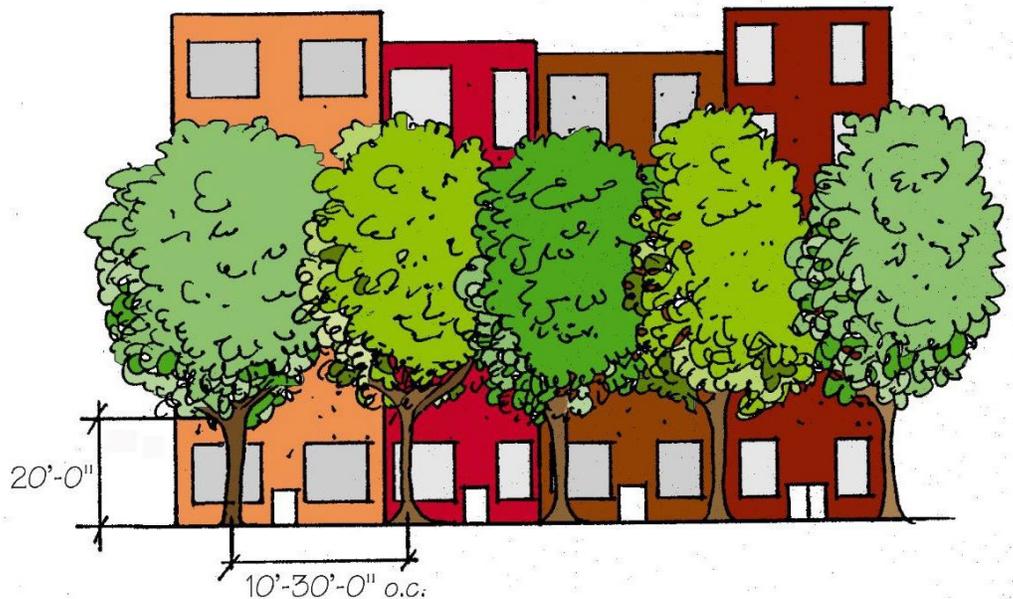


DANVILLE-BOYLE COUNTY PLANNING AND ZONING COMMISSION

# JOINT ZONING ORDINANCE

BOYLE COUNTY *AND THE*  
CITIES OF DANVILLE, JUNCTION CITY  
*AND* PERRYVILLE



AS AMENDED OCTOBER 10, 2024

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**DATE(S) OF ADOPTION**

**Joint Zoning Ordinance Adopted:**

Boyle County Fiscal Court - July 9, 2002  
Danville City Commission - October 11, 2004  
Perryville City Council - April 3, 2003  
Junction City Council - April 10, 2003

**Joint Zoning Ordinance Articles 1, 2, 3 & 6 Amended and Restated:**

Boyle County Fiscal Court - Amended April 9, 2019, Effective Date May 1, 2019  
Danville City Commission - Amended April 8, 2019, Effective Date May 1, 2019  
Perryville City Council - Amended April 11, 2019, Effective Date May 1, 2019  
Junction City Council - Readopted February 13, 2020, Effective Date February 13, 2020

**Joint Zoning Ordinance Articles 4, 5 & 7 Amended and Restated:**

Boyle County Fiscal Court - Effective Date November 27, 2019  
Danville City Commission - Amended November 26, 2019, Effective Date January 1, 2020  
Perryville City Council - Amended November 25, 2019, Effective Date January 1, 2020  
Junction City Council - Readopted February 13, 2020, Effective Date February 13, 2020

**Joint Zoning Ordinance Amended:**

Boyle County Fiscal Court - Amended February 11, 2020, Effective Date February 11, 2020  
Boyle County Fiscal Court - Amended August 11, 2020, Effective Date August 11, 2020

**Joint Zoning Ordinance Articles 1, 2, 3, 4 & 7 Amended (DAHB):**

Boyle County Fiscal Court - Amended March 26, 2024, Effective Date July 1, 2024  
Danville City Commission - Amended March 11, 2024, Effective Date July 1, 2024  
Perryville City Council - Amended April 4, 2024, Effective Date July 1, 2024  
Junction City Council - Amended March 14, 2024, Effective Date July 1, 2024

**Joint Zoning Ordinance Articles 4 & 5 Amended (Merchant Electric Generating Facility):**

Boyle County Fiscal Court - June 25, 2024, Effective Date June 25, 2024

**Joint Zoning Ordinance Articles 4 & 5 Amended and Restated (Alternative Parking Surface and Medical Cannabis Facilities):**

Boyle County Fiscal Court - Amended September 10, 2024, Effective Date September 10, 2024  
Danville City Commission - Amended September 9, 2024, Effective Date September 9, 2024  
Perryville City Council - Amended October 3, 2024, Effective Date October 3, 2024  
Junction City Council - Amended October 10, 2024, Effective Date October 10, 2024

**ARTICLE 1**

**GENERAL PROVISIONS & REVIEW BODIES**

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**SEC. 1.1      SHORT TITLE**

This Joint Zoning Ordinance shall be known and may be cited as the “Boyle County Joint Zoning Ordinance”, the “Boyle County Zoning Ordinance” the “Danville Zoning Ordinance”, the “Junction City Zoning Ordinance”, the “Perryville Zoning Ordinance”, the “City-County Zoning Ordinance” or “this Ordinance.”

**SEC. 1.2      AUTHORITY**

Kentucky Revised Statutes (KRS) 100.201 gives legislative bodies and fiscal courts the authority to enact permanent land use regulations, including zoning and growth management regulations.

**SEC. 1.3      EFFECTIVE DATE**

This ordinance, as amended and re-stated, shall be in full force and effect after adoption by all legislative bodies.

**SEC. 1.4      PURPOSE**

- A.      The purpose of this Joint Zoning Ordinance is to prescribe, regulate, restrict and limit for the purpose of promoting the public health, safety, or general welfare, regulations of and restrictions upon the erection, construction, alteration, repair or use of buildings, structures or land, including regulations and restrictions of the height, number of stories, and size of buildings and other structures, the size of the yards, courts and other open spaces, the density of population, and the location and use of such buildings, structures and land for trade, industry, residence or other purposes.
  
- B.      This Ordinance is also intended to provide a method of administration and enforcement and penalties for the violation of its provisions.

**SEC. 1.5      ZONING AFFECTS EVERY STRUCTURE OR USE**

No structure or land shall hereafter be used, and no structure or part thereof shall be erected, moved or altered, unless for a use expressly permitted by and in conformity with the regulations herein specified for the zoning district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.

**SEC. 1.6      MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

**SEC. 1.7      CONFLICT WITH EXISTING LAW**

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance or resolution, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, however, that where this Ordinance

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imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall control.

**SEC. 1.8 CONFLICTS WITH ORDINANCES, PRIVATE COVENANTS AND DEEDS**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Danville, the City of Junction City, the City of Perryville and/or the County of Boyle or the whole or part of any existing or future private covenants or deeds, the most restrictive shall in all cases apply.

**SEC. 1.9 VALIDITY**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of this Ordinance which is not in itself invalid or unconstitutional.

**SEC. 1.10 LANDLOCKED POLICY**

The purpose of this policy is to deal with existing non-surveyed property which is for all intents and purposes, landlocked, having less than the required frontage on a public right-of-way.

- A. The Planning Commission allows for the recording, for financing purposes only, of landlocked properties.
- B. In order to be accepted for this "special recordation" the landlocked parcel shall be surveyed, and a plat prepared and recorded.
- C. The property must otherwise meet the minimum requirements of this Ordinance and the Subdivision Regulations of Boyle County.
- D. The recording plat shall have a certification on its face above the owner's signature which states, that the property shall only be conveyed in its entirety; that no further subdivision of the property which does not eliminate the landlocked status shall be permitted; and that no building permit will be issued for the placement of any additional structures.
- E. This certification is binding on the property, regardless of ownership, until such time as the required frontage on a public way is obtained.
- F. Applicants for this "special recordation" shall provide evidence to the Planning Commission at a public hearing that all other means of acquiring adequate frontage have been exhausted. Inconvenience or being unwilling to incur reasonable costs is not acceptable proof.
- G. For all intents and purposes, the landlocked parcel shall be considered a non-conforming lot of record.

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**SEC. 1.11 TRANSITIONAL PROVISIONS**

**1.11.1 Plans Filed, Building and Zoning Permits**

In any case where plans and specifications (including a recorded Plat, General or Site Development Plan, Building Permit or Zoning Permit) have been filed with the Building Inspector or Planning Commission and are complete prior to the effective date of this Ordinance, and the plans and specifications are for a building or structure that would conform with the regulations effective at the date of such filing, but not with this Ordinance, a Building Permit for such building or structure shall be issued. The permit shall be valid only if construction on such building or structure, in accord with said plans and specifications, is begun within 60 days after the date of issuance of the permit and completed within two years of the issuance of the permit.

**1.11.2 Expiration of Development Plans**

Where no significant development activity (issuance of Building or Zoning Permits, construction of improvements, recording of Plat, etc.) has occurred for a period of five years following the final action on the project, development plans approved as part of a re-zoning, conditional use permit or other approval prior to the effective date of this Ordinance shall expire. Reversion based upon a failure to initiate significant development shall not occur without a subsequent public hearing. The Planning Commission may, in their sole discretion, extend such development plans for an additional period not to exceed two years, provided that the land owner intends to begin development within the two-year period. In the absence of such an extension, further development permits in reliance on the development plan shall require the approval of a new development plan in accordance with this Ordinance.

**1.11.3 Platted Lots**

Lots which received "preliminary plat approval" or were recorded by plat prior to the adoption of this ordinance, but which do not meet the adopted standards, shall be considered non-conforming lots of record and will be treated under the provisions of Article 6.

**SEC. 1.12 REVIEW BODIES**

**1.12.1 Danville-Boyle County Planning and Zoning Commission**

**A. Duties and Responsibilities.** The duties of the Danville-Boyle County Planning and Zoning Commission (the "Planning Commission") in regard to this Ordinance are established by KRS 100 and shall include the following:

1. Hold a public hearing in accordance with State statutes and make a recommendation to the appropriate governing body in regard to Zoning Text or Zoning Map Amendments. The Planning Commission shall take action in compliance with KRS 100.213.
2. Review and take final action on General or Site Development Plans and the siting of Telecommunication Towers.
3. Hold a public hearing and take final action on Variances and Conditional Use Permits when concurrent with map amendments.

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4. Review and make a recommendation to the appropriate governing body in regard to designation of Local Historic Districts and individual Local Historic Sites.
  5. Provide oversight in the Building and Zoning Permit review process established in this ordinance.
- B. Membership.** The Danville-Boyle County Planning and Zoning Commission shall consist of 10 citizen members. Four of the members shall be appointed by the Boyle County Judge Executive, four by the Mayor of the City of Danville, and one each by the Mayors of Junction City and Perryville, subject to the approval of the legislative bodies.
- C. Terms of Office.** The term of office shall be four years ending on June 30 of the designated year. The term of all present members shall continue to be staggered as presently appointed.
- D. Jurisdiction.** The area of jurisdiction of the Danville-Boyle County Planning and Zoning Commission shall include all land within Boyle County, including the cities of Danville, Junction City and Perryville.

**1.12.2 Danville-Boyle County Board of Adjustments**

- A. Duties and Responsibilities.** The Danville-Boyle County Board of Adjustments shall have powers, duties and responsibilities set forth in Kentucky Revised Statutes, Chapter 100, and as follows:
1. Hear and decide Administrative Appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any Administrative Official in carrying out or enforcing any provision of this Ordinance.
  2. To take final action on Conditional Use Permits.
  3. To take final action on Variances.
  4. Administer the Non-Conforming Use regulations per KRS 100.253.
- B. Membership.** The Danville-Boyle County Board of Adjustments shall consist of 7 citizen members. Three of the members shall be appointed by the Boyle County Judge Executive, three by the Mayor of the City of Danville, and one joint member by the Mayors of Junction City and Perryville, subject to the approval of the legislative bodies.
- C. Terms of Office.** The terms of office shall be 4 years ending on June 30 of the designated year. The term of all present members shall continue to be staggered as presently appointed.

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- D. Jurisdiction.** The area of jurisdiction of the Board of Adjustments shall include all land within Boyle County, provided, however, that each city may choose to have an additional board of adjustments as provided in Kentucky Revised Statutes, 100.217, whose jurisdiction shall be limited to that city's boundaries.

**1.12.3 Planning Commission Director**

- A. Duties and Responsibilities.** The duties of the Danville-Boyle County Planning and Zoning Commission Director (the "Director"), or designee, in regard to this Ordinance shall include the following:

1. Make written interpretations of this Ordinance.
2. Serve as the Administrative Official per KRS 100.271.
3. Approve minor amendments to Site Development Plans.
4. Review Building, Paving, Sign and Zoning Permits and for conformance with this Ordinance.
5. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance,
6. Issue citations for violations of this Zoning Ordinance in accordance to KRS 100.991

**1.12.4 Building Inspector**

- A. Duties and Responsibilities.** The duties of the Building Inspector in regard to this Ordinance shall include the following:

1. Review Building Permits and Certificates of Occupancy (C.O.'s) for conformance with this Ordinance.
2. Take final action on all Building Permits and Certificates of Occupancy.

**1.12.5 Danville Architectural Heritage Board**

- A.** The Danville Architectural Heritage Board ("DAHB") shall consist of seven (7) members appointed by the mayor and approved by the city commission. The members shall have demonstrated interest in historic preservation, and at least two (2) members shall have training or experience in a preservation-related profession: architecture, history, archaeology, architectural history, planning or related fields. When one (1) or two (2) professional members are not available, the mayor may appoint other persons interested in historic preservation to serve. Members of the DAHB shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the DAHB. Each member shall attend at least one (1) educational meeting on historic preservation per year. This meeting shall have been approved by the state historic preservation officer.

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- B. Duties and Responsibilities.** The Danville Architectural Heritage Board shall take action necessary and appropriate to accomplish the purpose of this Ordinance. These actions may include, but are not limited to:
1. Conducting a survey of historic buildings and areas and preparing a plan for their preservation. In making its survey of historic buildings and areas, the DAHB shall conduct this work in accordance with the guidelines of the Kentucky Heritage Council. The DAHB shall provide that its survey and preservation plan shall be maintained and continued. The DAHB shall use the preservation plan to assist the city and the planning and zoning commission in their overall planning efforts.
  2. Soliciting public input for the purpose of collecting information to assist in making recommendations to the planning and zoning commission and city commission;
  3. Recommending to the city commission and the planning and zoning commission designation of historic districts and individual landmarks;
  4. Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;
  5. Regulating proposed alterations to designated properties, where those alterations are visible to the public; regulating demolitions, relocations, and new construction involving designated property;
  6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;
  7. Conducting educational programs including the preparation of publications and the placing of historical markers.
  8. Rehabilitation of buildings. The DAHB may initiate and encourage plans for the preservation and rehabilitation of individual historic buildings. The DAHB shall, on a regular basis, give recognition to owners and tenants who maintain or rehabilitate their historic buildings with care and thus contribute to the preservation of the history of the city.
- C. Membership.** The Danville Architectural Heritage Board shall consist of 7 citizen members which shall be appointed by the Mayor of the City of Danville subject to the approval Board of Commissioners.

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- D. Terms of Office.** Terms of Office. The terms of office of the members shall be three (3) years, except the terms of two (2) members of the original DAHB shall expire after two (2) years and the terms of two (2) members of the original DAHB shall expire after one (1) year. Each member shall serve until the appointment and qualification of his successor. Vacancies on the DAHB shall be filled within sixty (60) days. When a vacancy occurs during a term of office, it shall be filled within sixty (60) days, and the person selected shall be appointed for the unexpired portion of the term. In the event a member is absent from three (3) consecutive meetings, said member shall be immediately removed, thus creating a vacancy.
- E. Jurisdiction.** The area of jurisdiction Danville Architectural Heritage Board shall include all land within the any adopted Local Historic Site or Local Historic Overlay Zoning District within City of Danville.

**1.12.6 Legislative Bodies**

- A. Listed.** The following legislative bodies shall have jurisdiction under this Ordinance.

