

FISCAL COURT ORDERS

JUNE 17, 2025

BOOK 47

REGULAR-CLOSED SESSION OF NELSON FISCAL COURT
6:00 PM

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COURT MET IN REGULAR-CLOSED SESSION, PRESENT COUNTY JUDGE-EXECUTIVE TIM HUTCHINS AND THE FOLLOWING NAMED MAGISTRATES: KEITH METCALFE, ADAM WHEATLEY, M.T. HARNED, JEFF LEAR AND JON SNOW.

MEETING CALLED TO ORDER: COUNTY JUDGE EXECUTIVE TIM HUTCHINS

Executive Session-Judge Hutchins read out loud the KRS Statutes to enter into Executive Session at the end of the meeting.

A-Per KRS 61.810 (1) (c) Discussions of proposed or pending litigation against or on behalf of the public agency.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Magistrate Keith Metcalfe.

PRAYER: The Prayer was led by County Judge Executive Tim Hutchins. Judge Hutchins asked the Court to have a moment of silence for the Elected Officials and their families that were victims of violence earlier this week.

COMMUNITY SHOWCASE: NONE

ACHIEVEMENTS AND RECOGNITION: NONE

MINUTES APPROVED JUNE 3, 2025 REGULAR FISCAL COURT MEETING:

On motion of Adam Wheatley, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the minutes of the June 3, 2025 Regular Fiscal Court Meeting.

SCHEDULE PUBLIC HEARING FOR ZONING MAP AMENDMENT #2761- from A-1 (Agriculture District) to R-1A (Single-Family Residential District) at the corner of Loretto Road and JR Ballard Lane denied by Planning Commission. Owner has requested public hearing.

On motion of Keith Metcalfe, second of M.T. Harned, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the request for a Public Hearing for Zoning Map #2761. The Public Hearing will be scheduled for 6:00 pm July 15, 2025

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PUBLIC COMMENT: NONE See page 742.

TABLED ITEMS FOR LAST MEETING-

A- Ordinance Discussion-Street-Legal Special Purpose Vehicles-

FIRST READING

On motion of Jeff Lear, second of Keith Metcalfe, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the First Reading of the Street-Legal Special Purpose Vehicles as presented. See pages 743-745.

BILLS, ADDITIONAL BILLS AND TRANSFERS APPROVAL AND DISCUSSION: RHONDA FENWICK-COUNTY TREASURER:

On motion of Jon Snow, second of Adam Wheatley, by unanimous vote of the court, IT IS HEREBY ORDERED to authorize the County treasurer to pay the following bills, additional bills and transfers as presented. See pages 746-755.

PUBLIC WORKS AND ENGINEER REPORT: BRAD SPALDING/JOHN GREENWELL:

A- Approval of Flex Funds and Asphalt Paving-

On motion of Jon Snow, second of Adam Wheatley, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the Flex Funds and Asphalt Paving List as presented. See page 756.

B- Acceptance of Hollow Springs Drive-

On motion of Jeff Lear, second of M.T. Harned, by unanimous vote of the court, IT IS HEREBY ORDERED to approve and accept Hollow Springs Drive into the County Road System. See pages 757-758.

Acceptance of Lakeview Development-Natalies Way-

On motion of Adam Wheatley, second of Jon Snow, by unanimous vote of the court, IT IS HEREBY ORDERED to approve and accept Lakeview Development-Natalies Way into the County Road System. See pages 759-760.

County Engineer Brad Spalding gave updates and locations on the Driver's License, Commonwealth Attorney, and Offices in the Old Courthouse.

County Engineer Brad Spalding gave an update on the Internet to be installed in the Boston Area.

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PUBLIC WORKS AND ENGINEER REPORT: BRAD SPALDING/JOHN GREENWELL:-
continued

County Engineer Brad Spalding informed the Court of the Woodlawn Bridge Closure. See page 761.

County Assistant Engineer John Greenwell gave an update on the Waterline Projects and informed the Court that the County Landfill will be closed on Friday July 4, 2025. Friday's Garbage will be picked up the following Saturday.

DEPUTY JUDGE/EMA UPDATES: BRAD METCALF:

Director Metcalf gave an update on FEMA Assistance and explained to the Court the difference in Individual FEMA Assistance and Public Assistance being the Roads, Bridges and Public Infrastructures.

COUNTY ATTORNEY UPDATE: CHIP MCKAY-

A- SECOND READING of Ordinance Adopting Zoning Regulations-
ORDINANCE #4-2025

On motion of Jon Snow, second of Keith Metcalfe, by unanimous vote of the court, IT IS HEREBY ORDERED to approve and adopt without any changes the Zoning Regulations Ordinance as presented. See pages 762-805.

B- SECOND READING of 2025-2026 Budget-
ORDINANCE #5-2025

On motion of Adam Wheatley, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to approve and adopt without any changes the 2025-2026 Budget as presented. See pages 806-807.

MAGISTRATE REPORTS: All Magistrates stated that they have received several calls about issues that the rain has caused throughout the County and thanked the Road Department for all of their work dealing with the issues in all Districts.

MAGISTRATE KEITH METCALFE- NO REPORT

MAGISTRATE ADAM WHEATLEY- NO REPORT

MAGISTRATE M.T. HARNED- NO REPORT

MAGISTRATE JEFF LEAR- NO REPORT

MAGISTRATE JON SNOW- NO REPORT

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JUDGE HUTCHINS REPORT:

A- New Hires- See page 808.

On motion of Adam Wheatley, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to approve the New Hire List as presented.

Kenneth Boatman, full time Driver/Tipper.

B- 2025-2026 Pay Rate Order-

On motion of Keith Metcalfe, second of M.T. Harned, IT IS HEREBY ORDERED to approve 2025-2026 Pay Rate Order as presented. See pages 809-813.

C- Departments and other Reports- See pages 814-826.

OLD OR NEW BUSINESS: NONE

MOTION TO GO OUT OF REGULAR SESSION AND ENTER INTO EXECUTIVE SESSION:

On motion of Adam Wheatley, second of Jon Snow, by unanimous vote of the court, IT IS HEREBY ORDERED to go out of Regular Session and enter Executive Session.

MOTION TO GO OUT OF EXECUTIVE SESSION AND ENTER INTO REGULAR SESSION:

On motion of Jeff Lear, second of Jon Snow, by unanimous vote of the court, IT IS HEREBY ORDERED to go out of Executive Session and enter into Regular Session.

No action was taken.

On motion of Adam Wheatley, second of Jeff Lear, by unanimous vote of the court, IT IS HEREBY ORDERED to adjourn the June 17, 2025 Regular-Closed Session Fiscal Court.

TIM HUTCHINS, NELSON COUNTY JUDGE/EXECUTIVE

JEANETTE HALL SIDEBOTTOM, NELSON COUNTY CLERK

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AN ORDINANCE RELATING TO THE REGULATION OF STREET-LEGAL SPECIAL PURPOSE VEHICLES IN THE COUNTY OF NELSON

WHEREAS, the Court held a 1st reading on _____ 2025, and held a 2nd reading and adoption on _____ 2025, and after due consideration,

UPON MOTION OF _____, SECONDED BY _____, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

ORDINANCE NO. 2025-003

AN ORDINANCE ADOPTING REGULATIONS FOR THE REGULATION OF STREET LEGAL SPECIAL PURPOSE VEHICLES WITHIN THE COUNTY OF NELSON.

WHEREAS, the Kentucky General Assembly passed into law through Acts ch. 89 (hereinafter "the Act") which became law within the Commonwealth on March 26, 2025; and

WHEREAS, the Act allows for the operation of street legal special purpose vehicles on certain highways within the Commonwealth if allowed by ordinance of the local government within whose jurisdictional boundaries the highway is located; and

WHEREAS, the Act becomes effective June 27th 2025; and

WHEREAS, the Nelson County Fiscal Court has determined that it is appropriate to allow the operation of street legal special purpose vehicles on specified highways and roads within the jurisdictional boundaries of the County of Nelson in accordance with the Act and this Ordinance.; and

NOW THEREFORE, Be it ordained by the Nelson County Fiscal Court, County of Nelson, Commonwealth of Kentucky, this ordinance regulating the operation of street legal special purpose vehicles, is as follows:

Section 1: Definitions

The definitions set forth in §1(1) of the 2025 Ky. Acts ch. 89 (hereinafter "the Act"), and as may be amended in the future by the Kentucky General Assembly, are adopted and incorporated by reference as if fully set forth herein.

Section 2: Designated Highways

Street legal special purpose vehicles shall be allowed to the extent allowed by the Act on all highways, or portions thereof, that are located within the jurisdictional boundaries of the County of Nelson where the speed limit is 55 miles per hour or less, as permitted in Section 2a.

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Section 2a: Restrictions

- a.) Street legal special purpose vehicles shall, in addition to the definitions as listed in 2025 Ky. Acts ch. 89, and prior to inspection by the Sheriff and registration by the County Clerk, have installed tires which are approved by the Department of Transportation (DOT) for use on public streets.
- b.) Operation of a street legal special purpose vehicle on any road within Nelson County using off-road non-DOT certified tires for use on public streets shall be in violation of this section and subject to the penalties as specified in Section 9.

Section 3: Exceptions

Street legal special purpose vehicles shall not be allowed to operate:

- a.) On any highway, or portion thereof, located within the jurisdictional boundaries of the County of Nelson, unless allowed by this ordinance.
- b.) On any highway, or portion thereof, that is a controlled access system, including, but not limited to an interstate or parkway; or
- c.) On any highway, or portion thereof, where the United States Department of Agriculture prohibits special purpose vehicles.

Section 4: Prohibitions

- a.) Street legal special purpose vehicles are prohibited from traveling a distance greater than twenty (20) miles on a highway displaying centerline pavement markings.
- b.) Minitrucks shall not be operated as street legal special purpose vehicles on a highway that has been constructed pursuant to a federal highway program.

Section 5: Severability

If any provisions of this Ordinance or any provisions of their subsequent applications are held invalid, such invalidation does not affect the remainder of this Ordinance or its applications.

Section 6: Conflicting Provisions

The provisions of this ordinance shall be deemed as additional requirements to standards required by other ordinances of the County of Nelson. In cases whereby requirements are in conflict, the most restrictive requirement shall apply.

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Section 7: Repealer

Any prior version or provision of this ordinance, or any other resolution or order previously adopted by the Nelson County Fiscal Court which is in conflict with this ordinance, adopted this ____ day of _____, 2025, is hereby repealed, remanded and held for naught.

Section 8: Penalties

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500.00) but not more than one-thousand dollars (\$1,000.00); provided, that each days' violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a uniform citation by any duly appointed law enforcement officer.

Section 9: Effective Date

This ordinance shall become effective July 1st 2025, and will be advertised pursuant to KRS 424.

NELSON FISCAL COURT

Tim Hutchins
County Judge-Executive

ATTEST:

Jeanette Sidebottom
Nelson County Clerk

Approved as to form and legality:

Chip McKay
Nelson County Attorney

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**Nelson County Fiscal Court
Bills for Court Approval
June 17, 2025**

Name	Memo	Account	Amount
01 General Fund			
ADP	Payroll Processing	9100301 · Payroll Processing	\$ 756.69
Advance Auto Parts	Wiper blades	5105340 · Law Enforc Vehicle maintenance	39.40
American Tire	Tires, tire repairs	5105340 · Law Enforc Vehicle maintenance	1,291.98
Aqua Treat	Cooling tower water treatment	5081334 · Justice Center Building Maint	150.00
Aqua Treat	Geothermal water treatment	5415334 · Civic Center Bldg Supplies	184.80
Bluegrass Automotive	2014 Explorer- timing chain, water pump	5105340 · Law Enforc Vehicle maintenance	3,833.72
Bluegrass Integrated Comm	Postcard processing fees	5065427 · Elections Supplies	131.60
Bumper to Bumper	Vehicle repairs	5205343 · Shelter Clinic Expense	19.78
Buzick	Painting project	5020445 · Coroner office expense	105.01
Cambron, Francis	Board of Elections January-June 2025	5065191 · Board of Elections	100.00
Cintas	Mats, cleaning and custodial supplies	5010334 · Sutherland Bldg Maint Supplies	174.75
Cintas	Mats, cleaning and custodial supplies	5080334 · Old Courthouse Bldg Supplies	181.31
Cintas	Mats, cleaning and bathroom supplies	5081334 · Justice Center Building Maint	387.59
Cintas	Bathroom supplies	5082334 · SOB Bldg Maint	163.27
Cintas	Mats, custodial and cleaning supplies	5105334 · Law Enforc Building Maint	254.20
Cintas	Mats, cleaning and custodial supplies	5415334 · Civic Center Bldg Supplies	172.29
Conway Heaton	2020 Ford - Brakes, axle repairs	5105340 · Law Enforc Vehicle maintenance	1,821.49
Coulter's Towing	Forklift rental	5330515 · Feed America Program	125.00
County Clerk	Board of Elections January-June 2025	5065191 · Board of Elections	100.00
Cundiff, Leo	Sweep parking lot	5415329 · Civic Center Maint Contracts	100.00
Danville Office	Dusters	5115502 · Inspection and Permit Expense	13.50
Danville Office	Monthly copier contract	5205343 · Shelter Clinic Expense	25.00
Duncan Septic Service	Grease trap cleaning	5305334 · Sr Citizens Bldg Maintenance	241.00
Fastenal	Batting cage net	5401467 · Recreation Supplies & Equipment	247.87
Floyd, David W	Board of Elections January-June 2025	5065191 · Board of Elections	100.00
Galls	Uniforms and supplies	5105481 · Law Enforc Uniforms	700.18
Haydon Materials	Rock	5425334 · Fairgrounds Support	282.37
Holt Computers	Remote backup, service calls	5115502 · Inspection and Permit Expense	160.00
Holt Computers	Setup laptops, move files, software install	9100585 · IT Fees and Services	609.00
Humane Society	Spay/neuter/vaccines 0525	5205549 · Shelter Vaccine and Meds	2,885.00
Johnson Controls	Fire suppression tests/inspections	5081329 · Justice Center Maint Contracts	4,512.85
Kleentech	Carpet cleaning	5020445 · Coroner office expense	154.00
Lowe's	AC - first floor	5080571 · Old Courthouse Repair/Renewals	379.05
Lowe's	Maintenance supplies	5401467 · Recreation Supplies & Equipment	43.64
Lowe's	Sink repairs - health dept	5415334 · Civic Center Bldg Supplies	52.23
Lowe's	Water leaks, bathroom repairs	5420507 · Stephen Foster Drama	261.68
Masters Supply Inc	Baseball bathroom repairs	5401467 · Recreation Supplies & Equipment	125.24
Masters Supply Inc	Bathroom repairs	5415334 · Civic Center Bldg Supplies	9.29
Midwest Vet Supply	Supplies, cleaner, disinfectant	5205343 · Shelter Clinic Expense	362.63
Midwest Vet Supply	Vaccines and meds	5205549 · Shelter Vaccine and Meds	600.97
Nelson Co Implement	Mower battery	5401467 · Recreation Supplies & Equipment	69.95
Newcomb Oil Co	Fuel	5105429 · Law Enforc Fuel	6,632.57
Newcomb Oil Co	Fuel	5135446 · Emergency Mgmt Program Expense	294.93
Oil Guys	Oil Change	5105340 · Law Enforc Vehicle maintenance	268.71
Patrons Home Center	Supplies	5080334 · Old Courthouse Bldg Supplies	4.79
Patrons Home Center	Emergency AC setup	5080571 · Old Courthouse Repair/Renewals	965.97
Patrons Home Center	Bulbs, cleaning and maintenance supplies	5081334 · Justice Center Building Maint	249.62
Patrons Home Center	Air filters	5082334 · SOB Bldg Maint	23.95

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**Nelson County Fiscal Court
Bills for Court Approval
June 17, 2025**

Name	Memo	Account	Amount
01 General Fund (continued)			
Patrons Home Center	Weed killer supply	5085406 · County Wide Material/Supply	3.98
Patrons Home Center	Keys, tags	5105435 · Law Enforc Supplies	14.34
Patrons Home Center	Electrical supplies	5135446 · Emergency Mgmt Program Expense	10.98
Patrons Home Center	Maintenance and bathroom supplies	5401467 · Recreation Supplies & Equipment	431.96
Patrons Home Center	Faucet repairs	5415334 · Civic Center Bldg Supplies	39.96
Patrons Home Center	Bathroom repairs	5420507 · Stephen Foster Drama	9.58
Paxton Media Group	Bids, legal notices	9100539 · Advertising & Legal Notices	187.72
Quill Corporation	All in one printer/scanner/copier	5040445 · Treasurer Office Expense	469.28
Sheriff	Board of Elections January-June 2025	5065191 · Board of Elections	100.00
Sherwin Williams	Maintenance supplies	5401467 · Recreation Supplies & Equipment	114.92
SilverDew AgriSolutions	Consulting services- Agri Science	5001309 · Consulting Services	2,017.50
Tatum Auto Supply	Trailer wiring	5135446 · Emergency Mgmt Program Expense	95.99
Thompson, John G	Building inspections	5115348 · Contracted Services	1,450.00
TK Elevator	Quarterly elevator maint agreement	5081334 · Justice Center Building Maint	902.19
Vencill Enterprises	Siren and tower repairs - Chaplin	5135420 · Weather Sirens	1,936.58
WBRT Radio	Advertising	9100539 · Advertising & Legal Notices	90.00
Willett's Lawn	Justice Center mowing 0525	5081329 · Justice Center Maint Contracts	680.00
Willett's Lawn	Plaza mowing 0525	5085315 · Contracted Services	400.00
Willett's Lawn	Football/Baseball mowing 0525	5401329 · Recreation Maint Contracts	1,600.00
Willett's Lawn	Soccer paint 0525	5401329 · Recreation Maint Contracts	1,500.00
Willett's Lawn	Park infields 0525	5401329 · Recreation Maint Contracts	500.00
Willett's Lawn	Soccer mowing 0525	5401329 · Recreation Maint Contracts	2,915.00
Wimpsett, Tyler	Contract labor 0625 - parks	5401329 · Recreation Maint Contracts	1,833.33
WOKH Radio	Advertising	9100539 · Advertising & Legal Notices	90.00
Wolf Land Survey	Amended plat Lots 13 & 13A-4	5085446 · Industrial Park Projects	850.00
Total 01 General Fund			48,612.18
02 Road Fund			
Airgas Mid America	Welding supplies	6105427 · Garage supplies	67.56
All State Truck Sales	2011 F350	6105340 · Vehicle Maint and Repair	376.97
Alternative Health Solutions	Employee medical	9400547 · Employee Medical	23.96
Bardstown Auto Wrecker	Bucket truck	6105340 · Vehicle Maint and Repair	125.00
Bardstown Mills	Chain saw maintenance	6105427 · Garage supplies	86.70
Bardstown Mills	Herbicide	6105431 · Fences, ROW, Tree Removal	1,355.60
Big Three Tractor	Bushhog	6105443 · Parts	329.23
BSM Battery	Batteries	6105443 · Parts	270.00
Bumper to Bumper	Air filter	6105340 · Vehicle Maint and Repair	15.72
Bumper to Bumper	Filters	6105443 · Parts	53.19
Buzick	Keys	6105427 · Garage supplies	13.75
Carey Sign	Maintenance supplies	6105427 · Garage supplies	50.00
Cintas	Cleaning and bathroom supplies	6103411 · Cleaning and custodial supplies	205.59
Cintas	Uniforms	6105481 · Uniforms	1,129.84
Conway Heaton	2011 F350	6105340 · Vehicle Maint and Repair	213.37
Fastenal	Safety glasses	6105427 · Garage supplies	111.15
Fastenal	Bushhog	6105443 · Parts	2.35
Joe Hill's	Chainsaw links	6105427 · Garage supplies	41.25
Joe Hill's	Supplies	6105443 · Parts	17.48
Keystops	Fuel	6105429 · Fuel and Lubricants	10,704.12

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**Nelson County Fiscal Court
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Name	Memo	Account	Amount
02 Road Fund (continued)			
Kimball Midwest	Garage supply	6105427 · Garage supplies	130.38
Lasco	Truck 308	6105443 · Parts	109.99
Lowe's	Maintenance supplies	6105427 · Garage supplies	51.18
Mago Construction	Wetherby Ave	6105311 04 · District 4 Paving	7,623.11
Mago Construction	Wetherby Ave	6105730-01 · Flex Funds Projects	19,008.00
Patrons Home Center	Shop and maintenance supplies	6105427 · Garage supplies	412.29
Saf-ti-Co	Street and safety signage	6105469 · Signs & Posts	863.36
Southeastern Equipment	Gradall	6105443 · Parts	296.58
T&T Feed & Seed	Contractors mix	6105431 · Fences, ROW, Tree Removal	49.99
Tatum Auto Supply	Vehicle repairs - Richie	6105340 · Vehicle Maint and Repair	95.93
Total Truck Parts	Truck 308, Gradall	6105443 · Parts	195.61
Truck Parts & Service	Ratchet straps	6105427 · Garage supplies	59.00
Your Choice Uniforms	Uniform shirts - Richie	6105481 · Uniforms	126.00
Total 02 Road Fund			44,214.25
03 Jail Fund			
APB Consulting Solutions	Training/recert for electronic gloves	5101569 · Staff training & travel	695.00
Buddi US	Tracking devices	5101446 · Jail Supply and Provisions	20.00
Cintas	Mats, building supplies	5101334 · Building Maintenance	105.52
CMI Inc	Alcohol breath test supplies	5101446 · Jail Supply and Provisions	193.14
Correctional Behavior	0525 health services	5101549 · Routine Medical	1,650.00
Custom Transport	2017 F150 - lights	5101340 · Vehicle expense	1,018.14
Danville Office	Copier fees	5101445 · Office Supplies	473.31
Express Mobile Diagnostics	Inmate medical	5101549 · Routine Medical	1,500.00
Garcia Clinical Laboratory	Lab services	5101549 · Routine Medical	8.00
Kellwell Food Mgmt	Food	5101425 · Food	6,278.01
Lowe's	Sand bags	5101334 · Building Maintenance	75.96
Lowe's	Medical office supplies	5101446 · Jail Supply and Provisions	47.83
Patrons Home Center	Building repair and maintenance	5101334 · Building Maintenance	233.79
Patrons Home Center	Drain opener	5101406 · Tools and maint supplies	77.98
Patrons Home Center	Tissue	5101411 · Custodial Supplies	139.98
Specific Waste Industries	Garbage bags	5101411 · Custodial Supplies	61.00
SuperCom Inc	Tracking devices HIP	5101446 · Jail Supply and Provisions	152.75
WK Correct Dental	Inmate medical	5101549 · Routine Medical	633.00
Your Choice Uniforms	Staff Uniforms	5101446 · Jail Supply and Provisions	535.00
Total 03 Jail Fund			13,898.41
04 LGEA Fund			
Haydon Materials	Misc county roads	6105409 · Rock	829.71
Mago Construction	Misc county roads	6105405 · Hot and cold mix	1,116.18
Total 04 LGEA Fund			1,945.89
09 Ambulance Fund			
Alternative Health Solutions	Employee medical	9400547 · Employee Medical	83.68
Danville Office	Office Chair	5140445 · Office Expense	527.00
Newcomb Oil Co	Fuel	5140429 · Fuel and lubricants	9,367.47
Total 09 Ambulance Fund			9,978.15

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Name	Memo	Account	Amount
80 Clerk Permanent Storage			
Courthouse Computer Sys	Software service 1124-0625	5010540 · Indexing and Storage	20,000.00
Total 80 Clerk Permanent Storage			<u>20,000.00</u>
82 E911			
Holt Computers	Remote backup, service calls	5145348 · IT Support Services	400.00
Patrons Home Center	Cleaning supplies	5145411 · Cleaning and Custodial Supplies	78.72
Patrons Home Center	Office supplies	5145445 · Office Expense	78.18
Shred It	Document destruction	5145445 · Office Expense	203.62
Xerox	Copier contract	5145445 · Office Expense	143.30
13 Solid Waste Fund			
Bardstown Middle School	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	200.00
BNC Chamber of Commerce	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	200.00
Humane Society	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	300.00
St Ann 4H Club	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	1,700.00
Wicklaid Baptist Church	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	200.00
Working the Puzzle for Autism	Spring 2025 Roadside Cleanup	5215315 · Roadside Cleanup	400.00
American Tire	Shop tires	5215479 · Tires	4,913.90
Cintas	Uniforms	5215481 · Employee uniforms	618.61
Fulcrum Lifting	Truck 416	5215443 · Parts	697.23
Keystops	Fuel	5215429 · Fuel & Lubricants	13,969.50
Ky Truck Sales, Inc.	Truck 416	5215443 · Parts	17.64
Tatum Auto Supply	Truck 425	5215443 · Parts	233.88
Total 13 Solid Waste Fund			<u>23,450.76</u>
15 Landfill Fund			
AmCon	Daily cover tarp	5210446 · Cover Material	3,618.55
American Tire	Tire for Backhoe	5210479 · Tires	323.71
Boyd Co	Equipment rental - Backhoe 420F2IT	5210380 · Equipment Rental	5,097.50
Boyd Co	Dozer, backhoe	5210443 · Parts	795.66
Cintas	Bathroom and cleaning supplies	5210411 · Custodial supplies	237.76
Cintas	Uniforms	5210481 · Uniforms	602.67
Duplicator Sales	Copier fees	5210445 · Office Expense	20.65
Haydon Materials	Rock	5210571 · Property Maintenance	481.66
Keystops	Fuel	5210429 · Fuel & Lubricants	9,580.10
Kimball Midwest	Garage supply	5210427 · Main supplies	36.06
Ky Truck Sales, Inc.	Truck 409	5210443 · Parts	231.98
Tatum Auto Supply	Backhoe, Truck 427	5210443 · Parts	221.61
Truck Parts & Service	Valve stems	5210443 · Parts	30.00
Total 15 Landfill Fund			<u>21,277.91</u>
23 Occupational Tax Fund			
Jenny Boone Web Studio	Website hosting fee - annual	5047445 · OLF Office supplies	215.00
Shred-It	Shred Services	5047445 · OLF Office supplies	83.51
Total 23 Occupational Tax Fund			<u>298.51</u>
Bills for Court Approval			<u><u>\$184,579.88</u></u>

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**Nelson County Fiscal Court
Additional Bills for Court Approval
June 17, 2025**

Name	Memo	Account	Amount
01 General Fund			
BMS LLC	0625	9400299 · Cobra Administration	\$ 93.60
Danville Office	Storage boxes	5040445 · Treasurer Office Expense	119.50
ISET, LLC	Telephone setup - Animal Shelter	9100585 · IT Fees and Services	275.00
Lowe's	AC	5301515 · General Welfare Assistance	379.05
Lowe's	Supplies	5401467 · Recreation Supplies & Equipment	245.54
M & J Construction	Construction Draw final	5063742 · Licensing Office Building	56,157.50
M & J Construction	Construction Draw final	5064742 · Comm Atty Office	\$4,130.00
S & R Supply	AC capacitors	5205343 · Shelter Clinic Expense	15.21
Total 01 General Fund			<u>111,415.40</u>
02 Road Fund			
American Tire	Equipment and fleet tires/repairs	6105479 · Tires	5,646.83
Total 02 Road Fund			<u>5,646.83</u>
03 Jail Fund			
Fastenal	Truck supplies	5101406 · Tools and maint supplies	57.89
Lowe's	Cell and shower cleaning	5101334 · Building Maintenance	100.17
Total 03 Jail Fund			<u>158.06</u>
09 Ambulance Fund			
3-D Graphics	Uniforms and embroidery	5140441 · Supplies and Equipment	1,074.00
AMB	0525 collections	5140320 · Collection services	10,167.61
American Tire	Fleet repair and maintenance	5140340 · Vehicle Maintenance & Repairs	1,474.56
Bound Tree Medical	Medical Supplies	5140550 · Medical supplies & Materials	2,650.50
Cintas	Mats, cleaning and custodial supply	5140441 · Supplies and Equipment	340.23
Danville Office	Office Chair, office supplies	5140445 · Office Expense	808.17
eSchedule	Scheduling software	5140543 · Licenses	912.51
Galls	Uniforms	5140441 · Supplies and Equipment	57.62
Holt Computers	Setup email accounts/passwords	5140441 · Supplies and Equipment	80.00
Lanham, Melissa	CAC Recert training - reimbursements	5140569 · Training	201.56
NexAir	Oxygen	5140550 · Medical supplies & Materials	343.92
Quick Care Express	Sq 33	5140340 · Vehicle Maintenance & Repairs	103.94
Reynolds, Michael	Mourning drapes	5140599 · Miscellaneous	134.85
Secure Stream LLC	File shred services	5140445 · Office Expense	60.00
Secure Stream LLC	Bio haz box	5140550 · Medical supplies & Materials	67.00
Tatum Auto Supply	Vehicle maintenance	5140340 · Vehicle Maintenance & Repairs	348.50
Waystar	Claims Management Fee	5140320 · Collection services	149.29
Total 09 Ambulance Fund			<u>18,974.26</u>
15 Landfill Fund			
American Tire	Truck 725 repair	5210479 · Tires	333.16
Total 15 Landfill Fund			<u>333.16</u>
82 E911			
3-D Graphics	Uniforms and embroidery	5145322 · E911 Supplies and Equipment	345.00
Total 82 E911			<u>345.00</u>
84 ARPA Grant			
Kiefer's Contracting	Draw #1	8099743 05 · Hurricane Hills Water Project	82,290.28
Mago Construction	Antlers Trace	6105311 · Contract Paving	48,294.39
Total 84 ARPA Grant			<u>130,584.67</u>
Additional Bills for Court Approval			<u>\$ 267,457.38</u>

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<p style="text-align: center;">NELSON COUNTY FISCAL COURT FY 2025 Employee Reimbursements - paid via Payroll June 17, 2025</p>

	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<u>911 Dispatch</u>			
Shanna Brussell	Training/travel	5145-569	224.81
Sarah Gowen	Training/travel	5145-569	195.45
<u>Landfill</u>			
Dakota Curtsinger	CDL Fees	5210-551	52.50

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NELSON COUNTY FISCAL COURT FY 2025 Paid Bills/Upcoming Transfers for Court Approval June 17, 2025
--

<u>Fund/Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<u>Landfill Fund</u>			
General Fund	FY 25 Budgeted Appropriation	4909 01 · Transfers to General Fund	\$ 925,510.00
Lawson Products	Shop supplies	5210427 · Main supplies	269.52
Less Discount			(2.69)
TOTAL PAID BILLS AND TRANSFERS			<u>\$ 925,776.83</u>

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NELSON COUNTY FISCAL COURT BUDGET LINE-ITEM TRANSFERS FY 2025
--

Account Name	Transfer From/Reduce Budget Amount	Transfer/Add to Budgeted Amount	Amount
GENERAL FUND			
County Judge Salary	5001-101		(6,600.00)
CJE Office Expense	5001-445		(4,500.00)
Co Atty Office Salary	5005-105		(2,300.00)
Sutherland Bldg Renovations	5010-741		(18,000.00)
Justice Center Utilities	5081-578		(4,300.00)
Justice Center Maint Contracts	5081-329		(11,600.00)
Deputy Judge Salary		5001-103	3,000.00
Administrative Asst Salary		5001-105	3,000.00
Co Judge Part Time/Intern		5001-165	1,200.00
Consulting Services		5001-309	500.00
Co Atty Salary		5005-101	5,000.00
Co Atty Office Expense		5005-445	2,400.00
Sutherland Bldg Maint Contracts		5010-329	400.00
Sutherland Bldg HVAC Repair and Maint		5010-516	2,900.00
County Treasurer Salary		5040-102	100.00
Board of Elections		5065-191	400.00
Election Equipment Maint		5065-336	6,000.00
Election Supplies		5065-427	100.00
PZ Salaries and Wages		5070-185	12,000.00
Old CH Maint Contracts		5080-329	400.00
Justice Center Maint Personnel		5081-177	3,700.00
AOC Reimbursable Projects		5081-740	5,100.00
Industrial Park Projects		5085-446	900.00
Old Library Utilities		5087-578	200.00
Law Enforcement Salaries	5105-119		(19,300.00)
Law Enf Vehicle Maint		5105-340	11,000.00
Law Enf Maint Contracts		5105-329	1,500.00
Code Enforcement Staff		5115-167	6,800.00
Animal Control Grant Projects	5205-446		(7,200.00)
Dog Warden Salary		5205-103	2,200.00
Shelter Staff		5205-104	3,000.00
Animal Shelter Clinic Expense		5205-343	2,000.00
Civic Center Utilities	5415-578		(1,000.00)
Civic Center Building Maint		5415-334	1,000.00
Legal Fees	9100-332		(5,200.00)
Payroll Processing		9100-301	1,100.00
Advertising and Legal Notices		9100-539	200.00
Telephones		9100-573	3,400.00
IT Fees and Services		9100-583	500.00
Reserve for Transfer/Reserves	9200-899		(158,000.00)
KPDI Grant		8011-741-01	158,000.00
Transfer from Landfill	4910-15		(693,510.00)
Driver Licensing Office		5063-742	352,775.00
Comm Atty Office		5064-742	340,735.00

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NELSON COUNTY FISCAL COURT BUDGET LINE-ITEM TRANSFERS FY 2025			
Account Name	Transfer From/Reduce Budget Amount	Transfer/Add to Budgeted Amount	Amount
<u>ROAD FUND</u>			
Office Expense	6103-445		(500.00)
Retirement	9400-202		(21,000.00)
Telephones		6103-573	500.00
Employee Health Insurance		9400-205	21,000.00
 <u>JAIL FUND</u>			
Reserve for emergencies/transfer	9200-999		(14,600.00)
Office Expense	5101-445		(7,700.00)
Utilities	5101-578		(15,300.00)
Employee Health Ins	9400-205		(18,000.00)
Retirement	9400-202		(19,000.00)
Jailer Salary	5101-101		(8,600.00)
Deputies Salaries		5101-103	53,000.00
Maintenance Personnel		5101-177	700.00
Building Maintenance		5101-334	1,200.00
Vehicle Maintenance		5101-340	1,400.00
Jail Supply and Provisions		5101-446	2,000.00
Routine Medical		5101-549	18,500.00
Staff training and travel		5101-569	600.00
Social Security		9400-201	3,800.00
 <u>EMS FUND</u>			
Reserve for emergencies/transfer	9200-999		(68,800.00)
Salaries and wages		5140-137	60,000.00
Medicaid Provider Fee		5140-314	1,500.00
Vehicle Maintenance and Repairs			1,400.00
Supplies and Equipment			500.00
Licenses			1,000.00
Medical Supplies and Materials			2,500.00
Social Security		9400-201	1,900.00
 <u>SOLID WASTE FUND</u>			
Fuel	5215-429		(14,400.00)
Roadside Cleanup		5215-315	1,300.00
Collection Contracts		5215-320	12,000.00
Uniforms		5215-481	1,000.00
Property Damage Claims		5215-537	100.00

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NELSON COUNTY FISCAL COURT BUDGET LINE-ITEM TRANSFERS FY 2025
--

Account Name	Transfer From/Reduce Budget Amount	Transfer/Add to Budgeted Amount	Amount
<u>LANDFILL FUND</u>			
Fuel	5210-429		(69,000.00)
Environmental Monitoring	5210-324		(27,100.00)
Solid Waste Manager		5210-105	1,000.00
Custodial Supplies		5210-411	200.00
Parts		5210-443	6,300.00
Cover Material		5210-446	3,200.00
Tires		5210-479	700.00
Uniforms		5210-481	900.00
Utilities		5210-578	83,000.00
Social Security		9400-201	800.00
Transfer to General		4909-01	693,510.00
Reserve for Transfer	9200-999		(353,000.00)
Reserve for Investment	9200-999-02		(340,510.00)
<u>OCCUPATIONAL LICENSE FUND</u>			
Reserve for emergencies/transfer	9200-999		(8,400.00)
Occupational License Administrator		5047-142	5,400.00
Part Time Wages/Intern		5047-179	1,500.00
Office Expense		5047-445	900.00
Social Security		9400-201	600.00
<u>OPIOID FUNDS</u>			
Reserve for emergencies/transfer	9200-999		(16,300.00)
Law Enf Salary		5105-119	6,800.00
Battle of the Schools/Drug Free Campaign		5315-548	4,200.00
Legal Fees		9100-332	4,600.00
Social Security		9400-201	600.00
Life/Disability Insurance		9400-204	100.00
<u>911 EMERGENCY DISPATCH</u>			
Reserve for emergencies/transfer	9200-999		(11,100.00)
Supervisor Salary		5145-107	1,200.00
Dispatcher Salary		5145-159	3,000.00
Tower and Siren Maintenance		5145-420	1,000.00
E911 Operations Expense		5145-446	1,400.00
Social Security		9400-201	4,500.00
<u>Co Clerk Permanent Storage</u>			
Reserve for emergencies/transfer	9200-999		(6,900.00)
Indexing and Storage Expense		5010-540	6,900.00

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Nelson County – Kentucky
Tim Hutchins – County Judge Executive
PO Box 578 – One Court Square, 2nd Floor
Bardstown, KY 40004
502-348-1800
ncjudge@bardstown.com



Magistrate District #1: Keith Metcalfe
Magistrate District #2: Adam Wheatley
Magistrate District #3: MT Harned
Magistrate District #4: Jeff Lear
Magistrate District #5: Jon Snow

MEMO

To: Tim Hutchins, NCJE; Magistrates

From: Bradley T. Spalding, P.E.

Date: 6/17/25

Subject: Meadowbrook Subdivision, - Hollow Springs Drive, - County Acceptance

Raisor Home Builders, Inc - Developer

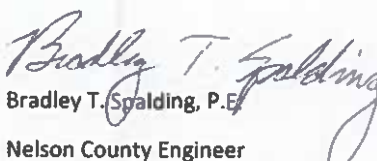
Hollow Springs Drive final asphalt surface was placed in June 2025 and 100% of the homes have been constructed. The asphalt base was installed in May 2022 and the road has been through multiple winters.

The Developer has requested the County accept:

Hollow Springs 0+00 to 7+51 (~ 751 LF) = 20' wide pavement with curbs.

The right of ways have been graded and vegetation established. The drop boxes and cross drain are free of silt. The storm water retention basin has been constructed per the plans.

It is recommended to formally accept the noted road and distance into the Nelson County Road System.


Bradley T. Spalding, P.E.
Nelson County Engineer

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Nelson County – Kentucky
Tim Hutchins – County Judge Executive
PO Box 578 – One Court Square, 2nd Floor
Bardstown, KY 40004
502-348-1800
ncjudge@bardstown.com



Magistrate District #1: Keith Metcalfe
Magistrate District #2: Adam Wheatley
Magistrate District #3: MT Harned
Magistrate District #4: Jeff Lear
Magistrate District #5: Jon Snow

MEMO

To: Tim Hutchins, NCJE; Magistrates
From: Bradley T. Spalding, P.E.
Date: 6/17/25
Subject: Lakeview Development – Natalies Way
JBH - Developer

Natalies final asphalt surface and repairs were completed on June 5, 2025 and more than 50% of the homes have been constructed. The asphalt base was installed September 9, 2016, asphalt surface installed Summer of 2022 and the road has been through multiple winters. Final repairs of the roadway were completed under the County Engineer's supervision.

