reading on the 21 day of February, 2011.


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Given the Second Reading on the 12th day of March, 2011.

Adopted by the Fiscal Court of Hardin County, Kentucky, on the 12th day of March, 2011.

HARDIN COUNTY FISCAL COURT


HARRY L. BERRY
HARDIN COUNTY JUDGE/EXECUTIVE

Attest:


KENNETH L. TABB
HARDIN COUNTY COURT CLERK