**ARTICLE 4**

**ZONING DISTRICTS**

**SECTION 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:

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Code</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture District</td>
<td>AG</td>
<td>4-4</td>
</tr>
<tr>
<td>Single Family Residential Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1-A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1-B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1-C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Park District</td>
<td>MHP</td>
<td>4-8</td>
</tr>
<tr>
<td>Two-Family Residential District</td>
<td>RM-2</td>
<td>4-19</td>
</tr>
<tr>
<td>Multi-Family Residential District</td>
<td>RM-3</td>
<td>4-19</td>
</tr>
<tr>
<td>Multi-Family Residential District</td>
<td>RM-4</td>
<td>4-19</td>
</tr>
<tr>
<td>Neighborhood Business District</td>
<td>NB</td>
<td>4-27</td>
</tr>
<tr>
<td>General Business District</td>
<td>GB</td>
<td>4-27</td>
</tr>
<tr>
<td>Central Business District</td>
<td>CB</td>
<td>4-27</td>
</tr>
<tr>
<td>Highways Business District</td>
<td>HB</td>
<td>4-27</td>
</tr>
<tr>
<td>Office and Professional District</td>
<td>OP</td>
<td>4-27</td>
</tr>
<tr>
<td>Institutional Campus Development District</td>
<td>ICD</td>
<td>4-27</td>
</tr>
<tr>
<td>Public District</td>
<td>P</td>
<td>4-27</td>
</tr>
<tr>
<td>Light Industrial District</td>
<td>LI</td>
<td>4-51</td>
</tr>
<tr>
<td>Heavy Industrial District</td>
<td>HI</td>
<td>4-51</td>
</tr>
<tr>
<td>Industrial Business Development District</td>
<td>IBD</td>
<td>4-51</td>
</tr>
<tr>
<td>General Flood District</td>
<td>F</td>
<td>4-57</td>
</tr>
<tr>
<td>Historic Overlay District</td>
<td>HD</td>
<td>4-59</td>
</tr>
<tr>
<td>Airport Overlay District</td>
<td>AD</td>
<td>4-60</td>
</tr>
</tbody>
</table>

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*Boyle County Joint Zoning Ordinance*

4-1
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:

<table>
<thead>
<tr>
<th>Prior</th>
<th>Zoning Districts</th>
<th>Revised</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR-1</td>
<td>Agricultural/ Residential</td>
<td>AG</td>
<td>4-4</td>
</tr>
<tr>
<td>A-C</td>
<td>Agricultural/ Commercial</td>
<td>NB</td>
<td>4-27</td>
</tr>
<tr>
<td>GR-A</td>
<td>General Residential/ Large Lot</td>
<td>R1-A</td>
<td>4-8</td>
</tr>
<tr>
<td>GR-B</td>
<td>General Residential/ Small Lot</td>
<td>RM-2</td>
<td>4-19</td>
</tr>
<tr>
<td>GR-C</td>
<td>General Residential/ Civic Uses</td>
<td>NB</td>
<td>4-27</td>
</tr>
<tr>
<td>RMH</td>
<td>Residential Manufactured Housing</td>
<td>MHP</td>
<td>4-8</td>
</tr>
<tr>
<td>NCR-A</td>
<td>Neighborhood Center Residential</td>
<td>RM-3</td>
<td>4-19</td>
</tr>
<tr>
<td>NCR-B</td>
<td>Neighborhood Center Residential</td>
<td>RM-3</td>
<td>4-19</td>
</tr>
<tr>
<td>NCR-C</td>
<td>Neighborhood Center Commercial</td>
<td>GB</td>
<td>4-27</td>
</tr>
<tr>
<td>NCC</td>
<td>Neighborhood Conservation Classification</td>
<td>RM-3</td>
<td>4-19</td>
</tr>
<tr>
<td>HC</td>
<td>Highway Commercial</td>
<td>HB</td>
<td>4-27</td>
</tr>
<tr>
<td>RC</td>
<td>Rural Commercial</td>
<td>NB</td>
<td>4-27</td>
</tr>
<tr>
<td>ICD</td>
<td>Institutional Campus Development</td>
<td>ICD</td>
<td>4-27</td>
</tr>
<tr>
<td>IBD</td>
<td>Industrial Business Development</td>
<td>IBD</td>
<td>4-51</td>
</tr>
<tr>
<td>DT</td>
<td>Downtown</td>
<td>CB</td>
<td>4-27</td>
</tr>
<tr>
<td>TND</td>
<td>Traditional Neighborhood</td>
<td>GB</td>
<td>4-27</td>
</tr>
</tbody>
</table>

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 both 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:
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.

