

ZONING REGULATIONS

for

BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN
and NELSON COUNTY, KENTUCKY

PREPARED BY

*THE JOINT CITY-COUNTY
PLANNING COMMISSION OF
NELSON COUNTY
KENTUCKY*

As amended and re-adopted February, 2000

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ZONING REGULATIONS

for

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NELSON COUNTY, KENTUCKY

ARTICLE I - GENERAL PROVISIONS

1.1 Adoption

WHEREAS the cities of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky, have been engaged in a joint planning effort to provide for the orderly development of the aforesaid cities and county, and

WHEREAS providing for such development requires the adoption of various types of land use regulations, and

WHEREAS the aforesaid cities and county have adopted the objectives of the land use plan element, and have further adopted a comprehensive plan,

NOW THEREFORE BE IT ORDAINED AND ORDERED by the City Council of Bardstown and the Boards of Trustees of the cities of Bloomfield, Fairfield, New Haven and the Fiscal Court of Nelson County that it shall be unlawful for any person, firm, or corporation to locate, erect, or construct any building intended or designated to be used for residential, business, or industrial purposes or to alter any building to be used for such purposes or to use any building or property for such purposes within any zone, district, or neighborhood, except as hereinafter provided.

1.2 Title

This Zoning Regulation is entitled "Zoning Regulations for Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County, Kentucky" and may be referred to as the "Zoning Regulations". The zoning maps referred to herein are entitled "Zoning Map, Bardstown", "Zoning Map, Bloomfield", "Zoning Map, Fairfield", "Zoning Map, New Haven", "Zoning Map, Nelson County". The Zoning Maps are hereby made a part of the Zoning Regulations. Certified copies of the text and maps are on file with the Joint City-County Planning Commission of Nelson County, the Bardstown City Clerk, the Bloomfield City Clerk, the Fairfield City Clerk, the New Haven City Clerk, and the Nelson County Court Clerk.

1.3 Purpose

The purpose of the Zoning Regulations is to promote the general welfare by establishing and regulating zoning districts throughout Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County for the specific purposes detailed in the Kentucky Revised Statutes, section 100.201. In establishing the zoning districts, these regulations seek to promote the general welfare, by designating sufficient space for all necessary uses of the land in logical patterns, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and seek to ensure the stable value of all permitted development. These regulations further seek the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all districts in order that daily travel and commerce may increase

in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in the aforementioned cities and county.

1.4 Conflict with Other Instruments

In case of conflict between the Zoning Regulation or any part thereof and the whole or part of any existing or future ordinance of the City of Bardstown, Bloomfield, Fairfield, New Haven, or order of Nelson County, including but not limited to the Subdivision Regulations for All of Nelson County, or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

1.5 Separability

If any clause, sentence, subdivision, paragraph, section or part of this Zoning Regulation be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause sentence, subdivision, paragraph, section, or part thereof directly involved in the controversy in which said judgment shall be rendered.

1.6 Repeal of Conflicting Law

Upon adoption, this Zoning Regulation shall supersede and take precedence over the ordinance entitled "Zoning Ordinance" for the City of Bardstown, Kentucky as originally adopted, together with all amendments thereto, as well as previous editions of the "Zoning Regulations for Bardstown, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky" but shall not be retroactive in force and effect except as otherwise provided in this Zoning Regulation. All other ordinances, regulations, or parts of ordinances, or regulations in conflict with this Zoning Regulation, or inconsistent with the provisions of this Regulation, are hereby repealed to the extent necessary to give this Regulation full force and effect.

1.7 Application of Regulations

All existing and future structures and uses of premises within the cities of Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County shall conform with all applicable provisions of the Zoning Regulation. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the nonconforming provisions, and is intended for the protection of those uses. No other uses are permitted except as provided elsewhere in this Zoning Regulation. The interpretation as to the uses allowed in any zone is the responsibility of the Administrative Official. The Administrative Official's interpretation shall be considered final unless subject to an administrative appeal to the applicable Board of Adjustment.

1.8 Agricultural Land Use Exceptions

Notwithstanding any other provision of this Zoning Regulation, land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permit fees,

certificates of occupancy, height, yard, location or courts requirements for agricultural structures except that (a) setback lines may be required for the protection of existing and proposed streets and highways, and (b) that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated. The interpretation of the Administrative Official as to the agricultural character or exemption of any use shall be considered final unless appealed to the applicable Board of Adjustment.

1.9 Interpretation and Scope of Regulations

This Zoning Regulation shall be strictly construed and may not be extended by implication except where the intention of Nelson County and the cities of Bardstown, Bloomfield, Fairfield, and New Haven must prevail. In their interpretation and application, the provisions of this Regulation shall be held to be minimum requirements. The Planning Commission shall have all powers conferred by KRS Chapter 100 including but not limited to those specifically mentioned in KRS 100.203 and 100.213(2).

1.10 Effective Date

The Zoning Regulation shall be in full force and effect at the date of its adoption by the legislative bodies of Nelson County and the Cities of Bardstown, Bloomfield, Fairfield, New Haven and within their respective areas of jurisdiction.

The original effective date of this Zoning Regulation was November 28, 1974. The effective date of this Zoning Regulation as amended February, 2000.

ARTICLE 2 - ZONING MAP

2.1 Adoption of Zoning Maps

The cities of Bardstown, Bloomfield, Fairfield and New Haven, and the unincorporated area of Nelson County are hereby divided into zones or districts as provided and described herein, and as shown on the Zoning Maps which are hereby adopted by reference and declared to be a part of this Zoning Regulation.

2.2 Maintenance of Zoning Maps and Amendment Records

A complete and accurate copy of each of the official Zoning Maps shall be filed and available for public inspection in the office of the Planning Commission. All amendments to the Zoning Maps shall be posted on the appropriate map within thirty (30) days after final adoption of such amendment by the appropriate legislative body.

The Administrative Official shall also maintain an accurate record of all applications for zoning map amendments, including the name of the applicant, the location and area of the zoning map amendment, the date of public hearing, the date of action by the Planning Commission, and the date of action by the legislative body involved.

2.3 Interpretation of Zoning District Boundaries

If for any reason the location of any district boundary line is not readily determinable from the official map, the location of the district boundary line shall be determined by the Administrative Official in accordance with the following principals:

- A. Where a zoning district boundary follows an alley, a street, or a railroad, the centerline of the alley, street, or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, the centerline of the stream or body of water is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. Where a district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control.
- F. Where a district boundary line is shown by or established by a specific dimension and/or legal description (ie. through a rezoning request), such specific dimension or legal description shall control.

- G. When a tract existing prior to the adoption of these regulations and unchanged since the adoption of these regulations, is zoned two different classifications (said classifications being established by the adoption of the zoning map) then the entirety of the lot or tract may be used in conformity with and subject to the regulations herein established for the zoning district in which the majority of the area is shown (greater than 50%).

ARTICLE 3 - ADMINISTRATION

3.1 Administrative Official

The Planning Commission shall designate, with the concurrence or approval of the Nelson County Fiscal Court and the City Council or Board of Trustees of the cities of Bardstown, Bloomfield, Fairfield and New Haven, one or more Administrative Official(s) who may or may not be members of the Commission or Commission employees (Note: employees are hired per provisions of the Planning Commission By-Laws) and who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the Planning Commission and legislative bodies involved, and to issue zoning permits and certificates of occupancy. The Administrative Officer, in the performance of his duties and functions, may enter upon any land and make examination and surveys that do not occasion damage or injury to private property.

3.2 Zoning Compliance (Building) Permits

- A. **Required Prior to Construction or Alteration:** It shall be unlawful to commence construction or alteration of any structure until the Administrative Official has issued a building permit authorizing such work, except as specified elsewhere in the Zoning/Building Regulation. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of building permits, which schedule must be approved by the city and county legislative bodies. An accounting procedure shall be established by the Planning Commission and an annual report of all such fees received by the Planning Commission shall be submitted to the legislative body designated as fiscal agent for the Commission.
- B. **Exceptions** - No building permit or certificate of occupancy shall be required in the following cases:
1. Recurring maintenance work regardless of cost;
 2. Construction or alteration of agricultural structures which conform with all setback requirements with respect to existing and proposed streets and highways;
 3. Installation of required improvements according to an approved preliminary subdivision plat or planned development plat;
 4. Those structures and uses specifically exempted by the terms of this Regulation.
- C. **Procedure:**
1. Application: In applying to the Administrative Official for a building permit, the applicant shall provide information indicating the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths, and any other information necessary for determining conformance with the Zoning/Building Regulation. The County Health Officer's site approval of all water and sewage facilities must accompany applications. Other application requirements and procedures may also be

established by the Planning Commission.

2. Permanent File: The Administrative Official shall keep a permanent file of all applications with accompanying plans and all permits issued. Oversize plans may be discarded after two years.
3. Issuance: If the proposed construction or alteration conforms with all applicable provisions of the Zoning Regulation and all other applicable orders, regulations, and codes, the Administrative Official shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the Administrative Official shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Official shall act upon applications for building permits within one week from the date of their submission.
4. Validity: The issuance of a building permit by the enforcement officer shall not waive any provision of the Zoning Regulation.
5. Duration: A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Administrative Official before it becomes void.

3.3 Certificates of Occupancy (Note: This section only applies for those structures that have been reviewed for compliance with building code)

- A. **Required Prior to Occupancy, Change of Use, and Under Other Conditions**: It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the Administrative Official or their designee has issued a certificate of occupancy authorizing such use except as specified elsewhere in the Zoning Regulation. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of certificates of occupancy.

B. **Procedure**:

1. Application: In applying to the Administrative Official for a certificate of occupancy, the applicant shall notify the Administrative Official in writing of the date on which the use of any new or altered structures or the new use of any premises will be ready to commence. The certificate or other approval of the County Health Department or other appropriate public agency must accompany applications according to the requirements of this Zoning Regulation.
2. Permanent File: The Administrative Official shall keep a

permanent file of all applications and all certificates issued.

3. **Issuance:** If the newly erected or altered structure and the new use of premises conform with all applicable orders, regulations, and codes, the Administrative Official shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform the Administrative Official shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The Administrative Official shall inspect a new structure or the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within five (5) days after the date on which the new use is ready to commence.
4. **Validity:** The issuance of a certificate of occupancy by the Administrative Official shall not waive any provision of the Zoning Regulation.

3.4 Applicant and Ownership Requirement

- A. **Zoning (Building) Permit or Certificate of Occupancy:** An applicant for a zoning permit or certificate of occupancy must have an interest in the property involved, which interest may consist of an ownership interest, a valid and effective sales contract or option agreement signed by the owner of record or a letter of permission signed by said owner of record.
- B. **Zoning Map Amendment:**
An applicant for a zoning map amendment may originate with the Joint City-County Planning Commission of Nelson County, with the legislative body within whose jurisdiction the property is located, or with the owner of the property or his agent.

ARTICLE 4 - BOARD OF ZONING ADJUSTMENT

4.1 Boards of Adjustment

The Boards of Adjustment as constituted at the time of the original adoption of this Zoning Regulation, having been established as stipulated by KRS 100.217, shall continue to operate in the manner herein prescribed. Meetings shall be held at the call of the chairman or his/her designee who shall give or cause to be given written or oral notice to all members of the Board at least seven days prior to the meeting which shall contain the date, time, and place for the meeting and the subject or subjects to be discussed. Meetings may be set on a regular schedule and deadlines established for applications to be submitted.

4.2 Rules for Proceedings Before Board

The Boards shall adopt rules governing all proceedings before it. Such rules shall provide and require that:

- A. Public notice shall be given of all hearings and all hearings shall be open to the public, in accordance with KRS Chapter 100;
- B. Due notice of all hearings shall be given to parties in interest in writing and to the Planning Commission which Commission shall be permitted to intervene, for and on behalf of the municipality, in all public hearings;
- C. At any public hearing a representative of the Commission and any other interested party may appear in person or by agent or by attorney, offer evidence and testimony and cross-examine witnesses;
- D. All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record;
- E. All evidence and testimony shall be presented publicly. The Board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider any relevant facts within the personal knowledge of any member. For each case or matter heard, the Board shall cause a record of its proceedings to be prepared. The record of proceedings shall include all documents and physical evidence considered in the case together with an electronically recorded record of all proceedings that supplements minutes taken. The record of proceedings shall be filed immediately in the office of the Board and shall be a public record. The electronically recorded record of the proceedings shall be kept for a two year period after which it will be disposed of. The minutes shall constitute the official and permanent record of the proceedings before the Board. Contents of the minutes shall be as determined by the Administrative Official after consultation with the appropriate Board.

4.3 Powers of the Board

Subject to the limitations enumerated herein, the Board shall have and exercise the following powers; the Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made and, to that end, shall have all the powers of the officer or department

from whom the appeal is taken. Specific powers include:

- A. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.

- B. Variances: To authorize, upon appeal in specific cases such variance from the dimensional requirements of this ordinance, subject to terms, and conditions fixed by the Board, as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this ordinance will result in unnecessary hardship; provided however, that no variance shall be authorized unless the Board shall find that all of the following conditions exist:
 - 1. That the variance will not authorize the operation of a use other than those uses specifically enumerated as permitted uses for the district in which is located the property for which the variance is sought;
 - 2. That the development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
 - 3. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, that the unique circumstances were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
 - 4. That the variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
 - 5. That the variance will not alter the essential character of the district in which is located the property for which the variance is sought;
 - 6. That the variance will not weaken the general purposes of this ordinance or the regulations herein established for the specific district;
 - 7. That the variance will be in harmony with the spirit and purposes of this ordinance;
 - 8. That the variance will not adversely affect the public health, safety or general welfare.

- C. Conditional Use Permits: To hear and decide applications for conditional use permits. Conditional use permits, as defined in KRS

100.111, are granted by the Board of Adjustment within whose jurisdiction the site of the proposed conditional use is located. Conditional use permits are to be granted only after all applicable substantive and procedural requirements of KRS 100 and these regulations are met. Neither the approval or existence of a conditional use shall be deemed to alter the basic character of the area in which it is located and shall not be admissible for evidentiary purposes for any rezoning request. All requests for conditional use permits shall meet the following mandatory requirements as well as being reviewed for the requirements, if any, listed for the conditional use in each specific zone under "conditional uses permitted":

1. The proposed use must blend in with surrounding uses and is not a detriment to the area;
2. Adequate public or private utilities are provided on site to serve the particular needs of the specific use proposed;
3. Traffic circulation is adequate both to and from the site;
4. Adequate parking and traffic flow areas are provided on site; and
5. When necessary to insure compliance with the forgoing requirements, limitations may be placed on the hours of operation and/or on the duration of the permit.

D. Community Facilities Review: To authorize, upon appeal in specific cases, such exceptions from the terms of this ordinance, subject to terms and conditions fixed by the Board, as will permit qualified applicants to initiate and complete construction in accordance with definite, formalized site plans (no portion of said plans having been constructed) or to initiate and complete the construction of additional structures in accordance with an existing major structure or structures. Every exception authorized hereunder shall be personal to the applicant therefor and shall not be transferable, shall run with the land only after the construction of the authorized structure or structures and only for the life of such structure or structures. No exception shall be authorized hereunder unless the Board shall find that all of the following conditions exist:

1. That the exception will not authorize the operation of a use other than those uses specifically enumerated as permitted uses for the district in which is located the property for which the exception is sought, or a use typically associated with the applicant as described in subsection B below;
2. That the applicant is a public utility or a non-profit community facility providing a service but not a commodity and is acting through its executive management or governing authority;

3. That the full development is designed and intended to serve the district in which the development is sought to be operated and maintained;
4. That the full development is necessary and desirable to provide a service or a facility which would contribute to the general well-being of the district in which the development is sought to be operated and maintained;
5. That the facility will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;
6. That the facility will not alter the essential character of the district in which is located the property for which the exception is sought;
7. That the facility will not weaken the general purposes of this ordinance of the regulations herein established for the specific district;
8. That the facility will be in harmony with the spirit and purposes of this ordinance;
9. That the facility will not adversely affect the public health, safety or general welfare.

E. Oaths and Attendance of Witnesses: For the purpose of exercising the powers herein enumerated, the Board shall elect a chairman and vice-chairman. The chairman, or, in his absence, the vice-chairman, shall administer oaths to or accept affirmations from witnesses. A failure or a refusal to appear in response to a subpoena issued by the Board shall constitute a violation of this ordinance.

4.4 Limitations on Powers of Board

- A. Concurring Vote Required: The concurring vote of a simple majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance or to effect any dimensional variance from this ordinance.
- B. Findings of Fact: Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this ordinance or to effect any dimensional variance from this ordinance shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this ordinance.

- C. Powers Strictly Construed: Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, to effect changes in the official map or to add to the specific uses omitted in any district. The powers of the Board shall be so construed that this ordinance and the official map are strictly enforced.

4.5 Appeals from the Board

- A. Procedure: Any person aggrieved, any taxpayer, the municipality or any officer or department of the municipality may have a decision of the Board reviewed in the manner as set forth in KRS 100.347 (1) or other applicable provisions of state law.
- B. Effect of Appeal: The issuance of a writ on a petition hereunder shall not stay proceedings upon the decision appealed from but the court, on application after notice to the Board and on due cause shown, may grant restraining order.

4.6 Liability

Any commissioner, or employee, or member of the Board of Adjustment, charged with the enforcement of this code, acting for any city or the county in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any commissioner, or employee, or member of Board of Adjustment, because of such act performed by him in the enforcement of any provision of this code shall be defended by legal representative until the final termination of the proceedings.

ARTICLE 5 - DEFINITIONS

The words defined are those which have special or limited meanings as used in the Zoning Regulation, which meanings might not otherwise be clear. Words whose meaning is self-evident as used in the Zoning Regulation are not defined here.

Accessory Structure or Use: Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises as determined by the administrative official; also as specifically designated under the zoning district regulations of the Zoning Regulation. A parked mobile home shall not be considered an accessory building unless specifically permitted by the provisions of the Zoning Ordinance.

Administrative Official: Any department, employee or advisory, elected or appointed body which is authorized, as provided for herein or in state law, to administer any provision of the Zoning Regulation, subdivision regulations, and if delegated, any provisions of any housing or building regulation or any other land use control regulation.

Adult Entertainment Use: Any use with the principal intent of providing sexually oriented materials or activities to the public or to private membership.

Agricultural Operation: The use of land for agricultural, farming, dairying, or stock raising in which a minimum of five (5) acres is used.

Agricultural Structure: Any structure or building accessory to the principal agricultural use of the land except farm dwellings which are considered principal buildings or residential uses.

Alteration: Any change or addition to the supporting members or foundation of a structure.

Assisted Care Living Facility: A residential facility provided varying levels of assistance to residents, usually the elderly, in performing daily tasks. This type of use is distinguished from a nursing home in that acute care for residents is not a necessity (see retirement home).

Automotive Repair, Major: Substantial repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

Automotive Repair, Minor: Incidental minor repairs, upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding two (2) tons capacity, but not including any operation named under "Automotive Repair, Major", or any other similar thereto.

Automotive Wrecking: The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Building: Any structure which fully encloses space for the occupancy by persons or their activities. A mobile home is not a building however.

Campground: A facility for recreational vehicles, tents and other means of camping overnight, not including permanent structures or mobile homes. A campground is intended to provide a place for temporary overnight stays not exceeding six(6) months during any one calendar year at any one facility.

Child Care/Daycare Facility: A facility providing supervised care for nonresident minors for a fee or other consideration. These facilities may be one of three types;

"Type I Facility"- providing care for not more than 5 nonresident minors at any one time. This type of facility is considered to be accessory to residential use as a home occupation.

"Type II Facility" - providing care for not more than 12 nonresident minors at any one time.

"Type III Facility" - allowed to provide care for more than 12 nonresident minors at any one time.

Each of these types of child care facilities may be treated differently under these regulations.

