

## Article 9: General Zoning District Regulations

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### 9.1 Application Of Zoning District Regulations

The regulations set by this Zoning Regulation within each zoning district shall be minimum or maximum limitation, as appropriate to the case, and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Zoning Regulation.
- B. No building or other structure shall hereafter be erected or altered:
  - (1) to exceed the height, bulk or floor area ratio;
  - (2) to accommodate or house a greater number of families;
  - (3) to occupy a greater percentage of lot area; or
  - (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Zoning Regulation, except as provided in Article 4, Board of Adjustment.
- C. No part of a yard, open space, off-street parking, loading space or other special use area required for or in connection with any building or land for the purpose of complying with this Zoning Regulation, shall be included as part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Regulation.
- D. No yard or lot existing at the time of adoption of this Zoning Regulation shall be reduced in dimension or area below the minimum requirements set forth herein except as authorized by the Board of Adjustment within their authority. No yard or lot that, at the time of the adoption of these regulations, had a dimension or area less than that required by these regulations shall be further reduced in yard dimension or area, except as authorized by the appropriate Board of Adjustment acting within its authority. Yards or lots created after the adoption of this Zoning Regulation shall meet at least the minimum requirements established by this Zoning Regulation.
- E. Only those uses specifically permitted or substantially similar to permitted uses, as determined by the Administrative Official, are permitted in each zone or district.
- F. No structure shall be erected on any lot or tract of land which does not adjoin and have direct access to a street or other public right-of-way, not including alleys, for at least twenty (20) feet unless otherwise specifically permitted in this Zoning Regulation or unless said lot existed prior to adoption to these regulations.
- G. Prohibited Uses: All uses not specifically listed as permitted or allowed in a particular zoning district or determined by the Administrative Official to be substantially similar to those listed as permitted, shall be prohibited in that zone.

### 9.2 Standards For Manufactured Home Installation

All manufactured homes (modular homes) with finished dimensional widths over 18 feet must be installed per manufacturer's directions. Additionally, all such homes must have a solid concrete block or concrete perimeter foundation. Manufactured homes with finished dimensional widths of 18 feet or greater otherwise installed are not allowed in any zoning district.

### 9.3 Conversion Of Dwellings

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Regulation and only when the resulting occupancy will comply with the requirements governing new construction in such zone with respect to minimum lot size, floor area, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject to such further requirements as may be specified as applying to such zone.

### 9.4 Location And Height Of Agricultural, Accessory, and Temporary Structures

#### A. Agricultural Structures.

- (1) Height. Height restrictions shall not apply to agricultural structures.

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- (2) Separation & Setbacks. Agricultural structures shall not be located within any required front yard setback. The minimum rear and side yard setbacks for accessory structures shall be five (5) feet. An agricultural structure must be set back a minimum of six (6) feet from any principal structure located on the property.

### B. Accessory Structures.

- (1) Height. Accessory structures shall not exceed the height of the principal structure and shall be subordinate in scale to the principal structure. In cases where the accessory structure is installed or constructed prior to the principal structure, the accessory structure shall be subordinate and shall comply with maximum height provision for the specific zoning district in which the accessory structure is located. Commercial or industrial accessory buildings must meet the height requirements for principal use structures.
- (2) Setbacks. Accessory structures shall not be located within any required front yard setback. The minimum rear and side yard setbacks shall be five (5) feet. If an accessory structure is located along a platted alley, the minimum rear and side yard setback along a platted alley shall be six (6) feet. However an accessory building may be constructed up to a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned and applicable utility interests where easements apply, such consent to be evidenced in writing, signed and sworn to before a Notary Public and filed in the office of the administrative official of the Planning Commission. Commercial or industrial accessory buildings must meet the height and setback requirements for principal use structures.
- (3) Separation. A detached accessory structure must be separated from the principal structure by six (6) feet, as measured between the eaves of both structures. If the accessory structure is less than six (6) feet from the principal structure or if it is erected as part of or attached to the principal structure or connected thereto by a breezeway or other similar structure, then the accessory structure must comply with all yard setback requirements for a principal structure in the applicable zoning district.

- C. Temporary Accessory Structures. Unless otherwise set forth in these Regulations, temporary structures shall comply with all height and setback requirements of accessory structures set forth above in Section B above.

