

# ARTICLE 4 ZONING DISTRICTS

## SEC. 4.1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Zoning Ordinance, the area of jurisdiction of this Zoning Ordinance is hereby divided into zoning districts which shall be designated as follows:

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Zoning Districts – General

**4.1.1 District Conversion Table**

The District names in effect immediately prior to the effective date of this Ordinance are hereby converted as follows:

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AR-1	Agricultural/ Residential	AG	4-4
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**SEC. 4.2 OFFICIAL ZONING MAP**

**4.2.1 Established**

The boundaries of these Zoning Districts are hereby established on Official Zoning Map entitled "Zoning Map - Danville Corporate Limits, as amended", "Zoning Map - Junction City Corporate Limits, as amended", "Zoning Map - Perryville Corporate Limits, as amended", and "Zoning Maps - Boyle County, as amended", which shall all be permanently located in the Danville-Boyle County Planning and Zoning Commission offices. These official zoning maps together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Zoning Ordinance. Any territory hereafter annexed to any city shall remain in the same district as legally existed before annexation unless the district is specifically changed by ordinance according to the requirements of the relevant provisions of KRS or this Zoning Ordinance pertaining to amendments.

**4.2.2 Replacement**

In the event that either Official Zoning Map becomes damaged, destroyed, lost, or is deemed necessary to be replaced due to age of the map, the Danville-Boyle County Planning and Zoning Commission may by authorization through resolution adopted by the Cities of Danville, Junction City, Perryville, and Boyle County, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**4.2.3 Rules for Interpretation of Zoning District Boundaries**

The zoning district boundary lines on the Official Zoning Map are intended to follow lot or tract lines, farm boundaries, the center lines of streets or the corporate limit lines, all as they existed at the time of enactment of this Ordinance. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning Map, the following rules shall apply.

- A.** Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines; vacated rights-of-way shall not effect the original zoning.
- B.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries.
- D.** Boundaries indicated as following railroad lines or rights-of-way shall be construed to be midway between the main tracks.
- E.** Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.
- F.** Boundaries indicated as approximately parallel to features indicated in the paragraphs above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined.
- G.** Where the above stated rules do not indicate the exact location of the zoning district boundaries, then said boundaries shall be determined by the Director and may be subject to appeal to the Board of Adjustments.

**SEC. 4.3 AGRICULTURE DISTRICT (AG)**

**4.3.1 Purpose and Intent**

The Agriculture District is intended to:

- A. Maintain, preserve and enhance the prime agriculture lands of Boyle County;
- B. Protect the decreasing supply of prime agriculture lands in Boyle County in order to maintain one of the county's principal economic resources; the agriculture economy of the county;
- C. Discourage premature urban growth on land best suited for agriculture purposes;
- D. Control the indiscriminate infiltration of urban development into prime agriculture areas which adversely affects agriculture operators;
- E. Minimize urban-type development in rural areas until urban-type services and utilities can be provided;
- F. Preserve the natural beauty and open space character of the rural countryside.

**4.3.2 Right to Farm Policy**

In addition to the purposes set out above, there is hereby established a "Right-to-Farm" policy.

- A. Any agricultural operation or practice that is historical, traditional, legitimate and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.
- B. Agriculture, as a way of life, benefits all residents of Boyle County. It is an important part of the economy and adds intrinsic value to life in Boyle County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Boyle County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance as long as it occurs as a part of non-negligent and legal agricultural practice.

**4.3.3 Uses**

Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.

**4.3.4 Permitted Residential Unit Types**

The following residential unit types shall be permitted in this District:

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- A. Single-Family Detached;
- B. Modular Home;
- C. Manufactured Home; and
- D. Accessory Apartments

**4.3.5 Property Development Standards**

- A. Dimensional standards for this District are found in the following table.
- B. Only one principal residential structure shall be permitted per platted lot.

**Agriculture District (AG)**

<b>Lot Area</b> (minimum) Public Sewer Septic System	50,000 sf 50,000 sf
<b>Lot Width</b> (minimum at building line)	100 ft
<b>Lot Frontage</b> (minimum) Public Street Cul-de-Sac (bulb only)	40 ft 40 ft
<b>Lot Coverage</b> (maximum)	25%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard  Accessory Structure Front Rear Side	50 ft 10 ft 25 ft  25 ft 5 ft 5 ft
<b>Height</b> (maximum)	N/A
<b>Off-Street Parking Spaces</b>	2

**C. Signs**

1. Signage is allowed within Agriculture District on a limited basis and in accordance with the following table. Non-residential uses and properly permitted conditional uses in the Agriculture District may have a maximum of one freestanding sign (monument) and limited wall signage. No sign shall be internally illuminated.

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	<b>AG</b>
Freestanding Signs Allowed?	Yes
Maximum Number	1
Maximum Face Area	32 sf
Maximum Height	10 ft
Structure Type	Monument
Wall Signs Allowed?	Yes
Maximum Face Area	32 sf

2. Entrance Signs Standards.
  - a. No sign shall be internally illuminated.
  - b. All entrance signs shall be constructed of durable materials.
  - c. Structural Type and Size. Any entrance sign must be monument type and the maximum sign face shall be 60 square feet total. Maximum height shall be 5 feet.
  - d. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.
  
3. Temporary On-Premise Signs shall not require a permit. These signs are allowed provided they otherwise comply with the following standards:
  - a. No sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals. No sign may be placed in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility.
  - b. The maximum sign face per sign shall be 4 square feet (16 square feet in unincorporated area of Boyle County) total. Maximum height shall be 4 feet.
  
4. All permitted signs in the Agriculture District shall also comply with all the Sign Development Standards in Section 4.6.8.F.3, 4.6.8.F.4 and 4.6.8.F.5.

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- D.** Accessory Structures. Accessory buildings and structures, except as otherwise permitted by this Ordinance, shall require a Building Permit and shall be subject to the following regulations in all Agriculture Districts:
1. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container.
  2. Accessory Apartments are allowed in the Agriculture District. An Accessory Apartment may be attached or detached from the principal residence. The floor area of the accessory apartment may not exceed 50 percent of the floor area of the principal structure. Accessory apartments are allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations.
  3. Fences. For the purpose of determining yard setback, the accessory structure setback shall not apply to fences.
  4. Swimming Pools. All swimming pools with a water depth of 3 feet or greater shall require a Building Permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
  5. Solar Panels. A ground-mounted solar panel system is not permitted as the primary use of a property in the Agriculture District on tracts less than 10 acres in size.
  6. No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.

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**SEC. 4.4 SINGLE FAMILY RESIDENTIAL DISTRICTS**

**4.4.1 Rural Residential District (RR)**

**A. Purpose and Intent**

The Rural Residential District is intended to provide opportunities for large-lot rural residential development in unincorporated areas of Boyle County that may or may not be served by public sanitary sewer. This area is intended to serve as a transition between urban and rural areas.

**B. Permitted Residential Unit Types**

The following residential unit types shall be permitted in this District:

1. Single-Family Detached;
2. Modular home;
3. Manufactured Home; and
4. Accessory Apartments.

**4.4.2 R1-A through R1-C**

**A. Purpose and Intent**

The Single Family Residential Districts are intended to provide opportunities for detached and attached single family residential development. Occupancy in these districts is limited to one family per residential unit. These districts shall be served by public sanitary sewer.

**B. Permitted Residential Unit Types**

The following residential unit types shall be permitted in these Districts:

	<b>R1-A</b>	<b>R1-B</b>	<b>R1-C</b>
Single-Family Detached	P	P	P
Modular Home	P	P	P
Manufactured Home	--	--	P
Zero Lot Line Home	--	--	P
Single-Family Attached	--	--	P
Accessory Apartments	P	--	--

P = Permitted Unit Type

**4.4.3 Manufactured Home Park (MHP)**

**A. Purpose and Intent**

The Manufactured Home Park District is intended to:



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1. Recognize the Manufactured and Mobile Home as a form of housing for which specific provisions should be made and provide for the development of properly located and planned facilities for manufactured and mobile home lots. Provide a desirable residential environment and provide access to public facilities equivalent to that provided to other forms of permitted residential development.
  
2. Recognize that in urban and urbanizing areas of Boyle County, Mobile Homes should be located in Manufactured Home Parks and that such areas shall be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship with surrounding neighborhoods. This district shall be served by public sanitary sewer.

**B. Permitted Residential Unit Types**

The following residential unit types shall be permitted in this District:

1. Manufactured Home; and Mobile Home.

**4.4.4 General Residential Development Standards**

**A. Uses**

Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.

**B. Property Development Standards**

Only one principal residential unit shall be allowed per platted lot in the RR, and R1 districts. Development in each District shall comply with the general residential development standards in the following table:

	<b>RR</b>	<b>R1-A</b>	<b>R1-B</b>	<b>R1-C</b>	<b>MHP</b>
<b>Lot Area</b> (minimum)					
Public Sewer	40,000 sf	10,000 sf	8,000 sf	5,000 sf	217,800 sf
Septic System	40,000 sf	N/A	N/A	N/A	N/A
<b>Lot Width</b> (minimum at building line)	100 ft	70 ft	60 ft	50 ft	100 ft
<b>Lot Frontage</b> (minimum)					
Public Street	50 ft	50 ft	50 ft	50 ft	50 ft
Cul-de-sac (bulb only)	40 ft	40 ft	40 ft	40 ft	40 ft
Lot Coverage (maximum)	40%	50%	60%	70%	N/A
<b>Setback</b> (minimum)					
Front Yard	25 ft	25 ft	25 ft	25 ft	50 ft
Side Yard	10 ft	10 ft	8 ft	5 ft	25 ft
Rear Yard	10 ft	10 ft	10 ft	10 ft	25 ft
Accessory Structure	5 ft	5 ft	5 ft	5 ft	5 ft
<b>Height</b> (maximum)	42 ft	42 ft	42 ft	42 ft	42 ft
<b>Off-Street Parking Spaces</b>	2	2	2	2	2

**C. Other Standards**

1. **Corner lots.** Corner lots shall be required to provide a front yard setback along any lot line abutting a street.
2. **Reduction in Lot Area Prohibited.** No lot, although it may consist of one or more adjacent lots of record, shall be reduced in area to the extent that yards, lot area, lot width, building area, or other requirements of this Ordinance are not maintained. Where a lot is affected by acquisition or condemnation for government purposes, the remaining lot may vary no more than 10 percent from these minimum standards and requirements. Where a greater than 10 percent variation occurs, it shall be considered a taking in entirety.
3. **Minimum Lot Area Above 100-Year Flood Level Required.** No lot served by public sanitary sewer shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level. No lot served by on-site septic systems shall be created or developed which does not have at least 20,000 square feet of lot area above the 100-year frequency flood level.
4. **Measurement of Lot Width.** Minimum lot width shall be measured at the building setback line. Curve or cul-de-sac lots shall be measured along the chord distance at the front setback between side property lines.
5. **Minimum Lot Frontage Required.** No building shall be erected on a lot, nor shall a lot be created, which does not abut at least one improved street for a distance of not less than 40 feet.
6. **Measurement of Lot Coverage.** Lot coverage shall include all areas of the lot covered by buildings, structures (including accessory structures), patios, walkways, travelways, and parking areas, including gravel, pervious material or similar permeable paving material parking areas. Lot coverage does not include outdoor pools. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.
7. **Setbacks and Yards.**
  - a. **Distance Greater than Minimum Required.** Building setback lines as established by this Section may be greater than the minimums shown in the table in Section 4.4.4.B.; however, for purposes of establishing minimum lot width, this distance shall not exceed 100 feet.
  - b. **Variable Front Yard Setback.** A waiver from the strict enforcement of the front yard setback shown for a specific district may be granted by the Director where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face, or 10 feet, whichever is greater.