Commercial Floor Area: Floor area of buildings which is devoted to the storage and display of merchandise, the performance of consumer services or the circulation and accommodation of customers.

Consumer Services: Sale of any service to individual customers for their own personal benefit, enjoyment or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.

Convalescent or Nursing Home: An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home; hospital or sanitarium shall not be construed to be included in this definition.

Corner Lot: A lot or tract located at the intersection of two roadways or streets, having 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 a side yard and a rear yard setback. (Owners choice)

Dwelling and Dwelling Units: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.

Family: A person living alone or two or more persons related by blood, marriage, or not more than four (4) unrelated persons living together in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

Greenhouse, Commercial: A greenhouse in which plants are produced for sale or distribution to the public, either retail or wholesale.

Greenhouse, Private: A greenhouse in which plants are produced for private use of the owner either on site or at other locations owned or controlled by the owner of the greenhouse.

Hazardous Waste: Any waste substance or combination of substances, in any form which because of its quantity, concentration or physical, chemical or infectious characteristic may create a threat to public health or to animal, plant and aquatic life forms, and included but is not limited to substances which are toxic, flammable, corrosive, radioactive, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means.

Height: The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

Home Occupations: Professional offices, studios, and personal services maintained or conducted within a dwelling without nonresident employees unless otherwise provided for in these regulations. Neither the selling of any merchandise, in particular where the retail activity occurs at the residence from inventory maintained on premises, nor processing of any product (other than that which would normally occur at a place of residence) shall qualify as a home occupation. Must meet parking requirements. Home occupation includes only those which meet the following performance standards: ~~Must obtain HO permit in City of Bardstown and sign must be on structure.~~

- A. Home occupations shall be incidental to the principal residential use, occupying no more than 25 percent of the total floor area of a dwelling.
- B. Home occupations shall result in no exterior evidence excepting a permitted sign, that the dwelling is used for a non-residential use.
- C. Home occupations shall not generate any atmospheric pollution, light flashes, glare,, odors, noise, vibration, or truck or other heavy equipment traffic nor shall involve the use of mechanical equipment except that permissible for purely domestic or residential purposes.

Homes for Adjustment/Group Homes: A home for adjustment is a residential structure or home in which persons live while receiving therapy and counseling for or recuperating from the effects of drugs, alcohol, emotional or mental disorder, or physical disability, or when being rehabilitated after imprisonment or other type of isolation from society.

Industry: ~~The processing or assembly of products or raw materials: the two categories of industry are defined according to the following performance standards:~~

- a. Heavy Industry: Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare , odors, or noise or vibration which may be heard of felt off the premises, or those industries which constitute a fire or

explosion hazard.

- b. Light Industry: Those industries whose processing operations result in none of the above conditions.

Junkyard: A place where junk, waste, discarded, inoperative, or salvaged machinery or materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including auto wrecking yards, house wrecking or building, yards for storage and sale of salvaged house building and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as an incidental part of manufacturing operations.

Kennel, Commercial: Any lot, structure, premises, or establishment where one or more dogs or cats are kept for commercial purposes such as where dogs and/or puppies or cats and/or kittens are kept for the primary purpose of breeding, buying, selling, boarding grooming, or training of such animals.

Kennel, Non-Commercial: Any facilities at, in, or adjoining a private residence where dogs or cats are kept strictly as family pets or are kept for the hobby of the householder in using them for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trails or for guarding or protecting the householder's property. The raising of three or fewer litters at the facility in a twelve month period and the sale of three or fewer litters of pups and/or kittens in a twelve month period by the keeper of a non-commercial kennel does not change the character of the facilities so as to make them a commercial kennel. Non-commercial kennels are considered accessory to residential uses.

Lot: A parcel of land under one ownership devoted to a common use or occupied by a principal building(s) plus accessory structures.

- a. Corner Lot: A lot which abuts on two intersecting streets at their intersection (see definition above).
- b. Double-Frontage Lot: Any lot other than a corner lot which abuts on two streets.
- c. Lot Line: The boundary dividing a lot from right-of-way, adjoining lot, or other adjoining tract of land.(front, rear, and side lot lines are self-explanatory)
- d. Lot of Record: A lot which is recorded in the office of the Nelson County Clerk.

Lot Area - The minimum area required for any newly created lot in a particular zone; that area required for a dwelling unit in a residential zone.

Maximum Lot Coverage - That portion, usually indicated by a percentage of the total lot area, that may be covered by structures, parking areas, walkways, concrete, asphalt or other impervious surfaces.

Minimum Lot Width: The minimum distance from the side property line of a lot to

the other side property line of the same lot measured from any point along either property line. This distance is also the minimum allowable dimension for that portion of a lot extending along a street line, this "road frontage" may either be on a public or private roadway.

Modular Home: A housing unit which may be constructed elsewhere and transported to a specific site or lot for assembly and occupancy, but which is not a mobile home as defined herein. Such structures shall be regulated in the same manner as a standard or customary housing unit building on site.

Modular Office: A office unit which may be constructed elsewhere and transported to a specific site, but which is not a mobile home, converted to an mobile office. Such structures shall be regulated in the same manner as other commercial structures.

Mobile Home: Any vehicle or similar portable structure, with a finished dimensional width of 18 feet or less, used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons and is a unit in which the transporting framework is an integral part of the basic structure and which has a certificate of origin associated therewith. The removal of the means of conveyance from a mobile home and the construction of a permanent foundation does not define a mobile home as a dwelling under the terms of this Zoning Regulation.

Mobile Home Park: A tract of land prepared and approved according to the procedures in the Zoning Regulation to accommodate multiple mobile homes provided for rental purposes, including offering only lots for rental.

Nonconforming Structures or Uses: A structure or use of any premises which does not conform with all applicable provisions of the Zoning Regulation but which existed at the time of its designation as nonconforming by the adoption or amendment of the Zoning Regulation.

Non-Retail Commercial: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, truck terminals, and similar commercial enterprises.

Open Space: The outdoor area of a lot or tract which is designed and used for outdoor living, recreation, yard or landscaping. Off-street parking and loading space, driveways, sidewalks and other areas covered with impervious surfaces do not qualify as open space.

Outside Storage (accessory): Storage of materials that are used in the principal use of a piece of property to be limited to a area on sidewalk (private) and/or not visible from a public street or approved in scope and area by the Planning Commission. No more than 20% of a lot area and no more than $\frac{1}{4}$ acre of a lot in any case is to be dedicated to accessory outside storage unless approved by the Planning Commission.

Parent Tract: A tract which has not been subject to any division creating tracts less then 20 acres in size.

Parking Area or Structure: An off-street area or structure for required parking

or loading spaces including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard, or public right-of-way.

Planned Unit Development Project: A complex of structures and uses planned as an integral unit or community of development as provided in these Section 8.3 of these regulations.

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

Private Recreation Area: An area devoted to uses such as picnic and parking areas, swimming pools, private clubhouses, tennis courts, refreshment stands, and similar or associated structures and uses.

Processing: Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures, however.

Public-Service Building: Any building necessary for the operation and maintenance of a utility.

Rehabilitation Center: A structure, non-residential, residential or home, in which persons may assemble or live while receiving therapy and counseling for or recuperating from the effects of drugs, alcohol, emotional or mental disorder, or physical disability, or when being rehabilitated after imprisonment or other type of isolation from society.

Restaurant: An eating establishment where food is served and/or consumed only within the building.

Restaurant, Drive-In: An eating establishment where food is generally served by employees or by self-service on the premises outside the building and generally consumed on the premises outside the building or off the premises.

Retail Sales: Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Retirement Home: An establishment which provides full-time shelter, comfort, and day-to-day non-medical necessities for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of old age require or desire aid in day-to-day activities. This establishment is distinguished from a convalescent or nursing home as the Senior Citizen or Retirement Home does not provide full-time convalescent or chronic care for its inhabitants.

Road: A traffic carrying way. As used in the Zoning Regulation a road may be privately owned.

Roadside Stand: A temporary structure designed or used in compliance with the requirements of these regulations for the display or sale of agricultural or other products grown or produced on the premises upon which such a stand is located.

Sign: Any name, identification, description, display, illustration, or device

which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Single Family Residential: One dwelling unit per the tract so designated.

Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

Street: Any highway or other public traffic-carrying way, an arterial street is any federal, state or county highway unless otherwise designated by the planning commission.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, but not including fences up to sixty (60) inches in height, or poles and appurtenances thereto used for the provisions of public utilities; includes buildings and mobile homes.

Use: Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

Usable Open Space: That portion of the outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access or landscaping, but not including off-street parking and loading areas, driveways or required front and street side yards unless separated from the street right-of-way by a fence or screen planting.

Variance: A departure from the strict conformance with the dimensional terms of the Zoning Regulation pertaining to the height, width, or location of structures, and the size of yards which must first receive the approval of the appropriate Board of Zoning Adjustment.

Yard: The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Regulation Note: also known as setbacks. Yards are further defined as follows:

- a. Front Yard: That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the front yard line which is the roadway right-of-way.
- b. Rear Yard: That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.
- c. Side Yards: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building with setbacks imposed from both side property lines in the amount indicated as the side yard setback.

ARTICLE 6 - ZONING DISTRICTS

The area located within Nelson County and the communities located thereon is divided into the following zones or districts, and the requirements associated therewith are the minimum requirements of the Zoning Regulation, except as otherwise provided in these regulations. The final determination as to uses permitted in particular zones when not explicitly listed is to be made by the Administrative Official. All uses listed as "conditional uses permitted" are only allowed after a conditional use permit is granted by the appropriate Board of Adjustment. All conditional uses must meet the requirements listed in Section 4.3 (C) of these regulations.

6.1 A-1 AGRICULTURAL DISTRICT

Intent: The intent of this zoning district, when properly applied, is to provide areas for agricultural and related very low density development.

A. Principal Uses Permitted

Agricultural operations as defined in Article 5 (Definitions).

A Single Family Dwelling, including farm dwelling.

A Manufactured home (mobile home) with one dimensional width, when finally installed, of 18 feet or less, on lots or parcels of five (5) acres or greater.

* Conservation Design Subdivision: See Section 8.4, Option 2.

B. Accessory Uses Permitted

Agricultural structures as defined in Article 5 (Definitions).

Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Roadside stands** as defined in Article 5 (Definitions). Conditions may be imposed that limit the size of the structure, hours/seasons of operation, and other conditions that help the use blend in to its unique surroundings.

2. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.

3. **Commercial Greenhouses, Plant Nurseries.** Conditions may be imposed that limit the size and type of structure, hours/seasons of operation, location of structures, number of employees, limitations on type of merchandise offered for sale, limitations on the storage of refuse and waste material. A conditional use granted under this section allows commercial greenhouses and plant nurseries only (other than permitted use) as the primary use.

4. **Pay Fishing Lakes, Riding and Boarding Pens and Stables, Commercial Kennels (as defined in Article 5), Animal Clinics/Hospitals.** Conditions may be imposed that limit the size, type and location of any structures, that limit the number of animals accommodated at any one time, limit the number of employees, impose special requirements for screening and buffering, the number of clients served at any one time, limitations on hours or seasons of operation as well as any other condition that allows the use to blend in with its unique surroundings.
5. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
6. **Owner-Operated, Specially Skilled Shop.** The intent of this section is to permit the resident craftsman to benefit from his specialty skill at his residence. Examples of the type of uses so permitted are welders, mechanics, wood workers, sawmills, re-upholsters, appliance repair persons, sign painters, etc.. Conditions which may be imposed or which shall be mandatory (*) include: the business may be operated by the resident owner and immediate family members residing at the location, no outside employees are allowed(*); no person may own or operate more than one such business (*); no more than one structure be permitted for such operation (*); such structure not exceed 2500 sq. ft. in area(*); storage of any equipment, necessities, or accessories to said business which incidentals to the business must be completely and entirely stored and contained within said structure (*); limits may be placed on hours of operation; impose special screening and buffering requirements; as well as any other requirement that allows the use to blend in with its unique surroundings.
7. **Manufactured Home (mobile home), with one dimensional width of 18 feet or less when finally installed, on lots or parcels 1 acre in size or greater:** These homes may be either accessory dwelling units, principal use dwelling units or both so long as no more than two dwelling units are located on any one parcel, and the occupant of an accessory mobile home must be an immediate family member of the landowner/resident. The intent of this section is to provide, with special approval, additional opportunities for affordable housing while protecting adjoining properties from devaluation. Conditions that may be imposed or which are mandatory (*) include: that at the time of granting the first conditional use permit for a mobile home under this section that the subject parcel is not within the corporate limits of any city (*); that the mobile home must be well maintained, landscaped, tied down or firmly anchored and skirted; that the parcel is to be kept clean and free of trash, junk items with outside storage being reasonably limited to lawn and garden or

recreational equipment (*); that the permit be granted for a two year period but subject to renewal if meeting the requirements contained herein; as well as any other condition allowing the use to blend in with its particular surroundings.

8. **Contracting Businesses (electrical, general, plumbing excavation, concrete, etc.) at the contractor's place of residence:** Conditions that may be imposed or that are mandatory (*) include: that the lot or parcel on which the business is located must be at least five (5) acres in size (*); no activity related to the business shall occur within 100 feet of any adjoining property (*); that the use involve one building only being no more than 2500 square feet in size (*); that the area of the lot or tract to be used for the purposes of the conditional use, excluding a driveway, is to be no more than 25,000 square feet (*); that there are no more than three (3) employees, including the landowner and other resident employees, employed or associated with the business on-site (*); that there are no more than four (4) pieces of business equipment or vehicles (trailer to carry a piece of equipment not counting as a separate piece of equipment) allowed on-site (*); special screening or buffering may be required; as well as any other condition that allows the particular use to blend with its unique surroundings.

9. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to 2 non-resident employees. Conditions that be imposed include: special provisions for parking may be required and otherwise allowed signage may be restricted. (N/A in City of Bardstown)

10. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

11. **Automobile and agricultural equipment sales and service at the residence of the owner/operator:** The Board of Adjustment when approving a Conditional Use Permit for an establishment for the sales and service of automobiles and/or agricultural equipment may consider the impact of the proposed use on the surrounding area, in particular to the properties adjacent. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Conditions may be impose by the Board addressing the area to be used for sales or service; parking; screening and buffering; hours of operation or any other restriction required to allow the establishment blend with its particular environment. In addition the Board may put a time limit or expiration date on the permit after which the applicant may reapply for extension of the permit. In the case of automobile sales, no

more than five (5) automobiles may be displayed for sale at any one time. When appropriate the Board of Adjustment may limit the number of automobiles displayed to less than five (5). All automobiles displayed for sale must be operative.

12. **Residential lots, less than the otherwise required minimum lot or tract size:** Conditions that may be imposed or that are mandatory (*) include: that the lot must be at least 1 acre (43,560 sq. ft.) in size (*); that each parent tract is allowed one such tract division, further divisions requiring a change to another, appropriate zoning classification that allows such divisions (*); that the proposed lot does not adjoin, along a roadway, a tract/lot that is less than 5 acres in size that also adjoins a tract less than 5 acres in size unless such location is deemed by the Board of Adjustment to be the best location for the tract in order to preserve the agricultural character of the area (*); that the basic agricultural character of the area remain unaltered (*); that other minimum requirements of these Zoning Regulations and the Subdivision Regulations for All of Nelson County are met (*); that a finding is made by the Board of Adjustment that the resulting development pattern is in compliance with the adopted comprehensive plan, in particular, recommended residential densities (*).
13. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.
14. **One (1) accessory dwelling unit** of permanent construction having no more than 1000 square feet in living area provided that the parcel on which the accessory dwelling is located has approved on-site sewage disposal for both the principal use dwelling and the accessory dwelling and that the lot or tract is at least two (2) acres in size.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Cluster Residential Development:** yielding lots no smaller than 1 acre (43,560 sq. ft.) in size, providing that: the net density of the development be no more than recommended in the zoning district; a subdivision plat, meeting all the requirements for a preliminary plat, as contained in the Subdivision Regulations for All of Nelson County, is submitted and approved per requirements in Section 8.3 of these regulations; and that the remnant parcel be protected from future division by a deed restriction recorded and running in favor of the Planning Commission, stating that the property may not be further divided. Provisions for lot widths and setbacks may be altered by the Planning Commission as a condition to or result of approval of a planned unit development granted under this section. View-shed must be preserved.

2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
3. **Private Airports, Landing Strips, and Heli-pads:** providing that: the use is developed in such a way as to minimize the impact of the use and its naturally attendant noise on noise sensitive uses that are adjacent; and that no permitted activities or facilities shall occur within 100 feet of adjoining properties with the exception of permitted glide or landing paths overhead.

E. Dimension and Area Requirements

Maximum Height	35 ft
Minimum Lot Area	5 acres (217,800 sq. ft.)
Note: Subject to the provision of Sections (C) 12. and (D) 1. Above.	
Minimum Lot Width	1/5 of lot depth
Note: The absolute minimum lot width required is 200 feet with the maximum <u>required</u> lot width of 250 feet.	
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	50 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.2 R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

Intent: The intent of this zone, when properly applied, is to provide a threshold development zone in which residential development can take place but at a relatively low density for what is traditionally or generally believed to be "subdivision" type development.

A. Principal Uses Permitted

A Single Family Dwelling

B. Accessory Uses Permitted

Home Occupations : ~~Must obtain HO permit in City of Bardstown.~~

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

6. **One (1) accessory dwelling unit** of permanent construction having no more than 1000 square feet in living area provided that the parcel on which the accessory dwelling is located has approved on-site sewage disposal for both the principal use dwelling and the accessory dwelling and that the lot or tract is twice (2 times) the minimum lot area for this zone in size.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 and/or Section 8.4 of these Regulations)

1. **Cluster Residential Development:** yielding lots no smaller than 30,000 sq. ft. in size, providing that: the net density of the development be no more than in the zoning district; a subdivision plat, meeting all the requirements for a preliminary plat, as contained in the Subdivision Regulations for All of Nelson County, is submitted and approved per requirements in Section 8.3 of these regulations; and that the remnant parcel be protected from future division by a deed restriction recorded and running in favor of the Planning Commission, stating that the property may not be further divided. Provisions for lot widths and setbacks may be altered by the Planning Commission as a condition to or result of approval of a planned unit development granted under this section. View-shed must be preserved.
2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
3. **Conservation Design Subdivision :** Public sewers conserve 40%, other system must conserve 30% . See Section 8.4

E. Dimension and Area Requirements

Maximum Height 35 feet

Minimum Lot Area:

Served with sanitary sewers 15,000 sq. ft.
 Not served by sanitary sewers 30,000 sq. ft.

Note: subject to the provisions of Section (D) 1.

Maximum Lot Size 3 acres

Note: May be waived by the Planning Commission during the subdivision process upon a finding that the parcel is a logical remnant or is suitable for further development in the future.

Minimum Open Space Required 30%

Minimum Lot Width 100 feet (with sewers)
 100 feet (w/out sewers)

Minimum Front Yard Setback 35 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard Setback 10 feet

Minimum Rear Yard Setback

35 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.3 R-1B SINGLE FAMILY RESIDENTIAL DISTRICT

A. Principal Uses Permitted

A Single Family Dwelling

B. Accessory Uses Permitted

Home Occupations : ~~Must obtain HO permit in City of Bardstown.~~
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.
6. **One (1) accessory dwelling unit** of permanent construction having no more than 1000 square feet in living area provided that the parcel on which the accessory dwelling is located has approved on-site sewage disposal for both the principal use dwelling and the

accessory dwelling and that the lot or tract is twice (2 times) the minimum lot area for this zone in size.

D. Planned Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
2. **Conservation Design Subdivision :** Must be on public sewers and conserve 40% of land. See Section 8.4

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area:	
Served with sanitary sewers	10,000 sq. ft.
Not served by sanitary sewers	30,000 sq. ft.
Maximum Lot Size	2 acres

Note: May be waived by the Planning Commission during the subdivision process upon a finding that the parcel is a logical remnant or is suitable for further development in the future.