<table>
<thead>
<tr>
<th><strong>Agriculture District (AG)</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Area</strong> (minimum)</td>
<td>217,800 sf</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>217,800 sf</td>
</tr>
<tr>
<td>Septic System</td>
<td></td>
</tr>
<tr>
<td><strong>Lot Width</strong> (minimum at building line)</td>
<td>100 ft</td>
</tr>
<tr>
<td><strong>Lot Frontage</strong> (minimum)</td>
<td></td>
</tr>
<tr>
<td>Public Street</td>
<td>40 ft</td>
</tr>
<tr>
<td>Cul-de-Sac (bulb only)</td>
<td>40 ft</td>
</tr>
<tr>
<td><strong>Lot Coverage</strong> (maximum)</td>
<td>25%</td>
</tr>
<tr>
<td><strong>Setback</strong> (minimum)</td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>25 ft</td>
</tr>
<tr>
<td>Side Yard</td>
<td>10 ft</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>25 ft</td>
</tr>
<tr>
<td><strong>Accessory Structure</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>25 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>5 ft</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft</td>
</tr>
<tr>
<td><strong>Height</strong> (maximum)</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Off-Street Parking Spaces</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

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.
2. Entrance Signs Standards.
   a. The content of an entrance sign shall be limited to the name of the agriculture use or the agriculture subdivision only.
   b. No sign shall be internally illuminated.
   c. All entrance signs shall be constructed of durable materials.
   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.
   e. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.

3. Temporary On-Premise Signs containing content of personal expression, campaign, property sale or seasonal event 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 Agriculture District shall also comply with all the General and Prohibited Sign Development Standards in Section 4.6.8.F.4 and 4.6.8.F.5.

Boyle County Joint Zoning Ordinance

4-6
Article 4
-----------------------------------------------
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.
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 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:

<table>
<thead>
<tr>
<th>Single-Family Detached</th>
<th>R1-A</th>
<th>R1-B</th>
<th>R1-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modular Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Zero Lot Line Home</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-Family Attached</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Apartments</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Permitted Unit Type

4.4.3 Manufactured Home Park (MHP)

A. Purpose and Intent
   The Manufactured Home Park District is intended to:
Article 4

Zoning Districts – Multi-Family Residential

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:

<table>
<thead>
<tr>
<th>Lot Area (minimum)</th>
<th>RR</th>
<th>R1-A</th>
<th>R1-B</th>
<th>R1-C</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Sewer</td>
<td>43,560 sf</td>
<td>10,000 sf</td>
<td>8,000 sf</td>
<td>5,000 sf</td>
<td>217,800 sf</td>
</tr>
<tr>
<td>Septic System</td>
<td>43,560 sf</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot Width (minimum at building line)</td>
<td>100 ft</td>
<td>70 ft</td>
<td>60 ft</td>
<td>50 ft</td>
<td>100 ft</td>
</tr>
<tr>
<td>Lot Frontage (minimum)</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Public Street</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>Cul-de-sac (bulb only)</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
<td>40 ft</td>
</tr>
<tr>
<td>Lot Coverage (maximum)</td>
<td>40%</td>
<td>50%</td>
<td>60%</td>
<td>70%</td>
<td>N/A</td>
</tr>
<tr>
<td>Setback (minimum)</td>
<td>Front Yard</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td></td>
<td>Side Yard</td>
<td>10 ft</td>
<td>10 ft</td>
<td>8 ft</td>
<td>5 ft</td>
</tr>
<tr>
<td></td>
<td>Rear Yard</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td></td>
<td>Accessory Structure</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
</tr>
<tr>
<td>Height (maximum)</td>
<td>42 ft</td>
<td>42 ft</td>
<td>42 ft</td>
<td>42 ft</td>
<td>42 ft</td>
</tr>
<tr>
<td>Off-Street Parking Spaces</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

Boyle County/Joint Zoning Ordinance

4-9
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.
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.

<table>
<thead>
<tr>
<th>Freestanding Signs Allowed?</th>
<th>RR &amp; R1</th>
<th>MHP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs Allowed?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Face Area</td>
<td>8 sf</td>
<td>32 sf</td>
</tr>
<tr>
<td>Entrance Sign Allowed?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

2. **Entrance Signs Standards.**
   a. The content of an entrance sign shall be limited to the name of the neighborhood, subdivision or park only.
   b. No sign shall be internally illuminated.
   c. All entrance signs shall be constructed of durable materials.
   d. 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.
Article 4

Zoning Districts – Multi-Family Residential

e. 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.

f. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.

3. Temporary on-premise signs containing content of personal expression, campaign, property sale or seasonal event 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 General and Prohibited Sign Development Standards in Section 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.

Boyle County/Joint Zoning Ordinance

4-12
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, 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 are not located on a front or side roof slope facing any public street or a rear roof slope facing a street.
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 mounted solar panel systems shall not exceed the height of the required opaque fence and in no case shall exceed eight (8) feet.

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.

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, 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.
Article 4
-----------------------------------------------
Zoning Districts – Single Family Residential

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:

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

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.

Boyle County/Joint Zoning Ordinance
-------------------------------------------------------------------
4-17
Article 4
-----------------------------------------------
Zoning Districts – Single Family Residential

6. **Internal Park Streets.** All unit spaces and permitted accessory uses and structures shall front on an internal park street only. All internal streets shall meet the following minimum requirements:

   a. All internal streets shall be 18 feet in width with no on-street parking or 24 feet with on-street parking.

   b. Dead-end streets shall be limited in length to 600 feet and shall be provided at the closed end with a cul-de-sac having a minimum diameter of 80 feet.

   c. All Manufactured Home Park shall be equipped with street lights on all streets.

   d. All streets within the mobile home park shall conform to the street construction and design standards of the Subdivision Regulations of Boyle County except as herein modified.

7. **Off-Street Parking.** Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall be accessible by motor vehicles from the internal park street and two (2) parking spaces per housing space is required.

