Zoning Regulations
for
Bardstown, Bloomfield, Fairfield, New Haven, and Nelson County, Kentucky

Joint City-County Planning Commission of Nelson County
One Court Square
Old Courthouse Building, 2nd Floor
P.O. Box 402
Bardstown, Kentucky 40004
(502) 348-1805
www.ncpz.com

Amended
City of Bardstown, June 13, 2024
City of Bloomfield, May 14, 2017
City of Fairfield, May 14, 2017
City of New Haven, September 24, 2023
Nelson County Fiscal Court, July 20, 2023

Table of Contents

Article/Section	Page
Article 1: General Provisions	1-2
1.1 Adoption	1
1.2 Title	1
1.3 Purpose	1
1.4 Conflict with Other Instruments	1
1.5 Separability	1
1.6 Repeal of Conflicting Law	2
1.7 Application of Regulations	2
1.8 Agricultural Land Use Exceptions	2
1.9 Interpretation and Scope of Regulations	2
1.10 Effective Date	2
Article 2: Zoning Map	3
2.1 Adoption of Zoning Maps	3
2.2 Maintenance of Zoning Maps and Amendment Records	3
2.3 Interpretation of Zoning District Boundaries	3
Article 3: Administration	4-6
3.1 Administrative Official	4
3.2 Zoning Compliance Permits	4
3.3 Application for Zoning Compliance Permits	4-5
3.4 Issuance of Zoning Compliance Permit	5
3.5 Validity	5
3.6 Failure to Comply	5
3.7 Expiration of Zoning Compliance Permit	5-6
3.8 Certificate of Occupancy	6
3.9 Complaints Regarding Violations	6
Article 4: Boards of Adjustment	7-9
4.1 Boards of Adjustment	7
4.2 Rules for Proceedings Before Board	7
4.3 Powers of the Board	7-9
4.4 Limitations on Powers of Board	9
4.5 Appeals from the Board	9
4.6 Liability	9
4.7 Conditional Use Permits and Variances Requested in Conjunction with Zoning Map Amendments	9
Article 5: Definitions	10-18
Article 6: Zoning Districts	19-94
6.1 Agriculture District (A-1)	20-27
6.2 Single-Family Residential District (R-1A)	28-31
6.3 Single-Family Residential District (R-1B)	32-35
6.4 Single-Family Residential District (R-1C)	36-39
6.5 Single-Family Residential District (R-1D)	40-43
6.6 Single-Family Townhouse District (R-1T)	44-47
6.7 Two-Family Residential District (R-2)	48-51
6.8 Multi-Family Residential District (R-3)	52-56

Table of Contents

Article/Section	Page
6.9 Multi-Family Residential District (R-4)	57-61
6.10 Professional Office District (P-1)	62-65
6.11 Neighborhood Business District (B-1)	66-70
6.12 Central Business District (B-2)	71-72
6.13 Regional Retail Business District (B-3)	73-75
6.14 General Business District (B-4)	76-78
6.15 Retail Complex District (B-5)	79-81
6.16 Light Industrial Commercial Park (LIP)	82-84
6.17 Light Industrial Park (I-1)	85-87
6.18 Moderate Impact Industrial Park (I-1M)	88-90
6.19 Heavy Industrial Park (I-2)	91-93
Article 7: Special Zoning Districts	94-101
7.1 Mobile Home Park District (MHP)	95-97
7.2 Manufactured Home Subdivision District (MHS)	98-101
Article 8: General Development Regulations	102-116
8.1 Coordination with Subdivision Regulations	102
8.2 Planned Unit Development (PUD) Procedures & Requirements	102-104
8.3 Public Utility Connections	104
8.4 Conservation Subdivisions	104-116
Article 9: General Zoning District Regulations	117-128
9.1 Application of Zoning District Regulations	117
9.2 Standards for Manufactured Home Installation	117
9.3 Conversion of Dwellings	117-118
9.4 Location and Height of Accessory Building	118
9.5 Obstructions to Vision at Street Intersections	118
9.6 Mobile Home as Temporary Residence	118
9.7 Temporary Storage of Mobile Homes/Storage of Recreational Vehicles	119
9.8 Special Yard Provisions	119-120
9.9 Junkyards/Salvage Yards	120
9.10 Exceptions	120
9.11 Site Plan and Screening Requirements	120-121
9.12 Cell Tower Regulations	121-126
9.13 Outdoor Sales, Displays & Storage	126-128
Article 10: Non-Conforming Structure & Uses	129-130
10.1 Non-Conforming Structures	129
10.2 Non-Conforming Use	129
10.3 Non-Conforming Lots	130
10.4 Repairs and Maintenance	130
Article 11: Off Street Parking, Queuing, & Loading Standards	131-150
11.1 Purpose	131
11.2 Relationship to the Comprehensive Plan	131
11.3 Applicability	131
11.4 Calculation of Parking Requirements/Allowances	131-139
11.5 Location of Parking on Lot	139

Table of Contents

Article/Section	Page
11.6 Off-Site Parking	139-140
11.7 Joint Use Parking	140
11.8 Credit for On-Street and Public Parking	140-141
11.9 Use of Required Parking Spaces	141
11.10 Parking Area Improvements and Maintenance	141-142
11.11 Parking Area Layout and Design	142-144
11.12 Queuing for Drive-Through Facilities	144-145
11.13 Parking in Residential Areas	145
11.14 Parking Waiver Provisions	144-148
11.15 Parking Studies	148-149
11.16 Loading Area Requirements	149-150
Article 12: Sign Regulations	151
Article 13: Amendment Procedures	152-153
13.1 Zoning Regulations Text Amendment	152
13.2 Zoning Map Amendment (Zone Change)	152-153
Article 14: Violations & Remedies	154
14.1 Remedies	154
14.2 Penalties	154
14.3 Appeals	154
Article 15: Historic Districts	155-164
15.1 Intent	155
15.2 Application of Historic District Regulations	155-156
15.3 Definitions	156-158
15.4 Establishment of Historical Review Boards	158-159
15.5 Establishment of Historic Districts and Landmarks	159-160
15.6 Building Permit Required	160-162
15.7 Demolition of Landmarks or Structures in Historic Districts on Landmark Sites	162-163
15.8 Recording of Historic Designations	163
15.9 Maintenance, Repairs and Emergency Conditions	163-164
15.10 Interpretation of Ordinance and Procedure for Adoption	164
Article 16: Flood Damage Prevention Ordinance	165-187
16.1 Statutory Authorization, Findings of Fact, Purpose, & Objectives	165
16.2 Definitions	166-175
16.3 General Provisions	175-176
16.4 Administration	177-179
16.5 Provisions for Flood Hazard Reduction	180-184
16.6 Appeals and Variance Procedures	184-186
16.7 Severability	186-187
Article 17: Fee Schedule	188

Article 1: 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, was May 1, 2022.

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%).

3.1 Administrative Official.

The Joint City-County Planning Commission Director and his/her designated representatives shall administer and enforce these Regulations. If the Director finds that any of the provisions of these Regulations are being violated, the Director shall take such action as is permitted by law. The Planning Commission Director and his/her designated representatives, in the performance of his/her duties and functions, may enter upon any land, with written consent from the property owner, and make investigation, inspection, examination and surveys that do not occasion damage or injury to private property. In addition to the foregoing, the Director shall have authority to order discontinuance of illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto and discontinuance of any illegal work being done. All questions of interpretation and enforcement shall be first presented to the Director, and such questions shall be presented to the appropriate Board of Adjustment only on appeal from the decision of the Director, and recourse from the decisions of the Board of Adjustment shall be to the courts, as provided by law.

3.2 Zoning Compliance Permits. Zoning compliance permits shall be issued in accordance with the following provisions:

A. Permit Required. No land shall be used and no building or other structure shall be erected, moved, added to, structurally altered, demolished, or changed from one permitted or conditional use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Director or his/her designated representatives.

B. Exceptions. The following exceptions shall apply:

(1) Agricultural Structures. A zoning compliance permit is required to erect, move, add to, demolish, or structurally alter an agricultural structure to ensure compliance with use, minimum setback and floodplain requirements, as set forth in these Regulations. A plot plan and affidavit verifying the agricultural use and attested by the owner's signature shall accompany the permit application. Zoning compliance permit fees shall be waived for qualified agricultural structures, as defined in these Regulations.
(2) Public Facilities. A zoning compliance permit is required to erect, relocate, add to, structurally alter, demolish, or change from one permitted or conditional use to another, for any public building or structure. Zoning compliance permits are not required for public utility distribution and collection structures, such as pipes, transmission lines, transformers, meters, etc. The zoning compliance permit fee shall be waived for all public facilities.
(3) Routine Maintenance and Repair. No zoning compliance permit shall be required for routine maintenance and repair, as defined in these Regulations.
(4) Public Improvements. No zoning compliance permit shall be required for the installation of required public improvements, such as streets, roads, water, sewer, etc.
(5) Private driveways, parking areas, and sidewalks. No zoning compliance permit shall be required for the installation of private driveways, parking areas, or sidewalks.
(6) Temporary accessory structures. No zoning compliance permit shall be required for temporary structures, as defined in Article 5 of these Regulations. Such structures shall comply with height, setback, and separation requirements as set forth in Section 9.4 of this Ordinance.

3.3 Application for Zoning Compliance Permits. Applicants for a zoning compliance permit must be an owner or an individual with an interest in the property involved, which interest may consist of an ownership interest, valid and effective sales contract, or option agreement signed by the owner of record or letter of permission signed by said owner of record. All applications for zoning compliance permits shall be accompanied by:

A. Completed zoning compliance permit application form provided by the Planning Commission;

B. Copy of deed and/or plat/survey of the property;

C. A plot plan drawn to scale and showing the following information:

(1) All property lines, shape and dimensions of the lot to be built upon and total lot area in acreage or square feet;
(2) Type, location, and dimensions of existing and proposed buildings, structures, driveways, sidewalks, etc.
(3) Distances (setbacks) of all buildings and structures from front, side, and rear property lines, as measured from the overhang to the property line;
(4) Location and dimensions of existing and proposed streets, access points, driveways, off-street parking spaces;
(5) Location of sidewalks, walkways and open spaces;
(6) Location, type and height of walls, fences and screen plantings;
(7) Location of existing and proposed easements; and,
(8) For demolition permits, show the location and setbacks of structure to be demolished and the size of existing structures and construction that are to remain on the site.

D. An approved entrance/encroachment permit from the appropriate agency, if applicable;

E. An approved stormwater management plan from the appropriate agency, if applicable;

F. An approved on-site septic system evaluation and/or final inspection by the Nelson County Health Department, if applicable;

G. For multi-family residential, professional office, commercial, and industrial uses, an approved development plan or site plan, if applicable;

H. For properties with historic overlay zoning, an approved Certificate of Appropriateness, if applicable;

I. Zoning compliance permit fee as provided for in Article 17 of these Regulations; and,

J. Any additional documentation necessary to determine compliance with applicable laws, rules, and regulations [*only in effect in City of Bardstown*]. For professional office, commercial, and industrial structures and any structure requiring a variance, an as-built footer survey signed and stamped by a licensed land surveyor and certifying the final setbacks of the structure [*only in effect in Cities of Bloomfield, Fairfield, and New Haven and Nelson County*]; and,

K. Any additional documentation necessary to determine compliance with applicable laws, rules, and regulations [*only in effect in Cities of Bloomfield, Fairfield, and New Haven and Nelson County*].

3.4 Issuance of Zoning Compliance Permit. The Director shall either approve or disapprove the zoning compliance permit application within one (1) week from the date of submission. If disapproved, the Director shall deny the application and send a written notification of disapproval, attested by the Director's signature, to the applicant indicating the reasons for such disapproval thereon. If approved, a zoning compliance permit, attested by the signature of the Director or his/her designated representative, will be issued to the applicant. The Director shall retain a duplicate copy of the permit, application, and accompany plans and documentation for the Planning Commission records. Oversize plans may be discarded after two (2) years from the date of issuance.

3.5 Validity. The issuance of a zoning compliance permit shall not waive any provision of these Regulations.

3.6 Failure to Comply. Failure to obtain a zoning compliance permit shall be a violation of these Regulations and punishable under Article 14 of these Regulations.

3.7 Expiration of Zoning Compliance Permit. If a building permit has not been obtained within sixty (60) consecutive calendar days from the date of issuance of zoning compliance permit, said zoning compliance permit shall expire and be canceled by the Director and a building permit shall not be obtainable until a new zoning permit has been obtained. If substantial completion has not been made

within six (6) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void *(only in effect in Cities of Fairfield and New Haven)*. If substantial completion has not been made within twelve (12) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void *(only in effect in Cities of Bardstown and Bloomfield and Nelson County)*. If a zoning compliance permit is renewed before the expiration date, applicable permit fees will be waived.

3.8 Certificate of Occupancy. It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy which shall be a part of the building permit, shall have been issued by the Nelson County Building Inspector. Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of these Regulations and to the plans for which the zoning compliance permit was issued. A record of all certificates of occupancy shall be kept on file in the offices of the Nelson County Building Inspector.

3.9 Complaints Regarding Violations. Whenever a violation of these Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Any investigation, charge, or complaint which originated with or arises out of a complaint by a person other than the Director shall not be commenced until the complaint has been reduced in writing and signed by the complaining witness, provided, however this should not be construed to prohibit the Director from initiating or investigating a complaint without having first received a complaint by another person. Such complaint stating fully the causes and bases thereof shall be filed with the Director. The Director shall record properly such complaint, investigate same within five (5) working days, and take action thereon as provided by these Regulations and the Kentucky Revised Statutes.

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 hear and decide on applications for variances. The Board of Adjustment may impose any reasonable conditions or restrictions on any variance it decides to grant.

(1) Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of these Regulations. In making these

findings, the Board of Adjustment shall consider whether:

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,
(c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulations from which relief is sought.

(2) The Board of Adjustment shall deny any request for a variance arising from circumstances that are the result of the willful violations of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulations from which relief is sought.

C. Conditional Use Permits: To hear and decide applications for conditional use permits to allow for the proper integration into the community of uses which are specifically named in the Zoning Regulations which may be suitable only in specific locations in the zone only if certain conditions are met. Neither the approval nor 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) Any conditions the BOA deems necessary to ensure compatibility and appropriateness of the proposed use with the surrounding properties.

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 therefore 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.

4.7 Conditional Use Permits and Variances Requested in Conjunction with Zoning Map Amendments.

Applicants for zoning map amendments and subdivisions may elect, at the time of application, to have variance(s) or conditional use permit(s) for the same development heard and decided by the Planning Commission. In such cases, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. For purposes of Article 4 only, references to the Board of Adjustment shall also include the Planning Commission when the Commission is considering Variance(s) or Conditional Use Permit(s). Determinations on the issuance of Variance(s) or Conditional Use Permits shall be made in accordance with the provisions of KRS 100.237.

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.

Abandonment: The cessation of the use of real property under circumstances which do not manifest an intent to continue said use or to resume said use within a reasonable time. The cessation of a use of real property for less than one year shall be rebuttably presumed to not constitute abandonment and the cessation of a use of real property for a year or more shall be rebuttably presumed to be unreasonable and an abandonment of use. This term also means "discontinuance."

Accessibility Improvement: An unroofed and open structure, including a ramp or chairlift, that (1) allows a person with a physical disability access to a dwelling and (2) is exterior to a dwelling.

Accessory Dwelling: An accessory dwelling is a habitable living unit detached from a single-family dwelling that provides basic requirements for independent living, cooking, sleeping, and sanitation facilities. An accessory dwelling must be of permanent construction and must have no more than 1,000 square feet in living area and 1,500 square feet in total gross floor area. The accessory dwelling shall be located behind the principal structure and in the rear yard and shall comply with accessory structure setbacks. The accessory dwelling shall be served by public sanitary sewer or an approved individual on-site septic system approved for both principal and accessory dwellings. Accessory dwellings may be garage apartment, ancillary apartment, mother-in-law unit, guesthouse, carriage house, or granny flat.

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 Enterprise: A commercial enterprise at a working farm or agricultural operation, as defined in Article 5 of these Regulations, conducted for the enjoyment of visitors that generates supplemental income for the owners. These uses include: agricultural tourism uses providing visitors with enjoyment, education, or active involvement in the activities of the farm or operation; on-farm markets selling agricultural products or value-added agricultural products directly to the consumer; roadside or farm stands where the farmer sells agricultural and value-added agricultural products directly to consumers at a stand or kiosk located on the farm; and, agricultural plant where the value-added processing of agricultural products occurs.

Agricultural Operation: The use of land for agricultural, farming, dairying, or stock raising in which a minimum of five (5) acres is used, as defined in KRS 100.111.

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.

Bed and Breakfast Establishment: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for a tenancy or occupancy for less than thirty (30) consecutive days in duration and where the only meal, food or drink served or otherwise provided by the property owner to any guest is breakfast. This term does not include hotels, motels, extended stay lodging, short-term rentals, and boarding, rooming, and lodging houses.

