

Proposed Zoning Regulations Text Amendments
Draft #1 1-25-2022

A-1 Section 6.1C(10)
R-1A Section 6.2C(4)
R-1B Section 6.3C(4)
R-1C Section 6.4C(4)
R-1D Section 6.5C(4)
R-1T Section 6.6C(4)
R-2 Section 6.7C(4)
R-3 Section 6.8C(4)
R-4 Section 6.9C(4)
MHS Section 7.2C(4)
P-1 Section 6.10C(1)
B-1 Section 6.11 C(1)

The purpose of these amendments is to create Types 1, 2 and 3 of bed and breakfasts and short-term rentals based upon occupancy and use for A-1 and residential zoning districts. Further, the proposed amendments clarify the general requirements for all types and limit the number of Type 3 (non-owner occupied bed and breakfasts and short-term rentals) by establishing a separation requirement of 400-foot radius.

For P-1 and B-1 zoning districts, the purposes of the proposed amendments are to allow all bed and breakfasts and short-term rentals in the allowed dwelling units, not to exceed 50 percent of a commercial structure, and clarifies the general requirements for all types.

Please note: The Planning Commission is recommending that ALL legislative bodies adopt the proposed amendments. However, a legislative body may decide to continue with the current regulations, as allowed under Section 13.1C of the Zoning Regulations.

Section 6.1: Agriculture District (A-1)

Draft #3 2-1-2022

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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. 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: (1) 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; (2) the use must be owned and operated by the property owner and any resident employees; (3) 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; (4) the use shall have no more than five (5) non-resident employees solely employed in the agricultural enterprise; (5) the use shall have an approved entrance and meet parking standards, as forth in these Regulations; (6) the use shall have specific plan for noise mitigation; (7) the use shall maintain the viewshed along the public right-of-way; (8) the use shall be limited to an approved development plan, as defined in Article 5 of these Regulations; (9) 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; (10) the use must have specified hours /seasons of operation and maximum number of events and participants; (11) the use shall not involve the retail sale of any products grown, produced, or processed off-site; and (12) 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 its unique surroundings.

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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: (a) 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. (b) 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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.

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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. (not applicable in the Cities of Bardstown, Bloomfield, Fairfield & New Haven)

- (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 allowed in unincorporated areas of 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 employ 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 (adopted June 5, 2007, published June 8, 2007, Nelson County Fiscal Court).

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.

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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. 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: (1) 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; (2) the use must be owned and operated by the property owner and any resident employees; (3) 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; (4) the use shall have no more than five (5) non-resident employees solely employed in the agricultural enterprise; (5) the use shall have an approved entrance and meet parking standards, as forth in these Regulations; (6) the use shall have specific plan for noise mitigation; (8) the use shall maintain the viewshed along the public right-of-way; (7) the use shall be limited to an approved development plan, as defined in Article 5 of these Regulations; (8) 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; (9) the use must have specified hours /seasons of operation and maximum number of events and participants; (10) the use shall not involve the retail sale of any products grown, produced, or processed off-site; and (11) 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 its unique surroundings.

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- (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) Distilled Spirits Storage on tracts between 50 and 100 acres in size. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties 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, Section 4.3C of this Ordinance, as well as the following mandatory requirements: (1) the property shall be located within the Rural or Naturally Sensitive Areas as shown on the Future Land Use Maps of the adopted Comprehensive Plan; (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; (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; and (6) 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. (Not applicable in the Cities of Bardstown, Bloomfield, Fairfield & New Haven)
- (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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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

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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: (a) 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. (b) 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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.

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- (c) 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.
 - (a) 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.
 - (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) 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.
 - (d) 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.
 - (e) 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: The Board of Adjustment when approving a Conditional Use Permit for an establishment for the sales and service of automobiles and/or agricultural equipment may consider the impact of the proposed use on the surrounding area, in particular to the properties adjacent. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments. Conditions may be imposed 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. 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: (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

Section 6.1: Agriculture District (A-1)

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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. (not applicable in the Cities of Bardstown, Bloomfield, Fairfield & New Haven)

- (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 allowed in unincorporated areas of 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 employ 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 (adopted June 5, 2007, published June 8, 2007, Nelson County Fiscal Court).

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.

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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:

- 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,
- 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.

- Amended City of Bardstown, Ordinance B2015-27, September 25, 15; City of Bloomfield, Ordinance 2015-107, October 23, 2015; City of Fairfield, Ordinance 2015-PZ-02 & 03, November 13, 2015; City of New Haven, Ordinance #455, Series 2015, October 23, 2015; and, Fiscal Court, Ordinance #930.1-4, September 4, 2015 and Ordinance #930.1-5 through 930.1-10, October 23, 2015.
- Amended City of Bardstown, Ordinance B2017-05, March 10, 2017; City of Bloomfield, Ordinance 2017-116, March 24, 2017; City of Fairfield, Ordinance 2017-PZ-01-2017, March 31, 2017; City of New Haven, Ordinance #462, Series 2017, March 22, 2017; and Fiscal Court, Ordinance #930.1-12, March 31, 2017.
- Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.