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- 8. **Height Limit Exceptions.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; flag poles; or chimneys.
  
- 9. **Parking Standard.**
  - a. No parking shall be located in excess of 25 percent of the front yard of the RR housing unit; 30 percent of the front yard of the R1-A housing unit, 35 percent of the front yard of the R1-B housing unit, or 40 percent of the front yard of the R1-C housing unit; parking is also allowed, however, in front of a garage or carport.
  
  - b. All parking areas, except in the RR district, shall be paved with asphalt, concrete, brick pavers, pervious material or similar permeable paving material.

**D. Signs**

- 1. Signage is allowed within Single Family Residential Districts on a limited basis and in accordance with the following table. Single Family Residential uses and properly permitted conditional uses in the Single Family Residential District may have a maximum of one mailbox sign or limited wall signage. No sign shall be externally or internally illuminated.

	RR & R1	MHP
<b>Freestanding Signs Allowed?</b>	No	No
<b>Wall Signs Allowed?</b>	Yes	Yes
<b>Maximum Face Area</b>	8 sf	32 sf
<b>Entrance Sign Allowed?</b>	Yes	Yes

- 2. Entrance Signs Standards.
  - a. No sign shall be internally illuminated.
  
  - b. All entrance signs shall be constructed of durable materials.
  
  - c. Landscaping is encouraged around entrance signs, provided the selected landscape materials will not grow to obscure sign face. No landscaping shall be erected to obstruct free and clear vision of an intersection and/or roadway.
  
  - d. Structural Type and Size. Any entrance sign must be monument type and the maximum sign face shall be 60 square feet total. Maximum height shall be 5 feet.

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- e. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.
- 3. Temporary on-premise signs shall not require a permit. These signs are allowed provided they otherwise comply with the following standards:
  - a. No sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals. No sign may be placed in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility.
  - b. The maximum sign face per sign shall be 4 square feet total. Maximum height shall be 4 feet.
- 4. All permitted signs in the Single Family Residential District shall also comply with all the Sign Development Standards in Section 4.6.8.F.3, 4.6.8.F.4 and 4.6.8.F.5.

**E. Accessory Structures.** Accessory buildings and structures, except as otherwise permitted by this Ordinance, shall require a Building Permit and shall be subject to the following regulations in all Single Family Residential Districts:

- 1. No accessory building or structure shall extend beyond the front of the principal structure, excluding fences 4 feet or less in height.
- 2. When a corner lot adjoins another lot in the rear which is used for residential purposes, no accessory building or structure shall extend beyond the front of the principal structure or be nearer to the side street than the depth of any required front yard for a dwelling along such side street, excluding fences 4 feet or less in height.
- 3. An accessory building may not exceed the height of the principal structure.
- 4. The total area of all accessory buildings shall not exceed 75% of the floor area of the principal building.
- 5. No detached accessory building, assessor structure, smokehouses or fire pits, shall be located closer than 10 feet to any principal building, and may require greater separation when requested by the Fire Marshal/Building Inspector.
- 6. An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not project nearer the side lot line than the minimum side yard required for the main building. An accessory building located on a through lot shall conform to the required building setback line set forth for the District.
- 7. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV,

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trailer, cooler, vehicle, freight container or commercial ground mounted storage container.

8. Accessory Apartments are allowed in the Rural Residential and R1-A Single Family Residential District. An Accessory Apartment may be attached or detached from the principal residence. The floor area of the accessory apartment may not exceed 50 percent of the floor area of the principal structure. Accessory apartments are allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations. If attached to the principal residence, any entrance into the accessory apartment shall be located on the side or rear facade(s) of the building. The accessory apartment must not alter the character of the single family residence or the development pattern of the neighborhood. A minimum of 1 parking space (in addition to the parking required for the primary residence) shall be provided for accessory apartment. The number of bedrooms located within accessory apartment shall not exceed two (2).
9. Fences. For the purpose of determining side and rear yard setback, the accessory structure setback shall not apply to fences. See 4.4.4 E (1) and (2) for front setback for fences
10. Swimming Pools.
  - a. All swimming pools with a water depth of 3 feet or greater shall require a building permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
  - b. A swimming pool as an accessory use to a residential structure shall be located no closer than 10 feet to the rear property line and no closer than 10 feet to a side property line. On a corner lot, the side yard setback shall be 25 feet. The setback shall be measured from the wall of the swimming pool to the nearest property line.
11. Solar Panels. Roof-mounted and ground-mounted solar panel systems shall comply with the following:
  - a. Solar panel systems shall be permitted on the roof of a building provided that the panels located on a front or side roof slope facing any public street do not cause glare or light trespass onto adjoining residential properties.
  - b. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.

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- c. A ground-mounted solar panel system is not permitted as the primary use of a property.
  - d. Ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures.
  - e. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.
  - f. Ground-mounted solar panel systems on residential property shall be screened from view of the street or adjacent properties by an opaque screening fence. The maximum height of ground mounted solar panel systems should not exceed the height of the required opaque fence.
  - g. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by generators shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.
12. No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.

**4.4.5 Residential Development Standards by Housing Type**

**A. Zero Lot Line Home**

- 1. Development of a Zero Lot Line Home shall occur only on a lot that has been specifically platted to accommodate such a use.
- 2. Zero Lot Line dwellings shall meet the following requirements:
  - a. One side yard must be a minimum of 10 feet.
  - b. The remaining side yard may range from 0 feet, up to a maximum of one foot, except for lots where minimum setbacks required from side streets or from adjoining lots in other zoning districts necessitate this remaining side yard to be a minimum of 5 feet. In no circumstance shall the separation between a Zero Lot Line Home and any dwelling on an adjoining lot be less than 10 feet.
  - c. Any side yard abutting a street right-of-way must be a minimum of 25 feet.

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- d. Any side yard abutting a lot in a different zoning district must be a minimum of 5 feet or the width of the required side yard in the adjacent district, whichever is greater.
- e. A maximum 2-foot eave overhang is allowed within these required side yards.
- f. A perpetual easement with a minimum width of four feet shall be provided on the adjacent lot, for the maintenance of the wall of the dwelling with the Zero Lot Line. This required easement shall be in favor of the lot on which a Zero Lot Line is planned at or near the boundary to which this easement is adjacent. This required easement shall extend along the entire length of the side boundary to which the easement is adjacent.
- g. No doors, windows, air conditioning units, utility meters, electric panel boxes or openings of any kind shall be allowed on the wall of a dwelling or accessory building that lies on a Zero Lot Line, with the exception of translucent windows approved by the Building Inspector.
- h. Any portion of an exterior wall which lies less than 3 feet from and substantially parallel to a side boundary shall be considered on the Zero Lot Line.
- i. Any portion of an exterior wall which lies less than 3 feet from and substantially perpendicular to a side boundary shall be considered on the Zero Lot Line.
- j. The roof of each unit must be designed to prevent stormwater runoff from draining onto the adjacent lot.
- k. Required easements shall be shown on the Final Plat. If required easements are not shown on the Final Plat of lots for Zero Lot Line Homes, then such easements shall be created by means of a re-plat or other separate recorded legal instrument before permits for building are granted.
- l. In no case shall the owner of any Zero Lot Line dwelling be granted an easement on the adjoining property for the use or enjoyment of any portion of that property.

**B. Single Family Attached - Townhomes and Patio Homes**

- 1. **Platted Lot Required.** Each unit or home shall be developed on a separately platted and recorded lot, designated as a Single Family Use.
- 2. **Maximum Number of Units.** The maximum number of units per building shall be 4.
- 3. **Townhome Lot Size.** The minimum lot size per building shall be 5,000 sf, with a minimum platted lot size for unit of 1,200 square feet,

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exclusive of floodplain. The minimum lot width and frontage shall be 16 feet for each Townhome unit.

4. **Patio Home Lot Size.** The minimum lot size per building shall be 5,000 sf, exclusive of floodplain. The minimum lot width and frontage shall be 50 feet for each Patio Home.
5. **Setbacks.** Front yard setback, minimum 25 feet with no garage, 20 feet with a garage.
6. **Off-Street Parking and Drives.** Each Townhome Unit or Patio Home shall have at least 2 paved off-street parking spaces located on the lot or located within 100 feet of the unit.
7. **Party Walls and Roofs.**
  - a. Party walls shall be constructed in conformance with the Kentucky Building Code provisions.
  - b. Party walls and roofs shall be perpetually maintained, repaired and replaced through a party wall and roof agreement with provisions for arbitration. Such agreement shall be recorded in the office of the County Court Clerk of Boyle County, Kentucky.
  - c. All dwelling units sharing a common wall shall have a minimum 24-inch offset in the front and rear building lines.
8. **Subdivision Regulation Coordination.** Any development approved under this section shall be considered a Subdivision Plat With Improvements.
9. **Condominium (Horizontal Property)** The intent and application of this Ordinance is to implement and reaffirm the Horizontal Property Law of Kentucky (KRS 381). A master deed or lease or floor plans meeting the standards set forth in KRS 381 shall not be filed in the Office of the Boyle County Clerk without having first been reviewed and approved by the Planning Commission.

The maximum permitted overall densities and floor area ratios and the minimum outdoor area, living space, and recreation area ratios shall be controlled by the zoning district classification in which the project is located. The establishment, expansion or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission.



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**C. Manufactured Home Park**

1. **General Property Development Standards.** Each area proposed to be zoned MHP District shall meet the standards set forth in the Subdivision Regulations, prior to issuance of Building Permits.
2. **Minimum Area of Park.**
  - a. Each Manufactured Home Park shall contain a minimum of 5 contiguous acres of land and minimum of 25 home spaces.
  - b. Development of a smaller tract of land adjacent to an existing Manufactured Home Park may be permitted, provided that:
    - (1) The proposed development conforms to and extends the original Manufactured Home Park;
    - (2) The proposed development site is properly zoned;
    - (3) The proposed development otherwise conforms to all of the standards and requirements of this Ordinance.
3. **Space Standards.** Minimum space standards for the Manufactured Home Park are as follows:

<b>Space Standard</b>	<b>Requirement</b>
<b>Home Space Size</b> (minimum)	5,000 sf
<b>Front Setback</b> (minimum from pavement)	20 ft
<b>Unit Separation</b> (minimum from other units, buildings or accessory structures)	15 ft

4. **Setbacks, Buffer Strips and Screening.**
  - a. All spaces and permitted accessory uses and structures shall be located at least 50 feet from any park property boundary line abutting upon a public street and at least 25 feet from other park property boundary lines.
  - b. There shall be a minimum distance of 20 feet between the housing unit and the edge of the abutting internal park street.
  - c. All Manufactured Home Parks shall be provided with visual perimeter screening in accordance with the Commercial Development landscaping provisions in Section 4.6.8.D.
5. **Minimum Frontage.** The Manufactured Home Park shall be located with direct access to an arterial or collector street as designated by the Kentucky Transportation Cabinet or the applicable City and shall have a minimum of 50 feet of frontage.