8. **Design Standards.**

   a. All housing unit spaces shall be designed so that the unit can be moved on or off the site without moving any other unit.

   b. All units must meet the HUD Code for Manufactured Housing or be affixed with a Commonwealth of Kentucky “B” Seal.

   c. All units must be in good repair at the time of their placement and shall be maintained in good repair thereafter.

   d. Each unit shall be placed on a permanent foundation and skirted to enclose the area below the unit.

9. **Water Supply.** All Manufactured Home Parks shall be served by a public water system that can provide 600 GPM at 20 PSI residual pressure and meet any applicable fire hydrant ordinance.

10. **Sewage Disposal.** All Manufactured Home Parks shall be connected to the public sewer system. Individual septic systems may not be used.

11. **Existing Nonconforming Parks.** For existing parks which are located in any zoning district other than Manufactured Home Park, any plans to extend or to expand onto contiguous property, shall necessitate a zoning change in accordance with Section 3.10 Map Amendment (Rezoning), and the filing of a Development Plan on the entire property.
SEC. 4.5  MULTI-FAMILY RESIDENTIAL DISTRICTS

4.5.1  Two-Family Residential District (RM-2)

A. **Purpose and Intent.** The Two-Family Residential District is intended to provide housing opportunities for two-family residential development, including Twinhomes and Duplexes. This district shall be served by public sanitary sewer.

B. **Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:

1. Twinhomes;
2. Duplexes; and
3. Residential unit types permitted in R1-A district (utilizing R1-A property development standards).

4.5.2  Multi-Family Residential District (RM-3)

A. **Purpose and Intent.** The RM-3 Multi-Family Residential District is intended to provide housing opportunities for multi-family development of up to 8 units in a single building. This district shall be served by public sanitary sewer.

B. **Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:

1. Apartments or Townhomes containing 3 to 8 units per building;
2. Condominiums containing 3 to 8 units per building;
3. Two-family residential unit types permitted in RM-2 district; and
4. Residential unit types permitted in R1-B district (utilizing R1-B property development standards).

4.5.3  Multi-Family Residential District (RM-4)

A. **Purpose and Intent.** The RM-4 Multifamily Residential District is intended to provide housing opportunities for multi-family development with greater than eight (8) units per building. This district shall be served by public sanitary sewer.

B. **Permitted Residential Unit Types.** The following residential unit types shall be permitted in this District:

1. Apartments containing greater than 8 units per building;
2. Condominiums containing greater than 8 units per building;
3. Residential unit types permitted in the RM-3 district;
4. Two-family residential unit types permitted in RM-2 district; and
5. Residential unit types permitted in R1-C district (utilizing R1-C property development standards).
4.5.4 General Residential Development Standards

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

B. **Property Development Standards.** Development in each Multi-family Residential District shall comply with the general residential development standards in the following tables:

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

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 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.
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 illuminated.

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

*RM-3 and RM-4 Only

   2. **Entrance Signs Standards.**

   a. The content of an entrance sign shall be limited to the name of the development or subdivision only.

   b. No sign shall be internally illuminated.

   c. All entrance signs shall be constructed of durable materials.

   d. Landscaping is encouraged around entrance signs, provided the selected landscape materials will not grow to obscure sign
Article 4

Zoning Districts – Multi-Family Residential

face. No landscaping shall be erected to obstruct free and clear vision of an intersection and/or roadway.

e. 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.

f. Entrance signs may be allowed in public right-of-way only with written permission of the applicable jurisdiction.

3. Temporary on-premise signs containing content of personal expression, campaign, property sale or seasonal event 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 General and Prohibited Sign Development Standards in Section 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, 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 be considered as an
Article 4
-----------------------------------------------
Zoning Districts – Multi-Family Residential

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 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.E (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 are not located on a front or side roof slope facing any public street or a rear roof slope facing a street.
   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.
Article 4

Zoning Districts – Multi-Family Residential

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 shall not exceed the height of the required opaque fence and in no case shall exceed eight (8) feet.

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.**
   
   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:
Zoning Districts – Commercial and Office/Professional

<table>
<thead>
<tr>
<th>Lot Area (minimum)</th>
<th>NB</th>
<th>GB</th>
<th>CB</th>
<th>HB</th>
<th>OP</th>
<th>ICD</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Sewer</td>
<td>5,000 sf</td>
<td>5,000 sf</td>
<td>0 sf</td>
<td>5,000 sf</td>
<td>5,000 sf</td>
<td>217,800 sf</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>Septic System</td>
<td>43,560 sf</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>43,560 sf</td>
<td>N/A</td>
<td>43,560 sf</td>
</tr>
<tr>
<td>Lot Width (min at Bldg Line)</td>
<td>50 ft</td>
<td>50 ft</td>
<td>0 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Lot Frontage (minimum)</td>
<td>50 ft</td>
<td>50 ft</td>
<td>0 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Lot Coverage (maximum)</td>
<td>70%</td>
<td>80%</td>
<td>100%</td>
<td>90%</td>
<td>70%</td>
<td>80%</td>
<td>80%</td>
</tr>
</tbody>
</table>