  - 1. The Boyle County Fiscal Court;
  - 2. The Danville Board of Commissioners;
  - 3. The Junction City Council;
  - 4. The Perryville City Council;
- B. Duties and Responsibilities.** The duties of the appropriate legislative bodies in regard to this Ordinance shall include the following:

  - 1. Take final action on any amendment of the text of this Ordinance or the Official Zoning Map.
  - 2. Take final action on the designation of Local Historic Districts or sites.
  - 3. Appoint Board Memberships as defined in this Article of this Zoning Ordinance.

## ARTICLE 2 DEFINITIONS

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### SEC. 2.1 USE OF TERMS

All words herein used in the present tense shall include the future tense; the singular shall include the plural, and the plural the singular.

The word "shall" is mandatory, not permissive or directory.

The word "used" includes arranged, designed or intended to be used.

### SEC. 2.2 DEFINED TERMS

Unless otherwise provided, the following words and phrases are defined as follows.

**ABOVE GROUND STORAGE TANK:** All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances (liquid, gas, or solid). Tanks containing only water are exempt from this definition.

**ACCESSORY APARTMENT:** A self-contained distinct living unit with separate cooking, eating, sanitation and sleeping facilities located on the same property as the primary structure or within the primary structure itself. Examples include an apartment over a garage, a basement apartment or an extension to the existing primary structure.

**ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of a principal building on the same lot, and which is permanently affixed to the ground. Accessory building shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

**ACCESSORY STRUCTURE:** A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure, and which is permanently affixed to the ground. Accessory structure shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

**ACCESSORY USE:** A use that:

- a. is clearly incidental to and customarily found in connection with a principal use;
- b. is subordinate to and serves a principal building or a principal use;
- c. is subordinate in intent, or purpose to the principal building or principal use served; and
- d. is located on the same lot as the principal building or use served.

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Definitions

**ACRE:** 43,560 square feet of land area.

**ACRE, GROSS:** For the purposes of this Ordinance, a gross acre shall mean 43,560 square feet of land.

**ADA:** Americans with Disabilities Act.

**ADDITION:** As a construction term, an extension or increase in floor area or height of a building or structure.

**ADMINISTRATIVE APPEAL:** A case where an applicant alleges that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation (KRS 100.111).

**ADULT ENTERTAINMENT:** Sexually explicit entertainment establishment or activity, which may include sexually explicit amusement arcade, sexually explicit book store, sexually explicit entertainment provider, sexually explicit escort or escort service, sexually explicit motion picture or stage show theater, sexually explicit video cassette center, cabaret, or massage parlor.

**AGRICULTURAL USE:** Shall mean the use of:

- a. A tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agriculture use on the tract, but not including residential building development for sale or lease to the public. For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- b. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155.
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are

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regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

- d. A tract of land used for the following activities involving horses: Riding lessons; Rides; Training; Projects for educational purposes; Boarding and related care; or Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph (d) shall only apply to acreage that was being used for these activities before July 13, 2004.

**AGRITOURISM:** As used in KRS 247.800 to 247.810: Agritourism means the act of visiting: a farm or ranch; or any agricultural, horticultural, or agribusiness operation; for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation. Agritourism activity" means any activity that: is carried out on a farm, ranch, agricultural operation, horticultural operation, or agribusiness operation; and allows or invites participants to view or participate in activities for recreational, entertainment, or educational purposes. Qualifying activities may include farming, ranching, historic, cultural, civic, or ceremonial activities, including but not limited to weddings and ancillary events; harvest-your-own operations; farmers' markets; or natural resource-based activities. The activities may qualify as agritourism activities whether or not a participant pays to view or to participate in the activity. Agritourism building" means any building or structure or any portion thereof that is used for one or more agritourism activities.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district or on a landmark site, it shall also mean any construction, replacement, or change to the exterior of a building or structure when it is visible to the public; but shall not include a proposed sign, changes to an existing sign, painting, or ordinary maintenance and repairs. As applied to a watercourse, it shall mean changing the carrying capacity or location of a stream, channel or waterway.

**ANIMAL FEEDLOT:** Any lot, building, or combination of contiguous lots or buildings intended for the feeding, breeding, raising, or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetation cannot be maintained within the enclosure. Open lots used for the feeding or rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures shall not be considered animal feedlots.

**ANIMAL WASTE AREA:** Any holding area or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with an animal feedlot.

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Definitions

**ANTENNA, HEIGHT ABOVE GRADE OR GROUND:** The vertical distance between the highest point of the antenna and the finished grade directly below this point.

**AREAS OF SPECIAL FLOOD HAZARD:** Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**ASSISTED LIVING:** An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24-hour supervision, and organized activities, within the residence or on the grounds of the residence.

**AVERAGE DAILY TRAFFIC (ADT):** The number of vehicles that pass a certain point during a 24-hour period.

**BAR OR LOUNGE:** Any eating, drinking, or entertainment establishment which derives less than 50 percent of its income from food sales.

**BASEMENT:** Any portion of a building the average height of which is at least half below grade plane.

**BED AND BREAKFAST ESTABLISHMENT:** A one-family dwelling unit, but which also has guest rooms or suites used, rented, or hired out for occupancy or which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. The building shall be known as either a bed and breakfast home or a bed and breakfast inn.

**BED AND BREAKFAST HOME:** A bed and breakfast establishment having five (5) or fewer guest rooms or suites for occupancy, in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST INN:** A private inn or other unique residential facility having six (6) or more guest rooms or suites for occupancy, in which breakfast and other meals may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST, FARMSTAY:** A bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.801.

**BLOCK:** A surface of land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

**BOARD:** The Board of Adjustments unless the context indicated otherwise.

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**BREEZEWAY:** Any open, unenclosed structure consisting of a roof and its support and used as a connecting roofline between a main residence or building and an accessory building, not a primary building.

**BUFFER:** An area of land, including landscaping, berm, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on the adjacent parcel or right-of-way.

**BUILDING:** A structure, but not a mobile home or trailer, built or constructed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

**BUILDING HEIGHT:** A distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs or to the deck line of mansard roofs, ridge for gable, hip and gambrel roofs. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys and smoke stacks.

**BUILDING LINE:** A line across a lot beyond which no building may extend, as established by Ordinance. A building line in some instances may coincide with the property line.

**BUILDING, PRINCIPAL:** A building, including covered porches or any part of a permitted structure above the foundation, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which it is situated.

**CATCHMENT AREA:** The drainage basin of a stream or sinkhole. Includes all areas which contribute surface runoff to a stream or sinkhole.

**CERTIFICATE OF APPROPRIATENESS:** The permit, issued by the Danville Architectural Heritage Board, which gives its approval for work or demolition to be done in a historic district or on a landmark.

**COMMISSION:** The Danville-Boyle County Planning and Zoning Commission unless the context indicated otherwise.

**COMPREHENSIVE PLAN:** A plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authorities of Boyle County, Danville, Perryville, and Junction City showing the general location and extent of present and proposed physical facilities including agriculture, housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and land development policies of the community.

**CONDITIONAL USE:** A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and

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character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

**CONDITIONAL USE PERMIT:** A legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts: (a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and (b) A statement of the specific conditions which must be met in order for the use to be permitted.

**CONDOMINIUM:** A form of ownership with the following characteristics:

- a. The unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant; and
- b. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Kentucky Revised Statutes Chapter 381.805 et. seq. and in accordance with the provisions for open space, roads, or other development features as specified in this Ordinance and the Subdivision Regulations.

**CONFINED ANIMAL FEEDING OPERATION:** Any animal feedlot and associated animal waste areas where more than the following numbers of animals are confined: 1,000 slaughter, feeder, or dairy cattle; 2,500 swine weighing over 55 pounds; 500 horses; 10,000 sheep or lambs; 100,000 hens, broilers, turkeys, or ducks.

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL:** A one-acre site properly permitted by the State of Kentucky on which non-hazardous materials from construction and demolition projects are disposed.

**CONTROL MONUMENTS:** Survey markers set in accordance with 201 KAR 18.150 used to locate boundaries and installed Improvements.

**DAY CARE CENTER, ADULT:** An adult care facility which provides part-time care, day or night, but less than 24 hours, to at least 4 adults not related to the operator or the facility by blood, marriage, or adoption.

**DAY CARE CENTER, CHILD:** Any child care facility which provides full or part-time care, day or night, to at least seven children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**DAY CARE CENTER, HOME:** Any child care facility which provides full or part-time care by a resident of the dwelling, day or night, to at least two, but not more six children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**DEMOLITION:** Any act that destroys in whole or in part an existing building or structure, physical feature, or other site improvement.

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**DENSITY:** A measure of the intensity of the use of a piece of land expressed in dwelling units, families or housing structures per acre.

**DESIGNATED PROPERTY:** A landmark, or a building or structure in a historic district. Designated property shall include all lots within a historic district and the entire lot containing a landmark.

**DEVELOPER:** An individual, partnership, corporation, or other legal entity or agent thereof, which undertakes the activities covered by these regulations. In as much as, the subdivision plan drawings are merely a necessary means to the end of assuring development, the term Developer includes subdivider, owner, builder, etc. although the persons and their precise interests may vary at different project stages.

**DEVELOPMENT:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land.

**DEVELOPMENT CONDITIONS:** Specific items agreed to by the Planning Commission or Board of Adjustments and the developer or owner of real property which are imposed upon a property, development plan, site development plan, zone change request, conditional use permit or variance application and which control the development and use of the property in question. The conditions may be in writing or by graphic representation.

**DEVELOPMENT PLAN:** Written and/or graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.

**DOMESTIC PET:** An animal such as a dog or cat, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, though selective breeding, become notably different from their wild ancestors.

**DRAINAGE PLAN:** A detailed study and design of the storm water flow and control within a designated area that minimizes erosion, sedimentation, and flooding.

**DRIVE-IN or DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT:** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board, and an outside service window. The terms "drive-in" and "drive-through" shall be considered interchangeable.

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**DWELLING:** A building or structure designed or used for permanent human habitation.

**DWELLING, DUPLEX:** A building containing two dwelling units on a single lot with separate entrances.

**DWELLING, MULTIFAMILY:** A dwelling unit within a building containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY:** An attached or detached building designed for, or occupied exclusively by, one family.

**DWELLING UNIT:** One or more rooms connected together, constituting a separate, independent housekeeping establishment with separate toilets and containing independent cooking and sleeping facilities for owner occupancy, rental or lease on a weekly, monthly or longer basis.

**EASEMENT:** The right to use another person's property, but only for a limited and specifically named purpose. The owner generally may continue to make restricted use of such land since he has given up only certain, and not all, ownership rights.

**ENGINEER:** A qualified person registered and currently licensed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

**FACADE:** That portion of an exterior elevation on the building extending from grade to top of the parapet.

**FAMILY:** This means a person living alone, or any of the following groups living together as a single non-profit housekeeping unit sharing common living, sleeping, cooking and eating facilities:

- a. any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- b. three unrelated people;
- c. three unrelated people and any children related to any of them;
- d. not more than eight people living in a residential care facility.

**FENCE:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FINAL ACTION:** Any final adjudication of the application for any zoning map amendment, variance, conditional use permit, siting of cellular antenna tower, or appeal from any administrative official before the Board or Commission, or appeal from

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the decision of the Board or Commission to any legislative body, or the highest state or Federal court to which any appeals shall be taken.

**FINISHED FLOOR ELEVATION (FFE):** The minimum elevation that can be used for construction of an occupied level of a structure.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other official designated symbol of any institution or business.

**FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD, BASE:** A flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

**FLOOD HAZARD AREA OR SPECIAL FLOOD HAZARD AREA:** Any area inundated by the 100-year flood as delineated by the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM).

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Hazard Boundary map and the water surface elevation of the base flood.

**FLOODPLAIN:** Any land area susceptible to being inundated by water from any source.

**FLOODWAY:** The channel of a river or other watercourse or the depressed area of a sink and the adjacent land area that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than an elevated height.

**FLOOR AREA RATIO (FAR):** The ratio of gross floor area of all structures on a lot to total lot area.

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**FOURPLEX:** A building containing four dwelling units.

**FRONTAGE:** The length of the front lot line measured at the street right-of-way line. A property line that abuts a fully controlled access street and which permanently has no access to that street shall be deemed to not have frontage.

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

**GROSS FLOOR AREA:** The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls, including the walls of roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot.

**GROUP LIVING:** The residential occupancy of a structure by a group of people who do not meet the definition of Household or Family, but which share a common eating and living area. The residents may receive care, training or treatment, as long as the care givers also reside at the site.

**HAZARDOUS LIQUIDS PIPELINES:** Any pipeline constructed or converted to transport hazardous liquids under pressure. Hazardous liquids shall include crude oil, petroleum, natural gas liquids, anhydrous ammonia, and carbon dioxide. This 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.

**HEIGHT:** See "Building Height".

**HISTORIC DISTRICT:** An area, designated by ordinance, which contains within definable geographic boundaries properties or buildings which may or may not contain Local Historic Sites, which contribute to the overall historic character of the designated area, and which meets the criteria set out in Section 3.12 of this Ordinance. Properties within a Local Historic District must apply for a COA for alterations of the exterior, new construction, demolition or relocation.

**HISTORIC SITE, LOCAL:** A building, structure or site having a special historical, architectural cultural or aesthetic value. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark.

**HORIZONTAL PROPERTY:** Property developed under the rules and regulations as defined by Kentucky Revised Statutes in Chapter 381.805 et. seq. (Also referred to as condominiums).

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**HOUSEHOLD:** A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

**HOUSEHOLD LIVING:** Is 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 overnight accommodation or lodging.

**HOUSING, BUILDING REGULATION:** Means the Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or by its political subdivisions.

**HUD CODE:** The Federal Manufactured Home Construction and Safety Standards for construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et. seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

**IMPERVIOUS SURFACE:** Surfaces through which rain or other water cannot permeate to the underlying soil strata (roofs, asphalt, concrete, etc.).

**KENNEL, COMMERCIAL:** A commercial establishment where dogs or other domesticated animals are groomed, bred, boarded, trained or sold.

**KENNEL, NON-COMMERCIAL:** A non-commercial kennel at, in or adjoining a private residence where dogs or other domesticated animals are kept for the hobby of the householder (i.e. hunting, tracking or exhibiting) is permitted in agricultural and residential zoning districts. The occasional breeding of dogs or other domesticated animals (limited to one litter on the property at a time) by the keeper of a non-commercial kennel shall not change the character of the property and shall not constitute a nuisance to the neighborhood.

**LANDLOCKED:** Any lot with less than the required minimum street frontage for the zoning district.

**LANDMARK:** A building or structure of architectural, historical or cultural significance which meets one (1) or more of the criteria contained in Section 3.12 of this Ordinance and which has been designated as a landmark by the city.

**LANDOWNER:** The legal or beneficial owner or owners of all the land to be included in a development.

**LANDSCAPE ARCHITECT:** A qualified person currently licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky.

**LANDSCAPE PLAN:** A scaled drawing, including dimensions and distances, existing and proposed buildings, vehicle use areas, driveways, and the location, size, and description of all landscape materials.

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**LEGISLATIVE BODY:** Means the chief body of the city, consolidated local government, urban-county government, charter county government, or unified local government with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court.

**LIVESTOCK:** Shall mean cattle, sheep, swine, goats, horses or any other animals of the bovine, ovine, porcine, caprine, or equine species.

**LEVEL OF SERVICE (LOS):** A scale that measures the amount of traffic that a Roadway or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.

**LOADING AREA:** An off-street space or berth used for the loading or unloading of vehicles.

**LOSING STREAM:** A surface stream which loses some or all of its flow into the underlying carbonate aquifer.

**LOT:** A portion or parcel of land considered as a unit, in single ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the name of the owner of the lot.

**LOT AREA:** The area contained within the boundary lines of the individual parcels of land as shown on a subdivision plat or as required by this Ordinance.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection.

