

ARTICLE 5 USE REGULATIONS

SEC. 5.1 USE TABLE

The table on the following pages lists the uses allowed within zoning districts.

5.1.1 Use Categories

All of the Use Categories and Specific Use Types listed in the following Use Table are explained in Section 5.2, Use Categories, additionally Section 5.2 includes any Exceptions or Specific Use Standards for the uses contained in the Use Table.

5.1.2 **P** Uses Permitted By-Right

A “P” indicates that a use category is allowed by-right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this Zoning Ordinance.

5.1.3 **C** Conditional Uses

A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the Conditional Use Permit procedures of Section 3.8, Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance.

5.1.4 **P*** or **C*** Uses Subject to Specific Conditions

A “P” or a “C” that is accompanied by the symbol “*” indicates that the listed use type is subject to use-specific conditions. The standards are listed in each category in Section 5.2.

5.1.5 **■** Uses Not Allowed

A blank or empty cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance. Any use not allowed is deemed prohibited.

5.1.6 New or Unlisted Uses

If an application is submitted for a use type that is not listed in the use table, the Planning Commission Director shall be authorized to make a similar use interpretation based on the use category descriptions of Section 5.2, Use Categories, and the similar use interpretation criteria of Section 5.2B. If the Director determines that the proposed use does not fit any of the use category descriptions of Section 5.2, no similar use interpretation shall be made. The Director shall make a determination as to the use category for the application which has been made.

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AG (Agriculture) RR (Rural Residential) R1 (Single Family Residential) RM-2 (Two Family Residential) RM-3 (Multi-Family Residential) RM-4 (Multi-Family Residential)		NB (Neighborhood Business) GB (General Business) CB (Central Business) HB (Highway Business) OP (Office and Professional) ICD (Institutional Campus Development)							P (Public) LI (Light Industrial) HI (Heavy Industrial) IBD (Industrial Business Development) HD (Historic Overlay)										
Use Category	Page #	Specific Use Type	A G	R R	R 1	R M 2	R M 3	R M 4	N B	G B	C B	H B	O P	I C D	P	L I	H I	I B D	H D
P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																			
RESIDENTIAL (See Section 5.2.2)																			
Household Living	5-7	Single Family Detached	P	P	P	P	P	P	P	P	P		P	P					P
	5-7	Single Family Attached			P	P	P	P											P
	5-7	Multi-Family				P	P	P		P	P			P				P	P
	5-8	Home Office/ Occupation	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*						P
	5-8	Accessory Apartment	P*	P*	P*				P*		P*		P*		P*				P
Group Living	5-10	Fraternity/ Sorority												P*					
	5-10	All Other Group Living Facilities	C					C	P		P	C	P	C		P			P
INSTITUTIONAL (See Section 5.2.3)																			
College	5-11										P	P	P	P	P				P
Community Services	5-11		C				C	C	C	P	P	P	P	P	P				P
Day Care	5-12		C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*				P*
Detention Facility	5-13							C		C	C	P			P	P	P		
Health Care Facility	5-14								P	P	P	P	P	P	P				P
Parks and Open Areas	5-14		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institution	5-15		C	C	C	C	C	C	P	P	P	P	P	P					P
Safety Services	5-15		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School	5-16		C	C	C	C	C	C	C	P	P	P	P	P	P				P
Utilities, Basic	5-16		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P

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P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																					
COMMERCIAL (See Section 5.2.4)																					
Eating Establishment	5-19	No Drive-Through							P*	P*	P*	P*							P	P	
		With Drive-Through							C*	P*	P*	P*							P		
		Bar /Lounge w/ Restaurant							C*	P*	P*	P*							P	P	
	5-19	Craft Beverage Production w/ Restaurant							C*	P*	P*	P*					P*		P	P	
Office	5-20							P	P	P	P	P	P	P	P	P	P	P	P		
Overnight Accommodation	5-21	B&B/ Short Term Rental (Cities of Danville, Junction City, Perryville)	P*	C*	C*	C*	P*	P*	P*	P*	P*	P*								P	
	5-21	B&B/Short Term Rental (Unincorporated Area of Boyle County)	C*			C*	P*	P*	P*	P*	P*	P*								P	
		Hotel, Motel, Inn, Extended Stay Facility								P	P	P							P	P	
	5-24	Recreational Vehicle Park	C*									P*									
Parking, Commercial	5-25								P	P	P	P	P	P	P	P	P	P	P		
Recreation and Entertainment	5-27	Active Outdoor	C							P		P	P	P	P	P					
		Passive Outdoor	P*							P*		P*	P*	P*							
		Indoor								P	P	P	P	P	P				P		
		Sportsmen's Farms, Firearm Ranges	C*														P*	P*			
		Entertainment Event, Major	C									P			P						
Retail Sales and Service	5-29	Animal Hospital, Kennel or Veterinarian	C*							P*	C*	P*			P*	P*			P*		
		Adult Retail or Entertainment										P*					P*	P*			
		Bar or Lounge								P	P	P					P		P		
		Greenhouse or Nursery	P*							P*		P*	P*	P*	P*	P*	P*				
		Animal or Poultry Sales	C*														P*	P*			
		Retail up to 5,000 s.f.								P*	P*	P*	P*					P*		P*	P
		Retail over 5,000 s.f.								P*	P*	P*	P*					P*		P*	P
		Retail with DriveThrough or Pick Up Window								C*	P*	P*	P*					P*		P*	

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P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																				
Retail Sales and Service (con't)	5-29	Retail Shopping Center up to 50,000 s.f.								P*	P*	P*						P*	P	
		Retail Shopping Center over 50,000 s.f.								P*		P*						P*		
		Other Retail Sales and Service								P*	P*	P*	P*				P*		P*	P
		Vehicle & Heavy Equip. Sales											P*				P*	P*	P*	
		Manufactured & Mobile Home Sales											P*				P*	P*		
Self-Service Storage	5-33									P*	P*	P*				P*	P*	P*		
Vehicle Repair	5-33									P		P				P	P			
Vehicle Service, Limited	5-34	Fuel Stations or Sales								P*	P*	P*	P*				P*	P*		
		Other Limited Vehicle Service									P		P				P	P	P	
INDUSTRIAL (See Section 5.2.5)																				
Industrial Service	5-35	Light														P	P	P		
		Heavy																P	P	
		Fuel Stations Heavy (Truck Stop)															P*	P*		
Manufacturing and Production	5-36	Light														P*	P*	P*		
		Heavy																P*	P*	
		Concrete Batch Plant															P	P	P	
		Mulch/Wood Operations	C														P	P		
Above Ground Storage Tanks	5-38		P*													P*	P*			
Warehouse and Freight Movement	5-38	Storage or Movement of Goods														P	P	P		
	5-39	Storage of Explosives, Ammunition, etc																C*		
Waste-Related Use	5-39	Landfill, C & D Debris Landfill	C															C		
	5-39	Recycling or Transfer Station																P		
	5-39	Land Farming	C*															C*		

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P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																				
Wholesale Sales	5-39												P				P	P	P	
Medical Cannabis Facilities	5-40	Tier I-Tier II Cultivator	P*														P*	P*	P*	
		Tier III-IV Cultivator	C*															P*	P*	P*
		Cannabis Dispensary											P*					P*	P*	P*
		Cannabis Processor																P*	P*	P*
		Cannabis Producer																P*	P*	P*
		Cannabis Safety Compliance Facility																P*	P*	P*
OTHER (See Section 5.2.6)																				
Agriculture	5-43	Farming Crop and Livestock Production (Cities of Danville, Junction City, Perryville)	P																	
		Farming Crop and Livestock Production (Unincorporated Area of Boyle County)	P															P	P	P
		Confined Animal Feeding Operation, Livestock Auction	P*																P*	
		Roadside Stand	P*								P*		P*							
		Agritourism Uses permitted under KRS 247.800	P*								P*		P*							
		Limited Meat or Poultry Processing	C*																	P*
Aviation, Surface Passenger Terminals	5-46	Light Aviation	C*												P*	P*	P*	P*		
		Commercial Aviation	C*												P*	P*	P*	P*		
		Ground Transportation									P		P			P	P		P	
Burial Related Use	5-47	Commercial Cemeteries and Crematories	C*							P*	P*	P*					P*	P*		
Merchant Electric Generating Facility	5-47	Wind or Solar Electricity Generating Facility (Cities of Danville, Junction City, Perryville)	P*														P*	P*	P*	
		Wind or Solar Electricity Generating Facility (Unincorporated Area of Boyle County)																P*	P*	P*

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AG (Agriculture)		NB (Neighborhood Business)		P (Public)															
RR (Rural Residential)		GB (General Business)		LI (Light Industrial)															
R1 (Single Family Residential)		CB (Central Business)		HI (Heavy Industrial)															
RM-2 (Two Family Residential)		HB (Highway Business)		IBD (Industrial Business Development)															
RM-3 (Multi-Family Residential)		OP (Office and Professional)		HD (Historic Overlay)															
RM-4 (Multi-Family Residential)		ICD (Institutional Campus Development)																	
Use Category	Page #	Specific Use Type	A G	R R	R 1	R M 2	R M 3	R M 4	N B	G B	C B	H B	O P	I C D	P	L I	H I	I B D	H D
P = Permitted Use C = Conditional Use * = Specific Use Standards Apply																			
Mining and Pipelines	5-50	Mine, Quarry, Borrow Pit															P*	P*	P*
	5-50	Oil or Gas Production, Storage	P*														P*	P*	
	5-51	Hazardous Liquids Pipelines (New or Converted)	P*														C*	P*	C*
Telecommunications Facilities	5-54	Telecommunications Support Structure	P*							P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
		Telecommunications Facility (attached)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
TEMPORARY USES (See Section 5.3)																			
Temporary Use	5-56		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*

SEC. 5.2 USE CATEGORIES

5.2.1 Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

A. Principal Uses. Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

1. **Developments with Multiple Principal Uses.** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
2. **Accessory Uses.** Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common

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accessory uses are listed as examples in the use category descriptions.