**Setback (minimum)**
- Front Yard: 25 ft, 25 ft, 0 ft, 25 ft, 25 ft, 25 ft, 25 ft
- Side Yard: 10 ft, 0 ft, 0 ft, 10 ft, 0 ft, 0 ft, 0 ft
- Rear Yard: 10 ft, 0 ft, 0 ft, 10 ft, 0 ft, 0 ft, 0 ft
- Accessory Structure: 0 ft, 0 ft, 0 ft, 0 ft, 0 ft, 0 ft, 0 ft

**Height (maximum)**
- 42 ft, None, None, None, 42 ft, None, None

**Building Size (maximum)**
- 4,000 sf, N/A, N/A, N/A, N/A, N/A, N/A

**Parking**
- See specific use chart in 4.6.8.E for parking requirements.

**Landscaping required?**
- See Section 4.6.8.D for landscaping requirements.

**Residential uses allowed?**
- Yes, Yes, Yes, No, Yes, Yes, Yes

**What standard?**
- 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,

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Boyle County/Joint Zoning Ordinance

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4-28
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 CB).** 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.
Article 4
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Zoning Districts – Commercial and Office/Professional

2. **Buffers between incompatible land uses.** Land uses that are determined to be incompatible by the Director of the Planning Commission 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.
Zoning Districts – Commercial and Office/Professional

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.
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 Nurseriesmen 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.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade and Ornamental Trees</td>
<td>1-3/4&quot; caliper</td>
</tr>
<tr>
<td>Evergreen and Ornamental</td>
<td>6' height</td>
</tr>
<tr>
<td>Shrub Material</td>
<td>18-24&quot; height</td>
</tr>
</tbody>
</table>

   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
Article 4

Zoning Districts – Commercial and Office/Professional

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 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.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Showroom or Dealer, New or Used</td>
<td>1 per 400 square feet of showroom and office space, plus two spaces per service bay</td>
</tr>
<tr>
<td>Bed and Breakfast, Short Term Rental</td>
<td>1 per bedroom</td>
</tr>
<tr>
<td>Conference Center or Student Center</td>
<td>1 per 150 square feet of meeting room space</td>
</tr>
<tr>
<td>Day Care</td>
<td>1 space per 400 square feet</td>
</tr>
<tr>
<td>Group Living</td>
<td>2 spaces per 3 occupant beds, plus 1 space per employee</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 space per 4 authorized beds, plus 1 space per 1,000 square feet</td>
</tr>
<tr>
<td>Outpatient Surgery Center, Urgent Clinics</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Medical Office, Health Clinic, Pharmacy</td>
<td>1 space per 250 square feet</td>
</tr>
<tr>
<td>Hotel or Motel, Extended Stay</td>
<td>1 per bedroom plus 1 per 400 square feet of banquet, office, or meeting space</td>
</tr>
<tr>
<td>Library, Museum, Art Gallery</td>
<td>1 per 500 square feet</td>
</tr>
<tr>
<td>Nursing Home, Assisted Living</td>
<td>1 space per 3 occupant beds, plus 1 space per employee, max shift</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per 300 square feet</td>
</tr>
<tr>
<td>Place of Public Assembly, Place of Worship</td>
<td>1 space per 4 seats maximum capacity</td>
</tr>
<tr>
<td>Sit-Down Restaurant</td>
<td>1 space per 100 square feet, plus 1 space per employee, max shift</td>
</tr>
<tr>
<td>Drive-Thru Restaurant</td>
<td>1 space per 200 square feet plus 1 space per employee, max shift</td>
</tr>
<tr>
<td>Retail or Commercial Use</td>
<td>1 space for each 400 square feet</td>
</tr>
<tr>
<td>Mixed Use Commercial</td>
<td>1 space for each 400 square feet</td>
</tr>
<tr>
<td>School, Elementary or Middle</td>
<td>2 spaces per classroom</td>
</tr>
<tr>
<td>School, Secondary or Post-Secondary</td>
<td>4 spaces per classroom or 1 space for 4 seats in auditorium, gym, arena or stadium, whichever is greater</td>
</tr>
</tbody>
</table>
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 ½ or less will be rounded down to the next lower whole number and any fraction of more than ½ 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.

<table>
<thead>
<tr>
<th>Type</th>
<th>Width</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Parking Space</td>
<td>9 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Parallel Parking Space</td>
<td>8 feet</td>
<td>22 feet</td>
</tr>
</tbody>
</table>

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.

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

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...
Article 4

Zoning Districts – Commercial and Office/Professional

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, either 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
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:

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

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.

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Off-Street Loading Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>NB, GB, HB</td>
<td>1 space per 10,000 sf of building</td>
</tr>
<tr>
<td>P, ICD</td>
<td>1 space per building</td>
</tr>
</tbody>
</table>

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
Article 4

Zoning Districts – Commercial and Office/Professional

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.

(3) Personal Expression Signs and Seasonal Event Signs.

(4) Campaign Signs.

(5) Property Sale Signs.