**LOT COVERAGE:** That portion of the lot that is covered by buildings, structures, travelways and parking.

**LOT, FLAG:** A lot with an access provided to the bulk of the lot by means of a narrow corridor.

**LOT FRONTAGE:** The length of the front lot line measured at the street right-of-way line. A property line which abuts a fully controlled access street and which permanently has no access to that street shall be deemed not to have frontage.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** A line dividing one lot from another or from a street or public way.

**LOT, MINIMUM AREA or SIZE:** The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district.

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which was recorded in the office of the Boyle County Clerk; or a parcel of land, the metes and bounds description of which is contained in a recorded deed in the office of the Boyle County

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Clerk prior to the adoption of this Ordinance or which was recorded prior to the amendment of an Article of this Ordinance which rendered such lot or parcel as a nonconforming lot.

**LOT, THROUGH:** A lot having frontage at two or more separate locations and not a corner lot.

**LOT, WIDTH:** A horizontal straight-line distance between side property lines located at the front setback line. For purposes of determining lot width, the front setback line shall not exceed 100 feet.

**MANUFACTURED HOME:** A single-family residential dwelling fabricated at an off-site facility that meets all of the criteria below:

- a. Is a new unit that meets or exceeds the HUD code and has a HUD Label affixed (A seal), OR, is a used unit less than twenty (20) years old that has a "B1" seal.
- b. Is affixed to a permanent foundation meeting state and manufacturer's specifications and is connected to the appropriate facilities;
- c. Has a perimeter skirting of masonry or similar material that harmonizes with the architectural style of the home and other residences in the same area;
- d. Has a roof constructed of composite material (such as asphalt shingles) with a minimum roof pitch of a three-foot rise to a twelve-foot run; and
- e. Has conventional residential siding.

**MAYOR:** The chief elected official of the city, consolidated local government, urban-county government, charter county government, or unified local government, whether the official designation of his office is mayor or otherwise.

**MEAN SEA LEVEL:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**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). This term shall include wind and solar electricity-generating facilities.

**MOBILE HOME:** A structure for residential use which:

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- a. Does not meet the definition of manufactured home;
- b. Is a unit that meets or exceeds the HUD code and has a HUD Label affixed, OR is a used unit with a "B1" seal affixed;
- c. Is transportable on its own chassis; and
- d. Is designed for year-round living when connected to the appropriate facilities.
- e. It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of two or more sections separately towable designed to be joined into one integral unit. As used herein, mobile home shall not include camping trailer, travel trailer, recreational vehicle, pickup coach, bus, auto camper, or any unit with a seal which has been determined to be salvage only.

**MODULAR HOME:** A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MONUMENTS:** Survey markers set to 201 KAR 18.150 used to locate boundaries and installed Improvements. Intended to be located in an undisturbed area and used to establish reliable control for the area during construction and for future use.

**MULCH OPERATION:** Any use involving the grinding, shredding, storing, stockpiling, or recycling of natural materials such as trees, leaves, or bark, into a usable product for landscaping or other purposes.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** A vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

**NONCONFORMING LOT:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE:** A structure (including signs) or building the size, dimensions and location of which was lawful prior to and at the time of the adoption, revision or amendment to this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE:** An established use of a structure or land lawful prior to and at the time of the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present uses permitted in the zoning district.

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**OPEN SPACE:** The area of a lot open and unobstructed to the sky. Open space may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Open space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

**OPEN SPACE, COMMON:** The area of a lot open and unobstructed to the sky. Common Open Space is legally accessible to and usable by all residents of the development and may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenways trails, swimming pools, tennis courts and play grounds. Common Open Space shall not be deemed to include driveways, travel-ways, parking lots, storage areas for vehicles and material, or areas in permanent drainage easements.

**ORDINARY MAINTENANCE AND REPAIRS:** Any work, the purpose of which is to correct deterioration or to prevent deterioration of a designated historic property. The work shall restore the property to its appearance prior to deterioration or shall result in the protection of its present appearance. The work shall involve the use of the same building materials as are original to the property, or available materials that are as close as possible to the original. Work that changes the external appearance of a property shall be considered an alteration for purposes of this article. "Ordinary Maintenance and Repairs," as defined here, and as used in this Zoning Ordinance, shall not be interchanged with "Routine Maintenance," as defined and used herein.

**OUTDOOR PET CONTAINMENT AREA:** Shall mean domestic pets 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.

**OWNER:** Any person, corporation, partnership or other entity, or any combination thereof, in whom is vested the ownership, dominion or title of property necessary to convey title to such property.

**PARKING AREA:** Any public or private unobstructed land area that has access to a street and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

**PARKING LOT:** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked or for sale motor vehicles or where motor vehicle parts are located.

**PARKING SPACE:** The area for the parking of a motor vehicle within a public or private parking area. As used in this Ordinance it is a numerical designation used to determine the size of parking area.

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**PARKING, OFF-STREET:** A storage area for a motor vehicle that is located within a parking area which is not located on a dedicated street right-of-way.

**PARKING, ON-STREET:** A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

**PEAK HOUR:** The traffic count that represents the highest volume of traffic in a one-hour period.

**PERMANENT FOUNDATION:** A permanent masonry, concrete or other footing approved by the Building Official to which a building, structure, or manufactured home may be affixed.

**PERSON:** The word "person" includes individual, firm, association, organization, partnership, trust, company or corporation or other legal entity or combination thereof.

**PLAT:** The recording document for subdivisions that contains all required signatures and notations.

**PLAT RESTRICTIONS:** Requirements stated in the plat notes that governs development activity on that property or properties.

**PLOT PLAN:** A dimensioned sketch or to scale plat prepared by a licensed engineer or land surveyor which indicates the existing site information and features, the extent of improvements on the site, a title block, a flood certification, elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, the existing and intended use of all structures, and such other information as may be required.

**PREMISES:** A general term meaning part or all of any lot or part or all of any building or structure or group of buildings or structures located thereon.

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal activity or use of the lot on which it is situated. In any district which permits residential uses, the dwelling unit shall be deemed to be the principal building on the lot.

**PRINCIPAL USE:** The primary or predominant use of any lot.

**PROPERTY LINE:** A line dividing one lot from another or from a street or public way.

**PUBLIC FACILITY:** The use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including but not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

**PUBLIC IMPROVEMENTS:** Facilities that are necessary for access or use which are installed for the benefit of the general population.

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**PUBLIC PARKLAND:** Open lands developed for the use of the general population and shall be defined as the area of a subdivision open and unobstructed to the sky and which is owned by the local municipality or government and is legally accessible to all citizens of Boyle County. These lands may include, along with natural environmental elements, formal landscaped areas, wooded areas, watercourses, greenway trails, recreational facilities such as public swimming pools, public golf courses, playgrounds, picnic and passive play areas.

**RECORDING PLAT:** Original Plat to be recorded in the Boyle County Clerk's office.

**RETENTION BASIN:** A drainage storage structure that prevents surface runoff from passing to other surface structures or facilities.

**RECREATIONAL VEHICLE:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RESIDENTIAL CARE FACILITY:** A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

**RESTAURANT:** An establishment whose principal business is the serving of food and beverages primarily to persons seated within the building.

**RIGHT-OF-WAY:** A strip of land dedicated to the public to accommodate access and/or utilities to lots or tracts. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

**ROADWAY:** That portion of a street intended for vehicular traffic.

**ROOF LINE:** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROUTINE MAINTENANCE:** To repair or refurbish a sign, structure, or building, or any part of each but not including expansion or total replacement.

**SCREENING:** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**SETBACK:** The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the eave overhang) and related front, side, or rear property line, exclusive of patio, steps, and HVAC equipment (HVAC equipment must, however, be located a minimum of 30 inches from the property line).

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**SHORT TERM RENTAL:** A dwelling unit or portion of a dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, or bed and breakfast establishments. This may include renting a portion of a dwelling while the resident is present. Short term rentals include the following arrangements: Hosted Home Sharing, where the primary occupant(s) of the residence remains in the dwelling with the guests; Un-hosted Home Sharing, where the primary occupant(s) of the residence vacates the dwelling while it is rented to guests; and Dedicated Short Term Rentals, where there is not a primary occupant of the dwelling and it is only used by guests. The term Short Term Rental may include home sharing arrangements described as Boarding, Rooming or Tourist House/Home.

**SIGN:** Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions and patterns and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

**SIGN, AREA OF:** The area of a sign shall include all lettering, wording, designs and symbols, together with a background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.

**SIGN, BANNER:** Any sign of lightweight fabric or similar material that is mounted to a pole, suspended between poles, or affixed to a building at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

**SIGN, BILLBOARD ADVERTISING:** An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

**SIGN, BULLETIN BOARD:** Any sign of which a portion contains changeable copy.

**SIGN, CANOPY:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

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**SIGN, CUTOUT or EXTENSION:** An irregular addition to the sign face which does not add to the rectangular dimension of the sign face.

**SIGN, ELECTRIC:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source. Any sign containing electric wiring shall be UL specified and UL approved.

**SIGN, ELECTRONIC MESSAGE DISPLAY:** A sign characterized by action, motion, movement, changeable copy, or flashing light changes, and whose alphabetic, pictographic or symbolic informational content can be changed or altered by an electronic or computerized process, on a fixed display screen composed of electrically illuminated components that are activated by electrical energy, electronic energy or other manufactured sources of energy supply.

**SIGN, ENTRANCE:** A permanent on-premise sign identifying a vehicular entrance into a subdivision.

**SIGN, FACE:** The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

**SIGN, FREESTANDING:** Any on-premise sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**SIGN, HEIGHT OF:** The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point of the crown of a public street.

**SIGN, IDENTIFICATION:** Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

**SIGN, INTEGRAL:** Any sign incorporated into the facade of the building and indicating the name of a building and date of erection, monumental citations, or commemorative tablets.

**SIGN, MONUMENT:** A freestanding sign supported primarily by solid structural features other than support poles.

**SIGN, MOTOR VEHICLE CONTROL:** An on-premise sign which is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas.

**SIGN, OFF-PREMISE:** Any sign which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is not conducted, sold or offered upon the premises where such sign is located.

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**SIGN, ON-PREMISES:** A sign other than a temporary sign, which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is available on the premises where the sign is located.

**SIGN, POLE:** Any sign that is mounted on a freestanding pole or other support so the bottom edge of the sign face is six feet or more above grade.

**SIGN, PORTABLE:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

**SIGN, PROJECTING:** A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

**SIGN, PROJECTION:** The distance by which a sign extends over public property or beyond the building line.

**SIGN, ROOF:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure but not extending above the roof line.

**SIGN, TEMPORARY:** Any sign or advertising display other than a permanent sign intended to be displayed for a period of less than 30 days.

**SIGN, WALL OR BUILDING:** A sign which is painted on the exterior wall of a building, or attached to/placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending above the roof line. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.

**SINKHOLE:** A closed drainage basin in areas of carbonate (limestone or dolomite) rocks. These concave depressions (as defined in 902. K.A.R. 10:2(13)(i) may be bowl, funnel, or cylindrical. Sinkholes are formed from the solution of the underlying carbonate rock and, upon a landscape which does not have stream valleys, they direct surface runoff into cave streams in the underlying carbonate aquifer.

**SINKING STREAM:** A surface stream which flows directly through a hole (sinkhole, pit or cave entrance) into a carbonate aquifer.

**SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

**SLUDGE:** Any solid, semi-solid or liquid waste generated or disintegrated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar

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characteristics and effects. This definition includes the definition of sludge in 42 U.S.C.S. 6903 as amended.

**SOLID WASTE LANDFILL:** A facility which may accept for disposal all non-hazardous solid wastes such as garbage, refuse, rubbish, sludge, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, limited quantities of household hazardous waste, and other waste.

**SPACE, MOBILE OR MANUFACTURED HOME:** That part of a mobile home park which is planned and improved for the placement of the stand, driveway, parking area and related yard intended for the exclusive use of the dwelling occupant.

**STORAGE BUILDING:** Any building or structure used to provide storage area for a residential, commercial or industrial structure, and which meets the definition of accessory structure.

**STORY:** That part of a building between the surface of one floor and the floor or roof immediately above. For the purpose of measuring maximum building height in stories, a maximum of each 20' of height shall be considered a story.

**STORY ABOVE GRADE:** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- a. more than 6 feet above grade plane;
- b. more than 6 feet above the finished ground level for more than 50 percent of the total building perimeter; or
- c. more than 12 feet above the finished grade level at any point.

**STREET:** Any vehicular way.

**STREET, ALLEY:** A public or private way permanently reserved as a secondary means of vehicular service access to abutting properties.

**STREET, ARTERIAL:** A street primarily for moving vehicles safely and efficiently, providing direct connection with major state, federal, and interstate Roadways, and providing connection between points of heavy traffic generation and neighborhoods at moderate speeds. Arterial streets contain directional flow separated by mountable, non-mountable, or barrier medians and served by one (1) to three (3) lanes in each direction.

**STREET, CIRCLE:** A Loop street where both ends terminate at the same.

**STREET, COLLECTOR:** A street that functions to conduct traffic between major Arterial streets, minor activity centers, and Local streets and provides access to

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adjacent property. Collector streets contain a directional flow served by one (1) or two (2) lanes in each direction and may or may not permits on-street parking.

**STREET, COMMERCIAL-INDUSTRIAL:** A Local street with two (2) ends open to vehicular traffic or a Cul-De-Sac which serves to conduct commercial traffic to and from place of business or industrial establishments and constructed to sustain the weight and safety requirements imposed by commercial-oriented traffic.

**STREET, CUL-DE-SAC:** A Local street with only one (1) end open to vehicular traffic and the other end terminated by a permanent vehicular turnaround. The length of a cul-de-sac is measured along the centerline of the street from the centerline intersection of a through street to the center of the cul-de-sac bulb radius.

**STREET, DEAD-END:** A street similar to a Cul-De-Sac except that it provides no turnaround circle at the closed end. Dead end streets are not allowed in any proposed Subdivision.

**STREET, DEDICATED:** A street designated by plat or written deed to be used for public purposes.

**STREET, EXPRESSWAY:** A highway for through traffic, with full control of access and Grade separations at intersections. Arterials are the only class of street that generally should be connected with expressways at interchange points.

**STREET, FRONTAGE ROAD:** A street used for the exclusive purpose of providing access to properties adjacent to Arterial streets, limited access highways, or railroad rights-of-way. Frontage Road may include the terms Backage Road, Rear Frontage Road or Reverse Frontage Road. Frontage Roads provide for two (2) way traffic at a slow rate of speed and parallel to the Arterial street, limited access highway, or railroad right-of-way.

**STREET GEOMETRICS:** All dimensions describing the physical requirements or characteristics of a Roadway.

**STREET, HALF:** A partial street constructed on the boundary of a property typically only on one side of a centerline.

**STREET, LOCAL:** Streets providing vehicular access and services to abutting property. A local street has a directional flow served by one (1) lane in each direction and allows on-street parking. The layout of a local street should discourage through traffic.

**STREET, LOOP:** A Local street where both ends terminate at an intersection with the same street.

**STREET, PRIVATE:** A means of access within a planned developed project that gives access to a public street and is owned and maintained by the property owners.

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**STREET, PUBLIC:** A publicly maintained roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords a primary means of access to abutting property. The word “public street” may include the words road, highway, Thoroughfare, avenue, drive, circle, parkway, place, court, way or similar term.

**STREET, RESIDENTIAL:** A Local street with two (2) ends open to vehicular traffic and serving to conduct traffic to and from dwelling units to other streets within the street system.

**STREET, STUB:** A Local street used only as a temporary turnaround and constructed as part of a continuing street plan. If the Stub street is more than one lot in length, then a turnaround must be installed.

**STREET, THOROUGHFARE:** A street that serves to move traffic through an area or neighborhood.

**STREET, THROUGH:** A local street where both ends terminate at intersections with another street(s).

**STRUCTURE:** Anything constructed, erected, or attached, the use of which requires location on the ground or in the ground as may be required for the purposes of carrying out this Ordinance. The term shall not include poles and appurtenances thereto used for the provision of public utilities. Structure includes, without limitation, any building or accessory building, mobile homes, signs, towers, billboards, porches, decks, swimming or other recreation or commercial pools, and retaining walls, gas or liquid storage tank, fences, barns, smokestacks, backstops for tennis courts, bridges, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae, including the supporting towers, and other man-made facilities or infrastructures.

**SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more Lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes re-subdivision and condominium creation or conversion.

**SURVEYOR:** A person licensed as a Land Surveyor by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

**SWALLET:** The point at which a surface stream sinks into a hole.

**TEMPORARY CONSTRUCTION UNIT:** Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site. No

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temporary construction unit shall be used for sleeping or residential purposes in whole or in part.

**TOPOGRAPHIC SURVEY:** A representation of the surface features of a piece of property that includes the elevation contours and location of natural and constructed facilities, including storm drainage. At a minimum, a USGS 7.5 minute series topographic quadrangle map, with the site located, is acceptable.

**TOWNHOME:** An attached or semi-detached single-family dwelling with one or two side walls party to the adjacent dwelling. A townhouse building includes at least three and no more than eight dwelling units, may be one or more stories and may include a basement.

**TRAFFIC IMPACT STUDY:** The collection, processing and report of data showing current and future conditions of vehicular movement.

**TRANSMISSION TOWER:** A structure principally intended for the location of wireless transmission and/or receiving antennas. For the purposes of this definition some towers may act as a receiving or transmitting antenna.

**TRANSMISSION TOWER ACCESSORY FACILITIES:** A detached subordinate structure or building which is incidental and related to the transmission tower function, but not including broadcast studios or offices.

**TRAVELWAY:** That portion of a street or parking lot intended for vehicle movement.

**TRIPLEX:** A building containing three individual dwelling units.

**TWINHOME:** A single-family dwelling unit attached to another single-family dwelling unit at a lot line.

**UNIFORM APPLICATION:** An application for a certificate of convenience and necessity issued under KRS 278.020 to construct an antenna tower for cellular telecommunications services or personal communications service.

**USE:** The purpose or activity for which a land or building or structure or combination thereof is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, PERMITTED:** Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

**USE, TEMPORARY:** A use of land that is designed, operated and occupies a site for a specified period of time, with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

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**VARIANCE:** A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

**VEHICLE USE AREA:** Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

**WASTE DISPOSAL FACILITY:** Any place where solid waste is managed, processed, or disposed of by incineration, landfilling, or any other method. A waste disposal facility does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, an area storing tree debris, recycling centers or mulch/ wood operations.

**WASTE, SOLID:** Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, agricultural operations, or community uses. Solid Waste does not include tree debris, material collected at recycling centers or mulch/ wood processing materials.

**WASTES, SPECIAL:** Wastes of high volume and low hazard which include but are not limited to mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drillings, mud and oil production brines. This definition includes the definition of special wastes in KRS 224.868 as amended.

**WASTE TRANSFER STATION:** Any facility including loading docks, parking areas, and other similar areas, where shipments of solid waste are held, sorted, or transferred during the normal course of transportation. A transfer station waste disposal facility does not include temporary storage of that solid waste prior to off-site disposal, an area storing tree debris, recycling centers or mulch/ wood operations.

**YARD:** That portion of a lot that is unobstructed by buildings or structures, from the ground to the sky.

**YARD, FRONT:** A space extending the full width of the lot between any building and the front lot and measured perpendicular to the building at the closest point to the front lot line. In case of corner or through lots, front yards shall be provided on all frontages.

**YARD, REAR:** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

**YARD, SIDE:** A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building. In the case of through lots, side yards shall extend from the rear lot lines to the front lot line.

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**ZERO LOT LINE:** The location of a building on a lot in such a manner that one of the building's sides rest directly on a property line.

**ZONING DISTRICT:** A classification of areas or parcels of land to which specific land use regulations apply.

**ZONING ORDINANCE:** The Zoning Ordinance of Boyle County and the cities of Danville, Junction City and Perryville.

**ZONING PERMIT:** A permit issued by the Planning Commission allowing a proprietor or his agent to construct or alter a building, to construct outbuildings or accessory structures, or engage in similar activity which would alter the character of the lot in question.

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# ARTICLE 3

## DEVELOPMENT REVIEW PROCEDURES

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### SEC. 3.1 GENERAL

#### 3.1.1 Application Forms

Every application for development approval shall be in a form specified by the Danville-Boyle Planning and Zoning Commission.

#### 3.1.2 Standard Application Submission Cycle

Applications that will be reviewed by the Danville-Boyle Planning and Zoning Commission or the Boyle County Board of Adjustments shall be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report.

#### 3.1.3 Application Fees

A. No application shall be accepted by the Danville-Boyle Planning and Zoning Commission until the established fee has been paid. This nonrefundable fee may be adjusted periodically by the Danville-Boyle Planning and Zoning Commission Planning to defray the actual cost of processing the application and providing public notice.

B. No application fee shall be required when a text or map amendment is being proposed by the Danville-Boyle Planning and Zoning Commission or any member government.

#### 3.1.4 Completeness of Application

No application shall be processed until it has been deemed complete. The Director shall have 5 working days following the submission of the application to determine its completeness. After that review period, the applicant may request a list of any deficiencies in the application in writing. The application shall not be scheduled for a public hearing until all deficiencies are corrected.

#### 3.1.5 Public Notice

A. Public notice shall be provided in accordance with the following table.

Procedure	Published	Mailed	Posted
Variance Application	✓	✓	–
Conditional Use Permit	✓	✓	✓
Zoning Map Amendment	✓	✓	✓
Zoning Text Amendment	✓	–	–
Site Development Plan/ Amendment	✓	–	–
Local Historic Site/ District Designation	✓	✓	✓
Telecommunication Towers	✓	✓	✓

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- B. Published Notice.** When required above, notice shall be published in a newspaper of general circulation in Boyle County at least 7 and no more than 21 days before the public hearing in accordance with KRS 424.130. Any location map required for notice shall be furnished by the applicant. The notice shall be the responsibility of the Planning Commission.
- C. Mailed Notice.**
1. **Zoning Map Amendment and Historic Site or District Designation.** Notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing.
  2. **Map Amendments Originating with the Planning Commission or Member Legislative Bodies.** Per KRS 100.211(6), when an amendment originates with the Planning Commission or a member legislative body, notice of the public hearing shall be given at least 30 days in advance of the hearing to an owner of every parcel of property for which the classification is proposed to be changed.
  3. **Variance, Conditional Use, Administrative Appeals.** When required above, notice of required public hearings shall be sent by mail to owners of real property that are adjacent to the land that is the subject of the application at least 14 days prior to a public hearing.
  4. **Telecommunication Towers.** Notice of required public hearings shall be sent by mail to owners of real property contiguous to the property upon which the construction is proposed or owners of real property within 500 feet of the proposed tower. For additional mailing requirements by the applicants for a Telecommunications Tower, see Section 3.15 of this Ordinance.
  5. Owners of real property shall be identified by reference to the most recent tax records and shall be provided to the Planning Commission by the applicant. Records maintained by the Boyle County Property Valuation Administrator may be relied upon exclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners.
  6. Mailing of required notice shall be the responsibility of the Planning Commission. Proof of mailing shall include:
    - a. A copy of the notice letter; and

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b. The Boyle County Property Valuation Administrators list of affected owners provided to the Planning Commission by the applicant.

7. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.

**D. Content of Published or Mailed Notice.** Published or mailed notices shall provide at least the following information:

1. A map of the general location of the land that is the subject of the application (mailed notice only);
2. A summary of the subject property's legal description or a street address per KRS 100.211(3);
3. The substance of the application;
4. The time, date and location of the public hearing; and
5. The Planning Commission's telephone number.

**E. Posted Notice.** When required above, notice of the public hearing shall be posted conspicuously on the subject property for 14 consecutive days immediately prior to the hearing. The posting of the notice shall be the responsibility of the Planning Commission. Posted notice shall contain:

1. The substance of the application;
2. The time, date and location of the public hearing; and
3. The Planning Commission's telephone number.

**3.1.6 Public Hearing**

**A.** The property owner and contract vendee must attend the public hearing or be represented by an attorney at the hearing.

**B.** Any exhibit intended for presentation before the Planning Commission or Board of Adjustments shall be provided to the Planning Commission in an 8.5" x 11" format.

**3.1.7 Continuation of Public Hearings**

A public hearing for which proper notice was given may be continued to a later date by majority vote of the Planning Commission or Board of Adjustments, without complying with the notice provisions above provided that the continuance is set for a date and time certain announced at the public hearing.

**3.1.8 Withdrawal of Application**

Any application may be withdrawn prior to final action by Planning Commission, Board of Adjustments or the Legislative Body. No fee shall be returned or credited for such a withdrawal.

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**3.1.9 Time Limit for Reapplication**

The Planning Commission shall not consider, unless initiated by the Planning Commission Staff, a parcel of land, or any portion thereof, for Official Zoning Map amendment, until 12 consecutive months shall have elapsed from any final action as defined in Sec. 3.1.12 below upon any application for such Official Zoning Map amendment. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.

**3.1.10 Construction Initiation**

The Planning Commission as a condition to the granting of any Official Zoning Map amendment shall require that substantial construction be initiated within 5 years of the date of any final action upon the Official Zoning Map amendment as defined in Sec. 3.1.12 below. If such construction is not initiated within the said 5-year period, the Planning Commission may initiate an application to revert the Official Zoning Map designation to its previous designation. Any action to revert the Official Zoning Map amendment to its previous zoning classification which originates as a result of the provisions of this section of the Ordinance shall be taken in the same manner as any other Official Zoning Map amendment. Failure of the Planning Commission to commence action to revert the Official Zoning Map classification immediately after 5 years shall not prevent the Commission from taking such action at a later date.

**3.1.11 Time Limit for Rehearing before Board of Adjustments**

The Board of Adjustments shall not consider, unless initiated by the Planning Commission Staff, a parcel of land or any portion thereof for any Variance, Conditional Use Permit or Appeal from any Administrative Official until 12 consecutive months shall have elapsed from any final action as defined in Sec. 3.1.12 below upon any application for such Variance, Conditional Use Permit or Appeal from any Administrative Official. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application.

**3.1.12 Final Action**

For purposes of this Ordinance, "Final Action" shall be defined as any final adjudication of the application for any:

- A. Zoning Map Amendment or Zoning Text Amendment by the Legislative Body;
- B. Variance, Conditional Use Permit or Administrative Appeal by the Board of Adjustments;
- C. Telecommunication Tower Application by the Planning Commission;
- D. General or Site Development Plan or Amendment by the Planning Commission; or
- E. The appeal from the decision of the Board of Adjustments, Planning Commission or Legislative Body to the highest State or Federal court to which any appeals shall be taken.

**SEC. 3.2 BUILDING PERMIT**

It shall be unlawful to begin the construction of any structure or to begin the moving or alteration of any structure or begin or change the use of a premises until the Building Inspector has issued a Building Permit.

**3.2.1** A complete application for a Building Permit shall be submitted to the Building Inspector, along with the appropriate review and inspection fee. Upon determination that the proposed development is in compliance with all requirements, including but not limited to this Ordinance and the adopted applicable Building Code, the Building Inspector shall issue a Building Permit. A Building Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance and the adopted Building Code are being observed. A Building Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and/or a Zoning Permit.

**SEC. 3.3 ZONING PERMIT**

It shall be unlawful within the incorporated limits of the City Danville to begin the construction of any Multi-Family, Institutional, Commercial or Industrial structure/ sign or to begin the moving or alteration of any Multi-Family, Institutional, Commercial or Industrial structure/ sign or change the use of a Multi-Family, Institutional, Commercial or Industrial premises until the Planning Commission has issued a Zoning Permit. Zoning Permits are required in the unincorporated areas of Boyle County for the construction of any non-residential structure/ sign or to begin the moving or alteration of any non-residential structure/ sign or change the use of a non-residential premises. Zoning Permits are not required within the incorporated limits of the City Junction City or the incorporated limits of the City of Perryville.

**3.3.1** A complete application for a Zoning Permit shall be submitted to the Planning Commission, along with the appropriate review fee. Upon determination that the proposed development is in compliance with all requirements within this Ordinance, the Planning Commission shall issue a Zoning Permit. A Zoning Permit application shall include the following: Plot Plan - A dimensioned sketch or to scale exhibit which indicates the existing site information and features, the extent of improvements on the site, of all buildings, the existing and intended use of all structures, and such other information as may be required by the Planning Commission for determining whether the provisions of this Ordinance are being observed. A Zoning Permit application may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; Drainage Plan; Paving Plan; and a Building Permit.

**3.3.2** Within the incorporated limits of the City Danville, KY, any grading, excavation, filling, removal of soil, addition of gravel or aggregate or paving, on any lot or

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parcel of ground, to develop new or additional paved parking areas, display areas, travelways or other paved surfaces shall require a Zoning Permit first being obtained from the Planning Commission. This requirement does not apply to Single-Family uses or districts. A Zoning Permit application to develop new or additional paved parking, areas, display areas, travelways or other paved surfaces may also include the following items if required by other Sections of this Ordinance: Landscape Plan (as applicable), including dimensions and distances, the location, size, and description of all landscape materials; existing and proposed buildings; parking areas, vehicle use areas and driveways; and/ or a Drainage Plan (if required by the City of Danville KY).

**SEC. 3.4 CERTIFICATE OF OCCUPANCY**

**3.4.1 Applicability**

No land or structure or part thereof hereafter erected or altered in its use of structure, shall be used until the Building Inspector has issued a Certificate of Occupancy. The Certificate of Occupancy shall state that such land, structure, premises or use thereof are found to be in conformity with the provisions of this Ordinance and the adopted applicable Building Code.

**3.4.2 Final Inspection**

- A.** After notification that a structure, land or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a Certificate of Occupancy, in duplicate, if the structure, premises or use thereof are found to conform with the provisions of this Ordinance and the adopted applicable Building Code.
- B.** If such certification is refused, the Building Inspector shall state the refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. One copy of the completed Certificate of Occupancy will be issued to the applicant and one copy filed in the office of the Building Inspector.
- C.** Where applicable, the project engineer shall certify the drainage system functions as intended and has been constructed in accordance with any previously submitted plans.
- D.** Where applicable, the Planning Commission Staff shall review any site approved as part of a Zoning Map Amendment, General or Site Development Plan, Variance, Conditional Use Permit or Zoning Permit, as outlined in this Article to ensure compliance prior to the issuance of a Certificate of Occupancy.

**SEC. 3.5 WRITTEN INTERPRETATION**

**3.5.1 Who May Apply**

Any person, firm, corporation or governmental officer, board or bureau affected by this Ordinance may request a written interpretation of the Ordinance by the Planning Commission Director.

**3.5.2 Action by Planning Commission Director**

The Director shall consider the full text of this Ordinance, including any specific purpose statements and applicable definitions, along with other policy documents including, but not limited to, the Comprehensive Plan, in considering the appropriate interpretation of this Ordinance. The Director shall also consider any site-specific information provided by the applicant, where appropriate. The Director shall consult with the Planning Commission Attorney and other staff, as necessary, and render a Written Interpretation. The Director shall issue the Written Interpretation within 30 days of receiving the written request.

**3.5.3 Publication of Interpretation**

All Written Interpretations shall be maintained by the Planning Commission and provided to the public upon request.

**3.5.4 Appeal of Written Interpretation**

A Written Interpretation may be appealed in accordance with Sec. 3.6, Administrative Appeal.

**SEC. 3.6 ADMINISTRATIVE APPEAL**

**3.6.1 Who May Apply**

An Administrative Appeal may be taken by an applicant where there is an alleged error in any order, requirement, decision, grant, or refusal made by an Administrative Official in the enforcement of this Ordinance.

**3.6.2 Timing of Appeal**

Such appeal shall be made within 30 days of the aggrevance by filing a notice of appeal with the Board of Adjustments, specifying the grounds therefore and giving notice of such appeal to any and all parties of record.

**3.6.3 Effect of Filing**

Once a complete application for an administrative appeal has been received, no other development approvals or permits shall be issued for the subject property pending a decision on the appeal, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property.