3. **Use of Examples.** The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself.

B. Similar Use Interpretation Criteria. The following considerations may be used in making similar use interpretations.

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. How the use advertises itself;
11. Parking needs;
12. Noise level, odor, dust, vibrations, or smoke generated; and
13. Utility use.

5.2.2 Residential Use Categories

A. Household Living

1. **Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging (see the Overnight Accommodations and Community Service categories).

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2. **Accessory Uses.** Accessory uses commonly associated with Household Living are recreational activities, raising of pets (including non-commercial kennels), hobbies, parking of the occupants' vehicles, certain home occupations and accessory apartments as defined in Article 4 of this ordinance.
3. **Examples.** Uses include living in houses, duplexes, triplexes, fourplexes, other multi-dwelling structures, manufactured housing and other structures with self-contained dwelling units.
4. **Exceptions.**
 - a. Lodging uses, including Short Term Rental and Bed and Breakfast uses where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the Overnight Accommodations category.
5. **Specific Use Standards.**
 - a. Home Offices meeting the following standards are permitted as accessory uses by right in agriculture and residential districts:
 - (1) No signage;
 - (2) No additional parking;
 - (3) Must be clearly incidental to the principal use of the residence;
 - (4) Operated by and employs only residents of the property;
 - (5) No on-premise merchandise storage;
 - (6) No customer/clientele/public visits to the home office; and
 - (7) Must maintain residential character of the property.
 - b. Home Occupations permitted only after first obtaining a Conditional Use Permit include:
 - (1) Academic Tutoring;
 - (2) Music Lessons;
 - (3) Catering, Baking or Home-Based Processor (products limited under the Kentucky Cottage Food Law);

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- (4) Child Care (3 to 6 children);
 - (5) Sewing/Alterations;
 - (6) Personal Services such as: hair salon, nail salon, cosmetologist and associated massage therapy;
 - (7) Family Owned and Operated Limited Contractor-Related Services (only in the Agricultural District of at least five (5) acres in size) such as: general contractor, specialty contractor, lawn care or landscaping services and equipment excavation services; or
 - (8) Limited Hobby-Making such as: art studio, photography studio, woodworking and craft-making.
- c. Home occupations listed in 5.2.2.A.5.b. shall meet the following standards:
- (1) Operated by and employs only persons residing on the premises;
 - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
 - (3) No more than one Conditional Use Permit shall be granted per premises;
 - (4) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation;
 - (5) There may be limited sales on the premises in connection with such home occupation;
 - (6) No traffic shall be generated by such home occupation in greater volumes than would be expected in residential neighborhood;
 - (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interferences, outside the dwelling unit;

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- (8) Additional parking or other items may be required as a condition granted by the Board of Adjustment; and
 - (9) A Change of Use Zoning Permit is required prior to commencement of the business.
- d. For the keeping of any Non-Commercial Kennel or domestic pets such as a dog or cat, an Outdoor Pet Containment Area shall be required in the unincorporated area of Boyle County, in the RR and R1 zoning classifications. For the purposes of this standard, an Outdoor Pet Containment Area shall mean animals shall remain on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead, leash, harness, appropriate animal carrier or other reasonable method and under the control of a responsible person.

B. Group Living.

- 1. **Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training or treatment, as long as the care givers also reside at the site.
- 2. **Accessory Uses.** Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.
- 3. **Examples.** Examples of Group Living include dormitories; fraternities and sororities; monasteries and convents; group homes for the physically or mentally disabled; some residential programs for drug and alcohol treatment; halfway, alternative or post-incarceration facilities; transitional homes; and some rooming/boarding houses.
- 4. **Exceptions.**
 - a. Lodging where tenancy may be arranged for periods of less than 30 days is to be considered a hotel or motel use and classified in the Overnight Accommodations category.
 - b. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.

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5. **Specific Use Standards.** Fraternities/Sororities are allowed only in the Institutional Campus Development District and must comply with all requirements of that District.

5.2.3 Institutional and Civic Use Categories

A. Colleges and Institutions of Higher Learning.

1. **Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.
2. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and supporting commercial operations.
3. **Examples.** Examples include universities, liberal arts colleges, community colleges, public vocational-technical schools, nursing and medical schools not accessory to health care facilities and seminaries.
4. **Exceptions.** Personal service-oriented instruction (martial arts, dance, music) are classified as Retail Sales and Service.

B. Community Services.

1. **Characteristics.** Community Services are uses of a public, nonprofit or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time. The use may provide special counseling, education or training of a public, nonprofit or charitable nature.
2. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.
3. **Examples.** Examples include the following public or nonprofit uses: libraries, museums, senior centers, community centers, swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, cemeteries, columbarium and mausoleums.
4. **Exceptions.**

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- a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service.
- b. Commercial museums are classified as Retail Sales and Service.
- c. Parks are classified as Parks and Open Areas.
- d. Commercial cemeteries, columbarium, storage vaults mausoleums and crematories are classified as Burial Related Use.

C. Day Care.

- 1. **Characteristics.** Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Eligible facilities shall have proper license from the Kentucky Cabinet for Families and Children.
- 2. **Accessory Uses.** Accessory uses include offices, recreation areas and parking.
- 3. **Examples.** Examples include preschools, child care centers, nursery schools, latch key programs and adult day care programs.
- 4. **Exceptions.** Day Care does not include public or private schools or facilities operated in connection with shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.
- 5. **Specific Use Standards.** Child care centers, nurseries, day care centers, kindergartens or any facility or operation providing adult or child care, guidance or supervision for which a license is required from the Kentucky Cabinet for Families and Children, with the exception of religious organizations providing child care, guidance or supervision while religious services are being conducted or to kindergarten programs operated as a part of a public educational system require compliance with the following requirements:
 - a. The lot shall contain a minimum open space area as required by the Kentucky Cabinet for Health and Family Services;
 - b. A solid wall or adequate security fence not less than 6 feet high is maintained along all interior lot lines which separate play areas from adjacent properties and parking areas. Outdoor play areas shall be contiguous with the building so children can safely walk from the

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building to the play area. Outdoor play area which lies within or adjoins a residential district shall be buffered by landscaping or a solid privacy fence. The Board of Adjustments, if applicable, may set hours or otherwise limit outdoor play times for any facility located within a residential district or adjacent to a residential structure;

- c. A letter from the fire marshal and the Kentucky Cabinet for Families and Children, or their successor agency certifying that the use complies with the requirements of that agency. This documentation must be supplied to the Planning Commission prior to issuance of a Certificate of Occupancy by the Building Inspector;
- d. Adequate and safe on-site parking, loading and unloading areas and driveways providing for safe ingress and egress with backing into the street specifically prohibited;
- e. If the proposed use will be located within any agriculture or residential district, then the structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign); and
- f. All buildings and structures shall conform to the requirements of the zoning district in which they are located. Signage shall be limited as outlined by each Use Category in Article 4.

D. Detention Facilities.

- 1. **Characteristics.** Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.
- 2. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.
- 3. **Examples.** Examples include prisons, jails, probation centers, supervised or court-ordered halfway homes and juvenile detention homes.
- 4. **Exceptions.**
 - a. Programs that provide care and training or treatment for psychiatric, alcohol or drug problems, where patients are residents of the program, but where

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patients are not supervised by sworn officers are classified as Group Living.

- b. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.
- c. Home incarceration is considered Household Living.