The Developer has requested the County accept:

Natalies Way 0+00 to 9+44 (~ 944 LF) = 20' wide pavement with ditches

The right of ways have been graded and vegetation established. The cross drain are free of silt. The storm water management plan as approved has been installed.

It is recommended to formally accept the noted road and distance into the Nelson County Road System.


Bradley T. Spalding, P.E.
Nelson County Engineer

FISCAL COURT ORDERS

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Nelson County – Kentucky
Tim Hutchins – County Judge Executive
PO Box 578 – One Court Square, 2nd Floor
Bardstown, KY 40004
502-348-1800
nciudge@bardstown.com



Magistrate District #1: Keith Metcalfe
Magistrate District #2: Adam Wheatley
Magistrate District #3: MT Harned
Magistrate District #4: Jeff Lear
Magistrate District #5: Jon Snow

MEMO

To Nelson County Schools
Central Dispatch
Bardstown /Nelson County Fire Department
Nelson County Sheriff Department
Nelson County Ambulance Service
City of Bardstown
Kentucky Standard
WBRT Radio

Date: June 16, 2025

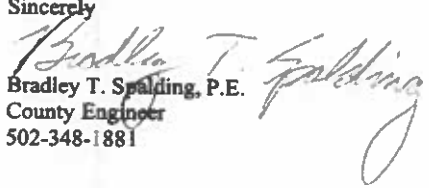
Subject: **Bridge Closure ~ 4936 Woodlawn Road -**

Beginning on June 23, 2025

The Woodlawn Road Bridge crossing Riddle Branch near 4936 Woodlawn Road will be closed due to replacement of the bridge.

The time-frame for the closure shall be approximately 6-8 weeks pending weather.

Sincerely


Bradley T. Spalding, P.E.
County Engineer
502-348-1881

cf: Tim Hutchins, NCJE
Chris Martin, NC Road Department

Adam Wheatley, Magistrate

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WHEREAS, the Court held a first reading on June 1st 2025, and held a 2nd reading and adoption on June 17th 2025, and after due consideration,

UPON MOTION OF **Jon Snow** SECONDED BY **Keith MacCallie** AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

ORDINANCE NO. 2025-004

AN ORDINANCE ADOPTING ZONING REGULATIONS AND TO OTHERWISE PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF THE COUNTY OF NELSON.

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

Joint City-County Planning Commission of Nelson County
989 Chambers Boulevard
P.O. Box 402
Bardstown, Kentucky 40004
(802) 348-1805
www.ncpz.com

Amended
City of Bardstown, June 13, 2024
City of Bloomfield, May 14, 2017
City of Fairfield, May 14, 2017
City of New Haven, September 24, 2023
Nelson County Fiscal Court, June 17th 2025

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Article 1 - General Provisions

1.1 Purpose
 WHEREAS the cities of Bardonia, Bloomfield, Fairfield, New Haven and Nelson County, Kentucky, have been engaged in a joint planning effort to provide for the orderly development of the adjacent cities and county; and
 WHEREAS providing for such development requires the adoption of various types of land use regulations; and
 WHEREAS the aforesaid cities and county have adopted the objectives of the said use plan element, and have further adopted a comprehensive plan
 NOW THEREFORE BE IT ORDAINED AND ORDERED by the City Council of Bardonia and the Board of Trustees of the cities of Bloomfield, Fairfield, New Haven and the Fiscal Court of Nelson County that it shall be unlawful for any person, firm, or corporation to locate, erect, or construct any building intended or designed to be used for residential, business, or industrial purposes or to alter any building to be used for such purposes, or to use any building or property for such purposes within any zoning district or neighborhood, except as hereinafter provided.

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

1.3 Purpose
 The purpose of the Zoning Regulations is to promote the general welfare by establishing and applying the zoning districts throughout Bardonia, Bloomfield, Fairfield, New Haven, and Nelson County for the specific purposes defined in the Kentucky Revised Statutes, Section 100.021. In establishing the zoning districts, these regulations seek to promote the general welfare by designating suitable areas for the necessary uses of the land in logical patterns, by directing the permitted uses in each district from the undesirable effects of conflicting uses, and seek to ensure the stable value of all permitted development. These regulations further seek the general welfare by promoting the efficiency and encouraging the improvement of public order and income to the land in all districts in order that they be used and enjoyed in safety, and they be carried forth as a minimum of duty for the benefit of all activities and persons in the aforementioned cities and county.

1.4 Conflict with Other Ordinances
 In case of conflict between the Zoning Regulation or any part thereof and the whole or part of any existing or future ordinance of the City of Bardonia, Bloomfield, Fairfield, New Haven or other of adjacent County including but not limited to the Subdivision Regulations for All of Nelson County or the whole or part of any existing or future zoning ordinance or code the most restrictive in each case shall apply.

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

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Article 1 - General Provisions

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

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

1.2 Approval of Land Use Exceptions
 Notwithstanding any other provision of the Zoning Regulation, land which is used solely for agricultural farming, forestry, stock-raising or similar purposes shall have no regulations imposed as to building structures except that all setbacks shall be measured by the projection of existing and proposed streets and highways and that all buildings or structures in a designated roadway or road plan or which tend to obstruct road rights or obstruct the flow of road waters may be fully regulated. The interpretation of the Administrative Officer as to the agricultural character or exemption of any use shall be considered final unless appealed to the applicable Board of Adjustment.

1.3 Interpretation and Scope of Regulations
 The Zoning Regulation shall be strictly construed and may not be extended by implication except where the intention of Nelson County and the cities of Bardonia, Bloomfield, Fairfield, and New Haven must prevail. In their interpretation and application the provisions of the Regulation shall be held to be minimum requirements. The Planning Commission shall have all powers conferred by KRS Chapter 100 including but not limited to those specifically mentioned in KRS 100.020 and 100.21(2).

1.10 Effective Date
 The Zoning Regulation shall be in full force and effect at the date of its adoption by the legislative bodies of Nelson County and the Cities of Bardonia, Bloomfield, Fairfield, New Haven and Nelson County (respective areas of jurisdiction).
 The original effective date of the Zoning Regulation was November 28, 2022. The effective date of the Zoning Regulation as amended was May 1, 2022.

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Article 2: Zoning Map

2.1 Adoption of Zoning Maps

The Cities of Bardonia, Bloomfield Park and New Haven, and the unincorporated area of Nelson County are hereby divided into areas or districts as provided and described herein, and as shown on the Zoning Maps which are hereby adopted by reference and declared to be a part of this Zoning Ordinance.

2.2 Maintenance of Zoning Maps and Amendments Thereof

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

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

2.3 Interpretation of Zoning District Boundaries

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

- Where a zoning district boundary follows an alley, a street or a road, the centerline of the alley, street, or railroad right-of-way is the boundary of the district.
- Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- Where a zoning district boundary follows a stream or the shore of a body of water, the centerline of the stream or body of water is the boundary of the district.
- Where a zoning district boundary does not clearly follow any of the features mentioned above its exact location on the ground shall be determined by measurement according to the map scale.
- Where a district boundary line is located with reference to a feature or monument, the location of such feature or monument shall control.
- Where a district boundary line is shown by a specific dimension and/or right-of-way description (or through a zoning request), such specific dimension or legal description shall control.
- When a lot existing prior to the adoption of these regulations and subdivided since the adoption of these regulations, is divided into different subdivisions (lot classifications being established by the adoption of the zoning map) then the entirety of the lot or tract may be used in conformity with and subject to the regulations herein established for the zoning district in which the majority of the area is shown greater than 50%.

Article 3: Administration

3.1 Administrative Code

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

3.2 Zoning Compliance Permits

Zoning compliance permits shall be issued in accordance with the following provisions:

- Demolition** - No shed shall be used and no building or other structure shall be erected, moved, added to, structurally altered, demolished, or changed from one permitted or conditional use to another nor shall any grading take place on any lot or parcel of ground without a permit issued by the Director or his/her designated representatives.
- Exemptions** - The following exemptions shall apply:
 - Agricultural Structures** - A zoning compliance permit is required in erect, move, add to, structure, alter or structurally alter an agricultural structure to ensure compliance with use, minimum setbacks and footprint requirements as set forth in these Regulations. A site plan and affidavit verifying the structure is and created by the owner's signature shall accompany the permit application. Zoning compliance permit fees shall be waived for qualified agricultural structures as defined in these Regulations.
 - Public Facilities** - A zoning compliance permit is required to erect, relocate, add to, structure, alter, demolish, or change from one permitted or conditional use to another for any public building or structure. Zoning compliance permits are not required for public utility installation and operation structures such as poles, transmission lines, transformers, meters, etc. The zoning compliance permit fee shall be waived for all public facilities.
 - Public Improvements and Signs** - No zoning compliance permit shall be required for routine maintenance and repair as defined in these Regulations.
 - Public Improvements** - No zoning compliance permit shall be required for the installation of required public improvements such as streets, roads, water sewer, etc.
 - Private Structures, Signs, Fences, and Landmarks** - No zoning compliance permit shall be required for the installation of private driveways, parking areas, or sidewalks.
 - Temporary Structures** - No zoning compliance permit shall be required for temporary structures as defined in Article 5 of these Regulations. Such structures shall comply with height, setbacks, and appearance requirements as set forth in Section 4.4 of the Ordinance.

3.3 Application for Zoning Compliance Permits

Applicants for a zoning compliance permit must be an owner or an individual with an interest in the property involved, such interest may consist of an ownership interest, a lease and effective sales contract, or other agreement signed by the owner of record or other of ownership signed by said owner of record. All applications for zoning compliance permits shall be accompanied by:

- Completed zoning compliance permit application form provided by the Planning Commission.
- Copy of deed and/or plat/survey of the property.

Article 3: Administration

3.1 Application for Zoning Compliance Permits

- A site plan drawn to scale and showing the following information:
 - All property lines, areas and dimensions of the lot to be built upon and total lot area in acreage or square feet.
 - Type, location, and dimensions of existing and proposed buildings, structures, driveways, sidewalks, etc.
 - Distances (setbacks) of all buildings and structures from front, side, and rear property lines as measured from the overlooking to the property line.
 - Location and dimensions of existing and proposed streets, access points, driveways, or other parking areas.
 - Location of proposed walkways and open spaces.
 - Location, type and height of walls, fences and screen plantings.
 - Location of existing and proposed easements, and.
 - For demolition permits, show the location and address of structure to be demolished and the type of existing structures and construction that are to remain on the site.

3.2 Application for Zoning Compliance Permits

An approved environmental assessment permit from the appropriate agency, if applicable.

3.3 Application for Zoning Compliance Permits

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

3.4 Application for Zoning Compliance Permits

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

3.5 Application for Zoning Compliance Permits

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

3.6 Application for Zoning Compliance Permits

Zoning compliance permit fee as provided for in Article 17 of these Regulations and:

3.7 Application for Zoning Compliance Permits

Any additional documentation necessary to determine compliance with applicable laws, rules, and regulations (such as a Certificate of Appropriateness, a Certificate of Occupancy, and existing structures and any structures requiring a variance, an 84-foot survey signed and stamped by a licensed land surveyor and carrying the seal and signature of the surveyor (only in effect in Cities of Bloomfield, Parkfield, and New Haven and Nelson County), and.

3.8 Application for Zoning Compliance Permits

Any additional documentation necessary to determine compliance with applicable laws, rules, and regulations (such as a Certificate of Appropriateness, Parkfield, and New Haven and Nelson County).

3.9 Application for Zoning Compliance Permits

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

14.15 Validity

The issuance of a zoning compliance permit shall not waive any provisions of these Regulations.

14.16 Return to Code

If a person obtains a zoning compliance permit that is a violation of these Regulations and punishable under Article 14 of these Regulations.

14.17 Expiration of Zoning Compliance Permits

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

Article 3: Administration

3.1 Application for Zoning Compliance Permits

within six (6) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void only in effect in Cities of Bloomfield and Bloomfield and Nelson County. If a zoning compliance permit is renewed before the expiration date, applicable permit fees will be waived.

3.2 Certificate of Occupancy

It shall be unlawful to erect or alter to use or permit the use of any building or structure and become used or occupied in effect in Cities of Bloomfield and New Haven. If a building is completed on lots not been used within twelve (12) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void only in effect in Cities of Bloomfield and Bloomfield and Nelson County. If a zoning compliance permit is renewed before the expiration date, applicable permit fees will be waived.

3.3 Certificate of Occupancy

It shall be unlawful to erect or alter to use or permit the use of any building or structure and become used or occupied in effect in Cities of Bloomfield and New Haven. If a building is completed on lots not been used within twelve (12) months from the date of the zoning compliance permit, said zoning compliance permit shall expire and become void only in effect in Cities of Bloomfield and Bloomfield and Nelson County. If a zoning compliance permit is renewed before the expiration date, applicable permit fees will be waived.

3.4 Certificate of Occupancy

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

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Article 4: Boards of Adjustment

4.1 Board of Adjustment

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

4.2 Rules for Proceedings Before Board

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

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

4.3 Powers of the Board

Subject to the limitations enumerated herein, the Board shall have and exercise the following powers. The Board may reverse or affirm, wholly or partly or may modify the order requirements, decision or determination appealed from and may make such other requirements, decision or determination as it may deem proper and shall have all the powers of the officer or department from whom the appeal is taken. Specific powers include:

- Administrative Review.** To hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by an administrative official in the enforcement of the ordinance.
- Variance.** To hear and decide all applications for variance. The Board of Adjustment may impose any reasonable conditions or restrictions or any variance it deems to grant.
(1) Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety or welfare, and not alter the essential character of the general vicinity and not cause a hazard to the public, and will not show an unreasonable compliance with the requirements of these Regulations. In making these

Article 4: Boards of Adjustment

findings the Board of Adjustment shall consider whether:

- The requested variance or use from special circumstances which do not generally apply to and in the general vicinity or in the same zone.
 - The strict enforcement of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant and
 - The circumstances are the result of actions of the applicant which subsequent to the adoption of the Zoning Regulations, from which relief is sought.
- (2) The Board of Adjustment shall deny any request for a variance arising from circumstances that are the result of the willful violation of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulations from which relief is sought.

C. Conditional Use Permits

To hear and decide applications for conditional use permits to allow for the proper integration into the community of uses which are specifically named in the Zoning Regulations which may be suitable only in specific locations in the zone only if certain conditions are met. Neither the approval nor evidence of a conditional use shall be deemed to alter the basic character of the area in which it is located and shall not be admissible for evidentiary purposes for any rezoning request. All requests for conditional use permits shall meet the following mandatory requirements as well as being reviewed for the requirements, if any, listed for the conditional use in each specific zone under "conditional use permitted":

- The proposed use must be in a surrounding use and is not a detriment to the area.
- Adequate public or private utilities are provided on site to serve the particular needs of the specific use proposed.
- Traffic circulation is adequate both to and from the site.
- Adequate parking and traffic flow plans are provided on site, and.
- Any conditions the Board deems necessary to ensure compatibility and appropriateness of the proposed use with the surrounding properties.

D. Construction Easement Rights

To authorize what appear to be specific cases, such as easements from the terms of the ordinance, subject to terms and conditions listed by the Board, as well as permit applicant to file and complete construction in accordance with terms, conditions and easements. No portion of said plans having been constructed or to release and complete the construction of additional structures in accordance with an existing major structure or structure. Every easement instrument hereunder shall be personal to the applicant therefore and shall not be transferable. shall run with the land only after the construction of the additional structure or structure and only for the full term of the structure or structure. No easement shall be authorized hereunder unless the Board find that all of the following conditions exist:

- That the easement will not authorize the operation of a use other than those uses specifically enumerated as permitted uses for the district in which is located the property for which the easement is sought, or a use typically associated with the applicant as described in subsection B below.
- That the applicant is a public utility or a non-profit community facility providing a service but not a commodity and is acting through its executive management or governing authority.
- That the full development is designed and intended to serve the district in which the development is sought to be operated and maintained.
- That the full development is necessary and desirable to provide a service of a facility which would contribute to the general well being of the district in which the development is sought to be operated and maintained.
- That the facility will not substantially or permanently alter the appropriate use of adjacent conforming property in the same district.
- That the facility will not alter the essential character of the district in which is located the property for which the easement is sought.
- That the facility will not frustrate the general purposes of the ordinance of the regulations herein established for the specific district.

Article 4: Boards of Adjustment

- That the facility will be in harmony with the spirit and purpose of the ordinance.
- That the facility will not adversely affect the public health, safety or general welfare.

6. Duties and Limitations of Witnesses. For the purpose of enabling the persons herein enumerated, the Board shall have a witness or non-witness. The chairman or in his absence the vice-chairman, shall administer oaths to and accept affirmations from witnesses. A failure or refusal to appear in response to a subpoena issued by the Board shall constitute a violation of the ordinance.

4.4 Limitations on Powers of Board

- Appellate Vote Required.** The concurring vote of a simple majority of the members of the Board shall be necessary to reverse any order requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance or to affect any discretionary variance from the ordinance.
 - Findings of Fact.** Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this ordinance or to affect any discretionary variance from the ordinance shall be presumed as violations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this ordinance.
 - Private Street Closures.** Nothing herein contained shall be construed to empower the Board to change the terms of that ordinance to effect changes in the official map or to add to the specific uses created in any district. The powers of the Board shall be as provided that the ordinance and the official map are strictly enforced.
- ### 4.5 Appeals from the Board
- Procedure.** Any person aggrieved, any taxpayer, the municipality or any other department of the municipality may have a decision of the Board reviewed in the manner as set forth in ORS 100.247 (1) or other applicable provisions of state law.
 - Effect of Appeal.** The issuance of a writ or a petition hereunder shall not stay proceedings upon the decision appealed from but the court, in application after notice to the Board and on due cause shown, may grant restraining order.

4.6 Liability

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

4.7 Conditional Use Permits and Variances Presented in Connection with Zoning Map Amendments

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

Article 4: Definitions

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

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

Accessory Dwelling Unit. An unattached and open structure, including a tent or chalet, that (1) allows a person with a physical disability access to a dwelling and (2) is located on a dwelling.

Accessory Dwelling. An accessory dwelling is a habitable living unit attached to a single-family dwelling that complies with the requirements for independent living, cooking, sleeping, and sanitation facilities. An accessory dwelling shall be of permanent construction and shall have not more than 1,000 square feet of living area and 1,500 square feet of total gross floor area. The accessory dwelling shall be located behind the principal structure and on the rear yard and shall comply with accessory structure setbacks. The accessory dwelling shall be served by public sanitary sewer or approved septic system approved by both principal and accessory dwellings. Accessory dwellings may be garage apartment, ancillary apartment, detached, semi-detached, or converted carriage house or garage lot.

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

Administrative Official. Any department, employee or advisory board or appointed body which is authorized, as provided for herein in state law, to administer any provision of the Zoning Regulation and to designate, with discretion, any hearing or other local use control regulation.

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

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

Animal Care Operation. The use of and for agricultural farming, raising or stock raising in any of a minimum of two (2) acres is defined as defined in ORS 100.111.

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

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

Approved Care Home Facility. A residential facility provided varying levels of assistance to residents, usually the elderly, in performing daily tasks. The type of use is distinguished from a nursing home if that facility has no beds and is not a necessary care retirement home.

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Article 5: Definitions

Mobile Mechanics Any establishment or place of business, including portable jacks and service lifts, maintained, operated or used for storing, repairing, buying or selling of cars or heavy motor vehicles, trucks, trailers, boats, motor vehicles parts, tires, and other out of stock tires or accessories.

Mobile Mechanical Contractor That person, usually indicated by a percentage of the area that may be covered by structures, parking areas, walkways, concrete, asphalt or other pervious surfaces.

Mobile Storage A facility within a completely enclosed building which is intended for the production and packaging of up to 15,000 cubic feet per calendar year of most materials.

Mobile Warehouse A building or group of buildings that has controlled access and that contains varying sizes of individual compartmentalized units or sections with external controlled for the storage of customer's goods or wares. An operation involving a security arrangement, allowing a replacement is not a mobile warehouse.

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

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

Mobile Office An office unit which may be constructed elsewhere and transported to a specific site and which is not a mobile home, commercial or mobile office. Such structures shall be regulated in the same manner as other commercial structures.

Mobile Office Any vehicle or trailer portable structure, with a finished dimensional width of 10 feet or less and of no construction as to permit its being used as a conventional motor vehicle and as a dwelling for one or more persons and is a unit in which the transporting framework is an integral part of the basic structure and which has a certificate of title associated therewith. The removal of the means of conveyance from a mobile home and the construction of a permanent foundation does not define a mobile home as a dwelling under the terms of the zoning regulations.

Mobile Home Park A tract of land and structures and regulated according to the procedures in the Zoning Regulations to accommodate multiple mobile homes provided for same purposes, including offering only lots for rental.

Motor A group of attached or detached building units having balconies used as individual sleeping units designed primarily for transient outdoor recreation and providing for necessary off-street parking facilities convenient to the lodging rooms and which may include on building unit for a house like container or exterior. This term includes building designed as auto courts, tourist courts, motor lodges, hotels, and similar terms. This term does not include bed and breakfast establishments, short-term rentals, boarding and lodging houses, nursing homes, or assisted care living facilities.

Non-Residential Use of Structure An activity of a building, sign structure, or a portion thereof which is not regulated under the provisions of the Zoning Regulations, but which does not conform to all of the regulations contained in the Zoning Regulations which pertain to the zone in which it is located.

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

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

Article 5: Definitions

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

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

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

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

Residential Use Uses associated with permanent residential occupancy in the form of a dwelling unit. Residential uses include but are not limited to establishments, boarding, rooming, and lodging houses, short-term rentals, hotels, motels, and camp site lodging where sleep does not exceed thirty (30) days in duration shall be considered commercial uses.

Restaurants An eating establishment where food is served and/or consumed on or over the building.

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

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

Recreation Home An establishment which provides full-time shelter, comfort, and day-to-day non-medical necessities for three (3) or more residents who are not related by blood or marriage to the operator and who by reason of age, sex, or race are in day-to-day activities. This establishment is distinguished from a convalescent or nursing home as the latter does not provide full-time shelter or care for its occupants.

Road A traffic carrying way as used in the Zoning Regulations a road may be privately owned.

Roofline Project A structure designed or used for the display or sale of agricultural or ornamental products grown or produced on the premises directly to the consumers at a stand or booth located on the farm. Also referred to as farm stand.

Sign Visually continuous, portable, solid forming, self or earth mounted, or illumination thereof, that projects a corner from public view and with an average height of one foot above the surface being covered except that such structures shall not be required to exceed eight (8) feet in height.

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

Sign Any notice identification, direction, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, to view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Sign Structure One dwelling unit not designed as a sign.

Signage A single sign erected for dwelling purposes but without the structure for separate and independent housing.

Article 5: Definitions

Off-Street Loading Area See "Loading Area, Space or Bay."

Off-Street Parking Space See "Parking Space."

Open Space The outdoor area of a lot or tract which is designed and used for outdoor sports, recreation, play, or landscaping. (Excluded parking and existing above-ground walkways and other areas covered with pervious surfaces do not qualify as open space.)

Outdoor Sales and Display Placement of any items outside a building in a non-residential zoning district for the purpose of sale, rent or lease. Outdoor sales and display shall not include outdoor dining and seating areas associated with a restaurant.

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

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

Painted Driveway A road which has not been subject to any driveway opening rules less than (1) acres in size.

Parking Area for Lot An area of land reserved for the purpose of vehicular storage. Such areas shall include driveway access ways, parking aisles and vehicular maneuvering areas. Parking areas shall not include outdoor driveway or access areas and shall be prohibited on the public right-of-way and off required building setbacks, except parking for single-family residential lots and accessory parking in the required front yards is only on a hard surface of approved same pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

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

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

Parking Space An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile motor vehicle and connected with a street or alley by a surfaced driveway which allows ingress and egress for automobile motor vehicles. Such spaces and contained "drive-in" if they are located on a designated street right-of-way and are considered "off street" if they are not.

Parking Structure The sharing of a parking area or space for more than one establishment.

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

Permitted Residential Occupancy Occupancy of a dwelling for more than three (3) consecutive days in duration.

Permitted Land Development Project A complete of structure and uses provided as an integral unit or continuity of development as provided in these Section 8.2 of these regulations.

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

Article 5: Definitions

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

Structure Anything constructed or erected the use of which requires location on the ground or attached to something having a location on the ground, but not including fences up to seven (7) feet in height, or poles and appurtenances thereto used for the purposes of public utility, includes buildings and mobile homes.

Temporary Structure An accessory structure that is removed within a specified time period. The time period for a temporary structure shall not exceed six (6) months in any calendar year. The activity or use for which the temporary structure are constructed or erected shall comply with the use regulations of the zoning district in which it is located. The structure must comply with all applicable regulations set forth in the zoning regulations, including but not limited to parking, outdoor sales and display, off-street parking, maximum height etc. A temporary structure may include freestanding stands, tent areas, special promotion sales, portable storage units, PODS, greenhouses, concrete pads, and a rear area.

Use (This category refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.)

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

Value-Added Agricultural Products Any product derived from an activity or process that alters (either in relation ownership and that alters the original agricultural product or commodity) for the purpose of gaining or increasing advantage. Value-added may include bagging, packing, handling, pre-cutting, cleaning, chilling and other processes to alter the original agricultural product to a finished product.

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

Yard The open space surrounding the principal building on any lot, unenclosed and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by the Zoning Regulations. Yards are further defined as follows:

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

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Article 6: Zoning Districts

The area located within Nelson County and the communities located therein is divided into the following zones or districts and the requirements associated therewith are the minimum requirements of the Zoning Ordinance, except as otherwise provided in these regulations. The final determination as to what is permitted in particular zones shall not be made by the Administrative Officer. All uses listed as "conditional uses permitted" are only allowed after a conditional use permit is granted by the appropriate Board of Adjustment. All conditional uses must meet the requirements listed in Section 4.3.1(f) of these regulations.

Section 6.1: Agriculture District

mean: The intent of the zoning district is to provide areas for agricultural and related uses, the details of which are:

A. Conditional Uses Permitted

Agricultural operations as defined in Article 5 (Definitions)
A Single-Family Dwelling, including farm dwelling
A Single-wide manufactured home (trailer) having one dimension with, when fully erected, of 18 feet or less, on lots or parcels of one (1) acre or greater
Conservation Design Subdivision. See Section 4.4. Option 2
Dedicated sports storage buildings (only as allowed in Cases of Floodfield and Parkfield). This use shall meet the following mandatory requirements: (1) the site shall be a minimum .05 acres; (2) the construction type shall be limited to such supported structures protected throughout by an automatic fire suppression system (sprinklers); (3) the maximum size of any single structure shall not exceed a footprint of 40,000 square feet, excluding stairwells and open decks, and shall not exceed 30 feet in height; (4) all structures shall be set back a minimum of 200 feet from property lines; and (5) at least 75 percent of the property shall be dedicated to agricultural uses as defined in KRS 100.02 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 (trailer) with one dimension with, when fully erected, of 18 feet or less, on lots or parcels of two (2) acres or greater
Home Occupations. Must obtain HO permit in City of Bardonia
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

(1) **Accessory structures 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 ensure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be prohibited for certain uses hereunder. Any conditional use permit issued hereunder shall meet the mandatory requirements for approval set forth in KRS 100.02 and Section 4.3C of this Ordinance as well as the following mandatory requirements:

- a. The subject property must be a minimum five (5) acres and must be used as a working farm or agricultural operation, as defined in Article 5 of the Ordinance.
- b. The use must be owned and operated by the property owner and any resident employees.
- c. The entrance must use an additional 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.
- d. The use shall have no more than five (5) non-resident employees, solely employed in a v agricultural enterprise.
- e. The use shall have an approved entrance and meet parking standards as set forth in these regulations.
- f. The use shall have adequate provisions for noise mitigation; (3) the use shall maintain the required zoning setback requirements.
- g. The use shall be limited to an approved development plan, as defined in Article 5 of these regulations.
- h. The use shall be limited to one (1) structure not exceeding 1000 square feet in gross floor area, unless otherwise determined by the BOA, and such structures shall be constructed to blend with the rural character of the area.
- i. The use shall have adequate hours, seasons of operation and maximum number of events and participants.

Section 6.1: Agriculture District

- (1) The use shall not involve the retail sale of any products grown, produced or processed off-site and
- (2) As part of the application process, the property owner shall certify that the use will comply with the conditions of an approved permit. The property owner must take the necessary steps to comply with conditions, zoning ordinances, and/or related to an appropriate rural location.
- (3) **Vehicle Storage, Maintenance, and Repair.** Conditions may be imposed that limit the size and type of vehicles, hours/seasons of operation, location of structures, number of employees, conditions on type of merchandise offered for sale, limitations on the storage of refuse and waste material. A conditional use permit under this section allows commercial greenhouses and plant nurseries only (other than permitted uses) as the primary use.
- (4) **The Fences, Gates, Signs and Barriers, Fences and Signs, Commercial Greenhouses and Plant Nurseries as defined in Article 5 (Definitions).** 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 specific 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 with a unique surroundings.
- (5) **Indoor/Outdoor Events, Parties, Receptions, and Other Events.** Conditions may be imposed that limit or specify the size and type of structure or structure, 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 buffering requirements, as well as any other requirement or condition that allows the use to blend with a particular surroundings.
- (6) **Other Conditional Uses, Events, and Other Events.** The intent of this section is to permit the resident purchaser to benefit from his property and at his residence. Examples of the type of uses so permitted are: workers, mechanics, wood workers, hairdressers, nail salons, costume repair parlors, sign centers, etc. Conditions which may be imposed or which shall be mandatory (1) prohibit the business may be operated by the resident owner and immediate family members residing at the location; no outside employees are allowed; (2) no person may work or operate more than one such business; (3) no more than one structure as permitted for each operation; (4) such structure shall not exceed 2500 sq. ft. or more; (5) storage of any equipment, materials, or accessories to the business which contribute to the business must be completely and neatly stored and contained within said structure; (6) signs may be placed on hours of operation, impose specific screening and buffering requirements, as well as any other requirement that allows the use to blend with a unique surroundings.
- (7) **Manufactured Dwelling.**
- (8) **Conditional Businesses (as defined in Article 5 (Definitions)).** Conditions that may be imposed or that are mandatory (1) include that the lot or parcel on which the business is located must be at least five (5) acres in size; (2) no activity related to the business shall occur within 100 feet of any adjoining property; (3) that the use involve one building only being no more than 2000 square feet in size; (4) that the area of the lot or tract is to be used for the purposes of the conditional use, including a driveway, is to be no more than 25,000 square feet; (5) that there are no more than three (3) employees, including the landowner and other resident employees, authorized or associated with the business on site; (6) that there are no more than four (4) pieces of business equipment or vehicles (other than a piece of equipment not counted as a separate piece of equipment) allowed on site; (7) specific screening or buffering may be required as well as any other condition that allows the particular use to blend with a unique surroundings.

Section 6.1: Agriculture District

- (9) **Home Occupations (as defined in Article 5) with integral structures** with 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. The conditions set forth meet the mandatory requirements set forth in Section 4.3C of these regulations and the following mandatory criteria:
- (10) **Bed and Breakfast Establishments as Short-Term Rentals (as defined in Article 5 (Definitions)).**
 - (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 website 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 a multi-family or multi-family residential dwelling, condominium, townhouse, or single-wide manufactured home.
 - (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 no exterior signage identifying the conditional use, as allowed by applicable sign regulations.
 - (9) The dwelling unit shall have all-weather parking and comply with the minimum/maximum parking standards as set forth in Article 11 of the Ordinance.
 - (10) The use shall comply with all applicable building health and safety codes as well as fire and shall be inspected by the Building Inspector and Fire Marshal 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 conducting 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 proper appropriateness given. Areas of solid single family residential use should be avoided 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 rentals in the area, specifically as the stock where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rentals in a smaller area will change the character of the area, provide unique challenges to the

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Section 6.1: Agriculture District

days prior to the meeting. At the time of PLD application filing, the Applicant must submit the following documentation: (a) Copy of the meeting notification letter and proof of mailing; (b) List of adjoining property owners that were mailed notices; (c) A sign-in sheet from the meeting; and (d) A short summary of the meeting detailing specific points of concern and proposed resolutions.

1. Dimensions and Area Requirements

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

Requirement	Measurement
Height (maximum)	30 feet
Lot Area (minimum)	217,800 square feet Note: Subject to the provisions of Sections 8-1-1(a) and 8-1-1(b)
Lot Width (minimum)	1/3 of lot depth Note: The absolute minimum lot width required is 200 feet with the maximum allowed lot width of 375 feet.
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	15 feet
Rear Yard Setback (minimum)	25 feet

(2) **Minimum Lot Area Exception** The minimum lot area may be reduced to one (1) acre (43,560 square feet) for a residential use if the lot is being subdivided into a parcel tract as defined in Article 5.1 of these Zoning Regulations. This division must meet the following minimum standards:

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

2. Parkland Requirements

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

3. Sign Requirements

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

4. Division of Family Property

The corner of a tract of land located in an Agriculture Zone may, for the purposes of dividing a residential building lot to a residential use, be divided into a parcel of land containing one (1) acre or more from the existing back with a minimum of 100 feet of front footage and width at the building line. The remaining agricultural tract shall remain fully conforming with respect to minimum parcel size and shall continue to conform with the zoning regulations for Agriculture, District, Farmland, New Haven, and Nelson County. For the purposes of this ordinance, the term "immediate family member" shall include any son, daughter, father, mother, brother, sister, stepfather, stepmother, stepdaughter, stepson, grandchild, grandnephew, grandniece, and grandchild. Each proposed division shall require the submission and approval of a plat signed by a Registered Surveyor in good standing in the State of Kentucky. The Planning and Zoning Commission shall have the power to refuse to approve a division of family property if, in the opinion of the Planning Director or majority of the members of the Commission, the purpose of the division is speculative in nature. A plat signed by a surveyor shall be limited to one (1) one-acre lot or more to each family member from the original agricultural tract. Additionally, once the conveyance is approved, an affidavit detailing ownership of the conveyance shall be executed and the conveyance transferred by deed to the immediate family member who shall maintain continuous ownership of the conveyance for a minimum period of two (2) years, at which point the parcel may be conveyed to a non-family member.

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- (7) Any minimal food service shall be served or otherwise provided to guests and evidence of such shall be subject to the Health Department must be submitted at the time of annual inspection.
- (8) The dwelling unit shall contain its exterior appearance as a single-family residential structure, and there shall be no external outdoor signage displaying the name of the unit, as allowed by applicable sign regulations.
- (9) The dwelling unit shall have all street parking and comply with the minimum maximum parking standards as set forth in Article 11 of the 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 Marshal before any activity can occur. Evidence of fire and building inspection 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 (b) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:

- (a) The use and character of the area in which the proposed use will occur. 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 in 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 greater area will change the character of the area, create 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/availability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local businesses and the community as a whole. Permitting too many dwelling units, both permanent residency to be used solely for bed and breakfast establishment or short-term rental is presumed detrimental to 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/manager on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further approve other relevant factors deemed by the BOA to be in the best interest of the subject property.

(12) **Bed and Breakfast Establishments or Short-Term Rentals (as defined in City of Burlington Code)** 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 R-1A 100.23, Section 4 (b) of these regulations and in Sections 1 and 2 below:

(13) **Permitted Uses** Bed and breakfasts and short-term rental uses are based on the proposed occupancy and use of the residential dwelling unit.

- (a) **Bed and Breakfast and Short-Term Rental Type 1:**
If a Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.

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inland. The intent of this zone, when properly applied, is to provide a "threshold development" zone in which "medium-density" development can take place but at a "reasonable" low density for what is traditionally or generally considered to be "suburban" type development.

A. **Permitted Uses Permitted**

A Single Family Dwelling

B. **Accessory Uses Permitted**

Home Occupations: Must obtain HO permit in City of Burlington.
Garage or other accessory building.
Private recreation facilities.

C. **Conditions/Uses Permitted**

- (1) **Signs, Chimes, Conspicuous Conditions** may be imposed that enforce a traffic flow or circulation, signing as well as any other condition that poses the particular use a danger with its impact surroundings.
- (2) **Infrastructure/Permitted Activities, Rehabilitation/Construction** Conditions may be imposed that limit or specify the type and style of structures or structures that require a maximum number of employees and/or individuals to be accommodated on site at any one time and seasons or hours of operation over the specific area to be used for the particular use. Specific signage, parking, and other requirements, as well as any other requirements or condition that allows the use to blend in with its particular surroundings.
- (3) **Home Occupations (as defined in Article 11.01 of these regulations)** with a residential use permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions may be imposed include special provisions for parking may be required and otherwise allowed signage may be restricted (N/A in the City of Burlington).
- (4) **Bed and Breakfast Establishments or Short-Term Rentals**
 - (a) **Bed and Breakfast Establishments or Short-Term Rentals (as defined in City of Burlington Code)** 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 (b) 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 as a use of the Applicant/Owner and shall be an outlier of the rest 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:
 - (i) 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.
 - (ii) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
 - (4) Such use shall be limited to detached single-family dwellings of an approved detached accessory dwelling and shall not be located in a family or multi-family residential dwelling, condominiums, townhouses or single-unit multi-family homes.

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- (b) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner and:
 - (i) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

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

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

- (a) **Permitted Residential Dwelling Units** All bed and breakfasts and short-term rentals shall be located where permitted and approved detached single-family residential dwelling units of an approved detached accessory single-family residential dwelling unit. Such rental units shall not be located where 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 mobile/manufactured structures. 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) **Minimum Bedroom Standards** Each bedroom rented must have at least seventy (70) square feet of floor space, and for each bedroom person occupying the same room the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.
- (d) **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.
- (e) **Responsible Party/Designation** The Applicant/Owner shall be responsible for compliance with all zoning regulations. For Type 1 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 accept primary and permanent residence shall be within Nelson County, Kentucky. Bed and breakfasts and short-term rentals shall be available to emergency and fire services. The Applicant/Owner shall temporarily use the responsible party's name, address, and phone number inside and outside of the bed and breakfast and short-term rental.
- (f) **On-Site Parking** All parking established 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 on-site parking as required under Article 11 of the Ordinance.
- (g) **Cost Considerations, Type 2** Conditions that may be imposed or that are mandatory include that a forced pay rent be provided, and that special signage or other signage may be required.
- (h) **One (1) Accessory Dwelling Unit of Permitted Occupancy** Every lot 1000 square feet or less shall be provided that the parcel on which the accessory dwelling is located not approved on-site through double lot split. The principal use dwelling and the accessory dwelling unit that the lot is split a twice (2) times the maximum lot area for the zone in use.

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D. Special Use Development/Uses Permitted (Approved as provided for in Section 6.2 and/or Section 4 of these Regulations)

- (1) **Other Residential Developments:** pending lots no smaller than 30,000 sq. ft. of acre, providing that the net density of the development be not more than in the zoning district of 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 6.2 of these regulations, and that the remaining 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 entry and setbacks may be altered by the Planning Commission as a condition to or result of approval of a planned unit development grant under this section. Uses shall not be prohibited, 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) **Other Residential Developments:** pending lots no smaller than 30,000 sq. ft. of acre, providing that the net density of the development be not more than in the zoning district of 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 6.2 of these regulations, and that the remaining 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 entry and setbacks may be altered by the Planning Commission as a condition to or result of approval of a planned unit development grant under this section. Uses shall not be prohibited, 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) **Comprehensive Design Guidelines:** Public sewers comprise 40% other system must conserve 30% See Section 9.4.