**3.6.4 Required Findings**

The Board of Adjustments review on appeal shall be limited to a determination of whether or not the decision that is being appealed was (1) based upon substantial evidence and (2) arbitrary and capricious. The Board shall affirm the decision that is being appealed unless one or both of the factors set forth above exists. The Board shall not substitute its judgment for the judgment of the Administrative Official.

**3.6.5 Action on Appeal**

- A. The Administrative Official shall transmit to the Board of Adjustments all papers constituting the record upon which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.
- B. The Board of Adjustments shall fix a reasonable time for the hearing of an appeal.
- C. At any hearing by the Board, any interested person may appear and enter their appearance, and all shall be given an opportunity to be heard.
- D. Approval of an Administrative Appeal shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.

**SEC. 3.7 VARIANCES**

**3.7.1 Who May Apply**

The owner of the property in question or an agent for the owner bearing a written power of attorney granting authority for this purpose may apply for a Variance.

**3.7.2 Application Requirements**

- A. All Variance applications shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);
  - 10. Acreage of property;
  - 11. Vicinity map;
  - 12. Surveyor's stamp;
  - 13. Flood plain areas(s) and FEMA certification;
  - 14. Location of existing buildings and property boundary lines;
  - 15. Location of proposed buildings and property boundary lines;
  - 16. Lot coverage; and
  - 17. Proposed grade elevation.

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**3.7.3 Permitted Variances**

- A. The Board of Adjustments shall have the authority to hear and decide applications for Variance from the terms of this Ordinance, but only in the following situations and provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.
  - 1. Where, by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of the adoption of the ordinance was a lot of record; or
  - 2. Where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of dimensional requirements would cause practical difficulties to or exceptional and undue hardship upon the owner of such property.
- B. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

**3.7.4 Required Findings**

Before any Variance is granted, the board must find that the Variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow for an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board shall consider whether:

- A. The requested Variance arises from special circumstances which do not generally apply to land in the general vicinity, or the same zone;
- B. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The Board shall deny any request for a Variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

**3.7.5 Conditions**

In granting a Variance, the Board may attach thereto such conditions regarding the location of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Ordinance.

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**3.7.6 Action by Board**

- A. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.
- B. In the event that the applicant files for a Variance concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Variance shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

**3.7.7 Prohibited Variances**

- A. Variances shall not be issued within any designated floodway.
- B. Variances shall not be issued to allow the extension of a nonconforming use.
- C. Variances shall not be permitted to increase the density of a use above that permitted by the applicable district.
- D. Variances shall not be permitted to allow a use prohibited by this Ordinance.
- E. Variances shall not be permitted which arise from circumstances that are the result of willful violations of the zoning regulations.

**SEC. 3.8 CONDITIONAL USE PERMIT**

**3.8.1 Who May Apply**

The owner of the property in question or an agent for the owner, bearing a written power of attorney granting authority for this purpose, may apply for a Conditional Use Permit.

**3.8.2 Application Requirements**

- A. All Conditional Use Permits applications shall be accompanied by an accurate boundary survey of the property in question. The survey shall be prepared by a surveyor licensed in the State of Kentucky and contain the following information:
  - 1. Owner(s) and applicant(s) names;
  - 2. Scale;
  - 3. Bearings and distances;
  - 4. Locating distance to nearest road centerline or right-of-way;
  - 5. House number of property or intersecting street on each side;
  - 6. North arrow;
  - 7. Right(s)-of-way of road and pavement width;
  - 8. Adjacent property, showing property lines;
  - 9. Names of adjacent property owner(s);

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10. Acreage of property;
11. Vicinity map;
12. Surveyor's stamp;
13. Flood plain areas(s) and FEMA certification.
14. Location of existing buildings and property boundary lines;
15. Location of proposed buildings and property boundary lines;
16. Lot coverage; and
17. Proposed grade elevation.

**3.8.3 Action by Board**

- A.** Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum. A pass vote which is cast on any matter before the Board of Adjustments shall have no force or effect and shall not count as a vote with the majority of votes cast.
- B.** In the event that the applicant files for a Conditional Use Permit concurrently with a Zoning Map Amendment request, the Planning Commission may hold the public hearing concurrently with the map amendment. Approval of a Conditional Use Permit shall require a positive vote from a majority of those members present at a meeting with a properly constituted quorum.

**3.8.4 Review Criteria**

The Board of Adjustments shall approve an application for a Conditional Use Permit if, and only if, the applicant has demonstrated that the proposed use and any associated development:

- A.** Granting the Conditional Use Permit does not substantially conflict with the Comprehensive Plan and the purposes of this Ordinance;
- B.** Will be consistent with the "Intent" statement for the district in which it is located;
- C.** Will be compatible with existing uses adjacent to and near the property;
- D.** Will not be hazardous, detrimental or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes or other general nuisance;
- E.** Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- F.** Will be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;
- G.** Will have adequate water and sewer supply, stormwater facilities, transportation facilities, waste disposal and other public services;
- H.** Will be developed in a way that will preserve and incorporate any important natural features of the site; and

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- I. Will conform to any specific criteria or conditions specified for that use elsewhere in this Article.

#### **3.8.5 Findings Required**

The Board of Adjustments shall make the following findings prior to approval of any Conditional Use Permit.

- A. The use is not detrimental to the public health, safety or welfare in the zone in which it is proposed.
- B. The use will not contribute toward an overburdening of municipal services.
- C. The use will not result in increased traffic congestion, additional parking problems, substantial increase in population density, environmental problems or constitute a nuisance.
- D. That the use otherwise meets the requirements of this Ordinance.

#### **3.8.6 Conditions of Approval**

When considering a Conditional Use Permit, the Board of Adjustments may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would be located.

#### **3.8.7 Periodic Review for Compliance**

- A. The Director shall have the power to inspect the land or structure where the Conditional Use Permit is located in order to ascertain that the landowner is complying with all of the conditions listed on the Conditional Use Permit.
- B. If the landowner is not complying, the Director shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairman of the Board of Adjustments.
- C. The Board shall hold a hearing on the report within a reasonable time and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.
- D. If the Board of Adjustments finds that the facts alleged in the report are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Director to revoke the Conditional Use Permit and take the necessary legal action to cause the termination of the activity on the land which the Conditional Use Permit authorizes.

**SEC. 3.9 TEXT AMENDMENT**

**3.9.1 Who May Apply**

Applications for amendment of the ordinance text may be initiated by:

- A. The Danville-Boyle County Planning and Zoning Commission; or
- B. The Legislative Body having zoning authority over an affected property.

**3.9.2 Planning Commission Action**

The procedure for obtaining a text amendment shall be the same as defined in KRS Chapter 100. In their review of a text amendment, the Planning Commission shall consider and make findings as to whether the text amendment is in agreement with the adopted Comprehensive Plan. The Planning Commission shall make a recommendation to the Legislative Body on the requested amendment.

**3.9.3 Legislative Body Action**

The findings of fact that are recommended for approval or disapproval by the Planning Commission shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed zoning text amendment.

**SEC. 3.10 MAP AMENDMENT (REZONING)**

**3.10.1 Who May Apply**

Applications for amendment of the Official Zoning Map may be initiated by:

- A. The Danville-Boyle County Planning and Zoning Commission, including flood plain designations initiated by the Planning Commission;
- B. The Legislative Body having zoning authority over an affected property;
- C. The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

**3.10.2 Pre-application Conference**

- A. Prior to formal application for amendment of the Official Zoning Map, the applicant, and/or his attorney, shall hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, this Ordinance, the Subdivision Regulations and other land development controls on the proposed development.
- B. The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a General Development Plan should be submitted with the application for amendment of the Official Zoning Map.

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- C. The applicant shall furnish the following materials to facilitate discussion during the pre-application conference:
1. Location map showing affected area with project delineated;
  2. Project description (proposed use, density or intensity, general layout, etc.);
  3. Project development program (including proposed number of units for residential projects or square feet of building space for non-residential projects); and

**3.10.3 Application Requirements**

Application for amendment of the Official Zoning Map shall be filed with the Planning Commission in accordance with this section and shall contain the following:

- A. **Demonstration of Appropriateness.** Any application for amendment to the Official Zoning Map shall be submitted with a written detailed explanation as to the following:
1. How the proposed map amendment would conform to the Comprehensive Plan;
  2. Why the original zoning classification of the property in question was inappropriate or improper;
  3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate. The explanation for this section shall include:
    - a. A list of such specific changes;
    - b. A description as to how said changes were not anticipated by the Comprehensive Plan;
    - c. A description as to how said changes will alter the basic character of the area; and
    - d. A description as to how said changes make the proposed amendment to the Official Zoning Map appropriate.
- B. **Property Owners Signature.** All applications for amendment to the Official Zoning Map submitted by an owner or agent shall:
1. Be signed by all persons necessary to convey in fee simple absolute the property in question or the attorney for all such persons;
  2. Identify all lessees, option-holders and developers of the subject property; and
- C. **Zoning Plat/ Boundary Survey.** An accurate boundary survey of the property in question shall be filed with the application and shall contain the following information:

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1. Owner(s) and applicant(s) names;
2. From: (present zoning) to: (proposed zoning);
3. Scale;
4. Bearings and distances;
5. Locating distance to nearest road centerline or right-of-way;
6. House number of property or distance to intersecting street on each side;
7. North arrow;
8. Right(s)-of-way of road and pavement width;
9. Adjacent property, showing property lines and zoning;
10. Names of adjacent property owner(s);
11. Acreage of property to be rezoned;
12. Vicinity map;
13. Surveyor's stamp;
14. Flood plain areas(s) and FEMA certification; and
15. Corporate limits (if adjacent).

**D. Legal Notice Drawing.** A drawing is to be included with the zone change application in addition to the zone change survey for the purpose of legal notification.

1. Drawing must fit on 8 ½ X 11 sheet of paper.
2. A copy of the Zoning Plat/ Boundary Survey (Item C above).

**E. Development Plan.** As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission is authorized to require the submission of a Development Plan. The Development Plan shall be filed in accordance with the provisions and requirements of Sec. 3.11, Development Plans. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. A Development Plan may be either a General Development Plan or a Site Development Plan or both as specified by Section 3.11.

**F. Traffic Impact Study.** Any development requiring the submission of a Traffic Impact Study shall illustrate the effect of the proposed project on the surrounding roadways and intersections. Such effect shall be measured against the existing level of service standard and circulation patterns for the roadways affected by the proposed development's impact. Any project which proposes:

1. Greater than 50,000 square feet of non-residential space;
2. Greater than 50 residential units; or,
3. Any other use generating 500 or more average daily trips, shall be required to submit a Traffic Impact Study.

Exceptions to this requirement may be approved after consultation between the applicant, the Planning Commission and affected agencies (City or County Engineer and/or KYTC). The applicant must provide documentation, in writing, from all affected agencies, exempting their particular development from the TIS requirement.

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- G. Other Concurrent Applications.** Applications for Variances, and/ or Conditional Use Permits may be filed concurrently with the application for Official Zoning Map Amendment on the same property to be considered by the Planning Commission for a map amendment.

**3.10.4 Responsibility for Accuracy**

The applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission as part of the Official Zoning Map Amendment application. The applicant may rely on the records of the property valuation administrator for this purpose.

**3.10.5 Planning Commission Action**

The procedure for obtaining a Zoning Map Amendment shall be the same as defined in KRS Chapter 100 and in addition, as follows:

- A.** The Planning Commission requires, as a condition to the granting of a Zoning Map Amendment, the submission of a General Development Plan. Where agreed upon by the applicant, the General Development Plan shall be followed and binding upon the applicant, his heirs, successors, and assigns.
- B.** If the Planning Commission considers a General Development Plan concurrently with an application for Zoning Map Amendment pursuant to KRS 100.203(2), the Commission shall vote upon the application for Zoning Map Amendment at the same time as it considers the applicant's request that the General Development Plan be a condition to the granting of the Zoning Map Amendment. The recommendation of the Planning Commission to approve a Zoning Map Amendment shall be conditioned upon compliance with the submitted General Development Plan and enforced accordingly.
- C.** The Planning Commission and applicant may agree to amend the General Development Plan during the public hearing. In such case, the revised General Development Plan shall be prepared by the applicant within 14 calendar days of the approval of the Planning Commission. If the revised General Development Plan, has not been submitted to the Planning Commission within 14 days, the Commission may hold a public hearing to rescind the approval on the next available agenda.
- D.** No Development Plan approved by the Planning Commission shall permit the development or use of land in a manner prohibited by this Ordinance. To the extent a condition of a Development Plan may purport to grant such permission, it shall be deemed in conflict with the zoning district regulations and be void and of no effect.

**3.10.6 Review Criteria, Findings Required**

In their review of a map amendment, the Planning Commission shall consider and make findings on the following matters:

- A.** The map amendment is in agreement with the adopted Comprehensive Plan, or, in the absence of such a finding,

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- B.** That one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission of the legislative body or Fiscal Court:
1. The original zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
  2. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

**3.10.7 Legislative Body Action**

The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Zoning Map Amendment within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.

**3.10.8 Condition of Enactment of Map Amendment.**

The following condition shall apply to the enactment of any Zoning Map Amendment; Building permits for improvement of the subject property shall be issued only in conformance with the elements of the General Development Plan and, where required, a Site Development Plan.

**3.10.9 Action on Concurrent Applications**

- A.** In the event the applicant files for a Variance or Conditional Use Permit concurrently, the Planning Commission shall hold the public hearing concurrently with the map amendment.
- B.** For the purpose of carrying out this subsection, each requested Variance or Conditional Use Permit shall be considered as separate applications and shall otherwise be administered, advertised and handled in accordance with the requirements of this Ordinance and KRS 100 except that notice by mail for the Zoning Map Amendment shall include notice for the Variance or Conditional Use Permit and shall state that these items will be concurrently heard by the Planning Commission.
- C.** The Planning Commission shall assume all the powers and duties otherwise executed by the Board of Adjustments in considering a Variance or Conditional Use Permit, but shall only have this authority when the subject Variance or Conditional Use Permit is being considered concurrently with property being considered for a map amendment.

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**3.10.10 Parties Bound by Development Plan Conditions**

The Development Plan, General or Site, enacted under the provisions of this Section, including any amendment thereto, shall be binding upon the property and the owner at the time of approval by the Planning Commission, his heirs, successors in title, personal representatives, assigns, the Planning Commission and legislative bodies.

**3.10.11 Recording of Development Plan Conditions**

Following the approval of a map amendment and General Development Plan, or any amendment thereto, a statement shall be filed in the office of the Boyle County Clerk. The statement shall contain the name of the owner at the time of approval by the Planning Commission, a description of the property in question, source of title, and enumeration of the conditions as adopted by the Planning Commission and date of adoption and same shall be signed by them owner.

**SEC. 3.11 DEVELOPMENT PLANS, GENERAL OR SITE**

**3.11.1 Purpose and Intent of Development Plan Review**

- A.** The Development Plan is a review procedure whereby the Planning Commission may determine the character and objectives of the proposed development in order to ascertain the following:
  - 1. Impact the development will have on capacity of community facilities and services.
  - 2. Impact the development will have on the character of the neighborhood.
  - 3. Impact the development will have on the neighborhood and community.
  
- B.** The General Development Plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the proposed development and to determine what shall be binding on the use and development of the property in question.
  
- C.** A Site Development Plan is intended to contain specific plans for developing the property in question including implementation of the conditions of an approved General Development Plan.
  
- D.** A Development Plan is intended as a review of the proposed project site as a whole, especially where multiple zoning districts are proposed.
  
- E.** All references herein to the filing and approval of an initial Development Plan shall include all amendments thereto.

**3.11.2 General Development Plan Required**

- A.** A General Development Plan shall be filed with the application for an amendment to the Official Zoning Map in a form recordable in the Boyle County Courthouse.

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- B. Where large parcels of land are proposed for various zoning districts or for differing standards, each parcel may have separate General Development Plan for separate tract.