E. Health Care Facilities.

- 1. **Characteristics.** Health Care Facilities include uses providing medical or surgical care to patients and offering overnight care.
- 2. **Accessory Uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
- 3. **Examples.** Examples include medical centers, hospitals outpatient surgery centers, nursing homes, convalescent homes, hospices, and assisted living facilities.
- 4. **Exceptions.**
 - a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are classified in the Group Living category.
 - b. Medical clinics or offices that provide care where patients are generally not kept overnight are classified as Offices.
 - c. Urgent care and walk-in treatment centers are classified as Retail Sales and Service.

F. Parks and Open Areas.

- 1. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens or public squares. Lands tend to have few structures.
- 2. **Accessory Uses.** Accessory uses may include play equipment, restrooms, trails and gardens.
- 3. **Examples.** Examples include parks, public squares, recreational trails, botanical gardens, and nature preserves.
- 4. **Exceptions.**

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- a. Golf courses are considered Recreation and Entertainment.
- b. Public or nonprofit Cemeteries are considered Community Services.
- c. Lighted outdoor and other active recreation use are classified as Recreation/Entertainment.

G. Religious Institutions.

- 1. **Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.
- 2. **Accessory Uses.** Accessory uses include Sunday School facilities, parking, cemetery, caretaker's housing, and residential living facilities such as a convent, abbey, or parsonage.
- 3. **Examples.** Examples include churches, temples, synagogues mosques, monasteries and convents.
- 4. **Exceptions.**
 - a. Preschools are classified as Day Care uses.
 - b. Schools are classified as Schools.
 - c. Lighted outdoor athletic fields are classified as Recreation/Entertainment.

H. Safety Services.

- 1. **Characteristics.** Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
- 2. **Accessory Uses.** Accessory uses include offices and parking.
- 3. **Examples.** Examples include fire stations, police stations, 911 centers, emergency medical service and ambulance stations.
- 4. **Exceptions.**
 - a. Private security guards are classified as personal service oriented Retail Sales and Service.
 - b. Vehicle towing is classified as Vehicle Repair.

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I. Schools.

1. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high or high school level that provide state-mandated basic education.
2. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, before- or after-school day care, and greenhouses.
3. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
4. **Exceptions.**
 - a. Preschools are classified as Day Care uses.
 - b. Business and trade schools are classified as Retail Sales and Service.
 - c. Personal service-oriented instruction is classified as Retail Sales and Service.

J. Utilities, Basic.

1. **Characteristics.** Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be public or privately provided.
2. **Accessory Uses.** Accessory uses may include parking and control, monitoring, data or transmission equipment.
3. **Examples.** Examples include water and sewage pump stations, electrical substations, water towers and reservoirs, storm water retention/detention facilities, radio transmission facilities, and telephone exchanges.
4. **Exceptions.**
 - a. Services where people are generally present are classified as Community Services, Offices or Safety Services.
 - b. Utility offices where employees or customers are generally present are classified as Offices.
 - c. Bus barns are classified as Warehouse and Freight Movement.

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- d. Telecommunications structures are classified as Telecommunication Facilities.
- e. Utility storage facilities are classified as Warehouse and Freight Movement.

5. Specific Use Standards

- a. **Transmission Towers and Accessory Facilities.** The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities in the Agriculture, Commercial and Industrial zoning districts. Transmission towers and accessory facilities in legal existence on the effective date of this Zoning Ordinance that are not in conformity with this section may remain in place. Unless otherwise permitted by this Zoning Ordinance, no new transmission tower or accessory facility may be erected or constructed unless all provisions of this Section and the requirements of the Kentucky Public Service Commission are met.

- (1) **Exceptions.** An antenna and supporting structure for the following uses are permitted in any zoning district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated and are otherwise permitted by law:

- (a) Amateur radios.
- (b) Citizen band radios.
- (c) A telecommunication device that only receives radio frequency signals.
- (d) Portable, hand-held, and vehicular transmissions.
- (e) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC.
- (f) Transmission towers used for remote control of municipal or public facilities.
- (g) Low power (100 watts or less) Transmission towers.

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- (2) **Minimum Location Standards.** The following minimum standards shall be met in the approval of a Building and Zoning Permit:
- (a) All self-supporting transmission towers will be setback from the property line on which it is located 60 percent of the overall height of the transmission tower;
 - (b) All guyed transmission towers will be setback from the property line on which it is located 60 percent of the overall height of the transmission tower;
 - (c) Transmission tower accessory facilities shall comply with the setback standard in the adjacent zoning district;
 - (d) At least two off-street parking spaces and one additional space for each on-site personnel will be provided;
 - (e) Existing on-site vegetation shall be preserved to the maximum extent practicable;
 - (f) Transmission towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority;
 - (g) **Transmission tower accessory facilities in an** Agriculture district zone and other such districts where transmission towers are permitted, accessory buildings and structures may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for wireless transmission equipment; and
 - (h) Transmission towers shall be consistent with applicable Federal and State regulations and shall have

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secured and submitted copies of compliance with these regulations.

- (3) **Color of Towers.** Unless otherwise required by state or federal regulations, all transmission towers shall be white or light gray in color.

5.2.4 Commercial Use Categories

A. Eating Establishments.

1. **Characteristics.** Establishments that sell food and beverages for on-premise or off-premise consumption.
2. **Accessory Uses.** Accessory uses may include decks and patios for outdoor seating, drive-through facilities, customer and employee parking areas, and valet parking facilities.
3. **Examples.** Examples include restaurants, drive-ins, fast food establishments, coffee or ice-cream shops, pizza delivery, bar and lounges.
4. **Exceptions.** Nightclubs, dance halls, and dinner theaters are classified as Recreation and Entertainment.
5. **Specific Use Standards**
 - a. **Restaurants with Outdoor Activity Areas.** Any restaurant providing outdoor activities such as outdoor dining areas, sports areas such as volleyball courts, live music or similar activities shall be required to screen such areas from view from any adjacent residential use. Any such outdoor activity area shall be separated by a minimum of 100 feet from any residential district.
 - b. **Drive-Through and Drive-In Eating Establishments.** Must be located at least 100 feet from any residential use or district. This standard may be reduced to 50 feet if no outdoor speaker system is used.
 - c. **Outdoor Areas.** Eating establishments with outdoor patios or dining areas deigned for year-round use must incorporate the additional outdoor square footage of such space when calculating the required minimum parking for the business.
 - d. **Craft Beverage/ Distilled Spirit Production.** Craft beverage or distilled spirit production, including breweries, distilleries and wineries in conjunction with a restaurant, are subject to the following Specific Use Standards:

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- (1) Must adhere to all applicable local and state alcoholic beverage control license requirements;
- (2) The use and any associated use on the property shall only serve alcohol by the drink or sell packaged alcohol in accordance with the underlying zoning requirements;
- (3) Production activities and the area devoted to such activities may be in conjunction with a restaurant or an on-site tasting room;
- (4) Parking shall be provided in accordance with the requirements for a restaurant as outlined in Section 4.6.8.E.1 of this Ordinance;
- (5) All processing, production, manufacturing, distilling, brewing, bottling associated with such distillery shall be located within a fully enclosed building;
- (6) Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning; and
- (7) All loading and unloading areas shall be oriented away from public streets.

B. Office.

1. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.
2. **Accessory Uses.** Accessory uses may include cafeterias, day care, health facilities, parking or other amenities primarily for the use of employees in the firm or building.
3. **Examples.** Examples include professional services such as lawyers, accountants, engineers or architects; financial businesses such as lenders, brokerage houses, bank headquarters (without drive-through) or real estate agents; data processing and telemarketing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; counseling offices, sports and fitness/ diet clinics, and blood-collection facilities.
4. **Exceptions.**

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- a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
- b. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services or similar work is not carried on at the site.