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6. **Internal Park Streets.** All unit spaces and permitted accessory uses and structures shall front on an internal park street only. All internal streets shall meet the following minimum requirements:
  - a. All internal streets shall be 18 feet in width with no on-street parking or 24 feet with on-street parking.
  - b. Dead-end streets shall be limited in length to 600 feet and shall be provided at the closed end with a cul-de-sac having a minimum diameter of 80 feet.
  - c. All Manufactured Home Park shall be equipped with street lights on all streets.
  - d. All streets within the mobile home park shall conform to the street construction and design standards of the Subdivision Regulations of Boyle County except as herein modified.
  
7. **Off-Street Parking.** Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be accessible by motor vehicles from the internal park street and two (2) parking spaces per housing space is required.
  
8. **Design Standards.**
  - a. All housing unit spaces shall be designed so that the unit can be moved on or off the site without moving any other unit.
  - b. All units must meet the HUD Code for Manufactured Housing or be affixed with a Commonwealth of Kentucky “B” Seal.
  - c. All units must be in good repair at the time of their placement and shall be maintained in good repair thereafter.
  - d. Each unit shall be placed on a permanent foundation and skirted to enclose the area below the unit.
  
9. **Water Supply.** All Manufactured Home Parks shall be served by a public water system that can provide 600 GPM at 20 PSI residual pressure and meet any applicable fire hydrant ordinance.
  
10. **Sewage Disposal.** All Manufactured Home Parks shall be connected to the public sewer system. Individual septic systems may not be used.
  
11. **Existing Nonconforming Parks.** For existing parks which are located in any zoning district other than Manufactured Home Park, any plans to extend or to expand onto contiguous property, shall necessitate a zoning change in accordance with Section 3.10 Map Amendment (Rezoning), and the filing of a Development Plan on the entire property.

**SEC. 4.5 MULTI-FAMILY RESIDENTIAL DISTRICTS**

**4.5.1 Two-Family Residential District (RM-2)**

- A. Purpose and Intent.** The Two-Family Residential District is intended to provide housing opportunities for two-family residential development, including, Twinhomes and Duplexes. This district shall be served by public sanitary sewer.
- B. Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:
  - 1. Twinhomes;
  - 2. Duplexes; and
  - 3. Residential unit types permitted in R1-A district (utilizing R1-A property development standards).

**4.5.2 Multi-Family Residential District (RM-3)**

- A. Purpose and Intent.** The RM-3 Multi-Family Residential District is intended to provide housing opportunities for multi-family development of up to 8 units in a single building. This district shall be served by public sanitary sewer.
- B. Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:
  - 1. Apartments or Townhomes containing 3 to 8 units per building;
  - 2. Condominiums containing 3 to 8 units per building;
  - 3. Two-family residential unit types permitted in RM-2 district; and
  - 4. Residential unit types permitted in R1-B district (utilizing R1-B property development standards).

**4.5.3 Multi-Family Residential District (RM-4)**

- A. Purpose and Intent.** The RM-4 Multifamily Residential District is intended to provide housing opportunities for multi-family development with greater than eight (8) units per building. This district shall be served by public sanitary sewer.
- B. Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:
  - 1. Apartments containing greater than 8 units per building;
  - 2. Condominiums containing greater than 8 units per building;
  - 3. Residential unit types permitted in the RM-3 district;
  - 4. Two-family residential unit types permitted in RM-2 district; and
  - 5. Residential unit types permitted in R1-C district (utilizing R1-C property development standards).

**4.5.4 General Residential Development Standards**

- A. Uses.** Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category. Properties which have recorded development conditions limiting their use to single family residential shall be limited to one family occupancy per residential unit.
- B. Property Development Standards.** Development in each Multi-family Residential District shall comply with the general residential development standards in the following tables:

	<b>RM-2 Duplex</b>	<b>RM-2 Twinhome</b>	<b>RM-3</b>	<b>RM-4</b>
<b>Lot Area</b> (minimum)	10,000 sf	5,000 sf / unit	8,000 sf + 1,500 sf for each unit >1	6,000 sf
Public Sewer				
Septic System	N/A	N/A	N/A	N/A
<b>Lot Width</b> (min at bldg line)	80 ft	40 ft/ unit	50 ft	50 ft
<b>Lot Frontage</b> (minimum)				
Public Street	50 ft	25 ft/ unit	50 ft	50 ft
Cul-de-Sac (bulb only)	40 ft	20 ft/ unit	40 ft	40 ft
<b>Lot Coverage</b> (maximum)	75%	75%	80%	85%
<b>Setback</b> (minimum)				
Front Yard	25 ft	25 ft	25 ft	25 ft
Side Yard	10 ft	10 ft	10 ft	10 ft
Rear Yard	10 ft	10 ft	10 ft	10 ft
Accessory Structure	5 ft	5 ft	5 ft	5 ft
<b>Height</b> (maximum)	42 ft	42 ft	42 ft	6 stories
<b>Off-Street Parking Spaces</b> (Per Unit)	Bed    Spaces	2 Spaces	Bed    Spaces	Bed    Spaces
	1      1.0		1      1.5	1      1.5
	2      2.0		2      2.5	2      2.5
	3      3.0		3      3.25	3      3.25
	4      4.0		4      4.25	4      4.25
	5      5.0		5      5.0	5      5.0

**C. Other Standards**

- 1. **Corner lots.** Corner lots shall be required to provide a front yard setback along any lot line abutting a street.
- 2. **Reduction in Lot Area Prohibited.** No lot, although it may consist of one or more adjacent lots of record, shall be reduced in area to the extent that yards, lot area, lot width, building area, or other requirements of this Ordinance are not maintained. Where a lot is affected by acquisition or condemnation for government purposes, the remaining lot may vary no more than 10 percent from these minimum

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standards and requirements. Where a greater than 10 percent variation occurs, it shall be considered a taking in its entirety.

3. **Minimum Lot Area Above 100-Year Flood Level Required.** No lot served by public sanitary sewer shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.
4. **Measurement of Lot Width.** Minimum lot width shall be measured at the building setback line. Curve or cul-de-sac lots shall be measured along the chord distance at the front setback between side property lines.
5. **Minimum Lot Frontage Required.** No building shall be erected on a lot, nor shall a lot be created, which does not abut at least one improved street for a distance of not less than 40 feet.
6. **Measurement of Lot Coverage.** Lot coverage shall include all areas of the lot covered by buildings, structures (including accessory structures), patios, walkways, travelways, and parking areas, including gravel, pervious material or similar permeable paving material parking areas. Lot coverage does not include outdoor pools. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.
7. **Setbacks and Yards.**
  - a. **Lots Abutting Highways.** Lots that abut a fully controlled access highways which allow no direct access shall have a minimum building setback line from the right-of-way of said highway of 25 feet. This building line shall be the same whether considered as front, side or rear setback.
  - b. **Distance Greater than Minimum Required.** Building setback lines as established by this Section may be greater than the minimums shown in the table in Section 4.5.4.B; however, for purposes of establishing minimum lot width, this distance shall not exceed 100 feet.
  - c. **Variable Front Yard Setback.** A waiver from the strict enforcement of the front yard setback shown for a specific district may be granted by the Director where the majority of existing development on the same block face is set back less than the required setback. In such case, the front yard setback may be the average setback line for that block face, or 20 feet, whichever is greater.
8. **Height Limit Exceptions.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; flag poles; or chimneys.

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9. **Parking Standard.**

- a. All parking areas shall be paved with asphalt, concrete, brick pavers, or similar material. For any Single Family Residential use in RM-2, RM-3, or RM-4, no parking shall be located in excess of 25 percent of the front yard of the housing unit; parking is also allowed, however, in front of a carport or garage.
- b. Required parking shall be provided according to the Development Standards table found in this section and the Off-Street Parking and Loading in Section 4.6.8.E.

**D. Landscaping.** All multi-family residential development in the RM-3 and RM-4 district shall comply with the minimum landscaping standards as set forth in Section 4.6.8.D.

**E. Signs**

- 1. Signage is allowed within Multi-Family Residential Districts on a limited basis and in accordance with the following table. Multi-Family Residential uses and properly permitted conditional uses in the Multi-Family Residential Districts may have a maximum of one freestanding or wall sign. No sign shall be externally or internally illuminated.

	RM-2, RM-3 & RM-4
Freestanding Signs Allowed?	Yes*
Maximum Number	1
Maximum Face Area	32 sf
Maximum Height	7 ft
Structure Type	Monument
Wall Signs Allowed?	Yes
Maximum Face Area	32 sf

\*RM-3 and RM-4 Only

2. **Entrance Signs Standards.**

- a. No sign shall be internally illuminated.
- b. All entrance signs shall be constructed of durable materials.
- c. Landscaping is encouraged around entrance signs, provided the selected landscape materials will not grow to obscure sign face. No landscaping shall be erected to obstruct free and clear vision of an intersection and/or roadway.

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- d. Structural Type and Size. Any entrance sign must be monument type and the maximum sign face shall be 60 sq. ft. total. Maximum height shall be 5 feet.
      - e. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.
  - 3. Temporary on-premise signs shall not require a permit. These signs are allowed provided they otherwise comply with the following standards:
    - a. No sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals. No sign may be placed in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility.
    - b. The maximum sign face per sign shall be 4 square feet total. Maximum height shall be 4 feet.
  - 4. All permitted signs in the Multi-Family Residential District shall also comply with all the Sign Development Standards in Section 4.6.8.F.3, 4.6.8.F.4 and 4.6.8.F.5.
- F. Accessory Structures.** Accessory buildings and structures, except as otherwise permitted by this Ordinance, shall require a building permit and shall be subject to the following regulations in all Multi-Family Residential districts.
  - 1. No accessory building or structure shall extend beyond the front of the principal structure, excluding fences 4 feet or less in height.
  - 2. When a corner lot adjoins another lot in the rear which is used for residential purposes, no accessory building or structure shall extend beyond the front of the principal structure or be nearer to the side street than the depth of any required front yard for a dwelling along such side street, again excluding fences 4 feet or less in height.
  - 3. An accessory building may not exceed the height of the principal structure or 42 feet, whichever is less.
  - 4. Accessory buildings shall not exceed 75 percent of the ground floor area of the principal building.
  - 5. No detached accessory building, structure, smokehouses or fire pits, shall be located closer than 10 feet to any principal building, and may require greater separation when requested by the Fire Marshal/Building Inspector.
  - 6. An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building. An accessory building located

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on a through lot shall conform to the required building setback line set forth for the District.

7. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container or commercial ground mounted storage container.
8. **Fences.** For the purpose of determining the yard setback, the accessory structures setback shall not apply to fences. See 4.5.4.F (1) and (2) for front setback for fences.
9. **Swimming Pools.**
  - a. All swimming pools with a water depth of 3 feet or greater shall require a building permit. The swimming pool area shall be enclosed by a fence or other suitable barrier with a minimum height of not less than 4 feet. Openings in the fence shall be small enough to prevent a child from entering the enclosure other than through the gate.
  - b. A swimming pool as an accessory use to a residential structure shall be located no closer than 10 feet to the rear property line and no closer than 10 feet to a side property line. On a corner lot, the side yard setback shall be 25 feet. The setback shall be measured from the wall of the swimming pool to the nearest property line.
10. **Solar Panels.** Roof-mounted and ground-mounted solar panel systems shall comply with the following:
  - a. Solar panel systems shall be permitted on the roof of a building provided that the panels located on a front or side roof slope facing any public street do not cause glare or light trespass onto adjoining residential properties.
  - b. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.
  - c. A ground-mounted solar panel system is not permitted as the primary use of a property.
  - d. Ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures.
  - e. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.
  - f. Ground-mounted solar panel systems on residential property shall be screened from view of the street or adjacent properties by an opaque screening fence. The maximum height of ground



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mounted solar panel systems should not exceed the height of the required opaque fence.