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

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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.

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Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- a. 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.
- b. 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.
- c. 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.
- a. 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.

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

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- b. Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - c. 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.
 - d. 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.
 - e. 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	15,000 square feet
Not served by sanitary sewer	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	100 feet
Not served by sanitary sewer	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

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

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Rear Yard Setback (minimum)	35 feet
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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.

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

Section 6.3: Single-Family Residential District (R-1B)

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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

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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. (c) 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 applicable to legislative bodies adopting these regulations: those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) 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

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- maintain its exterior appearance as a single-family residential structure.
- (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) 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.
 - (d) 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.
 - (e) 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

Section 6.3: Single-Family Residential District (R-1B)

Draft #2 2-1-2022

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

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

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

Draft #2 2-1-2022

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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

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

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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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) 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

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

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- maintain its exterior appearance as a single-family residential structure.
- (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) 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.
 - (d) 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.
 - (e) 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	7,500 square feet
Not served by sanitary sewer	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.

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

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G. Sign Requirements

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

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

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

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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

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

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on the character of the area and its housing stock. (b) 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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) 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

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

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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.

- (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
- (c) 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.
- (d) 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.
- (e) 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	5,000 square feet
Not served by sanitary sewer	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.

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

Draft #2 2-1-2022

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G. Sign Requirements

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

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

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

Draft #2 2-1-2022

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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

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

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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. (b) 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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) Permitted Residential Dwelling Units: All bed and breakfasts and short-term rentals shall be located within

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

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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.

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

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

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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: (1) 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. (2) 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. (3) 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.

- Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.

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

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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

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

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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. (b) 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. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.

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

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

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

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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.

- Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.

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

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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.

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

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Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short term rental use. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) 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

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

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- maintain its exterior appearance as a single-family residential structure.
- (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) 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.
 - (d) 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.
 - (e) 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 (*).
- D. 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.

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

Draft #2 2-1-2022

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E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum)	
Served by sanitary sewer	7,500 square feet
Not served by sanitary sewer	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.

- Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.

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

Draft #2 2-1-2022

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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

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

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establishment or short term rental use. (c) 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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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.
- (a) 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.
- (b) 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.
- (c) 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.
- (a) 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.
- (b) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30)

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

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- consecutive days.
- (c) 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.
 - (d) 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.
 - (e) 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 (*).
- D. 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.

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

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E. Dimension and Area Requirements

Standard	Requirement
Height (maximum)	35 feet
Lot Area (minimum)	
Served by sanitary sewer	7,500 square feet
Not served by sanitary sewer	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.

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

Section 6.10: Professional Office District (P-1)

Draft #2 2-1-2022

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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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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. (c) 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

Section 6.10: Professional Office District (P-1)

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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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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 section below.
- (1) Permitted Residential Dwelling Units: Bed and breakfasts and short-term rentals are allowed within approved dwelling units as permitted under Section 6.10A above.
 - (2) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (3) 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.
 - (4) 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 during all bed and breakfast and short-term rental periods of occupancy. Said responsible party shall be available during all bed and breakfast and 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.
 - (5) 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)
- D. 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.

Section 6.10: Professional Office District (P-1)

Draft #2 2-1-2022

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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.

- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*

Section 6.11: Neighborhood Business District (B-1)

Draft #2 2-1-2022

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

A. Principal Uses Permitted

Those uses permitted and as regulated in the P-1 Professional Office District

Commercial establishments, for the sale of convenience goods, personal service establishments, and other consumer services, including but not limited to convenience stores, mini-marts including gasoline sales, video rental stores, grocery stores, etc., and provided that all processing is performed as a consumer service for retail customers served on the premises and all such establishments are limited to a maximum building size of 5000 square feet 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 applicable to legislative bodies NOT adopting proposed regulations set forth in Section 4(b) below). 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: (a) 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. (b) 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. (c) 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

Section 6.11: Neighborhood Business District (B-1)

Draft #2 2-1-2022

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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 applicable to legislative bodies adopting these regulations; those not adopting these regulations will stay with Section 4(a) above). 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 section below:
- (1) Permitted Residential Dwelling Units: Bed and breakfasts and short-term rentals are allowed within approved dwelling units as permitted under Section 6.11A above.
 - (2) Maximum Guest Stay: The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (3) 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.
 - (4) 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 during all bed and breakfast and short-term rental periods of occupancy. Said responsible party shall be available during all bed and breakfast and 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.
 - (5) 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

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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	7,500 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 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.

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- *Amended 5-12-04*
- *Amended City of Bardstown, Ordinance B2017-07, May 5, 2017; City of Bloomfield, Ordinance 2017-117, May 14, 2017; City of Fairfield, Ordinance 2017-PZ-02-2017, May 14, 2017; City of New Haven, Ordinance #463, Series 2017, May 26, 2017; and Fiscal Court, June 9, 2017.*