F. Detention and Area Requirements

Requirement	Minimum
Height (maximum)	36 feet
Lot Area (minimum)	5,000 square feet 30,000 square feet Note: Subject to provisions of Section 6.2.
Lot Area (maximum)	7 acres Note: May be waived by the Planning Commission during the subdivision process upon the parcel or a logical remnant or a suitable for further development in the future.
Open Space (minimum)	2% of lot area
Lot Width (minimum)	100 feet
Front Yard Setback (minimum)	30 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)	25 feet

F. Design Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations. See also...

G. Sign Requirements

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

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

A. Principal Use Permitted

4-B Single Family Dwelling

B. Accessory Uses Permitted

Home Occupations: Must obtain MO issued in City of Bend
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

- (1) **Schools, Churches, Churches:** Conditions may be imposed that anticipate traffic flow or circulation lighting as well as any other conditions that have the potential to be inconsistent with its use and surroundings.
- (2) **Instructional Research Facilities, Research Centers:** Conditions may be imposed that specify the size and type of structure or structures that impose a maximum number of employees and/or students to be accommodated on site at any one time and seasons or hours of operation and the specific areas to be used for the various uses. Imposes specific screening buffer requirements, as well as any other requirement of condition that allows the use to blend in with its particular surroundings.
- (3) **Other Occupations (Not defined in Article 11, such as home businesses):** with a conditional use permit granted under this section in advance allowed home occupation may employ up to one (1) non-resident employee. Conditions that be imposed include: spaces provided for parking may be required and otherwise allowed signage may be restricted. (See Article 11 of the City of Bend).
- (4) **Bed and Breakfast Establishments or Short-Term Rental Units:**
 - (a) **Bed and Breakfast Establishments or Short-Term Rental Units as defined in City of Bend:** must be approved by the Planning Commission. The BCA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following:
 - (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit used to be 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 R-1B or short-term rental use is to be permitted.
 - (3) The BCA 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 unit and shall not be located in two-family or multi-family residential developments, condominiums, townhomes, or single-wide manufactured homes.
 - (7) Only minimal food service shall be served or otherwise provided to guests, and evidence of service food safety permit from the Health Department must be submitted at the time of annual inspection.

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

- (2) The dwelling unit shall maintain its existing appearance as a single family residence. Structure and uses shall be visible from the exterior of the conditional use, as allowed by applicable sign regulations.
- (3) The dwelling unit shall have all-street parking and comply with the minimum/maximum parking requirements as set forth in Article 11 of the Ordinance.
- (4) 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 Marshal before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
- (5) As part of the consideration of an application under this section the BCA 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 lot size character of the area in which the proposed use will occur. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not 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 single family residential use should be limited to 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 in 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 end user long-term residency in the area. Evidence to overcome the 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 stability/affordability of housing for permanent residents. Permanent residents are an important and vital part of the community. They support local businesses and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishments or short-term rentals is presumed detrimental to the vitality of the community. Evidence to overcome the 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 BCA to applications with a permanent resident owner/operator on site during periods of occupancy. (c) In addition to the above relevant factors, the BCA may further consider other relevant factors deemed by the BCA to be unique to the subject property.

(6) Bed and Breakfast Establishments or Short-Term Rental Units as defined in City of Bend:

Must be approved by the Planning Commission. The BCA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the mandatory requirements set forth in Article 11 of Section 4.3(C) of these Regulations and in Sections 11 and 12 below.

(7) Conditional Uses: Bed and breakfast and short-term rental uses are based on the proposed occupancy and use of the residential dwelling unit.

- (a) **Bed and Breakfast Establishments or Short-Term Rental Units:**
 - (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.

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

- (b) **Bed and Breakfast and Short-Term Rental Units:**
 - (i) A Type 1 rental shall be owner-occupied unit located within an approved and permitted detached accessory dwelling unit.
 - (ii) A Type 1 rental shall be located on the property where the Applicant/Owner resides. Such rental units shall not be located within two-family or multi-family residential developments, condominiums, townhomes, or single-wide manufactured homes. The dwelling unit shall maintain its existing appearance as a single-family residential structure.
- (c) **Maximum Occupancy:** The maximum stay for a bed and breakfast or short-term rental shall be 30 consecutive days.
- (d) **Maximum Bedroom Size:** Each bedroom rental must have at least seventy (70) square feet of floor space, and for each additional person occupying the same room the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.
- (e) **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 BCA may limit the number of rooms and maximum occupancy.
- (f) **Responsible Party:** The Applicant/Owner shall be responsible for compliance. Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County. Family. See responsibility 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 or short-term rental.
- (g) **Off-Street Parking:** All parking associated with the bed and breakfast or short-term rental shall be on-street parking and the bed and breakfast or short-term rental shall meet the minimum required off-street parking as required under Article 11 of the Ordinance.

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Section 5.2: Single-Family Residential District (R-1B)

- (1) **Other Conditions/Restrictions/Type II** Conditions that may be imposed or that are mandatory, include that a "Notice of Intent" be provided, and that special parking or loading may be required.
- (2) **One (1) accessory dwelling unit of one-story construction shall be allowed on lots 10,000 square feet or larger** provided that the person 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 zoned for single-family residential use.
- (3) **Pattern Land Development/Other Permitted** approval as provided for in Section 5.2 of these Regulations.
- (4) **Off-Campus Recreational Facilities and Other Uses** providing for public accessibility to readily 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.
- (5) **Construction/Other/Other** Must be on public sewers and conserve 40% of water. See Section 5.2.

Construction and Area Requirements

Structure	Requirement
Height Restrictions	35 feet
Lot Area (minimum)	10,000 square feet
Lot Area (maximum)	30,000 square feet
Lot Area (minimum)	7 acres
Open Space (minimum)	30 percent
Lot Width (minimum)	75 feet
Front Yard Setback (minimum)	25 feet
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	30 feet

Parking Requirements

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

Sign Requirements

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

Section 6.1: Single-Family Residential District (R-1C)

A. Permitted Uses Permitted

A Single Family Dwelling

B. Accessory Uses Permitted

Home Occupations - Must obtain "N" license in City of Bardonia.
Garage or other accessory building
Private recreational facilities

C. Conditional Uses Permitted

- (1) **Schools, Churches, Churches, Reproductive Centers** Conditions may be imposed that enforce traffic flow or circulation, lighting as well as any other conditions that might be particular to the use or its surroundings.
- (2) **Instructional/Research Facilities, Reproductive Centers** Conditions may be imposed that limit the size and type of structures or structures, that impose a maximum number of employees and/or individuals to be accommodated on site at any one time, and seasons or hours of operation and the specific area to be used for the particular use. Provisions regarding parking and other requirements, as well as any other requirements or conditions that allow the use to be used in an orderly manner.
- (3) **Home Occupations (as defined in Article 3) with special activities** 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: space provided for parking may be required and otherwise allowed signage may be restricted. (N/A or the City of Bardonia).
- (4) **Bed and Breakfast Establishments or Short-Term Rentals**

- (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 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 conducted.
- (3) The BOA may limit the number of rooms and maximum occupancy.
- (4) The Applicant/Owner must provide the Planning Commission and staff 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-unit multi-unit dwellings.
- (7) Only minimal food service shall be served or otherwise provided to guests and evidence of actual food service shall be provided to the Health Department. No food service shall be provided 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 no exterior signage identifying the conditional use.

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

- (1) **Bed and Breakfast Establishments or Short-Term Rentals** shall be approved by appropriate sign regulations.
- (2) The dwelling unit shall have off-street parking and comply with the minimum maximum parking standards as set forth in Article 11 of the Ordinance.
- (3) The use shall comply with all applicable building, health, fire and related safety codes as all times and shall be reviewed by the Building Inspector and Fire Marshal before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
- (4) 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 single residential areas are not an appropriate for bed and breakfast establishments and short-term rentals. Areas of single residential use should be limited in 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. The number of such units in the area will be limited to a number that will not change the character of the area, provide unique challenges to the permanent residents of the area and will not create long-term impacts on 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 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 establishments or short-term rental use is presumed to be detrimental to the character of the area and its housing stock. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Provisions shall be given by the BOA to applications with a permanent resident occupant on site during periods of occupancy. (c) 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.

- (5) **Other A Single-Family Dwelling as Short-Term Rental** shall be subject to the City of Bardonia. Prior to the approval of a conditional use permit, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is maintained. The conditional use shall meet the mandatory requirements set forth in NYS 100.237 Section 4.3(c) of these Regulations and in Sections (1) and 2 below.

- (6) **Permitted Uses** Bed and breakfast and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

- (7) **Bed and Breakfast and Short-Term Rentals**

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

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

(8) Bed and Breakfast and Short-Term Rentals

- (a) A Type 2 rental shall be non-owner occupied and located within an approved and permitted detached accessory dwelling unit.
- (b) A Type 2 rental shall be located on the property where the Applicant/Owner resides or the principal dwelling unit is their permanent and primary residence and (c) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

General Requirements

The following requirements shall apply to all types of bed and breakfast and short-term rental use as set forth in Section (1) above.

- (a) **Permitted Residential Dwellings** All bed and breakfast 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 unit shall not be located in two-family or multi-family residential dwelling units, condominiums, townhouses, or single-unit multi-unit dwellings. 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) **Minimum Bedroom Standards** Each bedroom rented must have at least seventy (70) square feet of floor space and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, lighting, electrical, heating, and other applicable codes as set forth in the most current International Residential Code.
- (d) **Maximum Occupancy** The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.
- (e) **Responsible Party/Contact** The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfast and short-term rental, 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 Hudson County, Kentucky. Such responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to inquiries 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.
- (f) **Off-Street Parking** All parking associated with the bed and breakfast or short-term rental shall be off-street and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of the Ordinance.

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

- (1) **Child Care/Daycare Facilities, Type 2:** Conditions that may be imposed or that are mandatory (1) include that a fenced play yard be provided (1), and that special screening or buffering may be required.
- (2) **One (1) accessory dwelling unit of permanent construction having no more than 1,000 square feet of total 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 the zone in area.
- (3) **Handicap and Disabled Access:** (Approved as provided for in Section 11.2 of these Regulations)

- (1) **Off-Campus Recreational Facilities and Amenities:** 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 these uses and adjacent properties are provided where deemed necessary by the Planning Commission.

Dimensions and Area Requirements

Requirement	Minimum/Maximum
Height (Maximum)	34 feet
Lot Area (Minimum)	7,500 square feet
Service by sanitary sewer	30,000 square feet
Not served by sanitary sewer	2 acres
Lot Area (Maximum)	Note: May be waived by the Planning Commission during the preliminary process upon a finding that the parcel is a logical extension or is suitable for further development in the future.
Open Space (Minimum)	30 percent
(L-100) (Minimum)	25 feet
Front Yard Setback (Minimum)	25 feet
Side Yard Setback (Minimum)	Note: Except along roadways established as collectors or higher by the transportation department of the adopted comprehensive plan, where the setback is 50 feet from roadway right-of-way.
Side Yard Setback (Minimum)	8 feet or 8 and 15 feet
Back Yard Setback (Minimum)	Note: Must have uniform setbacks per plot and a 50-foot/20-foot per lot.
Back Yard Setback (Minimum)	25 feet

Other Requirements

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

Sign Requirements

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

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

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

Accessory Uses Permitted

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

Accessory Uses Prohibited

Home Occupations: Must obtain HO permit in City of Berkeley.

Conditional Uses Permitted

- (1) **Special-Use Occupancy:** Conditions may be imposed that enforce traffic flow or circulation, lighting as well as any other condition that bears the particular use to blend with its surroundings.
- (2) **Intentional 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, seasons or hours of operation and the specific area to be used for the particular use, impose specific screening and/or buffering requirements as well as any other requirement of condition that allows the use to blend with its setting or surroundings.
- (3) **Home Occupations as defined in Article 5 with special occupancy:** A homeowner who is permitted 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 setbacks may be restricted (N/A in the City of Berkeley).
- (4) **Bed and Breakfast Establishments or Short-Term Rentals:**
 - (a) **Bed and Breakfast Establishments or Short-Term Rentals only in a City of Berkeley:** 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. The 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 used 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) Short-term rental shall not be located in multi-family or multi-family residential dwellings, condominiums, townhouses or single-unit manufactured homes.

Section 6.6: Single-Family Residential District (R-1D)

- (1) **Only essential health service shall be served or otherwise provided to patients and evidence of annual food safety permit from the Health Department shall be submitted at the time of annual inspection.**
- (2) **The dwelling unit shall maintain its exterior appearance as a single-family residential structure and there shall be no visible outdoor signage identifying the conditional use, as allowed by applicable sign regulations.**
- (3) **The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of the Ordinance.**
- (4) **The use shall comply with all applicable building, health, fire and related safety codes at the time and shall be inspected by the Building Inspector and Fire Marshal before any occupancy can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.**
- (5) **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 occur:** Must use areas with generally consistent form appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not an appropriate for bed and breakfast establishments and short-term rentals as mixed use areas that can be considered as appropriate with proof of appropriate form. Areas of single family residential use should be limited to 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 residential area will change the character of the area and create challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence in evidence the 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 amenability 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. Reasoning for many dwelling units from permanent residency to be used solely for bed and breakfast establishments or short-term rental is presumed detrimental to the vitality of the community. Evidence to overcome the 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 or 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 and Breakfast Establishments or Short-Term Rentals only in a City of Berkeley:** 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 1045 100.23, Section 4.3(C) of these Regulations and in Sections 11 and 12 below.

- (1) **Excused Type 1 Bed and Breakfast 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.

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

- (a) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner and
 - (i) 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, on that property and primary residence, and
 - (iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

- (2) **Operational Requirements:** The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 11 above:
 - (a) **Permitted Residential Dwelling Units:** All bed and breakfast and short-term rentals shall be located within permitted and approved detached single-family residential dwelling units or on approved detached accessory single-family residential dwelling units. Such rental units shall not be located within multi-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-unit manufactured homes, or mobilehome 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 Bedroom Standards:** Each bedroom rented must have at least seventy (70) square feet of floor space and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All standards as set forth in the most current International Residential Code.
 - (d) **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. This maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.
 - (e) **Responsible Party:** For Type 1, bed and breakfast and short-term rentals, the Applicant/Owner shall be responsible for compliance. For Type 2, bed and breakfast 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 on the property. The Applicant/Owner shall concurrently post the responsible party's name, address and phone number inside and outside of the bed and breakfast and short-term rental.
 - (f) **On-Site Parking:** All parking associated with the bed and breakfast or short-term rental shall be 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 the Ordinance.

- (1) **Child Care/Daycare Facilities, Type 2:** Conditions that may be imposed or that are mandatory (1) include that a fenced play yard be provided (1), and that special screening or buffering may be required.
- (2) **One (1) accessory dwelling unit of permanent construction having no more than 1,000 square feet of total 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

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Section 6.6 Single-Family Townhouse District (R-17)

D Detached Unit Development/Uses Permitted (approved as provided for in Section 6.2 of these Regulations)

- (1) **Single-Family Detached Cottages** developed in the standards contained in the R-17 Section 6.4 of these regulations; Zoning District uses locally, but not listed in Section 6.6(B).
- (2) **Out-Country Recreational Facilities and Other Uses** providing for public accessibility to nearby undeveloped green space 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 Detachment and Area Requirements

Standard	Minimum
Height (maximum)	20 feet
Front Yard Area	Served by sanitary sewer Not served by sanitary sewer
Minimum Lot Area (minimum)	6,000 square feet Not allowed
Minimum Lot Area (minimum)	30 percent
Minimum Lot Area (minimum)	Served by sanitary sewer Not served by sanitary sewer
Minimum Lot Area (minimum)	1,000 square feet Not allowed
Minimum Lot Area (minimum)	10 feet
Front Yard Setback (minimum)	20 feet per story
Notes	4. Except along roadways classified as collectors or higher by the transportation department of the adopted comprehensive plan, where the setback is 80 feet from roadway right-of-way b. Townhouse developments that contain more than one (1) unit. No more than three (3) contiguous units may be established at the same setback. A minimum of at least three (3) feet shall be required when a trail is mandated. After two (2) contiguous units, setbacks may decrease up to one and one-half (1 1/2) 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. c. 10 feet
Side Yard Setback (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 are set forth in Article 12 of these Zoning Regulations.

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

- (1) Only refuse food service shall be served or otherwise provided (i) guests, and evidence of animal food safety permit from the Health Department must be submitted at the time of annual inspection.
- (2) The dwelling unit shall maintain its exterior appearance as a single-family residential structure and there shall be no external signage identifying the conditional use as allowed by applicable sign regulations.
- (3) The dwelling unit shall have off-street parking and garage with the maximum amount of parking spaces as set forth in Article 11 of the Ordinance.
- (4) The use shall comply with all applicable building, health, fire and related safety codes of all areas and shall be inspected by the Building Inspector and Fire Marshal before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
- (5) 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 and related related uses are generally considered more appropriate for bed and breakfast establishments and short-term rentals, listed family residential uses are not as appropriate for bed and breakfast establishments and short-term rentals to mixed use areas but can be considered as appropriate with proof of appropriateness given. Areas of listed family residential uses should be limited to locations for bed and breakfast establishments and short-term rentals with a general presumption that such uses 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 at a similar site will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term occupancy in the area. Evidence to overcome the 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, stability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local businesses and the community as a whole. However, too many dwelling units from permanent residency to be used solely for bed and breakfast establishments or short-term rentals is prohibited. Evidence to overcome the presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given to the BOA in applications for permanent resident proprietor use during periods of occupancy (6) 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.
- (6) **Bed and Breakfast Establishments or Short-Term Rentals only in effect in City of Burlington** 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 RPS 100.23, Section 4.3(C) of these Regulations and in Sections 11 and 2 below.
 - (1) **Permitted Types** Bed and breakfast 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 of the property.

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

Notes: The extent of the zoning district, when properly applied, is to provide areas for development of lots to accommodate two family residential structures. The dwelling units shall be situated. This zone is only properly applied in areas served by sanitary sewers.

A Dwelling Units Permitted

- A Single Family Dwelling
- A Detached Two-Family Attached Dwelling

B Accessory Uses Permitted

- Home Occupations. Must obtain HO permit in City of Burlington.
- Garage (or other accessory building).
- Private recreational facilities.

C Conditional Uses Permitted

- (1) **Schools, Churches, Cemeteries** Conditions may be imposed that limit parking, traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its surrounding.
- (2) **Out-Country Recreational Facilities, Recreation Centers** Conditions may be imposed that limit or restrict the size and type of structure or structures that receive a maximum number of employees and/or individuals to be accommodated on site at any one time, limit seasons or hours of operation and the specific areas to be used for the particular use, require specific screening and/or buffering requirements, as well as any other requirement or condition that allows the use to blend in with its purpose or surroundings.
- (3) **Home Occupations** as defined in Article 6 of the Ordinance 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 may be imposed include special provision for parking may be required and other special signage may be required (N/A in the City of Burlington).
- (4) **Bed and Breakfast Establishments or Short-Term Rentals**
 - (a) **Bed and Breakfast Establishments or Short-Term Rentals only in effect in City of Burlington, Burlington, Vermont and appropriate signage, permits.** Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory orders:
 - (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied for the same individual 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, and 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 on lots of multi-family residential dwellings, condominiums, townhouses or single-unit manufactured homes.

- (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied for the same individual 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, and 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 on lots of multi-family residential dwellings, condominiums, townhouses or single-unit manufactured homes.

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

- (a) **Bed and Breakfast Establishments or Short-Term Rentals only in effect in City of Burlington, Burlington, Vermont and appropriate signage, permits.** Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory orders:
 - (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied for the same individual 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, and 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 on lots of multi-family residential dwellings, condominiums, townhouses or single-unit manufactured homes.

- (1) **Permitted Types** Bed and breakfast 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 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.

D General Requirements

The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 4.3 (a) above.

- (a) **Permitted Structure of Dwelling Units** All bed and breakfast and short-term rentals shall be located within a permitted and approved detached single-family residential dwelling unit 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, condominiums or townhouse units or any other residential dwelling unit, sharing a common wall, single-unit manufactured home, or nonresidential structure. 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 30 consecutive days.
- (c) **Minimum Bedroom Dimensions** Each bedroom rented must have at least seventy (70) square feet of floor space and, for each additional person occupying the entire room the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating and other standards as set forth in the most current International Residential Code.
- (d) **Minimum Occupancy** The minimum 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 minimum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.
- (e) **Responsible Party/Contact** The Applicant/Owner shall be responsible for compliance with all zoning regulations. For Type 1 (B&B) and breakfast and short-term rental, 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 Rutland County, Kentucky. Bed responsible party shall be available during all bed and breakfast or short-term rental periods of occupancy in response 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.
- (f) **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 number of off-street parking as required under Article 11 of the Ordinance.

- (5) **Cost Care Occupancy and Safety, Type 1** Conditions that may be imposed (i) that are mandatory (i), include that a bed and breakfast may not be provided (ii) and that special screening or buffering may be required.

E Detached Unit Development/Uses Permitted (approved as provided for in Section 6.2 of these Regulations)

- (1) **Two-Family Residential Developments** with two family or duplex uses, meeting the standards contained

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Section 4.7: Two-Family Residential District (R-2)

A section shall be served by a private roadway or be connected to a standard as follows: a road surface 18 feet in width paved with asphalt, gutter and sidewalks, a permanent structure of concrete or masonry graded according to table 1 inches of subsurface gravel and 1 inch surface gravel (the type development is to be served by sanitary sewers).

Off-Corner Recreational Facilities and Service Areas 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.

Dimension and Area Requirements

Minimum of	Maximum of
Height (maximum)	20 feet
Lot Area (minimum)	10,000 square feet
Not served by sanitary sewer	Not allowed
Lot Width (minimum)	30 feet
Open Space (minimum)	25 percent
Front Yard Setback (minimum)	30 feet
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	30 feet

Parking Requirements

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

Sign Requirements

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

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

Right: The intent of this zone when properly applied is to provide areas for multi-family residential development, but at a lower density density. The zone is to provide support to assist with sanitary sewers systems.

A. Access to Land Parcel

Single Family Dwellings
Two Family Dwellings
Multi-Family Dwellings

B. Accessory Uses Permitted

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

C. Conditional Uses Permitted

- 1) Accessory Structures, Garages:** Conditions may be imposed that limit maximum traffic flow or structure lighting as well as any other condition that helps the particular use to blend with its surroundings.
- 2) Construction/Removal/Alteration, Rehabilitation/Conversion:** 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 or site at any one time and seasons or hours of operation and the specific uses to be used for the purpose of the permit, site specific screening and buffering requirements as well as any other condition or condition that allows the use to blend with its particular surroundings.
- 3) Home Occupations:** As defined in Article 5 with specific reference to a conditional use permit granted under this section an otherwise allowed home occupation may entitle up to one (1) non-resident employee. Conditions that are imposed include special provision for parking may be required and otherwise allowed signage may be restricted. (See Article 4 of the City of Burlington).
- 4) Bed and Breakfast Establishments or Short-Term Rentals:**

- 1) Bed and Breakfast Establishments or Short-Term Rentals:** Conditions may be imposed that limit 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 shall 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.**

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

(6) Such uses shall be limited to detached single-family dwellings or an approved attached accessory dwelling and shall not be located in bed-and-breakfast or multi-family residential dwellings, condominiums, townhouses, or single-unit 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 pertaining to the conditional use as allowed by applicable sign regulations.

(9) The dwelling unit shall have off-street parking and comply with the maximum maximum parking standards as set forth in Article 11 of these 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 Marshal 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 consider 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 should use areas that can be considered as appropriate with proof of appropriateness given. Areas of 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 immediately in the vicinity of 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 urban 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 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 establishments or short-term rental use undermines the vitality 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 contact person 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.

(12) **Bed and Breakfast Establishments or Short-Term Rentals:** Conditions may be imposed that limit 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.

(13) **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.**

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

(15) **The Applicant/Owner shall 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.**

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

(17) **As part of the consideration of an application under this section, the BOA shall consider 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 should use areas that can be considered as appropriate with proof of appropriateness given. Areas of 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 immediately in the vicinity of 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 urban 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 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 establishments or short-term rental use undermines the vitality 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 contact person 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.

(18) **Bed and Breakfast Establishments or Short-Term Rentals:** Conditions may be imposed that limit 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.

(19) **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.**

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

(21) **The Applicant/Owner shall 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.**

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

(23) **As part of the consideration of an application under this section, the BOA shall consider 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 should use areas that can be considered as appropriate with proof of appropriateness given. Areas of 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 immediately in the vicinity of 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 urban 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 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 establishments or short-term rental use undermines the vitality 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 contact person 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.

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

Bed and Breakfast Establishments or Short-Term Rentals

(1) A Type 1 rental shall be owner occupied and be located within the principal dwelling unit on the property.
(a) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and
(b) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

Bed and Breakfast Establishments or Short-Term Rentals

(2) A Type 2 rental shall be non-owner occupied and located within an approved and permitted detached accessory dwelling unit.
(a) 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
(b) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.

General Requirements

The following requirements shall apply to all types of bed and breakfast and short-term rentals set forth in Section 6.8:

(a) **Permitted Residential Conditional Uses:** All bed and breakfast 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 multi-family or multi-family residential dwelling units, condominium/townhouse units or any other residential dwelling unit sharing a common wall, single-unit 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) **Minimum Bedroom Size:** Each bedroom rented must have at least seventy (70) square feet of floor area, and for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.

(d) **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.

(e) **Responsible Party Contact:** The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfast and short-term rentals, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County, Kentucky. Bed and breakfast and short-term rental 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.

(f) **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 amount of off-street parking as required under Article 11 of the Ordinance.

(g) **Cost Considerations:** Conditions that may be imposed or that are mandatory (1) include that a fence may be provided, and that some screening or buffering may be required.

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

- (6) **Off-Street Parking:** which provides for residential storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for off-street parking facilities may limit the number of units provided, restrict the size or construction of any structure, require screening, buffering or landscaping, require a specific type of building material, require green landscaped buffer areas, require storm water management measures or impose any other requirement that it deems necessary to meet the requested use and to ensure surroundings.
- (7) **Historic District, Conservation, E-Designated City or Annotated City, Local Facility:** Conditions that may be imposed on any development (1) include size, type and style of the building may be restricted so as to help to blend with surrounding development; the number of beds or persons served for and the total number of employees per shift may be limited and vehicular parking areas shall be located and set so as to minimize the impact on adjacent uses (2).
- F. **Planned Unit Development, Use Permitted (approved as provided for in Section 6.2 of these Regulations)**
- (1) **Multi-Family Residential Development:** with multi-family residential lots, meeting the standards contained in section 6.2, below, but served by a private roadway to be constructed to a standard as follows: a road surface 15 feet in width, served with curbs, gutters and sidewalks, a pavement structure of 4 inches 3/4-inch graded aggregate or less, 2 inches of compacted asphalt and 1 inch surface sealant. This type development is to be served by sanitary sewers.
- (2) **Multi-Family and Single-Family 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 to designate, but 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 such approval.
- (3) **Off-Campus Recreational Facilities and Other Uses:** providing for public accessibility to recreational undeveloped green spaces and forest reserves. Provided that, adequate parking facilities and traffic access are provided based on engineering standard and adequate buffer between active use and adjacent properties are provided where deemed necessary by the Planning Commission.

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

C. **Dimension and Area Requirements**

Parameter	Requirement
Height (maximum)	15 feet
Lot Area (minimum)	7,500 square feet
Lot Area (maximum)	Not a limit
Lot Area (minimum)	Not a limit
Lot Area (maximum)	Not a limit
Lot Area (minimum)	Not a limit
Lot Area (maximum)	Not a limit
Open Space (minimum)	25 percent
Front Yard Setback (minimum)	25 feet
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	35 feet

F. **Other Requirements**

- Planning requirements may be found in Article 11 of these Zoning Regulations, by use.
- (1) **Sign Requirements:** Sign requirements as set out in Article 12 of these Zoning Regulations.

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

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

A. **Use Permitted**

- Single Family Dwellings
- Two Family Dwellings
- Multi-Family Dwellings

B. **Accessory Uses Permitted**

- Home Occupations: Must obtain HO permits in City of Burlington
- Garage or other accessory building
- Private recreational facilities

C. **Conditional Uses Permitted**

- (1) **Access, Circulation, Circulation:** Conditions may be imposed that limit the traffic flow or circulation, lighting as well as any other condition that helps the particular use to blend with its surroundings.
- (2) **Architectural Design and Construction Standards:** Conditions may be imposed that limit or restrict the size and type of structures or structures that enclose a maximum number of employees and/or individuals to be accommodated on site at any one time, limit hours of operation, limit the specific uses to be used for the particular use, impose specific screening and 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 limited employees:** with a maximum who permit granted under this section an otherwise allowed home occupation may employ up to one (1) non-resident employee. Conditions that are imposed include: special provision for parking may be required and otherwise allowed signage may be restricted (N/A in the City of Burlington).
- (4) **Bed and Breakfast Establishments or Short-Term Rentals**
- (a) **Bed and Breakfast Establishments or Short-Term Rentals (only if after in City of Burlington, Council, New Jersey, and incorporated within County):** Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the mandatory requirements set forth in Section 4.2(C) of these Regulations and the following mandatory criteria:
- (i) 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.
 - (ii) 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.
 - (iii) The BOA may limit the number of rooms and maximum occupancy.
 - (iv) The Applicant/Owner shall provide the Planning Commission and lead on the exterior of the building during periods of occupancy.
 - (v) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

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

- (5) 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-unit manufactured homes.
- (7) Only regular 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 no visible exterior signage identifying the conditional use, as defined by applicable sign regulations.
- (9) The dwelling unit shall have all street parking and comply with the minimum parking standards as set forth in Article 11 of the 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 after Fire Marshal before any activity can occur. Evidence of the and building completion 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 4.2(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 occur. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed use 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 appropriate screening. Areas of 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 immediately 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 undue challenges to the provision of services to the area and will cause long-term residency in the area. Evidence to overcome the 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 is used solely for bed and breakfast establishments or short-term rentals is presumed to determine the viability of the community. Evidence to overcome the 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 for a permanent resident owner/operator on-site during periods of occupancy. (N/A in addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be vitally to the subject property).
- (12) **Bed & Breakfast Establishments or Short-Term Rentals (only if after in City of Burlington, Council, New Jersey, and incorporated within County):** Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the mandatory requirements set forth in Section 4.2(C) of these Regulations and in Sections 11 and 12 below.

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Section 6.3 Multi-Family Residential District (R-4)

- (1) **Permitted Types, Uses and Occupancies and Short-Term Rental Types** are those 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 and 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 as the principal dwelling unit as their permanent and primary residence, and
 - (iii) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
- 2) **General Requirements.** The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 11 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, condominiums/apartment units or any other residential dwelling unit sharing a common wall, single-side 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) **Minimum Bedroom Standards.** Each bedroom must have at least seventy (70) square feet of floor space, and for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space not through another bedroom. All bedrooms must comply with all height, egress lighting, egress, heating and other standards as set forth in the most current International Residential Code.
 - (d) **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 persons occupancy.
 - (e) **Responsibilities (Permitting).** The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 1 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 the County, Kentucky. Such 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.
 - (f) **On-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.

Section 6.8 Multi-Family Residential District (R-4)

- (1) **Child Care/Daycare Facilities, Type II.** Conditions that may be imposed (1) that are mandatory, (2) include that a licensed day care be provided, and that special screening or buffering may be required.
- (2) **Minimally-Enclosed:** which provide for rental small storage facilities that are intended for use to the public. The Board of Adjustments when granting requests for non-residential 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 grass landscaping buffer areas, require storm water management measures, or impose any other requirement that is deemed necessary to help the requested use blend into its urban surroundings.
- (3) **Nursing Homes, Convalescent, Extended Care or Assisted Care Living Facilities:** Conditions that may be imposed (1) are mandatory, (2) include size, type and style of the building may be restricted so as to meet a need with surrounding development, the number of beds or nursing units and the total number of employees on site may be limited, and (3) particular parking areas shall be located such that as to minimize the impact on adjacent uses. (1)
- C **Classified Unit Development Living Functions** (retrieved as provided for in Section 6.7 of these Regulations)
 - (1) **Multi-Family Residential Development:** see multi-family residential use meeting the standards contained in section 6 below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width, paved with curbs, gutters and sidewalks; a pavement structure of 8 inches dense graded aggregate on base; 3 inches of sub-base; asphalt and 1 inch surface asphalt. The type development to be served by sanitary sewers.
 - (2) **Mixed-Use and Detached Residential Development:** see mixed-use meeting the standards contained in section 6 below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width, paved with curbs, gutters and sidewalks; a pavement structure of 8 inches dense graded aggregate on base; 3 inches of sub-base; asphalt and 1 inch surface asphalt. The type development to be served by sanitary sewers.
 - (3) **Self-Contained, Self-Managed Facilities and Units:** providing for public accessibility to meet very professional grade services and formal services, provided that adequate parking facilities and traffic services are provided based on anticipated demand, and adequate buffer distances between uses and adjacent properties are provided where deemed necessary by the Planning Commission.

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

E **Dimensional and Area Requirements**

Minimum	Maximum
Height (Maximum)	35 feet
Lot Area (Minimum)	7,000 square feet
Not served by sanitary sewer	Not allowed
Density (Maximum)	10 units per acre
Lot Width (Minimum)	25 feet
Open Space (Minimum)	10%
Front Yard Setback (Minimum)	10 feet
Side Yard Setback (Minimum)	5 feet
Rear Yard Setback (Minimum)	5 feet

F **Parking Requirements**
Parking requirements may be found in Article 11 of these Zoning Regulations by use.

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

Section 6.10 Professional Office District (P-1)

Insert: The intent of the 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 intensive commercial uses and less intensive residential uses.

A **Permitted Uses**

Professional offices and personal service businesses where the principal use is the provision of service to individuals in the retail sales of goods. Businesses include but are not limited to the following: veterinarians, lawyers, professional business and governmental office, education, development of writing laboratories, studios for the production or teaching of fine arts, such as photography, music, dance and drama, churches and community, fiscal and social agencies, medical and dental offices, dance, restaurants and cafes, schools and colleges for academic, technical and vocational or professional instruction, nursing homes, Convalescent, Extended Care or Assisted Care Living facilities.

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:** see multi-family residential use meeting the standards contained in section 6 below, but served by a private roadway to be constructed to a standard as follows: a road surface 18 feet in width, paved with curbs, gutters and sidewalks; a pavement structure of 8 inches dense graded aggregate on base; 3 inches of sub-base; asphalt and 1 inch surface asphalt. The type development to be served by sanitary sewers.
- (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 act as owner of the use, promptly upon receipt of the bill or short-term rental use it 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 unit and shall not be located in two-family or multi-family residential, condominiums, townhouses, or single-side manufactured homes.
- (7) Only minimal food service shall be allowed 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 no visible outdoor signage identifying the conditional use, as allowed by applicable sign regulations.

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- (8) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of the Ordinance.
- (9) The use shall comply with all applicable building, health, fire and related safety codes as all times and shall be maintained by the Building Inspector and Fire Marshal 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 rental. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rental as mixed use areas but can be considered as appropriate with proof of compatibility given. Areas of single-family residential use should be limited as locations for bed and breakfast establishments and short-term rental 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, especially 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 undue challenges to the permanent residents of the area and will cause 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/desirability 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 will be used solely for bed and breakfast establishments or short-term rental is presumed detrimental to the vitality 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. (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 as set forth in Code of Ordinances.** Prior to the approval of a conditional use permit hereunder, the BOA shall consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the regulatory requirements set forth in KRS 12C Section 4.3(C) of these Regulations and in Sections 11 and C1 below.
- (1) **Permitted Uses.** The following are the bed and breakfast and short-term rental uses, which are based on the proposed occupancy and use of the residential dwelling unit and are permitted in the code:
 - Bed and Breakfast and Short-Term Rental Type 1**
 - (a) A Type 1 rental shall be owner-occupied and be located within the principal dwelling unit on the property.
 - (b) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner, and.
 - (c) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
 - Bed and Breakfast and Short-Term Rental Type 2**
 - (a) A Type 2 rental shall be non-owner-occupied and be located within an approved and

Section 6.10: Professional Office District (P-1)

- (17) **Off-Campus Recreational Facilities and Storage Units.** 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 buffer between public uses and adjacent properties are provided where deemed necessary by the Planning Commission.
- E. Detachment and Area Requirements**

Category	Area Requirement
Height (maximum)	40 feet
Lot Area (minimum)	7,500 square feet Not served by sanitary sewer: not allowed
Lot Width (minimum)	50 feet
Open Space (minimum)	25 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 department of the adopted comprehensive plan where the setback is 30 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.

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- (a) permitted detached accessory dwelling unit.
- (b) 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.
- (c) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
- (d) Bed and Breakfast and Short-Term Rental Type 3
 - (i) A Type 3 rental shall be located within the principal dwelling on the property and shall be non-owner occupied.
 - (ii) No more than six rental units per property shall be permitted.
- (2) **General Requirements.** The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 11 above:
 - (a) The rental unit(s) shall only be located within the structure existing on the property.
 - (b) **Maximum Guest Stay.** The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) **Maximum Bedroom Requirements.** Each bedroom rented must have at least seventy (70) square feet of floor space and for each additional person occupying the same room the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating and other standards as set forth in the most current International Residential Code.
 - (d) **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.
 - (e) **Responsible Party/Contact.** The Applicant/Owner shall be responsible for contact with all zoning regulations. Kentucky State representative party shall be available during all bed and breakfast or short-term rental periods of occupancy to respond to enforcement 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.
 - (f) **Off-Street Parking.** All parking requested within the bed and breakfast or short-term rental shall be provided on-site, and the bed and breakfast or short-term rental shall meet the minimum required off-street parking as required under Article 11 of the Ordinance.
- (3) **Minimum Standards.** which provide for rental and storage facilities that are offered for use to the public. The Board of Adjustments when granting requests for non-residential facilities may not the number of units provided, restrict the use in connection with any structure, require screening, buffering or landscaping, require a specific type of building materials, require green landscape buffer areas, require storm water management measures or impose any other requirement that is deemed necessary to help the requested use blend into its unique surroundings. (As in C of Bedstead)
- (4) **Minimum Lot Development Uses Permitted.** approved as provided for in Section 4.2 of these Regulations:
 - (a) **Mixed-Use Residential Development.** A development approved under this section may consist of multi-family, two-family and single-family residential use or clusters of lots mixed with areas designated for office or other uses in the zoning district in which it is located. 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 zoning type if any. Once approved, the designation related to use, housing type or density may only be changed by amending the plan and development designation through the process used for initial approval.