Boarding, Rooming, and Lodging House: A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight (8) people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodging, short term rentals, bed and breakfast establishments, nursing homes, or assisted care living facilities.

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 theses regulations.

Conditional Use: A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

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

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.

Conventional Septic System: Sewage pre-treatment unit(s), distribution box(es), and lateral piping within rock filled trenches or beds installed at a standard depth of 24 inches.

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)

Craft Distillery, Type I: A facility that produces distilled spirits of 50,000 gallons or less per calendar year on site. Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zone. Also referred to as micro, artisan, or boutique distillery.

Craft Distillery, Type II: A facility that produces distilled spirits of 500,000 gallons or less per calendar year on site. Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zone. Also referred to as micro, artisan, or boutique distillery.
Department Store: Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as table and kitchen appliances, dishes and utensils.

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

Distilled spirits: Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

Dwelling: A building or portion thereof designed and used exclusively for permanent residential occupancy. This term does not include hotels, motels, or extended stay lodging.

Dwelling Unit: Either a single room or two (2) or more connected rooms used exclusively as a single unit and intended for permanent residential occupancy of more than thirty (30) consecutive days in duration by one family and providing complete, independent living facilities, which at minimum includes permanent provisions for living space (family rooms, dining rooms, living rooms, dens, etc.), sleeping quarters, food preparation and cooking, eating spaces, personal hygiene, cleanliness, and sanitation facilities which are accessed independently. Notwithstanding the provisions of this definition, where permitted, short term rentals and bed and breakfast establishments may be occupied by more than one family and for less than thirty (30) consecutive days in duration. This term does not include hotel or motel rooms, extended stay lodging, boarding and lodging homes, bed and breakfast establishments, short-term rentals, nursing home rooms, or assisted care living units

Extended Stay Lodging: Accommodations for persons away from their permanent place of residence which are available on a daily or weekly basis and may include kitchen facilities. This term does not include short term rentals, boarding and lodging houses, bed and breakfast establishments, nursing home rooms, or assisted care living units.

Event Facility: A facility located on private property and allowing meetings, weddings, receptions, or other related events or gatherings.

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.

Floor Area: Total area within a building, measured from the exterior walls of the building, and equal to the sum of the number of square feet on each of the floors of the building. The number of square feet in an attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

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.

Gross Floor Area: See "Floor Area."

Gross Leasable Area: The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. Gross leasable area does not include public or common areas, such as utility rooms, stairwells and shared corridors.

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.

Hotel : A building or structure where sleeping accommodations are kept, used, maintained, advertised or held out to and are furnished to the public and which has a registration desk. This term includes motels, and similar establishments, but does not include bed and breakfast establishments, short term rentals, boarding and lodging houses, nursing home rooms, or assisted care living units.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of storm water into the soil. Impervious surface shall include graveled driveways and parking areas.

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.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, disassembled, destroyed, processed, salvaged, stored, baled, exchanged, disposed of, or for other use or disposition.

Junkyard: Any lot, land, parcel, building, structure, place of business or part thereof, used for the deposit, parking, placement, storage, collection, processing, purchase, sale, salvage, baling, packing, handling, exchange, disposal, disassembly or otherwise location of five (5) or more junk vehicles, machinery, appliances, or other similar scrap or salvage materials, or any combination thereof, excluding inoperative farm equipment. A junkyard shall include auto, vehicle, or machinery recycler, auto wrecking yards, house wrecking or building yards for storage or sale of salvaged house and building and structural steel materials and equipment. A junkyard shall not include an operation conducted entirely within an enclosed building or permitted uses where outdoor storage is allowed as an accessory use or is otherwise permitted.

Junk Vehicle: Any rusted, wrecked, damaged, dismantled, or partially dismantled, non-operative, unlicensed, or abandoned motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle. Junk vehicles shall include vehicles with salvage or junk titles.

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.

Material Recyclers: Any establishment or place of business, including garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material.

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.

Micro-brewery: A facility within a completely enclosed building which is intended for the production and packaging of up to 15,000 barrels per calendar year of malt beverages.

Mini-Warehouse: A building or group of buildings that has controlled-access and that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a warehouseman is not a mini-warehouse.

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.

Motel: A group of attached or detaching lodging units having bathrooms, used as individual sleeping units, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include on dwelling unit for a bona fide caretaker or operator. This term includes building designed as auto courts, tourist courts, motor lodges, autels, and similar terms. This term does not include bed and breakfast establishments, short-term rentals, boarding and lodging houses, nursing homes, or assisted care living facilities.

Nonconforming Use or Structure: An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the Zoning Regulations, but which does not conform to all of the regulations contained in the Zoning Regulations which pertain to the zone in which it is located.

Non-Residential Use: Uses not associated with permanent residential occupancy. Non-residential uses include public, institutional, office, commercial and industrial uses.

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.

Off-Street Loading: see "Loading Area/ Space (or Berth)."

Off-Street Parking Space: see "Parking Space."

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.

Outdoor Sales and Display: Placement of any item(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. Outdoor sales and display shall not include outdoor dining and seating areas associated with a restaurant.

Outdoor Storage, Accessory: Keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than continuous twenty-four (24) hours, and that is located on the same lot as the principal use for which it is providing storage, and is limited to twenty (20) percent of a lot area and no more than one-half acre of a lot. The placement of moveable containers, including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, not to exceed two (2) months in any calendar year, shall be considered accessory outdoor storage. This outdoor storage definition shall not include junkyard.

Outdoor Storage, Regular: Keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than continuous twenty-four (24) hours, and that exceeds twenty (20) percent of a lot area or more than one-half (1/2) acre of a lot. Regular outdoor storage shall not include junkyard.

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

Parking Area (or Lot): An area of land reserved for the purpose of vehicular storage. Such areas shall include driveways, access ways, parking spaces, and vehicular maneuvering areas. Parking areas shall not include outdoor display or sales areas and shall be prohibited in the public right-of-way and all required building setbacks, except parking for single-family residential uses and duplexes is permitted in the required front yard(s) only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

Parking Aisle: An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking Module: A standard arrangement of parking spaces containing two tiers of spaces served by a single parking aisle.

Parking Space: An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "onstreet" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Parking, Joint Use: The sharing of a parking area or space for more than one establishment.

Parking, Shared: Joint use of a parking area or space for more than one establishment.

Permanent Residential Occupancy: Occupancy of a dwelling for more than thirty (30) consecutive days in duration.

Planned Unit Development Project: A complex of structures and uses planned as an integral unit or community of development as provided in these Section 8.2 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.

Residential Use: Uses associated with permanent residential occupancy in the form of a dwelling unit. Specific uses such as bed and breakfast establishments, boarding, rooming, and lodging houses, short term rentals, hotels, motels, and extend stay lodging where stays can be less than thirty (30) days in duration shall be considered commercial uses.

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 structure designed or used for the display or sale of agricultural or value-added agricultural products grown or produced on the premises directly to the consumers at a stand or kiosk located on the farm. Also referred to as farm stand.

Screening: Visually continuous plantings, solid fencing, wall, or earth mound, or combination thereof, that provides a barrier from public view and with an average height of one foot above the material being screened, except that said screening shall not be required to exceed eight (8) feet in height.

Short-Term Rental: A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for tenancy or occupancy for less than thirty (30) consecutive days in duration and where no meals, food or drink are served or otherwise provided by the property owner to any guest. This term includes tourist and guest homes. This term does not include hotel or motel rooms, extended stay lodging, bed and breakfast establishments, and boarding, rooming, and lodging houses.

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 seven (7) feet in height, or poles and appurtenances thereto used for the provisions of public utilities; includes buildings and mobile homes.

Temporary Structure: An accessory structure that is removed within a specified time period. The time period for a temporary structure shall not exceed six (6) months in any calendar year. The activity or use for which the temporary structure was constructed or installed shall comply with the use regulations of the zoning district in which it is located. The structure shall comply with all applicable regulations set forth in the Zoning Regulations, including but not limited to parking, outdoor sales and display, unloading/loading, setbacks, height, etc. A temporary structure may include fireworks stands, tent sales, special promotion sales, portable storage units (PODS), greenhouses, swimming pools, and similar uses.

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.

Value-Added Agricultural Products: Any product derived from an activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, cooking, chilling, and other processes to alter the original agricultural product to a finished product.

Variance: Departure from dimensional terms of the Zoning Regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

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 form 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.

Section 6.1: Agriculture 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 Single-wide manufactured home (mobile home) with one dimensional width, when finally installed, of 18 feet or less, on lots or parcels of one (1) acre or greater.
Conservation Design Subdivision: See Section 8.4, Option 2.
Distilled spirits storage buildings *(only in effect in Cities of Bloomfield and Fairfield).* This use shall meet the following mandatory requirements: (1) the site shall be a minimum 100 acres; (2) the construction type shall be limited to rack supported structures protected throughout by an automatic fire suppression system (sprinklered); (3) the maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height; (4) all structures shall be set back a minimum of 200 feet from property lines; and, (5) at least 25 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area.

B. Accessory Uses Permitted
Agricultural structures as defined in Article 5 (Definitions).
An accessory dwelling as defined in Article 5 (Definitions), on lots or parcels of two (2) acres or greater.
An accessory single-wide manufactured home (mobile) with one dimensional width, when finally installed, of 18 feet or less, on lots or parcels of two (2) acres or greater.
Home Occupations: Must obtain HO permit in City of Bardstown.
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

(1) Agricultural enterprise as defined in Article 5 (Definitions): Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. 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. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance as well as the following mandatory requirements:

(a) The subject property must be a minimum five (5) acres and must be used as a working farm or agricultural operation, as defined in Article 5 of the Definitions;
(b) The use must be owned and operated by the property owner and any resident employees;
(c) The enterprise must use or add value to agricultural products grown or produced on the subject property and shall not involve products grown or produced off-site, unless the off-site property is owned by the conditional use permit applicant/owner;
(d) The use shall have no more than five (5) non-resident employees solely employed in the agricultural enterprise;
(e) The use shall have an approved entrance and meet parking standards, as forth in these Regulations;
(f) The use shall have specific plan for noise mitigation; (8) the use shall maintain the viewshed along the public right-of-way;
(g) The use shall be limited to an approved development plan, as defined in Article 5 of these Regulations;
(h) The use shall be limited to one (1) structure, not exceeding 2,500 square feet in gross floor area, unless otherwise determined by the BOA, and such structures shall be constructed to blend with the rural character of the area;
(i) The use must have specified hours /seasons of operation and maximum number of events and participants;

(j) The use shall not involve the retail sale of any products grown, produced, or processed off-site; and

(k) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

(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 it 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 shall 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) Intentionally omitted

(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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the

permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) Permitted Types: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(cc) Bed & Breakfast and Short-Term Rental Type 3

(i) A Type 3 rental shall be located within the principal dwelling unit on the property and shall be non owner occupied;

(ii) Only one Type 3 rental per property shall be permitted; and,

(iii) The property on which a Type 3 bed and breakfast or short-term rental is situated shall not be closer than 400 feet to any property on which another non-owner occupied bed and breakfast or short-term rental is situated. This separation shall be measured radially and in straight line from the nearest property line to nearest property line, and such separation shall include properties wholly or partially within that radius. This separation requirement does not apply to non-owner occupied bed and breakfasts or short-term rentals located within professional office or commercial zoning districts (P-1, B-1, B-2, B-3, B-4, B-5, or LIP).

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(dd) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within sixty (60) miles of the bed and breakfast or short-term rental. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ee) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(11) Automobile and agricultural equipment sales and service at the residence of the owner/operator. 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) Event facilities allowing meetings, weddings, receptions, and other related events or gatherings on private property *(only in effect in unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. 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. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance as well as the following mandatory requirements:

(1) The facility shall involve one structure not exceeding 4,500 square feet in size;
(2) No more than one event per day shall be allowed, and frequency of events on monthly and annual basis shall be based on the capacity of the site and shall be specified in the application;
(3) The maximum number of guests shall be based on the capacity of the site and structure and shall be specified in the application, but the maximum number of guests shall be limited to 300 guests at any one event;

(4) If a facility is located within 100 feet from the property line of an adjoining residential use, no event shall take place outside the hours of 7:00 a.m. and 12:00 a.m.;
(5) All driveways must be approved for commercial use through an entrance/encroachment permit by the appropriate agency;
(6) Parking areas must comply with the standards set forth in the Zoning Regulations, and these areas must be set back a minimum of 100 feet from any adjoining residential structures and must be buffered by solid screening;
(7) The design of the facility shall include features that acoustically shield any noise from the surrounding property;
(8) All exterior structure and site lighting shall be limited to full-cutoff fixtures and light intensity shall not exceed 0.5 foot candles at the property line adjoining agricultural and residential use and zoning or 1.0 foot candles adjoining any non-residential zoning or use to minimize glare and trespass onto adjoining properties;
(9) The facility shall be allowed to serve wine, beer, and alcohol by the drink, but the Owner must provide evidence of approved liquor licenses and comply with all applicable laws, regulations, and rules;
(10) As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

(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) Intentionally omitted

(15) Non-profit social service organizations (*only in effect in unincorporated Nelson County*): A conditional use permit may be approved for qualified non-profit organizations established under Section 501(c)(3) of the United States Internal Revenue Code to provide social services for charitable purposes. The use must meet the following criteria:

(a) The use must be located on property within the unincorporated areas of Nelson County;
(b) The use must be located on a minimum lot of one (1) acre in size;
(c) The maximum number of structures is two (2), with the total gross floor area of both structures not exceeding 7,500 square feet;
(d) The type of activities, number of clients, volunteers, and employees on site at any one time, and the hours of operation must be clearly identified;
(e) The use may not employee more than three (3) employees;
(f) The use must comply with applicable parking requirements, must have adequate ingress/egress, and must provide internal circulation;
(g) All outdoor storage must be completely screened and comply with applicable outdoor storage requirements; and,
(h) The use must be served by adequate utilities, and if not served by public sanitary sewer, written approval of an individual on-site septic system must be provided.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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 8.2 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.

(4) Distilled Spirits Storage Facilities *(only in effect in Cities of Bardstown and New Haven and unincorporated Nelson County)*. The purpose of this designation is to allow distilled spirits storage facilities within rural areas while minimizing the impact of the proposed use upon surrounding area and protecting the character of the area. Such facilities shall not be considered as altering agricultural or residential character of its particular area and shall not be justification for zoning map amendment. Such use shall meet all of the following mandatory requirements:

(a) The site shall be a minimum 100 acres.
(b) The construction type shall be limited to rack supported structures constructed in accordance with current edition of the Kentucky Building Code.
(c) Such structures shall be protected throughout by an automatic fire suppression system (sprinklered).
(d) The maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open docks, and shall not exceed 60 feet in height.
(e) All structures shall be set back a minimum of 200 feet from property lines.
(f) Such structures shall be located at least 400 feet from any principal residential structure on an adjoining property. Such principal residential structure shall be an existing structure located on the adjoining property at the time of the PUD application submittal. This separation requirement shall not apply to any accessory structure located on the adjoining property and shall not apply to any principal residential structure that is constructed after the time of the PUD application submittal.
(g) A landscape plan must be submitted and show a designated landscape buffer area along the streetscape of the proposed development. The streetscape, or front buffer area, shall be within the 50-foot front setback along the public road frontage and shall have a mixture of canopy trees. One canopy tree is required for every 30 feet of road frontage of the tract; fractions equal to or greater than 0.50 are rounded up. All trees shall be a minimum of 2-inch diameter at breast height and 6-foot tall at planting. All required tree plantings must be maintained, and any tree planting that dies must be replaced in a timely manner.
(h) At least 25 percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or preserved as a conservation area, and such area shall be delineated on the submitted development plan.
(i) The Applicant must submit a roadway adequacy analysis identifying the current pavement conditions, curves, and intersections from KYTC designated arterials, or collectors to the site to the appropriate agency(ies) (i.e., Planning Commission and city, county or state road departments). The Applicant must submit evidence of agency review and determination of compliance with applicable road standards and/or identification of any improvements or other mitigation requirements. If improvements or other mitigation is required, the Applicant shall either (a) complete any improvements or mitigation at their expense or (b) participate in a public and private partnership program, as evidenced by a written certification from the appropriate agency, that will result in improvements or mitigation where the study and review indicate deficiencies.
(j) The Applicant shall meet with the adjoining property owners prior to the formal filing of an application, and such meeting shall be conducted no more than 90 days prior to the formal application filing, must be held at a location that is convenient for the adjoining property owners, and shall occur no earlier than 6:00 p.m. The Applicant shall be responsible for sending notices to all adjoining property owners, as provided by Nelson County Property Valuation Office, at least 14 days prior to the meeting. At the time of PUD application filing, the Applicant must submit the following documentation: (a) Copy of the meeting notification letter and proof of mailing; (b) List of

adjoining property owners that were mailed notices; (c) A sign-in sheet from the meeting; and (d) A short summary of the meeting detailing specific items of concern and proposed resolutions

E. Dimension and Area Requirements

(1) Dimensional & Area. Unless otherwise allowed herein, the following dimension and area requirements apply:

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum)	217,800 square feet Note: Subject to the provisions of Sections 6.1E(2) below and D(1) above.
Lot Width (minimum)	1/5 of lot depth Note: The absolute minimum lot width required is 200 feet with the maximum required lot width of 250 feet.
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	15 feet
Rear Yard Setback (minimum)	50 feet

(2) Minimum Lot Area Exception. The minimum lot area may be reduced to one (1) acre (43,560 square feet) for no more than one (1) lot being subdivided from a parent tract as defined in Article 5: Definitions of these Regulations. This division must meet the following minimum standards:

(a) The residual or remaining portion of the parent tract must meet the minimum dimension and area requirements above, unless otherwise rezoned to an appropriate zoning divisions that allows such divisions, and,
(b) The proposed division does not adjoin, along a public roadway, a lot less than 5 acres in size in order to maintain the rural character

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.