C. Overnight Accommodations

- 1. **Characteristics.** Dwelling units arranged for short-term stays of less than 30 days for rent or lease. Also includes other arrangements for stays of less than 30 days such as Recreational Vehicle (RV) parks.
- 2. **Accessory Uses.** Accessory uses may include pools and other recreational facilities, gift shops, limited storage, laundry facilities, offices, meeting facilities comprising less than 25 percent of the total gross floor area, offices and business centers, restaurant, bar and lounge.
- 3. **Examples.** Examples include Bed and Breakfast establishments, Short Term Rentals, Hotels, Motels, Inns, Extended Stay facilities, and Recreational Vehicle Parks.
- 4. **Exceptions.** Primitive Campgrounds for tent and rv camping are considered Recreation and Entertainment.
- 5. **Specific Use Standards.**
 - a. **Bed and Breakfast Establishments.**
 - (1) Bed and Breakfast establishments shall be required to meet Fire and Building codes;
 - (2) Incorporated Area of the Cities of Danville, Junction City and Perryville - A Conditional Use Permit is required in the RR, R1 and RM-2 zoning districts prior to commencement of the business;

Unincorporated Area of Boyle County - Bed and Breakfast Homes, Inns and Farmstays are not permitted in the RR or the R1 zoning districts. A Conditional Use Permit is required in the AG and the RM-2 zoning districts prior to commencement of the business;

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- (3) A Change of Use Zoning Permit is required prior to commencement of the business. All Bed and Breakfast Homes, Inns and Farmstays shall be required to list the facility Zoning Permit number assigned by the Planning Commission on all advertisements and on all home-sharing platforms;
- (4) Each room to be rented shall be designed and intended to accommodate no more than two persons;
- (5) Each room shall be rented for no longer than 30 days;
- (6) The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light;
- (7) One parking space shall be required for each guest room available for rent. All off-street parking areas shall be completely screened with landscaping;
- (8) The use shall be in compliance with all other applicable state and local laws, including the Boyle County District Health Department Rules and Regulations;
- (9) Bed and Breakfast establishments shall be limited to the following number of guest rooms: Bed and Breakfast Home, Maximum (5) guest rooms; Bed and Breakfast Inn, Minimum (6) guest rooms, Maximum (8) guest rooms; Bed and Breakfast Farmstay, no guest room maximum;
- (10) The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Bed and Breakfast facilities, if any, within the general neighborhood of the property being considered for such use; and
- (11) Bed and Breakfast establishments, shall be required to obtain a Conditional Use Permit to conduct additional Agritourism uses or commercial uses such as meetings, seminars,

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tea/ garden parties, weddings, receptions, or concerts.

b. Short Term Rentals.

- (1) Short Term Rental establishments shall be required to meet Fire and Building codes;
- (2) Incorporated Area of the Cities of Danville, Junction City and Perryville - A Conditional Use Permit is required in the RR, R1 and RM-2 zoning districts for Short Term Rentals prior to commencement of the business;

Unincorporated Area of Boyle County - Short Term Rental establishments are not permitted in the RR or the R1 zoning districts. A Conditional Use Permit is required in the AG and the RM-2 zoning districts for Short Term Rentals prior to commencement of the business;
- (3) A Change of Use Zoning Permit is required prior to commencement of the business. All Short Term Rental establishments shall be required to list the facility Zoning Permit number assigned by the Planning Commission on all advertisements and on all home-sharing platforms;
- (4) Each room to be rented shall be designed and intended to accommodate no more than two persons;
- (5) Each room shall be rented for no longer than 30 days;
- (6) The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light;
- (7) One parking space shall be required for each guest room available for rent. All off-street parking areas shall be completely screened with landscaping;
- (8) The use shall be in compliance with all other applicable state and local laws, including the Boyle County District Health Department Rules and Regulations;

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- (9) Short Term Rental establishments shall be limited to the following number of guest rooms: Hosted Home-Sharing, Maximum (5) guest rooms; Un-hosted Home-Sharing, Maximum (8) guest rooms and Dedicated Short Term Rental establishments, no guest room maximum;
 - (10) The Board of Adjustments, in considering approval of required Conditional Use Permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, the Board of Adjustment shall take into consideration the number of Short Term Rental facilities, if any, within the general neighborhood of the property being considered for such use; and
 - (11) Short Term Rental establishments, shall be required to obtain a Conditional Use Permit to conduct additional commercial uses such as meetings, seminars, tea/ garden parties, weddings, receptions, or concerts.
- c. **Recreational Vehicle (RV) Park.** An RV Park may be established and maintained in accordance with the Use Table in Section 5.1, state regulations (KRS 219) and the following regulations:
- (1) Minimum Park Area. Five (5) acres;
 - (2) All RV Parks shall be connected to public sanitary sewer and shall conform to appropriate Commonwealth of Kentucky Plumbing Code and Boyle County Health Department Rules and Regulations;
 - (3) Location and access. No RV Park shall be located except with direct access to an arterial highway or major collector with a minimum of 50 feet of frontage thereon in order to permit appropriate design of entrances and exits. No entrance or exit from an RV Park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district;
 - (4) Occupancy Permitted. Spaces in an RV Park may be used by recreational vehicles, travel trailers, equivalent facilities constructed in or on automotive vehicles or other short-term housing or shelter arrangements or devices. No mobile homes or permanent dwellings shall

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be permitted except for a single unit for the purpose of security/maintenance of the park;

- (5) Relation of Spaces to Exterior Streets. In addition to yard requirements applying generally within districts, the following limitations shall apply with respect to an RV Park. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any street or thoroughfare or within 25 feet of any adjoining public or private property;
- (6) Design of Access to Park. Entrances and exits to RV Parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached;
- (7) Off-street Parking, Loading, and Maneuvering Space. In connection with use of any RV Park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street or right-of-way or any public grounds or on any private grounds not part of the park. Each RV Park shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements;
- (8) Length of Stay. Spaces shall be rented by the day only, and the occupant of such space shall not remain in the same RV Park more than 30 days; and
- (9) Accessory Uses. Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of an RV Park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as

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accessory uses in an RV Park in zoning districts where such uses are not permitted as accessory uses, subject to the following restrictions:

- (a) **Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the area of the park;**
- (b) **Such establishments shall be restricted in their use to occupants of the park;**
- (c) **Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park; and**
- (d) Toilets, showers, and other essential plumbing fixtures shall be connected to public sanitary sewer and shall conform to appropriate Commonwealth of Kentucky Plumbing Code.

D. Parking, Commercial

- 1. **Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- 2. **Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
- 3. **Examples.** Examples include short-term and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
- 4. **Exceptions.**
 - a. Parking facilities that are required for use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 - b. Parking facilities that are required for a principal use are not considered Commercial Parking uses, even if

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the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

- c. Parking for vehicles with more than two axles and/or unhitched semi-trailers is classified as freight movement and shall only be located in industrial zones.

E. Recreation and Entertainment

- 1. **Characteristics.** Generally commercial uses that provide recreation or entertainment-oriented activities. They may take place indoors or outdoors.
- 2. **Accessory Uses.** Accessory uses may include clubhouses, concessions, restaurants, parking, primitive camping, caretaker's quarters and maintenance facilities.
- 3. **Examples.**
 - a. **Active Outdoor.** These include amusement parks, theme parks, lighted golf courses golf driving ranges, miniature golf facilities, zoos, lighted soccer fields, lighted baseball/softball fields, and go-cart or other commercial motorized tracks and commercial motorized riding trails.
 - b. **Passive Outdoor.** Golf courses, riding stables, non-motorized riding trails, primitive campgrounds, fishing lakes and unlighted golf courses.
 - c. **Indoor.** Indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades, pool halls, dance halls, theaters, health clubs, gyms, membership clubs, lodges and go-cart tracks.
 - d. **Sportsmen's.** Sportsmen's farms, indoor or outdoor firearm ranges, shooting ranges, and paintball facilities.
 - e. **Major Entertainment Events.** Uses that draw large numbers of people to periodic events, rather than on a continuous basis.
- 4. **Exceptions.** Exhibition and meeting areas with less than 20,000 square feet of total event area and banquet halls that are part of hotels or restaurants accessory to those uses are classified as Retail Sales and Service.
- 5. **Specific Use Standards**
 - a. **Primitive Campground.**

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- (1) All buildings and structures shall be at least 50 feet from any property line;
- (2) An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 10 feet along any side or rear property line and a minimum of 50 feet along any front property line;
- (3) Off-street parking areas shall be provided to accommodate one vehicle for each cabin and camp site;
- (4) All driveways and off-street parking areas shall be surfaced with a hard and durable material and properly drained; and
- (5) No property, camp or individual campsite that does not conform to the minimum lot area established for the district in which it is located shall be sold or leased for a longer period than 3 months.

b. **Sportsmen's.** Sportsmen's farms and skeet, shotgun, rifle, pistol, air rifle, air pistol, paintball, or other indoor or outdoor firearm ranges shall be in conformance with the following regulations:

- (1) **Outdoor Facilities.**
 - (a) Minimum lot size for any outdoor range facility shall be ten (10) acres;
 - (b) A 200-foot open space buffer shall be provided for outdoor range facilities along each property line. No outdoor range activities shall be permitted within such buffer;
 - (c) All buildings and structures shall be at least 100 feet from any property line;
 - (d) All roads and parking areas shall be surfaced with a hard and durable material and properly drained;
 - (e) All outdoor ranges shall be of sufficient length and be provided with an earthen back stop of sufficient height and thickness to safely stop all projectiles

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from the various types of weapons used;
and

- (f) All outdoor ranges shall be enclosed by a fence at least six feet in height to prevent animals and people from entering the property. Warning signs shall be placed at intervals of 50 feet along all range fences.