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- (b) Intent. The intent of this zoning district, when properly applied, is to provide resident consumer more local and opportunities to purchase convenience goods and services. It is not the intent of this zoning district to provide for the purchase of regularly scheduled goods and services only that demanded on a convenience basis by the local resident population.
- A. Permitted Uses Permitted**

Those uses permitted and as regulated in the P-1 Professional Office District Commercial establishments, for the use of convenience goods, personal services establishments and other consumer services including but not limited to convenience stores, retail shops, including gasoline sales, minor retail 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 or less 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 as set forth in Code of Ordinances, Section 11.4(a), and unapproved/Unapproved Guest(s).** Prior to the approval of a conditional use permit hereunder, the BOA shall consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. The conditional use shall meet the regulatory requirements set forth in Section 4.3(C) of these Regulations and the following regulatory 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 the 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 order or the use 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.
 - (b) 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 developments, condominiums, townhouses, or single-unit manufactured homes.
 - (c) 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.
 - (d) The dwelling unit shall maintain an exterior appearance as a single-family residential structure and there shall be no visual clutter to be identified by the conditional use as allowed by applicable sign regulations.

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- 9) The dwelling unit shall have off-street parking and comply with the minimum minimum parking standards as set forth in Article 11 of the Ordinance.
- 10) The use shall comply with all applicable building, health, fire and related safety codes, all codes and shall be inspected by the Building Inspector and Fire Marshal before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of service inspection.
- 11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.11 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:
 - (a) The end 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 use areas are all or appropriate for bed and breakfast establishments and short-term rentals as mixed use areas can be considered as appropriate with proper siting and design. Areas of other 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 in 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 aesthetics/character 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 will be detrimental to the bed and breakfast establishment or short-term rental use. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Evidence shall be given by the BOA to applicants with a permanent residential occupant or site during periods of occupancy. 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.
- 12) **Bed and Breakfast Establishments or Short-Term Rentals (as defined in City of Burlington Code)**
 - (a) In 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. The conditional use shall meet the regulatory requirements set forth in NR3 10B Section 4.3(C) of these Regulations and in Sections (1) and (2) below.
 - 1) **Permitted Uses.** The following are the Bed and Breakfast and short-term rental types which are permitted in the zone:
 - (a) **Bed and Breakfast and Short-Term Rental Type 1**
 - o A Type 1 rental shall be owner occupied and be located within the principal dwelling unit on the property.
 - o Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner and
 - o 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**
 - o A Type 2 rental shall be non-owner occupied and located within an approved and

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- 13) There is a necessity for a structure being an auto storage facility, as well as aesthetic considerations, appearance, and maintenance concerns.
- D. **Planned Unit Development (PUD) (approved as provided for in Section 8.2 of these Regulations)**
 - 1) **Mixed-Use, Commercial, Office, Residential, Community.** A development approved under this section may consist of multiple 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-7 zone. As part of the approval process for the Planned Unit Development application, 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) **Off-Campus, Recreational Facilities and Special Uses** providing for public accessibility to relatively undeveloped green spaces and forest reserves, provided that adequate parking facilities and walk access are provided based on anticipated demand and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
 - 3) **B-1 PUD Neighborhood Business District (Only as defined in the City of Burlington and in Village Community Character Areas as established by the Nelson County 2024 A Comprehensive Plan as re-adopted October 29, 2024)**
 - Intent: The intent of this PUD zoning district when properly applied is to allow development of commercial uses that are mixed 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. The 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 adjacent parcels), intended future uses or potential uses of the property, lots parcels and design of structures (which should be in harmony with surrounding residential uses), storm water drainage and retention facilities, signage, lighting, landscaping, screening and buffering, setbacks and parking requirements may be added 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 of required items must be provided in a way so as to minimize adverse impacts on the public and surrounding residential areas. Provisions 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
These 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: Conditional Uses Permitted
These uses as allowed in the B-2 Central Business District including the following uses outside storage, automobile drive-thrus and auto lots. Maximum of 10,000 square feet of floor area.

Option C: Conditional Uses Allowed During Absence of the BOA. Providing that the nuisance aspects of these uses are regulated 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 uses or aspects of the type of use to blend in with the surrounding and use pattern, current and anticipated. Maximum of 10,000 square feet of floor area.

F. Orientation and Area Requirements

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- (a) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
- (b) A Type 1 rental shall be located within the principal dwelling unit on the property, and shall be fully owner occupied.
- (c) No more than six rental units per property shall be permitted and
- (d) No more than one shall be located on the ground floor or below the ground floor.
- 12) **General Requirements.** The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 4.1 above:
 - (a) The area units shall only be located within the principal building on the property.
 - (b) **Maximum Occupancy.** The maximum stay for a bed and breakfast or short-term rental shall be thirty (30) consecutive days.
 - (c) **Maximum Building Standards.** Each bedroom rented must have at least seventy (70) square feet of floor space and, for each additional person occupying the same room, the bedroom must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other common space, not through another bedroom. All bedrooms must comply with all health, safety, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.
 - (d) **Maximum Occupancy.** The maximum occupancy of the dwelling in all bed and breakfast or short-term rental shall be limited to the number of bedrooms and short-term rental units. The maximum occupancy shall not include the resident owner and family members. The BOA may limit the number of rooms and maximum occupancy.
 - (e) **Responsible Party/Contact.** The Applicant/Owner shall be responsible for compliance with all Zoning Regulations for Type 1 bed and breakfast and short-term rentals. The Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and whose primary and permanent residence shall be within Nelson County. Knowledge and 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.
 - (f) **Off-Street Parking.** All parking associated with the bed and breakfast or short-term rental shall be off-street, and the bed and breakfast or short-term rental shall meet the minimum required off-street parking as required under Article 11 of the Ordinance.
- 13) **Site/Use/Structure:** shall provide for rental, small storage facilities that are offered for use to the public. The Board of Adjustment when granting permits for non-residence 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, require a specific type of landscaping, require storm water management measures or impose any other requirements that it deems necessary to help the requested use blend into its unique surroundings. (Adopted in City of Burlington)
- 14) **Car Wash.** The Board of Adjustment when reviewing applications for the conditional use shall review plans for the operation to determine if traffic circulation, storage and wash water discharge are adequately provided for. The opinion of the City or County Engineer shall be sought concerning water discharge/retention storage provisions. Wash water shall be discharged into sanitary sewers if a facility approved by the Nelson County Health Department.
- 15) **Mobile Home as Place of Residence for a Commercial Use/Structure.** The Board of Adjustment when reviewing applications for the conditional use shall consider the following factors if there are factors that can reasonably accommodate a commercial use/structure if the permit may be denied.

Section 6.11: Neighborhood Business District (B-1)

Statement	Requirement
Height (over eave)	26 feet
Lot Area (minimum)	1,000 square feet
Not served by sanitary sewer	41,500 square feet
Lot Depth (minimum)	65 feet
Open Space (minimum)	30 percent
Front Yard Setback (minimum)	30 feet
	Note: Except along roadways classified as collectors or higher by the transportation department of the adopted comprehensive plan where the setback is 80 feet from roadway right-of-way.
Side Yard Setback (minimum)	15 feet
Rear Yard Setback (minimum)	30 feet

F. Parking 4.574 Street Lighting Requirements

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

G. Sign Requirements

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

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Section 6.12: Central Business District (B-2)

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

A. Primary Uses Permitted

- These uses shall be allowed as principal uses permitted in the B-2 Neighborhood Business District without the conditions on structure use:
 - Socially active, entertainment, stores, places of amusement and entertainment, retail and other places of overnight accommodation, and restaurants (no drive-through service) by the area are allowed without first obtaining a PUD designation, see Section D below, only in effect in the City of Bardonia, automobile dealerships and sales lots, and the retail sale of all other merchandise not specifically prohibited or permitted for the first time, in a less restrictive classification.
- Parking Lots and structures
- Upper-story housing for residential use, short term rental and bed & breakfast establishments (only applicable to B-2 zoning in City of Bardonia). Where commercial structures have 2 or more stories the first story shall be used only for office and commercial uses permitted in P-1, B-1, and B-2 and/or housing for residential use, short term rental and bed & breakfast establishments.

B. Accessory Uses Permitted

- Garage or other accessory building
- Private recreational facilities
- Drive-in facilities serving a principal use determined by the City or County Engineer not to be a traffic hazard
- Only that wholesaling of merchandise which is clearly incidental and subordinate to the principal retail use of the premises.

C. Conditional Uses Permitted

- 1. **Auto-Storage** which provides for rental, small storage facilities that are offered for use to the public. The Board of Adjustment when granting requests for non-residential facilities may limit the number of units provided, restrict the size or operation of any structure, require screening, buffering, or landscaping, require a specific type of building materials, require greater setbacks and/or areas, require storm water abatement measures or impose any other requirement that deems necessary to help the proposed use blend into its unique surroundings (NU in City of Bardonia).
- 2. **Car Wash** The Board of Adjustment, when reviewing applications for the additional use shall review plans for the location to determine if traffic, deodorization, storage and wash water discharge are adequately provided for. The operator of the City or County Engineer shall be sought concerning traffic, deodorization, storage, wash water, and shall be discharged into sanitary sewers of a facility approved by the Nelson County Health Department.
- 3. **Automobile Service Bays** Distinguished from drive-through by offering minor automobile service and repairs. When submitting an application for this conditional use the Board of Adjustment shall review the plans for the facility to ensure proper traffic circulation and screening. The proper integration of a lot into use into a carefully developed environment, signage, lighting, the maintenance of the storage and/or service of gasoline or other flammable materials.
- 4. **Micro-Brewery** The intent of this conditional use is to allow micro-breweries supporting permitted retailing and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NRS 100.127 and Section 4.3(c) of the Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to:
 - (a) limitations on hours of operation, screening and buffering, etc.

Section 6.12: Central Business District (B-2)

1. **Call Station, Type 1** The intent of this conditional use is to allow craft businesses supporting permitted retailing and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NRS 100.127 and the following minimum criteria:

- (a) The use and any associated use on the property shall serve general by the area only in accordance with the underlying zoning requirements.
- (b) All processing, production, manufacturing, distilling, brewing and/or bottling associated with such distillery shall be located within a fully enclosed building.
- (c) Outdoor storage of materials, equipment, or supplies is not allowed unless otherwise allowed by the underlying zoning.
- (d) All loading and unloading areas shall be oriented away from public streets, emergency vehicle access, and shall be screened from public view by a minimum of 24-hour period.
- (e) All facilities shall have an automatic fire alarm system.
- (f) All facilities shall be served by public water and sanitary sewer.
- (g) The Owner must provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection, and
- (h) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to limitations on hours of operation, screening and buffering, etc.

D. Planned Development Uses Permitted (reserved as provided for in Section 4.2 of these Regulations)

- 1. **Ornamental Landscaping, Fencing, and similar uses** providing for and/or accessibility to streets, 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. **Ornamental Landscaping, Fencing, and similar uses** providing that the nuisance aspects of these uses and other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of the type of use to blend with the surrounding land use pattern, current and anticipated.

E. Dimension and Area Measurements

Class Use	Minimum	Maximum	Minimum	Maximum
Height (maximum)	50 feet	None	Front Yard Setback (minimum)	None
Lot Area (minimum)	None	None	Side Yard Setback (minimum)	None
Not served by sanitary sewer	None	Not allowed	None	None
Lot Width (minimum)	20 feet	None	Rear Yard Setback (minimum)	30 feet
Open Space (minimum)	None	None	None	None

F. Parking Requirements

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

G. Sign Requirements

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

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

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

A. Primary Uses Permitted

- These uses shall be allowed in B-3 Zoning District:
 - Retail commercial uses serving the community as a whole or whose customer base is the community at large not just the local or immediate area. Such uses include but are not limited to: large retail stores, groceries, movie theaters, fast food and restaurants, automobile service stations, automobile and small truck sales and/or services, motor automobile and truck repair, used car lots, restaurants, drive-in or sit-down (no take-out service) liquor by the drink and alcohol to food first, clothing a PUD designation, see Section D below, only in effect in the City of Bardonia, retail and hotels, food and service supplies, drive-in theaters, skating rinks, bowling alleys, and non-retail uses.
- Car wash, discharging wash water into a sanitary sewer or a Nelson County Health Department approved public facility, and a traffic pattern and vehicle storage plan determined by the City or County Engineer not to pose a traffic hazard.
- Parking Lots and structures
- Only apartments in the City of Bardonia, Dwelling Units / Residential housing short term rental and bed & breakfast establishments occupying the same structure as an otherwise allowed use shall not occupy more than 25% of the commercial structure.

B. Accessory Uses Permitted

- Garage or other accessory building
- Private recreational facilities
- Only that wholesaling of merchandise or services which is clearly incidental and subordinate to the principal retail use of the premises.

C. Conditional Uses Permitted

- 1. **Storage Outside Storage of Motor Vehicles** in relation to the business or office for sale of other stored in containers or industry. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory: (1) restrictions on areas to be used, restrict the time period for storage, impose screening or buffering requirements, require additional parking where existing parking areas are used for such storage, and any other condition that helps the proposed use to blend in with its unique surroundings (NU in City of Bardonia).
- 2. **Drive Houses, Car Washes, and Vehicle Repairs**, determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory: (1) restrictions on areas to be used, restrict the time period for such use, impose screening or buffering requirements, require additional parking where existing parking areas are used for such uses, and any other condition that helps the proposed use to blend in with its unique surroundings.
- 3. **Mobile Home as Place of Residence for a Seasonal Dwelling** The Board of Adjustment, when reviewing applications for this conditional use shall consider the following factors: (1) how other facilities that can reasonably accommodate a worker's residence, if so the permit may be issued if there is a necessity for a minimum living on site, storage deposit facilities, as well as aesthetic considerations, appearance and maintenance concerns.
- 4. **Micro-Brewery** The intent of this conditional use is to allow micro-breweries supporting permitted retailing and drinking establishments, event facilities, or similar uses. Prior to the approval of a

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

conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NRS 100.127 and Section 4.3(c) of the Ordinance. The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use, and such conditions may include, but are not limited to limitations on hours of operation, screening and buffering, etc.

1. **Call Station, Type 2** The intent of this conditional use is to allow craft businesses supporting permitted retailing and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NRS 100.127 and the following minimum criteria:

- (a) The use and any associated use on the property shall serve general by the area only in accordance with the underlying zoning requirements.
- (b) All processing, production, manufacturing, distilling, brewing and/or bottling associated with such distillery shall be located within a fully enclosed building.
- (c) Outdoor storage of materials, equipment, or supplies is not allowed unless otherwise allowed by the underlying zoning.
- (d) All loading and unloading areas shall be oriented away from public streets, emergency vehicle access, and shall be screened from public view by a minimum of 24-hour period.
- (e) The use shall be allowed only if the distillery storage structure meeting the following mandatory requirements:

- (1) The site shall have an additional minimum 5 acres for the distillery storage structure.
- (2) The 5-acre site for the storage structure shall be permanently consolidated with the existing distillery property. The 5-acre site shall be limited only to the distillery storage structure and associated utility structures (a pump house, tank).
- (3) The distillery storage structure shall be oriented to the storage of distilled spirits processed, produced, and manufactured on the property.
- (4) The maximum area of the distillery storage structure shall not exceed a total of 25,000 square feet, excluding stormwater and open space.
- (5) The construction type shall be limited to rock supported structures and a pallet storage structure is prohibited.
- (6) The structure may be re-constructed with written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards.
- (7) The structure shall not exceed 50 feet in height.
- (8) The structure shall be set back a minimum of 200 feet from all property lines, and
- (9) The building design, materials, and colors of the distillery site in storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.

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

D. Planned Land Development Uses Permitted (reserved as provided for in Section 4.2 of these Regulations)

- 1. **Ornamental Landscaping, Fencing, and similar uses** providing that the nuisance aspects of these

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

uses are regulated to the extent possible using screens, buffers, limitations on hours of business, or other conditions necessary in the opinion of the Planning Commission to offset the unique aspects of this type of use or district as with the surrounding land use pattern current and anticipated.

- (1) **Colors, Signs, Signage, Hours, Hours of Operation, Hours of Business, Hours of Operation, 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 with the surrounding land use pattern current and anticipated.

Dimension and Area Requirements

Requirement	Restriction
Height (Maximum)	35 feet
Lot Area (Minimum)	6,000 square feet
Lot Area (Minimum) Not Served by Sanitary Sewer	43,500 square feet
Lot Width (Minimum)	50 feet
Open Space (Minimum)	20 percent
Front Yard Setback (Minimum)	50 feet
Side Yard Setback (Minimum)	Not adjoining a residential use: 15 feet Adjoining a residential use: 25 feet
Rear Yard Setback (Minimum)	25 feet

Parking & Off-Street Loading Requirements

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

Sign Requirements

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

Section 6.14: General Business District (B-4)

uses. The intent of the zoning district under property subject is to provide space for wholesale and retail commercial uses. These uses by their nature, tend to be more intensive in their operational characteristics.

Principal Uses Permitted

Principal uses allowed in the B-4 Regional Retail Business District: Wholesale businesses and heavy commercial such as but not limited to the following: warehouses and storage facilities; sale of building materials, lumber yards and contractors businesses; sale of food, grain, or agricultural supplies, pharmaceuticals and plant materials; fuel and vehicle supply sales and service; mobile home and travel trailer sales and service; sale of used cars, trucks or heavy equipment sales lots such as tractors and farm implements; machine shops; automobile and auto parts; repair, maintenance and repair of farm equipment and construction equipment and trucks.

Accessory Uses Permitted

Garage or other accessory building.

Conditional Uses Permitted

- Storage Outside Storage of Material** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment upon reviewing a request for this conditional use may impose the following conditions, some of which are mandatory: (1) Restrictions on areas to be used; (2) Restrict the time period for storage; (3) impose screening or buffering requirements; (4) installation of parking where existing parking areas are used for such storage; and any other condition that helps the proposed use to blend with its surroundings. (Only in effect in the City of Baraboo)
- Vehicle Repair as Part of Business for a Commercial Warehouse** The Board of Adjustment, when reviewing applications for the conditional use, shall consider the following factors: (1) Are there other facilities that can reasonably accommodate a customer's residence if so the permit may be denied if there is a possibility for a customer living on site, storage disposal facilities, as well as aesthetic considerations, appearance and maintenance concerns.
- Motor Vehicle** The intent of the conditional use is to allow more intensive supporting permitted uses and drinking establishments event facilities or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NR 100.227 and Section 4.2C of the Ordinance. The BOA also may impose conditions that ensure compliance and appropriateness of the proposed use and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- Crane Delivery, Type II** The intent of the conditional use is to allow more intensive supporting permitted uses and drinking establishments event facilities or similar uses. Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in NR 100.227 and the following minimum of use:
 - The use and any associated use on the property shall be subject to the strict criteria in accordance with the underlying zoning requirements.
 - All processing, production, manufacturing, or similar screening and/or buffering associated with such delivery shall be located within a fully enclosed building.
 - Outdoor storage of materials, equipment, or supplies is not allowed unless otherwise allowed by the underlying zoning.

Section 6.14: General Business District (B-4)

- (a) All loading and unloading areas shall be oriented away from public streets whenever feasible.
- (b) The use shall be allowed one dedicated sports storage structure meeting the following mandatory requirements:

- The site shall have an additional minimum 5 acres for the dedicated sports storage structure. The 5-acre site for the storage structure shall be immediately adjoining the delivery site and shall be permanently consolidated with the adjacent delivery property. The sports use shall be limited only to the dedicated sports storage structure and associated utility structures (i.e. dump house, etc.).
 - The dedicated sports storage structure shall be limited to the storage of dedicated sports equipment, produced, and manufactured on the property.
 - The maximum size of the dedicated sports storage structure shall not exceed a footprint of 20,000 square feet, including stairwells and open docks.
 - The construction type shall be limited to each supported structure, and a pallet storage structure is prohibited.
 - The structure may be non-enclosed with visible evidence that the appropriate fire department fire hydrant water pressure is available to meet minimum fire suppression standards.
 - The structure shall not exceed 30 feet in height.
 - The structure shall be set back a minimum of 200 feet from all property lines, and
 - The building design, materials, and colors of the dedicated sports storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
- (c) All delivery facilities, except any approved dedicated sports storage structure, shall have an automatic fire sprinkler system.
- (d) All delivery facilities, except any approved dedicated sports storage facilities, shall be served by public water and sanitary sewer.
- (e) The Owner shall provide evidence of annual production from the Alcohol and Tobacco Tax and Trade Bureau or the Drug of the annual production, and
- (f) The BOA also may impose conditions that ensure compliance and appropriateness of the proposed use and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

Planned Use Development Uses Permitted, approved as provided for in Section 6.2 of these Regulations

Dimension and Area Requirements

Requirement	Restriction
Height (Maximum)	35 feet
Lot Area (Minimum)	6,000 square feet
Lot Area (Minimum) Not Served by Sanitary Sewer	43,500 square feet
Lot Width (Minimum)	50 feet
Open Space (Minimum)	20 percent
Front Yard Setback (Minimum)	50 feet
Side Yard Setback (Minimum)	Not adjoining a residential use: 15 feet Adjoining a residential use: 25 feet
Rear Yard Setback (Minimum)	25 feet

Section 6.14: General Business District (B-4)

Parking & Off-Street Loading Requirements

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

Sign Requirements

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

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Section 8.16 Retail Complex District (B-3)

Intent: The intent of this zoning district when properly applied is to allow development of certain retail complexes in the form of stand-alone buildings, site-conform retail, and other uses.

A. Principal Uses Permitted

These uses are allowed in the B-3 Neighborhood Retail Business District:

1. Note: A site development plan must be submitted as part of the rezoning application requesting reclassification to this zoning district. This plan must show location of all lots, easements (which may be private, but must provide public access to all parcels), size and type of structures (may be submitted as individual buildings) to be built, storm water drainage and retention facilities, lighting, screening, screening and buffering. All items required are subject to Planning Commission review and approval. The standard for review shall be that all required items must be provided in a way that is not adverse impacts on the public. Departures from the development plan as finally approved must receive Planning Commission approval after another required public hearing.

B. Accessory Uses Permitted

Garage or other accessory building

Private recreational facilities

Only that accessory use of a residential lot which is directly adjacent and subordinate to the principal retail use of the premises.

C. Conditional Uses Permitted

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

(2) **Open House, Plant Nurseries, and Produce Markets:** determined by the Board of Adjustment to be accessory to the primary use of the property or in the alternative, an appropriate primary use. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory: (a) restrictions on areas to be used, restrict the time period for storage, impose screening or buffering requirements, require additional parking where existing parking areas are used for each storage lot, and any other condition that serves the proposed use to blend in with its unique surroundings. (Only in effect in the City of Burlington)

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

(4) **Off-Office Type B:** The intent of this conditional use is to allow off-office buildings supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BCA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:

Section 8.15 Retail Complex District (B-3)

1. The use and any associated use on the property shall serve abated by the drive only in accordance with the underlying zoning requirements.
2. All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building.
3. Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise approved by the underlying zoning.
4. All loading and unloading areas shall be oriented away from public streets, whenever feasible.
5. The use shall be allowed only in a detached single storage structure meeting the following mandatory requirements:
 - 1) The site shall have an additional minimum 5 acres for the detached single storage structure.
 - 2) The 5-acre site for the storage structure shall be immediately adjacent the distillery site and shall be permanently consolidated with the adjoining distillery property. The 5-acre site shall be zoned only to the detached single storage structure and associated utility structures (e.g., pump house, etc.).
 - 3) The detached single storage structure shall be limited to the storage of detritus, spent, processed, produced, and manufactured on the property.
 - 4) The maximum size of the detached single storage structure shall not exceed a volume of 20,000 square feet, including stairwells and open docks.
 - 5) The construction type shall be limited to rack supported structure and a panel storage structure is prohibited.
 - 6) The structure may be non-sprinklered and written evidence from the appropriate fire department that adequate water pressure is available to meet minimum fire suppression standards.
 - 7) The structure shall not exceed 50 feet in height.
 - 8) The structure shall be set back a minimum of 200 feet from all property lines, and
 - 9) The building design, materials, and colors of the detached single storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
6. An distillery facilities, except any approved detached single storage structure, shall have an automatic fire sprinkler system.
7. All distillery facilities, except any approved detached single storage structure, shall be served by public water and sanitary sewer.
8. The owner must provide evidence of visual protection from the Hazardous and Tobacco Tax and Trade Bureau at the time of the annual inspection and
9. The BCA also may impose conditions that ensure compatibility and appropriateness of the proposed use and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.

D. Planned Land Development Uses Permitted

1. **On-Campus Transit User Service Station (Bus Stop):** providing that the minimum aspects of these uses are regulated to the extent possible using screening, buffering, restrictions on hours of operation, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of the type of use to blend in with the surrounding land use pattern, context, and character.
2. **On-Campus Transit User Service Station (Bus Stop):** providing that the minimum aspects of these uses are regulated to the extent possible using screening, buffering, restrictions on hours of operation, or other conditions necessary in the opinion of the Planning Commission to allow the unique aspects of the type of use to blend in with the surrounding land use pattern, context, and character.

Section 8.15 Retail Complex District (B-3)

A. Districts and Area Regulations

Category	Minimum	Maximum
Height (Maximum)	35 feet	
Complex Area (Minimum)		Note: There is no minimum lot size required for an overall development. If it is subject to the lot size requirements herein, a B-3 complex may be subdivided, under the zone of 1 or more individual lots meeting these area requirements.
Complex Lot Width (Minimum)	50 feet	
Individual Lot Area (Minimum)		Served by sanitary sewer: 5,000 square feet Not served by sanitary sewer: 43,300 square feet
Individual Lot Width (Minimum)	30 feet	
Open Space (Minimum)	20 percent	
Front Yard Setback (Minimum)	20 feet	
Side Yard Setback (Minimum)	20 feet	
Rear Yard Setback (Minimum)	20 feet	

B. Parking & Off-Street Loading Requirements

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

C. Sign Requirements

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

Section 8.16 Light Industrial Commercial Park (LIP)

Intent: The intent of this zoning district when properly applied is to allow development that serves commercial and light industrial uses in a park or campus environment. Other industrial conditions related to these regulations are exclusive in nature and not allowing commercial uses. The zoning classification provides an exception to that general rule.

A. Principal Uses Permitted

These uses listed as principal uses permitted in the B-3 Neighborhood Retail Business District, B-4 General Business District and L-1 Light Industrial District.

B. Accessory Uses Permitted

Fencing lots and structures

Garage or other accessory building

Private recreational facilities

C. Conditional Uses Permitted

1. **Vehicle Outside Storage of Materials:** related to the business or offered for sale, whether stored in containers or individually. The Board of Adjustment when reviewing a request for this conditional use may impose the following conditions some of which are mandatory: (a) restrictions on areas to be used, restrict the time period for storage, impose screening or buffering requirements, require additional parking where existing parking areas are used for each storage lot, and any other condition that serves the proposed use to blend in with its unique surroundings. (Only in effect in the City of Burlington)
2. **Micro-Brewery:** The intent of this conditional use is to allow micro-breweries supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BCA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and Section 4.3C of this Ordinance. The BCA also may impose conditions that ensure compatibility and appropriateness of the proposed use and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
3. **Off-Office Type B:** The intent of this conditional use is to allow off-office buildings supporting permitted eating and drinking establishments, event facilities, or similar uses. Prior to the approval of a conditional use permit hereunder, the BCA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. Any conditional use permit issued hereunder must meet the mandatory requirements for approval set out in KRS 100.237 and the following minimum criteria:
 - (a) The use and any associated use on the property shall serve abated by the drive only in accordance with the underlying zoning requirements.
 - (b) All processing, production, manufacturing, distilling, brewing, and/or bottling associated with such distillery shall be located within a fully enclosed building.
 - (c) Outdoor storage of materials, equipment, or supplies is not allowed, unless otherwise approved by the underlying zoning.
 - (d) All loading and unloading areas shall be oriented away from public streets, whenever feasible.

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Section 6.16. Light Industrial Commercial Park (LIP)

- 1) The use shall be allowed only in a detached open storage structure meeting the following mandatory requirements:
 - (1) The site shall have an additional minimum 5 acres for the detached open storage structure. The 5-acre site for the storage structure shall be immediately adjoining the existing site and shall be permanently consolidated with the existing existing property. The 5-acre site shall be limited only to the detached open storage structure and associated utility structures (a utility house, tank).
 - (2) The detached open storage structure shall be limited to the storage of finished goods, processed, produced, and manufactured on the property.
 - (3) The maximum size of the detached open storage structure shall not exceed a footprint of 20,000 square feet, including stairs and open deck.
 - (4) The construction type shall be limited to non-supported structure, and a pallet storage structure is prohibited.
 - (5) The structure may be non-enclosed with visible evidence from the approach and departure that adequate water pressure is available to meet minimum fire suppression standards.
 - (6) The structure shall not exceed 50 feet in height.
 - (7) The structure shall be set back a minimum of 200 feet from all property lines and
 - (8) The building design, materials, and colors of the detached open storage building shall be consistent with the character of the surrounding area and shall be approved by the Development Review Board.
 - 2) All delivery facilities except any approved detached open storage structure, shall have an automatic fire alarm system.
 - 3) All delivery facilities, except any approved detached open storage facilities, shall be served by public water and sanitary sewer.
 - 4) The Owner must provide evidence of annual inspections from the Alcohol and Tobacco Tax and Trade Bureau at the time of the annual inspection and
 - 5) The BOA also may impose conditions that ensure compatibility and appropriateness of the proposed use and such conditions may include, but are not limited to, limitations on hours of operation, screening and buffering, etc.
- Planned Use Development Use Changes** (approved as provided for in Section 5.2 of these Regulations)
- (1) **Change Allowed Use Before Approval by the BOA:** providing that the nature aspects of these uses are required to the nature possible using scenario buffers limitations on hours of business or other conditions necessary at the option of the Planning Commission to allow the unique aspects of the type of use to blend with the surrounding land use pattern, current and anticipated.
 - (2) **Change into, Business, Public, Institutional, Retail or Other Use:** providing that the nature aspects of these uses are required to the nature possible using scenario buffers limitations on hours of business or other conditions necessary at the option of the Planning Commission to allow the unique aspects of the type of use to blend with the surrounding land use pattern, current and anticipated.

Section 6.16. Light Industrial Commercial Park (LIP)

Table 6.16.1 - Allowed Uses

Use	Minimum
General Warehousing	50 feet
Front Yard Setback (minimum)	17,120 square feet
Not served by sanitary sewer	17,120 square feet
Served by sanitary sewer	17,120 square feet
Individual Lot Area (minimum)	1,000 square feet
Served by sanitary sewer	1,000 square feet
Not served by sanitary sewer	1,000 square feet
Front Yard Setback (minimum)	20 feet
Open Space (minimum per lot)	20 feet
Front Yard Setback (minimum)	20 feet
Side Yard Setback (minimum)	15 feet
Not adjoining a residential use	15 feet
Adjoining a residential use	25 feet
Rear Yard Setback (minimum)	15 feet

Table 6.16.2 - Street Light Spacing Requirements

Parking requirements may be found in Article 11 of these Zoning Regulations by Use

Sign Requirements

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

Section 6.17. Light Industrial District (I-1)

Intent: The intent of the zoning district classification, when properly applied, is to provide areas for industrial uses that have no site impacts including visual impacts, and that blend well with other less intensive uses. All industrial, zoning areas shall be served by public sanitary sewers in the City of Brandon. All areas outside the City of Brandon must be served by an approved sanitary sewer system that meets the requirements of the State of Kentucky as required by the Environmental Protection Agency and the Division of Water. (See 6.17.D.)

A. Principal Uses Permitted

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

Micro-businesses and craft studios.

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

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

B. Accessory Uses Permitted

Parking lots and structures

Garage or other accessory building

C. Conditional Uses Permitted

(1) **Single Home as Place of Residence for a Commercial Worker:** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors, if there are other factors that can reasonably accommodate a worker's residence if the permit may be issued if there is a necessity for a worker living on site, sewage disposal facilities, as well as aesthetic considerations, appearance, and maintenance concerns.

(2) **Temporary and Transient Uses:** The purpose of the provision is to allow temporary and transient uses of industrially zoned property until such time as market demand justifies use of such property in a manner that will specifically meet the community's economic development needs.

- (a) **Uses:** The following temporary and transient uses may be considered as conditional uses:
 - (1) Commercial service facilities providing services that are off-site and sales oriented towards industrial district users and employees (all other users are only accidents customers), including, but not limited to, childcare and day care facilities, branch offices of banks, savings and loan, credit unions, and similar financial institutions, and restaurants, including eating facilities, and similar facilities that serving beer, wine and/or spirits by the drink and not including drive through facilities.
 - (2) Non-warehousing and retail storage facilities.
 - (3) Churches, dental halls, and temples.
 - (4) Training schools (vocational and industrial).
 - (5) Meeting rooms, reception halls, and computer centers.
 - (6) Airport, airports, and aviation uses.
 - (7) Indoor and outdoor athletic facilities, and
 - (8) Those uses that the Board of Adjustment determines are similar in type and nature and that are compatible with and not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

Section 6.17. Light Industrial District (I-1)

6.17.1. Temporary and Transient Uses

- (1) The Conditional Use Permit shall be approved for one particular use and occupant/tenant and shall not be transferable to another use or occupant/tenant. The Conditional Use Permit shall expire if the use other than for more than 3 consecutive months.
 - (2) The transitional or temporary use shall be contained and/or contained on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures or permanent site alterations or changes. Any permanent or ground added for a transitional or temporary use shall be removed upon termination of the use and the ground restored within 2 weeks of removal of the use.
 - (3) No transitional or temporary use shall be located on or adjoining a property or located within an existing building and/or structure that poses a dangerous, nuisance or otherwise objectionable condition caused by the application of other hazardous, noise or vibration, smoke, dust or other form of pollution, noise or other release, or emission of any other substance, condition or element used in such a manner or in such amount as to adversely affect the beneficial or temporary use.
 - (4) If located within an existing building and/or structure that houses existing industrial uses, evidence of the protection (sprinkler, etc.) shall be provided.
 - (5) Hours of operation of the transitional or temporary use shall not conflict with other uses in the building with regard to noise, parking, and building safety.
 - (6) Minimum and maximum off-street parking requirements must be satisfied for all uses within the building, and pedestrian and vehicular circulation patterns, including location of ingress and egress, parking lots and driveways, must be designed to safely accommodate non-industrial traffic and meet conflicts with truck traffic.
 - (7) If transitional or temporary uses are to be conducted outside and if to be located in the 300 feet of residential use or zoning, a lighting plan must be submitted to determine compliance Standards Ordinance.
 - (8) Any outdoor storage for a transitional or temporary use in I-1M or I-2 zoning district must be screened if adjoining residential use or zoning. No outdoor storage or assembly area are allowed in I-1 zoning district.
 - (9) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.
- Planned Use Development Use Changes** (approved as provided for in Section 5.2 of these Regulations)
- (1) **Change Allowed Use Before Approval by the BOA:** and proposes to use of an alternative sewer treatment method. System must be approved by State and Local Health officials and any other agencies the Planning Commission may deem appropriate. Minimum lot area may be increased if deemed necessary to accommodate system.

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Section 6.17: Light Industrial District (I-1)

4. Dimensional Area Requirements

Standard	Requirement
Height (maximum)	25 feet
Lot Area (minimum)	20,000 square feet or more
Not served by sanitary sewer	20,000 square feet
Served by sanitary sewer	20,000 square feet
Lot Width (minimum)	50 feet
Open Space (minimum per lot)	70 percent
Front Yard Setback (minimum)	50 feet
Side Yard Setback (minimum)	15 feet
Not adjoining a residential use	15 feet
Adjoining a residential use	25 feet
Rear Yard Setback (minimum)	25 feet

5. Parking & Off-Street Loading Requirements

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

6. Sign Requirements

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

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

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

A. Accessory Uses Permitted

Manufacturing, fabrication, storage and/or processing of any product or commodity, except as otherwise provided in these regulations with operations that have no off-site impacts from noise, dust, odors or light considered to be occurring at the interior levels as determined and determined by the Planning Commission or its designee.
 Research and development facilities, corporate headquarters, regional headquarters, and administrative offices. These facilities may be part of a manufacturing use or research and development use and shall be located within a planned industrial park. These facilities shall not be located on residentially zoned property located outside of a planned industrial park. If such facilities are not part of a manufacturing facility and are stand-alone from the facility, they shall be located on minimum two (2) acre site.
 Retail sale of any product or commodity manufactured, fabricated or processed on the premises.
 Outdoor storage of heavy equipment.
 Outdoor storage of bulk materials, but not limited to sand, gravel, and soil.

B. Accessory Uses Permitted

Parking lots and structures
 Garage or other accessory building

C. Conditional Uses Permitted

(1) **Mobile Home as Place of Residence by a Commercial Visitor.** The Board of Adjustment, when reviewing applications for this conditional use, shall consider the following factors: if space other facilities that can reasonably accommodate a mobile home residence; if so, the permit may be granted if there is a necessity for a residential living on site, temporary storage facilities as well as aesthetic considerations, appearance and maintenance concerns.

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

- (a) **Uses.** The following temporary and transitional uses may be considered as conditional uses:
 - (i) Commercial service facilities providing services that are physically and financially oriented towards industrial district users and employees (all other users are only made-to-order), including but not limited to, childcare and day care facilities, branch offices of banks, savings and loans credit unions, and service financial institutions and restaurants, cafes, and other food service facilities and similar facilities not serving beer, wine and/or alcohol by the drink and not including drive through facilities.
 - (ii) Mail, warehousing and other storage facilities.
 - (iii) Churches, parish halls, and temples.
 - (iv) Training schools, reception and exhibit.
 - (v) Meeting rooms, reception halls, and expansion conference centers and board rooms.
 - (vi) Booth, trade, and repair uses.
 - (vii) Indoor and outdoor athletic facilities, and
 - (viii) These uses that the Board of Adjustment determines are similar in type and intensity and that are compatible in siting and not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

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

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

- (1) The Conditional Use Permit shall be authorized for one particular use and occupancies and shall not be transferable to another use or occupancies. The Conditional Use Permit shall expire if the use shall cease for more than 3 consecutive months.
- (2) The transitional or temporary use shall be conducted and/or operated on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures or permanent site alterations or changes. Any permit or approval added for a transitional or temporary use shall be removed upon termination of the use and the ground restored within 3 weeks of removal of pavement or gravel.
- (3) No transitional or temporary use shall be located on or adjoining a property or located within an existing building or other structure that poses a dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards, noise or vibration, smoke dust or other form of air pollution, liquid or other release or emission or any other substantial condition or element used in such a manner or in such amount as to adversely affect the transitional or temporary use.
- (4) If located within an existing building and/or structure that houses existing industrial uses, evidence of fire production (firewall, etc.) shall be provided.
- (5) Hours of operation of the transitional or temporary use shall not conflict with other users in the building with regard to noise, parking, and building safety.
- (6) Minimum and maximum off-street parking requirements must be satisfied for all uses within the building and pedestrian and vehicle circulation patterns, including location of ingress and egress, parking lots and driveway, must be designed to safely accommodate non-industrial traffic and avoid conflicts with truck traffic.
- (7) If transitional or temporary use shall be conducted outside and will be located within 100 feet of residential use or zoning, a lighting plan must be submitted to determine compliance with minimum lighting standards as set forth in the Commercial Establishments Design Standards Ordinance.
- (8) Any outdoor storage for a transitional or temporary use in I-1M or I-2 zoning district shall be screened if adjoining residential use or zoning. No outdoor storage or sales/display areas are allowed in I-1 zoning district.
- (9) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental to, conflicting with, or impair the integrity and character of the existing industrial zoning and uses.