Section 6.2: Single-Family Residential District (R-1A)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.

(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) <u>Bed & Breakfast Establishments or Short-Term Rentals</u> *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) <u>Permitted Types</u>: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) <u>Bed and Breakfast and Short-Term Rental Type 1</u>
(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 8.2 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 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 15,000 square feet 30,000 square feet Note: Subject to provisions of Section D(1).
Lot Area (maximum)	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.
Open Space (minimum)	30 percent
Lot Width (minimum) Served by sanitary sewer Not served by sanitary sewer	 100 feet 100 feet
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.2: Single-Family Residential District (R-1B)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.

(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) <u>Bed & Breakfast Establishments or Short-Term Rentals</u> *<u>(only in effect in City of Bardstown)</u>*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) <u>Permitted Types</u>: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) <u>Bed and Breakfast and Short-Term Rental Type 1</u>
(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.
(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 10,000 square feet 30,000 square feet Note: Subject to provisions of Section D(1).
Lot Area (maximum)	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.
Open Space (minimum)	30 percent
Lot Width (minimum)	75 feet
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.4: Single-Family Residential District (R-1C)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as

allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.

(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.

(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.

(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) <u>Bed & Breakfast Establishments or Short-Term Rentals</u> *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) <u>Permitted Types</u>: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) <u>Bed and Breakfast and Short-Term Rental Type 1</u>

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 8.2 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.

E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 7,500 square feet 30,000 square feet
Lot Area (maximum)	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.
Open Space (minimum)	30 percent
Lot Width (minimum)	75 feet
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	8 feet or 5 and 15 feet* *Must have uniform setbacks per plat and a double drive per lot.
Rear Yard Setback (minimum)	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.

Section 6.5: Single-Family Residential District (R-1D)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.

(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) <u>Bed & Breakfast Establishments or Short-Term Rentals</u> *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) <u>Permitted Types</u>: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) <u>Bed and Breakfast and Short-Term Rental Type 1</u>
(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 8.2 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.

E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 5,000 square feet Not allowed
Lot Area (maximum)	1 acre 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.
Open Space (minimum)	30 percent
Lot Width (minimum)	50 feet
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	8 feet
Rear Yard Setback (minimum)	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.

Section 6.6: Single-Family Townhouse District (R-1T)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below.

(1) Permitted Types: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) Bed and Breakfast and Short-Term Rental Type 1
- (i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.
- (ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,
- (iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2
- (i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;
- (ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,
- (iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Parent Tract Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 8,000 square feet Not allowed
Parent Tract Open Space (minimum)	30 percent
Individual Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 1,500 square feet Not allowed
Individual Lot Width (minimum)	18 feet
Density (maximum)	20 units per acre
Front Yard Setback (minimum)	20 feet Notes: a. 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. b. 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. c. 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.
Side Yard Setback (end units) (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.7: Two-Family Residential District (R-2)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.

(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.

(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.

(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.

(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.

(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) <u>Bed & Breakfast Establishments or Short-Term Rentals</u> *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below~~.~~

(1) <u>Permitted Types</u>: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) <u>Bed and Breakfast and Short-Term Rental Type 1</u>

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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.

E. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 10,000 square feet Not allowed
Lot Width (minimum)	75 feet
Open Space (minimum)	30 percent
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.8: Multi-Family Residential District (R-3)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below.

(1) Permitted Types: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 (*).

F. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 7,500 square feet Not allowed
Density (maximum)	12 units per acre
Lot Width (minimum)	75 feet
Open Space (minimum)	25 percent
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.9: Multi-Family Residential District (R-4)

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 or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.
(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below.

(1) Permitted Types: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 (*).

G. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 7,500 square feet Not allowed
Density (maximum)	18 units per acre
Lot Width (minimum)	75 feet
Open Space (minimum)	25 percent
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

Section 6.10: Professional Office District (P-1)

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 or Short-Term Rentals:

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.

(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.

(3) The BOA may limit the number of rooms and maximum occupancy.

(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.

(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.

(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.

(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.

(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.

(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.

(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100, Section 4.3(C) of these Regulations and in Sections (1) and (2) below.

(1) Permitted Types: The following are the Bed and Breakfast and short-term rental types, which are based on the proposed occupancy and use of the residential dwelling unit, that are permitted in this zone:

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner-occupied unit located within an approved and

permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(cc) Bed and Breakfast and Short-Term Rental Type 3

(i) A Type 3 rental shall be located within the principal building on the property and shall be non-owner occupied;

(ii) No more than six rental units per property shall be permitted; and

(iii) No rental unit shall be located on the ground floor or below the ground floor.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) The rental unit(s) shall only be located within the principal building on the property.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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)

H. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	50 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 7,500 square feet Not allowed
Lot Width (minimum)	50 feet
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet Note: increased to 25 feet if the structure is over two stories tall at grade.
Rear Yard Setback (minimum)	30 feet Note: increased to 50 feet if the structure is over two stories tall at grade.

F. Parking & Off-Street Loading 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.

Section 6.11: Neighborhood Business District (B-1)

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 gasolene 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 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 or Short-Term Rentals:

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.

(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.

(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.

(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100, Section 4.3(C) of these Regulations and in Sections (1) and (2) below.

(1) Permitted Types: The following are the Bed and Breakfast and short-term rental types, which are based on the proposed occupancy and use of the residential dwelling unit, that are permitted in this zone:

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner-occupied unit located within an approved and

permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(cc) Bed and Breakfast and Short-Term Rental Type 3

(i) A Type 3 rental shall be located within the principal building on the property and shall be non-owner occupied;

(ii) No more than six rental units per property shall be permitted; and

(iii) No rental unit shall be located on the ground floor or below the ground floor.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) The rental unit(s) shall only be located within the principal building on the property.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(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 all Village Community Character Areas as established by the *Nelson County 2035: A Comprehensive Plan*, as re-adopted October 25, 2016)

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

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 7,500 square feet 43,560 square feet
Lot Width (minimum)	50 feet
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	50 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.
Side Yard Setback (minimum)	15 feet
Rear Yard Setback (minimum)	30 feet

F. Parking & Off-Street Loading 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.

Section 6.12: Central Business District (B-2)

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.

Specialty 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

Upper-story housing for residential use, short term rental and bed & breakfast establishments (only applicable to B-2 zoning in City of Bardstown): Where commercial structures have 2 or more stories, the first story shall be used only for office and commercial uses permitted in P-1, B-1, and B-2, and upper stories (2nd story and above) may be used for office and commercial uses permitted in P-1, B-1, and B-2 and/or housing for residential use, short term rental and bed & breakfast establishments.

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.

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.

(4) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to,

limitations on hours of operation, screening and buffering, etc.

(5) Craft Distillery, Type I. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

(a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
(b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
(c) Outdoor storage of materials, equipment, or supplies is prohibited;
(d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
(e) The use shall have no more than 240 gallons of barreled distilled spirits stored on site during any 24-hour period;
(f) All facilities shall have an automatic fire sprinkler system;
(g) All facilities shall be served by public water and sanitary sewer;
(h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
(i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement	Standard	Requirement
Height (maximum)	50 feet	Front Yard Setback (minimum)	None
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 None Not allowed	Side Yard Setback (minimum)	None
Lot Width (minimum)	25 feet	Rear Yard Setback (minimum)	30 feet
Open Space (minimum)	None		

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.

Section 6.13: Regional Retail Business District (B-3)

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

Only applicable in the City of Bardstown: Dwelling Units / Residential Housing, short term rental and bed & breakfast establishments occupying the same structure as an otherwise allowed use, shall not occupy more than 50% of the commercial structure.

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 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.

(3) 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.

(4) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a

conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

(5) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

(a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
(b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
(c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
(d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
(e) The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:

(1) The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
(2) The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property.
(3) The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
(4) The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
(5) The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
(6) The structure shall not exceed 50 feet in height;
(7) The structure shall be set back a minimum of 200 feet from all property lines; and
(8) The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.

(f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
(g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
(h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
(i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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 uses 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

Standard	Requirement
Height (maximum)	50 feet
Lot Area (minimum)	
Served by sanitary sewer	5,000 square feet
Not served by sanitary sewer	43,560 square feet
Lot Width (minimum)	50 feet
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	
Not adjoining a residential use	15 feet
Adjoining a residential use	25 feet
Rear Yard Setback (minimum)	25 feet

F. Parking & Off-Street Loading 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.

Section 6.14: General Business District (B-4)

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.

(3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

(4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

(a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
(b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
(c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;

(d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
(e) The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:

(1) The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
(2) The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property;
(3) The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
(4) The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
(5) The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
(6) The structure shall not exceed 50 feet in height;
(7) The structure shall be set back a minimum of 200 feet from all property lines; and
(8) The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.

(f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
(g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
(h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
(i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

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

None

E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	50 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 5,000 square feet 43,560 square feet
Lot Width (minimum)	50 feet
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum) Not adjoining a residential use Adjoining a residential use	 15 feet 25 feet
Rear Yard Setback (minimum)	25 feet

F. Parking & Off-Street Loading 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.

Section 6.15: Retail Complex District (B-5)

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

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 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.(1

(3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

(4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

(a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
(b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
(c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
(d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;
(e) The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:

(1) The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
(2) The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property;
(3) The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
(4) The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
(5) The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
(6) The structure shall not exceed 50 feet in height;
(7) The structure shall be set back a minimum of 200 feet from all property lines; and
(8) The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.

(f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
(g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
(h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
(i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	50 feet
Complex Area (minimum)	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 may be constituted, under this zone, of 1 or more individual lots meeting these size requirements.
Complex Lot Width (minimum)	50 feet
Individual Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 5,000 square feet 43,560 square feet
Individual Lot Width (minimum)	None
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	25 feet
Rear Yard Setback (minimum)	25 feet

F. Parking & Off-Street Loading 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.

Section 6.16: Light Industrial Commercial Park (LIP)

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.

(3) Micro-Brewery. The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

(4) Craft Distillery, Type II. The intent of this conditional use is to allow craft distilleries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

(a) The use and any associated use on the property shall serve alcohol by the drink only in accordance with the underlying zoning requirements;
(b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building;
(c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise allowed by the underlying zoning;
(d) All loading and unloading areas shall be oriented away from public streets, whenever feasible;

(e) The use shall be allowed one distilled spirits storage structure meeting the following mandatory requirements:

(1) The site shall have an additional minimum 5 acres for the distilled spirits storage structure. The 5-acre site for the storage structure shall be immediately adjoining the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be limited only to the distilled spirits storage structure and associated utility structures (i.e., pump house, tank);
(2) The distilled spirits storage structure shall be limited to the storage of distilled spirits processed, produced, and manufactured on the property;
(3) The maximum size of the distilled spirits storage structure shall not exceed a footprint of 20,000 square feet, excluding stairwells and open docks;
(4) The construction type shall be limited to rack supported structure, and a pallet storage structure is prohibited;
(5) The structure may be non-sprinklered with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards;
(6) The structure shall not exceed 50 feet in height;
(7) The structure shall be set back a minimum of 200 feet from all property lines; and
(8) The building design, materials, and colors of the distilled spirits storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.

(f) All distillery facilities, except any approved distilled spirits storage structure, shall have an automatic fire sprinkler system;
(g) All distillery facilities, except any approved distilled spirits storage facilities, shall be served by public water and sanitary sewer;
(h) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection; and,
(i) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement
Height (maximum)	50 feet
Park Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 87,120 square feet 217,800 square feet 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
Individual Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 5,000 square feet 43,560 square feet
Lot Width (minimum)	50 feet
Open Space (minimum per lot)	20 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum) Not adjoining a residential use Adjoining a residential use	 15 feet 25 feet
Rear Yard Setback (minimum)	25 feet

F. Parking & Off-Street Loading 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.

Section 6.17: Light Industrial District (I-1)

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.

Micro-breweries and craft distilleries

Research and development facilities, corporate headquarters, regional headquarters, and administrative offices. These facilities may be part of a manufacturing use or stand-alone facilities and shall be located within a platted industrial park. These facilities shall not be located on individual properties located outside of a platted industrial park. If such facilities are not part of a manufacturing facility and are stand-alone, then the facility shall be located on minimum five (5) acre site.

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 building

C. Conditional Uses Permitted

(1) 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.

(2) Temporary and Transitional Uses. The purpose of this provision is to allow temporary and transitional use(s) of industrially zoned buildings, structures, and land while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs.

(a) Uses: The following temporary and transitional uses may be considered as conditional uses:

(i) Commercial service facilities providing services that are physically and sales oriented towards industrial district users and employees (all other users are only incidental customers), including, but not limited to, childcare and day care facilities, branch offices of banks, savings and loans, credit unions, and similar financial institutions, and restaurants, cafeterias, catering facilities, and similar facilities not serving beer, wine and/or alcohol by the drink and not including drive-through facilities;

(ii) Mini-warehousing and mini-storage facilities;

(iii) Churches, parish halls, and temples;

(iv) Training schools (vocational and industrial);

(v) Meeting rooms, reception halls, and exposition, conference centers, and tourist centers;

(vi) Airport, heliports, and aviation uses;

(vii) Indoor and outdoor athletic facilities; and,

(viii) Those uses that the Board of Adjustment determines are similar in type and intensity and that are compatible with and not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

(b) Minimum Standards: Temporary and transitional uses must meet the following minimum standards:

(i) The Conditional Use Permit shall be authorized for one particular use and occupant/tenant and shall not be transferrable to another use or occupant/tenant. The Conditional Use Permit shall expire if the use shall cease for more than 3 consecutive months.

(ii) The transitional or temporary use shall be conducted and/or operated on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures or permanent site alterations or changes. Any pavement or gravel added for a transitional or temporary use shall be removed upon termination of the use and the ground reseeded within 2 weeks of removal of pavement or gravel.

(iii) No transitional or temporary use shall be located on or adjoining a property or located within an existing building and/or structure that poses a dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards, noise or vibration, smoke, dust or other form of air pollution, liquid or solid refuse or wastes, or any other substance, condition or element used in such a manner or in such amount as to adversely affect the transitional or temporary use.

(iv) If located within an existing building and/or structure that houses existing industrial uses, evidence of fire protection (firewall, etc.) shall be provided.

(v) Hours of operation of the transitional or temporary use shall not conflict with other uses in the building with regard to noise, parking, and building safety.

(vi) Minimum and maximum off-street parking requirements must be satisfied for all uses within the building, and pedestrian and vehicular circulation patterns, including location of ingress and egress, parking lots and driveways, must be designed to safely accommodate non-industrial traffic and avoid conflicts with truck traffic.

(vii) If transitional or temporary uses are to be conducted outside and will be located within 500 feet of residential use or zoning, a lighting plan must be submitted to determine compliance with maximum lighting standards as set forth in the Commercial Establishments Design Standards Ordinance.

(viii) Any outdoor storage for a transitional or temporary use in I-1M or I-2 zoning district must be screened if adjoining residential use or zoning. No outdoor storage or sales/display areas are allowed in I-1 zoning district.

(ix) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental to, conflicting, with, or impair the integrity and character of the existing industrial zoning and uses.

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

(1) Industry not able to connect to public sanitary sewers: and proposes to use of an 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

Standard	Requirement
Height (maximum)	50 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 20,000 square feet 2 acres
Lot Width (minimum)	50 feet
Open Space (minimum per lot)	20 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum) Not adjoining a residential use Adjoining a residential use	 15 feet 25 feet
Rear Yard Setback (minimum)	25 feet

F. Parking & Off-Street Loading 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.

Section 6.18: Moderate Impact Industrial District (I-1M)

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.
Micro-breweries and craft distilleries
Research and development facilities, corporate headquarters, regional headquarters, and administrative offices. These facilities may be part of a manufacturing use or stand-alone facilities and shall be located within a platted industrial park. These facilities shall not be located on individual properties located outside of a platted industrial park. If such facilities are not part of a manufacturing facility and are stand-alone, then the facility shall be located on minimum five (5) acre site.
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 building

C. Conditional Uses Permitted

(1) 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.

(2) Temporary and Transitional Uses. The purpose of this provision is to allow temporary and transitional use(s) of industrially zoned buildings, structures, and land while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs.