(2) **Indoor Facilities.**

- (a) Indoor ranges shall have one warning sign at each entrance and at any windows, doors or other openings in the walls;
- (b) Indoor ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities;
- (c) Proof of adequate construction materials to be used, including the exterior walls and any air quality monitoring devices, shall be provided for new construction, as well as for existing sites/buildings that are repurposed for such use, and must be properly permitted through the Building Inspector; and
- (d) Indoor firing ranges are allowed in LI (Light Industry) and HI (Heavy Industry) zoning districts.

F. Retail Sales and Service

- 1. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.
- 2. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.
- 3. **Examples.** Examples include uses from the following groups:
 - a. **Sales-Oriented:** Stores selling, leasing or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic

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equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary and videos; food sales and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles, construction equipment, manufactured housing/mobile home sales, heavy trucks.

- b. **Personal Service-Oriented:** Branch banks; laundromats and dry cleaners; urgent and emergency medical care; photographic studios; photocopy services; hair, tanning, nail, massage, reflexology, and personal care services; health clubs and gyms, business, martial arts and other trade schools; dance or music classes; taxidermists; funeral homes; mortuaries; veterinarians; and animal grooming.
- c. **Repair-Oriented:** Repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry or dry-cleaner drop-off; tailor; locksmith; and non-vehicle upholsterer.

4. Exceptions.

- a. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- b. Sales facilities that use greater than 50 percent of the gross floor area for storage are classified as Wholesale Sales.
- c. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair or Limited Vehicle Service. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.

5. Specific Use Standards.

- a. **Animal Hospital, Commercial Kennel or Veterinary Clinic.** An animal hospital, kennel or veterinary clinic may be permitted in accordance with the Use Table in Section 5.1, provided that any building or area used for such purposes, including pens or exercise runways, shall be at least 500 feet from any residential use or district.
- b. **Adult Entertainment Establishments.** Adult entertainment establishments may be permitted in

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accordance with use table in Section 5.1, provided that they meet the following standards:

- (1) The public entrance to an adult entertainment establishment will not be located nearer than 750 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, mall, or park-like area of open space under the control of a governmental agency;
- (2) The public entrance to an adult entertainment establishment will not be located nearer than 750 feet from any residential use or district;
- (3) The public entrance to an adult entertainment establishment will not be located nearer than 500 feet from the public entrance of another adult entertainment establishment;
- (4) Such distance shall be measured along a straight line, without regard to intervening structures or objects, from the nearest property line of the real estate on which the building or park-like area, residential zone, or entrance to another adult entertainment establishment is located to the entrance of the adult entertainment establishment and
- (5) A 25 foot landscaping/ buffer strip/ screened area will be maintained along all property lines in view from any adjacent residential use.

c. **Retail Sales with Drive-Through or Pick-Up Window.** Any establishment (such as dry cleaners, pharmacy, bank, package liquor store, etc.) with a drive-through or pick-up window must be located at least 100 feet from any residential use or district.

d. **Greenhouse or Nursery.**

- (1) Commercial greenhouses and plant nurseries may be permitted in accordance with the Use Table in Section 5.1, provided that no building or structure shall be located within 100 feet of a residential use or district; and
- (2) Adequate and safe on-site parking, loading, and unloading areas and driveways shall be

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provided for safe ingress and egress, with backing into the street specifically prohibited.

e. **Vehicle and Heavy Vehicle/Equipment Sales.** The sale of all vehicles and heavy vehicles/equipment shall be subject to the following.

- (1) All heavy vehicle/equipment sales operations shall have direct access to at least a collector street;
- (2) All vehicle and heavy vehicle/ equipment sales operations shall be required to provide a paved display area with appropriate drainage. Heavy vehicle/ equipment display areas located in the industrial zoning districts may utilize the alternative parking surface as outlined in Section 4.7.4.E.4;
- (3) All lighting for vehicle and heavy vehicle/equipment sales operations shall not create glare visible from any adjacent lot line; and
- (4) All vehicle and heavy vehicle/ equipment sales operations shall be screened from view of any adjacent residential use or district with a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.

f. **Manufactured/Mobile/Model Home Sales Lot.** When located in the Highway Business District, home sales lots shall be subject to the following:

- (1) Location. All sales operations shall have direct access to at least a collector street;
- (2) Paving. All sales operations shall be required to provide a paved area, with appropriate drainage, for the storage of units. Homes that are displayed in a semi-permanent state with skirting and landscaping installed are not required to be placed on pavement;
- (3) Lighting and Screening. All lighting for sales operations shall not create glare visible from any adjacent lot line and the operation shall be screened in accordance with the landscaping provisions of 4.6.8.D; and
- (4) Outdoor Paging. Outdoor paging systems are prohibited in any neighborhood business

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district; for any industrial business development district.

G. Self-Service Storage

1. **Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
2. **Accessory Uses.** Accessory uses may include living quarters for a resident manager or security and leasing offices; storage areas for sales, service and repair operations or manufacturing; and the rental of trucks or equipment.
3. **Examples.** Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
4. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.
5. **Specific Use Standards.** All self-service storage facilities shall be completely screened with a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.

H. Vehicle Repair

1. **Characteristics.** Vehicle Repair firms service or repair passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
2. **Accessory Uses.** Accessory uses may include offices, sales of parts and vehicle storage.
3. **Examples.** Examples include vehicle repair, transmission or muffler shop, alignment shop, window tint shop, auto upholstery shop, auto detailing, vehicle body work (that does not include any outdoor storage of parts or vehicles) and tire sales and mounting.
4. **Exceptions.** Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; vehicle wrecking; salvage; body work (that does include any outdoor storage of parts or vehicles) are classified as Industrial Service.

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I. Vehicle Service, Limited

1. **Characteristics.** Limited Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
2. **Accessory Uses.** Accessory uses may include auto repair and tire sales.
3. **Examples.** Examples include full-service, mini-service and self-service gas stations; car washes; and quick lubrication services.
4. **Exceptions.** Truck stops are classified as Industrial Service. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
5. **Specific Use Standards.**
 - a. **Fuel Station for Motor Vehicles.** Motor vehicle fuel stations or fuel sales (not including truck stops) may be permitted in accordance with the Use Table in Section 5.1 and the following standards and criteria:
 - (1) Any establishment with an outdoor speaker system must be located at least 100 feet from any residential use or district;
 - (2) All parking and internal drive areas shall be paved;
 - (3) Drains from vehicle wash or cleanup stands shall be connected to the public sanitary sewer system in accordance with the serving utility's specifications;
 - (4) The site shall front at least a collector street;
 - (5) Pump islands for gasoline service stations shall have a minimum required setback of 20 feet from the right-of-way; and
 - (6) In the Neighborhood Business and General Business districts, the number of pumps shall be limited to service for a maximum of eight vehicles (4 pumps) at a time.

5.2.5 Industrial Use Categories

A. Industrial Service

1. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Uses.** Accessory activities may include offices, parking, employee day care, and storage. Lounges, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
3. **Examples.**
 - a. **Light Industrial** - welding; machine shop; tool repair; electric motor repair; repair of scientific or professional instruments; towing/ vehicle storage; heavy truck service/ repair; truck stop; general and other contractors; building, heating, plumbing or electrical contractors; exterminator; janitorial/ business maintenance services; research/ development laboratory; vehicle repair and vehicle body work (that does not include outdoor storage of parts or vehicles); recycling operations (that have limited or no outdoor storage).
 - b. **Heavy Industrial** - Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; auto and truck salvage and wrecking; auto and truck body shop; tire retreading or re-capping; recycling operations; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, or carpet cleaning plants.
4. **Exceptions.** Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site and fabrication or similar work is not carried on at the site.
5. **Specific Use Standards.**
 - a. **Fuel Stations for Heavy Trucks (Truck Stop)**
 - (1) Shall front an arterial or major collector roadway;

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- (2) Located a minimum 500 feet from any residential use or district, office and professional use or district, neighborhood business district;
- (3) Drains from vehicle wash or cleanup stands shall be connected to the public sanitary sewer system in accordance with the serving utility's specifications;
- (4) Landscape buffering requirement of 30 feet along the right-of-way and 20 feet adjacent to other land uses; and
- (5) Overnight Truck Parking is limited to a maximum of 50 spaces per Truck Stop location.

B. Manufacturing and Production

- 1. **Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- 2. **Accessory Uses.** Accessory activities may include offices, cafeterias, parking, employee day care, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
- 3. **Examples.**
 - a. **Light Industry.** Custom woodworking and cabinet making, printing, publishing, lithography, movie production, sign making, mulch and other wood products manufacturing, and other manufacturing processing, craft beverage or distilled spirit production; fabrication, packaging or assembly of goods (Light Industrial uses) 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.
 - b. **Heavy Industry.** Processing of food and related products; craft beverage or distilled spirit production; slaughterhouses and meat packing; weaving or

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production of textiles or apparel; lumber mills, pulp and paper mills. and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; and production of prefabricated structures, including manufactured homes.