Minimum Open Space Required	30%
Minimum Lot Width	75 feet
Minimum Front Yard Setback	35 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	30 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.4 R-1C SINGLE FAMILY RESIDENTIAL DISTRICT

A. Principal Uses Permitted

A Single Family Dwelling

B. Accessory Uses Permitted

Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.
6. **One (1) accessory dwelling unit** of permanent construction having no more than 1000 square feet in living area provided that the parcel

on which the accessory dwelling is located has approved on-site sewage disposal for both the principal use dwelling and the accessory dwelling and that the lot or tract is twice (2 times) the minimum lot area for this zone in size.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

Golf Courses, Recreational Facilities and similar uses: providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area:	
Served with sanitary sewers	7,500 sq. ft.
Not served by sanitary sewers	30,000 sq. ft.
Maximum Lot Size	2 acres

Note: May be waived by the Planning Commission during the subdivision process upon a finding that the parcel is a logical remnant or is suitable for further development in the future.

Minimum Open Space Required	30%
Minimum Lot Width	75 feet
Minimum Front Yard Setback	25 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard Setback	8 feet or 5 & 15 feet*
Minimum Rear Yard Setback	25 feet

*Must have uniform setbacks per plat and a double drive per lot.

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.5 R-1D SINGLE FAMILY RESIDENTIAL DISTRICT

Intent: The intent of this zoning district, when properly applied, is to provide areas for high density development, made up of single family residential detached structures. Due to the higher densities allowed, this zone is to be applied only in areas served by sanitary sewers.

A. Principal Uses Permitted

A Single Family Dwelling which must be served by public sanitary sewers.

B. Accessory Uses Permitted

Home Occupations: ~~Must obtain HO permit in City of Bardstown~~
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard

be provided (*); and that special screening or buffering may be required.

6. **One (1) accessory dwelling unit** of permanent construction having no more than 1000 square feet in living area provided that the parcel on which the accessory dwelling is located has approved on-site sewage disposal for both the principal use dwelling and the accessory dwelling and that the lot or tract is twice (2 times) the minimum lot area for this zone in size.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

Golf Courses, Recreational Facilities and similar uses: providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height 35 feet

Minimum Lot Area:

Served with sanitary sewers 5,000 sq. ft.

Not served by sanitary sewers not allowed

Maximum Lot Size 1 acres

Note: May be waived by the Planning Commission during the subdivision process upon a finding that the parcel is a logical remnant or is suitable for further development in the future.

Minimum Open Space Required 30%

Minimum Lot Width 50 feet

Minimum Front Yard Setback 20 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard Setback 8 feet

Minimum Rear Yard Setback 20 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.6 R-1T SINGLE FAMILY TOWNHOUSE DISTRICT

Intent: The intent of this zoning district, when properly applied, is to allow single family townhouse or row house structures to be located on individual lots that may be transferred fee simple. This zone is only appropriately applied in areas served by sanitary sewers.

A. Principal Uses Permitted

Single family dwellings built as common wall, attached structures; except that no less than two (2) and no more than six (6) units may be attached in a single "structure" or development.

Single family detached residences which existed or for which a building permit was issued prior to November 1988.

B. Accessory Uses Permitted

Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.

2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.

3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~

4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.

5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Single family detached dwellings:** developed to the standards contained in the R-1D (section 6.6 of these regulations) Zoning District, specifically, but not limited to section 6.6(E).

2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area; Must be served by Sanitary sewer	
Parent Tract, maybe divided	8,000 sq ft
Individual lots, after division	1,500 sq ft
Maximum Density	20 units per acre
Minimum Open Space Required, Parent tract	30 percent
Minimum Lot Width, individual lots	18 feet
Minimum Front Yard	20 feet

Note: not to be varied by any other provisions of these regulations unless specifically mentioned in the note below or approved by the appropriate BOA; and except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum side Yard (for end units)	10 feet
Minimum Rear Yard	25 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

Notes:

1. Townhouse developments must contain more than one (1) unit. No more than three (3) contiguous units may be established at the same setback. A variation of at least three (3) feet shall be required when a break is mandated,

after three (3) contiguous units.

2. Buildings may penetrate up to one and one\half (1.5) feet into the required front yard as long as the average setback of the contiguous units is at least as great as the Minimum Front Yard requirement.

6.7 R-2 TWO FAMILY RESIDENTIAL DISTRICT

Intent: The intent of this zoning district, when properly applied, is to provide areas for development of lots for duplexes/attached two family residential structures. The dwelling units must be attached. This zone is only properly applied in areas served by sanitary sewers.

A. Principal Uses Permitted

- A Single Family Dwelling
- A Duplex/Two Family Attached Dwelling

B. Accessory Uses Permitted

- Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~
- Garage or other accessory building
- Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Two Family Residential Development:** with two family or duplex lots , meeting the standards contained in section E. below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width; served with curbs, gutters and sidewalks; a pavement structure of 6 inches dense graded aggregate as base, 3 inches of subsurface asphalt and 1 inch surface asphalt. This type development is to be served by sanitary sewers.
2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area, sanitary sewer only	10,000 sq. ft.
Minimum Open Space Required	30 percent
Minimum Lot Width	75 feet
Minimum Front Yard	35 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard	10 feet
Minimum Rear Yard	30 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.8 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

Intent: The intent of this zone, when properly applied, is to provide areas for multi-family residential development, but at a lower relative density. This zone is only properly applied to areas with sanitary sewers available.

A. Principal Uses Permitted

Single Family Dwellings
Two Family Dwellings
Multi-family Dwellings

B. Accessory Uses Permitted

Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

6. **Mini-warehouses:** which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
7. **Nursing Homes, Convalescent, Extended Care or Assisted Care Living Facilities:** Conditions that may be imposed or are mandatory (*) include: size, type and style of the building may be restricted so as to help it blend with surrounding development; the number of beds or persons cared for and the total number of employees per shift may be limited; and vehicular parking areas shall be located and lit so as to minimize the impact on adjacent uses (*).

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Multi-Family Residential Development:** with multi-family residential lots , meeting the standards contained in section E. below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width; served with curbs, gutters and sidewalks; a pavement structure of 6 inches dense graded aggregate as base, 3 inches of subsurface asphalt and 1 inch surface asphalt. This type development is to be served by sanitary sewers.
2. **Mixed Type and Density Residential Development:** A development approved under this section may consist of multi-family, two family and single family residential lots or clusters of lots allowing the developer the flexibility to mix densities. As part of the approval process for the Planned Unit Development designation, the developer must designate particular areas to be dedicated to each housing type or density. Once approved, that designation, related to housing type or density may only be changed by amending the planned unit development designation through the process used for initial approval.
3. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area, sanitary sewer only	7,500 sq. ft.
Maximum Allowed Density	12 units per acre

Minimum Open Space Required	25 percent
Minimum Lot Width	75 feet
Minimum Front Yard	25 feet
Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.	
Minimum Side Yard	10 feet
Minimum Rear Yard	30 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.9 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

Intent: The intent of this zone, when properly applied, is to provide areas for multi-family residential development, but at a medium level of relative density. This zone is only properly applied to areas with sanitary sewers available.

A. Principal Uses Permitted

Single Family Dwellings
Two Family Dwellings
Multi-family Dwellings

B. Accessory Uses Permitted

Home Occupations: ~~Must obtain HO permit in City of Bardstown.~~
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted. ~~(N/A in the City of Bardstown)~~
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

6. **Mini-warehouses:** which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
7. **Nursing Homes, Convalescent, Extended Care or Assisted Care Living Facilities:** Conditions that may be imposed or are mandatory (*) include: size, type and style of the building may be restricted so as to help it blend with surrounding development; the number of beds or persons cared for and the total number of employees per shift may be limited; and vehicular parking areas shall be located and lit so as to minimize the impact on adjacent uses (*).

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Multi-Family Residential Development:** with multi-family residential lots , meeting the standards contained in section E. below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width; served with curbs, gutters and sidewalks; a pavement structure of 6 inches dense graded aggregate as base, 3 inches of subsurface asphalt and 1 inch surface asphalt. This type development is to be served by sanitary sewers.
2. **Mixed Type and Density Residential Development:** A development approved under this section may consist of multi-family, two family and single family residential lots or clusters of lots allowing the developer the flexibility to mix densities. As part of the approval process for the Planned Unit Development designation, the developer must designate particular areas to be dedicated to each housing type or density. Once approved, that designation, related to housing type or density may only be changed by amending the planned unit development designation through the process used for initial approval.
3. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height

35 feet

Minimum Lot Area, sanitary sewer only	7,500 sq. ft.
Maximum Allowed Density	18 units per acre
Minimum Open Space Required	25 percent
Minimum Lot Width	75 feet
Minimum Front Yard	25 feet
Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.	
Minimum Side Yard	10 feet
Minimum Rear Yard	30 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.10 P-1 PROFESSIONAL OFFICE DISTRICT

Intent: The intent of this zoning district is to provide areas to accommodate offices as a use into themselves as well as a zone to be used as a transition between more intense commercial uses and less intense residential uses.

A. Principal Uses Permitted

Professional offices uses and personal service businesses where the principal use is the provision of service to individuals not retail sales of goods. Illustrative uses include but are not limited to the following: Veterinarians; funeral homes; professional, business and governmental offices; research, development or testing laboratories; Studios for the production or teaching of fine arts, such as photography, music, dance, and drama; Churches and Cemeteries; Ticket and travel agencies; Medical and dental offices, banks, laboratories and clinics; Schools and colleges for academic, technical and vocational or professional instruction; Nursing Homes, Convalescent, Extended Care or Assisted Care Living Facilities. Dwellings units; attached, occupying the same structure as an otherwise allowed use, not over 50% of commercial area.

B. Accessory Uses Permitted

Garage or other accessory building
Private recreational facilities
Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

C. Conditional Uses Permitted

1. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
2. **Mini-warehouses:** which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings. (NA in City of Bardstown)

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Mixed Office, Residential Development:** A development approved under this section may consist of multi-family, two family and single family residential lots or clusters of lots mixed with areas designated for office or other uses in the ranges allowed in section A. above. Residential densities are not to exceed that allowed in the R-3 zone. As part of the approval process for the Planned Unit Development designation, the developer must designate particular areas to be dedicated to each use and housing type or density. Once approved, that designation, related to use, housing type or density, may only be changed by amending the planned unit development designation through the process used for initial approval.
2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	50 feet
Minimum Lot Area, sanitary sewer only	7,500 sq. ft.
Minimum Open Space Required	20 percent
Minimum Lot Width	50 feet
Minimum Front Yard	25 feet

Note: increased to 50 feet if the structure is over two stories tall at grade; and except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard	10 feet
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Note: increased to 25 feet if the structure is over two stories tall at grade.

Minimum Rear Yard	30 feet
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Note: increased to 50 feet if the structure is over two stories tall at grade.

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.11 B-1 NEIGHBORHOOD BUSINESS DISTRICT

Intent: The intent of this zoning district, when properly applied, is to provide resident consumer more localized opportunities to purchase convenience goods and services. It is not the intent of this zoning district to provide areas for the purchase of regionally demanded goods and services, only that demanded, on a convenience basis, by the local resident population.

A. Principal Uses Permitted

Those uses permitted and as regulated in the P-1 Professional Office District Commercial establishments, for the sale of convenience goods, personal service establishments, and other consumer services, including but not limited to convenience stores, mini-marts including gasoline sales, video rental stores, grocery stores, etc., and provided that all processing is performed as a consumer service for retail customers served on the premises and all such establishments are limited to a maximum building size of 5000 square feet of in total gross floor area per lot.

B. Accessory Uses Permitted

Parking for the principal use (may be shared with adjacent uses, see Section 11.4 of these regulations)

Garage or other accessory building

Private recreational facilities

Drive-In Facilities, serving a principal use, determined by the City or County Engineer not to be a traffic hazard.

C. Conditional Uses Permitted

1. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
2. **Mini-warehouses:** which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings.
(NA in City of Bardstown)
3. **Car Wash:** The Board of Adjustment, when reviewing applications for this conditional use, shall review plans for the operation to determine if traffic

circulation/vehicle storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning traffic circulation/vehicle storage provisions. Wash water shall be discharged into sanitary sewers of a facility approved by the Nelson County Health Department.

4. **Mobile Home as Place of Residence for a Commercial Watchman:** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman’s residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 of these Regulations)

1. **Mixed Commercial, Office, Residential Development:** A development approved under this section may consist of multi-family, two family and single family residential lots or clusters of lots mixed with areas designated for commercial, office or other uses in the ranges allowed in section A. above. Residential densities are not to exceed that allowed in the R-3 zone. As part of the approval process for the Planned Unit Development designation, the developer must designate particular areas to be dedicated to each use and housing type or density. Once approved, that designation, related to use, housing type or density, may only be changed by amending the planned unit development designation through the process used for initial approval.
2. **Golf Courses, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
3. **B-1 PUD Neighborhood Business** (Only in effect in the City of Bardstown and in the Deatsville and Hunters Village Unincorporated Character Areas as established by the *Nelson County 2020: A Comprehensive Plan.*)

Intent: The intent of this PUD zoning district, when properly applied, is to allow development of commercial uses that will blend in with existing residential districts.

Note: A site development plan must be submitted as part of the rezoning application requesting reclassification to this PUD zoning district. This plan shall show: location of existing structures, utilities; roadways (which may be private, but must provide guaranteed, adequate access to all parcels as well as adjoining parcels); intended option choice for commercial use of the property; size, type and design of structures (must blend in with surrounding residential uses); storm water drainage and retention facilities; signage; lighting; landscaping; screening and buffering. Setbacks and parking requirements may be varied as part of the overall

approval of site plan. All items required are subject to Planning Commission review and approval. The standard for review shall be that all required items must be provided in a way so as to minimize adverse impacts on the public and surrounding residential uses. Departures from the development plan, as finally approved, must receive Planning Commission and appropriate legislative body City Council approval after another required public hearing.

(Option A) Principal Uses Permitted. Those uses as allowed in the B-1 Neighborhood Business District and P-1 Professional Office District. Maximum of 10,000 square feet of floor area.

(Option B) Principal Uses Permitted. Those uses as allowed in the B-2 Central Business District excluding the following uses: outside storage, automobile dealerships and sales lots. Maximum of 10,000 square feet of floor area.

(Option C) Otherwise Allowed Uses Serving Alcohol by the Drink. Providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated. Maximum of 10,000 square feet of floor area.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area , with sanitary sewer	7,500 sq. ft.
without sanitary sewer	43,560 sq. ft.
Minimum Open Space Required	20 percent
Minimum Lot Width	50 feet
Minimum Front Yard	50 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	30 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

Amendment(s): January 14, 2002; May 12, 2004.

6.12 B-2 CENTRAL BUSINESS DISTRICT

Intent: The intent of this zone, when properly applied, is to allow dense commercial development in predetermined downtown areas of the cities located in Nelson County. Because of the dense pattern of development that this zone allows, it is not subject to wide application.

A. Principal Uses Permitted

Those uses listed as principal uses permitted in the B-1 Neighborhood Business District without the limitations on structure size.

Speciality stores, department stores, places of amusement and entertainment, hotels and other places of overnight accommodation, and restaurants (no uses allowed serving liquor by the drink are allowed without first obtaining a PUD designation, see Section D. below; only in effect in the City of Bardstown); automobile dealerships and sales lots, and the retail sale of all other merchandise not specifically prohibited or permitted for the first time, in a less restrictive classification.

Parking Lots and structures

B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

Drive-In Facilities, serving a principal use, determined by the City of County Engineer not to be a traffic hazard.

Only that wholesaling of merchandise which is clearly incidental and subordinate to the principal retail use on the premises.

C. Conditional Uses Permitted

1. **Mini-warehouses:** which provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for mini-warehouse facilities may limit the number of units provided, restrict the size or orientation of any structure, require screening, buffering, or landscaping, require a specific type of building material, require green landscape buffer areas, require storm water abatement measures or impose any other requirement that it deems necessary to help the requested use blend into its unique surroundings. (NA in City of Bardstown)

2. **Car Wash:** The Board of Adjustment, when reviewing applications for this conditional use, shall review plans for the operation to determine if traffic circulation/vehicle storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning traffic circulation/vehicle storage provisions. Wash water shall be discharged into sanitary sewers of a facility approved by the Nelson County Health Department.

3. **Automobile Service Stations:** Distinguished from mini-marts by offering minor automobile service and repairs. When considering an

application for this conditional use the Board of Adjustments shall review: the plans for the facilities to insure proper traffic circulation and accessibility; the proper integration of a less dense use into a densely developed environment; signage; lighting; the hazard/nuisance posed by the storage and/or delivery of gasoline or other flammable materials.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Private Parks, Recreational Facilities and similar uses:** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
2. **Otherwise Allowed Uses Serving Alcohol by the Drink:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

E. Dimension and Area Requirements

Maximum Height	50 feet
Minimum Lot Area , with sanitary sewer	none
without sanitary sewer	not allowed
Minimum Open Space Required	none
Minimum Lot Width	25 feet
Minimum Front Yard	none
Minimum Side Yard	none
Minimum Rear Yard	30 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.13 B-3 REGIONAL RETAIL BUSINESS DISTRICT

Intent: The intent of this zoning classification, when properly applied, is to provide areas for major retail service and goods providers to locate. Areas zoned to this classification are primarily those with high accessibility for the community at large.

A. Principal Uses Permitted

Those uses allowed in B-2 Zoning District.

Retail commercial uses serving the community as a whole, or whose customer base is the community at large not just the local or transitory population. Such uses include but are not limited to: large retail stores; groceries; movie theaters; furniture and reupholsterers; automobile service stations; automobile and small truck sales and/or service; minor automobile and truck repair; used car lots; restaurants, drive-in or sit down (no uses allowed serving liquor by the drink are allowed without first obtaining a PUD designation, see Section D. below; only in effect in the City of Bardstown); motels and hotels; boat and marine supplies; drive-in theaters, skating rinks; bowling alleys; and mini-warehouses.

Car wash, discharging wash water into a sanitary sewer or a Nelson County Health Department approved waste facility, and a traffic pattern and vehicle storage plan determined by the City or County Engineer not to pose a traffic hazard.

Parking Lots and structures

B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

Only that wholesaling of merchandise or services which is clearly incidental and subordinate to the principal retail use of the premises.

C. Conditional Uses Permitted

1. **Regular Outside Storage of Material;** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
2. **Green Houses, Plant Nurseries, and Produce Markets;** determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for

6.14 B-4 GENERAL BUSINESS DISTRICT

Intent: The intent of this zoning district, when properly applied, is to provide areas for wholesale and heavy commercial uses. These uses, by their nature, tend to be more intrusive in their operational characteristics.

A. Principal Uses Permitted

Those uses allowed in the B-3 Regional Retail Business District

Wholesale businesses and heavy commercial such as but not limited to the following: warehouses and storage facilities; sale of building materials, lumber yards and contractors businesses; sale of feed, grain or agricultural supplies; greenhouses and plant nurseries; boat and marine supplies sales and service; mobile home and travel trailer sales and service; new or used car, truck or heavy equipment sales lots; truck terminals and freight yards; machine shops; establishments and lots for the display, rental, sale and repair of farm equipment and contractors equipment and trucks.

Parking lots and structures

B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Regular Outside Storage of Material;** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)

2. **Mobile Home as Place of Residence for a Commercial Watchman:** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations) - None

E. Dimension and Area Requirements

Maximum Height

50 feet

Minimum Lot Area, with sanitary sewer	5,000 sq. ft.
without sanitary sewer	43,560 sq. ft.
Minimum Open Space Required	20 percent
Minimum Lot Width	50 feet
Minimum Front Yard	50 feet
Minimum Side Yard	
not adjoining a residential use	15 feet
adjoining a residential use	25 feet
Minimum Rear Yard	25 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.15 B-5 RETAIL COMPLEX DISTRICT

Intent: The intent of this zoning district, when properly applied, is to allow development of larger retail complexes, in the form of stand alone buildings, strip centers, malls and other designs.