(a) Uses: The following temporary and transitional uses may be considered as conditional uses:

(i) Commercial service facilities providing services that are physically and sales oriented towards industrial district users and employees (all other users are only incidental customers), including, but not limited to, childcare and day care facilities, branch offices of banks, savings and loans, credit unions, and similar financial institutions, and restaurants, cafeterias, catering facilities, and similar facilities not serving beer, wine and/or alcohol by the drink and not including drive-through facilities;
(ii) Mini-warehousing and mini-storage facilities;
(iii) Churches, parish halls, and temples;
(iv) Training schools (vocational and industrial);
(v) Meeting rooms, reception halls, and exposition, conference centers, and tourist centers;
(vi) Airport, heliports, and aviation uses;
(vii) Indoor and outdoor athletic facilities; and,
(viii) Those uses that the Board of Adjustment determines are similar in type and intensity and that are compatible with and not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

(b) Minimum Standards: Temporary and transitional uses must meet the following minimum standards:

(i) The Conditional Use Permit shall be authorized for one particular use and occupant/tenant and shall not be transferrable to another use or occupant/tenant. The Conditional Use Permit shall expire if the use shall cease for more than 3 consecutive months.

(ii) The transitional or temporary use shall be conducted and/or operated on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures or permanent site alterations or changes. Any pavement or gravel added for a transitional or temporary use shall be removed upon termination of the use and the ground reseeded within 2 weeks of removal of pavement or gravel.

(iii) No transitional or temporary use shall be located on or adjoining a property or located within an existing building and/or structure that poses a dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards, noise or vibration, smoke, dust or other form of air pollution, liquid or solid refuse or wastes, or any other substance, condition or element used in such a manner or in such amount as to adversely affect the transitional or temporary use.

(iv) If located within an existing building and/or structure that houses existing industrial uses, evidence of fire protection (firewall, etc.) shall be provided.

(v) Hours of operation of the transitional or temporary use shall not conflict with other uses in the building with regard to noise, parking, and building safety.

(vi) Minimum and maximum off-street parking requirements must be satisfied for all uses within the building, and pedestrian and vehicular circulation patterns, including location of ingress and egress, parking lots and driveways, must be designed to safely accommodate non-industrial traffic and avoid conflicts with truck traffic.

(vii) If transitional or temporary uses are to be conducted outside and will be located within 500 feet of residential use or zoning, a lighting plan must be submitted to determine compliance with maximum lighting standards as set forth in the Commercial Establishments Design Standards Ordinance.

(viii) Any outdoor storage for a transitional or temporary use in I-1M or I-2 zoning district must be screened if adjoining residential use or zoning. No outdoor storage or sales/display areas are allowed in I-1 zoning district.

(ix) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental to, conflicting, with, or impair the integrity and character of the existing industrial zoning and uses.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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.

(2) 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

Standard	Requirement	Standard	Requirement
Height (maximum)	50 feet	Front Yard Setback (minimum)	50 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 20,000 square feet 2 acres	Side Yard Setback (minimum) Not adjoining a residential use Adjoining a residential use	 25 feet 50 feet
Lot Width (minimum)	50 feet	Rear Yard Setback (minimum)	50 feet
Open Space (minimum per lot)	20 percent		

F. Parking & Off-Street Loading 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.

Section 6.19: Heavy Industrial District (I-2)

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 building

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.

(3) Temporary and Transitional Uses. The purpose of this provision is to allow temporary and transitional use(s) of industrially zoned buildings, structures, and land while preserving the community's supply of industrially zoned property until such time as market demand justifies use of such property in a manner that will significantly meet the community's economic development needs.

(a) Uses: The following temporary and transitional uses may be considered as conditional uses:

(i) Commercial service facilities providing services that are physically and sales oriented towards industrial district users and employees (all other users are only incidental customers), including, but not limited to, childcare and day care facilities, branch offices of banks, savings and loans, credit unions, and similar financial institutions, and restaurants, cafeterias, catering facilities, and similar facilities not serving beer, wine and/or alcohol by the drink and not including drive-through facilities;
(ii) Mini-warehousing and mini-storage facilities;
(iii) Churches, parish halls, and temples;
(iv) Training schools (vocational and industrial);
(v) Meeting rooms, reception halls, and exposition, conference centers, and tourist centers;
(vi) Airport, heliports, and aviation uses;
(vii) Indoor and outdoor athletic facilities; and,
(viii) Those uses that the Board of Adjustment determines are similar in type and intensity and that are compatible with and not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

(b) Minimum Standards: Temporary and transitional uses must meet the following minimum standards:

(i) The Conditional Use Permit shall be authorized for one particular use and occupant/tenant and shall not be transferrable to another use or occupant/tenant. The Conditional Use Permit shall expire if the use shall cease for more than 3 consecutive months.

(ii) The transitional or temporary use shall be conducted and/or operated on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures or permanent site alterations or changes. Any pavement or gravel added for a transitional or temporary use shall be removed upon termination of the use and the ground reseeded within 2 weeks of removal of pavement or gravel.

(iii) No transitional or temporary use shall be located on or adjoining a property or located within an existing building and/or structure that poses a dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards, noise or vibration, smoke, dust or other form of air pollution, liquid or solid refuse or wastes, or any other substance, condition or element used in such a manner or in such amount as to adversely affect the transitional or temporary use.

(iv) If located within an existing building and/or structure that houses existing industrial uses, evidence of fire protection (firewall, etc.) shall be provided.

(v) Hours of operation of the transitional or temporary use shall not conflict with other uses in the building with regard to noise, parking, and building safety.

(vi) Minimum and maximum off-street parking requirements must be satisfied for all uses within the building, and pedestrian and vehicular circulation patterns, including location of ingress and egress, parking lots and driveways, must be designed to safely accommodate non-industrial traffic and avoid conflicts with truck traffic.

(vii) If transitional or temporary uses are to be conducted outside and will be located within 500 feet of residential use or zoning, a lighting plan must be submitted to determine compliance with maximum lighting standards as set forth in the Commercial Establishments Design Standards Ordinance.

(viii) Any outdoor storage for a transitional or temporary use in I-1M or I-2 zoning district must be screened if adjoining residential use or zoning. No outdoor storage or sales/display areas are allowed in I-1 zoning district.

(ix) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental to, conflicting, with, or impair the integrity and character of the existing industrial zoning and uses.

D. Planned Unit Development Uses Permitted (approved as provided for in Section 8.2 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

Standard	Requirement	Standard	Requirement
Height (maximum)	50 feet	Front Yard Setback (minimum)	50 feet
Lot Area (minimum)		Side Yard Setback (minimum)	
Served by sanitary sewer	43,560 square feet	Not adjoining a residential use	25 feet
Not served by sanitary sewer	5 acres	Adjoining a residential use	100 feet
Lot Width (minimum)	50 feet	Rear Yard Setback (minimum)	50 feet
Open Space (minimum per lot)	20 percent		

F. Parking & Off-Street Loading 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.

Section 7.1: Mobile Home Park (MHP)

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 its 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

(1) 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 8.2 of these Regulations)

(1) 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

Standard	Requirement
Height (maximum)	50 feet
Park Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 43,560 square feet Not allowed
Park Lot Width (minimum)	100 feet
Park Open Space (minimum)	30 percent
Individual Lot/Space Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 5,000 square feet Not allowed
Individual Lot/Space Width (minimum)	50 feet Note: May be served by park roadway
Individual Lot Depth (minimum)	125 feet
Front Yard Setback (minimum)	25 feet
Side Yard Setback (minimum) From line of individual lot/space to home, including deck From line of individual lot/space to accessory building	 10 feet 5 feet
Rear Yard Setback (minimum)	20 feet

F. Parking & Off-Street Loading 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.

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

Section 7.2: Manufactured Home Subdivision (MHS)

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

B. Accessory Uses Permitted

Home Occupations.
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

(4) 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.

(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) 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.

(7) Bed and Breakfast Establishments or Short-Term Rentals

(a) Bed and Breakfast Establishments or Short-Term Rentals *(only in effect in Cities of Bloomfield, Fairfield, New Haven, and unincorporated Nelson County).* Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

(1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
(2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
(3) The BOA may limit the number of rooms and maximum occupancy.
(4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
(5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

(6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.

(7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.

(8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.

(10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.

(11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

(aa) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.

(bb) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use.

(cc) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.

(b) Bed & Breakfast Establishments or Short-Term Rentals *(only in effect in City of Bardstown)*. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in KRS 100.237, Section 4.3(C) of these Regulations and in Sections (1) and 2 below.

(1) Permitted Types: Bed and breakfasts and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

(aa) Bed and Breakfast and Short-Term Rental Type 1

(i) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

(ii) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(bb) Bed and Breakfast and Short-Term Rental Type 2

(i) A Type 2 rental shall be non-owner occupied unit located within an approved and permitted detached accessory dwelling unit;

(ii) A Type 2 rental shall be located on the property where the Applicant/Owner resides in the principal dwelling unit as their permanent and primary residence; and,

(iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

(2) General Requirements: The following requirements shall apply to all types of bed and breakfasts and short-term rentals as set forth in Section (1) above.

(aa) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located within two-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-wide manufactured homes, or recreational vehicles. The dwelling unit shall maintain its exterior appearance as a single-family residential structure.

(bb) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.

(cc) Minimum Bedroom Standards: Each bedroom rented must have at least seventy (70) square feet of floor space, and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(dd) Maximum Occupancy: The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms to be rented for the bed and breakfast or short-term rental. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.

(ee) Responsible Party/Contact: The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfasts and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Said responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to emergencies and complaints. The Applicant/Owner shall conspicuously post the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.

(ff) Off-Street Parking: All parking associated with the bed and breakfast or short-term rental shall be entirely on-site, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of this Ordinance.

(8) 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 8.2 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.

E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum) Served by sanitary sewer Not served by sanitary sewer	 10,000 square feet 30,000 square feet
Lot Area (maximum)	3 acres
Lot Width (minimum)	100 feet
Open Space (minimum)	30 percent
Front Yard Setback (minimum)	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.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	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.

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 & 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 its 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 8.2(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 8.2 (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

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.

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.

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.

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. R-1A PUD lots served by public sewer may be reduced to minimum 8,000 square feet in area, and R-1B PUD lots served by public sewer may be reduced to minimum 7,000 square foot in area.

(4) Minimum Lot Width at Building Line: 100 feet. R-1A PUD lots served by public sewer may be reduced to minimum lot width at the building line of 80 feet, and R-1B PUD lots served by public sewer may be reduced to minimum lot width of 70 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
Rear: If not served by public sewer, 25 feet; if served by public sewer, 20 feet.
Side: 20-foot separation between principal buildings, unless otherwise allowed below. Side setbacks may be established at 5 and 15 feet but only if the setbacks are uniform and shown on the recorded plat.

- If not served by public sewer: 10 feet on each side or 5 and 15 feet
- If served by public sewer: 8 feet on each side or 5 and 15 feet

(6) Maximum Impervious Coverage: 25 percent limit on each lot.

(7) Maximum Height Regulations: 35 feet

B. <u>Dimensional Standards for Option 2</u>: (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:

<u>Front</u>: 25 feet minimum
<u>Rear</u>: 40 feet minimum
<u>Side</u>: 25 foot separation for principal buildings, with no side yard less than 5 feet as platted

(6) Maximum Impervious Coverage: 30 percent limit on each lot.

(7) 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

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.

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. <u>Greenway Design Standards</u>

(1) Greenway lands shall be laid our 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) <u>Buffers for Adjacent Public Parkland</u>: 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. <u>Other Requirements</u>

(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.

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.

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 theAssociation 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.

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. <u>Ownership Options</u>

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) <u>Fee Simple Dedication to the County</u>. 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.
(g) 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

9.1 Application Of Zoning District Regulations

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

A. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Zoning Regulation.

B. No building or other structure shall hereafter be erected or altered:

(1) to exceed the height, bulk or floor area ratio;
(2) to accommodate or house a greater number of families;
(3) to occupy a greater percentage of lot area; or
(4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Zoning Regulation, except as provided in Article 4, Board of Adjustment.

C. No part of a yard, open space, off-street parking, loading space or other special use area required for or in connection with any building or land for the purpose of complying with this Zoning Regulation, shall be included as part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Regulation.

D. No yard or lot existing at the time of adoption of this Zoning Regulation shall be reduced in dimension or area below the minimum requirements set forth herein except as authorized by the Board of Adjustment within their authority. No yard or lot that, at the time of the adoption of these regulations, had a dimension or area less than that required by these regulations shall be further reduced in yard dimension or area, except as authorized by the appropriate Board of Adjustment acting within its authority. Yards or lots created after the adoption of this Zoning Regulation shall meet at least the minimum requirements established by this Zoning Regulation.

E. Only those uses specifically permitted or substantially similar to permitted uses, as determined by the Administrative Official, are permitted in each zone or district.

F. No structure shall be erected on any lot or tract of land which does not adjoin and have direct access to a street or other public right-of-way, not including alleys, for at least twenty (20) feet unless otherwise specifically permitted in this Zoning Regulation or unless said lot existed prior to adoption to these regulations.

G. Prohibited Uses: All uses not specifically listed as permitted or allowed in a particular zoning district or determined by the Administrative Official to be substantially similar to those listed as permitted, shall be prohibited in that zone.

9.2 Standards For Manufactured Home Installation

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

9.3 Conversion Of Dwellings

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Regulation and only when the resulting occupancy will comply with the requirements governing new construction in such zone with

respect to minimum lot size, floor area, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject to such further requirements as may be specified as applying to such zone.

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

A. Agricultural Structures.

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

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

B. Accessory Structures.

(1) Height. Accessory structures shall not exceed the height of the principal structure and shall be subordinate in scale to the principal structure. In cases where the accessory structure is installed or constructed prior to the principal structure, the accessory structure shall be subordinate and shall comply with maximum height provision for the specific zoning district in which the accessory structure is located. Commercial or industrial accessory buildings must meet the height requirements for principal use structures.

(2) Setbacks. Accessory structures shall not be located within any required front yard setback. The minimum rear and side yard setbacks shall be five (5) feet. If an accessory structure is located along a platted alley, the minimum rear and side yard setback along a platted alley shall be six (6) feet. However an accessory building may be constructed up to a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned and applicable utility interests where easements apply, such consent to be evidenced in writing, signed and sworn to before a Notary Public and filed in the office of the administrative official of the Planning Commission. Commercial or industrial accessory buildings must meet the height and setback requirements for principal use structures.

(3) Separation. A detached accessory structure must be separated from the principal structure by six (6) feet, as measured between the eaves of both structures. If the accessory structure is less than six (6) feet from the principal structure or if it is erected as part of or attached to the principal structure or connected thereto by a breezeway or other similar structure, then the accessory structure must comply with all yard setback requirements for a principal structure in the applicable zoning district.

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

9.5 Obstructions To Vision At Street Intersections

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

9.6 Mobile Home As Temporary Residence

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

9.7 Temporary Storage Of Mobile Homes/Storage Of Recreational Vehicles

A. A mobile home may be stored on property for a six (6) month period with the approval of the Administrative Official providing that it meets setback requirements for principal use structures on the property. Only one (1) mobile home may be so stored during any 24 month period. A stored mobile home is one that is not hooked to any utility or used as a dwelling unit. If a principal use structure is located on the property, the mobile home must be stored behind that structure.

B. Travel trailers, boats and other recreational vehicles must be stored beside or to the rear of the principal use structure or inside an otherwise allowed structure. These vehicles may not be permanently hooked to utilities or used as dwelling units.

9.8 Special Yard Provisions

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

A. Front Yards: (Note - Corner or double frontage lots, being lots located at the intersection of two roadways or streets, have frontage and front yard setbacks along both. The property lines opposite of each of the front yards, in the case of a corner or double frontage lot, are subject to side yard setbacks).

(1) Exception for Existing Alignment: In residential zones, a primary use structure may be placed so as to have a setback equal to the average setback depth of the primary use structures located within 200 feet to either side, sharing the same block face, on the same side of the street. The minimum front yard setback must be at least 10 feet even if the average setback calculated is less.
(2) Yard on Street Side on Lot Adjoining or Facing a Residential Zone: On a lot in any non-residential zone sharing the same block front with a lot in any Residential Zone the minimum front yard required shall equal in depth the front yard required for that Residential Zone. If the setback required by the nonresidential zone is greater than that required by the application of this exception then the greater setback applies.
(3) Front Yards on Through Lots: In any zone where a lot runs through a block from street to street, a front yard as otherwise required shall be provided along each street lot line. The setback required from the remaining property lines shall be that required for side yards.
(4) Front Yards May be Varied: Front yards may be varied where the front wall of a building is not parallel with the front property line due to an irregular lot line or irregular building wall. A structure in such circumstances may encroach as much as five (5) feet into the required front yard setback provided however, that the average setback still meets the required front yard setback.

B. Side Yards: (Note - Corner or double frontage lots, being lots located at the intersection of two roadways or streets, have frontage and front yard setbacks along both. The property lines opposite of each of the front yards, in the case of a corner or double frontage lot, are subject to side yard setback.