- g. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by generators shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.
11. No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.

**4.5.5 Residential Development Standards by Housing Type**

**A. Twinhome.** Only one Twinhome dwelling unit shall be allowed on a single lot.

**B. Townhome.**

- 1. **Platted Lot Required.** Each unit shall be developed on a separately platted and recorded lot.
- 2. **Lot Size.** The minimum lot size for each platted lot shall be 1,200 square feet, exclusive of floodplain. The minimum lot width shall be 16 feet for each unit.
- 3. **Setbacks.** Front yard setback, minimum 25 feet with no garage, 20 feet with a garage, or 15 feet with designated off-site or rear parking.
- 4. **Off-Street Parking and Drives.**
  - a. Each townhome unit shall have at least 2 paved off-street parking spaces located on the lot or located within 100 feet of the unit.
  - b. Parking spaces that do not have a private access from a public way shall have access via a private drive for which perpetual maintenance shall be provided. Perpetual maintenance shall be provided through an agreement or covenant which is properly recorded and which runs with the land. Such agreement shall be recorded in the office of the County Court Clerk of Boyle County, Kentucky.
- 5. **Party Walls and Roofs.**
  - a. Party walls shall be constructed in conformance with the Kentucky Building Code provisions.

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- b. Party walls and roofs shall be perpetually maintained, repaired and replaced through a party wall and roof agreement with provisions for arbitration. Such agreement shall be recorded in the office of the County Court Clerk of Boyle County, Kentucky.
  - c. All units sharing a common wall shall have a minimum 24-inch offset in the front and rear building lines.
6. **Subdivision Regulation Coordination.** Any development approved under this section shall be considered a Subdivision Plat With Improvements.
7. **Condominium** (Horizontal Property) The intent and application of this Ordinance is to implement and reaffirm the Horizontal Property Law of Kentucky (KRS 381). A master deed or lease or floor plans meeting the standards set forth in KRS 381 shall not be filed in the office of the Boyle County Clerk without having first been reviewed and approved by the Planning Commission.

The maximum permitted overall densities and floor area ratios and the minimum outdoor area, living space, and recreation area ratios shall be controlled by the zoning district classification in which the project is located. The establishment, expansion or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission in the same manner as approval of a Site Development Plan.

**SEC. 4.6 COMMERCIAL DISTRICTS**

**4.6.1 Neighborhood Business District (NB)**

The Neighborhood Business District is intended to provide opportunities for neighborhood-scale commercial development that provides daily services and goods to the immediately surrounding area.

**4.6.2 General Business District (GB)**

The General Business District is intended to provide opportunities for commercial development that serves the entire community or region.

**4.6.3 Central Business District (CB)**

The Central Business District is intended to provide for the continued vitality of downtown areas and the maintenance and re-use of existing historic structures.

**4.6.4 Highway Business District (HB)**

The Highway Business District is intended for the development of businesses that require a high volume of vehicular traffic due to the nature of the products or services offered by the business. This District is appropriate for parcels having frontage on collector or arterial streets.

**4.6.5 Office and Professional District (OP)**

This district is established with the purpose and intent of providing space for professional offices in appropriate locations to accommodate the needs of the community. The district is intended to serve as the transition between commercial areas and adjacent residential development.

**4.6.6 Institutional Campus Development District (ICD)**

This district is established with the purpose and intent of providing for the continued and future use, expansion, and new development of academic campuses, religious campuses and healthcare facilities. The district is designed to promote the varied uses associated with such institutions while maintaining the overall design integrity of the traditional campus setting.

**4.6.7 Public District (P)**

The Public District is intended to provide for public and quasi-public development, including open lands such as parks, and developed uses including government building, hospitals, and schools. Use of the Public District is limited to agencies and entities receiving or utilizing public funding.

**4.6.8 General Commercial Development Standards**

**A. Uses.** Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.

**B. Property Development Standards.**

1. Development in each District shall comply with the general commercial development standards in the following table:

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	<b>NB</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>OP</b>	<b>ICD</b>	<b>P</b>
<b>Lot Area</b> (minimum) Public Sewer Septic System	5,000 sf 43,560 sf	5,000 sf N/A	0 sf N/A	5,000 sf N/A	5,000 sf 43,560 sf	217,800 sf N/A	5,000 sf 43,560 sf
<b>Lot Width</b> (min at Bldg Line)	50 ft	50 ft	0 ft	50 ft	50 ft	50 ft	50 ft
<b>Lot Frontage</b> (minimum)	50 ft	50 ft	0 ft	50 ft	50 ft	50 ft	50 ft
<b>Lot Coverage</b> (maximum)	70%	80%	100%	90%	70%	80%	80%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard Accessory Structure	25 ft 10 ft 10 ft 0 ft	25 ft 0 ft 0 ft 0 ft	0 ft 0 ft 0 ft 0 ft	25 ft 0 ft 0 ft 0 ft	25 ft 10 ft 10 ft 0 ft	25 ft 0 ft 0 ft 0 ft	25 ft 0 ft 0 ft 0 ft
<b>Height</b> (maximum)	42 ft	60 ft	4 stories	100 ft	42 ft	6 stories	4 stories
<b>Building Size</b> (maximum)	4,000 sf	N/A	N/A	N/A	N/A	N/A	N/A
<b>Parking</b>	See specific use chart in 4.6.8.E for parking requirements.						
<b>Landscaping required?</b>	See Section 4.6.8.D for landscaping requirements.						
<b>Residential uses allowed?</b>	Yes	Yes	Yes	No	Yes	Yes	Yes
<b>What standard?</b>	R1-C	RM-3 or Mixed	RM-3 or Mixed	N/A	R1-C	RM-3	Accessory Use

2. **Minimum Lot Area Above 100-Year Flood Level Required.** No lot served by public sanitary sewer shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level. No lot served by on-site septic systems shall be created or developed which does not have at least 20,000 square feet of lot area above the 100-year frequency flood level.
  
3. **Measurement of Lot Coverage.** Lot coverage shall include all areas of the lot covered by buildings, structures (including accessory structures), patios, walkways, travelways, and parking areas, including gravel parking areas. Lot coverage does not include pervious material or similar permeable paving material. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.
  
4. **Variable Front Yard Setback.** A waiver from the strict enforcement of the front yard setback shown for a specific district may be granted by the Director where the majority of existing development on the same block face is set back less than the required setback. In such case,

the front yard setback may be the average setback line for that block face, or 15 feet, whichever is greater.

**C. Additional Setback Adjacent to Single-Family Residential District/ Uses.** Development in any commercial district adjacent to the boundary of a Single-Family residential zoning district or a Single-Family Residential Use shall require the following setback:

1. **Commercial Districts (GB, HB and ICD).** A rear yard shall have a minimum 25-foot rear yard setback, and a side yard shall have a minimum 20-foot side yard setback.
2. **Commercial Districts (NB, CB, OP and P).** A rear yard shall have a minimum 20-foot rear yard setback, and a side yard shall have a minimum 10-foot side yard setback.

**D. Landscaping.** All commercial development shall comply with the minimum landscaping standards as follows:

1. **Applicability**

- a. No new site development, building, structure, or vehicle use area (VUA) shall hereafter be constructed or used unless landscaping is provided as required by the provisions of this Section, regardless of the need for a building permit.
- b. No building, structure or VUA shall be expanded or moved unless the minimum landscaping is provided as required by the provisions of this Section.
- c. No building, structure, or VUA shall be reconstructed unless the minimum landscaping is provided as required by the provisions of this Section.
- d. No use shall be changed to another use for which this Ordinance requires additional parking over that which was required for the previous use, unless the VUA perimeter and interior VUA landscaping as required by this Section is provided for such additional parking, where the previous use had no required parking, perimeter and interior VUA landscaping shall be provided for all new VUA serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction of any VUA is proposed.
- e. No use of an existing building, structure, or VUA shall be commenced subsequent to a change in zoning unless all landscaping as required by this Section is provided.
- f. All uses in the Central Business (CB) District, except parking lots and vehicle use areas, shall be exempt from the landscaping provisions of this Ordinance.

2. **Buffers between incompatible land uses.** The Director of the Planning and Zoning Commission may demand that uses which abut a different zone, or which are authorized under a Conditional Use Permit shall be buffered at the following rate:

- a. Three deciduous shade trees and six evergreen trees per each 100 linear feet of buffer, or two deciduous shade trees, three evergreen trees and twelve shrubs per 100 linear feet of buffer.
- b. Up to one-half of the deciduous shade trees and evergreens may be substituted with ornamental trees. The substitution rate shall be two ornamental trees for each shade or evergreen tree.
- c. The required buffer shall be located along the property boundary adjacent to the incompatible land use.
- d. All buffers located between incompatible land uses must be an average of ten feet in width with the minimum dimension being five feet.

3. **Screening of Vehicle Use Areas (VUA).**

- a. When a VUA is located adjacent to any property line other than a public right-of-way, the screen shall be planted at the following rate:
  - (1) Three deciduous shade trees and two evergreen trees per 100 linear feet of screening, for the area where the VUA is adjacent to, and within 100 feet of a common property line, or two deciduous shade trees, 20 shrubs per 100 linear feet of screening.
  - (2) Up to one-half of the deciduous shade trees and evergreens may be substituted with ornamental trees. The substitution rate shall be two ornamental trees for each shade or evergreen tree.
  - (3) All screening between a VUA and a common property line must be an average of ten (10) feet in width with the minimum dimension being five (5) feet.
  - (4) When a VUA is located adjacent to any public right-of-way, the screen shall contain:
    - i. A minimum of 70 percent of the distance where a VUA is adjacent to a right-of-way or common property line shall be screened with shrubs to be maintained at a minimum of 24 inches and a maximum of 42 inches in height, with one-half of the shrubs used for this being of an evergreen species.

- ii. Two deciduous shade trees per 100 linear feet of screen. Shade trees may be substituted with ornamental trees at the rate of two ornamental trees per shade tree. All screens between a VUA and right-of-way must be a minimum of ten feet in width.
  
- 4. **Interior VUA Landscaping.** Any open VUA (excluding loading, unloading and storage areas in an industrial zone) containing 6,000 square feet of parking area shall provide interior landscaping in addition to the previously required VUA perimeter landscaping. Where a VUA is altered or expanded to increase to 6,000 or more square feet of area, interior landscaping shall be provided for the entire VUA area. Planting adjacent to or within ten feet of a building is considered foundation planting and is not counted towards the requirements of this section. All interior VUA shall be planted at the following rate:
  - a. A minimum of five percent interior VUA landscaping shall be provided in planting islands or peninsulas.
  - b. The minimum landscape area to be counted towards the requirements of this section shall be 64 square feet, with a minimum island or peninsula width of six feet.
  - c. Required landscape areas shall be dispersed throughout the VUA, with no area being larger than 400 square feet, areas over this amount are permitted when in excess of the required five percent.
  - d. Landscape islands shall be required at the ends of all parking bays.
  - e. A minimum of one tree shall be planted within each landscape island or peninsula for each 250 square feet of required interior VUA landscaping.
  - f. There shall be no more than 20 parking spaces between islands or peninsula in a VUA. This is to include parking adjacent to common property lines or public rights-of-way.
  