A. Principal Uses Permitted

Those uses allowed in the B-3 Regional Retail Business district

Note: A site development plan must be submitted as part of the rezoning application requesting reclassification to this zoning district. This plan shall show: location of utilities; roadways (which may be private, but must provide guaranteed, adequate access to all parcels); size and type of structures (may be submitted as individual buildings are to be built); storm water drainage and retention facilities; signage; lighting; landscaping; screening and buffering. All items required are subject to Planning Commission review and approval. The standard for review shall be that all required items must be provided in a way so as to minimize adverse impacts on the public. Departures from the development plan, as finally approved, must receive Planning Commission approval after another, required public hearing.

B. Accessory Uses Permitted (Subject to plan requirements in A. above)

Garage or other accessory building

Private recreational facilities

Only that wholesaling of merchandise or services which is clearly incidental and subordinate to the principal retail use of the premises.

C. Conditional Uses Permitted (Subject to plan requirements in A. above)

1. **Regular Outside Storage of Material;** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
2. **Green Houses, Plant Nurseries, and Produce Markets;** determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for such use; impose screening or buffering requirements; require additional parking where existing parking areas are used for such uses(*); and any other condition that helps the proposed use to blend in with its unique surroundings.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations, and subject to plan requirements in A. above)

1. **Otherwise Allowed Uses Serving Alcohol by the Drink:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.
2. **Dance Halls, Reception Halls, Nightclubs, Billiard or Pool Halls:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

E. Dimension and Area Requirements (Note: all setbacks are from outer boundaries of the entire development. The layout and setbacks applied to the interior of the project or development are subject to Planning Commission approval as shown on the plan required under section A. above).

Maximum Height	50 feet
Minimum Lot Area, for individual lots:	
with sanitary sewer	5,000 sq. ft.
without sanitary sewer	43,560 sq. ft.

(Note: There is no minimum lot size required for an overall development. It is subject to the lot size requirements herein. A B-5 complex maybe constituted, under this zone, of 1 or more individual lots meeting these size requirements)

Minimum Open Space Required 20 percent

Note: To be shown on the development plan required in section A. above and approved for location by the Planning Commission)

Minimum Lot Width:

For entire development of complex	50 feet
Individual lots within complex	none
Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Rear Yard	25 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations, but is subject to additional approval as set out in section A. above.

6.16 L.I.P. LIGHT INDUSTRIAL/COMMERCIAL PARK

Intent: The intent of this zone, when properly applied, is to allow for development that mixes commercial and light industrial uses in a park or complex environment. Other industrial classifications reflected in these regulations are exclusive in nature, not allowing commercial uses. This zoning classification provides an exception to that general rule.

A. Principal Uses Permitted

Those uses listed as principal uses permitted in the B-3 Regional Retail Business District, B-4 General Business District and I-1 Light Industrial District.

B. Accessory Uses Permitted

Parking lots and structures
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Regular Outside Storage of Material;** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory (*): restrictions on areas to be used; restrict the time period for storage; impose screening or buffering requirements; require additional parking where existing parking areas are used for such storage(*); and any other condition that helps the proposed use to blend in with its unique surroundings. (Only in effect in the City of Bardstown)
2. **Mobile Home as Place of Residence for a Commercial Watchman:** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Otherwise Allowed Uses Serving Alcohol by the Drink:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

2. **Dance Halls, Reception Halls, Nightclubs, Billiard or Pool Halls:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in with the surrounding land use pattern, current and anticipated.

E. Dimension and Area Requirements

Maximum Height	50 feet
Minimum Lot Area, for overall park/development:	
with sanitary sewer	87,120 sq. ft.
without sanitary sewer	217,800 sq. ft.

(Note: these are minimum acreages/sizes required to make application for this zoning district application unless the application is made in order to add area to an existing L.I.P. area already meeting this minimum requirement)

Minimum Lot Area, for individual lots in the development:	
with sanitary sewer	5,000 sq. ft.
without sanitary sewer	43,560 sq. ft.

Minimum Open Space Required (per lot)	20 percent
Minimum Lot Width	50 feet
Minimum Front Yard	50 feet
Minimum Side Yard	
not adjoining a residential use	15 feet
adjoining a residential use	25 feet
Minimum Rear Yard	25 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.17 I-1 LIGHT INDUSTRIAL DISTRICT

Intent: The intent of this zoning district classification, when properly applied, is to provide areas for industrial uses that have no off site impacts, including visual impacts, and that blend well with other less intense uses. All industrially zoned areas must be served by public sanitary sewers in City of Bardstown. All areas outside the City of Bardstown must be served by an approved sanitary sewer system that meets the requirements of the State of Kentucky, as required by the Environmental Protection Agency and the Division of Water. (See P.U.D.)

A. Principal Uses Permitted

Manufacturing, fabrication, storage and/or processing of any product or commodity, except as otherwise provided in these regulations, with operations that have no adverse off site impacts from noise, dust, odors, or light. All operations must be confined within a building or other Planning Commission approved structure.

Retail sale of any product or commodity manufactured, fabricated, or processed on the premises.

B. Accessory Uses Permitted

Parking lots and structures
Garage or other accessory buildings

C. Conditional Uses Permitted

Mobile Home as Place of Residence for a Commercial Watchman: The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. Industry not able to connect to public sanitary sewers : and proposes to use of a alternative sewer treatment method. System must be approved by State and Local Health officials and any other agencies the Planning Commission may deem appropriate. Minimum lot area may be increased if deemed necessary to accommodate system.

E. Dimension and Area Requirements

Maximum Height	50 feet
Minimum Lot Area, with sanitary sewer	20,000 sq. ft.

	without sanitary sewer	2 acres
Minimum Open Space Required		20 percent
Minimum Lot Width		50 feet
Minimum Front Yard		50 feet
Minimum Side Yard		
	not adjoining a residential use	15 feet
	adjoining a residential use	25 feet
Minimum Rear Yard		25 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

6.18 I-1M MODERATE IMPACT INDUSTRIAL DISTRICT

Intent: The intent of this zoning district classification, when properly applied, is to provide areas for industrial uses that, although not heavy or hazardous, do have some impact off site, usually visual. All industrially zoned areas must be served by public sanitary sewers in City of Bardstown. All areas outside the City of Bardstown must be served by an approved sanitary sewer system that meets the requirements of the State of Kentucky, as required by the Environmental Protection Agency and the Division of Water. (See P.U.D.)

A. Principal Uses Permitted

Manufacturing, fabrication, storage and/or processing of any product or commodity, except as otherwise provided in these regulations, with operations that have no off site impacts from noise, dust, odors, or light considered to be occurring at nuisance levels as determined and documented by the Planning Commission or its designee.

Retail sale of any product or commodity manufactured, fabricated, or processed on the premises.

Outdoor storage of heavy equipment

Outdoor storage of bulk materials, such as but not limited to: sand; gravel; and salt

B. Accessory Uses Permitted

Parking lots and structures

Garage or other accessory buildings

C. Conditional Uses Permitted

Mobile Home as Place of Residence for a Commercial Watchman: The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

1. **Places Whose Primary Business is to Provide Adult Entertainment:** providing that the nuisance aspects of these uses are mitigated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of this type of use to blend in, if possible, with the surrounding land use pattern, current and anticipated.

6.19 I-2 HEAVY INDUSTRIAL DISTRICT

Intent: It is the intent of this zoning district classification, when properly and cautiously applied, to provide areas for heavy industrial uses, that due to the nature of their operation or materials used, have impacts beyond the boundaries of the property on which they are located. All industrially zoned areas must be served by public sanitary sewers in City of Bardstown. All areas outside the City of Bardstown must be served by an approved sanitary sewer system that meets the requirements of the State of Kentucky, as required by the Environmental Protection Agency and the Division of Water. (See P.U.D.)

A. Principal Uses Permitted

Those uses listed as permitted uses in the I-1M Moderate Impact Industrial District

Those industrial uses which have associated therewith any detrimental or obnoxious noise, vibration, smoke, odors, dust and/or other objectionable conditions, including but not limited to the following: foundries, brick kilns, curing and tanning, glue manufacturing fertilizer manufacturers, stockyards, slaughterhouses, rendering plants, gasoline storage areas, refuse dumps, sanitary landfill areas.

Automobile race tracks

The manufacture and/or sale of rock, sand or gravel when a principal use

B. Accessory Uses Permitted

Parking lots and structures

Garage or other accessory buildings

C. Conditional Uses Permitted

1. **Heavy or Hazardous Impact Uses:** such as but not limited to the following illustrative uses: junk or wrecking material yards, and facilities; and systems and plants which handle, generate, store, treat, recycle and/or dispose of hazardous wastes as defined in Article 5.

2. **Mobile Home as Place of Residence for a Commercial Watchman:** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if there other facilities that can reasonably accommodate a watchman's residence, if so the permit may be denied; if there is a necessity for a watchman living on site; sewage disposal facilities; as well as aesthetic considerations, appearance, and maintenance concerns.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

ARTICLE 7 - SPECIAL ZONING DISTRICTS

7.1 M.H.P. - MOBILE HOME PARK DISTRICT

Intent: The intent of this zoning district classification, when properly applied, is to provide areas for transient housing to locate. Mobile Home Park (MHP) zoning is only to be applied in those areas served by sanitary sewers. Due to the size of the manufactured homes that may be installed in this district and the density allowed, with it's attendant traffic, accessibility to sites to be zoned MHP is critical. Mobile Home Park zoning should thus only be applied where direct access to minor or major arterials, as designated by the transportation element of the adopted comprehensive plan, is reasonably available.

A. Principal Uses Permitted

Manufactured Housing, one unit per lot, with one dimensional width of 18 feet or less when finally installed, retaining it's mobility (Note: additions restricting mobility or increasing the least dimensional width beyond 18 feet are not allowed)

B. Accessory Uses Permitted

One (1) permanent dwelling per park or development, which may be a manufactured home of any size, to be used as an owner's or caretaker's residence.

A rental office, not exceeding 600 feet in size. This office can be a stand alone structure or a part of another structure containing an otherwise allowed use.

Recreational facilities, i.e. swimming pools, playgrounds.

One (1) freestanding storage building, per lot, retaining it's mobility, not exceeding 200 sq. ft. in size.

Decks, attached to the manufactured home in such a way as to not restrict its mobility (easily removed) not exceeding 200 sq. ft. in size.

Home Occupations

C. Conditional Uses Permitted

Child Care/Daycare Facilities, Type II: Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

MHP Mixed Use Complex: incorporating retail and service commercial uses that are accessory to the park (i.e. barber/beauty shops, laundromats, convenience stores, mini-warehouses). The Planning Commission when considering the appropriateness of any such proposed uses shall consider

the proposed layout and integration of such uses, accessibility and need for the proposed services.

E. Dimension and Area Requirements

Maximum Height	50 feet
Minimum Lot Area, must be served by sanitary sewer	
Entire park or development	43,560 sq. ft.
Individual lot/rental space	5,000 sq. ft.
Minimum Open Space Required (for park)	30 percent
Minimum Lot Width, Park	100 feet
Individual lot/space, may	
be served by park roadway	50 feet
Minimum Lot Depth, individual lot/space	125 feet
Minimum Front Yard	25 feet
Minimum Side Yard, from line of designated	
rental space: to home including deck	10 feet
to accessory storage building	5 feet
Minimum Rear Yard	20 feet

F. Parking and Off-Street Loading Requirements

Parking and off-street loading requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

H. Other Requirements

1. A general development plan for a mobile home park must be submitted to the Planning Commission at the time of application for rezoning to this classification, for a new park, and prior to construction of an extension of an existing mobile home park with the proper zoning classification in place. The general development plan shall show or include:

- a. The name and address of the developer;
- b. The name and location of the mobile home park
- c. Dimensions and locations of all lot lines, road and easements. Each mobile home lot shall be numbered;
- d. Location of all utilities, public and private water, drainage, sewage, and electrical facilities and easements;
- e. Public areas such as visitors' parking, recreational areas, etc., if such areas are proposed;
- f. Large-scale plan of one typical mobile home lot showing mobile home location, automobile parking space, etc.; and
- g. Location of areas for landscaping, whether proposed or required for protective buffer purposes as a special condition.

2. Prior to application for rezoning to this classification for a new mobile home park or prior to the start of construction for extension of an existing mobile home park with the appropriate classification in place, the owner/developer shall obtain appropriate approvals from the State Department of Health as required by state law. A copy of any letters of approval shall be provided with the application to rezone or to the Planning Commission office prior to construction of any extension of an existing mobile home park already rezoned.
3. The general development plan as required in H.1. above, shall be approved by the Planning Commission in a manner similar to the approval of a subdivision plat prior to the construction of an extension to any existing mobile home park with the appropriate zoning classification in place allowing the extension. Approval of a rezoning to this classification is subject to and conditioned on the elements shown on the general development plan. Amendment of the general development plan is required when any substantive element shown will be altered or removed. The amendment procedure is the same as that for approval of an extension of an existing mobile home park with the appropriate zoning classification in place.
4. All roads and utilities shall meet the requirements as set out in the Subdivision Regulations for All of Nelson County. Prior to final use or occupancy of any mobile home park (new or extended), a final plan or plat showing and meeting the requirements of H.1. above and the Subdivision Regulations for All of Nelson County shall be approved through the process of subdivision plat approval and filed in the office of the Nelson County Clerk in a manner similar to a subdivision plats.

7.2 M.H.S MOBILE HOME SUBDIVISION DISTRICT

Intent: The intent of this zoning district classification is to provide, when properly applied, home sites, offered for sale, specifically designed and intended for mobile home occupancy, recognizing the special characteristics and requirements of this type of residential development. Other than the requirements specifically enumerated and listed in this section, developments in areas with this zoning classification are to be held to the same standard and made to meet the same regulations and requirements, procedural and substantive, as any other residential subdivision.

A. Principal Uses Permitted

Manufactured Housing, one unit per lot, with one dimensional width of 18 feet or less when finally installed.

B. Accessory Uses Permitted

Home Occupations.
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

1. **Schools, Churches, Cemeteries.** Conditions may be imposed that limit/control traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its unique surroundings.
2. **Instructional/Research Facilities, Rehabilitation Centers.** Conditions may be imposed that limit or specify the size and type of structure or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation, limit the specific area to be used for the particular use, impose specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its particular surroundings.
3. **Home Occupations (as defined in Article 5) with special allowance:** with a conditional use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: special provision for parking may be required and otherwise allowed signage may be restricted.
4. **Bed and Breakfast Establishments:** allowing sleeping accommodations to be rented for profit with minimal food service provided. The Board of Adjustment when granting requests for bed and breakfast establishments may, limit the number of rooms to be used, limit the area of structure to be dedicated to the use, require a specific number of parking spaces as well as impose any other requirement

that it deems necessary to help the requested use blend into its unique surroundings.

5. **Child Care/Daycare Facilities, Type II:** Conditions that may be imposed or that are mandatory (*) include: that a fenced play yard be provided (*); and that special screening or buffering may be required.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.3 of these Regulations)

Golf Courses, Recreational Facilities and similar uses: providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that: adequate parking facilities and traffic access are provided based on anticipated demand; and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.

E. Dimension and Area Requirements

Maximum Height	35 feet
Minimum Lot Area:	
Served with sanitary sewers	10,000 sq. ft.
Not served by sanitary sewers	30,000 sq. ft.
Maximum Lot Size	3 acres

Note: May be waived by the Planning Commission during the subdivision process upon a finding that the parcel is a logical remnant or is suitable for further development in the future.

Minimum Open Space Required	30%
Minimum Lot Width	100 feet
Minimum Front Yard Setback	35 feet

Note: except along roadways classified as collectors or higher by the transportation element of the adopted comprehensive plan where the setback is 50 feet from roadway right-of-way.

Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	35 feet

F. Parking Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations, by use.

G. Sign Requirements

Sign requirements as set out in Article 12 of these Zoning Regulations.

ARTICLE 8 - GENERAL DEVELOPMENT REGULATIONS

8.1 COORDINATION WITH SUBDIVISION REGULATIONS

In all cases where land located within the jurisdiction of the Cities of Bardstown, Bloomfield, Fairfield, New Haven and Unincorporated Nelson County is divided for the purpose of eventual development of lots of any kind or for any use, the provisions of the Subdivision Regulations, heretofore adopted for all of Nelson County with amendments thereby, shall apply in addition to the provisions of the Zoning Regulations.

8.2 PLANNED UNIT DEVELOPMENT (PUD) PROCEDURES AND REQUIREMENTS

Intent: The Planned Unit Development or PUD regulation is provided to allow flexibility in development for the benefit of the developer, the Planning Commission and it's staff as well as the community as a whole. With the flexibility allowed comes unique opportunities and responsibilities. This regulation outlines those opportunities and responsibilities. The Planning Commission may impose those additional requirements that it deems necessary to insure that the proposed development pattern blends with its unique surroundings and is a benefit to the community at large.

A. Procedure - Required Steps for Planned Unit Development Approval:

A Planned Unit Development is approved in the same way as a zoning map amendment (rezoning). A recommendation concerning the approval of the designation (PUD) is forwarded to the appropriate legislative body, after a public hearing, for its final action. The specific steps for approval, in order of occurrence, are as follows:

1. **Pre-application Conference with Staff** (not required but highly recommended): At this conference, staff reviews materials provided by the developer/applicant and makes substantive suggestions concerning timing, designations requested, site design and layout as well as any other relevant matter. This meeting is suggested to assist the developer/applicant in making a complete and current application at the earliest opportunity.
2. **Application:** An application, provided by the Planning Commission office, is completed and submitted prior to established deadlines. All required supplemental materials or attachments must also be submitted (see Section B. below) or the application will be considered incomplete and not accepted. Please note that a joint application may be made requesting a PUD designation and a related zoning map amendment.
3. **Public Hearing:** A public hearing, held pursuant to the same procedures and requirements as a map amendment/rezoning hearing, will be held at which the Planned Unit Development

application will be heard. Testimony and evidence gathered at the public hearing will be transmitted as part of the record to the Planning Commission.

4. **Planning Commission Consideration:** The Planning Commission will consider an application for a Planned Unit Development designation in two parts. First, it shall consider the PUD designation itself and the impact that it would have on the surrounding land use pattern. Second, if the PUD designation is recommended for approval as part of the first step, then the Planning Commission will consider, during its normal consideration of subdivision plats, the development plan submitted as part of the PUD application. The development plan will be considered as a preliminary plat. (Note: Approval of a final development plan will only occur after the final approval of the PUD designation. See Section 6 below). Approval of the development plan, considered as a preliminary plat, is conditioned on the final approval of the PUD designation by the appropriate legislative body. If the PUD designation is denied by the legislative body, the approval of the preliminary development plan is void.
5. **Consideration and Approval by the Appropriate Legislative Body:** After consideration and recommendation by the Planning Commission, the appropriate legislative body shall consider the record established for the PUD designation request in the same manner and by the same procedures that it would consider a map amendment or rezoning. The approval of the PUD designation by the legislative body finalizes the PUD approval process subject to final development plan approval (see Section 6 below) and the conditions imposed, if any, as part of the approval of the PUD designation process or that for the development plan.
6. **Final Development Plan Consideration and Approval:** After final approval of the PUD designation by the appropriate legislative body, a final development plan shall be submitted to the Planning Commission for its consideration and approval. The submission of the final development plan must be made within 3 months of the final approval of the PUD designation or that designation will become void. The Planning Commission shall review and approve, if appropriate, the final development plan in the same manner and by the same procedures as it would approve a final subdivision plat.
7. **Recording of the Final Development Plan:** Within 3 months of the approval by the Planning Commission of the final development plan, a copy of the approved plan with appropriate original signatures affixed, shall be filed in the office of the Nelson County Clerk in a manner identical to a final subdivision plat. Failure to so file a final development plan shall void the development plan and the PUD designation approvals.