(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.
(1) 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.
(2) 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 (½) 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 (½) the otherwise required least depth at any point, or less than twenty (20) feet in any case.

D. Accessibility Improvement Exceptions: Accessibility improvements may extend or project within ten (10) feet of front and rear property lines and within five (5) feet of side property lines. The accessibility improvement shall be permitted only for the access of a disabled resident of the dwelling and shall be removed if the dwelling is no longer occupied by a disabled resident. Accessibility improvements shall not be considered impervious area in the calculation of minimum open space. A variance shall not be required for accessibility improvements meeting these standards; however, the property owner shall be required to obtain a Zoning Compliance Permit to ensure compliance with these standards.

9.9 Junkyards/Salvage Yards

Junkyards or salvage yards are designated as permitted conditional uses only in I-2 (Heavy Industrial) districts. Consequently, any junkyards that have existed since November, l974, in any other zoning districts are considered non-conforming uses and shall conform with Article l0.2 of these Zoning Regulations prescribing regulations for non-conforming uses. Any junkyard that has begun after November, l974, 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

A. Uses Not Listed: These regulations do not attempt to provide an exhaustive list of all potential land uses allowed. Instead, performance characteristics for use ranges are provided, sometimes by example. The Administrative Official shall interpret, on a case by case basis, in which particular zoning districts specific uses or groups of uses are allowed. Such interpretations are to be maintained at the Planning Commission's office, in a place readily accessible to the public.

B. Height Exceptions: Height regulations apply to structures occupied regularly by persons or their activities. They do not apply to other structures or portions of buildings such as radio towers, church or ornamental spires, cupolas, domes, belfries, observation, hose, cooling, or water towers, silos, windmills, chimneys, smokestacks, derricks, conveyors, barns or other agricultural structures, grain elevators, or other manufacturing structures requiring greater height, and flag poles which are not occupied regularly by persons except for maintenance unless otherwise stipulated in the Zoning Regulations. No such structure, however, shall exceed 75 feet without approval of the Board of Adjustments. The Board of Adjustments shall interpret whether or not height regulations apply upon application by the administrative officer in doubtful cases. Federal Aviation Agency and Kentucky Airport Zoning Commission height regulations in the vicinity of the airport shall take precedence over all other height regulations.

9.11 Site Plan And Screening Requirements

A. Site Plan

The Planning Commission, through the Administrative Official, may require the submission of a site plan for the proposed development. The Administrative Official, on behalf of the Planning Commission, may require that the site plan show any substantive requirements of the particular zone as well as any other relevant information including but not limited to: screening/buffering; storm water drainage facilities; provisions for utility service; landscaping; signage; lighting; parking; vehicular access points; pedestrian facilities and amenities; and any other relevant information

including potential requirements or conditions imposed by the Planning Commission in similar requests. The Planning Commission shall adopt standards by which such information and/or proposals are reviewed.

B. Screening

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

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.

C. General Provisions:

(1) 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.

(2) 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.

(3) 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 inquiries."

(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.

(e) 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;

(f) 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.

(g) 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.

(h) A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.

(i) 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.

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.

D. 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.

E. 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.

F. Conflicts.

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

9.13 Outdoor Sales, Displays, & Storage

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

A. Outdoor Sales and Display. Outdoor sales and display shall be permitted only in the B-1, B-2, B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts, unless otherwise set forth in these Regulations, when the following requirements of this Section are met:

(1) Outdoor sales and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially used or zoned property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.

(2) When outdoor sales and display occurs within twenty-five (25) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height and shall be completely screened from view from the public right-of-way.

(3) Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see Figure 9.13A(1)(c), below).

(4) Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from these Regulations.

(5) Outdoor sales and display of items shall be located on a “hard and durable” surface.

(6) Any area proposed to be used for outdoor sales and display in accordance with this Section shall be accurately delineated on applicable site or development plans.

(7) No outdoor sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.

(8) Outdoor sales and display items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.

(9) Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.

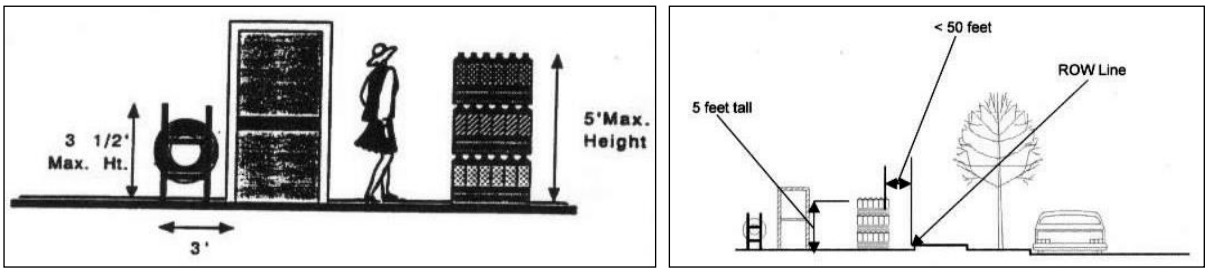
(10) No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Section 9.5 of this Section or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

(11) One additional parking space shall be required for each 500 square feet of outdoor sales and display area, unless more specific parking requirements are provided in Article 11 of these Regulations.

(12) Any outdoor display or sale item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

(13) In the City of Bardstown, outdoor sales and display shall only be accessory to a principal non-residential use that conducts most of its activities within a completely enclosed building or group of buildings, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement. Any outdoor sales and display prohibited by these Regulations may be allowed by special permit issued by the Mayor of the City of Bardstown or his/her designated representative.

Figure 9.13A(1)(c)



B. <u>Outdoor Storage</u>**.** Accessory and regular outdoor storage, as defined in Article 5 of these Regulations, shall be permitted in the B-1, B-2, B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts, unless otherwise set forth in these Regulations. In the City of Bardstown, regular outdoor storage shall only be permitted with the issuance of a conditional use permit. All outdoor storage shall comply with the following requirements:

(1) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured

enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

(2) Outdoor storage shall not occur within 25 feet of any public right-of-way.
(3) Outdoor storage shall be screened from view from any abutting property.
(4) Outdoor storage of new or used tires shall meet the following standards:

(a) Tires shall be stored in compliance with applicable public health regulations.
(b) Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a conditional use permit has been granted.
(c) Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.

(5) All items stored outside shall be placed on a “hard and durable” surface.
(6) Outdoor storage may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.
(7) No outdoor storage shall be located in the sight distance triangle as defined in Section 9.5 of this Section or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.
(8) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

C. Exemptions. The following uses are exempt from the requirements set forth in Section A and B of this Part:

(1) Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, building and landscape materials, and lumberyards.
(2) Sale, display, or storage areas for automobile, boat and similar passenger and recreational vehicles, farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these Regulations and all other applicable laws, rules, and regulations.
(3) Retail operations that occur under a permanent canopy structure attached to the principal structure on the lot.

D. Violations. Uses conducting outdoor sales, display, and storage in a manner not permitted by this Section may be cited in accordance with Article 14 of these Regulations. If a use is cited for non-compliance and said use desires to continue outdoor sales and display activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.

E. Conflicts with Other Regulations or Standards. When the requirements of this Section differ from other provisions of the Zoning and Subdivision Regulations or other local ordinances, rules, and regulations, the more stringent standard(s) shall apply.

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.

11.1 Purpose.

The purpose of this Article is to provide off-street parking, queuing, and loading facilities in proportion to the need created by each land use. These Regulations further provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner and to minimize adverse impacts on adjacent land uses.

11.2 Relationship to the Comprehensive Plan.

The parking and loading standards are intended to implement the Comprehensive Plan goals, objectives, and elements.

11.3 Applicability.

These Requirements shall apply to all parking and loading areas in all zoning districts, whether required by these Zoning Regulations or created for the convenience of property owners or users. No zoning compliance permit or building permits shall be issued unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with these standards. These standards shall not apply to agricultural operations as defined in Article 5 of these Zoning Regulations.

11.4 Calculation of Parking Requirements/Allowances.

A. Minimum (Required) and Maximum (Allowed) Parking Spaces. The minimum and maximum number of parking spaces required and allowed is based upon the specific land use. To determine the minimum number of parking spaces required and the maximum allowed, locate the applicable land use and apply the requirements associated with the specific use.

B. Parking Requirements for Additions to Existing Structures/Uses. The following standards shall apply when an addition or expansion to an existing use or structure increases the unit(s) of measurement (e.g., number of dwelling units, gross or leasable floor area, seating capacity, building or portion of building maximum occupancy/capacity, or number of employees) used for computing the required parking facilities for that use.

1. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by fifty (50) percent or less, then only the addition shall be required to meet the standards of this Part. The existing building or use is not required to come into compliance with the standards of this Part.
2. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area by more than fifty (50) percent, then both the existing building or use and the addition shall be required to meet the standards of this Article. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Part.
3. When a lawful building or use not meeting the requirements for motor vehicle parking is increased in gross floor area to the extent that three or less parking spaces are required as a result of the addition, no additional parking spaces shall be required. This exception shall be cumulative and in no case shall its use allow a single or group of successive increases that occur after the effective date of this Part to exceed the three parking space threshold.

C. Parking Requirements for a Change of Use. When a change of use occurs, the minimum number of parking spaces required by this Part for the new use shall be provided. These parking spaces must meet the dimensional requirements depicted in Section 11.11 of this Part. In those cases that the existing number of parking spaces on the site exceeds the maximum permitted by this Part for the new use, the new use may continue utilizing those parking spaces, but may not add new parking spaces without a Parking Waiver.

D. Parking Requirements for Uses not Listed. Parking requirements for a use not specifically listed in Table 11.4.1 shall be determined by the Planning Commission Director based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

E. Different Use Areas.

1. The number of parking spaces shall be computed based on the primary uses on the site except as stated in 11.4(E)(2) of this Section below. Where there are two or more separate primary uses on a site, the required or allowed parking for the site shall be the sum of the required or allowed parking for the individual primary uses. For joint use parking provisions, see Section 11.7 of this Part.
2. When more than twenty (20) percent of the gross floor area of all buildings on a site is in an accessory use, the required or allowed parking shall be calculated separately for the accessory use, with the exception that an accessory use constituting twenty (20) percent or less of the gross floor area of all buildings on a site shall be calculated independently when the accessory use is specified in the parking requirements for the primary use found in Table 11.4.1.

   Example*: In a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area, the required or allowed parking would be computed separately for the office and warehouse uses.*

F. Calculations.

1. When the calculation of the number of required or allowed parking spaces result in fractions, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall be rounded up to the next whole number.
2. If the maximum number of parking spaces allowed is less than one, then the maximum number is automatically increased to one.
3. If the maximum number of parking spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.

Table 11.4.1 Minimum and Maximum Motor Vehicle Parking Based on Use.

Use	Minimum Required	Maximum Allowed
Residential Uses		
Single-family dwellings		
▪ Located on lot less than 5,000 square feet in size	1 space for each dwelling unit (driveways, carports and garages may be used to fulfill this requirement)	▪ No more than 3 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least 3 sides enclosed (see Section 11.13).
▪ Located on lot between 5,001 and 30,000 square feet in size	2 spaces for each dwelling unit (driveways, carports and garages may be used to fulfill this requirement)	▪ No more than 4 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least 3 sides enclosed (see Section 11.13).
▪ Located on lot greater than 30,000 square feet in size	2 spaces for each dwelling unit (driveways, carports and garages may be used to fulfill this requirement)	▪ No more than 5 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least three (3) sides enclosed (see Section 9.1.15).

Use	Minimum Required	Maximum Allowed
Residential Uses (continued)		
Duplexes or twinhomes	1 space for each dwelling unit (driveways, carports and garages may be used to fulfill this requirement)	No more than 3 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least 3 sides enclosed (see Section 9.1.15).
Multi-family dwellings (3+ units)	1 ½ space for each dwelling unit	2 ½ spaces for each dwelling unit
Senior citizen or retirement facilities	½ space for each bed or dwelling unit, plus 1 space for each 2 employees on maximum shift	1 ½ space for each bed or dwelling unit, plus 1 space for each employees on maximum shift
Dwellings for persons with disabilities that preclude driving	¼ space for each dwelling unit to be occupied by person with disability, plus 1 ½ pace for each dwelling unit to be occupied by support staff	¾ space for each dwelling unit to be occupied by person with disability, plus 2 spaces for each dwelling unit to be occupied by support staff
Assisted living facilities	½ space for each dwelling unit, plus 1 space for each employee on maximum shift	1 ½ space for each bed or dwelling unit, plus 1 space for each employees on maximum shift
Rooming, boarding, and lodging houses and bed and breakfast	¾ space for each bedroom rented, plus 2 for principal dwelling	1 ½ space for each bedroom rented, plus 2 for principal dwelling
Accessory residential uses (e.g., swimming pools, club houses, tennis courts, etc.)	*As determined by the Planning Commission Director*	*As determined by the Planning Commission Director*
Office Uses		
General professional office	1 space for each 350 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Medical, dental, veterinary office or clinic	1 space for each 250 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Telemarketing facility, call centers, and similar uses	1 space for each 250 square feet of gross floor area	1 space for each 125 square feet of gross floor area
Banks and related financial institutions		
▪ Drive-through and/or walk-in facility	1 space for each 300 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 200 square feet of gross floor area (see Section 11.12 for queue space requirements)
▪ Drive-through only	1 space for each 2 employees on maximum shift, plus 2 additional spaces (see Section 11.12 for queue space requirements)	1 space for each employee on maximum shift, plus 2 additional spaces (see Section 11.12 for queue space requirements)
Artist, designer, photographer, and similar professional studios	1 space for each practitioner occupying the site on a full time basis, plus 1 space for every 3 students if classes are conducted on site	3 space for each practitioner occupying the site on a full time basis, plus 1 space for every students if classes are conducted on site
Audio and video recording studios	2 spaces plus 1 space for each employee on maximum shift	5 spaces plus 1 space for each employee on maximum shift

Industrial and Manufacturing Uses		
Industrial, manufacturing, warehouse, and storage uses	1 space for each 1.5 employees based on combined employment county of the main shift plus the second shift	1 space for each 1.5 employees based on combined employment county of the main shift plus the second shift
Retail Uses		
Motor vehicle sales	1 space for each 7,000 square feet of outdoor display and sales area, plus 1 space for each 250 square feet of interior display and sales area, plus parking requirements for auto service uses (if applicable)	1 space for each 5,000 square feet of outdoor display and sales area, plus 1 space for each 150 square feet of interior display and sales area, plus parking requirements for auto service uses (if applicable)
Manufactured and modular home sales	2 spaces for each employee on maximum shift, plus requirements for offices	3 spaces for each employee on maximum shift, plus requirements for offices
Grocery stores	1 space for each 250 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Pharmacies and drug stores, drive-through and walk-in facility	1 space for each 300 square feet of gross floor area used by pharmacist and related waiting areas, plus 1 space for each 250 square feet of gross floor area of retail space (see Section 11.12 for queue space requirements)	1 space for each 200 square feet of gross floor area used by pharmacist and related waiting areas, plus 1 space for each 150 square feet of gross floor area of retail space (see Section 11.12 for queue space requirements)
Convenience stores and gas stations	1 space for each 200 square feet of gross floor area (parking spaces at gasoline pumps may be used to satisfy these requirements)	1 space for each 100 square feet of gross floor area (parking spaces at gasoline pumps may be used to satisfy these requirements)
Book, art, gift, pet, music, and flower shops and other similar uses with gross floor area less than 5,000 square feet (if greater than 5,000 square feet, parking requirements for department and discount stores shall apply)	1 space for each 250 square feet of gross floor area	1 space for each 150 square feet of gross floor are
Furniture stores	1 space for each 400 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Pawn shops	1 space for each 300 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Hardware and home improvement stores	1 space for each 300 square feet of gross floor area, plus the requirements for any outdoor display and sales areas	1 space for each 200 square feet of gross floor area, plus the requirements for any outdoor display and sales areas
Outdoor display and sales	1 space per 500 square feet of outdoor display and sales area	1 space per 300 square feet of outdoor display and sales area
Greenhouses and nurseries	1 space for each 300 square feet of gross floor area, plus the requirements for outdoor display and sales area	1 space for each 150 square feet of gross floor area, plus the requirements for outdoor display and sales area
Department and discount stores, including but not limited to clothing, auto parts, furnishings, appliances, etc.	1 space for each 300 square feet of gross floor area, plus the requirements for any outdoor display and sales area	1 space for each 200 square feet of gross floor area, plus the requirements for any outdoor display and sales area