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.
Zoning Districts – Commercial and Office/Professional

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 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

<table>
<thead>
<tr>
<th>Freestanding Signs Allowed?</th>
<th>NB, CB</th>
<th>GB, HB</th>
<th>OP, P</th>
<th>ICD</th>
<th>LI, HI</th>
<th>IBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Premise Signs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| Maximum No.                | 1      | 1      | 1     | 1   | 1     | 1   |

<table>
<thead>
<tr>
<th>Maximum Total Sign Face Area (Freestanding)</th>
<th>96 sf</th>
<th>128 sf</th>
<th>64 sf</th>
<th>Per Site Dev Plan</th>
<th>96 sf</th>
<th>Per Site Dev Plan</th>
</tr>
</thead>
</table>

| Maximum Height | 15 ft | 24 ft | 10 ft | 10 ft | 15 ft | 15 ft |

<table>
<thead>
<tr>
<th>Structure Type</th>
<th>Pole Pylon or Monument</th>
<th>Pole Pylon or Monument</th>
<th>Monument Only</th>
<th>Monument Only</th>
<th>Pole Pylon or Monument</th>
<th>Monument Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs Allowed?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| Maximum Total Sign Face Area (Wall Signs) | 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.
Zoning Districts – Commercial and Office/Professional

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 that are used for any special occasion or business grand opening 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.** The content of an entrance sign shall be limited to the name of the commercial subdivision only. No 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.

Boyle County Joint Zoning Ordinance
e. **Content of Identification Sign.** Any Consolidated Shopping Center identification sign may carry the name, or a combination of names, of the major enterprise(s) or firm(s) located within the Shopping Center Development. No sign less than twelve (12) square feet in sign face area or sign that contains 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.
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:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>NB</th>
<th>GB</th>
<th>CB</th>
<th>HB</th>
<th>OP, P</th>
<th>ICD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1: Outdoor Display</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>--</td>
<td>✓</td>
</tr>
<tr>
<td>Type 2: Limited Outdoor Storage</td>
<td>--</td>
<td>✓</td>
<td>--</td>
<td>✓</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Type 3: General Outdoor Storage</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Type 4: Temporary/Seasonal</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>--</td>
<td>✓</td>
</tr>
</tbody>
</table>
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 smoke stacks.

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 are not located on a front or side roof slope facing any public street or a rear roof slope facing a street.

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. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.

6. 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.
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 (ICD)
The Industrial Business Development District is intended to provide attractive and viable environment for businesses and residents in Boyle County. This district to promote 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:

<table>
<thead>
<tr>
<th></th>
<th>LI</th>
<th>HI</th>
<th>IBD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Area (minimum)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Sewer</td>
<td>5,000 sf</td>
<td>5,000 sf</td>
<td>217,800 sf</td>
</tr>
<tr>
<td>Septic System</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Lot Width (min at bldg line)</strong></td>
<td>50 ft</td>
<td>50 ft</td>
<td>100 ft</td>
</tr>
<tr>
<td><strong>Lot Frontage (minimum)</strong></td>
<td>50 ft</td>
<td>50 ft</td>
<td>5 ft0</td>
</tr>
<tr>
<td><strong>Lot Coverage (maximum)</strong></td>
<td>90%</td>
<td>90%</td>
<td>80%</td>
</tr>
<tr>
<td><strong>Setback (minimum)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>25 ft</td>
<td>25 ft</td>
<td>25 ft</td>
</tr>
<tr>
<td>Side Yard</td>
<td>0 ft</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>0 ft</td>
<td>0 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td><strong>Height, (maximum)</strong></td>
<td>100 ft</td>
<td>None</td>
<td>100 ft</td>
</tr>
<tr>
<td><strong>Residential Uses Allowed?</strong></td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Boyle County/Joint Zoning Ordinance

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

<table>
<thead>
<tr>
<th>Industrial Use</th>
<th>Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Plant</td>
<td>1 space per employee, maximum shift</td>
</tr>
<tr>
<td>Wholesale, Storage or Warehousing</td>
<td>1 space per employee, maximum shift</td>
</tr>
<tr>
<td>Industrial Service</td>
<td>1 space per 300 square feet</td>
</tr>
<tr>
<td>All other Industrial Uses</td>
<td>See Sec 4.6.8.E</td>
</tr>
</tbody>
</table>
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 (Paving Only) Permit, the Parking Surface Standards for truck and heavy equipment parking areas, only, in the Light Industry (LI) and Heavy Industry (HI) districts may be waived by the the Public Works Director or his or her designee with the following conditions:
   a. Travelways and all other parking areas must be paved with concrete, asphalt, brick pavers, pervious material or similar permeable paving material.
   b. Truck and Heavy Equipment parking areas utilizing an alternative parking surface must provide curbing in order to minimize the spreading of alternative paving materials into landscaping areas, travelways and other parking areas.
   c. 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.
   d. 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.
   e. Alternative parking surfaces shall not exceed the maximum permitted lot coverage in the LI (Light Industry) and HI (Heavy Industry) zoning districts.
   f. 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.
   g. The above alternative parking surface standards for truck and heavy equipment parking in industrial districts are not variable.

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.
**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.
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:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>LI</th>
<th>HI</th>
<th>IBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1: Outdoor Display</td>
<td>✓</td>
<td>✓</td>
<td>----</td>
</tr>
<tr>
<td>Type 2: Limited Outdoor Storage</td>
<td>✓</td>
<td>✓</td>
<td>----</td>
</tr>
<tr>
<td>Type 3: General Outdoor Storage</td>
<td>✓</td>
<td>--</td>
<td>----</td>
</tr>
<tr>
<td>Type 4: Temporary/Seasonal Storage</td>
<td>✓</td>
<td>✓</td>
<td>----</td>
</tr>
</tbody>
</table>

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.
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.