B. Application Requirements

1. **Application Format:** The application used to request a Planned Unit Development designation shall be substantially similar to that used to request a zoning map amendment or rezoning with any additional items deemed necessary by the Planning Commission to adequately consider the request.
2. **Development Plan Submittal and Content Requirements:** All development plan submittals shall be made in a manner similar to that for preliminary and final subdivision plats respectively. Six (6) copies of the preliminary development plan shall be submitted with the PUD designation request application. In addition to all items required to be shown on subdivision plats (preliminary subdivision plat requirements for preliminary development plans, final for final, see Subdivision Regulations for All of Nelson County for requirements), development plans shall include:
 - A. Areas designated for each particular land use;
 - B. General locations of any primary use structure, for multi-lot developments a typical lot development pattern for each land use type may be used;
 - C. Areas dedicated for parking;
 - D. Storm water retention facilities;
 - E. Areas to be used for screening and buffering with indications of the type of screening or buffering to be used;
 - F. Dedicated open or green spaces;
 - G. For developments with commercial or industrial uses, areas designated for signage and lighting plans; and
 - H. The final development plan shall reflect all conditions and requirements imposed by the Planning Commission and/or legislative body during the approval; process for the preliminary development plan and/or the PUD designation.
3. **Application Fee:** The completed application and other submittals shall be accompanied by the appropriate application fee. A separate fee is charged for a Planned Unit Development designation request and a zoning map amendment request, even if made jointly. See Article 17 - Fee Schedule, of these regulations for the appropriate fee amounts.

C. Expiration of Development Plan

If property, to which a Planned Unit Development designation has been applied, has not been fully developed within 3 years of the date of filing the final development plan, the Planning Commission may hold a public hearing to reconsider the designation. After the public hearing and in manner the same as that for approval of a PUD (see section 8.3(A) above) the Planning Commission may recommend

amendment or revocation of the PUD designation to the appropriate legislative body.

D. Amendments

Any change in the use or development pattern approved and reflected in the final development plan, must receive approval by the Planning Commission and, in the case of substantive changes in use or development pattern, the appropriate legislative body. The approval process for any amendment shall be the same as that provided section 8.3 (A) herein. A waiver of the preliminary development plan requirement (substituting an amended final development plan) may be granted by the Planning Commission where deemed appropriate.

E. Standards for Approval

The standards for approval of a Planned Unit Development designation shall be the same as those outlined in state law for zoning map amendments as well as compliance with requirements, considered mandatory, listed for planned unit development uses in each zoning district classification contained heretofore in these regulations. The standards for approval of the preliminary and final development plans shall be compliance with the PUD designation as approved and the standards for approval of subdivision plats contained in the Subdivision Regulations for All of Nelson County.

8.3 PUBLIC UTILITY CONNECTIONS

In case of new construction or change in use or occupancy, no public utility connection for electrical or natural gas service shall be made by any individual or firm other than the utility firm involved unless specific permission to do so is given by the utility.

8.4 CONSERVATION SUBDIVISIONS

Outline of Section Headings

SECTION 8.4	CONSERVATION DESIGN
SECTION 8.41	PURPOSES
SECTION 8.42	GENERAL REGULATIONS
SECTION 8.43	USE REGULATIONS
SECTION 8.44	DIMENSIONAL STANDARDS AND DENSITY DETERMINATION Option 1 Subdivisions: : (Suburban and Urban Community Area) <i>Conservation Subdivision</i> Option 2 Subdivisions (Rural Area) <i>Country Properties</i> Density Determination For Options 1 and 2 Subdivisions
SECTION 8.45	DESIGN STANDARDS FOR OPTION 1 AND 2
SECTION 8.46	GREENWAY LAND USE AND DESIGN STANDARDS
SECTION 8.47 EASEMENTS	PERMANENT GREENWAY PROTECTION THROUGH CONSERVATION
SECTION 8.48	GENERAL SUBDIVISION REQUIREMENTS
SECTION 8.49	OWNERSHIP AND MANAGEMENT OF GREENWAY LAND AND COMMON FACILITIES Ownership Options Fee-Simple Dedication to the County Condominium Association Homeowners' Association Private Conservation Organization or County Dedication of Easements to the County Non-Common Private Ownership Maintenance
APPENDIX	COMMUNITY WASTEWATER SYSTEMS: Ordered List of Preferred Alternative Types

SECTION 8.41 PURPOSES

- A. In conformance with the Nelson County Comprehensive Plan, the purposes of this Article, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
 5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Nelson County Comprehensive Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
 6. To implement adopted land use, transportation, and community policies, as identified in the Nelson County Comprehensive Plan;
 7. To protect areas of the County with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
 8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
 9. To provide for the conservation and maintenance of open land within the County to achieve the above-mentioned goals and for active or passive recreational use by residents;
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
 12. To conserve scenic views and elements of the County's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

- B. In order to achieve these purposes, this Section provides for flexibility in designing new residential subdivisions by allowing two forms of development referred to as "options", as summarized below:
1. Option One: (Suburban and Urban Community Area) *Conservation Subdivision*, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise approximately half the tract and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses. The flexibly-designed layouts work well with septic systems located in the open space, or with sewage treatment facilities. Note: R-1A and R-1B zones in all areas (on public sewers) may alter the provisions of lot size and width in a conservation design with the same density as traditional design on public sewers.
 2. Option Two: (Rural Area) *Country Properties*, providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.
- C. Section 8.44 sets forth the development densities and required open space percentages.

SECTION 8.42 GENERAL REGULATIONS

The design of all new subdivisions in a Conservation Design shall be governed by the following minimum standards:

- A. Ownership: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
- B. Site Suitability: The conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining the Design Options: The various layout and density options described in this Article may be combined at the discretion of the Planning Commission, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Article, as compared with applying a single option to the property.
- D. Intersections and Access: New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing more than 30 (thirty) dwellings are generally suggested for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.
- E. Sensitive Area Disturbance: The proposed design shall strictly

minimize disturbance of environmentally sensitive areas. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

F. Community Wastewater Systems: In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the County's local Health Departments "Ordered List of Preferred Alternative Types of Community Wastewater Systems" (from its Sewage Facilities Plan) contained in the Appendix to this ordinance.

SECTION 8.43 USE REGULATIONS

Land in a Conservation Design may be used for the following purposes:

- A. Single-family detached dwellings in Options 1 and 2 subdivisions:
- B. Greenway land comprising a portion of residential development, as specified above and according to requirements of Section 8.46.
- C. The following non-residential uses in accordance with the standards of Section 8.48.
 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 2. Woodlots, arboreta, and other similar silvicultural uses.
 3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
 4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.
- D. Accessory Uses

Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

 1. Accessory dwelling units (including elder cottages and tenant houses; see accessory dwellings under C.U.P.) proposed in Option 2 subdivisions (Country Properties) are subject to the following provisions:
 2. Accessory dwelling units in principal residences or in new traditional outbuildings (such as barns, stables, carriage houses, and spring houses) shall be designed to harmonize with vernacular rural buildings in the County's historic landscape.

SECTION 8.44 DIMENSIONAL STANDARDS AND DENSITY DETERMINATION

A. Dimensional Standards for Option 1: Conservation Subdivision

1. Density Factor: One dwelling unit per 20,000 square feet after conservation of 30% of greenway not on public sewers. (R-1A and R-1B on public sewers same density as traditional design)
2. Minimum Required Greenway Land:
 - a. The subdivision must include at least 30 percent of the acreage as greenway land; (R-1A & R-1B on public sewers 40% & 25%) Greenway land shall not be used for residential lots, except as provided below.
 - b. Large "conservancy lots" of at least 10 acres, conforming to the standards found in Section 8.44 C, and owned by individuals may occupy up to 80 percent of the Greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the County. However, the Greenway land within each conservancy lot remains subject to the standards for Greenway land in Section 8.46, herein.
3. Average Minimum Lot Area: 20,000 square feet, on average. Some lots may be reduced in certain situations. (R-1A & R-1B zone may have reduced lot size on public sewers) (R-1A = 8000 ; R-1B = 7000)
4. Minimum Lot Width at Building Line: 100 feet; (R-1A & R-1B zone may be reduced in lot width on public sewers)
5. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
Front: 25 feet
Rear: 35 feet (40 ft was typo)
Side: 20 feet separation for principal buildings, with no side yard less than 5 feet as platted
Note: R1-A & R-1B on public sewers may be reduced.
7. Maximum Impervious Coverage: 25 percent limit on each lot.
8. Maximum Height Regulations: 35 feet

B. Dimensional Standards for Option 2: (Rural Area) Country Properties

1. Density Factor: Two times the density allowed in the zoning district for the rural area involved as further allowed for in the A-1 district.
2. Minimum Required Greenway Land:
 - a. The subdivision must include at least 60 + percent of the total acreage as greenway land. Greenway land shall not be used for residential lots, except as provided below.
 - b. Large "conservancy lots" of at least 10 acres, conforming to the standards found in Section 8.44 C, and owned by individuals may

occupy up to 80 percent of the Greenway land, with the remainder (not less than 20%) deeded to a homeowners' association, land trust, or the County. However, the greenway land within each conservancy lot remains subject the standards for Greenway land in Section 8.46, herein.

3. Average Minimum Lot Area: 30,000 square feet, on average.
4. Minimum Lot Width at Building Line: 100 feet
5. Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
Front: 25 feet minimum
Rear: 40 feet minimum
Side: 25 foot separation for principal buildings, with no side yard less than 5 feet as platted
7. Maximum Impervious Coverage: 30 percent limit on each lot.
8. Maximum Height Regulations: 35 feet

C. Dimensional Standards for Conservancy Lots:

1. Maximum Density: one dwelling unit per ten acres (gross).
2. Minimum Lot Area: 10 acres. The lot shapes shall not be irregular, except as allowed for "flag lots", and shall not have a lot depth-width ratio exceeding 5:1 and said lot is permanently protected from future development through a conservation easement.
3. Minimum Lot Width at Building Line: 200 feet
4. Yard Regulations:
Front: 150 feet from the right-of-way of existing Township roads, but 40 feet from the right-of-way of new subdivision streets, country lanes, or common driveways (where applicable).
Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
Side: 25 feet.
5. Maximum Impervious Coverage: 4 percent limit on entire subdivision tract.
6. Maximum Height Regulations: 35 feet

SECTION 8.45 DESIGN STANDARDS FOR OPTION 1 AND 2 SUBDIVISIONS

- A. Houselots shall not encroach upon Primary Conservation Areas and their layout shall respect Secondary Conservation Areas. See Section 8.48 Four Step Process

B. All new dwellings shall meet the following setback requirements:

- | | |
|--|----------|
| 1. From all external road ultimate right-of-way | 100 feet |
| 2. From all other tract boundaries | 50 feet |
| 3. From cropland or pasture land | 100 feet |
| 4. From buildings or barnyards housing livestock | 300 feet |
| 5. From active recreation areas such as courts or playingfields (not including tot-lots) | 150 feet |

C. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping buffers.

D. Houselots shall generally be accessed from interior streets, rather than from roads bordering the tract.

At least one-half of the lots shall directly abut or face conservation land or greenway land across a street.

Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 8.46 through 8.49 of this Ordinance.

SECTION 8.46 GREENWAY LAND USE AND DESIGN STANDARDS

Protected greenway land in all subdivisions shall meet the following standards:

A. Uses Permitted on Greenway Lands

The following uses are permitted in greenway land areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Commission.
6. Active non-commercial recreation areas, such as playingfields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playingfields, playgrounds, and

courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.

7. Golf courses may comprise up to half of the minimum required Greenway land, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the 50 percent minimum Greenway requirement; their parking and access ways may be paved and lighted.
8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.
9. Easements for drainage, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but may not count toward the minimum required Greenway land.

B. Greenway Design Standards

1. Greenway lands shall be laid out in general to ensure that an interconnected network of open space will be provided. The required greenway land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in Section 8.48 (I) (Greenway Design Review Standards)
2. The Greenway land comprises a minimum of 30% and greater. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the County, or by a private individual (typically as part of the original farmhouse). However, in no case shall less than 30% of the land comprising the subdivision be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.
3. Up to five percent of the total tract acreage in any of the options may be subject to the County's public land dedication requirement (typically to provide potential connections with the municipal long-range trail network).
4. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or under growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Commission may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

C. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required conservation land, except as permitted with "conservancy lots" of at least 10 acres. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to greenway land in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per 20 lots, a minimum of ten (10) feet in width.
 - b. Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

SECTION 8.47 PERMANENT GREENWAY PROTECTION THROUGH CONSERVATION EASEMENTS

A. Conservation Subdivisions

1. In Option 1, and 2 subdivisions, the Greenway land that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development (in favor of Nelson Fiscal Court /Planning Commission) and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Commission.

SECTION 8.48 GENERAL SUBDIVISION REQUIREMENTS

Four Step Design Process; Greenway Design Review Standards; and other general requirements:

Four-Step Design Process for Subdivisions Conservation Design

All *Conceptual Preliminary Plans* in the Conservation Design shall include documentation of a four-step design process in determining the layout of proposed Greenway lands, house sites, streets and lot lines, as described below.

A. **Step 1: Delineation of Greenway Lands**

- 1) The minimum percentage and acreage of required Greenway Lands shall be calculated by the applicant and submitted as part of the *Sketch Plan* or *Conceptual Preliminary Plan* in accordance with the provisions of this ordinance and of the zoning ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section I (a and b)
- 2) Proposed Greenway lands shall be designated by using the Primary and Secondary Conservation Areas.
- 3) In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitabilities for inclusion in the proposed Greenway, in

consultation with the Planning Commission and in accordance with Section I (a and b) herein ("Prioritized List of Resources to be Conserved" and "Other Design Considerations").

- 4) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for Greenway Lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

B. Step 2: Location of House Sites

Potential house sites shall be tentatively located, using the proposed Greenway lands as a base map as well as other relevant data such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

C. Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed Greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County and to facilitate access to and from homes in different parts of the tract (and adjoining parcels). Provisions for standard subdivision requirements may be altered by the Planning Commission, if alternative methods are provided. The subdivider shall be required to request the waiver in writing. In addition, the subdivider must provide along with the written waiver request a letter of waiver approval from the appropriate legislative body.

D. Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process, if so requested by the Planning Commission or the Commission.

E. Community Association Document

- 1) A *Community Association Document*, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the County.
- 2) The elements of the *Community Association Document* shall include, but shall not necessarily be limited to the following:
 - a) A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.

- b) Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
- c) A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
- d) Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
- e) Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- f) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- g) Requirements for all owners to provide a *pro rata* share of the cost of the operations of the Community Association.
- h) A process of collection and enforcement to obtain funds from owners who fail to comply.
- i) A process for transition of control of the Community Association from the developer to the unit owners.
- j) Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- k) Provisions for the dissolution of the Community Association, in the event the Association should become inviable.

Please Note: See also Section 8.49 of the Zoning Ordinance, "Ownership and Management of Greenway Land and Common Facilities".

F. *Preliminary Greenway Ownership and Management Plan*

Using the *Conceptual Preliminary Plan* as a base map, the boundaries, acreage and proposed ownership of all proposed Greenway areas shall be shown. In addition, the applicant shall also submit a *Preliminary Greenway Ownership and Management Plan* detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 8.49 of the zoning ordinance ("Ownership and Management of Greenway Land and Common Facilities").

G. *Final Greenway Ownership and Management Plan*

Using the *Detailed Final Plan* as a base map, the precise boundaries, exact acreage, and proposed ownership of all proposed Greenway areas shall be shown. A narrative report shall also be prepared indicating how and by whom such Greenway areas will be managed and demonstrating compliance with the *Zoning Ordinance*.

H. **Rural Road Corridors and Scenic View-sheds**

All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into Greenway areas or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances, where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

I. **GREENWAY DESIGN REVIEW STANDARDS**

a. **Prioritized List of Resources to be Conserved.** The design of Greenway lands in any subdivision or land development plan shall reflect the standards set forth herein and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract (listed in order of significance):

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
2. Significant natural areas of species listed as endangered, threatened, or of special concern.
3. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
6. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural past.
7. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
8. Historic structures and sites.
9. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
10. Existing trails connecting the tract to other locations in the County.

b. **Other Design Considerations.** The configuration of proposed Greenway lands set aside for common use in residential subdivisions shall comply with the following standards:

- 1 They shall be free of all structures except historic buildings, stone walls, and structures related to Greenway uses. The

Governing body may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Greenway provided that such facilities would not be detrimental to the Greenway (and that the acreage of lands required for such uses is not credited towards minimum Greenway acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).

2. They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
3. They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to Greenway land.
4. They shall be suitable for active recreational uses to the extent deemed necessary by the Governing body, without interfering with adjacent dwelling units, parking, driveways, and roads.
5. They shall be interconnected wherever possible to provide a continuous network of Greenway lands within and adjoining the subdivision.
6. They shall provide buffers to adjoining parks, preserves or other protected lands.
7. Except in those cases where part of the greenway is located within private houselots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the County. Provisions should be made for access to the Greenway lands, as required for land management and emergency purposes.
8. They shall be undivided by public or private streets, except where necessary for proper traffic circulation.
9. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect Greenway resources.
10. They shall be made subject to such agreement with the County and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Governing Body for the purpose of preserving the common open space for such uses.

**SECTION 8.49 OWNERSHIP AND MAINTENANCE OF GREENWAY LAND AND
COMMON FACILITIES**

- A. All Greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Section 8.46.
- B. Ownership Options
The following methods may be used, either individually or in combination,

to own common facilities; however, Greenway land shall be initially offered for dedication to the County. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the County. The County may, but shall not be required to, accept any portion of the common facilities, provided that:
 - a. There is no cost of acquisition to the County; and,
 - b. The County agrees to and has access to maintain such facilities.
2. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."
3. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - a. The applicant shall provide the County a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities and Greenway land. ~~The same shall be filed of record in the office of the Nelson County Clerk.~~
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
 - c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
 - d. The association shall be responsible for maintenance and insurance of common facilities.
 - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent is his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the County no less than thirty days prior to such event.

The association shall have adequate staff to administer, maintain, and operate such common facilities.
 - h. The County may enforce said restrictions and shall place a lien against the association and the homeowners.
4. Private Conservation Organization or the County. With permission of the County, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit

conservation organization or to the County provided that:

- a. The conservation organization is acceptable to the County and is a *bona fide* conservation organization intended to exist indefinitely;
- b. The conveyance contains appropriate provisions for proper reverted or retransfer in the event that the organization or County becomes unwilling or unable to continue carrying out its functions.
- c. The Greenway land is permanently restricted from future development through a conservation easement and the County is given the ability to enforce these restrictions; and,
- d. A maintenance agreement acceptable to the County is established between the owner and the organization or County.

5. Dedication of Easements to the County. The County may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the County. In addition, the following regulations shall apply:

- a. There shall be no cost of acquisition to the County.
- b. Any such easements for public use shall be accessible to the residents of the County.
- c. A satisfactory maintenance agreement shall be reached between the owner and the County.

6. Non-Common Private Ownership. Up to 80 percent of the required Greenway land may be included within one or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in Section 8.46, and that the County is given the ability to enforce these restrictions.

C. Maintenance

1. Unless otherwise agreed to by the Commission, the cost and responsibility of maintaining common facilities and Greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

2. The applicant shall, at the time of preliminary plan submission, provide a *Plan for Maintenance of Greenway Lands and Operation of Common Facilities* in accordance with the following requirements. (This Plan may be based on the model prepared for Lower Merion Township, Montgomery County, PA by the Natural Lands Trust) which has been adopted by the Commission as a guide for maintenance of conservation subdivisions in Nelson County).

- a. The Plan shall define ownership;
- b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
- c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the

maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

d. At the County's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,

e. Any changes to the maintenance plan shall be approved by the Commission

3. In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

4. The County may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the County in the office of the Nelson County Clerk.