**3.11.3 Elements of a General Development Plan**

“Development plan” means written and/ or graphic material for the provision of a development, including any or all of the following:

- A. location and bulk of buildings and other structures,
- B. intensity of use,
- C. density of development,
- D. streets, ways, access points, and parking facilities,
- E. signs,
- F. drainage of surface water,
- G. a plan for screening or buffering,
- H. utilities,
- I. existing manmade and natural conditions, and
- J. all other conditions agreed to by the applicant.

**3.11.4 Site Development Plan Required**

Prior to the issuance of Building Permits and Zoning Permits, a Site Development Plan shall be approved by the Planning Commission for the following:

- A. All commercial developments or uses containing over 10,000 sq. ft. in total building area;
- B. Townhomes, multifamily housing, or group living uses with sixteen (16) or greater units;
- C. All institutional developments or uses containing over 50,000 sq. ft. in total building area; or
- D. All industrial developments or uses containing over 50,000 sq. ft. in total building area.

**3.11.5 Elements of Site Development Plan**

When a Site Development Plan is required by this Section, the plan shall contain the following information:

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- A.** Name of development, name and addresses of owners, developers, engineers, surveyors, landscape architects, and architects; vicinity map with accurate measurements to existing streets, date, scale, source of title and north arrow.
- B.** Names of adjacent subdivisions and/or names of recorded owners of adjacent land.
- C.** Names, location, arrangement and dimensions of all existing platted streets, driveways or other public ways within or adjacent to the property and existing utility easements.
- D.** Names, location, arrangement and dimensions of proposed streets and driveways or other public ways, including width of rights-of-way, parking areas and number of parking spaces (including total area of off-street parking), points of ingress and egress and sight distances of all entrances to existing streets.
- E.** Building setback lines or building envelopes whichever is appropriate.
- F.** Preliminary size and location of all proposed underground utilities lines (water, sewer and gas, if applicable).
- G.** A topographic survey of the site. Upon review of the survey, a drainage plan may be required.
- H.** Copy of proposed property owners' association covenant or master deed or restrictions if applicable.
- I.** Lot size and location.
- J.** Height, floor area and arrangement of proposed buildings or structures and number of dwelling units.
- K.** Location of all existing buildings, structures and parking.
- L.** Boundary survey including area and bearings and dimensions of all exterior property lines.
- M.** When mixed uses are proposed, show location of these uses by general type, i.e., commercial, industrial, office and residential.
- N.** Existing tree masses, significant rock outcroppings, streams, flood plains and other natural features.
- O.** Provisions for landscaping, if applicable.
- P.** Recreational and open space area, if applicable.
- Q.** Proposed stages of development if applicable and the anticipated time required to develop each stage.

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- R. Traffic Impact Study (if required) prepared and stamped by a professional engineer qualified in transportation engineering.
- S. All Site Development Plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the Site Development Plan.

**3.11.6 Action on Development Plan**

- A. General Development Plan. The Planning Commission shall consider the General Development Plan as part of a Zoning Map Amendment request and shall take action on the map amendment as outlined in 3.10. Applications for Variances and/or Conditional Use Permits may be filed concurrently with the application for a General Development Plan on the same property to be considered by the Planning Commission for a Zoning Map Amendment.
- B. The Planning Commission shall review the Site Development Plan and shall take one of the following actions:
  - 1. Approve the Site Development Plan, or,
  - 2. Disapprove the Site Development Plan.
    - a. When the Planning Commission's action is disapproval, the Planning Commission shall state the reasons for the action and shall transmit these reasons to the applicant within 10 days after its action.
    - b. Within 30 days of the transmittal, the applicant may make a written response concurring with the required modifications. Upon receipt of the applicant's concurrence, the Site Development Plan shall be deemed to have approval of the Planning Commission.
    - c. If the applicant fails to concur with the required conditions or does not reply within 30 days of the date of the transmittal, then the Site Development Plan shall be deemed disapproved by final action.
  - 3. The Planning Commission shall approve the Site Development Plan when it makes a determination that the Site Development Plan conforms to the General Development Plan and other requirements of this Article.

**3.11.7 Amendments to Enacted General Development Plan**

Amendments to an approved General Development Plan shall require the approval of the Planning Commission. Requests for amendment of any such plan shall be submitted to the Planning Commission and shall contain the signature of all property owners necessary to convey fee simple title to the land within the tract or phase that is subject to the General Development Plan, and

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the Commission shall act thereon at the next available agenda. Amendments shall be processed in the same manner as the original General Development Plan. Any such amendment shall be considered no earlier than one year, unless initiated by the Planning Commission Staff, after final action of the General Development Plan, except upon appeal or court order. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. A public hearing on the proposed amendment to the plan shall be held by the Planning Commission in the same manner as the original General Development Plan. An amendment to any approved General Development Plan shall be approved only if the proposed amendment remains consistent with the adopted Comprehensive Plan and upon a finding that:

- A. There have been major changes of an economic, physical or social nature within the area of the property in question which were not anticipated at the time of the adoption of the development plan which is being amended; or,
- B. There have developed physical conditions which would not permit development of property in question in accordance with the General Development Plan which is being amended.
- C. Any application to amend the General Development Plan shall require the signature of 100 percent of the property owners within the area covered by the General Development Plan and shall be amended by the same process as the original zoning amendment.

**3.11.8 Amendment to the Adopted Site Development Plan.** The applicant or owners may apply to the Planning Commission for amendment to the Site Development Plan. The application for an amendment must contain the signature of the property owners for at least 51 percent of the property within the original Site Development Plan. Any such amendment shall be considered no earlier than one year after final action on the Site Development plan. The Planning Commission may initiate an amendment to the Site Development Plan under this Section. Re-applications initiated by the Planning Commission shall be based on a change of circumstance which were not known at the time of the original application. The Planning Commission shall hold at least one public hearing as prescribed by this Ordinance and shall act on the application for amendment to the Site Development Plan in the same manner as originally approved.

**3.11.9 Minor Amendments and Changes to a Site Development Plan.** The items and conditions of the Site Development Plan may be changed from time to time as follows:

The Director may approve minor modifications of the adopted Site Development Plan so long as the modification shall not violate any standard or regulation set forth in the approved General Development Plan. The total of such modifications approved by the Director shall never exceed 5 percent of the gross leasable floor area (non-residential), 5 percent of parking or vehicle use areas or 5 percent of total residential units as shown by the adopted Site Development Plan. The Director shall not approve modifications of permitted uses.

**SEC. 3.12 LOCAL HISTORIC DESIGNATION**

**3.12.1 Recommendations and designations.** The DAHB shall recommend to the city commission the designation of historic districts and individual landmarks, and the city commission may make these designations by the enactment of ordinances. In addition, a property owner, any resident of the city, or any organization may ask the DAHB to study a property or an area and then to vote on whether or not to start the process for designating it as historic.

**Public hearing and notice.** To start the designation process, the DAHB shall assemble information about the district or property being considered for designation and shall schedule a public hearing on the proposed designation. Advertised notice of the hearing shall be given, including conspicuous posting in the proposed district or on the lot of the proposed landmark or property for fifteen (15) consecutive days immediately prior to the hearing. At least fifteen (15) days prior to the public hearing, written notice shall be given by first class mail to the owners of property under consideration and the owners of all adjoining property. The secretary of the DAHB or other officer of the DAHB shall certify that the notices were mailed. Written notice shall be considered sufficient when it is mailed to the person listed on the tax rolls of the city. Owners and any interested person may present testimony and evidence at the public hearing on the designation. The record on the designation may also include letters received by the DAHB.

**3.12.2 Who May Apply**

Consideration of the designation of a Local Historic Site or a Local Historic District may originate from the Legislative Body, the Danville Architectural Heritage Board or the landowner of the property in question. A person or an organization proposing a Local Historic site designation shall file a Zoning Map Amendment application with Planning Commission pursuant to Section 3.10 of this Ordinance. The Danville Architectural Heritage Board shall recommend to the Planning Commission the designation of Local Historic sites and Local Historic Districts. After a public hearing and a recommendation by the Planning Commission, the Legislative Body shall make these designations by the enactment of an ordinance.

**3.12.3 Planning Commission Public Hearing and Notice Required**

The Danville Architectural Heritage Board shall assemble information about a property or district being considered for designation and shall then hold at least one fact finding meeting to draft a recommendation to the Planning Commission. When a hearing before the Planning Commission is scheduled on a proposal designating individual Local Historic Sites and Local Historic District, the following notice shall be given by the Planning Commission in addition to any other notice required by statute, by local regulation or ordinance:

- A. Notice of the Planning Commission hearing shall be posted conspicuously on the property for which the designation is proposed for 14 consecutive days immediately prior to the hearing.

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- B.** The Planning Commission public hearing sign shall be constructed of durable material, shall be written in letters sufficiently large enough to be read from the public street, shall state the telephone number of the Planning Commission, and shall state the time, place and date of Planning Commission hearing.
- C.** Notice of the Planning Commission hearing shall be given at least 14 days in advance of the hearing by first-class mail, to the owner of every parcel of property adjoining the property for which the designation is proposed. It shall be the duty of the person or persons proposing the designation to furnish to the Planning Commission the names and addresses of the owners of all affected and adjoining property. Records maintained by the Boyle County Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

**3.12.4 Historic Overlay Standards/Design Guidelines**

The Historic Overlay Standards shall include the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, as well as the Secretary of the Interior's Guidelines on Sustainability for Rehabilitating Historic Buildings. Furthermore, the DAHB shall adopt general guidelines that will apply to historic districts and landmarks or property and will assist owners in the preservation and rehabilitation of their property. The guidelines shall be submitted to the planning and zoning commission and the city commission for their approval prior to enforcement. The guidelines shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and may include other guidelines that will apply to all designated property to the city. In its guidelines and in its decisions the DAHB shall not limit new construction to any one (1) architectural style but shall seek to preserve the character and integrity of the historic districts and landmarks or properties. The guidelines shall suggest changes that would be appropriate for landmarks or for property in historic districts and shall refer to appropriate work completed on property in the city so that applicants may visit those sites. The DAHB may expand on or amend the guidelines it has adopted provided it holds a public hearing on the changes and submits the proposed changes to the city commission for their comments and approval prior to enforcement. and may include other local standards that will apply to all designated property in the affected jurisdiction.

**3.12.5 Designation Criteria**

A Local Historic Site and/or Local Historic Districts shall qualify for designation when it meets one or more of the following criteria which shall be discussed in a Danville Architectural Heritage Board report making its recommendations to the Planning Commission and the Legislative Body:

- 1. Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development;
- 2. Its character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development;

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3. Its value as a reminder of the cultural or archaeological heritage of the city, state or nation;
4. Its location as a site of a significant local, state or national event;
5. Its identification with a person or persons who significantly contributed to the development of the city, state or nation;
6. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation;
7. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance; or
8. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

**3.12.6 Report to the city commission.** After evaluating the testimony at its public hearing, survey information and other material it has assembled, the DAHB shall make its recommendation to the city commission with a written report on the area or property under consideration. The report shall also contain information about the buildings which have been identified for inclusion in the proposed designation. The recommendation and the report shall also be sent to the planning commission.

**3.12.7 Conduct of Planning Commission Public Hearing.** Upon receipt of the written recommendation report, the Planning Commission shall then hold a public hearing in accordance with the requirement of a Zoning Map Amendment as contained in KRS Chapter 100.207 and 100.212. After the public hearing, the Planning Commission shall report on the relationship between the proposed historic district designation and existing and future plans for the development of the city. If the planning commission recommends the approval of the proposed historic district designation, it shall prepare a proposed overlay for the zoning map showing said historic district. The planning commission shall forward its comments and recommendation for the proposed zoning map overlay addition to the city commission. If the planning commission does not approve of the proposed designation, it shall forward its comments to the city commission in the form of a recommendation.

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**3.12.8 Legislative Body Action**

- A. The Planning Commission's recommendation for approval or disapproval of the amendment and the findings of fact which support the recommendation shall be forwarded to the affected Legislative Body for consideration. The Legislative Body shall take final action upon a proposed Zoning Map Amendment within 90 days of the date of the Planning Commission's recommendation. Failure of the Legislative Body to act within 90 days shall deem the recommendation of the Planning Commission to have passed by operation of law.
  
- B. The Local Historic Site, or Local Historic Districts shall be shown on the Official Zoning Map by the use of the letters "HD"; this identification and designation shall be in addition to the other categories shown on the Official Zoning Map. **Relationship to zoning:** The property in a historic district shall be subject to the zoning article and subdivision regulations and other rules of its underlying zoning district. A landmark shall be subject to the zoning article and subdivision regulations and other rules of its zoning district. When there is a conflict between this article and the zoning article or subdivision regulations, the higher standard shall govern. Upon establishment of an overlay district, development within the area shall conform to all zoning regulations applicable to the area and shall also conform to all historic overlay district regulations.
  
- C. The Planning Commission shall arrange that the designation of a property as a Local Historic Site or as a part of a Local Historic District be recorded in the records of Boyle County Clerk's office. The Planning Commission shall also give notice of the decision to the government offices in the City which shall retain it for future reference.

**3.12.9 Notification of designation.** The DAHB shall notify each owner of the decision relating to his property and shall arrange that the designation of a property as a landmark or as a part of a historic district be filed by the county clerk in the land records by owner's name and tax district lot and block number. The DAHB shall also give notice of the designation to the government offices in the city and county which shall retain them for future reference.

**3.12.10 Amendment or rescission of a designation.** The amendment or rescission of any designation shall be accomplished through the same steps as were followed in the original designation.

**SEC. 3.13 CERTIFICATE OF APPROPRIATENESS**

**3.13.1 When Required**

A Certificate of Appropriateness from the Danville Architectural Heritage Board shall be required before a person may undertake the following actions affecting a Local Historic Site, and/or Local Historic Districts:

- A. Alteration of the exterior part of the building or structure
- B. New construction or new additions;
- C. Signs, fences or new parking areas;

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- D. Demolition; or
- E. Relocation.

Any person applying for a building permit for a project involving designated property must submit a certificate of appropriateness approving any work listed in this section; however, a certificate of appropriateness for any work described in this section is required even when the proposed work does not require a building permit.

**3.13.2 Application to the DAHB.**

The building inspector, codes enforcement officer, or planning director shall refer to the DAHB any person who proposes to undertake an exterior alteration visible to the public, new construction, a demolition or a relocation affecting a landmark or a property in a historic district. The person shall supply the DAHB with the information it requests in order to reach a decision on his application for a certificate of appropriateness. The applicant shall provide, where applicable, drawings of the proposed work, photographs of the existing building or site and adjacent properties, and information about the building materials to be used.

**3.13.3 Stop work order; injunction.**

In the event work is being performed without the required certificate of appropriateness, the Planning Director shall issue a stop work order. All work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect. The Planning Director shall meet with the owner or his agent to resolve the problem. The procedures authorized in this subsection may also be used in the event work is being performed which is not in accordance with the certificate of appropriateness issued by the DAHB.

**3.13.4 Action by the Danville Architectural Heritage Board; notice.**

- A. The DAHB shall hold a public hearing on each application for a certificate of appropriateness within forty-five (45) days after a completed application is received by the DAHB. The DAHB shall make a decision on the application within forty-five (45) days after the receipt of a completed application; provided that the DAHB may extend the time for decision an additional sixty (60) days when the application is for a demolition or new construction. The application should include any information they deem necessary to adequately review the application, including but not limited to the following: a drawing of proposed work, architectural plans, proposed signs, elevations of all visible portions of proposed structures facing streets, photographs of existing building or structure and adjacent properties, and information about the building materials to be used. The DAHB shall approve or disapprove each application, and it shall give its reasons for its decision using the criteria contained in this section and in its guidelines. The DAHB may suggest modifications to an application and where the suggested modifications are agreed upon by the owner or his agent, the DAHB may then approve a certificate of appropriateness providing for revisions in the plans submitted. If the DAHB fails to decide on an application within the specified time period, the application shall be deemed approved.

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- B.** Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the DAHB's decision. When an application has been approved, the applicant shall be given a certificate of appropriateness. Advertised notice of the public hearing shall be given, including conspicuous posting on the property for five (5) consecutive days immediately prior to the hearing.