(c) Planned Use Development Uses Permitted (reworded as provided for in Section 6.2 of these Regulations)

- (1) **Place Where Primary Activities are to Provide Adult Entertainment.** Providing that the minimum aspects of these uses are mitigated to the extent possible using signage, buffers, limitations on hours of business, or other conditions necessary in the context of the Planning Commission to allow the unique aspects of the type of use to be used in a provided with the surrounding land use pattern, control and enclosed.
- (2) **Industry not able to connect to public sanitary sewers.** and provision to use of an alternative sewer treatment method. System must be approved by State and Local Health officials and any other agencies the Planning Commission may deem appropriate. Minimum lot area may be increased if deemed necessary to accommodate system.

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

4. Dimensional Area Requirements

Minimum Requirement	Standard	Front Yard Setback (minimum)	Maximum
Height (maximum)	30 feet	Front Yard Setback (minimum)	50 feet
Lot Area (minimum)	20,000 square feet	Not adjoining a residential use	25 feet
Not served by sanitary sewer	20,000 square feet	Adjoining a residential use	40 feet
Served by sanitary sewer	20,000 square feet		
Lot Width (minimum)	50 feet	Rear Yard Setback (minimum)	30 feet
Open Space (minimum per lot)	70 percent		

5. Parking & Off-Street Loading Requirements

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

6. Sign Requirements

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

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Section 6.19: Heavy Industrial District (I-2)

Article 6 is the intent of the zoning district classification, other property and suitability applied to provide areas for heavy industrial use, that due to the nature of their operation or materials used, have intensive beyond the boundaries of the property on which they are located. All industrially zoned areas must be served by public sanitary sewers in City of Bardonia. All areas outside the City of Bardonia must be served by an approved sanitary sewer system that meets the requirements of the State of Kentucky, as required by the Environmental Protection Agency and the Division of Water. (See P. 1, D.)

A. Permitted Uses Permitted

These uses shall be permitted uses in the I-2 Moderate Impact Industrial District. These industrial uses which have associated therewith any detrimental or obnoxious noise, vibration, smoke, odors, dust and/or other objectionable conditions, including but not limited to the following: automobile, truck, auto, and heavy machinery repair and maintenance; storage yards; slaughterhouses; rendering plants; gasoline storage areas; refuse dumps; sanitary and/or animal waste; automobile race tracks. The manufacture and/or sale of rock, sand or gravel when a principal use.

B. Accessory Uses Permitted

Parking lots and structures, Garages or other accessory building.

C. Conditional Uses Permitted

- (1) **Transfer of Industrial Property Uses** such as but not limited to the following illustrative uses: pure or recycled metal yards and facilities, and systems and plants which handle, generate, store, treat, recycle and/or dispose of hazardous wastes as defined in Article 5.
- (2) **Mobile Home as Place of Residence for a Commercial Worker** The Board of Adjustment upon reviewing applications for this conditional use, shall consider the following factors: if there are other facilities that can reasonably accommodate a worker's residence, if so the permit may be denied, if there is a necessity for a wastewater line on site, sewage disposal facilities, as well as aesthetic considerations, noise, odor, and maintenance concerns.
- (3) **Temporary and Transitional Uses** The purpose of this provision is to allow temporary and transitional uses of industrially zoned buildings, structures, and land when preserving the community's supply of industrially zoned property and such uses at market demand provide use of such property in a manner that will significantly meet the community's economic development needs.
 - a. **Uses** The following temporary and transitional uses may be considered as conditional uses:
 - (i) Commercial service facilities providing services that are physically and sales oriented (excluding residential uses and employment) (all other uses are only residential destinations), including, but not limited to, children and day care facilities, branch offices of banks, savings and loans, credit unions, and similar financial institutions, and restaurants, cafeterias, catering facilities, and similar facilities not serving beer, wine and/or alcohol by the glass and not including drive through facilities.
 - (ii) Mini-warehousing and new storage facilities.
 - (iii) Churches, parish halls and temples.
 - (iv) Training schools (vocational and industrial).
 - (v) Meeting rooms, reception halls, and exposition, conference centers, and tourist centers.
 - (vi) Airport, heliport, and aviation club.
 - (vii) Ice house and outdoor athletic facilities, and
 - (viii) those uses for the Board of Adjustment determine are similar in type and intensity and that are compatible with and not so detrimental, conflicting with or impair the integrity and character of the existing industrial zoning and uses.

Section 6.19: Heavy Industrial District (I-2)

F. Access A/C-Street Load and Restrictions

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

G. Sign Requirements

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

Section 6.19: Heavy Industrial District (I-2)

D. Maximum Standards: Temporary and Transitional Uses must meet the following minimum standards:

- (a) The Conditional Use Permit shall be authorized for one activity or use and occupation/operation and shall not be transferable to another site or occupation/operation. The Conditional Use Permit shall expire if the use shall cease for more than 3 consecutive months.
- (b) The temporary or temporary use shall be conducted and/or operated on the property and/or within the existing buildings and structures and shall not involve the construction of any new buildings or structures of permanent use alterations or changes. Any pavement or grave added for a temporary or temporary use shall be removed upon termination of the use and the ground restored within 2 weeks of removal of pavement or grave.
- (c) No transitional or temporary use shall be located on or adjoining a property or located within an existing building and/or structure that poses a dangerous, injurious, noxious or otherwise objectionable condition caused by fire explosion or other hazards, noise or vibration, smoke, dust or other form of air pollution, liquid or solid release or excess, or any other substance, condition or element, used in such a manner or in such amount as to adversely affect the transitional or temporary use.
- (d) If located within an existing building and/or structure that has no existing fire alarm system, evidence of fire protection (firework, etc.) shall be provided.
- (e) Hours of operation of the transitional or temporary use shall not conflict with other uses in the building with regard to noise, parking, and building safety.
- (f) Minimum and maximum of street parking requirements must be satisfied for all uses within the building and pedestrian and vehicular circulation patterns, including location of ingress and egress, parking lots and structures, must be designed to safely accommodate non-emergency traffic and avoid conflicts with bicyclists.
- (g) If transitional or temporary uses are to be conducted outside and will be located within 500 feet of residential use or zoning, a lighting plan must be submitted to demonstrate compliance with minimum lighting standards as set forth in the Commercial Establishments Design Standards Ordinance.
- (h) Any outdoor storage for a transitional or temporary use in an I-2 zoning district must be screened if adjoining residential use or zoning. No outdoor storage or accessory uses are allowed in I-2 zoning district.
- (i) Any other condition that the BOA determines necessary to ensure that uses are compatible and would not be detrimental, conflicting with or impair the integrity and character of the existing industrial zoning and uses.

D. Planned Land Development Uses Permitted (uncovered as provided for in Section 6.19 of these Regulations)

- (1) Industry not able to contract for public sanitary sewers and propose to use of a alternate sewer treatment method. System must be approved by State and Local Health officials and the other agencies the Planning Commission may deem appropriate. Maximum lot area may be increased if deemed necessary to accommodate system.

E. Setbacks and Area Requirements

Requirement	Requirement	Standard	Requirement
Height of structures	50 feet	Front Yard Setback (minimum)	60 feet
Lot Area (minimum)	4) 500 square feet	Side Yard Setback (minimum)	25 feet
Served by sanitary sewer	5 acres	Not adjoining a residential use	100 feet
Not served by sanitary sewer	50 feet	Adjoining a residential use	50 feet
Lot width (minimum)	25 feet	Rear Yard Setback (minimum)	50 feet
Open Space (minimum per lot)	25 percent		

Article 7: Special Zoning Districts

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Section 7.1 Mobile Home Park (MHP)

"The intent of the zoning district classification is to provide areas for detached housing to create a Mobile Home Park (MHP) zoning is only to be applied in those areas served by sanitary sewers. Due to the size of the manufactured homes that may be installed in this district and the density allowed, with its attendant traffic, accessibility to sites to be zoned MHP is critical. Mobile Home Park zoning should only be applied where direct access to major roads exists, as designated by the transportation element of the adopted comprehensive plan, is reasonably available.

A. Principal Uses Permitted

Manufactured Housing, one unit per lot with one dimensional width of 18 feet or less when fully installed, retaining its mobility. (Note: additional restrictions regarding mobility or showing the least dimensional width beyond 18 feet are not allowed.)

B. Accessory Uses Permitted

One (1) permanent dwelling per park or development, which may be a manufactured home of any size, to be used as an owner's or caretaker's residence. A rental office not exceeding 800 feet in size. This office can be a stand alone structure or a part of another structure containing an otherwise allowed use. Recreational facilities, swimming pools, playgrounds.

One (1) freestanding storage building per lot, retaining its mobility not exceeding 200 sq. ft. in size. Trucks attached to the manufactured home in such a way as to not restrict its mobility (readily removed) not exceeding 200 sq. ft. in size. Home Occupations.

C. Conditional Uses Permitted

(1) Child Care/Daycare Facilities, Type 3. Conditions that may be imposed or that are mandatory. (1) FICU09 that a license shall be provided. (1) and that special screening or buffering may be required.

(2) Planned Unit Development/Uses Permitted - reserved as provided for in Section 2.2 of these Regulations.

(3) Mobile Home Use Contingent: manufacturing retail and service commercial uses that are accessory to the park, if a barrier/buffering strip, sound-walls, containment above, multi-residences. The Planning Commission when considering the appropriateness of any such proposed uses shall consider the proposed layout and integration of such uses, accessibility, and need for the proposed services.

Section 7.1 Mobile Home Park (MHP)

E. Dimension and Area Requirements

Requirement	Minimum	Maximum
Height (maximum)	12 feet	12 feet
Park Area (minimum)	43,640 square feet	Not allowed
Park Lot Width (minimum)	100 feet	100 feet
Park Open Space Area (minimum)	30 percent	30 percent
Individual Lot/Space Area (minimum)	Served by sanitary sewer: 5,000 square feet Not served by sanitary sewer: 10,000 square feet	Not allowed
Individual Lot/Space Width (minimum)	50 feet	50 feet
Individual Lot Depth (minimum)	125 feet	125 feet
Front Yard Setback (minimum)	25 feet	25 feet
Side Yard Setback (minimum)	10 feet	10 feet
Rear Yard Setback (minimum)	10 feet	10 feet

F. District A, C, D, Street Lighting Requirements

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

G. Sign Requirements

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

H. Other Requirements

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

- The name and address of the developer.
 - The name and location of the mobile home park.
 - Dimensions and locations of all lot lines, road and easements. Each mobile home site shall be numbered.
 - Location of all utility, public and private water, drainage, sewage, and electrical facilities and easements.
 - Public areas such as vehicle parking, recreational areas, etc. if such areas are provided.
 - Large scale plan of any typical mobile home lot showing mobile home location, driveway, parking space, etc. and
 - Location of areas for landscaping, whether proposed or required for protective buffer purposes as a special condition.
- (2) When an application for rezoning to the classification for a new mobile home park is filed for the site of construction for extension of an existing mobile home park with the appropriate classification in place, the developer shall obtain appropriate approvals from the State Department of Health as required by state law. A copy of any letters of approval shall be provided with the application to rezoning or to the Planning Commission office prior to construction of any extension of an existing mobile home park already rezoned.

Section 7.1 Mobile Home Park (MHP)

(3) The general development plan as required in H (1) above, shall be approved by the Planning Commission in a manner similar to the approval of a subdivision plan prior to the construction of an extension to any existing mobile home park with the appropriate zoning classification in place above the extension. Approval of a rezoning to the classification is related to and conditioned on the elements shown on the general development plan. Amendments of the general development plan is required when any substantive element shown on the plan is amended. The amendment procedure is the same as that for approval of an extension of an existing mobile home park with the appropriate zoning classification in place.

(4) All rules and codes shall meet the requirements set out in the Subdivision Regulations for All of Nelson County. Prior to the use or occupancy of any mobile home park (new or extended), a site plan or plan showing and meeting the requirements of (1) - (3) above and the Subdivision Regulations for All of Nelson County shall be approved through the process of subdivision plan approval and filed in the office of the Nelson County Clerk in a manner similar to a subdivision plan.

Section 7.2: Manufactured Home Subdivision (MHS)

"The intent of the zoning district classification is to provide when properly applied, home sites offered characteristics and requirements of this type of residential development. Other than the requirements specifically enumerated and listed in this section, developments in areas with the zoning classification are to be held to the same standard and must meet the same regulations and requirements procedure and substantive as any other residential subdivision.

A. Principal Uses Permitted

Manufactured Housing, one unit per lot.

B. Accessory Uses Permitted

Home Occupations, Garage or other accessory building, Private recreational facilities.

C. Conditional Uses Permitted

(1) Schools, Churches, Community Centers. Conditions may be imposed that include traffic flow or construction lighting as well as any other condition that may be necessary to meet the use to blend with its future surroundings.

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

(3) Home Occupations, Use Contingent, A.M.P.O. Use Contingent. Conditions may be imposed that include a maximum number of employees, conditions that be imposed include special provision for parking may be required and otherwise allowed signage may be restricted.

D. Bed and Breakfast Establishments or Short-Term Rentals

(1) Bed and Breakfast Establishments or Short-Term Rentals shall be subject to the same requirements, fees, taxes, and occupancy limits as other uses in the same zoning district. They to the approval of a conditional use permit from the BDA that considers the impact of the proposed use upon surrounding properties and meets the character of the area is proposed. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

- The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short-term rental.
- 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.
- The BDA may limit the number of "rooms and maximum occupancy."
- The Applicant/Owner shall 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.
- The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.

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Section 7.2: Manufactured Home Subdivision (MHS)

- (6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in a two-family or multi-family residential development, townhouse, or single-unit manufactured home.
- (7) Only essential food service shall be allowed 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 no visible exterior 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 the 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 Marshal 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 the section, the BOA shall, when considering compliance with Part 4.2 (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. Most use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not an 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 single family residential use should be limited to locations for bed and breakfast establishments and short-term rentals with a general presumption that such uses 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 immediately 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 undue stress to the permanent residents of the area and will cause long-term residency in the area. Evidence to overcome the 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. Permitting too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short-term rental is presumed detrimental to the vibrancy of the community. Evidence to overcome the 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 co-occupant on site during periods of occupancy. (11) 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.
- (12) **Bed & Breakfast Establishments or Short-Term Rentals Only in Effect in City of Harrison:** 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 preserved. This conditional use shall meet the mandatory requirements set forth in §§ 237 Section 4.3(C) of these Regulations and in Sections 1 and 2 below.
- (13) **Permitted Types:** Bed and breakfast and short-term rental types are based on the proposed occupancy and use of the residential dwelling unit.

Section 7.2: Manufactured Home Subdivision (MHS)

- (1) **Planned Unit Development (PUD) Permitted:** (Approved as provided for in Section 6.1) of these Regulations.
- (2) **Use:** *Planned Unit Development (PUD) Permitted:* providing for public accessibility to nearby undeveloped green spaces and forest reserves, provided that adequate parking facilities and traffic access are provided based on anticipated demands, and adequate buffers between active uses and adjacent properties are provided where deemed necessary by the Planning Commission.
- (3) **Dimensions and Area Requirements:**

Standard	Requirement
Height Requirements	25 feet
Lot Area (minimum)	15,000 square feet
Not served by sanitary sewer	30,000 square feet
Lot Area (maximum)	2 acres
Lot Width (minimum)	100 feet
Open Space (minimum)	20 percent
Front Yard Setback (minimum)	35 feet
	Note: Easement along roadway classified as collectors or higher by the transportation plan or the subject is 50 feet from roadway right-of-way.
Side Yard Setback (minimum)	10 feet
Rear Yard Setback (minimum)	35 feet
- (4) **Section Requirements:**
 - (a) Planning requirements may be found in Article 11 of these Zoning Regulations. by use.
 - (b) **Sign Requirements:** Sign requirements as set forth in Article 12 of these Zoning Regulations.

Section 7.2: Manufactured Home Subdivision (MHS)

- (1) **Bed and Breakfast and Short-Term Rental Type 1:**
 - (a) A Type 1 rental shall be owner-occupied and be located on the principal dwelling unit on the property.
 - (b) Such principal dwelling unit shall be the permanent and primary residence of the Applicant/Owner and:
 - (i) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
- (2) **Bed and Breakfast and Short-Term Rental Type 2:**
 - (a) A Type 2 rental shall be not owner-occupied and located within an approved and permitted detached accessory dwelling unit.
 - (b) A Type 2 rental shall be located on the property where the Applicant/Owner resides at the principal dwelling unit as their permanent and primary residence and:
 - (i) The Applicant/Owner must physically reside on the property during all bed and breakfast or short-term rental periods of occupancy.
- (3) **General Requirements:** The following requirements shall apply to all types of bed and breakfast and short-term rentals as set forth in Section 1 below:
 - (a) **Permitted Residential Dwelling Units:** All bed and breakfast 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, manufactured/multi-house units or any other residential dwelling unit where a common wall, single-unit manufactured homes or residential 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) **Minimum Bedroom Size:** Each bedroom rental must have at least seventy (70) square feet of floor space and, for each additional person occupying the same room, the bedrooms must have an additional fifty (50) square feet. Each bedroom must be accessible from a hallway or other open space not through another bedroom. All bedrooms must comply with all height, egress, lighting, electrical, heating, and other standards as set forth in the most current International Residential Code.
 - (d) **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.
 - (e) **Responsible Party Contact:** The Applicant/Owner shall be responsible for compliance with all Zoning Regulations. For Type 3 bed and breakfast and short-term rental, the Applicant/Owner must provide the name, address, and phone number of a responsible party who shall be available and answer primary and emergency assistance calls to which Nelson County, Kentucky. Such 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.
 - (f) **Off-Street Parking:** All parking associated with the bed and breakfast or short-term rental shall be off-street, and the bed and breakfast or short-term rental shall have the minimum required off-street parking as required under Article 11 of the Ordinance.
- (4) **City Code/Ordinance/Other Title:** Conditions that may be imposed or that are mandatory (1) include that a license (if any is provided (1)) and that special screening or buffering may be required.

Article 8: General Development Regulations

- (1) **Construction and Subdivision Requirements:**
 - (a) In all cases where land located within the jurisdiction of the City of Harrison, Bloomfield Park, New Haven and Unincorporated Nelson County is divided for the purpose of eventual development of lots of any kind or for any use, the provisions of the Subdivision Regulations, hereinafter adopted for all of Nelson County with amendments hereby shall apply in addition to the provisions of the Zoning Regulations.
- (2) **Planned Unit Development (PUD) Procedures and Requirements:**
 - (a) Intent: The Planned Unit Development (PUD) regulation is provided to allow flexibility in development to the benefit of the developer, the Planning Commission and its staff as well as the community as a whole with the flexibility allowed certain unique opportunities and responsibilities. The regulation outlines these opportunities and responsibilities. The Planning Commission may impose these additional requirements that it deems necessary to ensure that the proposed development pattern blends with its unique surroundings and is a benefit to the community at large.
 - (b) **Procedure: Request Plans for Planned Unit Development Approval:**
 - (i) A Planned Unit Development is approved in the same way as a zoning map amendment (preparing: A recommendation concerning the approval of the development (PUD) is forwarded to the appropriate legislative body after a public hearing, for its review. The specific steps for approval in order of occurrence are as follows:
 - (1) **The application Conference with Staff (not required but highly recommended):** At the conference staff reviews materials provided by the developer/submitter and makes substantive suggestions concerning zoning dispensation requested, site design and layout as well as any other relevant matter. The meeting is suggested to assist the developer/submitter in making a complete and current application at the earliest opportunity.
 - (2) **Application:** An application provided by the Planning Commission office is completed and submitted prior to established deadlines. All required supplemental materials or attachments must also be submitted (see Section 6 below) or the application will be considered incomplete and not accepted. Please note that a joint application may be made requesting a PUD designation and a related zoning map amendment.
 - (3) **Public Hearing:** A public hearing held pursuant to the same procedures and requirements as a map amendment/hearing, will be held at which the Planned Unit Development application will be heard. Testimony and evidence gathered at the public hearing will be transcribed as part of the record to the Planning Commission.
 - (4) **Planning Commission Consideration:** The Planning Commission will consider an application for a Planned Unit Development designation in two parts. First, it shall consider the PUD designation and the impact that it would have on the surrounding land use pattern. Second, the PLC developer is recommended to approve as part of the first step, the Planning Commission will consider, during its normal consideration of subdivision plans, the development plan submitted as part of the PUD application. The development plan will be considered as a preliminary plan (note: Approval of a final development plan will only occur after the final approval of the PUD designation. See Section 6 below). Approval of the development plan, considered as a preliminary plan, is conditioned on the final approval of the PUD designation by the appropriate legislative body. If the PUD designation is denied by the legislative body the approval of the preliminary development plan is void.

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(1) **Consideration and Approval to the Appropriate Legislative Body.** After consideration and recommendation by the Planning Commission, the appropriate legislative body shall consider the report established by the PUO designation request at the same manner and by the same procedures that it would consider a map amendment or rezoning. The approval of the PUO designation by the legislative body finishes the PUO approval process subject to this development plan approval (see Section 8.2(A) below) and the conditions precedent, if any, as part of the approval of the PUO designation process or that for the development plan.

(2) **Final Development Plan, Coordinator and Approver.** After final approval of the PUO designation by the appropriate legislative body, a final development plan shall be submitted to the Planning Commission for its consideration and approval. The submission of the final development plan must be made within 3 months of the final approval of the PUO designation or that designation will become void. The Planning Commission shall review and approve, if appropriate, the final development plan in the same manner and by the same procedures as it would approve a final subdivision plat.

(3) **Issuance of the Final Development Plan.** Within 3 months of the approval by the Planning Commission of the final development plan, a copy of the approved plan with appropriate engine signatures attached, shall be filed in the office of the Nelson County Clerk in a manner identical to a final subdivision plat. Failure to so file a final development plan shall void the development plan and the PUO designation approval.

B. Application Procedures

(1) **Application Form.** The application used to request a Planned Unit Development designation shall be substantially similar to that used to request a zoning map amendment or rezoning with any additional items deemed necessary by the Planning Commission to adequately consider the request.

(2) **Development Plan, Submittal and Content Requirements.** All development plan submissions shall be made in a manner similar to that for preliminary and final subdivision plats respectively. See (c) above for preliminary development plan submittal requirements with the PUO designation request. In addition to all items required to be shown on subdivision plans, preliminary development plan submittals for preliminary development plans shall for final use, Subdivision Regulations for All of Nelson County for requirements, development plans shall include:

- (a) Areas designated for each particular land use;
- (b) General locations of any primary use structure, for multi-unit developments, a "void" or development parking for each land use type may be used;
- (c) Areas designated for parking;
- (d) Storm water retention facilities;
- (e) Areas to be used for parking and buffering with indications of the type of screening or buffering to be used;
- (f) Dedicated open or green spaces;
- (g) For developments with commerce or industrial uses, areas designated for signage and lighting signs; and
- (h) The final development plan shall reflect all conditions and requirements imposed by the Planning Commission and/or legislative body during the approval process for the preliminary development plan and/or the PUO designation.

(3) **Application Fee.** The completed application and other submittals shall be accompanied by the appropriate application fee. A separate fee is charged for a Planned Unit Development designation request and a zoning map amendment request, each in multiple copies. See Article 17 - Fee Schedule of these regulations for the appropriate fee amounts.

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- (7) To protect areas of the County with productive agricultural soils by continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
- (8) To create neighborhoods with direct street access to open land, with amenities in the form of neighborhood open space and with a strong neighborhood identity;
- (9) To provide for the preservation and maintenance of open lands within the County to achieve the above-stated goals and for active or passive recreational use by residents;
- (10) To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as natural resources, wetlands, and tree-lined streets) visible habitats, historic buildings, and landscape views;
- (11) To provide standards reflecting the varying characteristics and interests of individual neighborhoods and the individual characteristics of their properties; and
- (12) To conserve scenic views and elements of the County's rural character, and to preserve perceived density, by minimizing views of new development from existing roads.

D. In order to achieve these purposes, this Section provides for flexibility in designing new residential subdivisions by allowing two forms of development referred to as "options" as summarized below:

- (1) **Option One (Belleville and Urban Community Area) Conservation Subdivision.** Providing for residential uses at the density permitted by the underlying zoning. Openway lands comprise approximately half the tract and real-estate design standards in instances where a permanent conservation easement is offered to maintain such uses. The forty-foot-wide easement work with easement systems located in the open space or with sewage treatment facilities. Note R-1A and R-1B zones in all areas (on public owners) may alter the provisions of lot size and width in a conservation design with the same curbside as traditional design on public owners.
- (2) **Option Two (Rural Area) Country Playettes.** Providing for very low densities appropriate to rural locations with flexible and reduced design standards or easements where a permanent conservation easement is offered to maintain such uses.

C. Section 8.44 sets forth the development densities and required open space percentages.

8.42 General Regulations

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

- A. **Ownership.** The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be divided as a single entity with common authority and common responsibility.
- B. **Site Suitability.** The proposed Preliminary Plan and the detailed Final Plan for the tract, incorporating the design option shall be suitable for supporting development in terms of environmental conditions to site and configuration.
- C. **Comparing the Design Options.** The various layout and density options described in the Article may be compared at the discretion of the Planning Commission, based upon consideration by the applicant that both a conservation and better land the intent of the Ordinance in particular the stated purposes of the Article, as compared with applying a single option to the property.
- D. **Intersections and Access.** New intersections with existing public roads shall be constructed through two access ways into and out of subdivisions, containing more than 20 thirty-foot-wide easements designed for safety, provisions for more than two entrance ways (where roads shall be constructed if they would unacceptably disrupt traffic flow.

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C. Expiration of Development Plan

If properly in which a Planned Unit Development designation has been applied, this shall not be fully developed within 3 years of the date of filing the final development plan. The Planning Commission may hold a public hearing to reconsider the designation. After the public hearing and in meeting the same as that for approval of a PUO (see Section 8.2(A) above) the Planning Commission may recommend amendment or revocation of the PUO designation to the appropriate legislative body.

D. Amendments

Any change in the use or development pattern approved and reflected in the final development plan, must receive approval by the Planning Commission and in the case of substantive changes in use or development pattern, the approval will follow the same approval process for any amendment shall be the same as that provided Section 8.2(A) herein. A waiver of the preliminary development plan requirement (submitting an amended final development plan) may be granted by the Planning Commission where deemed appropriate.

E. Standards for Approval

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

F. Public Utility Connections

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

G. Construction Specifications

8.41 Purposes

A. In accordance with the Nelson County Comprehensive Plan, the purposes of this Article are as follows:

- (1) To conserve open land, including those areas containing unique and sensitive natural features such as wetlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- (2) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of streets, utility lines, and the amount of parking required for residential development;
- (3) To reduce erosion and sedimentation by the retention of existing vegetation, and the revegetation of development on steep slopes;
- (4) To provide for a variety of lot sizes, building densities and housing choices to accommodate a variety of age and income groups, and residential preferences so that the community's housing stock diversity may be maintained;
- (5) To implement adopted municipal policies to conserve a variety of environmental and environmentally sensitive natural lands as set forth in the Nelson County Comprehensive Plan, including provisions for residential incentives to create a greenway system for the benefit of present and future residents;
- (6) To implement adopted land use, transportation and community policies as identified in the Nelson County Comprehensive Plan.

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C. **Residential Area Requirements.** The proposed design shall strictly conform to a distance of environmentally sensitive areas. Lots within the 100-year floodplain, or having slopes of more than 25%, and non-subdivided tracts with environmentally sensitive areas where easements shall be strictly maintained. Determination by the applicant that these features will be protected by the proposed subdivision shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

F. **Community Waterworks Systems.** In developments that are proposed to be served by Community Waterworks Systems, the selection of wastewater treatment technology shall be based upon the County's local Water Conservation Ordinance List of Preferred Alternative Types of Community Waterworks Systems (from its Sewerage Facilities Plan) consistent with the standards in this ordinance.

8.43 Use Restrictions

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

- A. Single-family detached dwellings in Options 1 and 2 subdivisions.
- B. Openway land comprising a portion of residential development, as specified above and according to requirements of Section 8.40.
- C. The following nonresidential uses in accordance with the standards of Section 8.40:

- (1) Agricultural uses, including horticulture, specialty nurseries, and the raising of crops and buildings related to the same;
- (2) Woodlots, orchards, and other similar structures; uses;
- (3) Wooded private game preserves, wildlife sanctuary, or other similar conservation, or private nonprofit agency, governmental or public utility building or use; and
- (4) Business facilities, storage of materials, parking or repair facilities, the raising of major crops, private or municipal sanitary landfills.

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

- (1) Accessory dwelling units (including elder cottages and board houses) shall be accessory dwellings under C.U.P. provisions in Option 2 subdivisions (County Properties) and subject to the following provisions:
- (2) Accessory dwelling units in principal residences or in new year-round outbuildings (such as barns, studios, cottage houses, and farm houses) shall be designed to harmonize with vertical rural buildings in the County's historic landscape.

8.44 Conservation Standards and Density Determination

A. **Conservation Standards for Option 1 Conservation Subdivision**

- (1) Density Factor One (single and two 20,000 square feet) over conservation of 50% of greenway lot on public owners (R-1A and R-1B) on public owners same density as traditional design.
- (2) Minimum Required Greenway Lot

(a) The subdivision must include at least 30 percent of the acreage as greenway land. R-1A and R-1B on public owners 40% & 25% greenway land shall not be used for residential lots, except as provided below.

(b) Large "community lots" of at least 10 acres, conforming to the standards found in Section 8.44.C, and owned by individuals may occupy up to 80 percent of the greenway land with the remainder (not less than 20%) needed to a homeowners association, land trust, or the County. However the Openway land within each

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- or otherwise for remarks subject to the standards for Greenway land in Section 8.40 herein
- (3) Average Minimum Lot Area: 20,000 square feet, an average R-1A PUD lot served by public sewer may be reduced to minimum 8,000 square feet in area, and R-1B PUD lots served by public sewer may be reduced to minimum 7,000 square feet in area
 - (4) Minimum Lot Width at Building Line: 100 feet. R-1A PUD lots served by public sewer may be reduced to minimum lot width of 60 feet, and R-1B PUD lots served by public sewer may be reduced to minimum lot width of 75 feet
 - (5) Yard Requirements: The builder or developer is urged to consider variations in the principal building position and orientation but shall observe the following minimum standards:
 - Front: 25 feet
 - Rear: If not served by public sewer, 25 feet. If served by public sewer, 20 feet
 - Side: 20-foot separation between principal buildings unless otherwise allowed below. Side setbacks may be established at 5 and 15 feet but only if the setbacks are uniform and shown on the recorded plat.
 - If not served by public sewer: 10 feet on each side or 6 and 15 feet
 - If served by public sewer: 8 feet on each side or 3 and 15 feet
 - (6) Maximum Impervious Coverage: 25 percent limit on each lot
 - (7) Maximum Height Regulations: 30 feet
- ### 8. Development Standards for District 2 Urban Area: Country Properties
- (1) Density Factor: Two times the density allowed in the zoning district for the rules area involved as further allowed for in the A-1 district
 - (2) Minimum Required Greenway Land
 - (A) The subdivision must include at least 50% percent of the total acreage as greenway land. Greenway land shall not be used for residential purposes unless otherwise allowed below.
 - (B) Large conservation lots of at least 10 acres conforming to the standards found in Section 8.44 (C), and owned by individuals may occupy up to 80 percent of the Greenway land with the remainder not less than 20%. Limited to a homeowners subdivision, and shall, or the County. However, the greenway land within each conservation lot remains subject to the standards for Greenway land in Section 8.40, herein.
 - (3) Average Minimum Lot Area: 30,000 square feet, 30 average
 - (4) Minimum Lot Width at Building Line: 120 feet
 - (5) Yard Requirements: The builder or developer is urged to consider variations in the principal building position and orientation but shall observe the following minimum standards:
 - Front: 25 feet minimum
 - Rear: 45 feet minimum
 - Side: 25 foot separation for principal buildings with 10 foot yard set back 5 feet as noted
 - (6) Maximum Impervious Coverage: 30 percent limit on each lot
 - (7) Maximum Height Regulations: 35 feet

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- veterinarian agricultural or horticultural operation. Specifically included are commercial livestock operations involving swine, poultry, bees and other animals likely to produce highly infectious odors
- (3) Requirements for horses and equestrian facilities shall be permitted but may not consume more than half of the minimum required greenway land
 - (4) Structures, in keeping with established standards for accessory harvesting and sustainable forestry
 - (5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails and similar to impact passive recreational uses, specifically including pedestrian and bicycle paths, dog parks, and other uses similar in character and provided in accordance with the Commission
 - (6) Active non-motorized recreation areas such as playgrounds, skateparks, courts, and greenways provided such areas do not consume more than half of the minimum required greenway land or five acres, whichever is less. Playgrounds, skateparks, and courts shall not be located within 100 feet of building property. Parking facilities for the same shall also be provided, one may also generally be provided on greenway land. Property drained provide safe ingress and egress, and contain no more than ten parking spaces
 - (7) Golf courses may consume up to half of the minimum required Greenway land, but shall not include driving ranges or tee boxes. These parking areas and any associated structures shall not be included within the 50 percent minimum Greenway requirement. These parking and access ways may be paved and lighted
 - (8) Water supply and sewage disposal systems, and stormwater collection areas designed, landscaped, and available for use as an integral part of the Greenway
 - (9) Enclosures for drainage systems, ponds or water uses, or other public purposes
 - (10) Underground utility rights-of-way. Above-ground utility lines shall not be located within the conservation areas but may not occur toward the minimum required Greenway line
- ### 8. Greenway Open Standards
- (1) Greenway lines shall be set out in general at intervals that an interconnected network of open spaces will be provided. The required greenway and consists of a Primary Conservation Area (PCA), all of which shall be included and Secondary Conservation Areas (SCA). SCAs should include special features of the property that would ordinarily be avoided or minimized during the design process. Examples of such features are listed and described in Section 8.44 (D) Greenway Design Review Standards
 - (2) The Greenway land comprises a minimum of 20% and greater. This land shall generally remain undeveloped and may be owned and established by a homeowners' association, land trust, another conservation organization recognized by the County, or by a private address (typically as part of the original subdivision). However, in no case shall less than 20% of the land comprising the subdivision be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined as they affect parts of the greenway to be set by different entities
 - (3) Up to two percent of the total tract acreage in any of the options may be subject to the County's public land dedication requirement (typically to provide pedestrian connections with the principal long range trail network)
 - (4) Buffer for Adjacent Public Property: Where the proposed development adjoins public property, a natural greenway buffer or at least one hundred (100) feet deep shall be provided within the development along its common boundary with the public land, where such new structure shall be constructed, nor shall any clearing of trees or other growth be permitted (except as may be necessary for street or land construction). Where the buffer is amended, the Commission may require vegetative screening to be planted or that it be managed to encourage natural forest succession through "top-down" policies and the periodic removal of invasive alien plant and tree species

C. Other Requirements

- (1) No portion of any building to be used for meeting the minimum required conservation land, except as permitted with "conservation lots" of at least 10 acres. However, where

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- ### C. Development Standards for Conservation Lots
- (1) Maximum Density: one dwelling unit per ten acres gross
 - (2) Minimum Lot Area: 10 acres. The lot shapes shall not be irregular, except as allowed for "flag lots" and shall have a depth-to-width ratio exceeding 5:1 and not be a corner lot produced from future development through a conservation easement
 - (3) Minimum Lot Width at Building Line: 200 feet
 - (4) Yard Requirements:
 - Front: 150 feet from the right-of-way of existing Township roads but 40 feet from the right-of-way of new subdivision streets. County Lines or common easements (where applicable)
 - Rear: 50 feet minimum for principal buildings and 10 feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 800 square feet shall conform to the setback requirements for principal structures)
 - Side: 25 feet
 - (5) Maximum Impervious Coverage: 4 percent limit on greenway subdivision tract
 - (6) Maximum Height Regulations: 30 feet
- ### E. Design Standards for Open 1 and 2 Subdivisions
- (A) Households shall not encroach upon Primary Conservation Areas and their yards shall respect Secondary Conservation Areas. See Section 8.49 Four-Step Process
 - (B) All new dwellings shall meet the following setback requirements:
 - (1) From all external road ultimate right of way: 150 feet
 - (2) From all other tract boundaries: 50 feet
 - (3) From cropland or pasture land: 100 feet
 - (4) From buildings or barnyards having livestock: 300 feet
 - (5) From accessory areas such as courts or playgrounds (not including ballpits): 150 feet
 - (C) Vents of household wastewater, septic and animal operations shall be screened by the use of changes in topography, screening vegetation, or additional landscaping buffers
 - (D) Households shall generally be accessed from minor streets rather than roads bordering the tract. At least one-half of the lots shall abut a street or public road or primary road across a street. Standards pertaining to the density, quality, configuration, placement, and maintenance of the greenway used created under the Act are contained in Sections 8.46 through 8.48 of the Ordinance
- ### 8.46 Greenway Land Use and Green Standards
- Proposed greenway land in subdivisions shall meet the following standards
- #### A. Uses Permitted on Greenway Land
- The following uses are permitted in greenway land areas
- (1) Conservation of open and in its natural state, for example, wetlands, native trees or riparian corridors
 - (2) Agricultural and horticultural uses, including using lands to produce, wholesale market or associated buildings, including resources that are specifically needed to support as such

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- agricultural land with farm buildings, including areas used for residences may be used to meet the minimum required greenway land
- (2) Pedestrian and maintenance access, including those lands used for agriculture or horticultural purposes, shall be provided to greenway and in accordance with the following requirements:
 - (a) Each neighborhood shall provide one centrally located access point per 20 lots a minimum of ten (10) feet in width
 - (b) Access to greenway land for agriculture may be an appropriate structure for public safety and to prevent interference with agriculture operations
- ### 8.47 Pedestrian Greenway, Pathway, Through Conservation Easements
- #### A. Conservation, Subdivisions
- (1) In Section 1 and 2 subdivisions, the Greenway land that is required to be reserved and created through the subdivision process shall be subject to conservation easement (conservation easements prohibiting future development in favor of Nelson Fiscal Court Review) Commission) and defining the range of permitted activities (not exempt the clearing of recreation facilities, and to install subterranean waste disposal systems or septic system facilities. The determination of necessary shall be with the Commission
- ### 8.48 GENERAL SUBDIVISION REQUIREMENTS
- Four-Step Design Process, Greenway Design Review Standards, and other general requirements
- #### Four-Step Design Process for Subdivisions Conservation Design
- All Conceptual Preliminary Plans in the Conservation Design and include documentation of a four-step design process in determining the layout of proposed Greenway land, house sites, setbacks and of land as described below
- #### A. Step 1: Delineation of Greenway Lands
- (1) The minimum percentage and acreage of required Greenway Lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Conceptual Preliminary Plan in accordance with the provisions of the ordinance and of the zoning ordinance. Greenway lands shall include all Primary Conservation Areas and those parts of the remaining buildable lands with the highest resource significance as described herein, and in Section 1(a) and 2
 - (2) Proposed Greenway lands shall be designated by using the Primary and Secondary Conservation Areas
 - (3) In delineating Secondary Conservation Areas, the applicant shall provide all relevant information on the tract to items of their highest to land suitability for inclusion in the proposed Greenway, in consultation with the Planning Commission and in accordance with Section 1(a) and 2 herein (Prioritized List of Resources to be Conserved) and Other Design Considerations
 - (4) On the basis of those profiles and produce calculations given to the land configuration, in context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for Greenway Lands and in a manner clearly indicating the boundaries as well as the types of resources included within them
- #### B. Step 2: Location of House Sites
- Potential house sites shall be tentatively located, using the proposed Greenway lines as a base map and in other relevant data such as topography and soils. House sites shall generally be located not closer than 150 feet from Primary Conservation Areas and 80 feet from Secondary Conservation

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When taking into consideration the positive negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and view settings for residents

C Step 3: Alignment of Streets and Trails

Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, and bearing a regard to alignment to topographic conditions, impacts of the street plan on proposed Greenway lands shall be minimized, particularly with respect to causing environmentally sensitive areas such as wetlands and spawning areas exceeding 10%. Street connectivity shall generally be encouraged to maximize the benefits of new subdivisions as is maintained by the County and to facilitate access to and from houses at relevant parts of the tract and adjoining parcels. Provisions for site-related subdivision requirements may be defined by the Planning Commission, a permissive method are provided. The subdivision shall be required to "request the owner in writing" address. The supervisor must provide along with the written request a letter of approval from the appropriate regulatory body.