4. Exceptions.

- a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.
- b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
- c. Printing, publishing and sign-making operations where there is no outdoor component or outdoor storage associated with such use are classified as retail sales and service and are permitted in the GB, and HB zones.

5. Specific Uses Standard. Craft Beverage/ Distilled Spirit Production. Craft beverage or distilled spirit production, including breweries, distilleries and wineries are subject to the following Specific Use Standards:

- a. Must adhere to all applicable local and state alcoholic beverage control license requirements;
- b. The use and any associated use on the property shall only serve alcohol by the drink or sell packaged alcohol in accordance with the underlying zoning requirements;
- c. Production activities and the area devoted to such activities may be in conjunction with an on-site tasting room;
- d. Parking shall be provided in accordance with the requirements for a restaurant as outlined in Section 4.6.8.E.1 of this Ordinance;
- e. All processing, production, manufacturing, distilling, brewing, bottling associated with such distillery shall be located within a fully enclosed building;

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- f. Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning; and
- g. All loading and unloading areas shall be oriented away from public streets.

C. Above Ground Storage Tanks

- 1. **Characteristics.** All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances shall be included in this category.
- 2. **Accessory Uses.** Storage buildings and fences.
- 3. **Examples.** Gasoline or diesel fuel tanks, crude oil tanks, or propane tanks.
- 4. **Exceptions.** Tanks containing only water are exempt.
- 5. **Specific Use Standards.** Any above ground storage tank must be located a minimum of 1,000 feet from any residential use or district.

D. Warehouse and Freight Movement

- 1. **Characteristics.** Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- 2. **Accessory Uses.** Accessory uses may include offices, employee day care, truck fleet parking and maintenance areas.
- 3. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and train switch yards or freight yards.
- 4. **Exceptions.**
 - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
 - b. Mini-warehouses are classified as Self-Service Storage uses.

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5. **Specific Use Standards.** A Conditional Use Permit is required for storage facility for weapons, ammunition, explosives, or similar materials and any such facility must be located a minimum of 500 feet from any structure and 1,000 feet from any residential use or district.

E. Waste-Related

1. **Characteristics.** Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material.
2. **Accessory Uses.** Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.
3. **Examples.** Examples include sanitary landfills, waste composting, energy recovery plants, sewage treatment plants, hazardous-waste-collection sites, transfer station, construction and demolition debris landfill.
4. **Exceptions.**
 - a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.
 - b. Recycling collection centers are considered Industrial Service (Heavy).
 - c. Mulch or wood operations are considered Industrial Manufacturing and Production.
5. **Specific Use Standards.**
 - a. Waste Land Spreading or Land Farming Operations
 - (1) Must meet all applicable state and federal regulations; and
 - (2) Must obtain a Conditional Use Permit.

F. Wholesale Sales

1. **Characteristics.** Wholesale Sales firms are involved in the sale, lease or rent of products primarily intended for industrial, institutional or commercial businesses. At least 50 percent of the gross area of the structure is devoted to the storage of materials. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public

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are limited. Products may be picked up on-site or delivered to the customer.

2. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
3. **Examples.** Examples include sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; agriculture sales such as fertilizer, and wholesalers of food, clothing, auto parts, building hardware.
4. **Exceptions.**
 - a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
 - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

G. Medicinal Cannabis Facilities

1. **Characteristics:** Medicinal Cannabis Facility: (a) Means marijuana as defined in KRS 218B.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B; (b) Includes medicinal cannabis products and raw plant material; and (c) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850.
2. **Accessory Uses:** Medicinal Cannabis accessories or accessory use means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the preparing, storing, using, or consuming medicinal cannabis in accordance with KRS 218B;
3. **Definitions:** KRS 218B.010 - For the purposes of this Section, unless the context otherwise requires:
 - a. Cannabis Business - Means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility.
 - b. Cultivator - means a business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to:
 - i. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material;
 - ii. Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or

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- iii. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

Medicinal cannabis cultivators are regulated in four tiers by KRS 218B, as follows:

- (1) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
 - (2) A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
 - (3) A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
 - (4) A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.
- c. Dispensary - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
 - i. Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state
 - ii. Acquire or possess medicinal cannabis accessories or educational material
 - iii. Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries
 - iv. Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction
 - v. Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to 218B.110
 - d. Medicinal Cannabis Product - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and (b) Does not include industrial hemp products as defined in KRS 260.850.
 - e. Processor - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
 - i. Acquire or purchase raw plant material from a cultivator, processor, or producer in this state
 - ii. Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis
 - iii. Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state
 - iv. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or any other jurisdiction

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- f. Producer - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
 - i. Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material
 - ii. Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state
 - iii. Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction
 - iv. Acquire or purchase raw plant material from a cultivator in this state
 - v. Possess, process, prepare, manufacture, manipulate, blend, or package medical cannabis

- g. Raw Plant Material - (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;

- h. Safety Compliance Facility - Means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090 to:
 - i. Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state
 - ii. Return the medicinal cannabis to cardholders or cannabis businesses in this state
 - iii. Transport medicinal cannabis that was produced by cannabis businesses in this state
 - iv. Produce or sell approved educational materials related to the use of medicinal cannabis
 - v. Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter
 - vi. Test medicinal cannabis produced in this state
 - vii. Train cardholders and cannabis business agents
 - viii. Receive compensation for actions allowed under this section
 - ix. Engage in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law

4. Specific Use Standards

Medicinal Cannabis Facilities in the incorporated area of Danville are subject to the following Specific Use Standards in all applicable zoning districts:

- a. Medicinal Cannabis Facilities shall be required to meet Fire and Building Codes. Medicinal Cannabis Facilities must adhere to all applicable local, state, and federal requirements and shall be in compliance with KRS 218B;

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- b. Medicinal Cannabis Facilities shall not be located within a floodplain;
- c. A Site Plan Application and Approval is required for any proposed Medicinal Cannabis Facility. In addition to the Site Plan requirements, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected and the application conforms with the Comprehensive Plan;
- d. Medicinal Cannabis Facilities must submit all applicable state, or federal construction-related permits to the Planning Commission prior to commencement of any project construction. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the Danville Fire Department;
- e. Medicinal Cannabis Facilities shall not be located nearer than 1,000 feet from any licensed day care center, public or private elementary, middle, or secondary school;
- f. Medicinal Cannabis Facilities shall comply with the landscape requirements set forth in Article 4.6.8.D.
- g. All Medicinal Cannabis Facilities loading and unloading areas shall be oriented away from public streets;

5.2.6 Other Use Categories

A. Agriculture

- 1. **Characteristics.** Agriculture includes activities that primarily involve raising, producing or keeping plants or animals.
- 2. **Accessory Uses.** Accessory uses include accessory structures, fences and accessory apartments.
- 3. **Examples.** Examples include breeding, raising, or limited processing of fowl or other animals; dairy farms; livestock auctions; confined animal feeding operation; stables; riding academies; farming, truck gardening, forestry, tree farming; wholesale plant nurseries; and Agritourism uses permitted under KRS 247.800. A single family dwelling is permitted in the Agricultural District.
- 4. **Exceptions.**
 - a. Uses involved in the processing of animal or plant products, except limited meat or poultry processing, are classified as Manufacturing and Production.

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- b. Greenhouses and Nurseries that are oriented to retail sales are classified as Retail Sales and Service.

5. **Specific Use Standards.**

a. **Confined Animal Feeding Operation and Consignment Livestock Auctions**

(1) Separation Standards:

- (a) No confined animal feeding operation (including livestock barn, poultry house, lagoon or land application area) or consignment livestock auction facility shall be located within 750 feet of the boundary of any residential use or district; and

- (b) **No confined animal feeding operation (including livestock barn, poultry house or lagoon) or consignment livestock auction facility shall be located within 1,000 feet of an existing residence, school or park.**

- (2) Measurements. The separation distances established in this Section shall be measured from the perimeter of the animal holding pin feedlot, brooder house or animal waste area lagoon to the nearest referenced boundary or exterior wall of the principal structure containing the referenced use.

- (3) State Permit. All confined animal feeding operations shall acquire and maintain a valid permit from the Commonwealth of Kentucky.