**3.13.5 Criteria in deciding on applications.**

In making a decision on an application, the DAHB shall use its guidelines. The DAHB shall consider:

- A.** The effect of the proposed work on the landmark or the property in the historic district upon which such work is to be done; and
- B.** The relationship between such work and other adjacent or nearby buildings and property. In evaluating the effect and the relationship, the DAHB shall consider historical and architectural significance, architectural style, design, texture, materials, and color. The certificate from the DAHB shall not relieve the applicant from complying with the requirements of other state and local laws and regulations.

**3.13.6 Consultation with applicants.**

Before an applicant prepares his plans, he may bring a tentative proposal to the DAHB for its comments. The DAHB shall be aware of the importance of finding a way to meet the current needs of the applicant. The DAHB shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

**3.13.7 Routine alterations; ordinary maintenance and repairs.**

- A.** The Planning Director may prepare a list of routine alterations that may receive a certificate of appropriateness without a public hearing, when an applicant complies with the written guidelines of the DAHB. At each meeting the DAHB shall be informed of the certificates of appropriateness that have been issued under this provision. If any question arises as to compliance or if staff or the applicant feels that the application raises issues deserving review by the full DAHB, the request shall be referred to the DAHB for action. The DAHB shall not regulate the color of paint used on designated property, but it may prepare and distribute material on paint colors appropriate for different types and styles of buildings.
- B.** Within the boundaries of a historic district a certificate of appropriateness is not required for the following:
  - a.** Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure or where no change is made to the appearance of a building or site. Ordinary maintenance and repair shall include:
    - i.** Repainting a building the same color;
    - ii.** Replacement of window glass (but not the style or type of windows);
    - iii.** Caulking and weather-stripping;

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- iv. Installation of minor landscaping, including the planting of vegetable and flower gardens, shrubs, and trees, except when part of overall landscaping or replanting of yard space;
  - v. Pruning trees and shrubbery and removal of trees less than six (6) inches in diameter;
  - vi. Repairs to walks, patios, fences, and driveways, provided that replacement material match the original or existing materials in detail and color;
  - vii. Replacement of small amounts of missing or deteriorated original or existing siding, trim, roof coverings, porch flooring, steps, and the like, as long as replacement materials match the original or existing materials in detail and color;
  - viii. Replacement of gutters and downspouts as long as the color and shape matches the original;
  - ix. Erection of temporary signs such as real estate and political signs;
  - x. Installation of house numbers and mailboxes that are compatible with the original in style, size and material; and
  - xi. Repair of existing street or yard lighting.
- b. Any construction, alteration, or demolition that only affects the interior of the structure.
- c. Any alteration of demolition undertaken by the city, or any alteration or demolition that is necessary to correct or abate a condition that has been declared unsafe by the Code Enforcement Department and where emergency measures have been declared necessary by such department.
- C. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided this work on a landmark or a property in a historic district does not change its exterior appearance in any way that is visible to the public. Every person in charge of a landmark or a property in a historic district shall keep in good repair:
- a. All of the exterior portions of such buildings or structure; and
  - b. All interior proportions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this provision is to prevent a person from forcing the demolition of his building by neglecting it and by permitting damage to the building because of weather or vandalism.
- D. No provision in this article shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building to its original appearance. The provisions of this section shall be in addition to the provisions fo the Kentucky Building Code requiring buildings and structures to be kept in good repair.

**3.13.8 Meetings with owners about condition of buildings.**

The DAHB shall request a meeting with a property owner when his landmark or his building in a historic district is in poor repair, and the DAHB shall discuss with the owner ways to improve the condition of his property. After this step, the DAHB may request the building inspector to take action to require correction of defects in any building or structure designated under this article so that such building or structure shall be preserved in accordance with the purposes of this article. Action taken by the city may include boarding up the doors, windows and other parts of the building and additional steps to stabilize walls, roofs and other parts of the building or structure.

**3.13.9 Emergency situations.**

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a landmark or a property in a historic district, he may order the remedying of these conditions without the approval of the DAHB. When it is possible, he shall consult with the chairman or vice chairman of the DAHB about the action being taken. If consultation is not possible, the city shall notify the DAHB of the action taken after the completion of the work.

**3.13.10 Demolition of a landmark or a building or structure in a historic district.**

- A. After its public hearing, the DAHB may decide that a building or structure in a historic district may be demolished because it does not contribute to the historic district.
- B. On all other demolition applications, the DAHB shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the DAHB shall also determine whether the applicant can obtain a reasonable return from his building. The DAHB may ask applicants for additional information to be used in making these determinations. If economic hardship or the lack of a reasonable return is not proved, the DAHB shall deny the demolition application unless the DAHB finds grounds to grant the demolition application under the points contained in subsection 3.13.5.

**3.13.11 Moving a landmark or a building or structure in a historic district.**

When an applicant wishes to move a landmark or a building or structure in a historic district or when an applicant wishes to move a building or structure to a lot containing a landmark or to a property in a historic district, the DAHB shall consider: (i) the contribution the building or structure makes to its present setting; (ii) whether there are definite plans for the site to be vacated; (iii) whether the building or structure can be moved without significant damage to its physical integrity; and (iv) the compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in addition to the points contained in subsection 3.13.5.

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**3.13.11 Signage**

- A. The purpose of this section is to encourage the use of well designed signage within historic districts which will enhance the architectural styles and historic atmosphere of the district, rather than detract from them. It is recognized that commercial signage is, and always has been vital to the character and livelihood of historic districts and their merchants. It is recognized that poorly designed and haphazardly placed signage cannot only destroy the atmosphere of historic districts, but can spoil their beauty and character. The Design Guidelines and this section are intended to supplement other sections of the zoning ordinance by establishing additional design standards, guidelines and criteria for development within historic districts to preserve, conserve, and protect the historical, cultural, architectural, aesthetic, or other distinctive characteristics of a district.
  
- B. In addition to conforming to zoning sign regulations adopted by reference in Chapter 19 of the Code of Ordinances of the City of Danville, a certificate of appropriateness is required for proposed signs in a historic district. A certificate of appropriateness must be obtained prior to the application for a sign permit with planning and zoning.
  
- C. The DAHB shall approve or disapprove each application for a certificate of appropriateness for a proposed sign, and it shall give its reasons for its decision using the criteria contained in this ordinance and in its design guidelines, particularly the section titled "Signs."

**3.13.13 Length of validity of certificate of appropriateness.**

A certificate of appropriateness shall remain valid for one (1) year after it is issued. Work is required to start before the end of the one (1)-year period. If actual work is not commenced within one (1) year, the certificate shall expire on the one (1)-year anniversary of issuance. Actual work is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition is required preparatory to rebuilding, such excavation or demolition shall be deemed to be actual work provided that it shall be carried out diligently.

**3.13.14 Appeal of the DAHB's decision.**

The applicant shall have an appeal to the DAHB of commissioners of the City of Danville from a decision of the Danville Architectural Heritage Board on an application for a certificate of appropriateness. An appeal shall be taken within thirty (30) days of the action of the DAHB.

**SEC. 3.14 SPECIAL PROCEDURES IN FLOOD PLAIN DISTRICT**

**3.14.1 Amending the Flood Plain District**

- A. Evidence Required.**

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1. No Official Zoning Map amendment may be granted which removes the floodplain designation unless it can be established by evidence:
  - a. That the designation is in error; or
  - b. That the area can be filled to or above the elevation of the regulatory Flood Protection Elevation without causing on-site or off-site property damage or otherwise adversely affecting other properties within any watershed and shall not result in any increase in flood levels during occurrence of the base flood discharge; and
  - c. That the area in question is contiguous to lands outside the Flood Plain District and that access to such areas in question is provided over lands outside the Flood Plain District.
2. Items 1(a) or 1(b) above shall be supported by technical data certified by a Kentucky registered professional engineer that has proven each of the required stipulations.

- B. Amendment Process.** Any amendment shall be processed in the same manner as all other Zoning Map Amendments.
- C. FEMA Approval Required.** No Official Zoning Map amendment which removes the flood plain designation under this section shall become effective until approved by FEMA or Authorized State Agency.

**SEC. 3.15 REGULATION PROCEDURES OF CELLULAR ANTENNA TOWERS**

**3.15.1 Applications for Siting of Cellular Antenna Towers**

The owner of the property in question or an agent for the owner bearing a recorded written power of attorney granting authority for this purpose.

**3.15.2 Pre-application Conference**

- A.** Prior to formal application for the Siting of Cellular Antenna Towers, the applicant, and/or his attorney, shall hold a conference with the Planning Commission staff to discuss the effect of the Comprehensive Plan, this Ordinance, the Subdivision Regulations and other land development controls on the proposed development.
- B.** The pre-application conference shall include discussions of apparent characteristics of the site that would affect the proposed development. In addition, the pre-application conference may be utilized for discussing whether a General Development Plan should be submitted with the application for the Siting of Cellular Antenna Towers and/or amendment of the Official Zoning Map.

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- C. The applicant shall furnish the following materials to facilitate discussion during the pre-application conference:
  - 1. Location map showing affected area with project delineated;
  - 2. Project description (use, density or intensity, general layout, fencing, etc.);

**3.15.3 Application for the Siting of Cellular Antenna Towers - Contents of Uniform Application shall include:**

- A. The full name and address of the applicant and property owner;
- B. The applicant's articles of incorporation, if applicable;
- C. A geotechnical investigation report, signed and sealed by professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;
- D. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;
- E. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;
- F. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);
- G. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;
- H. A site survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;
- I. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;
- J. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;

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- K.** A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;
- L.** A statement that every person who, according to the records of the Boyle County Property Valuation Administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

  - 1. Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
  - 2. Given the telephone number and address of the local planning commission; and
  - 3. Informed of his or her right to participate in the planning commission's proceedings on the application;
- M.** A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
- N.** A statement that the affected Local Governments and their Legislative Bodies have been notified, in writing, of the proposed construction;
- O.** A copy of the notice sent to the affected Local governments and their Legislative Bodies;
- P.** A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;
- Q.** A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and
- R.** A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

**3.15.4 Demonstration of Appropriateness and Other Concurrent Applications Requirements**

- A. Applications for Official Zoning Map amendments, Variances, Conditional Uses Permits may be filed concurrently with the application for on the same property to be considered by the Planning Commission for the Siting of Cellular Antenna Towers. Any application for the Siting of Cellular Antenna Towers shall be submitted with a written detailed explanation as to the following:
  - 1. How the proposed tower siting and map amendment would conform to the Comprehensive Plan;
  - 2. Why the original zoning classification of the property in question was inappropriate or improper;
  - 3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate.
  
- B. As a condition to the granting of any amendment to the Official Zoning Map, the Planning Commission is authorized to require the submission of a Development Plan. The Development Plan shall be filed in accordance with the provisions and requirements of Sec. 3.11, Development Plans. Where agreed upon, this Development Plan shall be followed and shall be binding on all parties. A Development Plan may be either a General Development Plan or a Site Development Plan or both as specified by Sec. 3.11.
  
- C. The applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission as part of the Official Zoning Map amendment application. The applicant may rely on the records of the property valuation administrator for this purpose.

**3.15.5 Planning Commission Action**

The procedure for Siting of Cellular Antenna Towers and/or obtaining a Zoning Map Amendment shall be as follows:

- A. After an applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:
  - 1. In a public hearing, review the uniform application in light of its agreement with the comprehensive plan and adopted zoning regulations;
  - 2. Make its final decision to approve or disapprove the uniform application; and

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3. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the applicant to a specific date for the Planning Commission to issue a decision, the uniform application shall be deemed approved.
- B.** If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and the adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first. For tower siting cases involving Zoning Map Amendments, Variances, and/ or Conditional Use Permits filed concurrently with the application, no permit shall be issued until the Planning Commission and the appropriate Legislative Body has taken final action.
- C.** The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:
1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
  2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
    - (a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
    - (b) Lists the reasons and document why the co-location was unsuccessful in each instance.

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- D.** The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
  
- E.** In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.
  
- F.** Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.
  
- G.** A party aggrieved by a final action of the Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

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# ARTICLE 4 ZONING DISTRICTS

**SEC. 4.1 ESTABLISHMENT OF DISTRICTS**

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

Zoning Districts		Page
Agriculture District	AG	4-4
Single Family Residential Districts	RR R1-A R1-B R1-C	4-8
Manufactured Home Park District	MHP	4-8
Two-Family Residential District	RM-2	4-19
Multi-Family Residential District	RM-3	4-19
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Zoning Districts – General

**4.1.1 District Conversion Table**

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

<b>Prior</b>	<b>Zoning Districts</b>	<b>Revised</b>	<b>Page</b>
AR-1	Agricultural/ Residential	AG	4-4
A-C	Agricultural/ Commercial	NB	4-27
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GR-B	General Residential/ Small Lot	RM-2	4-19
GR-C	General Residential/ Civic Uses	NB	4-27
RMH	Residential Manufactured Housing	MHP	4-8
NCR-A	Neighborhood Center Residential	RM-3	4-19
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NCC	Neighborhood Conservation Classification	RM-3	4-19
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RC	Rural Commercial	NB	4-27
ICD	Institutional Campus Development	ICD	4-27
IBD	Industrial Business Development	IBD	4-51
DT	Downtown	CB	4-27
TND	Traditional Neighborhood	GB	4-27

**SEC. 4.2 OFFICIAL ZONING MAP**

**4.2.1 Established**

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

**4.2.2 Replacement**

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

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

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

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

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

**4.3.1 Purpose and Intent**

The Agriculture District is intended to:

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

**4.3.2 Right to Farm Policy**

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

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

**4.3.3 Uses**

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

**4.3.4 Permitted Residential Unit Types**

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

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Zoning Districts – Agriculture

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

**4.3.5 Property Development Standards**

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

**Agriculture District (AG)**

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

**C. Signs**

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

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Zoning Districts – Agriculture

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

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

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Zoning Districts – Agriculture

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

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Zoning Districts – Single-Family Residential

**SEC. 4.4 SINGLE FAMILY RESIDENTIAL DISTRICTS**

**4.4.1 Rural Residential District (RR)**

**A. Purpose and Intent**

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

**B. Permitted Residential Unit Types**

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

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

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

**A. Purpose and Intent**

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

**B. Permitted Residential Unit Types**

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

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

P = Permitted Unit Type

**4.4.3 Manufactured Home Park (MHP)**

**A. Purpose and Intent**

The Manufactured Home Park District is intended to:

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

**B. Permitted Residential Unit Types**

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

1. Manufactured Home; and Mobile Home.

**4.4.4 General Residential Development Standards**

**A. Uses**

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

**B. Property Development Standards**

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

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

**C. Other Standards**

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

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

**D. Signs**

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

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

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

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

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

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

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

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

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

**4.4.5 Residential Development Standards by Housing Type**

**A. Zero Lot Line Home**

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

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

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

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

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

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

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

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**C. Manufactured Home Park**

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

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

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

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

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

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

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

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

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

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

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

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**4.5.4 General Residential Development Standards**