D Step 4: Drawing to the Lot Lines

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

E. Community Association Document

1) A Community Association Document, also known as a homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivisions and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not dedicated to the County.

2) The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

- a) A description of all lands and facilities to be owned by the Community Association. The description shall include a map of the proposed legislation the precise location of those lands and facilities.
- b) Statements setting forth the powers, duties and responsibilities of the Community Association, including the services to be provided.
- c) A Declaration of Condominium, Condominium, and Associations (and) payment agreement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to lease and enforce rules.
- d) Statements describing the process by which Community Association decisions are reached and setting forth the authority to act.
- e) Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- f) Statements setting forth covenants or contractual terms binding each owner to all other owners for mutual benefit and enjoyment.
- g) Requirements for all owners to perform a set rate share of the cost of the operations of the Community Association.
- h) A process of operation and enforcement to enforce rules from owners who fail to comply.
- i) A process for termination of control of the Community Association from the developer to the unit owners.

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viewsheds as seen from public roads (particularly those with historic features);
(10) Easings fully connecting the tract (11) other locations in the County.

Other Design Considerations. The configuration of proposed Greenway areas shall adhere to common use in residential subdivisions shall comply with the following standards:

- 1) They shall be free of all structures, including historic buildings, stone walls, and structures related to Greenway areas. The Governing Body may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Greenway provided that such facilities would not be detrimental to the Greenway and that the screening of lands required for such uses is not credited towards minimum Greenway storage requirements for the tract unless the land they occupy is appropriate for passive recreational uses.
- 2) They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1 or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- 3) They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to Greenway land.
- 4) They shall be suitable for active recreational uses to the extent deemed necessary by the Governing Body, without interfering with adjacent dwelling units, parking, driveways and streets.
- 5) They shall be interconnected wherever possible to provide a continuous network of Greenway lands within and adjoining the subdivision.
- 6) They shall provide buffers to adjoining parcels, premises or other protected lands.
- 7) Except in those cases where part of the Greenway is located within private easements, they shall provide for pedestrian pathways for use by the residents of the subdivision.
- 8) Other publicly-accessible pathway systems within the County. Provisions should be made for access to the Greenway lands as required for land management and emergency purposes.
- 9) They shall be undisturbed by public or private streets, except where necessary for proper traffic circulation.
- 10) They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to attract Greenway resources.
- 11) They shall be made subject to such agreement with the County and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Governing Body for the purpose of preserving the common open space for such uses.

8.40 Ownership and Maintenance of Greenways Land and Common Facilities

All Greenway land shall be automatically restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time except for those uses listed in Section 8.40.

Ownership Options

The following methods may be used, either individually or in combination, to own common facilities, however, Greenway land shall be suitably offered for dedication to the County. Common ownership permitted under this section, and then only when there is no change in the common facilities or in the open space uses of the overall development. Ownership methods shall include the following:

- 1) **Fee Simple Dedicated to the County.** The County may, but shall not be required to, accept any portion of the common facilities provided that:
 - a) There is no cost of acquisition to the County, and

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- 2) Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- 3) Provisions for the dissolution of the Community Association, in the event the Association cannot be dissolved.

Please Note: See also Section 8.40 of the Zoning Ordinance "Ownership and Management of Greenway Land and Common Facilities"

F. Preliminary Greenway Ownership and Management Plan

Using the Conceptual Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all proposed Greenway areas shall be shown. In addition, the applicant shall also submit a Preliminary Greenway Ownership and Management Plan outlining the various responsibilities for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 8.40 of the zoning ordinance ("Ownership and Management of Greenway Land and Common Facilities").

G. Final Greenway Ownership and Management Plan

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

H. Rural Road Corridors and Bank View-sheds

All applications for subdivision and land development shall attempt to preserve the scenic view-shed corridors along such roads by reconfiguring them into Greenway areas or otherwise providing for landscaping and architectural designs to minimize their intrusion in nature. Applicant shall design to be suitably protected corridors. Applicants will be required to provide naturalistic landscape buffers to minimize their adverse view-shed impacts. The species specified for such buffers shall be specified on the basis of an inventory of tree and shrub species found in existing riparian and wood wooded riparian areas in the vicinity of the development proposed.

I. Greenway Design Review Standards

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

- 1) Stream channel, floodplain, wetlands, riparian springs and other riparian areas including adjacent buffer areas which may be required to show their protection.
- 2) Significant natural areas of riparian habitat, riparian, or all species concerns.
- 3) Wetlands in steep slopes, particularly those requiring special erosion and siltation control measures and resulting soil erosion and sedimentation could be detrimental to water quality.
- 4) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitat.
- 5) Areas where preservation is most likely to include local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- 6) Hedgerow groups of trees, large individual trees of historic significance, and other significant features representing the site's rural past.
- 7) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
- 8) Historic structures and sites.
- 9) Visually prominent topographic features such as ridges, hillsides and ridges, and scenic

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(b) The County agrees to and has access to maintain such facilities.

12) **Common Facilities Association.** Common facilities may be maintained through the use of a common facilities association. Such agreements shall be in accordance with relevant state and all open land and common facilities shall be held as "common elements."

13) **Homeowners Association.** Common facilities may be held in common ownership by a homeowners association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

- 1) The applicant shall provide the County a description of the organization of the proposed association regarding its by-laws, list of documents governing ownership, maintenance and use restrictions for common facilities and Greenway and the same shall be filed of record in the office of the Nelson County Clerk.
- 2) The proposed association shall be established by the owner or applicant, if necessary, before the opening of any dwelling units in the development.
- 3) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
- 4) The association shall be responsible for maintenance and insurance of common facilities.
- 5) The by-laws shall confer upon the association the authority to place a lien on the real property of any member who fails to pay his or her dues. Such dues shall be paid with the amount stated before the lien may be filed.
- 6) Within notice of any proposed transfer of common facilities by the association to the association and to the County, the same shall be given to all members of the association and to the County, not less than thirty days prior to such event.
- 7) The association shall have adequate staff to administer, maintain and operate such common facilities.
- 8) The County may enforce and shall place a lien against the association and the homeowners.

14) **Private Conservation Organizations or the County.** With approval of the County, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:

- 1) The conservation organization is acceptable to the County and is a bona fide conservation organization intended to exist indefinitely.
- 2) The conservation contains appropriate provisions for proper maintenance and administration in the event that the organization or County becomes unwilling or unable to continue carrying out its functions.
- 3) The Greenway land is permanently restricted from future development through a conservation easement and the County is given the ability to enforce these restrictions and
- 4) A maintenance agreement acceptable to the County is established between the owner and the organization or County.

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

- 1) There shall be no cost of acquisition to the County.
- 2) Any such easements for public use shall be acceptable to the residents of the County.
- 3) A satisfactory maintenance agreement shall be reached between the owner and the County.

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(d) **Max Common Private Ownership** Up to 60 percent of the required Greenway and file to reduce within one or more large "conservancy lots" of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses listed in Section 8.45, and that the County is given the ability to enforce these restrictions.

8.1 Maintenance

- (1) Unless otherwise agreed to by the Commission, the cost and responsibility of maintaining common facilities and Greenway land shall be borne by the property owner, homeowners association, homeowners association or conservation organization.
- (2) The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Lands and Operations (if Commission facilities in accordance with the zoning requirements. This Plan may be based on the model prepared for Lower Merion Township, Montgomery County, PA by the Natural Lands Trust, which has been adopted by the Commission as a guide for maintenance of conservation subdivisions in Nelson County).
- (3) The Plan shall define ownership.
- (4) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g. tennis playing fields, recreation meadows, croquet, woodlands, etc.).
- (5) The Plan shall estimate staffing needs, insurance requirements, and associated costs and outline the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (6) At the County's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year, and (4) Any changes to the maintenance plan shall be approved by the Commission.
- (7) In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance, in all of which any other funds may be forfeited and any permits may be revoked or suspended.
- (8) The County may enter the premises and take corrective action, including enclosed maintenance. The cost of such corrective action may be charged to the property owner, homeowners association, homeowners association, conservation organization, or named property owners who make up a condominium or homeowners association and may include administrative costs and penalties. Such costs shall become a lien on the premises. Notice of such lien shall be filed by the County in the office of the Nelson County Clerk.

Additional Conditions

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

Greenway Land That portion of a tract that is set aside for the protection of sensitive natural features, historical, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the County or it may consist entirely of publicly owned lands which are not accessible to the public.

Article 9: General Zoning District Regulations

9.1 Application of Zoning District Regulations

The regulations set by the Zoning Regulation apply to each zoning district that is determined to be appropriate to the case and shall apply to each class or lot of structure, use, and accessory, except as hereinafter provided.

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

9.2 Standards For Manufactured Home Installation

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

9.3 Conversion of Dwellings

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

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Appendix

Community Wastewater Systems Ordained List of Preferred Alternative Types

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

1. Package Plant/Direct Discharge to Groundwater/Lagoon Treatment/Storage
2. Package Treatment/Storage/Infiltration
3. Community Basic Treatment/Infiltration
4. Lagoon Treatment/Storage/Infiltration

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

5.1 Location And Height Of Structures, Accessory, and Temporary Structures

- A. **Accessory Structures**
 - (1) **Height** Height restrictions shall apply to agricultural structures.
 - (2) **Setbacks** Agricultural structures shall be applied within any required front setback. The minimum rear and side setbacks for accessory structures shall be five (5) feet. An agricultural structure must be set back a minimum of ten (10) feet from any principal structure located on the property.

B. Accessory Structures

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

Temporary Accessory Structures Unless otherwise set forth in these Regulations, temporary structures shall comply with all height and setback requirements of accessory structures set forth above in Section 5.1 above.

5.2 Structures To Zoning District Regulations

When the area defined by the intersection of any two right-of-way lines of streets or roads, or a right-of-way line intersecting those lines, shall be less than the height of any structure, no obstructions to vision between a height of five and one-half feet and twelve feet above the roadway plane defined by those three points of intersection are permitted.

5.3 Mobile Home As Temporary Residence

With the approval of the Administrative Officer, a mobile home may be installed as a temporary dwelling unit on a lot or parcel where a dwelling unit has been destroyed or rendered uninhabitable by fire or other natural disaster. The approval of the Administrative Officer shall not be more than six (6) months and is not renewable. The mobile home must be connected to proper utilities including water and sewage disposal facilities.

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- (c) In both posted notices the words "propose to construct a telecommunications tower or facility" shall be printed in letters at least 4 inches in height, and the words "see Nelson County Planning Commission at (602) 348-1800" shall be printed in letters at least one (1) inch in height. Both signs shall be constructed of durable, weatherproof material.
 - (1) Any such signs that are subject to any notices required to be posted by regulations of the Kentucky Public Service Commission according to KAR 8:083 (as now in effect, or as amended).
- 4) **200' or Greater:**
- Any request filed under this Section 9, for review of a proposal to construct an antenna tower shall include the following:
- 1) An affidavit that the information that the applicant is required by 602 KAR 8:083, (as now in effect, or as amended) to submit to the Commonwealth of Kentucky Public Service Commission is available to be sent promptly to the Planning Commission upon its request.
 - 2) A copy of the applicant's FCC license, or if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.
 - 3) Unless co-located, certification supported by evidence that co-location of the proposed telecommunications facility with any existing tower or facility cannot be reasonably accomplished or that a new facility configured for multiple carriers. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site and a discussion of the ability or inability to reasonably locate on each existing site according to the following table:
- For a tower proposed to be 200 or more feet tall, all towers and facilities within a one (1) mile radius of the proposed site.
 - For a tower proposed to be less than 200 feet tall, all towers and facilities within a one (1) mile radius of the proposed site.
- Notwithstanding the foregoing, for any tower proposed to be located in the following zones: the B-2 Center Business District, R-1B, R-1C, R-1D and R-1E Single Family Residential Districts, and all Multi-Family Residential Districts, towers within a one half (1/2) mile radius of the proposed site.
- Reasons for not co-locating on a site would include, but not be limited to, the following:
1. No existing towers or facilities are located within the above radius of the site.
 2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented.
 5. Unavailability of the center of the proposed tower or facility to orient a reasonable location proposal.
 6. Existing towers or facilities do not provide an acceptable location for required coverage for the applicant's communications network.
- (2) Unless co-located, certification supported by evidence that there is no other site within a reasonably proper both a land use perspective within the proposed site area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites, a description of every potential site, and a discussion of the ability or inability of the site to host a telecommunications facility according to the following table:

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- For a tower proposed to be 200 or more feet tall, all potential sites within a one (1) mile radius of the proposed site.
 - For a tower proposed to be less than 200 feet tall, all potential sites within a one (1) mile radius of the proposed site.
 - Notwithstanding the foregoing, for any tower proposed to be located in the following zones: the B-2 Center Business District, R-1B, R-1C, R-1D and R-1E Single Family Residential Districts, and all Multi-Family Residential Districts, all potential sites within a one half (1/2) mile radius of the proposed site.
- (1) Potential sites that should be considered in order from most preferred to least preferred include:
1. Right-of-way except designated thoroughfares, existing utility towers, industrial districts, commercial districts and commercial centers, office towers and residential towers. Reasons for not locating on a particular site would include, but not be limited to, the following:
 1. Unavailability of the site owner to orient a telecommunications facility.
 2. Economically impractical.
 3. Topographic limitations of the site.
 4. Adjacent impediments that would obstruct adequate cellular telecommunications and/or other communications transmission.
 5. Physical site conditions that would preclude the construction of a telecommunications facility.
 6. Technical limitations of the telecommunications system.
 7. Existing potential sites do not provide an acceptable location for required coverage for the applicant's communications network.
2. As to the site the applicant files an application for review under these regulations, a listing of the potential locations of the applicant's telecommunications towers and/or facilities in Nelson County, to include co-occur on sites.
- (2) A pictorial representation, such as a site plan, site sketch, site plan, etc. of the proposed telecommunications facility from a point 180 to 800 feet from the facility for at least two of the four cardinal directions. In the sketch/practical considerations, vegetation, buildings, or other obstructions showing the relationship of the tower and/or facilities against the remaining surrounding structures, trees and other intervening visual barriers. Notwithstanding the foregoing, the applicant shall not be required to purchase temporary easement or license rights to view a site plan or photographs from particular vantage points. A north-south pictorial representation of the site may be substituted for the sketch/practical considerations if the applicant provides a written justification for such practical difficulty.
- (3) A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.
- (4) All new telecommunications facilities shall be configured to accommodate at least two telecommunications providers.
- (5) **Design Standards:**
- At the time of filing of a request under this Section 9, the applicant shall provide information demonstrating compliance with the requirements listed below. Unless the Planning Commission notes that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety or welfare, either at the time of application or in the foreseeable future, all such special conditions and provisions, state and or more, shall be required, unless otherwise indicated. The Planning Commission may modify or waive such requirements, either partially or in a temporary basis. Any such modification or waiver shall

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- be required by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.
- (b) The site shall be landscaped in accordance with the requirements of the Zoning Regulations (1) for utility substations, if the site is an easement, the boundaries of the site on which the easement is located shall be treated as the property boundaries.
- (c) Any masts, poles, pipes, ladders or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to those towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Materials including a weather orange and caution white paint may be used ONLY when the FAA finds that none of the alternatives in each listing are acceptable.
- (d) Towers shall be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a cellular tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the cellular tower from the cellular tower and when required by local law, dual mode lighting shall be requested from the FAA.
- (e) The site shall be stabilized. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be any form, access points approved by the applicable Water Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicles.
- (f) The site shall be enclosed by a security fence, and the fence may be located in any required yard at any height.
- (g) If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operation one (1) year in advance of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is not to be reused, the owner shall have 180 days from submission of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submission of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the antenna or tower that is presumed abandoned within 90 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal. The Planning Commission, at the time of application for construction, may require posting of a bond covering the cost of removal of the antenna or tower, the bond to be forfeited to the Planning Commission upon failure to remove the antenna or tower in a timely manner as required above.
- The only signs allowed shall be emergency information signs, owner contact information, warning or safety situations, and signs required by a federal state or local agency. These signs shall not exceed five (5) square feet in area.

6) Cellular Telecommunications Facilities:

- Telecommunications facilities in existence on the date of the adoption of the ordinance which do not comply with the ordinance ("existing telecommunications facilities") are subject to the following provisions:
- (a) If existing telecommunications facilities may continue to use for the purposes now stated, but may not be expanded or replaced without complying with the ordinance except as further provided in this section.

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- (b) Existing telecommunications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining a building permit therefor, but without otherwise complying with the ordinance.
- (c) The owner of any existing telecommunications facility may replace repair, rebuild and/or expand such telecommunications facility to accommodate re-located antennas or facilities or to upgrade the facility to current engineering, technological or communications standards by obtaining a building permit therefor, and without having to conform to the provisions of the ordinance regarding the public health, safety or welfare, either at the time of application or in the foreseeable future, provided that such special conditions and provisions, state and or more, shall be required, unless otherwise indicated. The Planning Commission may modify or waive such requirements, either partially or in a temporary basis. Any such modification or waiver shall
- (d) Any such replacement, repair, reconstruction or enlargement shall not violate the design standards described in § 2 above beyond that existing at the date of the adoption of this ordinance.
- § 10 **Telecommunications Facilities: 100' or Greater:**
- § 10B 1108 as enacted and as now codified at KAR 100.996 and KAR 100.997, is hereby incorporated by reference into the Ordinance. The Planning Commission and City Council shall comply with the Ordinance shall comply with said statute as if it applies to such entity. Among other requirements, said statute requires that the Planning Commission advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the written application (as defined in said statute) is received by the Planning Commission or within a time certain specified in a written agreement between the local Planning Commission and the applicant.
- § 10 **Telecommunications Facilities: 50' or Greater:**
- The intent of this Section is to provide for the appropriate location and design of cellular towers, poles and masts and to mitigate any adverse effects that such uses may have on adjacent properties and rights-of-way.
- A **Outdoor Signs and Displays:** Outdoor signs and displays shall be permitted only in the B-1, B-2, B-3, B-4, B-5, LUP 1-1, 1-1M and L-2 zoning districts, unless otherwise set forth in these Regulations when the following requirements of this Section are met:
- (1) Outdoor signs and displays shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially used or zoned property. A property that is not or considered residentially used if the first floor is occupied by a nonresidential use or uses.
 - (2) When outdoor signs and displays occur within twenty-five (25) feet of a public right-of-way (R.O.W.) shall not exceed ten (10) feet in height and shall be completely screened from view from the public right-of-way.
 - (3) Signs shall be located not less than 25 feet from a public right-of-way when not located 5 feet in height. Any masts with a 3 feet of any building any shall not exceed 3 feet in height (see Figure B-13A(1)(c), below).

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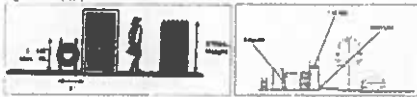
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- (4) Vending and ice machines shall be permitted outside of the building when located adjacent and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from these Regulations.
- (5) Outdoor sales and display of items shall be located on a hard and durable surface.
- (6) Any area proposed to be used for outdoor sales and display in accordance with the Section shall be temporarily demarcated on an applicable site or development plan.
- (7) No outdoor sales and display shall be allowed in areas set aside, reserved, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off street parking, or unloading/loading.
- (8) Outdoor sales and display items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break or not less than three feet in width to allow for access on to the pedestrian way.
- (9) Items for outdoor sales and display shall be completely screened from view from any driving maneuverable zone or used property. A property shall not be considered residentially used if the first floor is occupied by a non-residential use or uses.
- (10) No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Section 9.8 of this Section or located in any manner that would create or limit adequate sight distances for motor vehicle traffic movement.
- (11) One additional parking space shall be required for each 500 square feet of outdoor sales and display areas, unless more specific parking requirements are provided in Article 11 of these Regulations.
- (12) Any outdoor display or sale sign located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.
- (13) In the City of Bardonia, outdoor sales and display shall only be accessory to a principal non-residential use that conducts most of its activities within a completely enclosed building or group of buildings that be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a management operation or arrangement. Any outdoor sales and display prohibited by these Regulations may be allowed by special permit issued by the Mayor of the City of Bardonia or their designated representative.

Figure 8.13A(1)(c)



- B Outdoor Storage.** Accessory and regular outdoor storage, as defined in Article 3 of these Regulations, shall be permitted in the B-1, B-2, B-3, B-4, B-5, LP-1, 1, 1M, and 1-2 zoning districts unless otherwise set forth in these Regulations. In the City of Bardonia, regular outdoor storage shall only be permitted with the exception of a conditional use permit. All outdoor storage shall comply with the following requirements:
- (1) Outdoor storage shall be limited to those areas designated for employees only and shall be inaccessible to the public by means of a fence, wall or other barrier, enclosed enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry parking lot, except as hereby otherwise policy used area.
 - (2) Outdoor storage shall not occur within 25 feet of any public right-of-way.

Article 10: Non-Conforming Structures & Uses

10.1 Non-Conforming Structures

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

- A Alterations.** A non-conforming structure shall not be enlarged, replaced or structurally altered except in conformance with the Zoning Regulations. A structure that is closer to property lines than allowed by Zoning Regulations may be added to, so long as the addition comes no closer to a property line than the existing portion of the structure, and as long as no new non-conformity is created. Any alterations, however, may be required to a safe condition if declared unsafe by the enforcement officer or other public official with jurisdiction, except as proposed elsewhere in these regulations.
- B Rehabilitation.** A non-conforming structure for which rehabilitation to a safe condition would cost more than seventy (70%) percent of its replacement value shall not be restored except in conformance with the zoning regulations.
- C Construction.** Processes to acquire for which building and/or occupancy permits have been issued prior to their designation as non-conforming by virtue of the adoption or amendment of the Zoning Regulations may be completed as originally intended and as indicated on said permits, provided that such structures are completed and in use within one (1) year after the date on which the building permit was issued.

10.2 Non-Conforming Uses

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

- A Expansion.** A non-conforming use shall not be extended or enlarged beyond the scope and size of its operation at the time of the adoption of the regulation which creates such use non-conforming. Area in this case shall mean the structure and/or lot or portion of a lot or parcel within or upon which such non-conforming use is being operated.
- B Discontinuance.** Whenever a non-conforming use of any structure or premises has been discontinued for a period of twelve months said structure or premises shall thereafter be used in conformance with these Zoning Regulations. Where a use has been discontinued due to structure damage beyond the owners control or discontinuance due to governmental action (i.e. condemnation), then the appropriate Board of Adjustment may grant a one-time, or (6) month extension for reuse.
- C Change.** The non-conforming use of a premises may be changed to another non-conforming use provided such new non-conforming use is permitted within the same or a more restrictive zoning district.
- D Restoration.** Whenever the non-conforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Regulations and the non-conforming use resumed, provided that such non-conforming use is not extended beyond the scope and size of its operation as it existed prior to such damage, destruction or demolition. The property must be restored and the use reinstated within one (1) year of the discontinuance of the use or that use will be considered abandoned (see Section 9.8 above).

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- (3) Outdoor storage shall be screened from view from any abutting property.
 - (4) Outdoor storage of new or used tires shall meet the following standards:
 - (a) Tires shall be stored in compliance with applicable public health regulations.
 - (b) Outdoor tire storage shall not occupy an area greater than 100 square feet, unless a conditional use permit has been granted.
 - (c) Tires stored outside shall be neatly stacked; no stack shall be higher than 6 feet.
 - (5) All items stored outside shall be placed on a hard and durable surface.
 - (6) Outdoor storage may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break or not less than three feet in width to allow for access on to the pedestrian way.
 - (7) No outdoor storage shall be located in the sight distance triangle as defined in Section 9.8 of this Section or located in any manner that would create or limit adequate sight distances for motor vehicle traffic movement.
 - (8) Any storage sign located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.
- C Exceptions.** The following uses are exempt from the requirements set forth in Sections A and B of this Part:
- (1) Areas designated for the outdoor sale, display or storage of plant materials including live plants, bulbs and vegetables and essential holiday related plant materials such as Christmas trees and pumpkins. The exemption does not include rock, mulch, gravel, building and landscape materials, and shrubbery.
 - (2) Sale, display, or storage items for automobile boat and snow passenger and recreational vehicles, lawn equipment, or motor/tractor rentals which have met applicable requirements as set forth in these Regulations and all other applicable use rules and regulations.
 - (3) Retail operations that occur under a temporary canopy structure attached to the principal structure on the lot.
- D Violations.** Uses conducting outdoor sales display and storage in a manner not permitted by the Section may be cited in accordance with Article 14 of these Regulations. If a use is cited for non-compliance and said use deems to comply with outdoor sales and storage activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with the Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent sidewalks and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business address and shall be available for review at any time of request.
- E Conflicts with Other Ordinances or Standards.** When the requirements of this Section differ from other provisions of the Zoning and Subdivision Regulations or other local ordinances, rules and regulations the more stringent standards shall apply.

Article 10: Non-Conforming Structures & Uses

10.1 Non-Conforming Uses

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

Any such lot which has received preliminary plat approval by the Planning Commission shall be deemed to be a legal non-conforming use if it is shown that such lot may reasonably be used as a building site for any structure or use permitted within the zoning district involved in those requiring a developmental variance. However, a final plat must be presented in a timely manner (as required by the Subdivision Regulations for All of Nelson County) with no extension of time for submission to be granted.

10.2 Signs and Maintenance

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

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Article 11: Off-Street Parking, Queuing, & Loading Standards

11.1 Purpose.

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

11.2 Referential to the Comprehensive Plan.

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

11.3 Applicability.

These Requirements shall apply to all parking and loading areas in zoning districts, whether required by these Zoning Regulations or created for the convenience of property owners or users. No zoning compliance permit or building permits shall be issued unless and until the appropriate motor vehicle parking and loading facilities are provided in compliance with these standards. These standards shall not apply to agricultural operations as defined in Article 11 of these Zoning Regulations.

11.4 Calculation of Parking Requirements/Standards.

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

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

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

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

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

F. Other Land Uses

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

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

F. Calculation

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

Table 11.4.1 Minimum and Maximum Motor Vehicle Parking Based on Use

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

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Use	Minimum Required	Maximum Allowed
Commercial/Office/Professional		
Business or law/finance	1 space for each dwelling unit (dwelling capacity and garages may be used to fulfill the requirement)	No more than 3 vehicles owned or leased by a resident may be parked outdoors. This does not include vehicles parked in garages or carports with at least 3 sides enclosed (see Section 11.13).
Multi-family dwellings (3+ units)	1 1/2 spaces for each dwelling unit	2 1/2 spaces for each dwelling unit
Barber, salon or retirement facilities	1/2 space for each bed or dwelling unit, plus 1 space for each 2 employees on maximum shift	1 1/2 spaces for each bed or dwelling unit, plus 1 space for each employee on maximum shift
Dwellings for persons with disabilities that provide driving	1/2 space for each dwelling unit to be occupied by person with disability, plus 1 1/2 spaces for each dwelling unit to be occupied by support staff	1/2 space for each dwelling unit to be occupied by person with disability, plus 2 spaces for each dwelling unit to be occupied by support staff
Assisted living facilities	1/2 space for each dwelling unit, plus 1 space for each employee on maximum shift	1 1/2 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
Receiving, boarding, and lodging houses and bed and breakfast	1/2 space for each bedroom, plus 2 for private quarters	1 1/2 spaces for each bedroom, plus 2 for private quarters
Accessory residential units (e.g. swimming pools, club houses, tennis courts, etc.)	As determined by the Planning Commission Director	As determined by the Planning Commission Director
Professional		
General professional office	1 space for each 300 square feet of gross floor area	1 space for each 300 square feet of gross floor area
Medical, dental, veterinary office or clinic	1 space for each 250 square feet of gross floor area	1 space for each 100 square feet of gross floor area
Law/finance, health, call centers, and similar uses	1 space for each 200 square feet of gross floor area	1 space for each 125 square feet of gross floor area
Drive-through and/or walk-in facility	1 space for each 300 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 300 square feet of gross floor area (see Section 11.12 for queue space requirements)
Drive-through only	1 space for each 2 employees on maximum shift, plus 1 additional space (see Section 11.12 for queue space requirements)	1 space for each employee on maximum shift, plus 2 additional spaces (see Section 11.12 for queue space requirements)
Architect, photographer, and other professional offices	1 space for each professional occupying the site on a full-time basis, plus 1 space for every 2 hundreds of classes are conducted on a site	1 space for each professional occupying the site on a full-time basis, plus 1 space for every student's classes are conducted on a site
Auto and vehicle repairing shop(s)	1 space plus 1 space for each employee on maximum shift	3 spaces plus 1 space for each employee on maximum shift

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Use	Minimum Required	Maximum Allowed
Industrial and Manufacturing Uses		
Industrial, manufacturing, warehouse and storage uses	1 space for each 1.5 employees based on confirmed employment (see Section 11.11 for employee count)	1 space for each 1.5 employees based on confirmed employment (see Section 11.11 for employee count)
Motor Vehicle Sales		
Motor vehicle sales	1 space for each 1,000 square feet of outdoor display and sales area, plus 1 space for each 250 square feet of interior display and sales area, plus parking requirements for auto service (if applicable)	1 space for each 300 square feet of outdoor display and sales area, plus 1 space for each 150 square feet of interior display and sales area, plus parking requirements for auto service (if applicable)
Manufactured and Modular Home Sales	1 space for each employee on maximum shift (plus requirements for delivery)	1 space for each employee on maximum shift (plus requirements for delivery)
Display stores	1 space for each 250 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Hardware and Big Boxes drive-through and walk-in facility	1 space for each 300 square feet of gross floor area used by pharmacist and related selling areas, plus 1 space for each 250 square feet of gross floor area of retail space (see Section 11.12 for queue space requirements)	1 space for each 200 square feet of gross floor area used by pharmacist and related selling areas, plus 1 space for each 150 square feet of gross floor area of retail space (see Section 11.12 for queue space requirements)
Convenience stores and gas stations	1 space for each 200 square feet of gross floor area (parking spaces at gasoline pumps may be used to satisfy these requirements)	1 space for each 150 square feet of gross floor area (parking spaces at gasoline pumps may be used to satisfy these requirements)
Florist, art, gift, gift music, and flower shops and other similar uses with gross floor area less than 5,000 square feet (if greater than 5,000 square feet, parking requirements for department and discount stores shall apply)	1 space for each 250 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Furniture stores	1 space for each 400 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Home stores	1 space for each 300 square feet of gross floor area, plus the requirements for any outdoor display and sales area	1 space for each 200 square feet of gross floor area, plus the requirements for any outdoor display and sales area
Outdoor display and sales	1 space per 500 square feet of outdoor display and sales area	1 space per 300 square feet of outdoor display and sales area
Department and nurseries	1 space for each 300 square feet of gross floor area, plus the requirements for outdoor display and sales area	1 space for each 150 square feet of gross floor area, plus the requirements for any outdoor display and sales area
Department and discount stores including but not limited to clothing, auto parts, furniture, appliances, etc.	1 space for each 300 square feet of gross floor area, plus the requirements for any outdoor display and sales area	1 space for each 200 square feet of gross floor area, plus the requirements for any outdoor display and sales area
Use	Minimum Required	Maximum Allowed

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Article 11: Off-Street Parking, Queuing, & Loading Standards

Use	Minimum Required	Minimum Allowed
Shopping and retail centers, malls, and other primary commercial developments that include one or more retail uses in one or more buildings, located on one or more lots designed and laid out to function as an integrated development, as established by both shared driveways and customer parking areas. (Any use or group of uses located within a shopping or retail center except as defined herein shall have the option of satisfying the parking requirements for the shopping or retail center except that the minimum parking requirements for restaurants and movie theaters shall be calculated independently.)	4 spaces for each 1,000 square feet of gross leasable area	5 spaces for each 1,000 square feet of gross leasable area
Restaurants	1 space for each 125 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 50 square feet of gross floor area (see Section 11.12 for queue space requirements)
Ice cream parlors and coffee shops	1 space for each 200 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 175 square feet of gross floor area (see Section 11.12 for queue space requirements)
Highlights, taverns, dance halls, pool halls, and similar uses	1 space for each 100 square feet of gross floor area	1 space for each 100 square feet of gross floor area
Movie theaters and similar theaters	1 space for each 4 seats at minimum occupancy	1 space for each 4 seats at minimum occupancy
Drive-in movie theaters	1 space for each vehicle at minimum capacity, plus 2 spaces	1 space for each vehicle at minimum capacity, plus 10 spaces
Video rental stores	1 space for each 250 square feet of gross floor area	1 space for each 200 square feet of gross floor area
Printer or ink filling facilities	1 space for each 300 square feet of gross floor area	1 space for each 250 square feet of gross floor area
Personal services	1 space for each 100 sq. ft. of gross floor area	1 space for each 100 sq. ft. of gross floor area
Service centers	1 space for each 2 employees at minimum staff, plus 4 spaces for each court	1 space for each 100 sq. ft. of gross floor area

Article 11: Off-Street Parking, Queuing, & Loading Standards

Use	Minimum Required	Minimum Allowed
Public meeting space	1 space for each 100 square feet of gross floor area, plus 1 space for 50 square feet of site area used for spectator seating	1 space for each 50 square feet of gross floor area, plus 1 space for 50 square feet of site area used for spectator seating
Indoor athletic and exercise facilities, health club, gymnastics center and yoga studios, and similar facilities	1 space for each 300 square feet of gross floor area	1 space for each 300 square feet of gross floor area
Golf courses	1 space for each 4 tees or 4 people accommodated at minimum capacity	1 space for each 2.5 tees or 2 people accommodated at minimum capacity
Self-driving ranges and miniature golf courses	2 spaces for each hole, plus 1 space for each 2 employees at minimum staff	2 spaces for each hole, plus 1 space for each 2 employees at minimum staff
Ballroom, dance, event space, and similar uses	1 space for each 100 square feet of gross floor area, plus 1 space for each 100 square feet of gross floor area	1 space for each 100 square feet of gross floor area, plus 1 space for each 100 square feet of gross floor area
Warehouse, hangar, storage and other commercial	1 space for each horse boarded at the facility	1 space for each horse boarded at the facility
Auto rental agency	1 space for each 400 square feet of gross floor area or the number of gross floor area divided by 100, whichever is greater, plus 1 space for each 2 employees at minimum staff, with a minimum of 6 spaces	1 space for each 200 square feet of gross floor area in the building, plus 1 space for each employee at minimum staff
Auto service establishment	1 space for each employee at minimum staff, plus 2 spaces for each service bay (service bay may count as 1 of the required spaces)	1 space for each employee at minimum staff, plus 2 spaces for each service bay (service bay may count as 1 of the required spaces)
Car wash	1 space for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)	2 spaces for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)
Conveyor type operated by customer	1 space for each 2 employees at minimum staff, plus 2 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)	2 spaces for each conveyor unit or stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)
Self-service manual type	2 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)	2 spaces for each stall, plus 1 space for each vacuum unit (if not accessible to queue space) (see Section 11.12 for queue space requirements)
Hardware and beauty shops	1 space for each 250 square feet of gross floor area	1 space for each 250 square feet of gross floor area
Electronic and electrical repair service shop	1 space for each 300 square feet of gross floor area, with a minimum of 3 spaces	1 space for each 300 square feet of gross floor area, with a minimum of 3 spaces

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Use	Minimum Required	Minimum Allowed
Public meeting space	1 space for each 100 square feet of gross floor area, plus 1 space for 50 square feet of site area used for spectator seating	1 space for each 50 square feet of gross floor area, plus 1 space for 50 square feet of site area used for spectator seating
Pre-paying and transit	1 space for each 100 square feet of gross floor area, plus 1 space for each 2 employees at minimum staff, plus 1 space for each 2 employees at minimum capacity, plus 1 space for each 2 employees at minimum capacity, plus 1 space for each 2 employees at minimum capacity	1 space for each 100 square feet of gross floor area, plus 1 space for each 2 employees at minimum staff, plus 1 space for each 2 employees at minimum capacity, plus 1 space for each 2 employees at minimum capacity, plus 1 space for each 2 employees at minimum capacity
Childcare and day care centers, with and without on-site facility	1 space for each 250 square feet of gross floor area (see Section 11.12 for queue space requirements)	1 space for each 150 square feet of gross floor area (see Section 11.12 for queue space requirements)
Catering facilities for preparation of food for off-site consumption	2 spaces, plus 1 space for each 2 employees at minimum staff, plus 1 space for each 2 employees at minimum capacity	2 spaces, plus 1 space for each 2 employees at minimum staff, plus 1 space for each 2 employees at minimum capacity
House and duplex	1 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 250 square feet of gross floor area within the residential, bar, and entertainment facilities (if applicable)	1 space for each sleeping room or individual suite of sleeping rooms, plus 1 space for each 100 square feet of gross floor area within the residential, bar, and entertainment facilities (if applicable)
Churches, synagogues, and similar religious uses	When calculating the required parking for the use, consider all uses associated with the primary use on the site and floor hours of operation and peak hours of use to determine the minimum number of parking spaces needed to adequately serve all uses associated with the primary use. The Planning Commission Director may review the requirements of Section 11.4(B) of this Part if adequate information is provided by the applicant to determine the cumulative parking needs on the site.	When calculating the required parking for the use, consider all uses associated with the primary use on the site and floor hours of operation and peak hours of use to determine the minimum number of parking spaces needed to adequately serve all uses associated with the primary use. The Planning Commission Director may review the requirements of Section 11.4(B) of this Part if adequate information is provided by the applicant to determine the cumulative parking needs on the site.
Where permanent seats retained	1 space for each 3 seats in the sanctuary or primary seating area	1.5 percent of the minimum number of seats required
Where no permanent seats retained	1 space for each 50 square feet of seating area in the sanctuary or primary seating area	1.5 percent of the minimum number of seats required
Trade business, and other professional services	1 space for each 400 square feet of gross floor area, plus 1 space for each 3 employees at minimum staff	1 space for each 200 square feet of gross floor area, plus 1 space for each 3 employees at minimum staff
Colleges and universities	As determined by the Planning Commission Director	As determined by the Planning Commission Director
Primary, grade, elementary, intermediate middle and junior high schools	2 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater OR as determined upon review by the Planning Commission Director	3 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, whichever is greater OR as determined upon review by the Planning Commission Director

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Use	Minimum Required	Minimum Allowed
High schools	3 spaces for each classroom, or 1 space for each 4 seats in the primary assembly area, whichever is greater OR as determined upon review by the Planning Commission Director	12 spaces for each classroom, or 1 space for each 4 seats in the primary assembly area, whichever is greater OR as determined upon review by the Planning Commission Director
Day care centers, day nurseries, nursery schools, and similar uses	1 space for each employee at minimum staff, plus 1 space for each employee on maximum staff, plus 1 space for each employee on maximum staff, plus 1 space for each employee on maximum staff, plus 1 space for each employee on maximum staff	2 spaces for each employee at minimum staff, plus 2 spaces for each employee on maximum staff, plus 2 spaces for each employee on maximum staff, plus 2 spaces for each employee on maximum staff
Furniture stores and markets	1 space for each 75 square feet of gross floor area in portion of seating area	1 space for each 75 square feet of gross floor area in portion of seating area
Fire stations	1 space for each 2 employees on the maximum staff, plus 3 additional spaces	1 space for each employee on the maximum staff, plus 3 additional spaces
Hospitals	1 space for each 2 beds, plus 1 space for each 3 employees at minimum staff	1 space for each bed, plus 1 space for each employee at minimum staff
Aquariums, museums, and spaces for conventions, exhibits, or other uses	Individual recreational components should be counted separately	Individual recreational components should be counted separately
Lodges or resorts, art galleries, and similar uses	1 space for each 150 square feet of gross floor area	1 space for each 150 square feet of gross floor area
Post offices	1 space for each 500 square feet of gross floor area	1 space for each 500 square feet of gross floor area
Airports	As determined upon review by the Planning Commission Director	As determined upon review by the Planning Commission Director
Bus and train stations	As determined upon review by the Planning Commission Director	As determined upon review by the Planning Commission Director
Portals and connector facilities	As determined upon review by the Planning Commission Director	As determined upon review by the Planning Commission Director

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Use	Minimum Required	Maximum Allowed
General Residential Use	1 space for each 2 units	1 space for each employee on-site
Mineral and Quarrying Operations	As determined upon review by the Planning Commission	As determined upon review by the Planning Commission Director
Sanitary Landfill	As determined upon review by the Planning Commission	As determined upon review by the Planning Commission Director

11.6 **Location of Parking on Lot** Off-street parking for single-family residential uses and duplexes is permitted at the rear, side or street side yard only on a hard surface or approved earth-surfaced driveway that does not exceed levels (2) feet in width and four (4) feet in depth.