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 subterranea, 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;

Boyle County Joint Zoning Ordinance

Boyle County Joint Zoning Ordinance
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.

### 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**

### 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.
| Use Category                  | Page # | Specific Use Type    | AG | RR | R1  | R2  | R3  | R4  | NB  | GB  | CB  | HB  | OP  | ICD | P   | LI  | HI  | IBD | HD  |
|-------------------------------|--------|----------------------|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| **RESIDENTIAL (See Section 5.2.2)** |        |                      |    |    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|                               | 5-7    | Single Family Attached|     |     |     |     |     |     | P   |     |     |     |     |     |     |     |     |     |     |
|                               | 5-7    | Multi-Family         |     |     | P   | P   | P   | P   | P   | P   | P   | P   |     |     |     |     |     |     |     |
|                               | 5-7    | Home Office/ Occupation| P* | P* | P*  | P*  | P*  | P*  | P*  | P*  | P*  | P*  | P*  |     |     |     |     |     |     |
|                               |        | Accessory Apartment | P* | P* | P*  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Group Living                  | 5-9    | Fraternity/ Sorority |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
|                               | 5-9    | All Other Group Living Facilities | C  | C  | P   | P   | C   | P   | C   | P   | C   | P   | P   | P   | P   |     |     |     |     |
| **INSTITUTIONAL (See Section 5.2.3)** |        |                      |    |    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| College                       | 5-10   |                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Community Services            | 5-11   |                      |     |     | C   | C   | C   | C   | P   | P   | P   | P   | P   | P   | P   |     |     |     |     |
| Day Care                      | 5-11   |                      |     |     |     |     |     |     | C*  | C*  | C*  | C*  | C*  | C*  | C*  | P*  | P*  | P*  | P*  |
| Detention Facility            | 5-13   |                      |     |     |     |     |     |     | C   | C   | C   | C   | P   | P   | P   |     |     |     |     |
| Health Care Facility          | 5-13   |                      |     |     |     |     |     |     |     |     |     |     | P   | P   | P   | P   | P   | P   | P   |
| Parks and Open Areas          | 5-14   |                      |     |     |     |     |     |     | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   |
| Religious Institution         | 5-14   |                      |     |     |     |     |     |     | C   | C   | C   | C   | C   | C   | C   | P   | P   | P   | P   | P   |
| Safety Services               | 5-15   |                      |     |     |     |     |     |     |     |     |     |     | P   | P   | P   | P   | P   | P   | P   | P   |
| School                        | 5-15   |                      |     |     |     |     |     |     | C   | C   | C   | C   | C   | C   | C   | P   | P   | P   | P   | P   |
| Utilities, Basic              | 5-15   |                      |     |     |     |     |     |     |     |     |     |     | P*  | P*  | P*  | P*  | P*  | P*  | P*  | P*  | P*  |
## Article 5

### Use Regulations

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Page #</th>
<th>Specific Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AG (Agriculture)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RR (Rural Residential)</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>R1 (Single Family Residential)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RM-2 (Two Family Residential)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RM-3 (Multi-Family Residential)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RM-4 (Multi-Family Residential)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NB (Neighborhood Business)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GB (General Business)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CB (Central Business)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HB (Highway Business)</strong></td>
<td></td>
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<tr>
<td><strong>OP (Office and Professional)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ICD (Institutional Campus Development)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P (Public)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LI (Light Industrial)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HI (Heavy Industrial)</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>IBD (Industrial Business Development)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HD (Historic Overlay)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**P = Permitted Use  C = Conditional Use  * = Specific Use Standards Apply**

### COMMERCIAL (See Section 5.2.4)

**Eating Establishment**

- No Drive-Through
  - **Page**: 5-18
  - **Specific Use Type**: A, G, R, R, R, 1, R, M, 2, P
  - **Use Category**: P

- With Drive-Through
  - **Page**: 5-19
  - **Specific Use Type**: C, P

- Bar /Lounge w/ Restaurant
  - **Page**: 5-19
  - **Specific Use Type**: C, P

- Craft Beverage Production w/ Restaurant
  - **Page**: 5-19
  - **Specific Use Type**: C, P

**Office**

- **Page**: 5-20

**Overnight Accommodation**

- B&B/ Short Term Rental (Cities of Danville, Junction City, Perryville)
  - **Page**: 5-21
  - **Specific Use Type**: P, C

- B&B/Short Term Rental (Unincorporated Area of Boyle County)
  - **Page**: 5-21
  - **Specific Use Type**: C

- Hotel, Motel, Inn, Extended Stay Facility
  - **Page**: 5-23
  - **Specific Use Type**: P

- Recreational Vehicle Park
  - **Page**: 5-23
  - **Specific Use Type**: C

**Parking, Commercial**

- **Page**: 5-25

**Recreation and Entertainment**

- Active Outdoor
  - **Page**: 5-26
  - **Specific Use Type**: C

- Passive Outdoor
  - **Page**: 5-26
  - **Specific Use Type**: P

- Indoor
  - **Page**: 5-26
  - **Specific Use Type**: P

- Sportsmen’s Farms, Firearm Ranges
  - **Page**: 5-26
  - **Specific Use Type**: C