### 9.5 Obstructions To Vision At Street Intersections

Within the area defined by the intersection of any two right of way lines of streets or railroads and a straight line intersecting those two right of way lines at points thirty feet from their intersection, no obstructions to vision between a height of two and one half feet and twelve feet above the imaginary plane defined by those three points of intersection are permitted.

### 9.6 Mobile Home As Temporary Residence

With the approval of the Administrative Official, a mobile home maybe installed as a temporary dwelling unit on a lot or parcel where a dwelling unit has been destroyed or rendered uninhabitable by fire or other natural disaster. The approval of the Administrative Official shall last no more than six (6) months and is not renewable. The mobile home must be connected to proper utilities including water and sewage disposal facilities.

### 9.7 Temporary Storage Of Mobile Homes/Storage Of Recreational Vehicles

- A. A mobile home may be stored on property for a six (6) month period with the approval of the Administrative Official providing that it meets setback requirements for principal use structures on the property. Only one (1) mobile home may be so stored during any 24 month period. A stored mobile home is one that is not hooked to any utility or used as a dwelling unit. If a principal use structure is located on the property, the mobile home must be stored behind that structure.
- B. Travel trailers, boats and other recreational vehicles must be stored beside or to the rear of the principal use structure or inside an otherwise allowed structure. These vehicles may not be permanently hooked to utilities or used as dwelling units.

### 9.8 Special Yard Provisions

Intent: Although the yard requirements associated with each zone have been set forth previously, there are certain circumstances under which the yard setback requirements may be waived or increased to the extent specified in this section by the Administrative Official or his designee.

- A. Front Yards: (Note - Corner or double frontage lots, being lots located at the intersection of two roadways or streets, have frontage and front yard setbacks along both. The property lines opposite of each of the front yards,

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in the case of a corner or double frontage lot, are subject to side yard setbacks).

- (1) Exception for Existing Alignment: In residential zones, a primary use structure may be placed so as to have a setback equal to the average setback depth of the primary use structures located within 200 feet to either side, sharing the same block face, on the same side of the street. The minimum front yard setback must be at least 10 feet even if the average setback calculated is less.
  - (2) Yard on Street Side on Lot Adjoining or Facing a Residential Zone: On a lot in any non-residential zone sharing the same block front with a lot in any Residential Zone the minimum front yard required shall equal in depth the front yard required for that Residential Zone. If the setback required by the nonresidential zone is greater than that required by the application of this exception then the greater setback applies.
  - (3) Front Yards on Through Lots: In any zone where a lot runs through a block from street to street, a front yard as otherwise required shall be provided along each street lot line. The setback required from the remaining property lines shall be that required for side yards.
  - (4) Front Yards May be Varied: Front yards may be varied where the front wall of a building is not parallel with the front property line due to an irregular lot line or irregular building wall. A structure in such circumstances may encroach as much as five (5) feet into the required front yard setback provided however, that the average setback still meets the required front yard setback.
- B. Side Yards: (Note - Corner or double frontage lots, being lots located at the intersection of two roadways or streets, have frontage and front yard setbacks along both. The property lines opposite of each of the front yards, in the case of a corner or double frontage lot, are subject to side yard setbacks).
- (1) Side Yards Increased for Deep Buildings: In any zone where a side yard is required, the least width of each side yard shall be increased by one inch for each foot by which the side wall of a building adjacent to a side yard exceeds one hundred (100) feet.
  - (2) Side Yard Exceptions for Row Dwellings: In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.
  - (3) Side Yards May Be Varied: Side yards may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, in which the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one half ( $\frac{1}{2}$ ) the otherwise required least width, nor narrower than three (3) feet in any case.
- C. Rear Yards: Rear yards may be varied where the rear wall of a building is not parallel with the rear lot line or is broken or otherwise irregular, in which case the average depth of the rear yard shall not be less than the otherwise required least depth; provided however, that such rear yard shall not be less than one half ( $\frac{1}{2}$ ) the otherwise required least depth at any point, or less than twenty (20) feet in any case.
- D. Accessibility Improvement Exceptions: Accessibility improvements may extend or project within ten (10) feet of front and rear property lines and within five (5) feet of side property lines. The accessibility improvement shall be permitted only for the access of a disabled resident of the dwelling and shall be removed if the dwelling is no longer occupied by a disabled resident. Accessibility improvements shall not be considered impervious area in the calculation of minimum open space. A variance shall not be required for accessibility improvements meeting these standards; however, the property owner shall be required to obtain a Zoning Compliance Permit to ensure compliance with these standards.