ADDITIONAL DEFINITIONS

Conservancy Lot. A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenway land. Public access to conservancy lots is not required.

Greenway Land. That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the County, or it may contain areas of conservancy lots which are not accessible to the public.

Appendix

Community Wastewater Systems: Ordered List of Preferred Alternative Types

The following four types of wastewater treatment systems are ranked in descending order reflecting the County's official preferences, as stated by the Nelson County Health Department. Applicants for new development proposals involving community sewage treatment systems shall be required to demonstrate to the Commission that they cannot utilize preferred types of wastewater treatment before they may be permitted to utilize a less-preferred alternative that ranks lower on the ordered list below:

1. Package Plant/Direct Discharge to Groundwater Lagoon Treatment/Spray Irrigation
2. Package Treatment/Spray Irrigation
3. Community Septic Tank/Subsurface
4. Lagoon Treatment/Spray Irrigation

ARTICLE 9 - GENERAL ZONING DISTRICT REGULATIONS

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. (The following prohibition and requirements are only in effect in the City of Bardstown). Outdoor retail sales and display of merchandise unless accessory to a permanent retail sales establishment which conducts most of its activities within a completely enclosed building or group of buildings. Exempt from this regulation are permanent retail establishments which by their nature require outdoor storage, for example, nurseries, mobile home sales and automobile sales.

Such outdoor display and retail sales must be conducted by employees of the permanently established business, using facilities owned by the owner of the permanently established business, not a consignment operation or arrangement. Any use prohibited by this section may be allowed by a special permit issued by the Mayor of the City of Bardstown or his designee. A special permit may only be issued in accordance with guidelines adopted by the City Council of Bardstown or for any such use to be located at the specific sites to be identified by the City of Bardstown.

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 ACCESSORY BUILDINGS

- A. No accessory building shall be erected in any required front yard setback but may be erected in a side or rear yard in accordance with the dimension and area requirements of this Zoning Regulation. An accessory building may be erected as part of or attached to the principal building or may be connected thereto by a breeze way or similar structure, provided all yard requirements of this Zoning Regulation for a principal building are observed.
- B. Accessory buildings shall not exceed one story in height and shall be distant at least six (6) feet from alley lines and at least five (5) feet from plot lines of adjoining lots in a Residential Zone. 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 setback and height requirements for principal use structures.

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, 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 nonresidential 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.

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

9.10 EXCEPTIONS

- D. 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.
- E. Height Exceptions: Height regulations apply to buildings occupied regularly by persons or their activities and to signs. They do not apply to other structures or portions of buildings such as radio towers, ornamental spires, water towers, silos, 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 Adjustment. The Board of Adjustment shall interpret whether or not height regulations apply upon application by the administrative officer in doubtful cases. Federal Aviation Agency height regulations in the vicinity of the airport shall take precedence over all other height regulations.
- F. Exceptions to Building Permit and Certificates of Occupancy Requirement: No building permit or certificate of occupancy is required for the following:
1. Local public utility distributing and collecting structures such as pipes and transmission lines, transformers, meters, etc. Large utility structures such as substations are permitted only as special uses.
 2. Public streets and all official appurtenances necessary for traffic direction and safety. All street and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Highways.
 3. Private drives, private parking areas, and the parking of vehicles incident to the principal use on the same premises.
 4. Real estate signs not larger than ten square feet located on the premises or subdivision being advertised for sale or for rent.
 5. Signs not over four square feet in area identifying permitted home occupations or the renting of sleeping rooms on the same premises.
 6. Horticulture and landscaping of any premises; fences and other normal accessory uses.

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.

9.12 CELL TOWER REGULATIONS

A. DEFINITIONS SPECIFIC TO THIS SECTION:

1. CELLULAR ANTENNA: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television of AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, data transmission. Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.
2. CELLULAR ANTENNA TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.
3. CO-LOCATION. Locating one or more cellular antennas for more than one provider on a single cellular antenna tower or alternative cellular antenna tower structure on a single lot.
4. HEIGHT, ANTENNA TOWER. The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, even if the highest point is the top of an antenna.
5. TELECOMMUNICATIONS FACILITY. The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include

other uses associated with and ancillary to telecommunications transmission.

B. ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES OR PERSONAL COMMUNICATIONS SERVICES (Cellular antenna towers or alternative tower structures):

An antenna tower for cellular telecommunications services or personal communications services may be allowed in any district after receiving Planning Commission review in accordance with the Planning Commission's filing procedures to ascertain its agreement with the Comprehensive Plan and the zoning district regulations and after being granted a Certificate of Public Convenience and Necessity by the Public Service Commission. **Co-location of service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for multiple carriers or by co-location on existing facilities.** Any request for review of a proposal to construct such an antenna tower or to re-configure, enlarge or re-construct an existing antenna tower, shall be made only in accordance with this Section B.

However, if the property is subject to an existing district development plan pursuant to Section 9.11 (A) of these zoning regulations or to an existing Conditional Use Permit, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. Review of the district development plan or Conditional Use Permit plan shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the district development plan or Conditional Use Permit. The property owner shall be responsible for making alternative provision for any alteration of the district development plan or Conditional Use Permit or shall obtain a variance or waiver of the specific plan or Permit requirement affected by the location of the tower on the site. In the event the Public Service Commission requires that the tower be located on the site differently than shown on the district development plan or Conditional Use Permit plan, the property owner shall submit an amended request and plan showing the new location for review of the effects the new location may have on the features of the district development plan or Conditional Use Permit site and use. Such amended request and plan shall be submitted no later than ten (10) business days after the date of the final order of the Public Service Commission approving the tower construction.

1. **General Provisions:**

Notice of Filing: (1) Notice of any request filed under this section shall be sent by the applicant by first class mail to the owner of every parcel of property within 500 feet of the tower, to the owner of every parcel of property adjoining at any point the property from which the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from said property. Notice shall also be sent by the applicant to the Mayor of the City in which the tower site is proposed, if the tower is proposed to be located within the corporate limits of a City or to the County Judge/Executive, if the tower is proposed to be located in the unincorporated area of

Nelson County.

Such notices shall include the Planning Commission Docket Number under which the request will be reviewed, the address and telephone number of the Planning Commission's office, and a statement that the recipient has the right to submit testimony to the Planning Commission, either in writing or by appearance at any Committee or Commission meeting scheduled for review of the request. Such notices by first class mail shall be mailed no sooner than the date of acceptance of the application by the Planning Commission and no later than two calendar days subsequent to the application. An attorney shall certify within five (5) days of mailing that the required notices have been sent.

3. Notification:

The applicant shall furnish to the Planning Commission with the attorney certification a copy of the notices required by 1., a., (1) above and the names and addresses of the owners of property and the governmental officials to whom the required notices will be sent. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of said owners. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in KRS 100.214 (2) for such ownership. The applicant shall obtain the name and address of the applicable governmental officials from the Planning Commission through its authorized representative.

1. Posting Property:

Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent. The applicant shall certify that the postings have been made. The notices shall remain until the Planning Commission issues its final decision or 60 days has passed since acceptance of the request by the Planning Commission, whichever occurs first. The posting shall be as follows:

- a. Each sign shall be at least two (2) feet by four (4) feet in size;
- b. Each sign shall state: "(Name of applicant) proposes to construct a telecommunications tower and/or facility on this site. If you have questions, please contact (name and address of applicant). Information on the Planning Commission's review of this proposal may be obtained by calling the Planning Commission at (502) 348-1805. Please refer to the request name or number in all inquires."
- c. In both posted notices, the words "proposes to construct a telecommunications tower and/or facility" shall be printed in letters at least (4) inches in height, and the words "Joint Nelson County Planning Commission at (502) 348-1805" shall be painted in letters at least one (1) inch in height. Both signs shall be constructed of durable, weatherproof material.
- d. Any such signs may also include any notices required to be made by regulations of the Kentucky Public Service Commission including 807 KAR 5:063 (as now in effect, or as amended).

4. Documentation:

Any request filed under this Section B. for review of a proposal to construct an antenna tower shall include the following:

- a. An indication that the information that the applicant is required by 807 KAR 5:063, (as now in effect, or as amended) to submit to the Commonwealth of Kentucky Public Service Commission is available to be sent promptly to the Planning Commission upon its written request;
- b. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.
- c. Unless co-locating, certification, supported by evidence, that co-location of the proposed telecommunications facility with an existing approved tower or facility cannot be reasonably accommodated or that a new facility configured for multiple carriers. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, and a discussion of the ability or inability to reasonably co-locate on each existing site according to the following table:
 - * For a tower proposed to be 200 or more feet tall, all towers and facilities within a one (1.0) mile radius of the proposed site;
 - * For a tower proposed to be less than 200 feet tall, all towers and facilities within a one (1.0) mile radius of the proposed site.
 - Notwithstanding the foregoing, for any size tower proposed to be located in the following zones: the B-2 Central Business District; R-1B, R-1C, R-1D and R-1T Single Family Residential Districts; and all Multi-Family Residential Districts; towers within a one half (0.5) mile radius of the proposed site.

Reasons for not co-locating on a site would include, but not be limited to, the following:

1. No existing towers or facilities are located within the above radius of the site;
2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;
3. Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
4. Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented;
5. Unwillingness of the owner of the existing tower or facility to entertain a reasonable co-location proposal;
6. Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant's communications network.

d. Unless co-locating, certification, supported by evidence, that there is no other site which is materially better from a land use perspective within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites, a description of each potential site, and a discussion of the ability or inability of the site to host a telecommunications facility according to the following table:

- * For a tower proposed to be 200 or more feet tall, all potential sites within a one (1.0) mile radius of the proposed site;
- * For a tower proposed to be less than 200 feet tall, all potential sites within a one (1.0) mile radius of the proposed site.
- * Notwithstanding the foregoing, for any size tower proposed to be located in the following zones: the B-2 Central Business District; R-1B, R-1C, R-1D and R-1T Single Family Residential Districts; and all Multi-Family Residential Districts; all potential sites within a one half (0.5) mile radius of the proposed site.

Potential sites that should be considered (in order from most preferred to least preferred) include: highway rights-of-way except designated parkways, existing utility towers, industrial districts, commercial districts and commercial centers, office towers, and residential towers. Reasons for not locating on a potential site would include, but not be limited to, the following:

1. Unwillingness of the site owner to entertain a telecommunications facility;
2. Economically impractical;
3. Topographic limitations of the site;
4. Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;
5. Physical site constraints that would preclude the construction of a telecommunications facility;
6. Technical limitations of the telecommunications system;
7. Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network;

e. At the time the applicant files an application for review under these regulations, a listing of the present locations of the applicant's telecommunications towers and/or facilities in Nelson County, to include co-location sites.

f. A pictorial representation, such as a silhouette drawing, photograph, etc. of the proposed telecommunications facility from a point 150 to 600 feet from the facility for at least two of the four compass directions, (to the extent practicable considering vegetation, buildings, or other obstructions) showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses. Notwithstanding the foregoing, the applicant shall not be required to purchase temporary easement or license rights to allow it to

make drawings or photographs from particular vantage points. A reasonable pictorial representation of the site may be substituted for the aforementioned specified compass direction representations if it is not practical to comply with the express terms of this paragraph and the Planning Commission is notified in writing of such practical difficulty.

- g. A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.
- h. All new telecommunications facilities shall be configured to accommodate at least two telecommunications providers.

5. Design Standards

At the time of filing of a request under this Section B., the applicant shall provide information demonstrating compliance with the requirements listed below. Where the Planning Commission finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

- a. The site shall be landscaped in accordance with the requirements of the Zoning Regulations [if any] for utility substations. If the site is an easement, the boundaries of the tract on which the easement is located shall be treated as the property boundaries.
- b. Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used **ONLY** when the FAA finds that **none** of the alternatives to such marking are acceptable.
- c. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a cellular tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the cellular tower from the cellular tower and when required by federal law, dual mode lighting shall be requested from the FAA.
- d. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area

sufficient to accommodate the parking of the service vehicle.

- e. The site shall be enclosed by a security fence, and the fence may be located in any required yard at any height.
- f. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal. The Planning Commission, at time of application for construction, may require posting of a bond covering the cost of removal of the antenna or tower; the bond to be forfeited to the Planning Commission upon failure to remove the antenna or tower in a timely manner as required above.
- g. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

6. Existing Telecommunications Facilities:

Telecommunications facilities in existence on the date of the adoption of this ordinance which do not comply with this ordinance ("existing telecommunications facilities") are subject to the following provisions:

- a. Existing telecommunication facilities may continue in use for the purpose now used, but may not be expanded or replaced without complying with this ordinance, except as further provided in this section.
- b. Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit

therefor, but without otherwise complying with this ordinance.

- c. The owner of any existing telecommunications facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining a building permit therefor, and without having to conform to the provisions of this ordinance (including, but not limited to, provisions of this ordinance regarding notice to local zoning authorities or posting of signs) or to otherwise request local zoning approvals, so long as such facilities are not increased in height by more than 50% and or setbacks are not decreased by more than 50%.
- d. Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in B.2 above beyond that existing at the date of the adoption of this ordinance.

C. INCORPORATION BY REFERENCE OF HB #168 AS CODIFIED IN KRS 100.985 and 100.987.

HB #168 as enacted, and as now codified at KRS 100.985 and KRS 100.987, is hereby incorporated by reference into this Ordinance. The Planning Commission and City Council and/or Fiscal Court adopting this Ordinance shall comply with said statute as it is applicable to such entity. Among other requirements, said statute requires that the Planning Commission advise the applying utility in writing of its final decision within **sixty (60) days** commencing from the date that the uniform application (as defined in said statute) is received by the Planning Commission or within a date certain specified in a written agreement between the local Planning Commission and the utility.

D. SEVERABILITY.

That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

E. CONFLICTS.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE 10 - NON-CONFORMING STRUCTURES AND USES

10.1 NON-CONFORMING STRUCTURES

Non-conforming structures may remain subject to the following regulations:

A. Alterations

A non-conforming structure shall not be enlarged, replaced or structurally altered except in conformance with the Zoning Regulations. A structure that is closer to property lines than allowed by Zoning Regulations may be added to laterally as long as the addition comes no closer to a property line than the existing portion of the structure, and as long as no new non-conformity is created. Any structure, however, may be restored to a safe condition if declared unsafe by the enforcement officer or other public official with jurisdiction, except as provided elsewhere in these regulations.

B. Restoration

A non-conforming structure for which restoration to a safe condition would cost more than seventy (70%) percent of its replacement value shall not be restored except in conformance with the zoning regulations.

C. Construction

Proposed structures for which building and/or occupancy permits have been issued prior to their designation as non-conforming by virtue of the adoption or amendment of the Zoning Regulation may be completed as originally intended and as indicated on said permits, provided that such structures are completed and in use within one (1) year after the date on which the building permit was issued.

10.2 NON-CONFORMING USE

Non-conforming uses may be continued subject to the following regulations:

A. Extension

A non-conforming use shall not be extended or enlarged beyond the scope and area of its operation at the time of the adoption of the regulation which makes such use non-conforming. Area in this case shall mean the structure and/or lot or portion of a lot or parcel within or upon which said non-conforming use is being operated.

B. Discontinuance

Whenever a non-conforming use of any structure or premises has been discontinued for a period of twelve months said structure or premises must thereafter be used in conformance with these Zoning Regulations. Where a use has been discontinued due to structural damage beyond the owners control or discontinues due to governmental action (i.e. condemnation), then the appropriate Board of Adjustment may grant a one time, six (6) month extension for reuse.

C. Change

The non-conforming use of a premises may be changed to another non-

conforming use, provided such new non-conforming use is permitted within the same or a more restrictive zoning district.

D. Restoration

Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Regulation and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition. The property must be restored and the use reestablished with one (1) year of the discontinuance of the use or that use will be considered abandoned (see Section B. above).

10.3 NON-CONFORMING LOTS

In any case where a lot of official record or a lot which has received final plat approval by the Planning Commission, at the date of the adoption or amendment of this Zoning Regulation does not conform to the width, depth or area requirements of this Zoning Regulation with respect to such lots, it shall be considered a legal non-conforming lot.

Any such lot which has received preliminary plat approval by the Planning Commission shall be reviewed by the Planning Commission and may be considered a legal non-conforming lot if it is found that such lot may reasonably be used as a building site for any structure or use permitted within the zoning district involved without requiring a dimensional variance. However, a final plat must be presented in a timely manner (as required by the Subdivision Regulations for All of Nelson County) with no extensions of time for submission to be granted.

10.4 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of structure, and on any structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the cubic content of the non-conforming structure or portion shall not be increased. Nothing in this Zoning Regulation shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure or part thereof except as provided elsewhere in these regulations.

ARTICLE 11 - OFF STREET PARKING AND LOADING

11.1 PARKING REQUIREMENTS

In all districts except "B-2" there shall be provided at the time any building or structure is erected or enlarged, off-street parking spaces, either in garages or parking areas, conforming with the provisions of this section, except as provided in Sections 11.4 and 11.5. Total parking space required is obtained by adding together the requirement for each use on site, per its applicable unit of measurement.

<u>Use</u>	<u>Unit of Measurement</u>	<u>Parking Area or Parking Spaces Required per Unit of Measurement</u>
One-family dwellings	Each dwelling unit Drive R-1C	Two (2)*Double and R-1D
Two-family dwellings	Each dwelling unit	Two (2)
Multiple-family dwellings	Each dwelling unit	Two (2)
Rooming, Boarding Houses, Bed and Breakfast	Room/unit for rent (+ 2 spaces per dwelling)	One (1)
Hotels, Motels, overnight accommodations	Each living unit or guest bedroom	One (1)
Private Clubs or Lodges	Each four members	One (1)
Hospitals, Sanitariums, Convalescent Homes, Asylums, Orphanages, Convents, and Homes for the Aged	Each two beds, + Each two employees	One (1) One (1)
Medical or Dental Clinics/Offices	200 sq. ft. of space	One (1), Minimum 3
Professional Offices	400 sq. ft. of space	One (1), Minimum 3
Churches, Theaters, Sta- diums, Sports Arenas, or Auditoriums other than incidental to a school	Each four (4) seats	One (1)
Senior High Schools, Bus- iness Schools, Trade Schools, Colleges and Universities	Each two staff members, Each four (4) classroom seats	One (1) One (1) One (1)
Bowling Alleys	Each alley	Five (5)
Funeral Homes or Mortuaries	Each four seats avail- able under maximum oc- cupancy, and each funeral vehicle, and Each dwelling unit, Each two (2) employees	One (1) One (1) One (1) One (1)
Laundromat, Self- service	Each two washing machines, dryers, and dry cleaning machines	One (1)
Restaurants, Taverns or Night Clubs	Each four (4) seats at maximum capacity	One (1)
Retail Stores, including discount stores, except as otherwise specified herein:	Each 200 sq. ft. of Floor Space	One (1), Minimum 5

Retail stores having a low volume of customer parking such as furniture and appliance stores, motor vehicle and machinery sales, floor and wall covering establishments, and paint stores; Wholesale businesses

Each 400 sq. ft. of Floor Space

One (1), Minimum 5

Manufacturing or Industrial Uses

Each two employees at maximum employment on a single shift, Each vehicle operated by the firm involved

One (1)

One (1)

11.2 HANDICAPPED PARKING

Handicapped parking spaces shall be provided in a number and design as required by applicable state or federal law and shall count towards the otherwise required number of parking spaces.

11.3 EXISTING PARKING SPACE

Existing off-street parking provided for any building or use at the time of adoption of the Zoning Regulation shall not there-after be reduced unless it exceeds the requirements of this order. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this regulation at the time of any structural alteration of the building or expansion of the use.