11.8 Off-Street Parking

- A. Parking spaces required by this Part may be located off-site on property under the same ownership as the use the parking spaces are intended to serve as long as the following conditions are satisfied:
- Parking spaces intended to serve customers and clients must be located within 500 feet.
 - Parking spaces intended to serve employees and staff must be located within 1,000 feet of the building or area requiring the parking.
 - The 500 and 1,000 foot requirements shall be measured by the shortest walking distance using sidewalks and designated crosswalks from the nearest point of the property on which the parking spaces are located to the nearest point of the property on which the use is located and which the parking is intended to serve, and.
 - The site must be properly zoned and have all proper approvals for motor vehicle parking areas.
- B. Parking spaces required by this Part may be located on property linearly separate ownership from the use the parking is intended to serve as long as the following conditions are satisfied:
- The applicant's demonstration that one or more uses located off-site exceed the minimum number of parking spaces required by this Part are not sufficient to allocate a certain number of the excess spaces to another use to meet its minimum number of required spaces.
 - The site is properly zoned and has all proper approvals for appropriate parking areas.
 - Off-site parking spaces intended to serve customers and clients must be located within 500 feet.
 - Off-site parking spaces intended to serve employees and staff must be located within 1,000 feet of the building or area requiring the parking.
 - The 500 and 1,000 foot requirements shall be measured by the shortest walking distance using sidewalks and designated crosswalks from the nearest point of the property on which the parking spaces are located to the nearest point of the property on which the use is located and which the parking is intended to serve.
 - All forms shall include a property street legal instrument/agreement providing for the use of the off-site parking spaces. The instrument shall be signed by all parties concerned ensuring the availability of the number of spaces designated for off-site use and shall be recorded in the County Clerk's Office. No deed, easement or license of parties involved may be executed without this (30) days prior written notice to the Planning Commission Director and a copy of the signed instrument. The instrument shall annually provide confirmation to the Planning Commission Director that the parking spaces associated with the off-site parking agreement are not available. The applicant shall provide the Planning Commission Director with immediate written notice in any title that any of the parking spaces associated with the off-site parking agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the off-site parking agreement become unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use of a Certificate of Compliance shall be conditioned upon the continued availability of the required number of parking spaces.

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entrance (using sidewalks and designated crosswalks) from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve.

- C. Off-street parking spaces and public parking areas which are governed by parking meters or by peak hour parking restrictions may not be used to satisfy the minimum parking requirements of residential uses, but may be used for all other uses as long as the restricted hours of use do not overlap with the user's peak hours of operation. Bus stops, near corner adjacent to curb cuts and other areas in which curbing is prohibited shall not be included in the calculation of off-street parking spaces.
- D. On-street parking spaces that are not directly abutting the development site and public parking areas that are not within 500 feet of the building or area may be counted towards the minimum parking space requirements only if specifically authorized by a Planning Waiver.
- E. For the purposes of the section on on-street parking spaces that is a minimum of 20 feet in height, parking spaces less than 8' (8) feet shall not be counted as a parking space.

11.9 Use of Required Parking Spaces

- The following shall apply to the use of required parking spaces and areas:
- A. Required parking spaces must be available for the use of residents, customers, visitors or employees of the use. They may not be assigned in any way to a use on another site except where the joint use parking provisions are employed. See Section 11.10.
- B. Fees may be charged for the use of required parking spaces.
- C. Required parking spaces and areas shall not be used for the storage, display, advertisement, sale, repair, dismantling or recycling of any vehicle, equipment, products, or materials.
- D. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen. However, any such structures shall not encroach required parking spaces and shall be appropriately demarcated or approved by the Planning Commission.

11.10 Parking Area Improvements and Maintenance

- A. Surfacing and Facility Type
- All off-street parking areas, except for those serving agricultural uses, shall be of a hard and durable surface that traps or precludes particulate or pollution. Asphalt, gravel, concrete paving and interlocking paving blocks, including permeable systems that retain spaces for vegetation and acceptable paving materials. Other paving materials, such as gravel, may be permitted upon approval by the Planning Commission staff but must include a binding agent to stabilize the surface and prevent dust.
 - Developments that provide more than fifty (50) off-street parking spaces and exceed the minimum number of parking spaces required by this Part shall also:
 - Surface a portion of its total parking area proportionate to the extent to which the minimum number of parking spaces is exceeded using curbs, or
 - Surface the parking spaces in excess of the minimum using semi-permeable paving systems or
 - Provide twenty-five (25) percent more trees within interior site landscape areas (traffic islands, etc.) than is otherwise required by these Regulations, the Commercial Establishment Design Standards Ordinance or other applicable regulations for the site's primary parking area. The trees provided shall minimize the amount of shade that is provided within the parking area. Additionally, the exterior site landscape areas shall be designed to preserve their ability to absorb the site's stormwater runoff in an effort to improve the water quality of the stormwater runoff and to provide an adequate water supply to provide the long-term health of

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

- A Parking Study that conforms to the requirements of Section 11.15 must be submitted by the applicant.
- The number of parking spaces which may be created against the requirements for the structure or uses involved shall not exceed the number of spaces rationally anticipated to be available during any hours of operation as determined by the Planning Commission based upon the recommendation of the applicable agency responsible for approval of off-street parking facilities.
- Joint use parking sites must be properly zoned and have all proper approvals for motor vehicle parking areas, and.
- The joint parking spaces must comply with the following conditions:
 - The parking spaces intended to serve customers and clients must be located within 500 feet.
 - The parking spaces intended to serve employees and staff must be located within 1,000 feet of the building or area requiring the parking.
 - The 500 and 1,000 foot requirements shall be measured by the shortest walking distance using sidewalks and designated crosswalks from the nearest point of the property on which the parking spaces are located, to the nearest point of the property on which the use is located and which the parking is intended to serve.
 - Signage shall be provided identifying any parking spaces that are being leased or jointly used, who those spaces are available to, and any other restrictions (e.g. time availability) that may apply and shall be subject to review and approval by the Planning Commission or its designee (e.g. the lot is available from 9 a.m. to 4 p.m. to persons of 16 or older).
 - Off-street parking spaces required for residential use shall not be included in any joint parking arrangement, and.
 - All parties shall execute a properly drawn agreement providing for the joint use of the off-street parking spaces. This instrument shall be drawn to the satisfaction of the Planning Commission's attorney and shall be executed by all parties concerned ensuring the availability of the number of spaces designated for joint use and shall be recorded in the County Clerk's Office. The applicants and their successors shall annually provide confirmation to the Planning Commission Director that the parking spaces associated with the joint use agreement are not available. The applicant shall provide the Planning Commission with immediate written notice in any title that any of the parking spaces associated with the joint use agreement become unavailable and shall have thirty (30) days from the time that the parking spaces associated with the joint use agreement become unavailable to provide the required number of parking spaces or to apply for a Parking Waiver to reduce the required number of spaces. The use of a Certificate of Compliance shall be conditioned upon the continued availability of the required number of parking spaces.

11.8 Curbs for On-Street and Public Parking

Uses within the Central Business District (CBD) may satisfy minimum parking requirements of this Part by using on-street parking spaces and public parking however, it may not be used for the use of the following customers, employees or visitors of that particular use. Such parking spaces shall be available to the general public. The use of this provision shall be in accordance with the following:

- Any on-street parking space used in this manner must be located on a public street directly abutting and on the same side of the street as the development use. (e.g. a site with 50 feet of frontage on a public street can claim credit for three parking spaces - a site with 25 feet of frontage can claim credit for two spaces).
- Any on-street parking areas used in this manner must be located within 100 feet of the buildings or uses requiring the parking, and the 100-foot requirement shall be measured by the shortest walking

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the curbside area. The Planning Commission may modify this requirement if the applicant demonstrates that an alternative site design, surfacing material or facility type offers greater environmental benefits than those associated with the requirements in this Part. (e.g. if a development is required to provide a minimum of eighty (80) parking spaces and provides one hundred (100) parking spaces, then the developer shall have the option of dedicating twenty (20) percent of the development's total parking area using curbside or parking nearby parking spaces using semi-permeable paving systems, including nearby parking spaces with a parking structure or elevated parking facility, or of providing 20% more curbside space within the site's (S.A.) than is otherwise required.)

- Signage** All off-street parking spaces except for those serving detached single-family uses, agricultural uses, and other uses determined by the Planning Commission Director, shall be delineated using durable painted lines that meet the Manual of Uniform Traffic Control Devices (MUTCD) standards or be approved by the Planning Commission Director. The Planning Commission Director may waive the requirement based on the particular torturing material being used and other related factors.
- Signage, Slope and Protection Curbing** Concrete wheel stops or curbing at least six (6) inches high and ten (10) inches wide shall be provided to prevent vehicles from overhanging required sidewalks, properties or public rights-of-way, to protect landscaped areas, and to protect adjacent properties. Such wheel stops or curbing shall be located at least three (3) feet from any adjacent wall, fence, property line, utility vegetation, driveway or structure.
- Landscaping** Parking area landscaping shall be provided in accordance with these Regulations, the Commercial Establishment Design Standards Ordinance, and other applicable regulations and ordinances.
- Lighting** Parking area lighting shall be provided in accordance with these Regulations, the Commercial Establishment Design Standards Ordinance and other applicable ordinances and regulations.
- Handicapped Parking Spaces** Handicapped parking spaces shall be provided as required by local ordinances or Federal or State law.
- Signage** All signs within off-street parking areas shall be in accordance with all applicable code requirements and regulations.
- Maintenance** All off-street parking areas shall be permanently and continually maintained in good condition and free from debris, weeds, dirt, trash and other debris.

11.11 Parking Area Layout and Design

- A. **Access to Parking Spaces**
- All parking areas must be designed so that a vehicle may enter or exit without requiring another vehicle to move.
 - Except for single-family dwellings and duplexes, each off-street parking space shall also be directly abutting a private alley or private driveway of such width and design as to provide a safe and efficient means of vehicle access between the parking space and public streets. Parking spaces shall be designed to prevent vehicles backing from or onto a public street. However, in off-street parking facilities designed for vehicles backing from or onto an alley may be allowed at the discretion of the appropriate public agency, while those designed for vehicles backing from or onto a private access easement may be allowed at the discretion of the Planning Commission Director.

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5. Parking Spaces and Area Requirements

- The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within 11.11.1. Parking dimensions required by this Part are based on the parking turnover rate for various uses. The concept, which is established and recommended by ITE, is based upon the premise that the more frequently a parking space is entered and exited, the more space is needed to accommodate for driver entry.
- Parking structures developed to provide the minimum number parking spaces required by this Part must meet the minimum dimensional requirements specified in Table 11.11.3 below. The design and layout of all other parking structures, including but not limited to those used to create parking spaces in excess of the minimum required for a particular use and those for-profit parking structures not associated with any particular use, shall be approved by the agency responsible for approval of all street parking facilities.
- Parking spaces serving single family residential developments located within driveways and garages need only meet the Best Management Practices (BMP) standards set forth in Table 11.11.1.
- Parking spaces shall be at least ten (10) feet in width and twenty-two (22) feet in length.
- The Planning Commission Director may modify the dimensional requirements of this Section when her/his finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it (such as the use of other acceptable standards like ITE Manual standards).

Table 11.11.3 Minimum Off-Street Parking Dimensions by Purpose Class

Purpose Class	Minimum Width (ft)	Minimum Length (ft)	Minimum Depth (ft)	Minimum Area (sq ft)	Minimum Area (sq m)
40	9.5	15.0	17.5	167.5	15.5
45	9.5	15.0	17.5	167.5	15.5
50	9.5	15.0	17.5	167.5	15.5
55	9.5	15.0	17.5	167.5	15.5
60	9.5	15.0	17.5	167.5	15.5
65	9.5	15.0	17.5	167.5	15.5
70	9.5	15.0	17.5	167.5	15.5
75	9.5	15.0	17.5	167.5	15.5
80	9.5	15.0	17.5	167.5	15.5
85	9.5	15.0	17.5	167.5	15.5
90	9.5	15.0	17.5	167.5	15.5
95	9.5	15.0	17.5	167.5	15.5
100	9.5	15.0	17.5	167.5	15.5

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- Design:** Each queue lane shall be clearly defined and designated as not to conflict or interfere with other pedestrian or vehicle traffic on the site.

11.12. Parking in Restricted Areas

The following regulations shall apply to all parking for all restricted zoning districts:

- Parking of Passenger Vehicles and Light Trucks:** Passenger vehicles and light trucks may be parked in any allowed parking area in the district that the number of vehicles being parked does not exceed the maximum permitted in Table 11.4, unless otherwise permitted under these Regulations.
- Parking of Medium and Heavy Trucks:**
 - The parking of medium trucks shall equal the maximum number of vehicles allowed in Table 11.4 and shall be permitted as follows:
 - No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 30,000 square feet in size.
 - No more than two medium trucks per dwelling unit may be parked outdoors on a lot that is greater than or equal to 30,000 square feet in size.
 - The parking of heavy trucks and equipment is prohibited.
- Boats, Utility Vehicles, and Recreational Vehicles:** Boats, utility trailers, recreational vehicles and trailers used to haul recreational vehicles may be parked in required parking spaces as specified in B above, but shall not be parked between the street and facade of the primary structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation, recreational vehicles on a lot shall be considered as one vehicle. Equipment, fixtures located within multi-family developments that consist of six (6) or more adjacent units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.
- Vehicle Service and Repair:** Service and repair of vehicles not owned or leased by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired provided that the conditions listed in either 1 and 2 or 3 and 4, below, are met:
 - The vehicles are owned or leased by and registered to residents of the site, AND the service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of major parts such as tires, hoses, belts, flares, fuses and wiper blades, but does not include body and fender repair and replacement, painting, engine or transmission removal or replacement, or any work using welders, torches, or an open flame (gas) OR
 - The vehicles are owned or leased by and registered to residents of the site, AND all work occurs within a completely enclosed structure.

11.14. Parking Waiver Provisions

- General Parking Waivers:** In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.
- Yield Signage:** General Parking Waivers are requested when an applicant wishes to provide less parking spaces than are required by this Part or when an applicant wishes to provide more parking spaces than are allowed by this Part.

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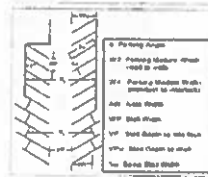


Figure 11.11.1: Parking Dimensions Layout Diagram

C. General Design Criteria

- The parking areas of all developments shall be designed so that pedestrian, emergency, and other public service vehicles can serve such developments without the necessity making hazardous turning movements.
- Collection areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians, bicyclists, or other vehicles and without interfering with parking areas. This includes the provision for "stop," "yield," "speed limit," "do not enter," and other traffic signs at appropriate locations.
- Vehicle queues on private driveways shall be arranged so that pedestrian vehicle queues or vehicles should not extend across easements of other possessions (utilities).

11.12. Queuing for Drive-Through Facilities

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

- Special Features:** The minimum number of queue spaces required shall be as follows. The Planning Commission Director, in consultation with the appropriate public works department, may have variations from these minimums when her/his finds that such modifications would not adversely affect the functionality of the parking area and the safety of those that use it. The Planning Commission Director, in consultation with the appropriate public works department, may require queue support in areas of the minimum when her/his finds that the proposed facility would cause traffic to back up on a public thoroughfare.

Service	Minimum Queue Spaces	Minimum Queue Length
Bank drive-through (automatically cleared, drive-through)	3 per lane	100 ft or greater
Car wash (drive-through)	2 per structure	200 ft or greater
Car wash (conveyor type, operated by customer)	4 per conveyor system	200 ft or greater
Car Wash (conveyor type, operated by employees)	5 per conveyor system	200 ft or greater
Car Wash (self-service manual)	2 per stall	100 ft or greater

- Minimum Dimensions:** Each queue space shall be at least ten (10) feet in width and twenty-two (22) feet in length.

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- Application Requirements:** General Parking Waiver applications must provide the following:
 - A completed application form.
 - A development plan depicting the site if off-street parking areas which, except as otherwise specified herein, shall be processed, implemented and enforced as prescribed by other portions of these Regulations. The applicant shall pay the fee specified for such a request unless the request is processed as a request for zoning relief to the same property, and.
 - The names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of subject property and within 100 feet of any on-street parking space of such parking lot proposed to be used to meet the requirements of this Part, and
 - A current recorded deed, and,
 - Any other submitted requirements as determined by the Planning Commission Director.

1. Design

- The Planning Commission shall hold a public hearing to consider any request for a General Parking Waiver, except as stated in Section 11.14(A)(3) below. The public hearing shall be held on the date of the public hearing to those meeting the criteria of Section 11.14(A)(3) above, using the information provided by the applicant, by first class mail not less than fourteen (14) days prior to the hearing.
- The Planning Commission's decision may allow the request for a public hearing and take action on General Parking Waivers requesting a reduction of five (5) or fewer parking spaces up to the maximum parking waiver percentage permitted within zoning districts as set forth in Section 11.14(A)(4) below or a reduction commensurate with the total number of parking spaces not to exceed twenty-five (25) spaces. However, shall be set using such a General Parking Waiver has been filed and that the Planning Commission's decision may waive the public hearing requirements and take action on the request. The notice shall be sent following the same criteria depicted in Section 11.14(A)(3) above.

2. Maximum Waiver Reduction

- The maximum reduction in the required number of parking spaces shall be as follows:
 - No more than a thirty-three (33) percent reduction shall be permitted within the B-3, B-4, B-5, L-P, L-1, L-1A, and L-2 zoning districts.
 - No more than a fifty (50) percent reduction shall be permitted within the D-1 and P-1 zoning districts.

3. Specific Findings

In granting a General Parking Waiver, the Planning Commission shall find that:

- General Parking Waivers**
 - The Parking Waiver is in compliance with the Comprehensive Plan.
- Waivers to Reduce the Minimum Number of Required Parking Spaces**
 - The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions, and
 - The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.
 - The site is accessible by alternative transportation including but not limited to pedestrian, bicycle, and public transit facilities.
 - The parking reduction will not result in a violation of public rights of way and adjacent or nearby properties will not be adversely affected, and
 - The requirements found in Table 11.4 do not substantially exceed the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.

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Article 12: Sign Regulations

Note: The Planning Commission does maintain copies of certain sign ordinances in effect in all jurisdictions.

Article 13: Amendment Procedures

13.1 Zoning Regulations Text Amendments

A. Text Amendments Process

A zoning regulation text amendment may originate with the Planning Commission or with the Fiscal Court or legislative body.

B. Planning Commission Process & Cooperation

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

C. Equal Court or Legislative Body Action

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

13.2 Zoning Map Amendment/Zone Change

A. Zoning Map Amendment Process

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

B. Planning Commission Process & Cooperation

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

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

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

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

Article 12: Amendment Procedures

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

C. Final Action

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

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

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

Article 14: Violations & Remedies

14.1 Enforcement

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

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

A. Investigation & Inspection

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

B. Stop Orders

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

C. Citations

- Any person or entity who fails to stop use immediately as required by Section 14.13 hereof shall be issued a citation by the proper authorities including the Enforcement Officer for such violation pursuant to the provisions of KRS 100.081 unless other enforcement measures are taken.
- Any person or entity who violates any of the provisions of these Zoning Regulations shall be issued a citation by the proper authorities including the Enforcement Officer for such violation pursuant to the provisions of KRS 100.081.

14.2 Penalties

Violations of the provisions of the Zoning Regulation as to how to comply with any of its requirements shall constitute a misdemeanor. Any person who so violates these Zoning Regulations or fails to comply with any of the requirements except as otherwise provided herein, shall, upon conviction thereof, be fined not less than \$10.00 but no more than \$500.00 for each such offense for each conviction. Each day of violation shall constitute a separate offense.

14.3 Appeals

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

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Article 18: Historic District

18.1 Intent

Written covenants are existing or hereafter created as shown on the zoning map or as intended by permit by amendment to the zoning map and establishment of suitable regulations, the creation of Historic Districts and Landmarks to give protection to certain areas or individual structures and premises designated as having special historical, or architectural significance. Such districts and Landmarks and regulations are intended to protect against substantial deterioration or encroachment upon the areas, structures and premises designated to be of substantial historic significance and to encourage and promote uses which will further their conservation, preservation and improvement by and through the development and maintenance of cultural character or architectural style and by the development and maintenance of the exterior design of these buildings, structures or places in a manner appropriate to the preservation of the historic heritage, charm and beauty of the cities of Batesboro, Shiloh and Fairport and New Haven, and Unincorporated Nelson County, Kentucky, to promote the education, cultural, recreational and general welfare of the public and to prevent creation of environmental influences adverse to such purposes, and to ensure that new structures and uses within Historic Districts will be in keeping with the character to be preserved and enhanced.

18.2 Antiquities of Historic District Designations

The Historic District designation and regulations thereunder shall be established in addition to and superimposed upon the zone classification and regulations thereto as shown on the Zoning Map for the subject area. That the Historic District existing and/or created with this Ordinance (Order) is as follows: Beginning at a point in the center of West Stephen Foster Avenue at the junction with Barton Road about 1630 feet west of the intersection, thence easterly with Stephen Foster about 230 feet to the east line of Old Kentucky Home Motel, thence northerly with the property line about 170 feet to the City of Batesboro Recreation Department, thence with the City easment about 868 feet to the southeast corner of the Spaulding Hill tract, thence northerly 30 feet to the corner of the Spaulding Hill tract, thence easterly with the line of the City of Batesboro 542 feet to the center of Fifth Street, thence with Fifth Street about 240 feet to the junction with Blackberry Alley, thence with Blackberry Alley easterly about 730 feet to Mulberry Alley, thence with Mulberry Alley northerly about 1070 feet to the center of Barton Avenue, thence easterly with Barton Avenue about 240 feet to the center of North Third Street, thence north with Third Street to the Railroad right of way, thence easterly with the railroad about 240 feet to the center of the block between Third Street and Second Street, thence southerly in the center of the block about 230 feet to a point 250 feet north of East Stephen Foster (US 150) about 3800 feet to the west line of Batesboro Shopping Center, thence southerly across US 150 and along Ky 49 to a point 250 feet south of US 150, thence northerly 250 feet south of and parallel of US 150 (East Stephen Foster) about 4300 feet to a point 250 feet east of South Third Street, thence southerly 250 feet from and parallel to the corner of Third Street about 870 feet to a point about 250 feet south of Main Avenue, thence easterly 250 feet south of and parallel to Main Avenue about 500 feet to a point 250 feet east of South Third Street, thence easterly 250 feet from and parallel to South Third Street about 870 feet to a point 250 feet south of West Stephen Foster, thence westerly having 250 feet from and parallel to Stephen Foster easterly about 1225 feet to the center of Colwell Manor (US 31-42), thence westerly about 430 feet to the center of Barton Road about 100 feet south of West Stephen Foster, thence northerly about 100 feet to the point of beginning.

Also included in the following: Beginning at a point at the existing boundary line of the historic zoning district at its intersection with the west line of North First Street and the south line of Raspberry Alley, thence proceeding northerly along the west line of North First Street to the north line of Power House 148 Street thence proceeding northerly to a point in the south line of Crane Street, thence proceeding westerly and south line of Crane Street to its intersection with the west line of the Old Broomfield Road, thence southerly to its intersection with the south line of Power House 148 Street, thence westerly to a point in its intersection with the west line of Oakley Court thence following the east line of Oakley Court to a point in the existing historic zoning boundary, thence proceeding westerly to the point of beginning.

18.2.1 **General Use:** The use, dimensional and other requirements for such zones as provided in the Zoning Ordinance shall apply.

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18.10 **Plans:** Drawings or sketches to submit as a proposed building with sufficient dimensions and detail and explanation to show, so far as they relate to exterior appearance, the architecture, design of the building or other structure including proposed materials, finishes and colors, and the position of windows, doors, light fixtures and signs. The sketches of all improvements or features such as walls, walks, terraces, paving, accessory buildings, signs, lights and other appurtenances.

18.11 **Historic District and Landmark:** The District and Landmark established by Article 18, shall be an area or individual structure or premises specifically designated by the Planning Commission as containing buildings, other structures, appurtenances and places having historic, or architectural significance. A Landmark shall be the 250' right of way. The Historic Review Board makes a finding that a historic building with architectural and historical significance shall be designated as a Landmark. Each designation of a Landmark shall include a designation of a Landmark Site which shall be limited to the land on which the Landmark and related buildings and structures are located and the land that provides and surrounds grounds and the setting for the Landmark. To be designated, an area or structure or premises shall meet one or more of the following criteria:

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

18.14 **Sign:** Any symbol, picture, sign, message, sign, picture, message, reading matter, letters, images, letters, signs, symbols, pavement or message, billboard, design, directional sign, or illuminated device, whether painted upon, attached to, fastened to, erected on, constructed on, placed on, manufactured or otherwise furnished on any premises, containing any words, letters or parts of words, figures, numbers, pictures, designs, symbols, devices, signs, signs, reading, trade names, or trademarks by which anything is known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a community or product, which is used to attract attention to any goods, services, person, firm, corporation, public performance, article, realties or merchandise, temporary, and displayed in any manner whatsoever so as to be visible out of doors. But the term sign shall not include the flag, pennant or emblem of any nation, state, city or other political unit.

18.16 **Utility:** To erect, paint, repair, replace, hang, remove, repair, maintain, paint directly upon a building or other structure, being situated in or otherwise in public view.

18.18 **Utility:** An individual firm, association, organization, partnership, trust, company or corporation.

18.19 **Administrative Office:** Any department, agency or advisory, district, or appointed body which is authorized to enforce regulations, and if designed and provided in any zoning or building regulation or any other law, are exempt regulations.

18.20 **Building (Historic Architecture):** A substantial building which was residential in that of a proposed building on the same plot.

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18.27 **Conditional Use Permitted:** Upon application thereunto may be granted from the permitted uses in any zone classification for a Landmark or for any area, individual structure or premises located within any established Historic District so as to permit any use authorized in any zone classification with the exception that short-term events, food and beverage, and overnight accommodations for guest stays of less than 30 days shall not be allowed under this section and must comply with the provisions of the applicable zoning district for which the property is zoned.

18.221 **Procedure for Conditional Use:** The procedure for issuance of a conditional use permit shall be the same as procedure for the establishment of Historic Districts and Landmarks, as provided in Section 16.51, 16.52, 15.53 of the Ordinance except:

- (A) That recommendations of approval thereof shall be by no less than 35 majority of the entire membership of the Historic Review Board.
- (B) After voting of such application a not recommended by approval by the Board, an appeal may be taken to the appropriate Board of Adjustment.
- (C) If the application is recommended for approval by the Board after voting by the appropriate Board of Adjustment, if approved, permit shall promptly issue, if not, such application is not approved by the appropriate Board of Adjustment, no further action shall be taken.

18.222 **Maximum Permitted by Conditional Use Permit:** The Historic Review Board shall not recommend conditional use permit unless all of the following general conditions are met:

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

18.23 **Conflict:** Where there conflicts between the procedures and regulations herein established for the Historic Districts and other provisions of the Ordinance or the Zoning Ordinance, it is intended that the provisions set forth in this Article shall apply.

18.3 Definitions

The words defined in Article 3 of the Zoning Ordinance shall apply and the words hereinafter defined are in addition thereto and are those which have special or limited use as used in Historic Ordinance - which meaning shall not otherwise be clear - words whose meaning is not evident in the Zoning Ordinance shall be defined herein.

18.31 **General Architectural Appearance:** The architecture, style, general composition and general arrangement of the exterior of a building or other structure, including the location of windows, doors, light fixtures and signs. The terms of consent shall cover the color, style, size, color and texture of building materials, windows, doors, light fixtures, signs and appurtenances elements which are visible or designed to be seen from a public street, way or place.

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18.30 **Certificate of Appropriateness:** Written evidence issued by the Planning Commission that a proposed building or other structure meets all provisions of the historic zone regulations.

18.31 **Planning Commission:** The Joint City-County Planning Commission of Nelson County.

18.4 Establishment of Historic Review Boards

Historic Review Boards be and are hereby established for each governing body with each having authority jurisdiction over the respective governmental territory and shall be designated accordingly as follows:

- Batesboro Historic Review Board
- Shiloh Historic Review Board
- Fairport Historic Review Board
- Nelson County Historical Review Board
- New Haven Historical Review Board

Members of each Board shall be duly constituted and shall not affect the validity or authorized acts of the other boards herein established or any of them. Any Historic Review Board so constituted at the time of adoption of this Zoning Ordinance shall continue in force. But future appointments shall be made as provided in Section 15.4 of the Ordinance.

18.41 **Membership:** The Historic Review Boards established by 15.4 of this Ordinance shall each consist of five members to be appointed by their respective governmental or legislative body. The term of two of the members of each of the various boards will expire within three years, two within two years and one within one year after date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Vacancies on the Historical Review Board shall be filled within sixty (60) days. All members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a professional-related profession, architecture, history, anthropology, architectural history, planning or related fields. When one or two professional members are not available, persons interested in historic preservation may be appointed to those positions. When the Historical Review Board consists of more than a normally established by a professional member and that (4) is not represented on the Historical Review Board, the Board shall select a vacant slot as before rendering its decision.

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

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

If either or both the chief elected official and the Historic Review Board agree that a property should be nominated, the nomination will receive a preliminary review by the Kentucky Historic Preservation Review Board. The State Review Board shall make a recommendation to the State Historic Preservation Office who decides whether to forward the nomination to the U.S. Secretary of the Interior who shall make the decision on listing the property on the National Register. The chief elected official, the Historic Review Board or the property owner may appeal the final decision by the State Historic Preservation Office. In the development of the Certified Local Government program, the local government may use the Historic Review Board to perform other responsibilities that may be delegated to the local government under the National Historic Preservation Act.

19.42 Open House and Meetings. The respective Historic Review Boards shall action rules for the conduct of its duties which shall be subject to review of the Planning Commission to ensure uniformity. Each shall establish a chairman and help members of all meetings. Meetings shall be held at regularly scheduled times at least four times a year or at the call of the chairman or in his absence of the call of the vice chairman, in the Historic Review Board. All meetings shall be advertised in advance in accordance with the provisions of KRS Chapter 424 and shall be held in a public place. A quorum shall consist of three members, but a lesser number may conduct public hearings or meetings at which the immediate purpose is collection of information, provided that no action pending on the Review Board shall be taken at such hearings or meetings. All meetings and records of the respective Historic Review Boards shall be public. Recommendations by each of the Review Boards shall be made by a majority vote of those members at any meeting where a quorum of members is present except where greater number is specifically required. The Planning Commission shall provide a secretary and financial assistance to the respective Historic Review Boards as they may have professional staff assistance. Each Review Board shall prepare and keep on file available to public inspection, a written annual report of its activities, plans, decisions, special projects and publications of the members. Each Review Board member shall submit each year an informational or assessment report that has been approved by the State Historic Preservation Office.

19.5 Establishment of Historic Districts and Landmarks

The procedure for the establishment of an Historic District or a Landmark and Landmark Site shall be as follows:

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

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understand an exterior alteration affecting a landmark and a landmark structure or a property in a Historic District that does not require a building permit, that person shall apply directly to the Historic Review Board. The Board shall not consider any exterior arrangement unless it makes recommendations relating to the exterior design for the purpose of preventing developments obviously incongruous to the district or the landmark.

(3) Major Site or Landmark Alteration Requiring a Building Permit. Examples of the type of alteration include but are not limited to replacement of all exterior plants on the front and/or street side elevations of a structure, stair-casing or otherwise reworking of the roof of the mature vegetation from an undeveloped site, installation of a building, alteration of the natural grade of a site by an inches or more from naturalization or grade addition of more than 2 inches, and/or the addition and replacement of other nonvegetative areas over 300 square feet in size. Major site or landscape alterations will be reviewed in terms of their impact on historic structures, views on site or adjacent as well as compliance with currently accepted guidelines. The action does not include painting, replacement or maintenance of seasonal plants or vegetation.

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

B. The ordinances will be administered as follows:

(1) Application Requirements. The applicant requesting approval of any action as detailed herein in section (A) shall file an application in the office of the Joint City-County Planning Commission. The shall file with the application any of the following which are necessary to the issuance of a city of the required building or sign permit application, architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed structures, landscaping details, and elevation photographs or perspective drawings showing proposed structures and of such existing structures as are visible and included in the field of the landmark, landmark site, or the property in the Historic District. These photographs or perspective drawings shall be substantially related to the property or structure visually or to its function, utility, generation or other characteristics. The applicant may submit for Board review the required forms or material in preliminary form which shall be labeled "preliminary design" in large letters. The Board may review the same and recommend modifications and/or changes but shall not be required to take any final action until submission of the required forms, material and information in final form.

(2) Procedural Guidelines. The Board shall meet once a month at a regularly scheduled time and place, unless otherwise empowered. The Board shall also not consider for submission of applications and other pertinent requests. The Board shall at any time meet within sixty (60) days following notification by the Administrative Officer of the filing of a completed application. In its review of the material submitted, the Historic Review Board shall review for compliance with adopted guidelines, concerns the architectural design and the exterior surface treatment of the structure on the site in question, the relationship between the structure or site and the other in the area, and other pertinent factors including signs affecting the appearance and efficient functioning of the Historic District property or site, or the Landmark. The Board shall vote to approve or disapprove a completed application within sixty (60) days after the application or later with the Administrative Officer. Pre-approval or conditional approval may be given to an application by the CLG Director based on approved compliance with adopted guidelines. The pre-approval or conditional approval shall be subsequently affirmed by the Historic Review Board. An applicant who has conditional or pre-approval may proceed with the activity at their own risk. An applicant who property

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18.52 Recommendation by Historic Review Board. Upon the filing of an application for the establishment of a Historic District or a Landmark and Landmark Site, the Historic Review Board shall study and review the application. Before voting upon the application, the Review Board shall give notice of the time, place, and reason for holding a public hearing session by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein and seven (7) days after the filing date, the Review Board shall hold a public hearing on the proposed application and recommend to the Commission the application for the establishment of a Historic District or a Landmark and Landmark Site as approved or disapproved. The Review Board shall forward its recommendation, with its reasons therefore in writing to the Planning Commission. All applicants and property owners shall be notified of meetings and subsequent decisions relating to their applications or property.

18.53 Recommendation by Planning Commission. Before voting upon the recommendation of the Historic Review Board to approve or disapprove the establishment of a Historic District or a Landmark and Landmark Site, the Planning Commission shall give notice of the time, place and reason for holding public hearing session by one publication in a newspaper of general circulation in Nelson County, Kentucky, not earlier than twenty-one days or later than seven days before the public hearing. After notice of the public hearing as provided herein and seven (7) days after receiving the recommendation of the Historic Review Board, the Planning Commission shall hold a public hearing on the proposed application. After voting to recommend that an application for the establishment of a Historic District or a Landmark and Landmark Site be approved or disapproved, the Commission shall forward its recommendation with its reasons in writing, to the respective government or legislative body. When recommending the establishment of a Historic District or a Landmark and Landmark Site, the Planning Commission shall recommend appropriate amendments to the Comprehensive Plan to include the proposed designation and shall recommend a change if appropriate in the zoning map to show the proposed designation.

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

18.6 Historic District, Landmark

The Administrative Officer shall issue no building permits for the construction, alteration, moving of any structure or premises or change in the exterior appearance of any structure and the Board of Adjustment shall have no action meeting in the issuance of any building permit for a Landmark and Landmark Site or for a property in the Historic District except as expressly authorized under Section 15.01 herein above.

18.01 When Action is Required by the Historic Review Board, Application, Requirements.

A. In the following circumstances, approval of the Historic Review Board is required before the particular activity begins:

(1) Activities Requiring a Building Permit. Upon the filing of an application for a building permit for a landmark and landmark site or for a property in a Historic District, the Administrative Officer shall promptly notify the respective Historic Review Board of such application. An application with pertinent information and materials shall be filed with the Historic Review Board.

(2) Exterior Alteration of a Structure Not Requiring a Building Permit. Examples of such exterior alterations include but are not limited to changing exterior paint colors, installation of siding and roof and window replacement. When a person wishes to

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

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

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

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

18.03 Nature of Historic Review Board to Act. Upon failure of the Historic Review Board to take final action upon any case within thirty days after the application for a building permit has been filed with the Administrative Officer and unless a mutual written agreement between the Historic Review Board and the applicant has been made for an extension of time, the applicant shall be deemed to be approved and the appropriate legislative body shall promptly issue a Certificate of Appropriateness as provided under Section 15.01 herein above.