### 9.9 Junkyards/Salvage Yards

Junkyards or salvage yards are designated as permitted conditional uses only in I-2 (Heavy Industrial) districts. Consequently, any junkyards that have existed since November, 1974, in any other zoning districts are considered non-conforming uses and shall conform with Article 10.2 of these Zoning Regulations prescribing regulations for non-conforming uses. Any junkyard that has begun after November, 1974, in any district other than I-2, (Heavy Industrial) is considered illegal. The operator of any junkyard or salvage yard shall provide, upon demand of the Administrative Official, copies of all relevant permits issued by state government. The operator shall also prove compliance with all relevant section of state law. The operator shall erect and maintain a solid, opaque fence that screens the operation from adjacent roadways and residences. Illegal junkyard or salvage yard operations will be

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shut down or subject to immediate enforcement action by the Administrative Official.

### 9.10 Exceptions

- A. Uses Not Listed: These regulations do not attempt to provide an exhaustive list of all potential land uses allowed. Instead, performance characteristics for use ranges are provided, sometimes by example. The Administrative Official shall interpret, on a case by case basis, in which particular zoning districts specific uses or groups of uses are allowed. Such interpretations are to be maintained at the Planning Commission's office, in a place readily accessible to the public.
- B. Height Exceptions: Height regulations apply to structures occupied regularly by persons or their activities. They do not apply to other structures or portions of buildings such as radio towers, church or ornamental spires, cupolas, domes, belfries, observation, hose, cooling, or water towers, silos, windmills, chimneys, smokestacks, derricks, conveyors, barns or other agricultural structures, grain elevators, or other manufacturing structures requiring greater height, and flag poles which are not occupied regularly by persons except for maintenance unless otherwise stipulated in the Zoning Regulations. No such structure, however, shall exceed 75 feet without approval of the Board of Adjustments. The Board of Adjustments shall interpret whether or not height regulations apply upon application by the administrative officer in doubtful cases. Federal Aviation Agency and Kentucky Airport Zoning Commission height regulations in the vicinity of the airport shall take precedence over all other height regulations.

### 9.11 Site Plan And Screening Requirements

#### A. Site Plan

The Planning Commission, through the Administrative Official, may require the submission of a site plan for the proposed development. The Administrative Official, on behalf of the Planning Commission, may require that the site plan show any substantive requirements of the particular zone as well as any other relevant information including but not limited to: screening/buffering; storm water drainage facilities; provisions for utility service; landscaping; signage; lighting; parking; vehicular access points; pedestrian facilities and amenities; and any other relevant information including potential requirements or conditions imposed by the Planning Commission in similar requests. The Planning Commission shall adopt standards by which such information and/or proposals are reviewed.

#### B. Screening

Where a commercial, professional, or industrial district or use adjoins a residence district or use, the Planning Commission may require screening such as fencing or natural vegetation. Additionally, where any use is proposed that is found by the Planning Commission to be incompatible with an adjoining use, screening and/or buffering may be required. Screening and/or buffering by fencing or natural vegetation should be required only where otherwise incompatible uses will be made compatible.

- *Amended City of Bardstown, April 22, 2015; City of Bloomfield, May 17, 2015; City of Fairfield, May 27, 2015; City of New Haven, April 29, 2015; Nelson County, April 24, 2015.*
- *Amended City of Bardstown, Ordinance B2015-27, September 25, 15; City of Bloomfield, Ordinance 2015-107, October 23, 2015; City of Fairfield, Ordinance 2015-PZ-02 & 03, November 13, 2015; City of New Haven, Ordinance #455, Series 2015, October 23, 2015; and, Fiscal Court, Ordinance #930.1-4, September 4, 2015 and Ordinance #930.1-5 through 930.1-10, October 23, 2015.*