- 5. **Screening of Service Structures.** All service structures shall be fully screened.
  - a. A continuous planting, fence, wall, or earth berm shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed eight feet in height. No screening shall be required if the service structure is interior to loading or vehicle servicing area.

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- b. When plant material is to be used for the screening of service structures, the plant material must be able to provide 100 percent screening within three years.
- c. All trash disposal units and ground level storage units shall be enclosed within walls, vegetation, or earthen berm on all sides with an opening door for the removal of trash or stored items. The height of the screening shall be 18 inches higher than the structure to be screened but shall not be required to exceed eight feet in height.

6. **Landscape materials.** Screening material shall consist of plant material, wood, stone, masonry material, or earthen berm.

- a. All plants material to be installed as required shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. All material shall come from the plant list available from the Planning Commission. If plant material not on the plant list is to be used, it must have the prior approval of the Planning Commission.
- b. All deciduous trees must be a minimum of one-and-three-quarter inches in caliper at planting, all evergreen trees shall be a minimum of six feet planted height, and shrubs shall be a minimum of 18-24 inches planted height. Ornamental trees shall have a minimum height of six feet planted height.

TYPE	Minimum Size
Shade and Ornamental Trees	1-3/4" caliper
Evergreen and Ornamental	6' height
Shrub Material	18-24" height

- c. Fence or Wall material shall consist of either board-on-board wooden fence, masonry, or stone or any combination of the above. The use of such wall or fence material used between incompatible land uses must be to a height of six feet and may be used in place of the evergreen trees and shrub material. The minimum buffer widths are still to be maintained and the deciduous tree requirements are encouraged be used in conjunction with the wall or fence. All wood used is to be treated with water-borne preservatives to the American Wood Preservers Institute standards. All hardware is to be galvanized or otherwise rustproof. Chain link fencing may not be used to satisfy the requirements of this Section.
- d. Earthen berms shall be constructed to a maximum slope ratio of three to one (3:1) and covered with a ground cover or turf. A difference in elevation between areas requiring screening



does not constitute an earth berm. The minimum buffer widths are still to be maintained and the deciduous tree requirements are to be used in conjunction with the wall or fence.

7. **Credit for existing vegetation.** Existing vegetation which is proposed to be used to fulfill the landscape requirements shall be shown on the required landscape plan and may only be used with written approval of the Planning Commission after a site visit. All vegetation to be used must be on the property requiring the landscape plan. If in the future, the existing vegetation is removed, the property owner will be required to replace the vegetation with the quantity as outlined elsewhere in this section.
8. **Requirements of a Landscape Plan.**
  - a. Site plan, drawn to a scale not to exceed one inch to fifty feet, showing all existing structures, proposed structures, proposed VUA and travel lanes, property lines, easements, existing topography, proposed grading at a minimum of two-foot contours and the proposed location of all plant material keyed to the plan.
  - b. Plant schedule including common name, botanic name, cultivar, size and quantity, condition (balled and burlaped, container size or bare root), and planting details using the standards of the American Society of Landscape Architects.
  - c. All landscape plans must be prepared by an Engineer, Architect, or Landscape Architect licensed to practice in the State of Kentucky, or Certified Nurserymen and in accordance with all state laws.
9. **Landscape plans required for Building and Zoning Permit.**

When a landscape plan is required, no Building or Zoning Permit shall be issued until the required landscape plan has been submitted and approved, all required landscape improvements must be installed prior to receipt of a Certificate of Occupancy. A surety must be posted for any landscape improvements that will be installed after the issuance of a Certificate of Occupancy. A surety must be submitted to the Planning Commission in the amount of the cost to install the landscaping according to the approved landscape plan plus an additional ten (10) percent inflationary factor.
10. **Maintenance.** All landscaping required by this Section and any landscape material planted as part of any approved Development Plan, must be maintained in a healthy and growing condition for a period of thirty-six (36) months, and all plant material that dies must be replaced in the next appropriate planting season to the specifications of the originally approved landscape plan.

**E. Off-Street Parking and Loading.** Off-street vehicle storage or parking space shall be provided for all uses allowed in the districts in this Section. Such space shall be provided with vehicular access to a street or alley and shall be designated on any required Site Development Plan or Zoning Permit.

1. **Required Spaces.** The following are minimum requirements for specific uses. All measurements utilizing square feet shall be square feet of gross floor area unless otherwise expressly stated. Combined uses shall be required to provide parking equal to the total requirements for the individual uses. Where necessary, calculations shall be based on Kentucky Building Code Occupancy load requirements. Uses in the CB district are exempt from the on-site parking requirements of this Section.

Use	Minimum Spaces Required
Auto Showroom or Dealer, New or Used	1 per 400 square feet of showroom and office space, plus two spaces per service bay
Bed and Breakfast, Short Term Rental	1 per bedroom
Conference Center or Student Center	1 per 150 square feet of meeting room space
Day Care	1 space per 400 square feet
Group Living	2 spaces per 3 occupant beds, plus 1 space per employee
Hospital	1 space per 4 authorized beds, plus 1 space per 1,000 square feet
Outpatient Surgery Center, Urgent Clinics	1 space per 250 square feet
Medical Office, Health Clinic, Pharmacy	1 space per 250 square feet
Hotel or Motel, Extended Stay	1 per bedroom plus 1 per 400 square feet of banquet, office, or meeting space
Library, Museum, Art Gallery	1 per 500 square feet
Nursing Home, Assisted Living	1 space per 3 occupant beds, plus 1 space per employee, max shift
Office	1 space per 300 square feet
Place of Public Assembly, Place of Worship	1 space per 4 seats maximum capacity
Sit-Down Restaurant	1 space per 100 square feet, plus 1 space per employee, max shift
Drive-Thru Restaurant	1 space per 200 square feet plus 1 space per employee, max shift
Retail or Commercial Use	1 space for each 400 square feet
Mixed Use Commercial	1 space for each 400 square feet
School, Elementary or Middle	2 spaces per classroom
School, Secondary or Post-Secondary	4 spaces per classroom or 1 space for 4 seats in auditorium, gym, arena or stadium, whichever is greater

2. **Rules for Computing Requirements.** The following rules apply when computing off-street parking and loading requirements.
  - a. **Multiple Uses.** Lots containing more than one use must provide parking and loading in an amount equal to the total of the requirements for all uses. For commercial development where multiple uses may be located (such as a strip center with multiple tenants), unless uses are restricted by plat or other recorded instrument, parking requirements will be based on the most intense use.
  - b. **Fractions.** When measurements of the number of required spaces result in a fractional number, any fraction of  $\frac{1}{2}$  or less will be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  will be rounded up to the next higher whole number.
  - c. **Occupancy-Based Standards.** For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.
  - d. **Change in Use.** Where the principal use is changed to a use for which additional parking is required under the provisions of this ordinance, it shall be unlawful to begin or maintain such altered use until the required off-street parking is provided and the site is brought into compliance with all other applicable provisions of this ordinance including, paving and landscaping.
  - e. **Unlisted Uses.** For a use not specifically listed in the table above, the Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require an alternative parking study in accordance with this section.
3. **Alternative Parking Study.** Some uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard. A developer proposing to develop or expand such a use may submit an alternative parking study that provides justification for the number of off-street parking spaces proposed.
  - a. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Planning Commission and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

- b. The Planning Commission shall review the parking study and any other traffic engineering and planning data relevant to the establishment of an appropriate off-street parking standard for the proposed use. After reviewing the parking study, the Planning Commission shall establish a minimum off-street parking standard for the proposed use.

4. **Parking Space Design**

- a. **Space Size.** The following minimum standards shall apply to the width and length of parking spaces.

Type	Width	Length
Standard Parking Space	9 feet	18 feet
Parallel Parking Space	8 feet	22 feet

- b. **Angle Parking Size.** The standards for the minimum width of parking spaces plus the aisle are shown in the following table. These standards apply to a single row of head-in parking or two rows of head-in parking sharing an aisle.

Parking Space Angle Type	Aisle Width One-Way	Aisle Width Two-Way	Parking/Aisle One-Way One Row	Parking/Aisle One-Way Two Row	Parking/Aisle Two-Way One Row	Parking/Aisle Two-Way Two Row
90 Degree Parking	24 feet	24 feet	42 feet	60 feet	42 feet	60.0 feet
60 Degree Parking	14.5 feet	24 feet	34.6 feet	54.7 feet	44.1 feet	64.2 feet
45 Degree Parking	12 feet	24 feet	31.1 feet	50.2 feet	43.1 feet	62.2 feet
30 Degree Parking	12 feet	24 feet	28.8 feet	45.6 feet	40.8 feet	57.6 feet
0 Degree Parking	12 feet	24 feet	20 feet	28 feet	32 feet	40 feet

- c. **Driveways.** When driveways are less than 20 feet in width, marked separate entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided if prior approval is obtained in writing from the Planning Commission. Driveways designated as fire lanes shall meet the standards of the Fire Code.
- d. **Maneuvering Space.** Maneuvering space shall be located completely off the right-of-way of a public street, place or court, and have a minimum width of 22 feet. Parking areas that would require the use of public right-of-way for maneuvering shall not be acceptable as required off-street parking spaces other than for one- and two-family dwellings. Parking parallel to the curb

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on a public street shall not be substituted for off-street parking requirements.

- e. **Parking Surface.** Drives and parking areas must be paved with concrete, asphalt, brick pavers, pervious material or similar permeable paving material.
5. **Off-Site (Remote) Parking.** If sufficient parking is not available on the premises, a private parking lot may be provided within 500 feet on property zoned for that purpose subject to the following conditions:
- a. The parking shall be subject to the front yard setback requirements of the district in which it is located.
  - b. The parking area must be paved with concrete, asphalt, or brick pavers.
  - c. The parking area must be landscaped in accordance with the provisions of this Section.
  - d. Area lights must be directed away from adjacent properties.
  - e. **Agreement for Remote Parking.** A remote parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Commission for recording and recording of the agreement must take place before issuance of a Building or Zoning Permit for any use to be served by the off-site parking area. A remote parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Section.
6. **Shared Parking.** Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as part of a Parking Plan and if the shared parking complies with the all of following standards.
- a. **Location.** Shared parking spaces must be located within 500 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.
  - b. **Zoning District Classification.** Shared parking areas require the same or a more intensive zoning classification than required for the use served.
  - c. **Shared Parking Study.** Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Commission that clearly demonstrates the feasibility of shared parking. The study must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak

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parking and traffic loads for all uses that will be sharing off-street parking spaces.

- d. **Agreement for Shared Parking.** A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Commission for recording and recording of the agreement must take place before issuance of a building permit for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this Section.