11.4 REQUIRED OFF-STREET PARKING SPACE

When any building is built or any use of premises, different in character than that which previously occupied the structure, is initiated, they shall be provided with sufficient off-street parking space on the premises so that they will generate no automobile parking on any street as a result of their normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided. With the approval of the Administrative Official, parking may be shared with an adjoining use of the same type (i.e. commercial, industrial). Shared parking shall only be approved where it can be documented that the uses sharing parking have different peak parking demand periods. The Board of Zoning Adjustment shall interpret the amount of parking space required for any building or use, assisted by the preceding standards, whenever the administrative official is unable to apply the preceding standards literally or when he determines a parking space deficiency according to the standard above. In either case he shall apply to the Board for an original interpretation.

11.5 ADDITIONAL PARKING STANDARDS

The Board of Zoning Adjustment may raise the standards listed in Article 11.1 when necessary to conform with Article 11.3 above and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed in Article 11.1.

11.6 OFF-STREET LOADING REQUIREMENTS

A. Scope of Regulations

The regulations herein set forth shall apply and govern in all districts; provided, however, that in the R-1A, R-1B, R-1C, R-2, R-3, R-4, R-5, R-1T and P-1 districts these regulations shall apply and govern only those structures in which are operated a use or uses, which use or uses, pursuant to the provisions of Article 11 Off-Street Parking Requirements, are required to provide and maintain more than eight hundred (800) square feet of off-street parking space.

B. Duty to Provide Off-Street Loading Space

The duty to provide the off-street loading space herein required shall be the joint and several responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided. No structure shall be designed, erected, altered, used or occupied unless the off-street loading space herein required is provided in at least the amount herein set forth; provided, however, that where off-street loading space is not provided for in structures actually used, occupied and operated on the effective date of this ordinance it shall not be required under this ordinance after the effective date of the ordinance; if such structures are enlarged or expanded, or the uses within such structures are enlarged, expanded or changed, there shall be provided for the increment only of such structures enlarged, expanded, or changed and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate structure. However, where a lot with an existing structure is cleared and a new structure erected therein, there shall be provided and maintained the off-street loading space required herein.

C. Location of Off-Street Loading Space

Off-street loading space shall be located on the same lot as the structure for which provided.

D. Amount of Off-Street Loading Space Required

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for ingress and egress:

For structures containing less than twenty thousand (20,000) square feet of gross floor area, one (1) berth. Such berth shall have a net of not less than one hundred sixty (160) square feet.

For structures containing twenty thousand (20,000) or more square feet of gross floor area, the number of berths are specified in the following table. Each such berth shall be at least ten (10) feet wide, thirty five (35) feet long and fifteen (15) feet high.

Square Feet of Gross Floor Area	Required No. of Berths
Up to 20,000	1
20,001 up to and including 40,000	2
40,001 up to and including 100,000	3
100,001 up to and including 200,000	4
200,001 up to and including 320,000	5

320,001 up to and including 400,000 6
For each additional 90,000 over 400,000 1 additional

ARTICLE 12 - SIGN REQUIREMENTS

(Note: The Planning Commission office maintains copies of current sign ordinances in effect in all jurisdictions)

ARTICLE 13 - AMENDMENT PROCEDURE

In order to make any amendment of the Zoning Regulation, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Regulation, it may not be permitted by any agency unless the Zoning Regulation is amended according to the Amendment procedure.

13.1 Review by Planning Commission:

No amendment shall be made without first being reviewed by the Planning Commission. The Planning Commission may refuse to review proposed amendments which have been proposed and rejected within the past year.

13.2 Public Hearing:

The Planning Commission shall present every proposed amendment to the public at a public hearing. Public hearing on amendments to the Zoning Regulations shall be scheduled at the discretion of the Planning Commission. The Planning Commission shall publish notice once, not less than seven days nor more than twenty days prior to said public hearing, in a newspaper having general circulations throughout the county, indicating the time and place of each public hearing on proposed amendments to the Zoning Regulation. All adjacent property owners to the site of a proposed map amendment shall be notified of said public hearing by first class letter with certification of mailing. The Planning Commission may establish a schedule of reasonable fees to be paid by the applicant for a zoning map or text amendment. The Planning Commission may also issue notification of the public hearings by any additional means that it may determine to be reasonable and effective.

13.3 Special Public Hearing:

The Planning Commission may call a special public hearing at any time to consider a zoning amendment, and shall conform with the notice requirements for such special meetings as set forth in KRS 100.163 and KRS 424.130 (1) (B). A fee covering the cost of adequate advertisement and other costs of the special hearing (see Article 17) shall be paid by the applicant.

13.4 Recommendation to the City Council or Fiscal Court:

The Planning Commission shall submit its recommendations to the appropriate City Council or Fiscal Court within sixty days after the public hearing. The City Council or Fiscal Court may each act independently of the other to amend the Zoning Regulation within its respective area of jurisdiction. The Planning Commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to Kentucky Revised Statutes 100.211. The Planning Commission, as well as the legislative bodies of the city and county, may also initiate proposed amendment.

ARTICLE 14 - VIOLATIONS AND REMEDIES

14.1 Remedies

The Administrative Official or Code Enforcement Officer or their respective deputies or designated representative shall issue notice to violators of all violations of the Zoning Regulations and shall order that such violations cease. In cases of possible violation where the Administrative Official cannot determine if there is a literal violation, he shall apply to the Board of Zoning Adjustments for an interpretation in accordance with the Kentucky Revised Statutes. In addition to criminal remedies, injunctive relief may also be sought by the Administrative Official, the City Attorney, the County Attorney or any other aggrieved party.

The Code Enforcement Officer, with the assistance of the officials of other departments of the city and county having jurisdiction, is hereby authorized and directed to enforce all the provisions of these regulations; to review plans and specifications; to issue applicable and appropriate permits and certificates; to conduct inspections; and to perform such other services as may be necessary to execute the provisions of these regulations.

A. Right of Entry:

Upon presentation of appropriate means of identification, the Administrative Official or Code Enforcement Officer or their respective deputies or designated representative, may enter during reasonable hours any premises covered by these regulations to perform the duties imposed upon him by these regulations.

B. Stop Orders:

Upon notice from the Administrative Official or Code Enforcement Officer or their respective deputies or designated representative that any use of property is being maintained contrary to the provisions of these regulations, such use shall be stopped immediately. Such notice shall be in writing and shall be given to the owner of the property, and shall state specifically the regulations being violated. Said notice may be given by registered mail to the person so using the property after reasonable efforts personally to serve the notice have failed.

C. Citations:

1. Any person or entity who fails to stop use immediately as required by Section 14.13 hereof shall be issued a citation by the proper authorities including the Enforcement Officer, for such violation pursuant to the provisions of KRS 100.991 unless other enforcement measures are taken.
2. Any person or entity who violates any of the provisions of these Zoning Regulations shall be issued a citation by the proper authorities including the Enforcement Officer, for such violation pursuant to the provisions of KRS 100.991.

14.2 PENALTIES

Violations of the provisions of this Zoning Regulation or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who so violates these Zoning Regulations or fails to comply with any of the requirements except as otherwise provided herein, shall, upon

conviction thereof, be fined not less than \$10.00 but no more than \$500.00 for each such offense for which convicted. Each day of violation shall constitute a separate offense.

14.3 APPEALS

Appeals from the actions of the Planning Commission and Board of Zoning Adjustment, as well as from the final actions of the City Council or Fiscal Court, with respect to Zoning map or text amendments, shall be taken in the manner set forth in Chapter 100.347 of the Kentucky Revised Statutes.

ARTICLE 15 - HISTORIC DISTRICT

15.1 INTENT -- Within zones now existing or hereafter created as shown on the zoning map it is intended to permit, by amendment to the zoning map and establishment of suitable regulations, the creation of Historic Districts and Landmarks to give protection to certain areas or individual structures and premises designated as having special historical, or architectural significance. Such districts and Landmarks and regulations are intended to protect against destruction, degradation, or encroachment upon the areas, structures and premises designated to be of substantial historic significance and to encourage and promote uses which will lead to their continuance, conservation and improvement by and through the development and maintenance of cultural character or architectural style and by the development and maintenance of the exterior design of these buildings, structures or places in a manner appropriate to the preservation of the historic heritage, charm and beauty of the cities of Bardstown, Bloomfield, Fairfield and New Haven, and Unincorporated Nelson County, Kentucky; to promote the education, cultural, economical and general welfare of the public and to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within Historic Districts will be in keeping with the character to be preserved and enhanced.

15.2 Application of Historic District Regulations -- The Historic District classification and regulations thereunder shall be established in addition to and superimposed upon the zone classification and regulations thereto as shown on the Zoning Map for the subject area; that the Historic District existing and/or created with this ordinance (Order) is as follows:

Beginning at a point in the center of West Stephen Foster Avenue at the junction with Barton Road about 1830 feet west of the courthouse; thence westerly with Stephen Foster about 330 feet to the east line of Old Kentucky Home Motel; thence northerly with the property line about 370 feet to the City of Bardstown Recreational Department; thence with the City easterly about 650 feet to the southeast corner of the Spalding Hall tract; thence northerly 201 feet to the corner of the Spalding Hall tract; thence easterly with the line of the City of Bardstown 542 feet to the center of Fifth Street; thence with Fifth Street about 240 feet to the junction with Blackberry Alley; thence with Blackberry Alley easterly about 730 feet to Mulberry Alley; thence with Mulberry Alley northerly about 1570 feet to the center of Barber Avenue; thence easterly with Barber Avenue about 240 feet to the center of North Third Street; thence North with Third Street to the Railroad right of way; thence easterly with the railroad about 240 feet to the center of the block between Third Street and Second Street; thence southerly with the center of the Block about 2500 feet to a point 250 feet north of East Stephen Foster (US 150) about 3950 feet to the west line of Bardstown Shopping Center; thence southerly across (US 150) and along Ky. 49 to a point 250 feet south of (US 150); thence running 250 feet south of and parallel of US 150 (East Stephen Foster) about 4050 feet to a point 250 feet east of South Third Street; thence southerly 250 feet from and parallel to the center of Third Street about 970 feet to a point about 250 feet south of Muir Avenue, thence westerly 250 feet south of and parallel to Muir Avenue about 500 feet to a point 250 feet west of South Third Street; thence northerly 250 feet from and parallel to South Third Street about 970 feet to a point 250 feet south of West Stephen Foster; thence westerly running 250 feet from and parallel to Stephen Foster westerly about 1220 feet to the center of Cathedral Manor (US 31-E); thence westerly about 430 feet to the center of Barton Road about 100 feet south of West Stephen Foster; thence northerly about 100 feet to the point of beginning.

Also included in the following: Beginning at a point in the existing boundary line of the historical zoning district at its intersection with the west line of North First Street and the south line of Raspberry Alley thence proceeding

northwardly along the west line of North First Street to the north line of Power House Hill Street thence proceeding northwest to a point in the south line of Crume Street thence proceeding with said south line of Crume Street to its intersection with the west line of the Old Bloomfield Road southwardly to its intersection with the south side of Power House Hill Street thence with said line to a point in its intersection with the east line of Oakley Court thence following the east line of Oakley Court to a point in the existing historical district boundary line thence proceeding with said boundary line approximately 180 feet to the point of beginning.

15.21 - Permitted Uses - The use, dimensional and other requirements for said zone as provided in this Zoning Ordinance shall apply.

15.22 - Conditional Uses Permitted - Upon application variance may be granted from the permitted uses in any zone classification for a Landmark or for any area, individual structure or premises located within any established Historic District so as to permit any use authorized in any zone classification.

15.221 - Procedures for Conditional Use - The procedures for issuance of a conditional use permit shall be the same as procedure for the establishment of Historic Districts and Landmarks, as provided in Section 15.51, 15.52, 15.53 of the Ordinance except:

- (A) That recommendations of approval thereof shall be by no less than 3/5 majority of the entire membership of the Historic Review Board.
- (B) After voting, if such application is not recommended for approval by the Board, an appeal may be taken to the appropriate Board of Adjustment.
- (C) If the application is recommended for approval by the Board, then after voting by the appropriate Board of Adjustment, if approved, permit shall promptly issue; if such application is not approved by the appropriate Board of Adjustment, no further action shall be taken.

15.222 - Mandatory Requirements for Conditional Use Permit - The Historic Review Board shall not recommend conditional use permit unless all of the following general conditions are met:

- (A) that the area, structure or premises are situated in its entirety within the Historic District or on the Landmark Site where the Landmark is located.
- (B) that the physical conditions are unique in that the premises or structures are of aesthetic architectural or historical significance worthy of preservation.
- (C) that the variances considered, exclusive of all other considerations, for the purposes of preservation and/or restoration.
- (D) that the applicant consents in writing to maintain and/or instigate restoration and thereafter maintain the premises consistent with the original area and/or structural design and to any other conditions as may be imposed by the Historic Review Board.
- (E) that the proposed use does not constitute an unreasonable use of the premises or unreasonably abridge the intent of the zoning regulations and will not be detrimental to any neighboring premises.

15.23 - Conflict - Where there conflicts between the procedures and regulations herein established for the Historic Districts and Landmarks and other procedures and regulations in the Zoning Ordinance, it is intended that the provisions as set forth in this Article shall apply.

15.3. - Definitions - The words defined in Article 5 of the Zoning Ordinance shall apply and the words hereinafter defined are in addition thereto and are those which have special or limited meaning as used in Historic Ordinance, which meaning might not otherwise be clear. Words whose meaning is self evident as used in the Zoning Regulations are not defined herein.

15.31 - Exterior Architectural Appearance - The architectural style, general composition and general arrangement of the exterior of a building or other structure; including the location of windows, doors, light fixtures and signs. The items of concern shall mean the kind, style, size, color and texture of building materials, windows, doors, light fixtures, signs and appurtenance elements which are visible or designed to be open to view from a public street, way or place.

15.32 - Plans - Drawings or sketches to scale of a proposed building with sufficient dimensional detail and explanation to show, so far as they relate to exterior appearance, the architectural design of the building or other structure including proposed materials, textures and colors, and the plot plan or site layout, including all site improvements or features such as wall, walks, terraces, planting, accessory buildings, signs, lights and other appurtenances.

15.33 - Historic District and Landmark - The District and Landmark established by Article 15, shall be an area or individual structure or premises specifically designated by the Planning Commission as containing buildings, other structures, appurtenances and places having historic, or architectural significance. A Landmark shall be fifty (50) years old unless the Historical Review Board makes a finding that a newer building with architectural and historical significance should be designated to protect it. Each designation of a Landmark shall include a designation of a Landmark Site which shall be limited to the land on which the Landmark and related buildings and structures are located and the land that provides and immediate grounds and the setting for the Landmark. To be designated, an area or structure or premises shall meet one or more of the following criteria:

- (1) Its value as a reminder of the cultural or archeological heritage of the City, State or Nation;
- (2) Its location as a site of significant local, state or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the city, state or nation;
- (4) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation.
- (5) Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance;
- (6) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (7) Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united by past events or aesthetically by plan or physical development or united by past events or aesthetically by plan or physical development; or

- (8) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

15.34 - Signs - Any symbol, plane, point, marque sign, picture, pictorial, reading matter, device, image, poster, flag, banner, pennant or insignia, billboard, design, directional sign, or illuminated service whether painted upon, attached to, fastened to, erected on, constructed on, placed on, manufactured or otherwise maintained on any premises, containing any words, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, mark, stroke, stripline, trade names, or trademarks by which anything is known, such as are used to designate an individual, a firm, an association, a corporation, a professional, a business or a commodity or product, which is used to attract attention to any place, subject, person, firm, corporation public performance, article, machine or merchandise, whatsoever, and displayed in any manner whatsoever so as to be visible out of doors. But the term sign shall not include the flag, pennant or insignia of any nation, state, city or other political unit.

15.35 - Display - to erect, paint, repaint, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, embed in or otherwise in public view.

15.36 - Person - An individual, firm, association, organization, partnership, trust, company or corporation.

15.37 - Administrative Officer - any department, employee or advisory, elected, or appointed body which is authorized to administer regulations, and if delegated, and provision of any housing or building regulation or any other land use control regulation.

15.38 - Building, Historic Accessory - a subordinate building, which was incidental to that of a principal building on the same plot.

15.39 - Certificate of Appropriateness - written evidence issued by the Planning Commission that a proposed building or other structure meets all provisions of the historic zone regulations.

15.391 - Planning Commission - The Joint City-County Planning Commission of Nelson County.

15.4 - Establishment of Historical Review Boards - Historical Review Boards be and are hereby authorized for each governing body with each having exclusive jurisdiction over the respective governmental territorial limits and shall be designated accordingly as follows:

Bardstown Historical Review Board
Bloomfield Historical Review Board
Fairfield Historical Review Board
Nelson County Historical Review Board
New Haven Historical Review Board

15.4 Establishment of Historical Review Boards - (Cont.) - Failure of any such Board to be duly constituted shall not effect the validity or authorized acts of the other Boards herein established or any or any of them. Any Historical Review Board as constituted at the time of adoption of this Zoning Ordinance shall continue in force. But future appointments shall be made as provided in Section 15.41 herein below.

15.41 Membership - The Historical Review Boards established by 15.4 of this Ordinance shall each consist of five members to be appointed by their respective governmental or legislative body. The term of two of the members of each of the original boards will expire within three years; two within two

years and one within one year after date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Vacancies on the Historical Review Board shall be filled within sixty (60) days. All members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession, architecture, history, archaeology, architectural history, planning or related fields. When one or two professional members are not available, persons interested in historic preservation may be appointed to those positions. When the Historical Review Board reviews an issue that is normally evaluated by a professional member and that field is not represented on the Historical Review Board, the Board shall seek expert advice before rendering its decision.

15.42 Powers and Duties - Each Historical Review Board shall make recommendations to the Planning Commission on all matters relating to the preservation, conservation and enhancement of structures, premises and areas of substantial historic or architectural significance and matters relating to the establishment of Historic Districts and landmarks and regulations to be enforced thereunder. The respective Historic Review Boards shall inspect and identify such structures, premises and areas in their respective cities and Nelson County as each considers having substantial historic or architectural significance. Each Historical Review Board shall conduct a continuing survey of historical and cultural resources according to State Historic Preservation Office guidelines and shall maintain an inventory of these resources within its jurisdiction for use by public agencies and private owners. Each Historical Review Board shall prepare a plan for the preservation of these resources for use in advising other officials and departments of local government. Each Historical Review Board shall adopt and make public written guidelines for use in making recommendations on requests to alter, demolish, relocate or add to a designated property or to build a new structure in a Historic District. The guidelines shall include the United States Secretary of the Interior's Standards for Historic Preservation Projects, and the historical review Board may adopt additional guidelines. Each Historical Review Board shall advise and assist property owners and other persons and groups interested in historic preservation. Each Historical Review Board shall undertake educational programs that may include the preparation of publications, the holding of meetings on preservation issues and placing of historical markers.

To participate in the Certified Local Government program, a local government shall initiate all local nominations to the National Register of Historic Places and shall request the chief elected official and the Historical Review Board to submit recommendations on each proposed nomination to the National Register. The chief elected official and the Historical Review Board shall obtain comments from the public that shall be included in their National Register recommendations. Within sixty (60) days of the receipt of a nomination from a private individual or the initiation of a nomination by the local government, the local government shall inform the State Historic Preservation Office and the owner of the property of the two recommendations regarding the eligibility of the property. If the chief elected official and Historical Review Board do not agree, both opinions shall be forwarded in the local government's report. If both the chief elected official and Historical Review Board recommend that a property not be nominated, the State Historic Preservation Office shall inform the property owner and the State Historic Preservation Review Board, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.

If either or both the chief elected official and the Historical Review Board agree that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The State Review Board shall make a recommendation to the State Historic Preservation Officer who decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property

on the National Register. The chief elected official, the Historical Review Board or the property owner may appeal the final decision by the State Historic Preservation Officer. In the development of the Certified Local government program, the local government may ask the Historical Review Board to perform other responsibilities that may be delegated to the local government under the National Historic Preservation Act.