- b. **Roadside Stands.** Roadside stands offering for sale only agricultural products produced on the premises, or on premises owned by the same person. Such stands shall be located at least 10 feet from the established right-of-way.

c. **Agritourism**

- (5) Agritourism uses permitted under KRS 247.800 are permitted in the Agriculture District only after obtaining a Conditional Use Permit from the Board of Adjustments, as well as certification as an agritourism business through the Kentucky Department of Agriculture. Agritourism uses are defined as any

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agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or operation;

- (6) Applications for a Conditional Use Permit for any agritourism use must include an exhibit showing the location of all existing and proposed buildings, structures and parking areas, as well as the location of any outdoor activity area and all other uses associated with the agritourism business; days and hours of operation for the proposed use; and a list of all uses to be conducted on the property; and

- (7) All agritourism uses permitted under KRS 247.800 are subject to the following regulations: An application for a Building Permit shall be submitted to and approved by the Building Inspector for all buildings and structures associated with any agritourism use prior to utilizing the property for such use; all buildings or structures associated with any agritourism use (excluding those utilized for livestock, poultry, farm machinery, grain, hay, crop storage or wine production) shall meet any and all applicable commercial building regulations, as directed by the Building Inspector, prior to utilizing the property for such use; all buildings and structures associated with any agritourism use shall be at least 50 feet from any property line when located adjacent to any residential district, use or structure; all travelways and parking areas shall be surfaced with a hard and durable material and properly drained; any outdoor area(s) used for music, bands or other similar noise-generating activity shall be located a minimum of 250 feet from any residential district, use or structure; and agritourism uses may be subject to the Traffic Impact Study requirements as outlined Article 3 of this Ordinance.

d. Limited Meat or Poultry Processing.

- (1) Limited processing/slaughter of fowl or livestock is permitted in the Agriculture District by first obtaining a Conditional Use Permit. Limited processing shall be defined as the slaughter, processing, or storage of not more than 50,000 small fowl (including quail, rabbits, and covies) or 1,000 large fowl or livestock

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(including ostrich, beef cattle, deer, and hogs)
per year; and

- (2) Any limited processing operation must obtain approval from all applicable federal, state, and local agencies, including, but not limited to the Health Department, Fire Department, Kentucky Division of Water, and U.S. Department of Agriculture.

B. Aviation and Surface Passenger Terminals

1. **Characteristics.** Aviation and Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.
2. **Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
3. **Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service and helicopter landing facilities.
4. **Exceptions.**
 - a. Bus and rail passenger stations for sub-regional service such as mass transit stops are classified as Basic Utilities.
 - b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.
 - c. Private landing strips which comply with FAA regulations and which contain at least 1,500 contiguous acres are exempted from the requirements of this Zoning Ordinance per Kentucky Revised Statutes.
5. **Specific Use Standards.** The location, size and plans for all aviation facilities and their operational features shall be approved by the Kentucky Airport Zoning Commission and the Federal Aviation Administration.

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C. Burial Related Use

1. **Characteristics.** Land used for the burial or cremation of the dead (both human and animal) including cemeteries, columbaria, storage vaults mausoleums and crematories.
2. **Accessory Uses.** Accessory uses may include mortuaries, crematories, chapels, offices, parking, monument sales and maintenance facilities.
3. **Examples.** Examples include commercial cemeteries, columbaria, storage vaults mausoleums, crematories and mortuaries.
4. **Exceptions.** Commercial cemeteries, crematories and mortuaries that are accessory uses to a Funeral Home are classified as Retail Sales and Service.
5. **Specific Use Standards.** Grave sites, storage vaults and any other structure must be located a minimum of 20 feet from any property line. Commercial cemeteries and crematories must be located a minimum of 100 feet from any residential district, use or structure. Burial-Related uses must be located outside the floodplain.

D. Merchant Electric Generating Facility

1. **Characteristics.** Merchant Electric Generating Facility. A Merchant Electric Generating Facility is one that is capable of operating at an aggregate capacity of at least 10 megawatts, and which sells the electricity it produces in the wholesale market at rates not regulated by the Public Service Commission (PSC).
2. **Accessory Uses.** Accessory uses may include parking and control, monitoring, data or transmission equipment. In Unincorporated Boyle County accessory uses may also include farming and livestock production.
3. **Examples.** Examples include Wind and Solar electricity Generating Facilities.
4. **Exceptions.**
 - a. Utility storage facilities are classified as Warehouse and Freight Movement.
5. **Specific Use Standards.** Wind and Solar electricity Generating Facilities must be located a minimum of 500 feet from any residential district, use or structure. Merchant Electric Generating Facilities in the unincorporated area of Boyle

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County are subject to the following Specific Use Standards in all applicable zoning districts:

- a. To allow for Merchant Electric Generating Facilities as a viable alternative energy source without potentially eliminating agricultural activities within Boyle County, as well as provide for the protection for Agricultural Land, this Ordinance shall limit Merchant Electric Generating Facilities to a total maximum allowable coverage of 2,000 acres in Boyle County. Once the total allowable acreage has been met, no further requests for additional Merchant Electric Generating Facilities shall be considered. There shall be no variance from this.
- b. Merchant Electric Generating Facilities must adhere to all applicable local, state and federal requirements, including all procedures outlined in KRS 278.700 to KRS 278.716;
- c. Merchant Electric Generating Facilities shall only be located in Light Industrial (LI), Heavy Industrial (HI) or Industrial Business Development (IBD) District.
- d. A Site Development Plan Application and Approval is required for any proposed Merchant Electric Generating Facilities. In addition to the Site Development Plan requirements outlined in Article 3, Section 3.11.5, the Planning Commission shall consider the impact of the proposed facility upon surrounding properties and institute other site design measures so that the character of the area is protected;
- e. All Merchant Electric Generating Facilities shall be setback a minimum of 500 feet from public rights-of-way and adjacent property lines. All structures shall be at least 500 feet from any residential district, adjacent residential use or adjacent residential structure. The setback distance may be increased by the Planning Commission as determined to be necessary to assure compatibility with other land uses depending on case-specific factors;
- f. Merchant Electric Generating Facilities shall not be located nearer than 750 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, or park-like area of open space under the control of a governmental agency;

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- g. Merchant Electric Generating Facility infrastructure, except for power lines connecting the Merchant Electric Generating Facility site to regulated utility facilities shall be considered “structures” as defined in and for the purposes of this Ordinance.
- h. Outdoor storage of materials, equipment, or supplies associated with a Merchant Electric Generating Facility is not allowed, unless otherwise allowed by the underlying zoning;
- i. All Merchant Electric Generating Facilities shall comply with the landscape requirements set forth in Article 4, Section 4.6.8.D. The minimum landscape buffer width for Merchant Electric Generating Facilities shall be 50 feet along all rights-of-way and adjacent to other residential land uses;
- j. All Merchant Electric Generating Facilities loading and unloading areas shall be oriented away from public streets and in the rear of any structure.
- k. Merchant Electric Generating Facilities shall not be located within a floodplain;
- l. Measures must be taken to ensure that all Merchant Electric Generating Facilities are undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections. All facility construction and/or service entrances shall be located on a public street with a minimum pavement width of at least 18 feet; and
- m. All Merchant Electric Generating Facilities must submit all applicable local, state or federal construction-related permits to the Planning Commission prior to commencement of the project construction. Zoning Permit Applications are not required for a Merchant Electric Generating Facilities. Additionally, public water lines and hydrants shall be available to the project area sufficient to meet the fire protection standards in accordance with the appropriate Fire Department. In lieu of meeting the water line and hydrant requirement, an alternative fire protection plan, prepared by a professional engineer meeting the appropriate NFPA specifications, may be submitted to the appropriate Fire Department for review and approval. Alternative fire protection plans shall be forwarded to the Planning Commission prior to commencement of the project construction.

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- n. **DECOMMISSIONING PLAN** – A decommissioning plan shall be submitted that meets the requirements of KRS 278.706(2)(m).