Use	Minimum Required	Maximum Allowed
Retail Uses (continued)		
Shopping and retail centers, malls, and other primarily commercial developments that include one or more retail uses in one or more buildings, located on one or more lots designed and laid out to function as an interrelated development, as evidenced by both shared driveways and common parking areas. [Any use or group of uses located within a shopping or retail center as defined herein shall have the option of satisfying the parking requirements for the individual uses within the shopping or retail center, except that the minimum parking requirements for restaurants and movie theaters shall be calculated independently.]	4 spaces for each 1,000 square feet of gross leasable area	5 spaces for each 1,000 square feet of gross leasable area
Non-Retail Commercial & Recreational Uses		
Restaurants ▪ Sit-down dining, with or without drive-through facility ❖ Outside dining area subject to same indoor dining requirement ▪ Carry-out, with or without a drive-through	1 space for each 125 square feet of gross floor area (see Section 11.12 for queue space requirements) 1 space for each 200 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 50 square feet of gross floor area (see Section 11.12 for queue space requirements) 1 space for each 125 square feet of gross floor area (see Section 11.12 for queue space requirements)
Ice cream parlors and coffee shops ❖ Outside dining area subject to same indoor dining requirement	1 space for each 200 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 100 square feet of gross floor area (see Section 11.12 for queue space requirements)
Nightclubs, taverns, dance halls, pool halls, and similar uses	1 space for each 100 square feet of gross floor area	1 space for each 100 square feet of gross floor area
Movie theaters and cinemas (indoors)	1 space for each 4 seats at maximum occupancy	1 space for each 3 seats at maximum occupancy
Drive-in movie theaters	1 space for each vehicle at maximum capacity, plus 3 spaces	1 space for each vehicle at maximum capacity, plus 10 spaces
Video rental stores	1 space for each 250 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Roller or ice skating rink	1 space for each 300 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Bowling alleys	4 spaces for each alley or lane	6 spaces for each alley or lane
Tennis centers	1 space for each 2 employees on maximum shift, plus 4 spaces for each court	1 space for each employees on maximum shift, plus 6 spaces for each court

Use	Minimum Required	Maximum Allowed
Non-Retail Commercial & Recreational Uses (continued)		
Public swimming pools	1 space for each 100 square feet of water surface area, plus 1 space for 50 square feet of site area used for spectator seating	1 space for each 60 square feet of water surface area, plus 1 space for 30 square feet of site area used for spectator seating
Indoor athletic and exercise facilities, health club, gymnastics, karate and yoga studios, and similar facilities	1 space for each 300 square feet of gross floor area	1 space for each 100 square feet of gross floor area
Stadiums, arenas, tracks, athletic fields, and similar facilities	1 space for each 4 seats or 4 people accommodated at maximum capacity	1 space for each 2.5 seats or 2.5 people accommodated at maximum capacity
Golf courses	2 spaces for each hole, plus 1 space for each 2 employees on maximum shift	2 spaces for each hole, plus 1 space for each 2 employees on maximum shift
Golf driving ranges and miniature golf courses	1 space for each 1.5 tees, plus 1 space for each 1.5 employees on maximum shift	1 space for each tees, plus 1 space for each employees on maximum shift
Skateboard parks, water slides, and similar uses	1 space for each 5 people the facility is designed to accommodate at maximum capacity	1 space for each 2 people the facility is designed to accommodate at maximum capacity
Horseback riding stables and arena (commercial)	1 space for each horse boarded at the facility	3 spaces for each horse boarded at the facility
Auto rental agency	1 space for each 400 square feet of gross floor area in the building, plus 1 space for each 2 employees on maximum shift, with a minimum of 5 spaces	1 space for each 200 square feet of gross floor area in the building, plus 1 space for each employee on maximum shift
Auto service establishment	1 space for each employee on maximum shift, plus 2 spaces for each service bay (service bay may count as 1 of the required space)	1 space for each employee on maximum shift, plus 5 spaces for each service bay (service bay may count as 1 of the required space)
Car wash		
• Conveyor type operated by customer	1 space for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue spaces) (see Section 11.12 for queue space requirements)	2 spaces for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue spaces) (see Section 11.12 for queue space requirements)
• Conveyor type operated by employees	1 space for each 2 employees on maximum shift (see Section 11.12 for queue space requirements)	1 space for each employee on maximum shift (see Section 11.12 for queue space requirements)
• Self-service manual type	2 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue spaces) (see Section 11.12 for queue space requirements)	3 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue spaces) (see Section 11.12 for queue space requirements)
Barber and beauty shops	1 space for each 250 square feet of gross floor area	1 space for each 250 square feet of gross floor area
Electronic and electrical repair service shop	1 space for each 300 square feet of gross floor area, with a minimum of 3 spaces	1 space for each 200 square feet of gross floor area

Use	Minimum Required	Maximum Allowed
Non-Retail Commercial & Recreational Uses (continued)		
Picture framing, photo copying, tailor shops, and similar service shops	1 space for each 250 square feet of gross floor area, with a minimum of 3 spaces	1 space for each 150 square feet of gross floor area
Pet grooming and kennels	3 spaces, plus 1 for each 2 employees on maximum shift plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site	5 spaces, plus 1 for each employee on maximum shift plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site
Laundromats and dry cleaners, with and without drive-through facility	1 space for each 250 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 150 square feet of gross floor area (see Section 11.12 for queue space requirements)
Catering kitchens for preparation of food for off-site consumption	2 spaces, plus 1 space for each 1.5 employees on maximum shift, plus 1 space for each business vehicle	2 spaces, plus 1 space for each 1.5 employees on maximum shift, plus 1 space for each business vehicle
Hotels and motels	1 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 250 square feet of gross floor area within the restaurant, bar, and entertainment facilities (if applicable)	1.5 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 100 square feet of gross floor area within the restaurant, bar, and entertainment facilities (if applicable)
Churches, synagogues, and similar religious uses	When calculating the required parking for this use, consider all uses associated with the primary use on the site and their hours of operation and peak hours of usage to determine the minimum number of parking spaces needed to adequately serve all uses associated with the primary use. The Planning Commission Director may waive the requirements of Section 11.4(E) of this Part if adequate information is provided by the applicant to determine the cumulative parking needs on the site.	
• Where permanent seats installed	1 space for each 3 seats in the sanctuary or primary assembly areas	125 percent of the minimum number of spaces required
• Where no permanent seats installed	1 space for each 50 square feet of seating area in the sanctuary or primary assembly areas	125 percent of the minimum number of spaces required
Trade, business, and other proprietary schools	1 space for each 4 classroom seats, plus 1 space for each 3 employees on maximum shift	1 space for each 2 classroom seats, plus 1 space for each employee on maximum shift
Colleges and universities	*As determined by the Planning Commission Director*	*As determined by the Planning Commission Director*
Primary, grade, elementary, intermediate, middle, and junior high schools	2 spaces for each classroom, or 1 space for each 5 seats in the primary assembly area, whichever is greater OR *as determined upon review by the Planning Commission Director*	3 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater OR *as determined upon review by the Planning Commission Director*

Use	Minimum Required	Maximum Allowed
Non-Retail Commercial & Recreational Uses (continued)		
High schools	5 spaces for each classroom, or 1 space for each 4 seats in the primary assembly area, whichever is greater OR *as determined upon review by the Planning Commission Director*	10 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater OR *as determined upon review by the Planning Commission Director*
Day care centers, day nurseries, nursery schools, and similar uses	2 spaces for each employee on maximum shift or 1 space for each employee on maximum shift plus an area designated for children drop-off and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities	4 spaces for each employee on maximum shift or 2 spaces for each employee on maximum shift plus an area designated for children drop-off and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities
Funeral homes and mortuaries	1 space for each 150 square feet of gross floor area in parlors or assembly areas	1 space for each 75 square feet of gross floor area in parlors or assembly areas
Fire stations • With full-time paid staff	1 space for each 2 employees on the maximum shift, plus 3 additional spaces	1 space for each employee on the maximum shift, plus 3 additional spaces
• With voluntary staff	4 spaces for each piece of apparatus OR *as determined upon review by the Planning Commission Director*	6 spaces for each piece of apparatus OR *as determined upon review by the Planning Commission Director*
Hospitals	1 space for each 2 beds, plus 1 space for each 2 employees on maximum shift	1 space for each bed, plus 1 space for each employee on maximum shift
Asylums, institutions, and homes for convalescents, orphans, or indigents	1 space for each 6 beds	1 space for each 2 beds
Social and fraternal clubs or lodges, union halls, and similar uses	Individual recreational components should be counted separately.	
	1 space for each 150 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Libraries, museums, art galleries, and similar uses	1 space for each 300 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Post offices	1 space for each 300 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Airports	*As determined upon review by the Planning Commission Director*	*As determined upon review by the Planning Commission Director*
Bus and train stations	*As determined upon review by the Planning Commission Director*	*As determined upon review by the Planning Commission Director*
Penal and correctional facilities	*As determined upon review by the Planning Commission Director*	*As determined upon review by the Planning Commission Director*

Use	Minimum Required	Maximum Allowed
Other / Miscellaneous Uses		
Mining and quarrying operations	1.5 spaces for each 2 employees on maximum shift	1 space for each employees on maximum shift
Sanitary landfill	*As determined upon review by the Planning Commission Director*	*As determined upon review by the Planning Commission Director*

11.5 <u>Location of Parking on Lot</u>. Off-street parking for single-family residential uses and duplexes is permitted in the required front or street side yard only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

11.6 <u>Off-Site Parking</u>.

A. Parking spaces required by this Part may be located off-site on property under the same ownership as the use the parking spaces are intended to serve as long as the following conditions are satisfied:

1. Parking spaces intended to serve customers and clientele must be located within 500 feet;
2. Parking spaces intended to serve employees and staff within 1,000 feet of the buildings or uses requiring the parking;
3. The 500 and 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve; and,
4. The site must be properly zoned and have all proper approvals for motor vehicle parking areas.

B. Parking spaces required by this Part may be located on property under separate ownership from the use the parking is intended to serve as long as the following conditions are satisfied.

1. The applicant(s) demonstrates that one or more uses located offsite exceed the minimum number of parking spaces required by this Part and are willing to allocate a certain number of the excess spaces to another use to meet its minimum number of required spaces;
2. The site is properly zoned and has all proper approvals for automobile parking areas;
3. Off-site parking spaces intended to serve customers and clientele must be located within 500 feet;
4. Off-site parking spaces intended to serve employees and staff within 1,000 feet of the buildings or uses requiring the parking;
5. The 500 and 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve;
6. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site use and shall be recorded in the County Clerk's Office. No lease, easement or license of parking spaces may be cancelled without sixty (60) days prior written notice to the Planning Commission Director and a copy of the signed lease, easement, license or agreement must be filed with the application. The applicants and their successors shall annually provide certification to the Planning Commission Director that the parking spaces associated with the off-site parking agreement are still available. The applicant shall provide the Planning Commission Director with immediate written notice at any time that any of the parking spaces associated with the off-site parking agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the off-site parking agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use's Certificate of

Occupancy shall be conditioned upon the continued availability of the required number of parking spaces.

11.7 <u>Joint Use Parking</u>. The Planning Commission Director may authorize the joint use of required parking spaces when two or more uses on the same or separate properties are able to share the same parking spaces because their peak parking demands occur at different times. Joint use of off-street parking spaces shall be subject to the following:

A. A Parking Study that conforms to the requirements of Section 11.15 shall be submitted by the applicants;
B. The number of parking spaces which may be credited against the requirements for the structures or uses involved shall not exceed the number of spaces reasonably anticipated to be available during any hours of operation as determined by the Planning Commission based upon the recommendation of the applicable agency responsible for approval of off-street parking facilities;
C. Joint use parking sites must be properly zoned and have all proper approvals for motor vehicle parking areas; and,
D. The joint parking spaces shall comply with the following conditions:

    1. The parking spaces intended to serve customers and clientele must be located within 500 feet;
    2. The parking spaces intended to serve employees and staff within 1,000 feet of the buildings or uses being served by such facility;
    3. The 500 and 1,000 feet requirements shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve;
    4. Signage shall be provided identifying any parking spaces that are being leased or jointly used, who those spaces are available to, and any other restrictions (e.g time available) that may apply, and the the location and size of such signage shall be required as part of the joint use agreement and shall be subject to review and approval by the Planning Commission or its designee (e.g., this lot is available from 6 p.m. to 11 p.m. to patrons of “Mike’s Diner.”);
    5. Off-street parking areas required for residential use shall not be included in any joint parking arrangement; and,
    6. All parties shall execute a properly drawn legal instrument/agreement providing for the joint use of the off-street parking areas. This instrument shall be drawn to the satisfaction of the Planning Commission’s attorney and shall be executed by all parties concerned assuring the availability of the number of spaces designated for joint use and shall be recorded in the County Clerk’s Office. The applicants and their successors shall annually provide certification to the Planning Commission Director that the parking spaces associated with the joint use agreement are still available. The applicant shall provide the Planning Commission with immediate written notice at any time that any of the parking spaces associated with the joint use agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the joint use agreement became unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use’s Zoning Compliance Permit shall be conditioned upon the continued availability of the required number of parking spaces.

11.8 <u>Credit for On-Street and Public Parking</u>.

Uses within the Central Business District (B-2) may satisfy minimum parking requirements of this Part by using on-street parking spaces and public parking however, in no way limits the use of said parking spaces to customers, employees or visitors of that particular use. Such parking spaces shall be available to the general public. The use of this provision shall be in accordance with the following:

A. Any on-street parking space used in this manner must be located on a public street directly abutting and on the same side of the street as the development site. (e.g., a site with 56 feet of frontage on a public street can claim credit for three parking spaces; a site with 55 feet of frontage can claim credit for two spaces).

B. Any public parking areas used in this manner must be located within 500 feet of the buildings or uses requiring the parking, and the 500-foot requirement shall be measured by the shortest walking distance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve;

C. On-street parking spaces and public parking areas which are governed by parking meters or by peak hour parking restrictions may not be used to satisfy the minimum parking requirements of residential uses, but may be used for all other uses as long as the restricted hours of use do not overlap with the use's peak hours of operation. Bus stops, clear zones adjacent to curb cuts and other areas in which parking is prohibited shall not be included in the calculation of on-street parking spaces.

D. On-street parking spaces that are not directly abutting the development site and public parking areas that are not within 500 feet of the building or uses may be counted towards the minimum parking space requirements only if specifically authorized by a Parking Waiver.

E. For the purposes of this section an on-street parking space shall be a minimum of 20 feet in length. Fractional spaces less than .8 (16 feet) shall not be counted as a parking space.

11.9 <u>Use of Required Parking Spaces</u>.

The following shall apply to the use of required parking spaces and areas:

A. Required parking spaces must be available for the use of residents, customers, visitors or employees of the use. They may not be assigned in any way to a use on another site, except where the joint use parking provisions are employed (see Section 11.7).

B. Fees may be charged for the use of required parking spaces.

C. Required parking spaces and areas shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment, products, or materials.

D. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required parking spaces and shall be appropriately delineated on the approved development plan.

11.10 <u>Parking Area Improvements and Maintenance</u>.

A. Surfacing and Facility Type.

1. All off-street parking areas, except for those serving agricultural uses, shall be of a hard and durable surface that limits or precludes particulate air pollution. Asphalt, brick, concrete paving and interlocking paving blocks, including semi-pervious systems that retain space for vegetation, are acceptable paving materials. Other paving materials, such as gravel, may be permitted upon approval by the Planning Commission staff but must include a binding agent to stabilize the surface and prevent dust.
2. Developments that provide more than fifty (50) off-street parking spaces and exceed the minimum number of parking spaces required by this Part shall either:

    a. Surface a portion of its total parking area proportional to the extent to which the minimum number of parking spaces is exceeded using concrete; or
    b. Surface the parking spaces in excess of the minimum using semi-pervious paving systems; or
    c. Provide twenty-five (25) percent more trees within interior site landscape areas (traffic islands, etc.) than is otherwise required by these Regulations, the Commercial Establishment Design Standards Ordinance or other applicable regulations for the site.s entire parking area. The trees provided shall maximize the amount of shade that is provided within the parking area. Additionally, the interior site landscape areas shall be designed to maximize their ability

to absorb the site.s stormwater runoff in an effort to improve the water quality of the stormwater runoff and to provide an adequate water supply to ensure the long term health of the canopy trees. The Planning Commission may modify this requirement if the applicant demonstrates that an alternative site design, surfacing material or facility type offers greater environmental benefits than those associated with the requirements in this Part. (e.g., *If a development is required to provide a minimum of eighty (80) parking spaces and provides one hundred (100) parking spaces, then the developer shall have the option of surfacing twenty five (25) percent of the development.s total parking area using concrete, surfacing twenty parking spaces using semi-pervious paving systems, locating twenty parking spaces within a parking structure or elevator parking facility, or of providing 25% more canopy trees within the site.s ILA.s than is otherwise required.)*

B. Striping. All off-street parking spaces, except for those serving detached single-family uses, agricultural uses, and other uses determined by the Planning Commission Director, shall be delineated using durable painted lines that meet the Manual of Uniform Traffic Control Devices (MUTCD) standards or be approved by the Planning Commission Director. The Planning Commission Director may waive this requirement based on the particular surfacing material being used and other relevant factors.