- 7. **Stacking Spaces for Drive-Thru Facilities.** In addition to meeting the off-street parking requirements of this section, drive-thru facilities shall comply with the following minimum stacking space per lane standards:

Use Type	Minimum Spaces	Measured From
Automated Teller Machine	3	Teller
Bank Teller Lane	4	Teller or Window
Car Wash Stall, Automatic	6	Entrance
Car Wash Stall, Self-Service	3	Entrance
Gasoline Pump Island	1	Each end of Island
Restaurant Drive-Thru	5	Menu Board
Other Drive-Thru	3	Pick up window
Other	As approved by the Planning Commission	

Stacking spaces shall be subject to the following design and layout standards.

- a. Stacking spaces shall be a minimum of 8 by 20 feet in size.
- b. Stacking spaces shall be designed so as not to impede pedestrian circulation or on- and off-site traffic movements or movements into or out of parking spaces.
- c. Stacking spaces shall be separated from other internal driveways with raised medians, if deemed necessary by the Planning Commission for traffic movement or safety.

- 8. **Off-Street Loading Space.** Every building or structure hereafter constructed for business or trade use shall provide adequate space for the loading or unloading of delivery vehicles on site. Such space shall have access to a public alley, or if there is no alley, to a public street.

The Central Business and Office Professional districts shall be exempt from the off-street loading space requirements.

District	Minimum Off-Street Loading Space
NB, GB, HB	1 space per 10,000 sf of building
P, ICD	1 space per building

**F. Signs**

1. The purpose of this Section is to create the legal framework for a comprehensive, but balanced, system of signs of all types and thereby to facilitate an easy and pleasant communication between the people and their environment. It is the intention of this Ordinance to regulate the number, location, size, height, and illumination of on-premises signs.
2. The effect of this Section is:
  - a. To allow signs in all commercial zoning districts on a limited basis, subject to the standards and the procedures of this Section;
  - b. To prohibit signs not expressly permitted by this Section; and
  - c. To provide for the administration of the provisions of this Section.
3. **Application and Permits for On-Premise Signs**
  - a. All permanent and temporary on-premise signs shall require a Sign Permit. Permits shall be obtained from the Planning Commission.
  - b. The following On-Premise Signs shall not require a permit:
    - (1) On-Premise Signs which are in the public or community interest and contain no commercial reference. These signs may advertise events of public or community interest that occur off the premises of the commercial establishment. These signs may be placed only with the consent of the property owner. These signs shall also comply with Section 4, On-Premise Sign General Provisions, with regard to visibility and may not be placed on public right-of way.
    - (2) On-Premise Signs, such as safety signs, pedestrian and motor vehicle control signs; signs of historical significance; clocks; flags (including government, political subdivision, or other official designated flags of an institution). These signs may be placed only with the

consent of the property owner. These signs shall, however, otherwise comply with Section 4, On-Premise Sign General Provisions, with regard to visibility and right-of ways.

**4. On-Premise Sign General Provisions**

- a. All On-Premise Signs shall conform to the sign standards provided in the Sign Standards Summary Table unless otherwise excepted in this Section. The sum of all sign faces on a freestanding sign shall not exceed twice the maximum permitted sign area as set forth in this Section or the Sign Standards Summary Table (below).
- b. Freestanding Signs. The area of a sign shall include all lettering, wording, designs and symbols, together with a background, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.
- c. Wall Signs. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
- d. Changeable letter boards may make up no more than 20 percent of the area of a freestanding sign. Letters/numbers shall be no more than 12 inches in height.
- e. No sign shall be erected to obstruct free and clear vision of an intersection and/or traffic signals. No sign may be placed in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility.
- f. All freestanding signs shall be set back a minimum of 10 feet from the edge of pavement. If the principal structure is located less than 10 feet from the edge of pavement, the sign shall be affixed to the flat surface of the building.
- g. Nonconforming businesses shall be allowed to have or to replace existing on-premise signs, except when such signs violate the provisions of this Section.
- h. No On-Premise Sign shall be erected within 25 feet of an abutting Single Family Residential district.
- i. No on-premise signs shall be permitted which exceed the intensity of illumination of 0.5 foot candles above ambient light (0.5 lumens per square foot, 5.382 lux or candelas per square



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meter or comparable measuring unit) measured at five feet above grade at 20 feet from the sign. No sign shall have a flashing light or a light resembling any law enforcement or emergency vehicle light or revolving lights that resemble any traffic light.

- j. No on-premise sign shall contain commercial advertising which is unrelated to the existing use of the property.
- k. Wall or building signs may be placed on the vertical facade or the roof of the building but shall not extend above the roof line and shall be permitted in addition to any other permitted sign except in the office and professional districts.
- l. Temporary signs such as: Banners, pennants, posters, flags (excluding government, political subdivision, or other official designated flags of an institution), fixed balloons, or similar devices shall be permitted if the devices are solely affixed to a window or the principal facade of the building and does not extend above the roof line. These signs shall be permitted in all commercial zoning districts for a 30 day period not to exceed 3 times per calendar year.
- m. The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point of the closest public street right-of-way.
- n. All signs shall be constructed of durable materials such as: high quality plastic, finished metal, stone, brick, decorative block, finished wood or EFIS. Pylon pole covers are encouraged for freestanding pole signs.
- o. All freestanding signs shall be shown on any required landscape plan and site development plan. The area immediately surrounding any ground signs shall be kept cleared of unsightly debris. Landscaping is encouraged in this area, provided that the selected landscape materials will not grow to obscure the sign face or building address.
- p. Electronic Message Display (EMD) Signs shall have a minimum display time of six (6) seconds per message.

**SIGN STANDARDS TABLE 4.6.8.F.4.a**

	NB, CB	GB, HB	OP, P	ICD	LI, HI	IBD
<b>Freestanding Signs Allowed?</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Maximum No.</b>	1	1	1	1	1	1
<b>Maximum Total Sign Face Area (Freestanding)</b>	96 sf	128 sf	64 sf	Per Site Dev Plan	96 sf	Per Site Dev Plan
<b>Maximum Height</b>	15 ft	24ft	10 ft	10 ft	15 ft	15 ft
<b>Structure Type</b>	Pole Pylon or Monument	Pole Pylon or Monument	Monument Only	Monument Only	Pole Pylon or Monument	Monument Only
<b>Wall Signs Allowed?</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Maximum Total Sign Face Area (Wall Signs)</b>	96 sf or 5% of Facade, whichever is greater	96 sf or 10% of Facade, whichever is greater	96 sf or 5% of Facade, whichever is greater	96 sf or 5% of Facade, whichever is greater	96 sf or 10% of Facade, whichever is greater	96 sf or 10% of Facade, whichever is greater

**5. Prohibited On-Premise Signs**

- a. On-premise signs erected, maintained, or continued which cause any interference to sight distance;
- b. Portable signs (signs with no permanent attachment to a building or the ground, including but not limited to, A-frame signs, pole attachments, searchlights, and stands) on wheels or freestanding, shall not be allowed permanently on any site;
- c. Banners, posters, pennants, flags (excluding, government, political subdivision, or other official designated flags of an institution), large fixed balloons, or similar devices affixed to any independent support, fence, awning, pump canopy, curbstone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, building, tree, or in or on any portion of any public sidewalk, street, or sign shall be prohibited as permanent on-premise signs.
- d. Signs with externally moving parts or messages are prohibited. Official signs for safety purposes shall be exempt from this restriction.
- e. Roof signs, defined as a sign erected, constructed and maintained wholly upon or over the roof of any building are

prohibited. Mansard roof signs that do not extend above the parapet wall of the roof shall be considered wall signs.

- f. Signs (other than those erected by a governmental agency or required to be erected by a governmental agency or its contractual agent) erected on the right-of-way of any public street, road, or way, or signs overhanging or infringing upon the right-of-way of any public street, road, or way, are prohibited except as specifically provided in this Section.
- g. Signs erected on public property other than signs erected by public authority for public purposes are prohibited.
- h. Signs so located as to prevent free ingress or egress from any door, window, or fire escape are prohibited. No sign shall be attached to a standpipe or fire escape.
- i. Signs that emit any sound, visible or invisible gases, or odor as part of any message.
- j. Signs incorporated into trucks, motor vehicles, trailers and similar equipment bearing advertising visible from off-site and parked at the business location for the intended purpose of advertising a business, service or product, are considered vehicle signs and are prohibited. Delivery and service vehicles or trailers used on a daily basis in conjunction with an on-site business are exempt.
- k. Any sign that is not expressly permitted in section 4.6.8.F is prohibited.
- l. Any off-premise advertising signs are prohibited.
- m. Electronic Message Display (EMD) Signs that have a display time of less than six (6) seconds per message are prohibited. Official signs for safety purposes shall be exempt from this restriction.

**6. Temporary On-Premise Signs**

Temporary Signs such as: banners, posters, pennants, flags (excluding government, political subdivision, or other official designated flags of an institution or business), wind signs, gas, cold air or hot air balloons, streamers, rotating devices, fixed balloons, or similar devices which are not solely affixed to a window or the principal facade, and portable signs on wheels or freestanding shall be permitted in all commercial zoning districts for a 30 day period not to exceed 3 times per calendar year. All temporary on-premise signs shall require a Sign Permit.

7. **Other Permanent On-Premise Signs**

- a. **Historic District.** Signs in any Local Historic District shall require a Certificate of Appropriateness. All on-premise signs shall conform to the sign standards provided in the Sign Standards Summary Table and the Historic Overlay adopted Design Guidelines. The more restrictive standard of the Historic District Overlay or the underlying district shall apply. Electronic Message Display (EMD) Signs are prohibited in the Local Historic Districts.
- b. **Entrance Signs.** No entrance sign shall be internally illuminated. All entrance signs shall be constructed of durable materials. Landscaping is encouraged around entrance signs, provided the selected landscape materials will not grow to obscure sign face. Structural Type and Size. Any entrance sign must be monument type and the maximum sign face shall be 60 square feet total. Maximum height shall be 5 feet. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.

8. **Dangerous, Defective, Destroyed, Damaged, Removed or Abandoned On-Premise Signs.** Signs which are deemed dangerous or defective by the Building Inspector or other authorized Code Enforcement Officer shall be removed at the sole cost and expense of the property owner.

9. **Existing On-Premise Non-Conforming Signs**

- a. **Destroyed, Damaged, Removed, or Abandoned Signs.** Whenever a non-conforming sign collapses, burns, or is removed from its location, it shall not be replaced or reconstructed, except in full compliance with the provisions of this Section. Signs which have been abandoned or which advertise an establishment, service, or product which has not existed or been available at that location for a period of one year shall be removed by the property owner at their sole cost and expense.
- b. Freestanding signs which are not prohibited on-premise signs and in legal existence on the effective date of this Section and not in conformity with the provisions may remain in place and shall be referred to as nonconforming signs. Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations. Routine maintenance is limited to replacement of nuts and bolts, cleaning and painting, or manipulating to level or plumb the device but not to the extent of adding struts or guys for the stabilization of the sign or structure or substantially changing the sign. The routine changing of messages is considered to be routine maintenance but the replacement of new casing/ framing or

additional panels or replacing of facing shall not be considered routine maintenance.

- c. If the sign is destroyed beyond 55 percent of its replacement value, such sign can only be replaced or reconstructed in accordance with the requirements of this Ordinance and the Subdivision Regulations, as well as any recorded subdivision plat or development plan. Any sign which cannot be replaced or reconstructed in compliance with this Section shall be removed by the property owner at owner's sole cost and expense.