E. Mining and Pipelines

1. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use. Hazardous Liquids Pipelines shall include crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide.
2. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling or transfer off-site of the mined material, aboveground maintenance activities such: as pump station machinery, start-up and shut-down activities, heat exchangers or other equipment emissions, relief valves, and backup power generators.
3. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; oil, gas or geothermal drilling; stockpiling of sand, gravel and other aggregate materials; and hazardous pipelines (containing crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide)
4. **Exceptions.** Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
5. **Specific Use Standards.**
 - o. **Oil or Gas Production, Storage**
 - (1) **Structure Location.** The drilling of oil wells and placing of well structures may be permitted except where such well or well structure or pipeline or related equipment connecting thereto would create hazardous conditions on the adjacent and abutting properties;
 - (2) **Equipment on Site.** Only that equipment required for production shall remain on the premises;
 - (3) **Storage Tanks and other Structures.** In the event production is obtained, the oil storage tank battery shall be erected within the confines of a concrete or earthen retention wall designed in such a manner that the area inside the retention wall would retain the total volume of the tanks located therein. The storage tank battery shall be completely enclosed by a

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suitable all-metal wire fence of a sufficiently strong and close-mesh construction that it will not be penetrable by domestic animals or children. In no event shall such tank battery be located nearer than 1,000 feet from any residence dwelling or nearer than 500 feet from any combustible structure. This setback requirement shall also be required for any above-ground structures related to oil or gas production, storage or distribution; and

- (4) Any oil or gas well site shall comply with the requirements of the Kentucky Cabinet for Natural Resources and Environmental Protection.

b. Hazardous Liquids Pipelines

- (1) Any pipeline constructed or converted to transport hazardous liquids under pressure shall obtain a conditional use permit as shown in the Use Table in Section 5.1, Use Table. This section does not apply to piping within the boundaries of a manufacturing facility or a gas or service station, nor to public facilities or public utility facilities as provided in KRS 100.324;
- (2) An applicant for a Conditional Use Permit shall describe all measures proposed to be taken to assure compatibility of proposed use of the pipeline for transportation of hazardous liquids with the surrounding land uses, considering; Noise and odor from aboveground pipeline operation and maintenance activities such as pump station machinery, start-up and shut-down activities, heat exchangers or other equipment emissions, relief valves, backup power generators, and other sources of noise or odor; Impacts on existing and proposed roads and other infrastructure, including water and wastewater infrastructure; Proximity to industrial areas where manufacturing processes involve storage of flammable liquids or gases, toxic chemicals, explosives, or other hazardous substances that could be compromised as a result of an accident; Proximity to institutional facilities such as schools, daycare facilities, hospitals, nursing homes, jails and prisons; Proximity to public safety and emergency response facilities; Proximity to current or planned places of mass public assembly; and Proximity to cultural,

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historic, and natural resources of significance;
and Proximity to and impacts on prime or
significant farmland;

- (3) Hazardous Liquids Pipelines will not be located nearer than 1,000 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, mall, or park-like area of open space under the control of a governmental agency. The setback distance may be increased by the Board of Adjustments as determined to be necessary to assure compatibility with other land uses depending on case-specific factors such as pipeline diameter, pressure and the characteristics of the substances being transported by the pipeline;
- (4) Hazardous Liquids Pipelines will not be located nearer than 1,000 feet from any area zoned RR, RS1, RM2, RM3, RM4, NB, GB, CB, HB, OP or P. The setback distance may be increased by the Board of Adjustments as determined to be necessary to assure compatibility with other land uses depending on case-specific factors such as pipeline diameter, pressure and the characteristics of the substances being transported by the pipeline;
- (5) No new or converted Hazardous Liquids Pipelines shall be located with 1,000 feet from any occupied dwelling in any zoning district classified as Agriculture (AG). The setback distance may be increased by the Zoning Director as determined to be necessary to assure compatibility with other land uses depending on case-specific factors such as pipeline diameter, pressure and the characteristics of the substances being transported by the pipeline, and subject to the Planning Commission's subsequent approval of a corresponding Site Plan;
- (6) Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning;

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- (7) Storage tanks and other above ground structures (such as but not limited to: power sub-stations, compressors, valves and transmission or distribution structures) shall be erected within the confines of a concrete or earthen retention wall designed in such a manner that the area inside the retention wall would retain the total volume of the tanks and other above ground structures located therein. The area containing storage tanks and other above ground structures shall be completely enclosed by a suitable all-metal wire fence of a sufficiently strong and close-mesh construction that it will not be penetrable by domestic animals or children. In no event shall such tank battery be located nearer than 1,000 feet from any residence dwelling, use or district, or nearer than 500 feet from any combustible structure located on the property;
- (8) A Building and Zoning Permit is required for Hazardous Liquid Pipeline prior to commencement of the use; and
- (9) Hazardous Liquid Pipelines and accessory facilities in legal existence on the effective date of this Zoning Ordinance that are not in conformity with this section may remain in place. Unless otherwise permitted by this Zoning Ordinance, no new Hazardous Liquid Pipelines or accessory facilities may be erected or constructed unless all provisions of this Section are met.

c. Quarry or Gravel Pit or Mining Operation

- (1) Quarries and gravel pits may be established in accordance with the Use Table in Section 5.1, provided that any building housing power or power-producing machinery or equipment when adjacent to a residential use or zoning district, shall be located so as to provide a minimum side and rear yard of 1,000 feet;
- (2) Any site must comply with the requirements of the Kentucky Cabinet for Natural Resources and Environmental Protection; and
- (3) The area containing storage tanks and other above ground structures shall be completely enclosed by a suitable all-metal wire fence of a sufficiently strong and close-mesh construction that it will not be penetrable by domestic

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animals or children. All permanent security fencing at least 6 feet in height along the perimeter of the property.

F. Telecommunications Facilities

1. **Characteristics.** Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce or provide wireless, over-the-air, or cellular telephone communications. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic or other landline transmission system.
2. **Accessory Uses.** Accessory uses may include transmitter facility buildings, and telecommunication shelters.
3. **Examples.** Examples include attached telecommunications facilities, telecommunications support towers, point-to-point microwave towers, and ground mounted switch boxes.
4. **Exceptions.**
 - a. Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator are not included in this category.
 - b. Radio and television studios are classified in the Office category. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
 - c. Ground-mounted telephone switch boxes not exceeding 2 feet in height are classified as Basic Utilities.
5. **Specific Use Standards.**
 - a. Telecommunication Towers and Accessory Facilities. The purpose and intent of this section are to avoid potential damage to adjacent properties from transmission tower collapse and falling ice through engineering and careful locating of transmission tower structures, and to maximize use of any new transmission tower and to encourage the co-location and clustering of new transmission towers in order to reduce the number of towers and tower sites needed.

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- b. The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities in all zoning districts. Unless otherwise permitted by this Zoning Ordinance, no new transmission tower or accessory facility may be erected or constructed unless all provisions of this Section and the requirements of the Kentucky Revised Statutes and the Kentucky Public Service Commission are met.
- c. The following minimum standards shall be met in the approval of a Building Permit: All self-supporting and guyed telecommunication towers shall be set back from the property line a minimum of 60 percent of the overall height of the tower; All telecommunication towers shall be set back from any residential district a minimum of 1,000 feet and any residential structure or use a minimum of 500 feet; and accessory facilities shall also comply with the setback standard of the district in which it is located;
- d. Existing on-site vegetation shall be preserved to the maximum extent practicable and the site shall otherwise comply with the landscaping provisions of the underlying zoning district;
- e. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority;
- f. Accessory facilities may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions;
- g. The proposed use shall be consistent with applicable Federal and State regulations and shall have secured and submitted copies of compliance with these regulations;
- h. An application for approval of a new telecommunication tower shall include all items required for a Uniform Application by the Kentucky Revised Statutes;
- i. Unless otherwise required by state or federal regulations, all telecommunication towers shall be white or light gray in color; and
- j. It is the intent of these regulations to encourage the co-location and clustering of multiple towers and their antennas and accessory facilities and to discourage the use of individual transmission towers and

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accessory facility sites. Therefore, more than one transmission tower and accessory structures will be permitted under these regulations on a single tract of land notwithstanding any other provision of this Zoning Ordinance, provided they meet all of the required location standards.

SEC. 5.3 TEMPORARY USES

5.3.1 Temporary Construction Unit

Temporary construction units may be permitted in accordance with the Use Table in Section 5.1 and the following requirements:

- A.** A temporary construction unit may be located within the districts shown on the Use Table following the issuance of a Building and Zoning Permit for construction upon the parcel where the temporary construction unit is to be located.
- B.** The temporary construction unit shall be removed from such parcel within 30 days of occupancy of the building or facility constructed pursuant to such building permit or within 30 days after the termination or expiration of such building permit, whichever shall first occur.

5.3.2 Model Homes

Residential units constructed and established for sales display in a residential subdivision may be temporarily used as an office for the subdivision developer, homebuilder, or other accessory sales purposes. The unit must revert to its intended residential use before or upon completion of units on 75 percent of the subdivision lots.

5.3.3 Other Temporary Uses

The following temporary uses, that involve no permanent structures, shall require a Temporary Use Zoning Permit from the Planning Commission.

- A.** Festivals, sporting events, carnivals, circus, music events, concerts, product vending, food-trucks or any other similar use which may be located on a property for no greater than seven (7) consecutive days.
- B.** The sale of seasonal materials, including but not limited to, Christmas trees, Halloween costumes, fireworks and other similar seasonal materials which may be located on a property greater than seven (7) consecutive days; shall also be required to be located within an appropriate commercial zoning classification.
 - 1. Each Temporary Use Zoning Permit shall be reviewed based on number of possible attendees, distance from residential structures or zoning districts, and the length of the proposed temporary use to impose any necessary and reasonable conditions on the Temporary Use Zoning Permit.

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2. Any proposed signage to be used in conjunction with the temporary use shall be required to obtain a limited Temporary Sign Permit from the Planning Commission.