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

	<b>RM-2 Duplex</b>	<b>RM-2 Twinhome</b>	<b>RM-3</b>	<b>RM-4</b>																																				
<b>Lot Area</b> (minimum) Public Sewer	10,000 sf	5,000 sf / unit	8,000 sf + 1,500 sf for each unit >1	6,000 sf																																				
Septic System	N/A	N/A	N/A	N/A																																				
<b>Lot Width</b> (min at bldg line)	80 ft	40 ft/ unit	50 ft	50 ft																																				
<b>Lot Frontage</b> (minimum) Public Street	50 ft	25 ft/ unit	50 ft	50 ft																																				
Cul-de-Sac (bulb only)	40 ft	20 ft/ unit	40 ft	40 ft																																				
<b>Lot Coverage</b> (maximum)	75%	75%	80%	85%																																				
<b>Setback</b> (minimum) Front Yard	25 ft	25 ft	25 ft	25 ft																																				
Side Yard	10 ft	10 ft	10 ft	10 ft																																				
Rear Yard	10 ft	10 ft	10 ft	10 ft																																				
Accessory Structure	5 ft	5 ft	5 ft	5 ft																																				
<b>Height</b> (maximum)	42 ft	42 ft	42 ft	6 stories																																				
<b>Off-Street Parking Spaces</b> (Per Unit)	<table border="0"> <tr><td>Bed</td><td>Spaces</td></tr> <tr><td>1</td><td>1.0</td></tr> <tr><td>2</td><td>2.0</td></tr> <tr><td>3</td><td>3.0</td></tr> <tr><td>4</td><td>4.0</td></tr> <tr><td>5</td><td>5.0</td></tr> </table>	Bed	Spaces	1	1.0	2	2.0	3	3.0	4	4.0	5	5.0	2 Spaces	<table border="0"> <tr><td>Bed</td><td>Spaces</td></tr> <tr><td>1</td><td>1.5</td></tr> <tr><td>2</td><td>2.5</td></tr> <tr><td>3</td><td>3.25</td></tr> <tr><td>4</td><td>4.25</td></tr> <tr><td>5</td><td>5.0</td></tr> </table>	Bed	Spaces	1	1.5	2	2.5	3	3.25	4	4.25	5	5.0	<table border="0"> <tr><td>Bed</td><td>Spaces</td></tr> <tr><td>1</td><td>1.5</td></tr> <tr><td>2</td><td>2.5</td></tr> <tr><td>3</td><td>3.25</td></tr> <tr><td>4</td><td>4.25</td></tr> <tr><td>5</td><td>5.0</td></tr> </table>	Bed	Spaces	1	1.5	2	2.5	3	3.25	4	4.25	5	5.0
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**C. Other Standards**

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

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

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

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**9. Parking Standard.**

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

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

**E. Signs**

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

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

\*RM-3 and RM-4 Only

**2. Entrance Signs Standards.**

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

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

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Zoning Districts – Multi-Family Residential

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

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

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

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

**4.5.5 Residential Development Standards by Housing Type**

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

**B. Townhome.**

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

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

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

**SEC. 4.6 COMMERCIAL DISTRICTS**

**4.6.1 Neighborhood Business District (NB)**

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

**4.6.2 General Business District (GB)**

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

**4.6.3 Central Business District (CB)**

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

**4.6.4 Highway Business District (HB)**

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

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

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

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

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

**4.6.7 Public District (P)**

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

**4.6.8 General Commercial Development Standards**

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

**B. Property Development Standards.**

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

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

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

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

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

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

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

1. **Applicability**

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

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

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

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

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

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

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

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

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

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

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

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

7. **Credit for existing vegetation.** Existing vegetation which is proposed to be used to fulfill the landscape requirements shall be shown on the required landscape plan and may only be used with written approval of the Planning Commission after a site visit. All vegetation to be used must be on the property requiring the landscape plan. If in the future, the existing vegetation is removed, the property owner will be required to replace the vegetation with the quantity as outlined elsewhere in this section.

8. **Requirements of a Landscape Plan.**

- a. Site plan, drawn to a scale not to exceed one inch to fifty feet, showing all existing structures, proposed structures, proposed VUA and travel lanes, property lines, easements, existing topography, proposed grading at a minimum of two-foot contours and the proposed location of all plant material keyed to the plan.
- b. Plant schedule including common name, botanic name, cultivar, size and quantity, condition (balled and burlaped, container size or bare root), and planting details using the standards of the American Society of Landscape Architects.
- c. All landscape plans must be prepared by an Engineer, Architect, or Landscape Architect licensed to practice in the State of Kentucky, or Certified Nurserymen and in accordance with all state laws.

9. **Landscape plans required for Building and Zoning Permit.**

When a landscape plan is required, no Building or Zoning Permit shall be issued until the required landscape plan has been submitted and approved, all required landscape improvements must be installed prior to receipt of a Certificate of Occupancy. A surety must be posted for any landscape improvements that will be installed after the issuance of a Certificate of Occupancy. A surety must be submitted to the Planning Commission in the amount of the cost to install the landscaping according to the approved landscape plan plus an additional ten (10) percent inflationary factor.

10. **Maintenance.** All landscaping required by this Section and any landscape material planted as part of any approved Development Plan, must be maintained in a healthy and growing condition for a period of thirty-six (36) months, and all plant material that dies must be replaced in the next appropriate planting season to the specifications of the originally approved landscape plan.

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

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

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

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

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

**4. Parking Space Design**

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

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

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

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

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

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

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

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

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

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

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

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

- a. Stacking spaces shall be a minimum of 8 by 20 feet in size.
  - b. Stacking spaces shall be designed so as not to impede pedestrian circulation or on- and off-site traffic movements or movements into or out of parking spaces.
  - c. Stacking spaces shall be separated from other internal driveways with raised medians, if deemed necessary by the Planning Commission for traffic movement or safety.
- 8. **Off-Street Loading Space.** Every building or structure hereafter constructed for business or trade use shall provide adequate space for the loading or unloading of delivery vehicles on site. Such space shall have access to a public alley, or if there is no alley, to a public street.

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

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

**F. Signs**

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

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

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

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

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

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

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

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

**5. Prohibited On-Premise Signs**

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

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

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

6. **Temporary On-Premise Signs**

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

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

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

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

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

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

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

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

10. **Off-Premise Signs.**

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

11. **Consolidated Shopping Center Signs**

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

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

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

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

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

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

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

**H. Outdoor Lighting and Speakers.**

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

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

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

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

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

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Zoning Districts – Commercial

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

**N. Horizontal Property (Condominium)**

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

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

**4.7.1 Light Industrial District (LI)**

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

**4.7.2 Heavy Industrial District (HI)**

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

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

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

**4.7.4 General Industrial Development Standards**

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

**B. Property Development Standards.**

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

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

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

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

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

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

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

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

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

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

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

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

**F. Outdoor Lighting and Speakers.**

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

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

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

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

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

**SEC. 4.8 SPECIAL PURPOSE DISTRICTS**

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

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

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

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

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

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

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

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

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

**SEC. 4.9 OVERLAY DISTRICTS**

**4.9.1 Historic Overlay District**

**A. Purpose and Intent.**

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

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

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

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

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

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

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

**4.9.2 Airport Overlay District**

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

# ARTICLE 5 USE REGULATIONS

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## 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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Use Regulations

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
<b>P = Permitted Use    C = Conditional Use    * = Specific Use Standards Apply</b>																			
<b>RESIDENTIAL (See Section 5.2.2)</b>																			
<b>Household Living</b>	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
		Accessory Apartment	P*	P*	P*				P*		P*		P*		P*				P
<b>Group Living</b>	5-10	Fraternity/ Sorority												P*					
	5-10	All Other Group Living Facilities	C				C	P		P	C	P	C		P			P	
<b>INSTITUTIONAL (See Section 5.2.3)</b>																			
<b>College</b>	5-11									P	P	P	P	P	P			P	P
<b>Community Services</b>	5-11		C				C	C	C	P	P	P	P	P	P			P	P
<b>Day Care</b>	5-12		C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*			P*	P
<b>Detention Facility</b>	5-13							C		C	C	P			P	P	P		
<b>Health Care Facility</b>	5-14								P	P	P	P	P	P	P			P	P
<b>Parks and Open Areas</b>	5-14		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Religious Institution</b>	5-15		C	C	C	C	C	C	P	P	P	P	P	P				P	P
<b>Safety Services</b>	5-15		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>School</b>	5-16		C	C	C	C	C	C	C	P	P	P	P	P	P			P	P
<b>Utilities, Basic</b>	5-16		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P

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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	
<b>P = Permitted Use    C = Conditional Use    * = Specific Use Standards Apply</b>																				
<b>COMMERCIAL (See Section 5.2.4)</b>																				
<b>Eating Establishment</b>	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
<b>Office</b>	5-20								P	P	P	P	P	P	P	P	P	P	P	
<b>Overnight Accommodation</b>	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*								
<b>Parking, Commercial</b>	5-25									P	P	P	P	P	P	P	P	P	P	
<b>Recreation and Entertainment</b>	5-27	Active Outdoor	C								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				
<b>Retail Sales and Service</b>	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*		
		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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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				
<b>P = Permitted Use    C = Conditional Use    * = Specific Use Standards Apply</b>																							
<b>Retail Sales and Service (con't)</b>	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*				
<b>Self-Service Storage</b>	5-33									P*	P*	P*					P*	P*	P*				
<b>Vehicle Repair</b>	5-33									P		P					P	P					
<b>Vehicle Service, Limited</b>	5-34	Fuel Stations or Sales								P*	P*	P*	P*					P*	P*				
		Other Limited Vehicle Service									P		P					P	P	P			
<b>INDUSTRIAL (See Section 5.2.5)</b>																							
<b>Industrial Service</b>	5-35	Light															P	P	P				
		Heavy																P	P				
		Fuel Stations Heavy (Truck Stop)																P*	P*				
<b>Manufacturing and Production</b>	5-36	Light															P*	P*	P*				
		Heavy																P*	P*				
		Concrete Batch Plant																P	P	P			
		Mulch/Wood Operations	C															P	P				
<b>Above Ground Storage Tanks</b>	5-38		P*														P*	P*					
<b>Warehouse and Freight Movement</b>	5-38	Storage or Movement of Goods															P	P	P				
	5-39	Storage of Explosives, Ammunition, etc																C*					
<b>Waste-Related Use</b>	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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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																					
<b>Wholesale Sales</b>	5-39												P				P	P	P		
<b>Medical Cannabis Facilities</b>	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*
<b>OTHER (See Section 5.2.6)</b>																					
<b>Agriculture</b>	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*	
<b>Aviation, Surface Passenger Terminals</b>	5-46	Light Aviation	C*														P*	P*	P*	P*	
		Commercial Aviation	C*															P*	P*	P*	P*
		Ground Transportation										P	P				P	P		P	
<b>Burial Related Use</b>	5-47	Commercial Cemeteries and Crematories	C*								P*	P*	P*				P*	P*			
<b>Merchant Electric Generating Facility</b>	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
<b>TEMPORARY USES (See Section 5.3)</b>																			
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 cavies) 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.

## **ARTICLE 6 NONCONFORMITIES**

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### **SEC. 6.1 INTENT**

If, within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **SEC. 6.2 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** No nonconforming structure may be enlarged, moved, or structurally altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Voluntary demolition of a nonconforming structure nullifies its nonconforming rights. Should a nonconforming structure or nonconforming portion of structure be voluntarily destroyed, moved or removed to an extent of 55 percent or more of its replacement cost at time of destruction (exclusive of foundations), it shall not be repaired or reconstructed except in conformity with the provisions of this Ordinance.
- B.** When a nonconforming structure is involuntarily destroyed or removed, it shall retain its nonconforming rights for a period of six (6) months. Failure to re-establish the structure within six (6) months nullifies the nonconforming rights. Re-establish, for the purposes of this section, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the principal structure have been let; in the absence of contracts, the principal structure must be under construction to a substantial degree (at least 55 percent of the construction completed).
- C.** Whenever a non-conforming sign collapses, burns, or is removed from its location, it shall not be replaced or reconstructed, except in full compliance with the provisions of this Ordinance. Signs which have been abandoned or which advertise an establishment, service, or product which has not existed or been available at that location for a period of six (6) months shall be removed by the property owner at their sole cost and expense. If the sign is destroyed beyond 55 percent of its replacement value, such sign can only be replaced or reconstructed in accordance with the requirements of this Ordinance, as well as any recorded Development Plan. Any sign which cannot be replaced or reconstructed in compliance with this Section shall be removed by the property owner at owner's sole cost and expense.

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- D. A nonconforming structure may be altered to the extent necessary to comply with a lawful order of government officials.
- E. Existing nonconforming structures located in the special flood hazard area shall not be expanded but may be otherwise modified, altered, or repaired provided such measures incorporate flood-proofing of the structure in accordance with FEMA standards.

**SEC. 6.3 NONCONFORMING USES OF LAND**

Where at the time of passage of this Ordinance or amendments, lawful use of land exists which would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No nonconforming use, except single family residential uses, shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. A nonconforming use may continue indefinitely; however, if any nonconforming use of land ceases for any reason for twelve (12) consecutive months or more, except where government action impedes access to the premises, the nonconforming status shall be nullified. Any subsequent use of land shall be in conformity with the regulations of the district in which it is located;
- D. Sale of a property containing a nonconforming use shall have no effect on the nonconforming status;
- E. Where nonconforming use status applies, the removal or destruction of the occupied principal structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 55 percent or more of its replacement cost, exclusive of foundation, at time of destruction.

**SEC. 6.4 NONCONFORMING LOTS OF RECORD**

- A. A nonconforming lot of record is any lot which was lawfully created prior to the adoption of the Zoning Ordinance but which has a smaller minimum lot area, frontage, or width than now required for that zoning district.
- B. A nonconforming lot of record may be used in accordance with the other applicable regulations for that zoning district. The subdivision of a nonconforming lot that creates a greater nonconformity is prohibited. The minor adjustment of lot lines between nonconforming lots may be allowed as long as an additional lot is not created.
- C. The Building Inspector and Planning Commission Director may approve Building and Zoning Permits for a lot of record if the proposed structure can

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comply with all district development standards except minimum lot area, frontage, or width. Variance of any other development standard must be obtained only through action of the Board of Adjustments.

**SEC. 6.5 REPAIRS AND MAINTENANCE**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, any change that does not require a building permit is considered routine maintenance and shall not affect the nonconforming status.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any Building or Fire Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Signs which are not prohibited on-premise signs and in legal existence on the effective date of this Ordinance and not in conformity with the provisions of this Ordinance may remain in place and shall be referred to as nonconforming signs. Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations. Routine maintenance is limited to replacement of nuts and bolts, cleaning and painting, or manipulating to level or plumb the device but not to the extent of adding struts or guys for the stabilization of the sign or structure or substantially changing the sign. The routine changing of messages is considered to be routine maintenance but the replacement of new casing/ framing or additional panels or replacing of facing material type shall not be considered routine maintenance.

**SEC. 6.6 CONDITIONAL USES NOT NONCONFORMING USES**

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

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# ARTICLE 7 ENFORCEMENT

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## SEC. 7.1 ENFORCEMENT OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by the Building Inspector or Codes Enforcement Officer of any Legislative Body or the Planning Commission, or any other person authorized by a legislative Body or the Planning Commission. Such enforcement personnel shall have the power to:

- A. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance;
- B. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of KRS 100.99;
- C. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board Ordinance and KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) for areas within the jurisdiction of any Governing Body's Code Enforcement Board.

## SEC. 7.1.2 CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS

- A. All work performed pursuant to a certificate of appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the planning director and the DAHB to inspect from time to time any work being performed to assure such compliance. In the event work is being performed which is not in accordance with such certificate, the planning director shall issue a stop work order. All work shall cease on the designated property.
- B. No additional work shall be undertaken as long as such stop work order shall continue in effect. The planning director shall meet with the owner or tenant to resolve the problem. The planning commission may seek in circuit court an injunction and any other appropriate relief in order that the intent of this ordinance shall be carried out.

## SEC. 7.2 PENALTIES FOR VIOLATIONS

### 7.2.1 Violations Pursuant to KRS 100.991

Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

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- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

**7.2.2 Violations Pursuant to KRS 65.8801 through 65.8840**

Violations of this Zoning Ordinance pursuant to KRS 65.8801 through 65.8840 (Local Government Code Enforcement Board Act) shall be subject to the areas and civil fines established within the jurisdiction of any Governing Body's Code Enforcement Board.

**SEC. 7.3 OTHER REMEDIES**

In such case any building is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, the Building Inspector, any appropriate Codes Enforcement Officer of any Legislative Body, or the Planning Commission, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

**SEC. 7.4 ENFORCEMENT ACTIONS INVOLVING AGRICULTURAL OPERATORS**

Before taking enforcement action to correct a violation of this Zoning Ordinance by any agricultural operator, the Planning Commission shall investigate the alleged violation to determine whether a violation of this Zoning Ordinance exists, and whether the activity is protected under Section 4.3, Right to Farm policy as "historical, traditional, reasonable and legitimate".