- Entertainment Event, Major
  - **Page**: 5-26
  - **Specific Use Type**: C, P

**Retail Sales and Service**

- Animal Hospital, Kennel or Veterinarian
  - **Page**: 5-29
  - **Specific Use Type**: C

- Adult Retail or Entertainment
  - **Page**: 5-29
  - **Specific Use Type**: P

- Bar or Lounge
  - **Page**: 5-29
  - **Specific Use Type**: P

- Greenhouse or Nursery
  - **Page**: 5-29
  - **Specific Use Type**: P

- Animal or Poultry Sales
  - **Page**: 5-29
  - **Specific Use Type**: C

- Retail up to 5,000 s.f.
  - **Page**: 5-29
  - **Specific Use Type**: P

- Retail over 5,000 s.f.
  - **Page**: 5-29
  - **Specific Use Type**: P

- Retail with Drive Through or Pick Up Window
  - **Page**: 5-29
  - **Specific Use Type**: C
### Article 5

**Use Regulations**

Boyle County/Joint Zoning Ordinance

| Use Category                  | Page # | Specific Use Type | AG | RR | R1 | R2 | R3 | R4 | NB | GB | CB | HB | OP | LP | IC | BD | HD |
|-------------------------------|-------|-------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| **Retail Sales and Service**  | 5-29  | Retail Shopping Center up to 50,000 s.f. |   |    |    |    |    |    |    |    |    |    |    |    |    | P* | P* |
|                               |       | Retail Shopping Center over 50,000 s.f. |   |    |    |    |    |    |    |    |    |    |    |    |    | P* | P* |
|                               |       | Other Retail Sales and Service |    |    |    |    |    |    | P* | P* | P* |    | P* | P* | P* | P* |
|                               |       | Vehicle & Heavy Equip. Sales |    |    |    |    |    |    | P* | P* | P* |    | P* | P* | P* |    |
|                               |       | Manufactured & Mobile Home Sales |    |    |    |    |    |    | P* | P* | P* |    | P* | P* |    |    |
| **Self-Service Storage**      | 5-32  |                       |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P* | P* |
| **Vehicle Repair**            | 5-33  |                       |    |    |    |    |    |    | P  | P  |    |    |    |    |    |    | P  | P  |
| **Vehicle Service, Limited**  | 5-33  | Fuel Stations or Sales |    |    |    |    |    |    | P* | P* | P* |    | P* | P* |    |    |    |
|                               |       | Other Limited Vehicle Service |    |    |    |    |    |    | P  | P  |    |    |    |    |    |    | P  | P  |
| **INDUSTRIAL (See Section 5.2.5)** |       |                       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| **Industrial Service**        | 5-34  | Light               |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
|                               |       | Heavy               |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
|                               |       | Fuel Stations Heavy (Truck Stop) |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P* | P* |
| **Manufacturing and Production** | 5-35 | Light               |    |    |    |    |    |    | P* | P* | P* |    | P* | P* | P* |    |
|                               |       | Heavy               |    |    |    |    |    |    | P* | P* | P* |    | P* | P* | P* |    |
|                               |       | Concrete Batch Plant |    |    |    |    |    |    | P  | P  |    |    |    |    |    |    | P  | P  |
|                               |       | Mulch/Wood Operations |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
| **Craft Brewery or Distilled Spirit Production/Storage** | 5-36 | Light               |    |    |    |    |    |    | C* |    |    |    |    |    |    |    |    |
|                               |       |                      |    |    |    |    |    |    | P* | P* | P* |    | P* | P* | P* |    |
| **Above Ground Storage Tanks** | 5-39  | Storage or Movement of Goods |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
|                               |       | Storage of Explosives, Ammunition, etc |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | C* |
| **Warehouse and Freight Movement** | 5-39 | Storage or Movement of Goods |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  | P  |
|                               |       | Storage of Explosives, Ammunition, etc |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | C* |
|                               |       | Landfill, C & D Debris |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | C  |
| **Waste-Related Use**         | 5-40  | Landfill, C & D Debris |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | C  |
|                               |       | Recycling or Transfer Station |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  |
|                               |       | Land Farming         |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | C* |
| **Wholesale Sales**           | 5-40  |                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | P  |

**Notes:**
- **P** = Permitted Use
- **C** = Conditional Use
- **P*** = Specific Use Standards Apply

Boyle County/Joint Zoning Ordinance

5-4
## Article 5
### Use Regulations

**AG (Agriculture)**
- Farming Crop and Livestock Production: P
- Confined Animal Feeding Operation, Livestock Auction: P
- Roadside Stand: P
- Agritourism Uses permitted under KRS 247.800: P
- Limited Meat or Poultry Processing: C

**RR (Rural Residential)**
- Light Aviation: C
- Commercial Aviation: C
- Ground Transportation: P

**R1 (Single Family Residential)**
- Commercial Cemeteries and Crematories: C

**RR (Rural Residential)**
- Oil or Gas Production, Storage: P
- Hazardous Liquids Pipelines (New or Converted): P

**RM-2 (Two Family Residential)**
- Mine, Quarry, Borrow Pit: C
- Telecommunications Support Structure: P

**RM-3 (Multi-Family Residential)**
- Wind or Solar Electricity Generating Facility: P
- Telecommunications Facilities (attached): P

**RM-4 (Multi-Family Residential)**
- Telecommunications Support Structure: P
- Telecommunications Facilities (attached): P