C. Wheel Stops and Protective Curbing. Concrete wheel stops or curbing at least six (6) inches high and six (6) inches wide shall be provided to prevent vehicles from overhanging abutting sidewalks, properties or public rights-of-way, to protect landscaped areas and to protect adjacent properties. Such wheel stops or curbing shall be located at least three (3) feet from any adjacent wall, fence, property line, woody vegetation, walkway or structure.

D. Landscaping. Parking area landscaping shall be provided in accordance with these Regulations, the Commercial Establishments Design Standards Ordinance, and other applicable regulations and ordinances.

E. Lighting. Parking area lighting shall be provided in accordance in these Regulations, the Commercial Establishments Design Standards Ordinance, and other applicable ordinances and regulations.

F. Handicapped Parking Spaces. Handicapped parking spaces shall be provided as required by local ordinances or Federal or State law.

G. Signage. All signs within off-street parking areas shall be in accordance with all applicable local sign ordinances and regulations.

H. Maintenance. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

11.11 Parking Area Layout and Design.

A. Access to Parking Spaces.

1. All parking areas must be designed so that a vehicle may enter or exit without requiring another vehicle to move.
2. Except for single-family dwellings and duplexes, each off-street parking space shall open directly upon a private aisle or private driveway of such width and design as to provide a safe and efficient means of vehicular access between the parking space and public streets. Parking spaces shall be designed to preclude vehicles backing from or onto a public street. Non-residential off-street parking facilities designed for vehicles backing from or onto an alley may be allowed at the discretion of the appropriate public agency, while those designed for vehicles backing from or onto a private access easement may be allowed at the discretion of the Planning Commission Director.

B. Parking Space and Aisle Dimensions.

1. The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 11.11.1 Parking dimensions required by this Part are based on the parking turnover rate for various uses. The concept, which is published and recommended by ITE, is based upon the premise that the more frequently a parking space is entered and exited, the more space is needed to accommodate for driver error.
2. Parking structures developed to provide the minimum number parking spaces required by this Part must meet the minimum dimensional requirements specified in Table 9.1.3, below. The design and layout of all other parking structures, including but not limited to those used to create parking spaces in excess of the maximum allowed for a particular use and those for-profit parking structures not associated with any particular use, shall be approved by the agency responsible for approval of off-street parking facilities.
3. Parking spaces serving single family residential developments located within driveways and garages need only meet the Stall Width and Stall Depth to Wall standards set forth in Table 11.11.1.
4. Parallel parking spaces shall be at least ten (10) feet in width and twenty- two (22) feet in length.
5. The Planning Commission Director may modify the dimensional requirements of this Section when he/she finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it (such as the use of other acceptable standards like ITE Manual standards).

Table 11.11.1 Minimum Off-Street Parking Dimensions by Parking Class.

Parking Angle (degrees)	Basic Stall Width (SW) (ft)	Stall Width Parallel to Aisle (WP) (ft)	Stall Depth to Wall (VPw) (ft)	Stall Depth to Interlock (Vpi) (ft)	Aisle Width (AW) (ft)	Wall to Wall (W2) (ft)	Interlock to Interlock (W4) (ft)
45	8.5	12.0	17.5	15.3	13	48	44
45	9.0	12.7	17.5	15.3	12	47	43
45	9.5	13.4	17.5	15.3	11	46	42
60	8.5	9.8	19.0	17.5	18	56	53
60	9.0	10.4	19.0	17.5	16	54	51
60	9.5	11	19.0	17.5	15	51	50
75	8.5	8.3	19.5	18.8	25	64	63
75	9.0	9.3	19.5	18.8	23	62	61
75	9.5	9.8	19.5	18.8	22	61	60
90	8.5	8.5	18.5	18.0	26	62	60
90	9.0	9.0	18.5	18.0	24	60	60
90	9.5	9.5	18.5	18.0	24	60	60

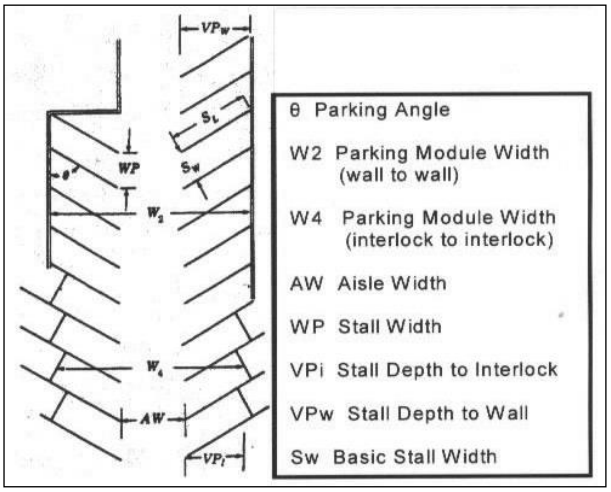


Figure 11.11.2 Parking Dimensional Layout Diagram.

C. General Design Criteria.

1. The parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity making hazardous turning movements.
2. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians, bicyclists, or other vehicles and without interfering with parking areas. This includes the provision for “stop”, “yield”, “speed limit”, “do not enter” and other traffic signs at appropriate locations.
3. Vehicles parked on private driveways shall be arranged to avoid pedestrian / vehicle conflict (i.e. vehicles should not extent across sidewalks or other pedestrian facilities).

11.12 Queuing for Drive-Through Facilities.

In addition to meeting the parking requirements of this Part, drive-through facilities shall comply with the following standards.

A. Spaces Required. The minimum number of queue spaces required shall be as follows. The Planning Commission Director, in consultation with the appropriate public works department, may permit variations from these minimums when he/she finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it. The Planning Commission Director, in consultation with the appropriate public works department, may require queue spaces in excess of the minimum when he/she finds that the proposed facility would cause traffic to back-up on a public thoroughfare.

Use	Minimum Spaces	Measured From
Bank teller lane, laundromats/dry cleaners, drug store, ice cream parlor, coffee shop drive-through lanes	3 per lane	Teller or window
Automated teller machine (ATM)	2 per machine	Teller machine
Restaurant drive-through	6 per lane	Pick-up window
Car wash (conveyor type, operated by customer)	4 per conveyor unit/stall	Entrance
Car Wash (conveyor type, washed by employees)	6 per conveyor unit/stall	Entrance
Car Wash (self-service, manual)	2 per stall	Stall

B. Minimum Dimensions. Each queue space shall at least be ten (10) feet in width and twenty (20) feet in length.

C. Design. Each queue lane shall be clearly defined and designated so as not to conflict or interfere with other pedestrian or vehicular traffic on the site.

11.13 Parking in Residential Areas.

The following regulations shall apply to outdoor parking for all residential zoning districts.

A. Parking of Passenger Vehicles and Light Trucks. Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 11.4.1, unless otherwise permitted under these Regulations.

B. Parking of Medium and Heavy Trucks.

1. The parking of medium trucks shall count against the maximum number of vehicles allowed in Table 11.41. and shall be permitted as follows:

   a. No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 30,000 square feet in size.
   b. No more than two medium trucks per dwelling unit may be parked outdoors on a lot that is greater than or equal to 30,000 square feet in size.

2. The parking of heavy trucks and equipment is prohibited.

C. Buses, Utility Trailers and Recreational Vehicles. Buses, utility trailers, recreational vehicles and trailers used to haul recreational vehicles may be parked in required parking spaces as specified in B above, but shall not be parked between the street and façade of the principal structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation a recreational vehicle on a trailer shall be considered as one vehicle. Exception: Those located within multi-family developments that consist of six (6) or more apartment units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.

D. Vehicle Service and Repair. Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired provided that the conditions listed in either 1 and 2 or 3 and 4, below, are met.

1. The vehicles are owned or leased by and registered to residents of the site, AND the service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses and similar items, but does not include body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

   OR

2. The vehicles are owned or leased by and registered to residents of the site, AND all work occurs within a completely enclosed structure.

11.14 Parking Waiver Provisions.

A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

1. When Required. General Parking Waivers are required when an applicant wishes to provide less parking spaces than are required by this Part or when an applicant wishes to provide more parking spaces than are allowed by this Part.

2. Application Requirements. General Parking Waiver applications must provide the following:

    a. A completed application form;
    b. A development plan depicting the use of off-street parking areas which, except as otherwise specified herein, shall be processed, implemented and enforced as prescribed by other portions of these Regulations. The applicant shall pay the fee specified for such a request unless the request is processed with a request for rezoning relating to the same property; and,
    c. The names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of subject property and within 100 feet of any on-street parking space or public parking lot proposed to be used to meet the requirements of this Part; and,
    d. Parking Study as prescribed in Section 9.1.17 of this Part; and,
    e. A current recorded deed; and,
    f. Any other submittal requirements as determined by the Planning Commission Director.

3. Process.

    a. The Planning Commission shall hold a public hearing to consider any request for a General Parking Waiver, except as stated in Section 11.14(A)(3)(b) below. It shall send notice of the public hearing to those meeting the criteria of Section 11.14(A)(2)(c), above, using the information provided by the applicant, by first class mail not less than fourteen (14) days prior to the hearing.
    b. The Planning Commission's designee may waive the requirement for a public hearing and take action on General Parking Waivers requesting a reduction of five (5) or fewer parking spaces not to exceed the maximum parking waiver percentage permitted within zoning districts as set forth in Section 11.14(A)(4) below or a reduction constituting less than ten (10) percent the total number of required parking spaces, not to exceed twenty five (25) spaces. Notice shall be sent stating that a General Parking Waiver has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request. The notice shall be sent following the same criteria depicted in Section 11.14(A)(3)(a) above.

4. Maximum Waiver Reductions. The maximum reduction in the required number of parking spaces that can be granted by a General Parking Waiver shall be as follows:

    a. No more than a thirty three (33) percent reduction shall be permitted within the B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts.
    b. No more than a fifty (50) percent reduction shall be permitted within the B-1 and P-1 zoning districts.

5. Required Findings**.** In granting a General Parking Waiver, the Planning Commission must find that:

    a. All General Parking Waivers.

        i. The Parking Waiver is in compliance with the Comprehensive Plan.

    b. Waivers to Reduce the Minimum Number of Required Parking Spaces.

        i. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and
        ii. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use;
        iii. The site is accessed by alternative transportation, including but not limited to pedestrian, bicycle, and public transit facilities;
        iv. The parking reduction will not result in spillover onto public rights-of-way and adjacent or nearby properties will not be adversely affected; and,
        v. The requirements found in Table 11.4.1 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.

c. Waivers to Provide More Parking Spaces than the Maximum Allowed. The requirements found in Table 11.4.1 do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use and the requested increase is the minimum needed to do so. The Planning Commission Director may waive the requirement for a public hearing and take action on Maximum Parking Waivers requesting an increase of five (5) or fewer parking spaces or an increase constituting less than ten (10) percent of the total number of required parking spaces, not to exceed twenty five (25) spaces. Notice shall be sent stating that a General Parking Waiver has been filed and that the Planning Commission's designee may waive the public hearing requirements and take action on the request. The notice shall be sent following the same criteria depicted in Section 11.14(A)(3)(a) above.

d. Waivers for Use of On-Street Parking Spaces Not Adjacent to Site or Public Parking Lots or Facilities to Meet Minimum Parking Requirements.

i. There is a surplus of on-street parking or public parking lots or facilities in the area that are not being currently utilized and can accommodate the generated parking demand;
ii. The site is accessed by alternative transportation, including but not limited to pedestrian, bicycle, and public transit facilities;
iii. The parking reduction will not result in spillover onto public rights-of-way and adjacent or nearby properties will not be adversely affected; and,

6. Continued Validity. The continued validity of a Parking Waiver shall be in accordance with following:

a. Any reduction of the required number of parking spaces granted by the Planning Commission shall be limited to the specific use of the property and the amount of parking shown on the development plan.
b. Any expansion of the use beyond what is depicted on the development plan shall provide parking as required by this Part.
c. Any change of use of property that has been granted a parking waiver shall be reviewed by the Planning Commission. If the Planning Commission determines that the change in use may have a substantial impact on the need for parking facilities, the Planning Commission shall hold a public hearing to determine if the reduction of parking spaces granted to the previous use shall apply to the new use.

B. Residential Revitalization Parking Waivers. In cases in which the minimum parking space requirements of this Part would create hardship in the use of a particular site for residential purposes, the parking space requirements may be reduced by up to one hundred (100) percent of the spaces normally required if:

1. The site is within a designated historic overlay zoning district or is listed or eligible for listing in the National Register of Historic Places;
2. The Planning Commission finds that the reduction of parking requirements will not create a shortage of parking spaces in the surrounding area and that the provision of parking spaces as prescribed in this Part would create a hardship or would entail extraordinary expense; and
3. For requests for reduction of parking requirements by ten (10) or more spaces, the Planning Commission finds the request to be in conformance with the Comprehensive Plan. The Planning Commission may hold a public hearing on the waiver request if it determines that a public hearing is necessary.
4. Planning Commission approval or denial of any residential revitalization parking waiver request may be reviewed by the legislative body having zoning authority over the property in question, if said legislative body determines that such a review is warranted. Any such review shall be conducted as a public hearing. The owner(s) of the subject property or any aggrieved party may request such a hearing by written letter to the appropriate legislative body stating the reason(s) why such a review is warranted. Such letter shall be filed with the appropriate legislative body within fifteen (15) days from the date the minutes of the Planning Commission are approved reflecting its action regarding said residential revitalization parking waiver request. The legislative body shall forward a copy of said letter to the owner of the subject property, if the owner is not the applicant for the review. A copy of said letter shall also be forwarded by the legislative body to the Planning Commission.

a. If the legislative body determines that a review regarding the residential revitalization parking waiver request is warranted, it shall inform the Planning Commission, by letter, of the date, time, place, and subject of the public hearing concerning the review.
b. The legislative body shall notify, by letter, all parties of record to any Planning Commission hearing previously held regarding the subject residential revitalization parking waiver request, and all owners of property adjoining the subject property of the date, time, place, and subject of the hearing.
c. The public hearing shall include a presentation by the Planning Commission stating the reason(s) for its action pertaining to the residential revitalization parking waiver request. In addition, any applicant for review of the Planning Commission's action pertaining to said request shall state why he believes the Planning Commission's action was not justified. The legislative body may hear any other such witnesses and review any other evidence at the hearing it deems appropriate.
d. The legislative body may adopt a resolution approving or denying the residential revitalization parking waiver request, but it must act no later than sixty (60) days from the time Planning Commission acts on the waiver request.

11.15 Parking Studies.

A. When Required. A Parking Study shall be required when any of the following occurs:

1. An applicant wishes to utilize the Joint Use Parking provisions described in Section 11.7.
2. An applicant requests a General Parking Waiver to allow the provision of less parking spaces than are required by this Part.
3. An applicant requests a General Parking Waiver to allow the provision of more parking spaces than is allowed by this Part.
4. An applicant wishes to use on-street parking spaces that are not directly adjacent to or abutting the development site or parking spaces in a public parking lot to meet the minimum number of parking spaces required by this Part.
5. The Planning Commission Director, in consultation with the appropriate city or county public works departments, requests a Parking Study due to unusual circumstances on or near the site.

B. Content. A Parking Study submitted to satisfy the requirements of this Part shall include the following information based upon the reason the Parking Study is required. The Planning Commission Director, upon consultation with the appropriate public works department may waive any of these required contents or require additional information depending upon the specifics of the application. The Parking Study shall be reviewed by, and must be acceptable to, the Planning Commission Director, upon consultation with the appropriate public works department.

1. Joint Use Parking.

a. A description of each site’s use(s) including a detailed calculation of its required/ allowed parking, a listing of peak hour(s) of parking demand for each use and/or site, and an inventory of existing spaces on each site; and
b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
c. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study; and,
d. Any other information requested by the Planning Commission Director or the appropriate public works department.

2. Parking Waivers for Space Reductions or Increases.

   a. An analysis of the peak parking demand for two similar or like facilities in terms of use and size. The analysis should include the facilities' peak parking days of the week and hours of the day, as depicted by a study of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time for each facility. It should also include the number of spaces each facility contains;
   b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time for a similar or like facility. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
   c. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.
   d. Any other information requested by the Planning Commission Director or the appropriate public works department.

3. Parking Waivers for Use of On-Street Parking Spaces Not Adjacent to Site or Spaces Located in Public Parking Lots.

   a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and
   b. The results of at least three separate site surveys, conducted on different days, that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s);
   c. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study; and,
   d. Any other information requested by the Planning Commission Director.

11.16 Loading Area Requirements.

All buildings and uses that require the receipt or distribution of materials or merchandise by medium or heavy trucks or similar vehicles shall provide loading space in accordance with this Part.

A. The following requirements for loading areas shall be applicable to all uses within the P-1, B-1, B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts and apply to those uses within all other zoning districts and in which use(s) are operated that require off-street parking areas of 800 square feet or more.