10. **Off-Premise Signs.**

Off-Premise Signs, including outdoor or billboard advertising signs are prohibited throughout Boyle County except as Consolidated Shopping Center Signs allowed in Sec. 4.6.8.F.11.

11. **Consolidated Shopping Center Signs**

The following special regulations shall apply to on and off-premise signs for large scale Shopping Centers zoned HB.

- a. **Permitted Areas.** Any Retail Shopping Center (combined retail space of a minimum of 100,000 sf and a minimum of 6 tenants) zoned HB shall be allowed one freestanding identification sign at each entrance into the development from a collector or arterial street provided that:
  - (1) no identification sign shall be spaced closer than 500 feet from another identification sign for the same Shopping Center Development.
  - (2) location of the sign must be within 500 feet of the Shopping Centers Development, and
  - (3) no identification sign shall be placed so as to obstruct the sight distance.
- b. **Maximum Area.** The total area of the sign face for each side of the identification sign shall not exceed 200 square feet.
- c. **Maximum Height of Sign.** The maximum height of the identification sign shall not exceed 30 feet.
- d. **Maintenance and Easement.** No off-premise identification sign shall be permitted before first having established an easement by plat or ownership of the property where the sign is to be located by fee simple absolute for the purpose of location of the sign. Further, said easement must include provisions for the maintenance, landscaping, and removal of the sign.

- e. **Lettering on Identification Sign.** No Consolidated Shopping Center sign shall contain less than twelve (12) square feet in sign face area per panel or contain lettering less than eight inches in height shall be allowed on the identification sign.
- f. **Illumination.** Signs may be illuminated provided such illumination shall be effectively shielded so as to prevent beams or rays of light from being directed at any travel way, or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal. Electronic Message Display (EMD) Signs are prohibited on Consolidated Shopping Center Signs when located off-premise.
- g. **Sign Plan Required.**
  - (1) No Sign Permit for a Consolidated Shopping Center sign may be issued without there having been approved an agreement between the affected property owners providing for the ongoing maintenance, construction standards and plan for locating the on-premise and off-premise signs. Any such agreement shall be in the form to be recorded in the office of the Boyle County Clerk and shall contain provisions requiring it to run with the land for all purposes. Any such agreement shall contain a provision that it cannot be amended or repealed without the prior approval of the Planning Commission.

**G. Outdoor Storage.** Outdoor storage and display shall be allowed in any commercial district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. Such storage shall not include junk, trash, garbage or other general debris. For the purpose of this section, outdoor storage and display shall be broken down into four (4) types, as follows:

- 1. **Type 1: Outdoor Display.** Type 1 Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
- 2. **Type 2: Limited Outdoor Storage.** Type 2 Limited Outdoor Storage shall not exceed 5 percent of the total site area.

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3. **Type 3: General Outdoor Storage.** Type 3 General Outdoor Storage shall not be allowed in commercial districts.
4. **Type 4: Temporary/Seasonal Outdoor Storage.** Type 4 Temporary/Seasonal Outdoor Storage may exceed the limits for Outdoor Storage and shall be limited to a 30 day period no more than 3 times per year.
5. **Exceptions.**
  - a. Vehicles for sale (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section. However, all vehicle storage shall be located on the property and not on public right-of-way.
  - b. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
  - c. Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor storage.
6. **Location of Outdoor Storage and Display.**
  - a. All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
  - b. Outdoor storage and display areas shall be paved and meet all landscaping requirements of the ordinance.
  - c. No outdoor storage or display shall be allowed in required side yard setback.
  - d. Any temporary/seasonal outdoor storage shall not utilize any parking space required for the principal use of the property.
7. **Allowed Storage Table.** The three types of storage shall be allowed in the districts designated in the Table below:

TYPE	NB	GB	CB	HB	OP, P	ICD
Type 1: Outdoor Display	✓	✓	✓	✓	--	✓
Type 2: Limited Outdoor Storage	--	✓	--	✓	--	--
Type 3: General Outdoor Storage	--	--	--	--	--	--
Type 4: Temporary/Seasonal	✓	✓	✓	✓	--	✓

**H. Outdoor Lighting and Speakers.**

1. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.
  - a. **Fixtures.** All light sources shall be concealed within an opaque housing and shall not be visible from any public right-of-way or residential district boundary.
  - b. **Mounting.** Fixtures must be mounted in such a manner that the cone of light does not cross any property line of the site.
  - c. **Illumination Levels.** All site lighting shall be designed so that the level of illumination, measured in footcandles (fc) at any one point meets the standards for the specific use below. Minimum and maximum levels are measured at a single point. Average level is the not-to-exceed value calculated using only the area intended to receive illumination.
  - d. **Canopy Lighting.** Any lighted canopy (fuel sales, automated teller machines, etc.) shall be illuminated with an average 12 fc, a minimum of 2 fc, and a maximum of 20 fc.
  - e. **Commercial Parking Lots.** All commercial parking lots shall be lighted with an average 1.5 fc, a minimum of 0.2 fc, and a maximum of 10 fc.

**I. Height Limit Exceptions.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys and smokestacks.

**J. Accessory Building Standards.** Accessory buildings, except as otherwise permitted by this Ordinance, shall require a Building Permit and shall be subject to the following regulations in all commercial zoning districts.

1. When a corner lot adjoins another lot in the rear which is used for residential purposes, no accessory building or structure shall extend beyond the front of the principal structure or be nearer to the side street than the depth of any required front yard for a dwelling along such side street, again excluding fences 4 feet or less in height.
2. Where the accessory building is structurally attached to the principal building, it shall be subject to, and shall conform to, all regulations of this Ordinance applicable to the principal building.
3. An accessory building may not exceed the height of the principal structure.
4. No detached accessory building shall be located closer than 10 feet to any principal building and may require greater separation when requested by the Fire Marshal.
5. An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not project nearer the side lot line than the minimum side yard required for the main building.



6. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container. Ground level storage units are excluded from the requirement to be permanently affixed to the ground and shall be allowed in commercial districts with appropriate screening as outlined in Sec. 4.6.8.D.
  7. Accessory Apartments are allowed in the Neighborhood Business, Central Business and Public districts. An Accessory Apartment may be attached or detached from the principal structure. The floor area of the an accessory apartment may not exceed 25 percent of the floor area of the principal structure; however, in the Neighborhood Business and Central Business district, the floor area may exceed 25 percent of the principal structure floor area if the apartment(s) is a second or higher story of the principal structure in the Central Business district. Accessory apartments are allowed on lots of record that do not meet the minimum lot area or width standards for the zoning district, but all yard dimensions and other development standards must conform to the district regulations.
- K.** Fences. For the purpose of determining side and rear yard setback, the accessory structure setback shall not apply to fences.
- L.** Solar Panels. Roof-mounted and ground-mounted solar panel systems shall comply with the following:
1. Solar panel systems shall be permitted on the roof of a building provided that the panels located on a front or side roof slope facing any public street do not cause glare or light trespass onto adjoining residential properties.
  2. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.
  3. A ground-mounted solar panel system is not permitted as the primary use of a property.
  4. Ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures.
  5. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by generators shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

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**M.** No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.

**N. Horizontal Property (Condominium)**

1. The intent and application of this Ordinance is to implement and reaffirm the Horizontal Property Law of Kentucky (KRS 381).
2. A master deed or lease or floor plans meeting the standards set forth in KRS 381 shall not be filed in the Office of the Boyle County Clerk without having first been reviewed and approved by the Planning Commission.
3. The maximum permitted overall densities and floor area ratios and the minimum outdoor area, living space, and recreation area ratios shall be controlled by the zoning district classification in which the project is located.
4. The establishment, expansion or diminution of a horizontal property regime shall be subject to review and approval by the Planning Commission in the same manner as approval of a Site Development Plan.

**SEC. 4.7 INDUSTRIAL AND MIXED-USE DISTRICTS**

**4.7.1 Light Industrial District (LI)**

The Light Industrial District is intended to provide areas segregated for industrial use where processes and equipment employed and goods processed are limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

**4.7.2 Heavy Industrial District (HI)**

The Heavy Industrial District is intended to provide opportunities for the development of industry which may have significant external impacts due to noise, glare, heat, odor, dust, vibration or hazardous materials.

**4.7.3 Industrial Business Development District (IBD)**

The Industrial Business Development District is intended to provide attractive and viable environment for businesses and residents in Boyle County. This district promotes larger-scale industrial, business and mixed-use developments. The Industrial Business Development District encourages high-quality site design that is better planned, contains more amenities and is more desirable to live and work in and, provides substantial benefits to the community and environment.

**4.7.4 General Industrial Development Standards**

**A. Uses.** Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.

**B. Property Development Standards.**

1. Development in each District shall comply with the industrial development standards in the following table:

	<b>LI</b>	<b>HI</b>	<b>IBD</b>
<b>Lot Area</b> (minimum) Public Sewer Septic System	5,000 sf N/A*	5,000 sf N/A*	217,800 sf N/A*
<b>Lot Width</b> (min at bldg line)	50 ft	50 ft	100 ft
<b>Lot Frontage</b> (minimum)	50 ft	50 ft	50 ft
<b>Lot Coverage</b> (maximum)	90%	90%	80%
<b>Setback</b> (minimum) Front Yard Side Yard Rear Yard	25 ft 0 ft 0 ft	25 ft 0 ft 0 ft	25 ft 0 ft 0 ft
<b>Height</b> , (maximum)	100 ft	100 ft	100 ft
<b>Residential Uses Allowed?</b>	No	No	Yes

*\* In the case of Merchant Electric Generating Facilities, where no plumbing is installed, public sewer shall not be required, and the Lot Area minimums for parcels on public sewer shall apply, along with all other Development standards set out above. This exception from the sewer requirement shall not apply to other uses in the Industrial and Mixed-Use Districts. Any subsequent use that requires the installation of plumbing shall require connection to public sewer.*

2. **Minimum Lot Area Above 100-Year Flood Level Required.** No lot served by public sanitary sewer shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.
  3. **Measurement of Lot Coverage.** Lot coverage shall include all areas of the lot covered by buildings, structures (including accessory structures), patios, walkways, travelways, and parking areas, including gravel parking areas. Lot coverage does not include pervious material or similar permeable paving material. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.
- C. Additional Setback Adjacent to Residential District/ Use.** Development in any industrial district adjacent to the boundary of a residential zoning district or a residential use shall require the following setback:
1. The LI District shall require a 25-foot side and a 50-foot rear yard where abutting a residential district/use.
  2. The HI District shall require a 50-foot side and rear yard where abutting a residential district/use.
  3. The IBD District shall require a 50-foot side and rear yard where abutting a residential district/use.
- D. Landscaping.** All industrial development shall comply with the minimum landscaping standards as set forth in the Commercial Development Standards in Section 4.6.8.D.
- E. Off-Street Parking and Loading.** Off-street vehicle storage or parking space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley.
1. **Required Spaces.** The following are minimum requirements for specific industrial uses. See specific use chart in 4.6.8.E for other parking requirements in the Industrial District. All measurements utilizing square feet shall be square feet of gross floor area unless otherwise expressly stated. Combined uses shall be required to provide parking equal to the total requirements for the individual uses.

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Where necessary, calculations shall be based on Kentucky Building Code Occupancy load requirements.