**NB (Neighborhood Business)**
- Commercial Cemeteries and Crematories: P

**GB (General Business)**
- Commercial Cemeteries and Crematories: P

**CB (Central Business)**
- Commercial Cemeteries and Crematories: P

**HB (Highway Business)**
- Commercial Cemeteries and Crematories: P

**OP (Office and Professional)**
- Commercial Cemeteries and Crematories: P

**ICD (Institutional Campus Development)**
- Commercial Cemeteries and Crematories: P

**P = Permitted Use**
**C = Conditional Use**
**= Specific Use Standards Apply**

**OTHER (See Section 5.2.6)**

### TEMPORARY USES (See Section 5.3)

**Temporary Use**
- P

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*Boyle County Joint Zoning Ordinance*

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5-5
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 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

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).

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);

(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
Article 5

Use Regulations

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;

(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.

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.**
   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 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
Article 5

Use Regulations

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 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
boyle county/joint zoning ordinance

article 5

use regulations

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.

   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.

f. 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.

boyle county/joint zoning ordinance

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5-14
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.

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.
   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:
Article 5
-----------------------------------------------
Use Regulations

(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.

(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 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 designed 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:

(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.**

   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.
Article 5
Use Regulations

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;
      (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;
Use 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, 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;

(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;
Article 5
-----------------------------------------------
Use Regulations

(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 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
Article 5

Use Regulations

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 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

Boyle County/Joint Zoning Ordinance

5-25
Article 5

Use Regulations

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 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,
Article 5
-----------------------------------------------
Use Regulations

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.**

(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 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
Article 5
-----------------------------------------------
Use Regulations

(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 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.

Boyle County/Joint Zoning Ordinance
------------------------------------------------------------------------
5-29
Article 5
-----------------------------------------------
Use Regulations
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
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

Boyle County/Joint Zoning Ordinance

5-30
Article 5
Use Regulations

(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 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.
Article 5

Use Regulations

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 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.

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;
Article 5
Use Regulations

(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
Article 5
Use Regulations

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.**
   
ea. **Fuel Stations for Heavy Trucks (Truck Stop)**
      
(1) Shall front an arterial or major collector roadway;

(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 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/Storage.** Craft beverage or distilled spirit production/storage, including breweries, distilleries, rickhouses and wineries are subject to the following Specific Use Standards:

a. Must adhere to all applicable local and state alcoholic beverage control license requirements;
Article 5

Use Regulations

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;

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.

h. Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County - A Conditional Use Permit is required in the Agriculture (AG) district for Craft Beverage or Distilled Spirit Storage prior to use or construction of the storage only structures. Craft Beverage or Distilled Spirit Storage facilities shall not be located on Agriculture tracts of property less than 20 acres in size. Prior to the approval of a Conditional Use Permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties so that the character of the area is protected. This type of establishment shall not alter the agricultural or residential character of the proposed area. Any Conditional Use Permit request shall meet the mandatory requirements set out in KRS 100.237, Section 3.8 of this Ordinance, as well as the following standards:

(1) Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County are permitted in the Agriculture District only after obtaining a Conditional Use Permit from the Board of Adjustments;

(2) The portion of the property to be developed shall not be located within a floodplain or naturally sensitive area;
(3) Measures must be taken to ensure that all Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County is undertaken in a manner which minimizes increased traffic congestion on existing streets, roads and intersections. All developments shall be located on at least a collector road/street and have a pavement width of at least 18 feet and should be improved with shoulders at least three feet in width;

(4) At the time of the filing of any application for a Building Permit and/or Zoning Permit, public water lines and hydrants shall be available to the site sufficient to meet the fire protection standards in accordance with the following: All property located within the designated City of Danville Utility Service Area: 600 gallons per minute at 20 pounds of residual pressure. All property located outside the designated City of Danville Utility Service Area: 300 gallons per minute with 20 pounds of residual pressure. In lieu of meeting these requirements, an alternative fire protection plan, prepared by a professional engineer meeting the appropriate specifications of NFPA 13, 750 and/or 1142, may be approved by the appropriate Fire Department;

(5) The maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height;

(6) All structures shall be setback a minimum of 200 feet from property lines. All structures shall be at least 500 feet from any residential use or district;

(7) Craft Beverage or Distilled Spirit Storage in the Unincorporated Area of Boyle County shall 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;
(8) At least 50 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area; and

(9) Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning.

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.


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.
Article 5

Use Regulations

b. Mini-warehouses are classified as Self-Service Storage uses.

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 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.

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

*Boyle County* /Joint Zoning Ordinance
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**

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

(2) 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

(3) 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 (including ostrich, beef cattle, deer, and hogs) per year; and
Article 5
-----------------------------------------------
Use Regulations

(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.

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.

3. **Examples.** Examples include wind and solar electricity-generating facilities.

4. **Exceptions.** 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.

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.**

   a. **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 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, 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 within 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;

(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 Boyle County/Joint Zoning Ordinance
Article 5
-----------------------------------------------
Use Regulations

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 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.
Article 5
-----------------------------------------------
Use Regulations

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.
   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 Statues;

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 accessory facility sites. Therefore, more than one transmission tower and accessory structures will be permitted under these regulations on a single tract of land not withstanding 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.

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.