   1. New buildings or buildings structurally altered to the extent of increasing floor area to an amount equal to the minimum floor area required to provide loading space, shall provide the number of spaces in accordance with its class of use as prescribed by this Section. Only that portion erected or expanded after the effective date of this Part shall be required to meet the provisions of this Section.

      a. Commercial, institutional, office, industrial, schools, public building and utility, recreational and entertainment uses, and any similar use which has a gross floor area of 5,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following:

Gross Floor Area (sf)	Minimum Required Berths
Less than 5,000	0
5,001 to 30,000	1
30,001 or more	2 plus 1 for each additional 90,000 sf or portion thereof

2. The minimum size of an off-street loading berth shall be 10 feet by 50 feet, with a height clearance of 14 feet, exclusive of driveways and maneuvering space. The loading berth shall be designed and located to preclude the need of a delivery vehicle to back onto a public right-of-way.

3. Loading and unloading spaces shall not constitute required off-street parking space; nor shall any off-street parking area be used for off-street loading purposes. No loading area may be located in the required yards.

4. The number and size of loading berths required by this Part may be reduced by up to fifty (50) percent or by one berth, whichever is greater, by the agency responsible for approval of off-street parking facilities upon demonstration by the applicant that the proposed building or use can be adequately served by fewer and/or smaller berths than is required by this Part.

B. The following requirements for loading areas shall be applicable to uses within the B-2 zoning district:

1. New buildings or uses shall provide truck loading or unloading areas adequate to serve the proposed use. The Planning Commission Director shall determine the minimum number and size of off-street loading berths required.

2. The proposed building or use may fulfill minimum loading requirements by providing a combination of both off-street loading berths and on-street loading zones. The Planning Commission Director shall make a determination of the minimum number and size of off-street loading berths based on a review of the development and circulation plans and other supporting documentation submitted by the applicant.

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

13.1 Zoning Regulations Text Amendment

A. Text Amendment Proposal.

A Zoning Regulations text amendment may originate with the Planning Commission or with the Fiscal Court or legislative body.

B. Planning Commission Public Hearing & Consideration.

Regardless of the origin of the proposed text amendment, the text amendment shall be referred to the Planning Commission before adoption. The Planning Commission shall hold at least one (1) public hearing after notice as required by KRS Chapters 100 and 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with the Fiscal Court or legislative body, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment.

C. Fiscal Court or Legislative Body Action.

Identical zoning regulations among the legislative bodies are not required. Each legislative body may each act independently of the other to amend the Zoning Regulation within its respective area of jurisdiction. The legislative body shall not act upon a proposed text amendment until it has received the written recommendation from the Planning Commission. It shall take an affirmative vote of the majority of the Fiscal Court or legislative body to adopt the proposed amendment. The legislative body shall take final action within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal.

13.2 Zoning Map Amendment (Zone Change)

A. Zoning Map Amendment Proposal.

A proposal for a zoning map amendment may originate with the Planning Commission, Fiscal Court, legislative body, or owner of the property in question.

B. Planning Commission Public Hearing & Consideration.

1. Public Hearing. Regardless of the origin of the proposed zoning map amendment, it shall be referred to the Planning Commission before adoption. The Planning Commission shall then hold at least one (1) public hearing after notice as required by KRS Chapters 100 and 424.

2. Consideration. The Planning Commission shall make findings of fact and a recommendation of approval or disapproval of the proposed zoning map amendment to the appropriate Fiscal Court or legislative body. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.

3. Findings of Fact. Before any zoning map amendment is granted, the Planning Commission or Fiscal Court or legislative body must find that the map amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission or Fiscal Court or legislative body:

   (a) The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper, and
   (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

4. Voting. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which, if the tie has not been broken, the application shall be forwarded to the Fiscal Court or legislative body without a recommendation of approval or disapproval.

C. Final Action

The Planning Commission recommendation relating to the proposed zoning map amendment shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning Commission:

(a) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
(b) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

If the legislative body chooses to decide the map amendment, the legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Planning Commission as to when the proposed map amendment will be heard by the legislative body prior to the legislative body's final action. It shall take a majority of the entire legislative body to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

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. Investigation & Inspection

The Planning Commission Director and his/her designated representatives, in the performance of his/her duties and functions, may enter upon any land, with written consent from the property owner, and make investigation, inspection, examination and surveys that do not occasion damage or injury to private property.

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.

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 20l 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 l50 (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, with the exception that short-term rentals, bed and breakfasts, and overnight accommodations for guest stays of less than 30 days shall not be allowed under this section and must comply with the provisions of the specific zoning district for which the property is located:

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 physica l 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

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 form 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. 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.

16.1 Statutory Authorization, Findings of Fact, Purpose, & Objectives.

A. Statutory Authorization. The General Assembly of the Commonwealth of Kentucky has in Kentucky Revised Statutes Chapter 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky, hereby adopt the following floodplain management ordinance, as follows:

B. Findings of Fact.

(1) The flood hazard areas of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky are subject to periodic inundation which result 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 which adversely affect the public health, safety, and general welfare.
(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

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 loss due to flooding by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
(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 floodplains, stream channels, and natural protective barriers which accommodate or channel 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 floodwaters or which may increase flood hazards to other areas.

D. Objectives. The objectives of this ordinance are to:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) Minimize prolonged business interruptions;
(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;
(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;
(7) Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,
(8) Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

16.2 Definitions. Unless specifically defined below, words or phrases used in Article 16 shall be interpreted to give these regulation the meaning they have in common usage and to give their most reasonable application.

A Zone - Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations and flood hazard factors are not determined.

Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

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

A1-30 and AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood. Base flood elevations (BFEs) are determined.

AH zone - An area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding). Base flood elevations are shown.

AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain) Flood depths are shown.

Appeal - A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.

AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

Area of shallow flooding - A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B and X zones (shaded) - Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement - That portion of a structure having its floor subgrade (below ground level) on all four sides.

Building - A walled and roofed structure that is principally aboveground; including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for structure.

C and X (unshaded) zones - Areas determined to be outside the 500-year floodplain.

Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. Included are areas downstream from dams.

Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

D zone - An area in which the flood hazard is undetermined.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated structure - A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See freeboard requirements for residential and non-residential structures.)

Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this ordinance.

Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosure - That portion of a structure below the Base Flood Elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "Existing structures".

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky based on specific technical base flood elevation data which established the area of special flood hazards.

Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood, Flooding, or Flood Water: (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows). See Mudslides. (2) The condition resulting from flood-related erosion. See flood-related erosion.

Flood Boundary and Floodway Map (FBFM) -A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

Flood Hazard Boundary Map (FHBM) -A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator - The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Floodproofing Certificate - A certification by a registered professional engineer or architect, on a FEMA-approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

Floodway - 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. Also referred to as the "regulatory floodway".

Floodway fringe - That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

Fraud and victimization - As related in Section 16.5, Appeals and Variance Procedures, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only 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.

Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

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

Historic Structure - Any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) By an approved state program as determined by the Secretary of the Interior, or (b) Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) – Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, ICC will help pay up to $30,000 for the cost to elevate, floodproof, demolish, or remove the building. ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

Kentucky Revised Statute 151.250 - Plans for dams, levees, etc. to be approved and permit issued by cabinet – (Environmental and Public Protection Cabinet). (1) Notwithstanding any other provision of law, no person and no city, county, or other political subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction or improvement and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply. (2) No person, city, county or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) above. (3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Kentucky Bureau of Surface Mining through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

Letter of Map Change (LOMC) – Is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories: (1) Letter of Map Amendment (LOMA) – A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA. (2) Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. (3) Letter of Map Revision – Fill (LOMR_F) – A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met: (1) All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). (2) All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Lowest adjacent grade - The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached 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. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value - The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

New Construction - Structures for which the start of construction commenced on or after the effective date of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky's floodplain management regulations and includes any subsequent improvements to such structures.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky's adopted floodplain management ordinances.

Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Pre-FIRM Construction - Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Post-FIRM Construction - Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Probation - A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a $50 surcharge.

Program Deficiency - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle - A vehicle that is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable to a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory floodway - 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. See Base Flood.

Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

Repair - The reconstruction or renewal of any part of an existing structure.

Repetitive Loss - Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or, four or more flood losses of $1000.00 or more over the life of the structure, or, three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sheet flow area - see "Area of shallow flooding".

Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

Start of Construction (includes substantial improvement and other proposed new development) - The date a zoning compliance permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the 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; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

Structure - A walled and roofed building that is principally above ground; including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See Building.

Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

Subrogation - An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial Damage - Means any damage to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss. For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. The term does not apply to: (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or (b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Substantial Improvement - Means any combination of reconstruction, alteration, or improvement to a building, taking place during a 1-year period in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs 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 building. The term does not apply to: (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or (b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure,” or (c) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

Utilities - Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

Variance - Relief from some or all of the requirements of this ordinance.

Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X zone - The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded X zones (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

16.3 General Provisions.

A. Lands to Which This Ordinance Applies. This ordinance shall apply to all Special Flood Hazard Areas (SFHA) applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky.

B. Basis for Establishing the Special Flood Hazard Areas. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Nelson County, Kentucky and Incorporated Areas, dated May 24, 2011, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations, and for those land areas acquired by the Cities of Bardstown, Bloomfield, Fairfield, and New Haven through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended by Nelson County Fiscal Court, Bardstown City Council, Bloomfield City Council, Fairfield City Commission, and New Haven City Commission pursuant to statues governing land use management regulations. The FIS and/or FIRM are permanent records of the Cities of Bardstown, Bloomfield, Fairfield and New Haven and Nelson County and are on file and available for review by the public during regular business hours at the Joint City-County Planning Commission office in Bardstown, Kentucky.

C. Establishment of Development Permit. A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Section 16.4B for instructions and explanation. Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

D. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky from taking such lawful action as is necessary to prevent or remedy any violation.

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 ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered 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.

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 considerations. 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 damage. This ordinance shall not create liability on the part of the Cities of Bardstown, Bloomfield Fairfield, and New Haven and Nelson County, Kentucky, any officer or employee, the Commonwealth of Kentucky, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Enforcement, Violation Notice, and Penalties.

(1) Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(2) Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordnance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(3) Notice of Citation: Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(4) Penalties: 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 granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than five hundred dollars ($500) or imprisoned for not more than five (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 the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

16.4 Administration.

A. Designation of Local Administrator. The Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky hereby appoints the Director/Administrator of the Joint City-County Planning Commission of Nelson County to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

B. Establishment of Development Permit. A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in Section 16.3B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator 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. Endorsement of local administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) Application Stage.

(a) Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
(b) Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
(c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 16.5B(2) and 16.5D(2);
(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction Stage. Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, 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 structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing 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.

C. Duties and Responsibilities of the Local Administrator. The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(1) Permit Review: Review all development permits to ensure that:

(a) Permit requirements of this ordinance have been satisfied;
(b) All other required state and federal permits have been obtained: review proposed

development to assure that all necessary permits have been reviewed from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972 33 U.S.C 1334;

(c) Flood damages will be reduced in the best possible manner;

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 16.3B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 16.5. Any such information shall be submitted to the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky for adoption.

(3) Notification of Other Agencies:

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by Section 16.5B(1) (lowest floor elevations) as shown on a completed and certified Elevation Certificate. 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 16.4B(2);

(b) Certification required by Section 16.5B(2) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodprooofing certificate. 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 16.4B(2);

(c) Certification required by Section 16.5B(3) (elevated structures),

(d) Certification of elevation required by Section 16.5E(1) (subdivision standards),

(e) Certification required by Section 16.5B(5) (floodway encroachments),

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance;

(h) Remedial Action. Take action to remedy violations of this ordinance as specified in Section 16.3H.

(5) Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) 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 actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.6C(2);

(b) When base flood elevation data or floodway data have not been provided in accordance

with Section 16.3B, then the Floodplain Administrator shall obtain, review, and reasonable 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;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 16.5B(2) a floodproofing certificate;

(d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) Right of Entry.

(a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this ordinance.

(b) If such structure or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this ordinance.

(7) Stop Work Orders. Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(8) Revocation of Permits.

(a) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(9) Liability. Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and 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 officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

(10) Expiration of Floodplain Construction Permit. A floodplain construction permit, and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within one hundred and eighty (180) calendar days from the date of its issuance by the Floodplain Administrator.

Section 16.5 Provisions for Flood Hazard Reduction.

A. General Construction Standards. In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
(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 fame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
(3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
(5) Electrical, heating, ventilation, plumbing, air condition 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; and if
(6) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
(10) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
(11) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

B. Specific Standards. In all special flood hazard areas where base flood elevation data have been provided, as set forth in Section 16.3B, the following provisions are required:

(1) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 16.5B(3).

(a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
(b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated at or above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries(and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error

tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(c) In all other Zones, elevated at or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(2) Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Section 16.5B(1) or together with attendant utility and sanitary facilities:

(a) Be floodproofed below an elevation at or above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
(c) Have the lowest floor, including basement, mechanical equipment, and ductwork, elevated no lower than at or above the level of the base flood elevation, or;
(d) 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 16.4B(1)(c).
(e) Manufactured homes shall meet the standards in Section 16.5B(4).
(f) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials below an elevation at or above feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (FEMA Technical Bulletin 1-93) for meeting this requirement must meet or exceed the following minimum criteria:

(i) Be certified by a registered professional engineer or architect; or
(ii) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(3) Elevated Structures. New construction or substantial improvements of elevated structures on columns, posts, or pilings (e.g.) 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 floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,
(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices

provided they permit the automatic flow of floodwaters in both directions.

(b) 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,

(c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

(4) Standards for Manufactured Homes and Recreational Vehicles.

(a) All new or substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

(i) On individual lots or parcels,
(ii) In expansions to existing manufactured home parks or subdivisions,
(iii) In new manufactured home parks or subdivisions, or,
(iv) In substantially improved manufactured home parks or subdivisions, or
(v) Outside of a manufactured home park or subdivision,
(vi) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood.

(b) All Manufactured homes must be:

(i) Elevated on a permanent foundation, and
(ii) Have its lowest floor elevated no lower than at or above the level of the base flood elevation, and,
(iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(c) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

(aa) The lowest floor of the manufactured home is elevated no lower than at or above the level of the base flood elevation, or
(bb) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(d) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

(i) Be on the site for fewer than 180 consecutive days,
(ii) Be fully licensed and ready for highway use, or
(iii) Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(5) Floodways. Located within areas of special flood hazard established in Section 16.3B, 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 the base flood elevation levels during occurrence of base flood discharge;

If Section 16.5B(5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Section 16.5

(6) Standards for Utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(i) Infiltration of flood waters into the systems, and
(ii) Discharge from the systems into flood waters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. Standards for Streams without Established Base Flood Elevation (Unnumbered A Zones and/or Floodways. Located within the special flood hazard areas established in Section 16.3B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(1) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
(2) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Section 16.3B.

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

(1) All new construction and substantial improvements of residential structures shall:

(a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

(b) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot 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. Certification is required as stated in Section 16.5B(2).

E. Standards for Subdivision Proposals.

(1) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
(4) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.
(5) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

F. Standards for Accessory Structures in All Zones Beginning with the Letter “A”. For all accessory structures in special flood hazard areas designated ‘A’ the following provisions shall apply:

(1) Structure must be non-habitable;
(2) Must be anchored to resist floatation forces;
(3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
(4) Built of flood resistant materials below a level at or above the base flood elevation;
(5) Must elevate utilities above the base flood elevation;
(6) Can only be used for storage or parking;
(7) Cannot be modified for a different use after permitting.

G. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

16.6 Appeals and Variance Procedures.

A. Nature of Variances. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property

and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Designation of Boards of Adjustment. The Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky hereby designate their respective Board of Adjustment to hear and decide appeals and requests for variances from the requirements of this ordinance.

C. Duties of Boards of Adjustment.

(1) The Boards of Adjustment shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
(2) 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 Kentucky Revised Statutes.

D. Appeals/Variance Procedures. In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;
(2) Danger to life and property due to flooding or erosion damage;
(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
(4) Importance to the community of the services provided by the proposed facility;
(5) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;
(6) Availability of alternative locations which are not subject to flooding or erosion damage;
(7) Compatibility of the proposed use with existing and anticipated development;
(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
(10) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

E. Conditions for Variances. 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.

(1) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
(2) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson County, Kentucky need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Cities of Bardstown, Bloomfield, Fairfield, and New Haven and Nelson

County, Kentucky believes will both provide relief and preserve the integrity of the local ordinance.

(3) Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this ordinance); and

(c) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

(5) 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.

(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.

(7) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 16.6D(1-11) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

F. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Nelson County Clerk Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

G. Historic Structures. Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

H. No Impact Certification within the Floodway. Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.

16.7 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. If any section, clause, sentence, or phrase of this ordinance is held to

be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Article 17: Fee Schedule

In consultation with the legislative bodies, the Planning Commission shall adopt and amend, as necessary, a schedule of fees, charges, and expenses ("fee schedule") for applications, services, and publications and establish a late fee for applications filed after work, use, or construction has commenced without appropriate permits. The Planning Commission shall conduct one (1) public hearing on the fee schedule and amendments thereto.

The adopted fee schedule shall be posted in the Planning Commission offices.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any permit, application, or appeal.