Industrial Use	Spaces Required
Industrial Plant	1 space per employee, maximum shift
Wholesale, Storage or Warehousing	1 space per employee, maximum shift
Industrial Service	1 space per 300 square feet
All other Industrial Uses	See Sec 4.6.8.E

2. **Computation and Design.** All parking required under this Section shall comply with Section 4.6.8.E. of the Commercial Development Standards with regard to computing parking requirements, alternative parking study, parking space design, off-site parking, and shared parking.
3. **Parking Surface.** Drives and parking areas must be paved with concrete, asphalt, brick pavers, pervious material or similar permeable paving material.
4. **Alternative Parking Surface.** At the time of the filing of any application for a Building Permit or Zoning Permit, the Parking Surface Standards for truck and heavy equipment parking areas, only, in the Light Industrial (LI), Industrial Business District (IBD) and Heavy Industrial (HI) districts may be permissible with the following conditions:
  - a. Truck and Heavy Equipment parking areas utilizing an alternative parking surface must not extend beyond the front of the principal structure and shall not be visible from any public right-of-way or adjoining residential use.
  - b. Truck and Heavy Equipment parking areas utilizing an alternative parking surface may not be located within designated building setback areas and must meet all landscape requirements of the Zoning Ordinance.
  - c. Alternative parking surfaces shall not exceed the maximum permitted lot coverage in the Light Industrial (LI), Industrial Business District (IBD), or Heavy Industrial (HI) zoning districts.
  - d. Truck and Heavy Equipment parking areas utilizing an alternative parking surface shall conform to the Stormwater Management Program and must be designed and constructed so as to direct stormwater runoff to the appropriate drainage facility.
5. **Off-Street Loading Space.** Every building or structure hereafter constructed for business or trade use shall provide adequate space for the loading or unloading of delivery vehicles on site. Such space shall have access to a public alley, or if there is no alley, to a public street.

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District	Minimum Off-Street Loading Space
LI, HI	1 space per each 20,000 sf of building.

6. **Signs.** All signs in the Industrial Districts shall comply with Section 4.6.8.F. of the Commercial Development Standards.
7. **Outdoor Storage.** Outdoor storage and display shall be allowed in any industrial district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. Such storage shall not include junk, trash, garbage or other debris. For the purpose of this section, outdoor storage and display shall be broken down into four (4) types, as follows.
  - a. **Type 1: Outdoor Display.** Type 1 Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
  - b. **Type 2: Limited Outdoor Storage.** Type 2 Limited Outdoor Storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater) in addition to any Type 1 Outdoor Display on the site.
  - c. **Type 3: General Outdoor Storage.** Type 3 General Outdoor Storage shall be allowed in unlimited quantity, subject only to the location restrictions below.
  - d. **Type 4: Temporary/Seasonal Outdoor Storage.** Type 4 Temporary/Seasonal Outdoor Storage may exceed the limits for Outdoor Storage but shall require a permit from the Building Inspector and shall be limited to a 30 day period no more than 3 times per year.
  - e. **Exceptions.**
    - (1) Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
    - (2) Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor.
  - f. **Location of Outdoor Storage and Display.**
    - (1) All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.

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- (2) No outdoor storage or display shall be allowed in required side yards.
- (3) Any temporary/seasonal outdoor storage shall not utilize any parking space required for the principal use of the property.

g. **Allowed Storage Table.** The three types of storage shall be allowed in the districts designated in the Table below:

<b>TYPE</b>	<b>LI, HI</b>	<b>IBD</b>
Type 1: Outdoor Display	✓	✓
Type 2: Limited Outdoor Storage	✓	✓
Type 3: General Outdoor Storage	✓	--
Type 4: Temporary/Seasonal Storage	✓	✓

**F. Outdoor Lighting and Speakers.**

- 1. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.
  - a. **Fixtures.** All light sources shall be concealed within an opaque housing and shall not be visible from any public right-of-way or residential district boundary.
  - b. **Mounting.** Fixtures must be mounted in such a manner that the cone of light does not cross any property line of the site.
  - c. **Illumination Levels.** All site lighting shall be designed so that the level of illumination, measured in footcandles (fc) at any one point meets the standards for the specific use below. Minimum and maximum levels are measured at a single point. Average level is the not-to-exceed value calculated using only the area intended to receive illumination.

**G. Height Limit Exceptions.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys or smokestacks.

**H. Accessory Building Standards.** Accessory buildings, except as otherwise permitted by this Ordinance, shall require a Building Permit and shall be subject to the following regulations in all industrial zoning districts.

- 1. Where the accessory building is structurally attached to the principal building, it shall be subject to, and shall conform to, all regulations of this Ordinance applicable to the principal building.

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2. No detached accessory building shall be located closer than 10 feet to any principal building and may require greater separation when requested by the Fire Marshal.
3. An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building.
4. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container. Ground level storage units shall be exempt from the requirement to be permanently affixed and shall be allowed in industrial districts with appropriate screening as outlined in 4.6.8.D.
5. Fences. For the purpose of determining side and rear yard setback, the accessory structure setback shall not apply to fences.
6. Solar Panels. Roof-mounted and ground-mounted solar panel systems are permitted in all industrial districts.
7. No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.



**SEC. 4.8 SPECIAL PURPOSE DISTRICTS**

**4.8.1 General Flood Plain District (F)**

**A. Land to Which Flood Plain Designation Applies.** All lands determined to:

1. Be inundated by a storm event equal to a 100-year return period or included in the area inundated by the 100-year flood.
2. Be subject to inundation by directed runoff from short return period events.
3. The originally designated areas shall include those areas shown on either the Flood Insurance Studies for areas in Boyle County prepared by the Federal Emergency Management Administration (FEMA) or as is from time to time amended and the Flood Hazard Boundary Maps and Flood Insurance Rate Maps (FIRM) contained therein or U.S. Soil Conservation Services, Soils Maps.
4. Nothing contained herein shall prohibit the application of these regulations to lands which can be certified to the Commission by a Kentucky registered professional engineer to lie within any area subject to periodic flooding, impaction by storm drainage or containing an opening into a subterranean water channel.

**B. Permitted Structures.** No principal or accessory structures shall be permitted within any area designated as a part of a Flood Plain District. Structures located on lots partially included within the Flood Plain District shall be permitted provided they are located outside of the limits of the Flood Plain District and the first floor and basement floor are at least 1.5 feet above the regulatory flood-projection elevation and is utilized in conjunction with a permitted use carried on within the adjacent district. The area designated as Flood Plain District may be used to meet yard and setback requirements of adjoining districts for lots owned under single ownership.

**C. Permitted Uses.** The following open space uses shall be permitted provided they do not require structures or fill or cause obstruction of flood flows or restrict the capacity of the channel or floodways of any main stream, tributary, or any other drainage facility or structure or cause erosion and are used in conjunction with a permitted use carried on within an adjacent district on lots owned under single ownership.

1. **Agriculture Uses:** General farming, outdoor plant nurseries, sod farming, animal brooding and breeding, wild crop farming, apiary, crops, dairy, forestry, livestock, orchards, poultry, pasture, grazing, horticulture, viticulture and truck farming, detention basins, and ponds or lakes.
2. **Residential Uses:** Lawns, play areas, and gardens.

3. **Public Uses:** Arboretum or botanical garden, recreation uses, nursery including agriculture and florists, detention basins, ponds or lakes, and hiking and horseback riding trails, playgrounds both public and private, airplane beacons and markers, zoological gardens, marinas, boat rentals, docks, piers, wharfs and boat ramps.

**D. Standards for All Uses in District**

1. **All Uses:** No fill (including fill for roads), deposit, obstruction, storage of materials or equipment, or other use may be allowed which, acting alone, or in combination with existing or future uses, would cause any decrease in the capacity of the floodway or would cause any increase in flood heights, cause erosion or obstruction of water course, natural drainage crevices, sinkholes, ditches and known subterranean water channels. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the watercourse.
  - a. **Fill:** Any fill or material proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, nor will it cause any increase in the flood heights. These conditions must be demonstrated by a plan submitted by the owner and prepared by registered engineer showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials and how such fill will be placed and compacted.
  - b. **Storage of Material and Equipment:** The storage or processing of materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
  - c. **Other General Standards:** Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork, and other service facilities shall be located at least 1.5 feet above the regulatory flood-projection elevation. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters. On-site waste disposal systems shall be located outside the base flood elevation and constructed so as to avoid impairment to them or contamination from them during flooding.

**SEC. 4.9 OVERLAY DISTRICTS**

**4.9.1 Historic Overlay District**

**A. Purpose and Intent.**

1. To maintain and preserve the unique historic and architectural characteristics of areas and buildings having special or distinctive features or having special historic, architectural, aesthetic or cultural interest and value to the community, state and nation.
2. To establish standards to review the rehabilitation of existing structures and new construction to ensure that it is compatible with the character of the historic district and discourage growth or alterations that will negatively impact the historic character of the districts.
3. To protect historic buildings and districts in Danville in order to maintain one of the county's principal economic development and heritage tourism resources.
4. To enhance the appeal of Danville's historic neighborhoods as distinctive areas and to enhance property values within these Districts.
5. To encourage and promote the public health, safety and general welfare of the citizens of Danville by ensuring that changes in the designated districts enhance the historic qualities that are enjoyed by all members of the community and which makes the area a special place in which to live and work.

**B. Description of the Area.** Local Historic Districts and Local Historic Sites designated as part of the Historic Overlay District requiring review from the Danville Architectural Heritage Board:

**C. Permitted Uses.** Except as prohibited in item D below, uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.

**D. Prohibited Uses.** The following uses are expressly prohibited in the following areas of the Historic Overlay District:

1. Adult Entertainment Establishments;
2. Eating Establishments with Drive-Thru;
3. RV Parks and Campgrounds;
4. Indoor Firing Ranges;
5. Fuel Stations;
6. Vehicle or Equipment Sales;
7. Group Living;

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- 8. Vehicle Repair;
- 9. Other Limited Vehicle Service; or
- 10. Telecommunications Tower.

- E. Historic Overlay Standards, Secretary of the Interior’s Standards and Guidelines for the Rehabilitation of Historic Properties.** The Historic Overlay shall include General Development Standards adopted as outlined in Section 3.12 and may also incorporate other Local Standards, the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties as applicable, as well as the Secretary of the Interior’s Guidelines on Sustainability for Rehabilitating Historic Buildings.
  
- F. Redevelopment of Existing Site.** It is recognized that certain properties in the Historic Overlay District were developed prior to incorporation and/or adoption of technical and development standards for the district. When an existing site is redeveloped as defined in Article 6, the site shall be brought into conformance with the technical and development standards of this district to the greatest extent feasible or possible.
  
- G. Relationship to zoning.** The property in a historic district shall be subject to the zoning article and subdivision regulations and other rules of its underlying zoning district. A landmark shall be subject to the zoning article and subdivision regulations and other rules of its zoning district. When there is a conflict between this article and the zoning article or subdivision regulations, the higher standard shall govern. Upon establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and shall also conform to all historic overlay district regulations.

**4.9.2 Airport Overlay District**

The Airport Overlay District outlines the area within proximity of the Boyle County Airport that is under the jurisdiction of the Kentucky Airport Zoning Commission (KAZC). The underlying zoning is governed by this ordinance; however, there may be additional restrictions on development in this area placed by the KAZC. Any person developing property in this area should consult with KAZC in addition to all approvals necessary under this ordinance.