15.43 Organizations and Meetings - The respective Historical Review Boards shall adopt rules for the conduct of its duties, which shall be subject to review of the Planning Commission to insure uniformity, shall elect a chairman and keep minutes of all meetings. Meetings shall be held at regularly scheduled times at least four times a year or at the call of the chairman or in his absence at the call of the vice chairman, or at the request of the Planning Commission. All meetings shall be advertised in advance in accordance with the provisions of KRS Chapter 424 and shall be held in a public place. A quorum shall consist of three members, but a lesser number may conduct public hearings or meetings at which the principal purpose is collection of information, provided that no action binding on the Review Board shall be taken at such hearings or meetings. All meetings and records of the respective Historical Review Boards shall be public. Recommendations by each of the Review Boards shall be made by a majority vote of those members at any meeting where a quorum of members is present except where greater number is specifically required. The Planning Commission shall provide a secretarial staff and financial assistance to the respective Historical Review Board so that it may have professional staff assistance. Each Review Board shall prepare and keep on file, available for public inspection, a written annual report of its activities, cases, decisions, special projects and qualifications of the members. Each Review Board member shall attend each year one informational or educational meeting that has been approved by the State Historic Preservation Officer.

15.5 Establishment of Historic Districts and Landmarks - The procedure for the establishment of an Historic District or a Landmark and Landmark Site shall be as follows:

15.51 Application - An application for the establishment of an Historic District or a Landmark Site may be filed only by any of the Historical Review Boards, the Planning Commission, the respective government body, the owner of the subject property, or by a person with written authorization of the owner. Said application shall be filed with the appropriate Historical Review Board in such form and accompanied by such information as required by this Zoning Ordinance Resolution and the rules of the Historical Review Board. Upon filing of an application by a governmental body, the Historical Review Board shall promptly notify the owner by Certified Mail.

15.52 Recommendation by Historical Review Board - Upon the filing of an application for the establishment of a Historic District or a Landmark and Landmark Site, the Historical Review Boards shall study and review the application. Before voting upon the application the Review Board shall give notice of the time, place, and reason for holding a public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein, and within thirty days after the filing date, the Review Board shall hold a public hearing on the proposed application and recommend to the Commission that the application for the establishment of a Historic District or a Landmark and Landmark Site be approved or disapproved, the Review Board shall forward its recommendation, with its reasons therefore, in writing, to the Planning Commission. All applicants and property owners shall be notified of meetings and subsequent decisions relating to their applications or property.

15.53 Recommendation by Planning Commission - Before voting upon the

recommendation of the Historical Review Board to approve or disapprove the establishment of a Historic District or a Landmark and Landmark Site, the Planning Commission shall give notice of the time, place and reason for holding public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein, and within forty-five days after receiving the recommendation of the historical Review Board, the Planning Commission shall hold a public hearing on the proposed application. After voting to recommend that a application for the establishment of a Historic District or a Landmark and Landmark Site be approved or disapproved, the Commission shall forward its recommendation, with its reasons, in writing, to the respective governmental or legislative body. When recommending the establishment of a Historic District or a Landmark and Landmark site, the Planning Commission shall recommend, if appropriate, an amendment to the Comprehensive Plan to include the proposed designation and shall recommend a change, if appropriate, in the zoning map to show the proposed designation.

15.54 Action by City or County Legislative Body - The respective governmental body shall act upon a proposed application for the establishment of a Historic District or a Landmark and Landmark Site after it has received the written recommendation thereon from the Planning Commission and within forty-five days after receiving the Planning Commission recommendation. It shall take a majority of members of the entire governmental body to override the recommendation of the Planning Commission.

15.6 Building Permit Required - The Administrative Officer shall issue no building permits for the construction, alteration, moving of any structure or premises, or change in exterior appearance of any structure, and the Board of Adjustment shall take no action resulting in the issuance of any building permit for a Landmark and Landmark Site or for a property in the Historic District except as expressly authorized under Section 15.61 herein below.

15.61 When Action is Required by the Historical Review Board: Application Requirements;

- A. In the following circumstances, approval of the Historic Review Board is required before the particular activity begins:
1. Activities Requiring a Building Permit - Upon the filing of an application for a building permit for a landmark and landmark site or for a property in a Historic District, the Administrative Official shall properly notify the respective Historic Review of such application. An application with pertinent information and materials shall be filed with the Historic Review Board.
 2. Exterior Alteration of a Structure Not Requiring a Building Permit - Examples of such exterior alterations include but are not limited to changing exterior paint colors, installation of siding and roof and window replacement. When a person wishes to undertake an exterior alteration affecting a landmark and a landmark structure or a property in a Historic District that does not require a building permit, that person shall apply directly to the Historic Review Board. The Board shall not consider any interior arrangements nor shall it make requirements relating to the interior except for the purpose of preventing developments obviously incongruous to the district or the landmark.
 3. Major Site or Landscaping Alterations Not Requiring a Building Permit - Examples of this type of alteration include but are not limited to replacement of all foundation plants on the front and/or street side elevations of a structure, clear-cutting or

otherwise removing all or most of the mature vegetation from an undeveloped site, installation of fencing, alteration of the natural grade of a site by six inches or more from natural\historic grade, addition of more than 2 parking spaces and\or the addition (not replacement) of other nonporous areas over 200 square feet in size. Major site or landscaping alterations will be reviewed in terms of their impact on historic structures either on site or adjacent as well as compliance with currently adopted guidelines. This section does not include planting, replacement or maintenance of seasonal plants or vegetation.

4. Applications to Erect a Sign(s) - Prior to the placement, replacement, or installation of any sign within the Historic District, the sign owner, business owner or property owner shall apply for approval of such action from the Historic Review Board. The Board shall review sign proposals in terms of compliance with currently adopted standards.

B. This ordinance will be administered as follows:

1. Application Requirements - The applicant requesting approval of any action as detailed above in section (A) shall file an application in the offices of the Joint City-County Planning Commission. The shall file with the application any of the following which are appropriate to the situation: a copy of the required building or sign permit application, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed structures facing streets, and elevation photographs or perspective drawings showing proposed structures and all such existing structures as are within one hundred (100) feet of the landmark, landmark site, or the property in the Historic District. These photographs or perspective drawings shall be substantially related to the property or structure visually or to its function, traffic generation or other characteristics. The applicant may submit for Board review the required items or material in preliminary form which shall be labeled "preliminary design" in large letters. The Board may review the same and recommend modifications and\or changes but shall not be required to take any final action until submission of the required items, material and information in final form.
2. Procedural Guidelines - The Board shall meet once a month at a regularly scheduled time and place, unless otherwise announced. The Board shall also set deadlines for submittal of applications and other pertinent materials. The Board shall in any case meet within sixty (60) days following notification by the Administrative Official of the filing of a completed application. In its review of the material submitted, the Historic Review Board shall review for compliance with adopted guidelines, examine the architectural design and the exterior surface treatment of the structures on the site in question, the relationship between the structure or site and the others in the area, and other pertinent factors including signs affecting the appearance and efficient functioning of the Historic District property or area, or the Landmark. The Board shall vote to approve or disapprove a completed application within sixty (60) days after the application is filed with the Administrative Official. Provisional or conditional approval may be given to an application by the CLG Director based on apparent compliance with adopted guidelines. This provisional or conditional approval must be subsequently affirmed by the Historic Review Board. An applicant who has conditional or provisional approval may proceed with the activity

at their own risk. All applicants and property owners shall be notified of meetings and subsequent decisions relating to their applications or property. Notwithstanding any other provisions of the Ordinance, the Historic Review Board shall not be required to approve or disapprove an application until the applicant has received the approval needed from other government offices.

15.611 Approval by Historical Review Board - If the Historical Board recommends approval of the application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall forward immediately its recommendation in writing stating the reasons for such approval to the appropriate legislative body. The legislative body shall promptly cause a Certificate of Appropriateness to be issued to the applicant and shall at the same time transmit a copy of said Certificate of Appropriateness to the Administrative Officer. Upon receipt of the Certificate of Appropriateness, the Administrative Officer shall issue the building permit if it meets all other requirements of law. The Administrative Officer shall inspect the construction or alteration approved by such certificate from time to time and report to the Historical Review Board and the legislative body any work not in accordance with such certificate. In the event work is being performed not in accordance with such certificate, a Stop Work order shall be issued by the Administrative Officer, and all work shall cease. In the event work is being performed without a Certificate of Appropriateness, a Stop Work Order shall be issued by the Administrative Officer, and all work shall cease.

15.612 Disapproval by Historical Review Board - If the Historic Review Board recommends disapproval of the Application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, it shall promptly transmit a written report stating the reasons for such disapproval to the appropriate legislative body. In said written report the Review Board shall make recommendations in regard to an appropriate architectural design, exterior surface treatment or other appropriate matters to make the application conform to the intent of the Historic District and Landmark regulations.

In the event the Historical Review Board recommends disapproval of an application for a building permit for a Landmark and Landmark Site or for a property in a Historic District, the applicant for said permit may appeal to the appropriate legislative body, which shall hold a public hearing thereon and shall vote on said appeal within forty-five days after the notice of appeal is filed with the legislative body. The legislative body shall give notice of the time, place, and reason for holding public hearing thereon by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one days or later than seven days before the public hearing. If the legislative body votes to recommend that the application for a building permit be approved, it shall promptly issue a Certificate of Appropriateness to the applicant and transmit a copy to the Administrative Officer. If the legislative body votes to disapprove the application for a building permit, it shall transmit its decision in writing to the Administrative Officer. The applicant may appeal the disapproval by the legislative body to the Circuit Court, as allowed under KRS 100.347

15.613 Failure of Historical Review Board to Act - Upon failure of the Historical Review Board to take final action upon any case within thirty days after the application for a building permit has been filed with the Administrative Officer, and unless a mutual written agreement between the Historical Review Board and the applicant has been made for an extension of time, the application shall be deemed to be approved and the appropriate legislative body shall promptly issue a Certificate of Appropriateness as provided under Section 15.611 herein above.

15.7 Demolition of Landmarks or Structures in Historic Districts on Landmark Sites - The respective Historical Review Boards shall have the

power instruct the Administrative Officer temporarily to deny a demolition permit for any destruction of Landmark or any building in the Historical District or on a Landmark Site which the Board considers to have historical value. ~~(Before any building in any Historical District can be destroyed, the property owner must submit a statement of his intent to the Historical Review Board. If within forty five days time the Board of the respective city or county have not agreed to pay the fair cash value for the property, the owner may proceed with demolition permit shall be granted.)~~ The Historical Review Board shall negotiate with the applicant to see if an alternative to demolition can be found. The Review Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building.

The Review Board shall hold a public hearing on the proposed demolition within thirty (30) days after the application for the demolition permit was filed with the Administrative Officer. The Review Board shall promptly notify the applicant of the public hearing by Certified Mail and shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson County, Kentucky not earlier than twenty-one (21) days or alter than seven (7) days before the public hearing.

The Review Board shall study the question of economic hardship for the applicant and shall determine by a preponderance of the evidence whether the Landmark or the building in the Historic District or on the Landmark Site can be put to reasonable beneficial use without the approval of the demolition application. In case of an income-producing building, the Review Board shall also determine by a preponderance of the evidence whether the applicant can obtain a reasonable return from his existing building. The Review Board may ask applicants for additional information to be used in making these determinations. If the Review Board finds economic hardship or the lack of a reasonable return, it shall recommend approval of the demolition application. If economic hardship or the lack of reasonable return is not proved, the Review Board shall deny the demolition application unless the Review Board finds grounds to recommend approving the demolition application using the standards for review contained in Paragraph 15.61. The Review Board shall take final action upon any case within sixty (60) days after the application for the demolition permit was filed with the Administrative Officer or the demolition permit shall be deemed to be approved by the Review Board.

In the event the Historical Review Board denies an application for a demolition permit for a Landmark or a building in a Historic District or a Landmark Site, the applicant for said permit may appeal to the appropriate legislative body, which shall hold a public hearing thereon and shall vote on said appeal within forty-five (45) days after the notice of appeal is filed with the legislative body. The legislative body shall give notice of the time, place and reason for holding the public hearing by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one (21) days or later than seven (7) days before the public hearing. If the legislative body votes to recommend that the application for a demolition permit be approved, it shall transmit a copy of its recommendation to the Administrative Officer. The applicant may appeal the denial by the legislative body to the Circuit Court.

15.8 Recording of Historic Designations - The Historic Review Board shall arrange that the designation of a property as a Landmark or as a part of a Historic District be recorded in the land records of the County. The Review Board shall arrange for the recording of historic designations made prior to this amendment to Article XV.

15.9 Maintenance, Repairs and Emergency Conditions - Every person in charge of a Landmark and Landmark Site or a property in a Historic District shall keep it in good repair. The purpose of this paragraph is to prevent a person from forcing the demolition of his building by neglecting it and permitting

damage to the building by weather or vandalism. The Historical Review Board shall request a meeting with a property owner when his Landmark or his building in a Historic District or on a Landmark Site is in poor repair, and the Review Board shall discuss with the owner ways to improve this condition of his property. After this step, the Review Board may request the Administrative Officer to take action to require correction of defects in any building or structure designated under this Ordinance so that such building or structure shall be preserved in accordance with the purposes of this Ordinance. The action taken may include boarding up the doors, windows and other parts of the building and additional steps to stabilize walls, roofs and other parts of a building. The provisions of this paragraph shall be in addition to all other provisions of the Kentucky Building Code requiring building and structures to be kept in good repair.

Ordinary repairs and maintenance may be undertaken without a Certificate of Appropriateness provided this work on a Landmark and Landmark Site or a property in a Historic District does not change its exterior appearance.

In any case where the Administrative Officer determines that there are emergency conditions dangerous to life, health or property affecting a Landmark and Landmark Site or a property in a Historic District, he may order the remedying of these conditions without the approval of the Review Board. The Administrative Officer shall promptly notify the chairman of the Review Board of the action being taken.

15.10 Interpretation of Ordinance and Procedure for Adoption - If a section, part of a section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid, the remaining provisions shall nevertheless remain in full force and effect.

This Ordinance shall take effect upon its adoption by the legislative bodies of Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County, Kentucky or such of those legislative bodies as may adopt the same.

All ordinances or parts of Ordinance in conflict with specific provision or provisions of this Ordinance be the same are hereby repealed to the extent of the conflict.

This Ordinance shall take effect immediately upon its passage.

ARTICLE 16: FLOOD DAMAGE PREVENTION ORDINANCE

16.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of Kentucky has in KRS 100 delegated the responsibility of local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Cities of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky (hereafter referred to as the Governing Body) do ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplain causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplain, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;

- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in floodplain
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

16.2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the Board of Adjustment's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or VO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means the portion of building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal High Hazard Area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

Development means any man-made change to improve or unimproved real estate,

including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Flood or Flooding means a general and temporary condition of partial or complete inundation or normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation of runoff of surface waters from any service.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangel*); white mangrove (*Languncularia recemosa*); and buttonwood (*Conocarpus erecta*).

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to

be improved property.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (a 10 year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Variance is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

16.3 GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map, dated November 5, 1980, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Bardstown, Bloomfield, Fairfield, New Haven and Nelson County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 5 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Bardstown, Bloomfield, Fairfield, New Haven and Nelson County from taking such other lawful action as is necessary to prevent or remedy any violation.

16.4 ADMINISTRATION

SECTION A. DESIGNATION OF PLANNING ADMINISTRATOR

The Planning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to the Planning Administrator on forms furnished by him or her prior to any development

activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofed criteria in Article 5, Section B (2)
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;
- (2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofed by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning Administrator a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structures members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Planning Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE PLANNING ADMINISTRATOR

Duties of the Planning Administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional federal and state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Division of Water Frankfort,

Kentucky, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 16.4 (B2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 16.4 (B2).
- (7) When flood-proofing is utilized for a particular structure, the Planning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 16.5 (B2).
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and the actual field conditions) the Planning Administrator shall make necessary interpretation. the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation data or floodway data have not been provided in accordance with Section 16.3, B, then the Planning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 16.5.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Planning Administrator and shall be open for public inspection.

SECTION D. VARIANCE PROCEDURES

- (1) The Board of Adjustment as established by Bardstown, Bloomfield, Fairfield, New Haven and Nelson County shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Administrator in the enforcement of administration of this ordinance.
- (3) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Nelson Circuit Court as provided in KRS 100.347.
- (4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Registration of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 16.4 D. (8) (a) and (d), and provided

the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

- (5) In this passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and
 - (a) the danger that materials may be swept onto other lands to the injury of others
 - (b) the danger of life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site, and;
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (6) Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) Conditions for Variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant a variance would result in exceptional hardship, and; (iii) a

determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (d) The Planning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

16.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters in to the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding and;
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 16.3 B, or Section 16.4, C(11), the following provisions are required:

- (1) Residential Construction New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 16.5, B (3).
- (2) Non-residential Construction New construction or substantial improvement of any commercial, industrial or non-residential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in all A-zones may be flood-proof in lieu of being elevated provided that all areas of the structures below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 16.4, B (3).
- (3) Elevated Buildings New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and,
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
 - (b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevations.
 - (c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (1) Floodways Located within areas of special flood hazard established in Section 16.3 B, are areas designated as floodways.

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
- (b) In Section 16.5, B (4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 16.5.
- (c) Prohibit the placement of manufactured homes (mobile homes) except in an existing manufacturing homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufacturing home park or subdivision provided the anchoring standards of Section 16.5, A(2), and the elevation standards of Section 16.5, B(1) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS

Located within the areas of special flood hazard established in Section 16.3 B, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty feet each side from top to bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Section 16.4, C (11).

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage;
- (3) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (A0 ZONES)

Located within the areas of special flood hazard established in Section 16.3 B, area areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (4) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (5) All new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade, or;
 - (b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE 17 - FEE SCHEDULE

17.1 BUILDING PERMITS:

\$.04 per square foot (area to be based upon the outside dimensions of the building as per standard appraisal methods) with basements, porches, carports, and accessory buildings being assessed at the rate of \$.02 per square foot. Said fee shall be rounded off to the nearest whole dollar.

MINIMUM FEE -- \$ 20.00

MAXIMUM FEE -- \$1000.00

17.2 REZONING:*

0 to 2.49 acres	\$100.00
2.5 to 4.99 acres	\$200.00
5.0 to 7.49 acres	\$300.00
7.5 to 9.99 acres	\$400.00
10.0 or more acres	\$500.00

*Conservation Design same fee as rezoning fee: See above

MINIMUM FEE -- \$100.00

MAXIMUM FEE -- \$500.00

Special Public Hearing Fee:

(See Section 13.3 of these Regulations)

\$2000.00 + applicable
rezoning fee

17.3 BOARD OF ADJUSTMENT ACTION:

Variance	\$100.00
Conditional Use Permit	\$150.00
Administrative Appeal	\$ 50.00

17.4 PLANNED UNIT DEVELOPMENT:

For the review of the Planned Unit Development the applicant shall be assessed \$250.00 plus the same fee as a regular rezoning request based upon the above acreage basis.

17.5 OTHER PERMITS & CERTIFICATIONS:

Sign permit	\$20.00
Mobile Home Permit (certificate of occupancy)	\$50.00
Certification of Zoning	\$25.00
Floodplain Certification	\$25.00

17.6 SUBDIVISIONS:

Administrative Approval/Two lot minor division (reviewed for compliance with Zoning Regulations only) \$ 10.00

Preliminary Subdivision review	\$ 50.00
Final Plat Review	\$ 50.00 + \$5.00 per lot

17.7 LATE FEES:

In addition to the above fees, an automatic \$100.00 late fee will be assessed to any applicant who begins construction, erects a sign, or in any other way initiates actions prior to receiving the proper permit or approval from the Planning Commission office to perform these acts. This fee is in addition to, and not in lieu of, any penalties for violations of the regulations. Payment of this late fee will in no way exonerate or excuse the applicant from applying in an appropriate manner and complying with the normal requirements and standard fees for the permission or applicable permit which is needed.