

ARTICLE 1

GENERAL PROVISIONS & REVIEW BODIES

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.