18.04 Director of Landmarks or Structures in Historic Districts or Landmarks Sites

The respective Historic Review Boards shall have the power, subject to the Administrative Officer, to deny a designation permit for any destruction of Landmark or any building in the Historic District or on a Landmark Site when the Board considers it to have historical value. The Historic Review Board shall negotiate with the applicant to see if an alternative designation can be found. The

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Review Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining resources for rehabilitation costs for the designated building.

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

The Review Board shall study the question of economic hardship for the applicant and shall determine by a preponderance of the evidence whether the Landmark or the building is the Historic District or on the Landmark Site can be put to reasonable beneficial use without the approval of the demolition application. In case of an income-producing building, the Review Board shall also determine by a preponderance of the evidence whether the applicant can obtain a reasonable return from the existing building. The Review Board may ask applicants for additional information to be used in making these determinations. If the Review Board finds economic hardship or the lack of a reasonable return, it shall recommend approval of the demolition application, if economic hardship or the lack of reasonable return is not proved. The Review Board shall deny the demolition application unless the Review Board has previously recommended approval of the demolition application using the standards for review contained in Paragraph 16.01. The Review Board shall take final action upon any case within sixty (60) days after the application for the demolition permit was filed with the Administrative Officer or the demolition permit shall be deemed to be approved by the Review Board.

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

16.01 Purpose of Historic Designation

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

16.02 Maintenance, Repairs and Exterior Conditions

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

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

Article 16: Recompiled as Ordinance 2024-008

Article 18: Historic District

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

18.10 Enforcement of Ordinances and Penalties for Non-compliance

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

The Ordinance shall take effect upon its adoption by the legislative bodies of Barstow, Boardman, Boardman, New Haven and Nelson County, Kentucky or such of those legislative bodies as may adopt the same.

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

This Ordinance shall take effect immediately upon its passage.

Article 17: Fees, Charges, & Expenses

In consultation with the legislative bodies, the Planning Commission shall adopt and amend, as necessary, a schedule of fees, charges and expenses ("fee schedule") for applications, services and publications and establish a fee for applications and other work, use of consultation has commenced without appropriate permits. The Planning Commission shall conduct one (1) public hearing on the fee schedule and amendments thereto.

The adopted fee schedule shall be posted in the Planning Commission offices.

Until an applicable fee, charge and expense has been paid in full, no action shall be taken or any permit application approved.

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Article 17: Fees, Charges, & Expenses
Repealer

Any prior version or provision of this Ordinance, or any other resolution or order previously adopted by the Nelson County Fiscal Court which is in conflict with this Ordinance, adopted this 17th day of June, 2025, is hereby repealed, rescinded and held for naught.

Severability

If any provisions of this Ordinance or any provisions of their subsequent amendments are held invalid, such invalidation does not affect the remainder of this Ordinance or its amendments.

Effective Date

This ordinance shall become effective upon passage, and will be advertised pursuant to KRS 424

NELSON FISCAL COURT



Tim Hutchins
Judge-Executive

ATTEST:


Pamela Sabin
County Clerk

Approved as to form and legality:


Chip McKay
County Attorney

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BUDGET SUMMARY

WHEREAS, the proposed budget was approved by the fiscal court on May 20, 2025, and approved as to form and classification by the State Local Finance Officer on May 30, 2025;

NOW THEREFORE, be it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

SECTION ONE. The following budget is adopted for the Fiscal Year 2025-2026 and the amounts stated are appropriated for the purposes indicated.

(01) GENERAL FUND	
General Government	\$ 2,359,500
Protection to Persons & Property	2,342,300
General Health & Sanitation	1,777,800
Social Services	71,700
Recreation	1,608,900
Roads	115,000
Transportation	253,000
Capital Projects	910,000
Administration	2,985,900
Reserve	1,047,900
TOTAL	\$ 13,472,000
(02) ROAD FUND	
Roads	\$ 3,319,400
Administration	828,400
Reserve	576,200
TOTAL	\$ 4,524,000
(03) JAIL FUND	
Protection to Persons & Property	\$ 2,690,500
Administration	592,500
Reserve	25,000
TOTAL	\$ 3,308,000
(04) LGEA FUND	
Roads	\$ 180,000
Reserve	277,000
TOTAL	\$ 437,000
(07) FEDERAL GRANTS FUND	
Protection to Persons & Property	\$ 25,000
Reserve	220,000
TOTAL	\$ 245,000
(09) EMS FUND	
Protection to Persons & Property	\$ 3,545,000
Administration	1,164,000
Reserve	34,000
TOTAL	\$ 4,743,000

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(13) SOLID WASTE FUND	
General Health & Sanitation	\$ 2,921,000
Administration	598,000
Reserve	742,000
TOTAL	<u>\$ 4,261,000</u>
(15) LANDFILL	
General Health & Sanitation	\$ 2,631,800
Administration	614,200
Reserve	4,784,000
TOTAL	<u>\$ 8,030,000</u>
(23) OCC LICENSE TAX FUND	
General Government	\$ 196,700
Airports	12,000
Administration	38,300
Reserve	212,000
TOTAL	<u>\$ 459,000</u>
(74) OPIOID SETTLEMENT FUNDS	
Protection to Persons and Property	\$ 80,000
Administration	76,000
Reserve	194,000
TOTAL	<u>\$ 350,000</u>
(80) CO CLERK STORAGE FEES	
General Government	\$ 30,000
Reserve	130,000
TOTAL	<u>\$ 160,000</u>
(82) E911 CENTRAL DISPATCH	
Protection to Persons and Property	\$ 1,855,000
Administration	417,000
Reserve	354,500
TOTAL	<u>\$ 2,627,000</u>
(84) AMERICAN RESCUE PLAN FUNDS	
Roads	\$ 103,318
Capital	1,463,054
TOTAL	<u>\$ 1,566,372</u>

SECTION TWO. This Ordinance shall be published in the Kentucky Standard by title and summary within thirty (30) days following adoption.

SECTION THREE. This Ordinance becomes effective upon passage and publication.

(Signed)


Tyn Hutchins, County Judge Executive

NOTICE OF AVAILABILITY

All interested persons and organizations in Nelson County are hereby notified that a copy of the County's proposed budget is available for public inspection at the office of the County Judge/Executive, One Court Square, during normal business hours.

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List Of New Employee(s)

Employee:	Job Title:	Part Time/Full Time
Kenneth Boatman	Driver/Tipper	Full Time

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Nelson County Fiscal Court		
Wage Information		
Employee	Job Title	Salary 2025-2028
Salaried Staff		
Brad Spalding	County Engineer	156,560.00
Chris Martin	Assistant Road Supervisor	90,640.00
John Greenwell	Landfill Manager/Engineer	128,750.00
Brad Metcalf	Deputy County Judge/EMA Director	80,340.00
Rhonda Fenwick	County Treasurer	113,300.00
Catherine Beavers	Finance Officer	72,100.00
Carole Bryan	Human Resources, Payroll and Benefit Administrator	80,340.00
Paul Higgs	Electrical Inspector	77,250.00
Vanessa Linton	Inspections Office Manager	61,800.00
Gary Coulter	Deputy Coroner	6,558.43
Daniel Samuels	Deputy Coroner	6,558.43
Michael Reynolds	EMS Director	103,000.00
John Hendricks	EMS Deputy Director/EMA Deputy Director	97,850.00
Clifford Freeman	EMS Medical Director (Part Time)	14,910.28
Shawn Galther	Director, E911	83,112.81
Shanna Brussell	Assistant Director, E911	70,510.67
Hourly Employees		
General and Administrative		
Madison Wheatley	Receptionist	21.63
John Clements	Recreation Staff - part time	20.60
Addison Jones	Recreation Staff-Student Co-op	15.45
Austin McDill	Occupational Office Intern (Temporary)	15.00
Leo Walton	Administrative Office Intern (Temporary)	15.00
Teresa Blandford	Occupational License Administrator	30.90
Richie Torres	Maintenance- Justice Center	31.95
Code Enforcement		
James Woodrum	Nuisance Officer	25.75
Casey Pyle	Nuisance Officer	25.75
Animal Control		
Todd Bartley	Deputy Dog Warden	30.69
Brooke Coffell	Shelter Director 1	24.72
Sarah Jones	Shelter Director 2	22.66
Christy Girdley	Shelter Staff- part time	20.60
Talayah Litsey	Shelter Staff- part time	20.60
Jennifer Meffert	Shelter Staff- part time	20.60
Ashley Ramirez	Shelter Staff- part time	20.60
Law Enforcement/Patrol Deputies (does not include KLEPPF)		
Allison, Jason	New Haven Police Officer	31.88
Brandon Teater	Deputy Sheriff (Opioid Funds)	35.38
Josh Greenwell	Captain	37.58
Thomas R Blair	Deputy Sheriff	35.17
Manuel Cruz	Deputy Sheriff	31.88
Ryan Downs	Deputy Sheriff	31.88
Nathaniel Gillingham	Deputy Sheriff	31.88
Brandon Jewell	Deputy Sheriff	31.88
Ian Justice	Deputy Sheriff	33.59
Carmel Keith	Deputy Sheriff	31.88
Keegan Kirkpatrick	Deputy Sheriff	33.42
Jarred Perkins	Deputy Sheriff	31.88
William Purdom	Deputy Sheriff	33.49
Brandon J Purnell	Deputy Sheriff	31.88
Quire, Steven	Deputy Sheriff	31.88
Brian Voils	Deputy Sheriff	35.52
Walter Wetzel	Deputy Sheriff	33.69
Andrew Winans	Deputy Sheriff	31.88
* New Officers	Deputy Sheriff	31.88

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Nelson County Fiscal Court		
Wage Information		
Employee	Job Title	Salary 2025-2026
Jail		
Administrative Staff		
Jessica Raikes	Major	36.57
Daniel Clark	Captain - Training and Finance	31.86
Mary Nancy Smith	Captain - Operations	31.86
Michael Newkirk	Sergeant	28.77
Todd Stratton	Sergeant	28.77
Marcus Hill	Sergeant	28.77
William Todd Willett	Maintenance	31.95
Deputies, Full-Time		
Rick Cecil	Jail Deputy	25.68
Joseph E Clark	Jail Deputy	25.68
Tina Dobbs	Jail Deputy	25.68
Victoria Hughley	Jail Deputy	25.68
Tammy Humm	Jail Deputy	25.68
Roger Ingram	Jail Deputy	25.68
Mary Jo Mattingly	Jail Deputy	25.68
Zechariah D Perham	Jail Deputy	25.68
Melissa Stratton	Jail Deputy	25.68
Cerie Weaver	Jail Deputy	25.68
Full Time Employee	Jail Deputy	25.68
Full Time Employee	Jail Deputy/Facilitator	26.21
Deputies, Part-Time		
Michelle Boone	Jail Deputy /Facilitator	21.31
Christopher Gibson	Jail Deputy /Facilitator	21.31
Pamela Kimball	Jail Deputy /Facilitator	21.31
Part Time Employee	Jail Deputy /Facilitator	21.31
John Snellen	Sergeant - Part Time Seasonal	21.81
Edward Calbert	Jail Deputy - Part Time Seasonal	20.78
Billy Mattingly	Jail Deputy - Part Time Seasonal	20.78
Amelia Cail	Jail Deputy	20.78
Tyler Carver	Jail Deputy	20.78
Robert Cote	Jail Deputy	20.78
Hannah Duggar	Jail Deputy	20.78
Elijah Filatreau	Jail Deputy	20.78
Corbin Hack	Jail Deputy	20.78
David Hennessee	Jail Deputy	20.78
Dahannah F Hillard	Jail Deputy	20.78
Jenny Hooks	Jail Deputy	20.78
Michael Humm	Jail Deputy	20.78
Montgomery, Shannon	Jail Deputy	20.78
Madison Parker	Jail Deputy	20.78
Scott Peterson	Jail Deputy	20.78
Ethan T Smith	Jail Deputy	20.78
Evan B Smith	Jail Deputy	20.78
David Larry Wimsatt	Jail Deputy	20.78
Darlene Wimsatt	Jail Deputy	20.78
Part Time Employee	Jail Deputy	20.78

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Nelson County Fiscal Court		
Wage Information		
Employee	Job Title	Salary 2025-2026
EMS/Ambulance		
Full-Time Employees		
Bailey, Brian Thomas	EMT	23.37
Beavers, Jayden P	EMT	21.63
Bohn, Brett G	EMT	21.63
Carpenter, Jackson	EMT	21.63
Collins, Donald S	EMT	23.38
Hornback, Nathaniel	EMT	23.94
Hughes, Thecla N.	EMT	21.63
Johnson, Marlene	EMT	23.95
McGraw, David L	EMT	23.28
Schweickart, Timo	EMT	23.38
Skaggs, John Taylor	EMT	21.63
Skaggs, Katelyn	EMT	21.63
Smith, Joseph T	EMT	23.55
Tipton, Charlie	EMT	21.63
Gray, Chase A.	Advanced EMT	25.37
Gray, Danielle N.	Advanced EMT	23.69
Walker-Millard, Lauren	Advanced EMT	28.03
Carico, Dale	Paramedic	28.33
Collins, Stephanie	Paramedic	26.74
Couture, Olivia	Paramedic	27.30
Keith, Jamie	Paramedic	29.36
Spalding, Alysia	Paramedic	31.23
Bohachevsky, Mark	Critical Care Paramedic	29.38
Cissell, Brandon	Critical Care Paramedic	31.61
Claytor, Christopher	Critical Care Paramedic	28.23
Rakes Jr, Nicholas	Critical Care Paramedic	31.98
Yates, Auburn	Critical Care Paramedic	29.03
Cothem, Chase	Critical Care Paramedic/Shift Supervisor	32.78
Dones, Nathan	Critical Care Paramedic/Shift Supervisor	33.12
Patten, Brendon	Critical Care Paramedic/Deputy Director	32.15
Melissa Lanham	Office Manager	33.02
Part-Time Employees		
Davis, Chesky	EMT	21.12
Decker, Benjamin	EMT	20.60
Goss, Jared M.	EMT	23.37
Harmon, Keasha	EMT	23.95
Lanham, Corey	EMT	22.00
McCubbin, Aaron	EMT	20.60
Pearl, Jonah	EMT	20.60
Pfanz, Travis	EMT	21.12
Pittman, Andrew	EMT	20.60
Roy, Nathaniel E.	EMT	21.12
Spalding, Cameron	EMT	23.18
Whicker, Kaden	EMT	20.60
Whitlow, Cassie F	EMT	23.51
Barton, Samantha	Advanced EMT	22.66
Bright, Brittany	Advanced EMT	22.66
Curry, Auburn	Paramedic	24.72
Soler, Luis	Paramedic	24.72
Mattingly, Jonathan G	Critical Care Paramedic	30.00
Veech, Tyler	Critical Care Paramedic	28.23

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Nelson County Fiscal Court		
Wage Information		
Employee	Job Title	Salary 2025-2026
Road Department		
Steve Jones	Road Mechanic	34.42
Paul Donahue	Road Crew Supervisor	31.95
Terry Yaste	Road Crew Supervisor	31.95
John C Bartley	Road Laborer	27.67
Logan Bartley	Road Laborer	27.67
* Andrew Beam	Road Laborer	26.64
Kenneth Evans	Road Laborer	27.67
Ronnie Fulkerson	Road Laborer	27.67
* Seth Greenwell	Road Laborer	26.64
Donnie Hillard	Road Laborer	27.67
* Chadlee Hunt	Road Laborer	26.64
Scotty Reed	Road Laborer	27.67
Trent, Daniel	Road Laborer	27.67
* New Employees	Road Laborer	27.67
Keith Willett	Road Laborer/Maintenance	35.04
Solid Waste and Landfill		
Joe Franke	Office Administrator	32.83
Tommy Berry	Solid Waste Supervisor	34.42
Robert Clark	Roll Off Driver	28.25
Brandon Lampton	Roll Off Driver	28.25
Ronald Lewis	Roll Off Driver	28.25
Thomas Metcalf	Tipper	28.25
Jonathan Curtsinger	Landfill Foreman	34.42
Tommy Spragg	Landfill Operator	28.25
Tommy Crask	Mechanic	34.42
Layne Berry	Mechanic	30.17
Timothy R. Auxder	Tipper	27.22
* Kenneth Boatman	Tipper	26.19
Joshua Bryan	Tipper	27.22
Eric Culver	Tipper	27.22
* Dakota Curtsinger	Tipper	26.19
Joey DeWitt	Tipper	27.22
Jonathan Greenwell	Tipper	27.22
Timothy Hackel	Tipper	27.22
Derek Hall	Tipper	27.22
Bradley Hillard	Tipper	27.22
Skyler McCune	Tipper	27.22
Richard Nalley	Tipper	27.22
Desmond Pulliam	Tipper	27.22
* Grant Woehler	Tipper	26.19
* New Employees	Tipper	27.22
Bradley Franke	Laborer - full time	24.39

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Nelson County Fiscal Court		
Wage Information		
Employee	Job Title	Salary 2025-2026
E911 Central Dispatch		
Full Time		
Kim Ball	Dispatcher	27.65
Carissa Bilings	Dispatcher	21.63
Amanda Brock	Dispatcher	21.63
Emily Paige Carter	Dispatcher	20.60
Jon Chaudoin	Dispatcher	23.88
Chantelle French	Dispatcher	21.63
Sarah Gowen	Dispatcher	22.15
Melissa Hood	Dispatcher	21.63
Marsha Keaton	Dispatcher	22.81
Hali Krebs	Dispatcher	21.63
Caitlin Masterson	Dispatcher	22.62
Breanna O'Keefe	Dispatcher	21.63
Dylan Walter	Dispatcher	21.63
* Other Full Time Employees	Dispatcher	21.63
Part Time		
Amanda Decker	Dispatcher	20.60
Jessica Wells	Dispatcher	20.60
* Other Part Time Employees	Dispatcher	20.60
* Full rate effective upon completion of probation period and/or technical requirements		

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NELSON COUNTY GOVERNMENT

May 2025
Updates

Nelson County – Kentucky
Tim Hutchins – County Judge Executive
PO Box 578 – One Court Square, 2nd Floor
Bardstown, KY 40004
502-348-1800
judge@nelsoncountyky.gov



Magistrate District #1: Keith Metcalfe
Magistrate District #2: Adam Wheatley
Magistrate District #3: MT Harned
Magistrate District #4: Jeff Lear
Magistrate District #5: Jon Snow

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Code Enforcement Report

BUILDING	14	\$2,050.00
ELECTRICAL	53	\$4,837.00
ENCROACHMENT	2	\$2,000.00
TOTALS	69	\$8,887.00

HR, Payroll, Benefits Report

- New Hires- In the current fiscal period, Nelson County welcomed eleven (11) new employees in various departments. Onboarding procedures have been completed, and the new hire(s) are fully integrated into their respective teams.
- Payroll- Continues to be processed on a bi-weekly schedule, with no changes to the system.
- Communicating with employees about the Wellness Incentive Program, which promotes healthy habits and overall well-being among our full-time staff.

Recreation Report

- Baseball is finishing up this week. Allstars begins June 28th in Grayson County.
 - Parking lot directional arrow marked along with ADA parking spots.
- Cleared the tree line around the retention basin behind the football concession stand.
- Locks changed out on the concessions so that 1-key will work to control the locks.

Coroner Report

Total Coroner Calls	11
▪ Natural	11 (7 Hospital, 4 Home Visits)
Cremation Signatures	5

- We've held our initial planning meeting for the "Meet the Neighbors" initiative and are aiming to schedule the first neighborhood meeting for late June or July, pending availability of the civic center

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Occupational License/Garbage

- Receipts: \$342981.26
- Entered all mail into the Eagle Tax Program, reconciled checks with daily reports, and filed paperwork.
- Assisted clients via phone, email, or in person with questions on delinquent reports, new accounts, and other inquiries.
- Entered data for new customers and sent letters/emails with filing requirements, due dates, account info, and net profits/employee withholding details.
- Sought new clients for Occupational License through word of mouth, ads, the Nelson County Chamber of Commerce, and contractor code reports.
- Processed 44 refunds as needed:
 - Individuals who were employed by more than one employer, or their employer withheld above the maximum amount of \$75.00.
 - Companies that filed an extension request for net profits with a payment and then filed the net profit report with a lower or zero amount due
- Communicated daily with customers regarding bill payments, service changes, and complaints, and coordinated with landfill for customer inquiries.
- Communicated with Salt River Electric daily via email regarding service changes, payments, and customer inquiries.
- Updated a shared Google spreadsheet with the Nelson County Attorney's Office for delinquent accounts (\$500+), tracking payments, summons status, and account changes

Finance Report

- Accounts Receivable- Process accounts receivable transactions, ensuring accuracy and timely recording of payments
- Landfill Rolloff Dumpster Billing- Record and send invoices to customers
- Prepare Departmental Monthly Reports- Compile departmental data to create comprehensive reports for public viewing
- Safety Committee- Manage safety topics, review/assign training, and organize safety meetings
- Social Media Management- Oversee the creation and scheduling of social media content to engage with the community and promote activities and community awareness
- Garbage Payment Collection & Billing Verification- Comparing electric use data to identify households being billed for garbage services and determining which households are not being billed. Sending letters to customers and answering phone calls from the public regarding letters received.
- Partnered with Misty Roller and the Green Dot Program to support community event activities- Leading 'Battle of the Schools' Community Event
- April Flood Disaster- Emergency Management, & Floodplain Permit tasks

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County Clerk Report

Summary of New Kentucky Laws Effective June 2025 – County Clerk's Office

- **SB 63 – Street-Legal Special Purpose Vehicles**
Effective June 27, 2025, Senate Bill 63 allows cities and counties in Kentucky to authorize the use of certain special purpose vehicles—such as ATVs, UTVs, and mini-trucks, on public roadways through local ordinances. These vehicles must meet safety and registration requirements. Local governments can impose additional rules. Vehicles used primarily for agricultural purposes are exempt.
- **SB 136 – Electronic Titling and Registration System**
Senate Bill 136 permits the Kentucky Transportation Cabinet to fully implement electronic vehicle titling and lien recording through the AVIS system. This removes the need for physical paper titles and allows for streamlined processing of title transfers and liens. County clerks will manage electronic records, including temporary tag logs.
- **HB 157 – Special License Plate: Friends of Kentucky Agriculture**
House Bill 157 creates a new "Friends of Kentucky Agriculture" specialty license plate. Proceeds from the plate's initial purchase and renewal fees will support the Agricultural Program Trust Fund, promoting agricultural education and outreach in the state.
- **HB 390 – Insurance Verification and Registration Compliance**
House Bill 390 requires insurance companies to electronically report motor vehicle insurance coverage to the Kentucky Transportation Cabinet. A new system will allow for real-time verification of coverage. Registrations may be revoked for uninsured vehicles. The bill aims to improve the enforcement of insurance laws.
- **HB 783 – Regulation of Temporary Vehicle Tags**
House Bill 783 standardizes the issuance and tracking of temporary vehicle tags by licensed motor vehicle dealers. It mandates electronic recordkeeping and imposes penalties for misuse, fraudulent reproduction, or theft of temporary tags. Violations may lead to penalties for dealers and their agents.

County Attorney Report

- Prosecuted 822 cases in District Court
- Processed & Reviewed 29 Citizen Complaints for charges
- Processed & Reviewed 7 Open Records requests
- Assisted numerous people in filing for Casey's law treatment, Guardianship Petitions, and Mental Inquest Warrants
- Prosecuted cases of dependent, neglected, and abused children
- Assisted citizens with the preparation of guardianship cases
- Continued to represent the Division of Child Support in Collection establishment and enforcement. Our workers work very hard to collect outstanding child support
- Represented County Government, including lawsuits, giving advice to the Sheriff, the Coroner, the Clerk, the Road Department, the Landfill, Code Enforcement, and the Judge Executive's office

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Circuit Clerk Report

I certify that this is a true and correct report of cash receipts, disbursements, balances, cases filed, and e-filings, for the month of May, 2025.

Diane Thompson

DIANE THOMPSON, Nelson Circuit Court Clerk

DESCRIPTION	PERIODICALLY PAID	CASH RECEIPTS	CASE FILED & E-FILED	FEE	BALANCE
1 DRIVER LICENSE		0.00			
2 CHARGES FOR SERVICES		6,121.10			
3 FEE FOR WHEAT FEES		100.00			
4 FEE FOR EXAMINER FEE		0.00			
5 REGISTRATION FEE		424.88			
6 COURT FILING FEE		2,537.50			
7 FILING FEE		0.00			
8 COURT FILING FEE		280.00			
9 COURT FILING FEE		150.00			
10 COURT FILING FEE		0.00			
11 COURT FILING FEE		0.00			
12 COURT FILING FEE		0.00			
13 COURT FILING FEE		21,010.00			
14 COURT FILING FEE		0.00			
15 COURT FILING FEE		500.00			
16 COURT FILING FEE		21,060.00			
17 COURT FILING FEE		0.00			
18 COURT FILING FEE		0.00			
19 COURT FILING FEE		0.00			
20 COURT FILING FEE		0.00			
21 COURT FILING FEE		431.00			
22 COURT FILING FEE		2,435.16			
23 COURT FILING FEE		5,737.50			
24 COURT FILING FEE		19,015.00			
25 COURT FILING FEE		2,710.00			
26 COURT FILING FEE		3,123.50			
27 COURT FILING FEE		47.40			
28 COURT FILING FEE		1.19			
29 TOTAL STATE MONIES	89,140.00	99,372.43	89,304.90	3.00	91,372.43
30 COURT FILING FEE	12,935.00	25.00	62.00	3.00	12,931.50
31 COURT FILING FEE	100.00	0.00	0.00	3.00	100.00
32 COURT FILING FEE	547,921.43	28,499.00	74,524.00	3.00	445,924.43
33 COURT FILING FEE	0.00	0.00	3.00	3.00	0.00
34 COURT FILING FEE	29,141.00	11,177.70	21,663.00	0.10	30,981.70
35 COURT FILING FEE	267,240.00	0.00	0.00	3.00	267,240.00
36 COURT FILING FEE	207,842.00	29,401.30	24,301.70	2.00	207,442.00
37 COURT FILING FEE	248.00	248.00	248.00	0.00	248.00
38 TOTAL SAVINGS BALANCE	1,147,759.19	61,461.50	200,155.71	0.00	1,106,645.32
39 FISCAL YEAR END	0.00	0.00	0.00	0.00	0.00
40 TOTAL ALL FUNDS	1,147,759.19	61,461.50	200,155.71	0.00	1,106,645.32

FISCAL COURT ORDERS

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Nelson County Circuit & District Court New Case Filings for May 2025

Year	Case Group	Case Category	May	Total	
2025*	Circuit Court	Contract	20	15	
		Domestic Violence	-	4	
		Other Circuit Court	-	1	
		Total	40	40	
	District Court	Other	24	21	
		Adoption/ Termination	-	4	
		Domestic Violence	20	11	
		Domestic Violence	45	15	
		Domestic Violence - Subsequent	1	3	
		Domestic Violence - Subsequent	2	3	
		Domestic Violence - Subsequent	2	2	
	District Court	Total	89	40	
		Adoption/Termination	6	4	
		Domestic Violence	2	2	
		Domestic Violence	4	4	
		Domestic Violence	1	1	
		Domestic Violence	1	1	
		Total	40	40	
		District Court	Domestic Violence	40	2
			Domestic Violence	40	40
			Domestic Violence	11	11
	Domestic Violence		3	3	
	Domestic Violence - Subsequent		80	26	
Total	155		135		
Total	22		22		
District Court	Domestic Violence	60	60		
	Total	160	160		
	Total	272	272		
	Total	1	1		
District Court	Domestic Violence - Subsequent	1	1-1		
	Total	122	122		
Total	Total	448	680		

Nelson County Circuit & District Court eFilings for May 2025

eFiling Summary Report - Overview - NELSON County

From 5/3/2025 12:00:00 AM To 6/2/2025 12:00:00 AM

Submits By Type

New eFilings	New eCitations	Subsequent eFilings	Judge Orders	Alias Summons	Return of Service
235	452	1828	542	36	183

Payments

Payment Type	Num of Payments	Total Cost	Avg Cost Per Filing
Credit Card Payment	205	\$33,970.12	\$165.71
In Name of Commonwealth	13	\$2,299.00	\$176.85
Total	218	\$36,269.12	\$166.36

Attachments & Service

Total Filed	Total Pages	Avg Pages per Filing	Num of Service
473	4337	4	200

eFilers

Total Number of eFilers	Individual Number of eFilers	Avg Num of eFilings per Individual
1930	274	7

FISCAL COURT ORDERS

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Sheriff's Department Report

General Detective Year to Date Stats

CC/Citation	Indictments	Resolved?	Unresolved	Total Cases
9	29	67	4	104

Narcotic Detectives Year to Date Stats

CC/Citation	Indictments	Search Warrant	Total Cases	Arrest
4	6	4	8	6

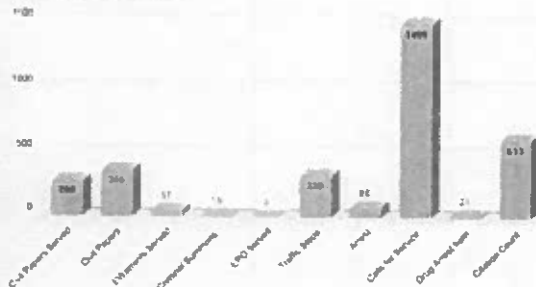
Death Investigations: 4

Evidence Room Stats:
 Evidence entered: 116
 Destruction: 289
 Released property: 5
 Expungements: 14
 Evidence out to lab: 28
 Evidence in from lab: 48
 Orders waiting on CA: 52

Open Records: 22

Injury Collisions: 15
Fatal: 0
Non-Injury Collisions: 51
Vehicle Inspections: 234
Transports: 63
Extraditions: 1

May 2025 Monthly Stats



FISCAL COURT ORDERS

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Jailer's Report

Population Analysis By Classification And Sex
05/31/2025 to 05/31/2025

Classification Summary

Date	Total	AS	CC-1	CD-1	CD-2	CD-3	CI	CIRCUIT COURT	COUNTY DISTRICT	COURT BY HOLD	HIP	PAROLE VIOLATION	SENTENCED-CIRCUIT	SENTENCED-DISTRICT	SPENCER COUNTY	Washington	WASHINGTON COUNTY	WEEKEND	WORK RELEASE	Grand Total	
5/31/2025	9	4	0	4	1	0	0	18	51	16	5	1	1	2	3	5	1	2	2	1	136

Note: Report Purposes to include inmates that are on "EAP" status receiving and to count in other statistics only to give a better picture of population

Classification Specific Breakdown

Classification	Date	Total	Female	Male	Total	Notes
AS	5/31/2025	4	3	1	4	2025 Inmate over Release Sentence 1.8M Release 1.8M
CC-1	5/31/2025	0	0	0	0	2025 Inmate over Release Sentence 1.8M Release 1.8M
CD-1	5/31/2025	4	4	0	4	2025 Inmate over Release and Release Sentence 1.8M Release 1.8M
CD-2	5/31/2025	1	1	0	1	2025 Inmate over Release and Release Sentence 1.8M Release 1.8M
CD-3	5/31/2025	0	0	0	0	2025 Inmate over Release and Release Sentence 1.8M Release 1.8M
CI	5/31/2025	18	3	15	18	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
CIRCUIT COURT	5/31/2025	16	0	16	16	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
COUNTY-DISTRICT	5/31/2025	16	4	12	16	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
COURTESY-HOLD	5/31/2025	5	5	0	5	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
HIP	5/31/2025	1	1	0	1	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
PAROLE VIOLATION	5/31/2025	1	1	0	1	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
SENTENCED-CIRCUIT	5/31/2025	2	2	0	2	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
SENTENCED-DISTRICT	5/31/2025	3	3	0	3	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
SPENCER COUNTY	5/31/2025	5	3	2	5	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
Washington	5/31/2025	1	1	0	1	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
WASHINGTON COUNTY	5/31/2025	2	2	0	2	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
WEEKEND	5/31/2025	2	2	0	2	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
WORK RELEASE	5/31/2025	1	1	0	1	State 20 County 8 Washington County 7 Spencer County 1 Washer 2
Grand Total			24	112	136	



Fiscal Court Report
May 2025

Note:
Vintage Facility Charges 13
Sex Offender Charges and to Charges Against Children 10

Note:
1001 Full Staffed

Analysis: History needed procedure before acceptance 1001, total

2024

Charge 1821

Charge 1821

Charge 1821

Charge 1821

Charge 1821

Charge 1821

Notes from State to the County Administrator "currently open"

11 Note:

Nelson County, Correction Center 2nd

Judge Executive Office 18

Nelson County Court

Nelson County, Probation Office 24

Nelson County, Counselor 1

Nelson County, Planning and Zoning 1

Nelson County, Road Department 1

Nelson County, Animal Control 6

Total count 137 | Services @ 1000 to = 1.36 480

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FISCAL COURT ORDERS

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EMS Report

Areas	Monthly Billed Runs	Monthly No Transport / Pending	Monthly Total Calls	Year-To-Date Total Calls	Monthly Charges	Year-To-Date Charges (Fiscal Year)	Average Charge per Run for Month	Average Charge per Run Year-to-Date (Fiscal Year)
TOTAL	445	196	641	7348	\$ 740,968.88	\$ 8,590,357.50	\$ 1,155.99	\$ 1,169.07
Average Per Day	14.4	6.3	20.7	21.8	\$ 23,902.87	\$ 23,643.86		
Gross Income (YTD)						\$ 3,004,681.00		2024 = 3,057,648.00
Collection Per Run (YTD)						\$ 408.91		2024 = 394.99
Cost Per Run (YTD)						\$ 679.58		2024 = 673.79
Difference (YTD)						\$ (170.67)		2024 = (178.79)
Total Fees Collected for Month						\$ 201,991.06		
Average Loaded Mileage Per Run				20.12				
Returns To Station 1 / Browns Lane / Culvertown				50				
Overdose Chief Complaint per CAD (Dispatch)				6				
EMS Documented Poisoning / Drug Injection				5				
Emergency Scene Responses				432				
Emergency Inter-Facility Transfers from Flaget				11				
Non-Emergent Scene Responses				21				
Non-Emergent Inter-Facility Transfers from Flaget				127				
Average Total Call Time				1:07:20				
Average Call Received to On Scene				11:01				
Previous Year 2024			678	7761	\$ 610,022.85	\$ 8,903,863.05		
Difference From Current Year			(233)	(913)	\$ (89,053.97)	\$ (113,628.35)		
Previous Year 2023			675	7378	\$ 641,625.03	\$ 6,701,247.38		
Difference From Current Year			(34)	(27)	\$ 99,363.85	\$ 1,888,110.12		
Previous Year 2022			782	8022	\$ 616,097.70	\$ 6,113,740.34		
Difference From Current Year			(111)	426	\$ 124,891.18	\$ 2,478,617.18		
Previous Year 2021			652	6837	\$ 555,655.28	\$ 5,886,310.62		
Difference From Current Year			(11)	711	\$ 185,133.60	\$ 3,008,146.88		
Previous Year 2020			589	6414	\$ 423,297.05	\$ 5,316,867.39		
Difference From Current Year			52	634	\$ 317,691.83	\$ 3,273,570.11		
LIFT ASSIST	15			0	0	Same Month Last Year	0	

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Planning & Zoning Report

Zoning Compliance Permits	
Accessory Structure	21
Accessory Use Structure Addition	2
Accessory Dwelling	0
Change of Use	8
Commercial Alterations	1
Commercial Structure	2
Commercial Structure Demo	0
Industrial Structure	0
Manufactured Home (Single & Double)	0
Multi-Family Residential	0
Renovation	0
Single Family Demolition	1
Single Family Residential	13
Single Family Accessory Dwelling (ADU)	2
Single Family Addition	2
Single Family Alterations	3
Single Family Townhouse	0
Total	55

Dispatch Report

2025 Calls for Service (CFS) YTD	21,741	+ 1,090
2025 Monthly May Calls for Service	4,152	+ 82
Emergent	1,342	- 135
Non Emergent	4,745	+ 714
Total Monthly Calls	6,087	+ 579
Call answer time	00:00:04	

2024 Calls for Service	47,137
2024 Calls for Service (CFS) YTD	20,651
2024 Monthly May Calls for Service	4,070
Emergent	1,477
Non Emergent	4,031
Total Monthly Calls	5,508
Call answer time	00:00:04

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Landfill Report

- July 4th Holiday Schedule:
 - Landfill & Solid Waste will be closed Friday, July 4th
 - Friday's garbage will be picked up on Saturday, July 5th
- Updated garbage rates will go into effect on July 1st
- Updated landfill rates will go into effect on August 1st

Engineering Report

- Waterlines
 - a. Hurricane Hills / Masden Road Waterline Project
 - i. James Lane Waterline Complete
 - ii. Hurricane Hills South Road (Phase 2) Mainline Complete
 - iii. Starting down Masden Road (Phase 1)
 - iv. Hurricane Hills North (Phase 3) to start after Masden Road Line
 - b. Thornsberry Lane
 - i. Equipment on site, to start Monday, June 16th
 - c. Robert Taylor Lane
 - i. Equipment on site, to start Monday, June 16th
 - d. Bennetts Lane to start after Thornsberry / Robert Taylor Lane
- Internet
 - a. Strand u, overhead lashing approximately 50% complete for Fiber on N. Stillwell, S. Stillwell, and Vittitow Ford
- Old Courthouse
 - a. Start date of July 1, 2025
 - b. Temporary cooling has been installed within the building
- Licensing and Commonwealth Attorney Space
 - a. Project is 99% complete
 - b. Estimated opening early- mid July
- The County Clerk's Office, Sheriff's Building, and Jail flat roofs need to bid out. Have begun initial research on roof replacement types.
- Nelson County Industrial Park -- Parkway Drive.
 - a. Roadway subgrade completed
 - b. Sinkhole repair completed.
 - c. Water & Sewer line completed
 - d. Waiting on good weather to lay rock
- Boston Park pavilion has been completed.
- Materials & Asphalt bid opening on June 17, 2025

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Road Department Report

- Milling And Patching
 - a. Finished milling and patching at the Senior/Licensing/Commonwealth building.
 - b. Seal coated the front parking area of the Senior/Licensing/Commonwealth Attorney facility.
 - c. Milled and patched a section of North Stillwell Rd.
 - d. Patched a section of Simpson Creek Rd.
 - e. Digging out and paving back several bad sections on Bowling Pike.
- Culverts and Pipes
 - a. Replaced two driveway culverts on Petersburg Rd.
 - b. Replace a 36" cross drain culvert on Shady Ln.
 - c. Jet Rodded Sewer Line at the Justice Center.
 - d. Installed a driveway pipe on Tom Greer Rd.
- Shoulder Work
 - a. Bartley Ln.
 - b. Shady Ln.
 - c. Petersburg Rd.
- Trees
 - a. Trimmed and cut several dead trees on Wheeler Wright.
 - b. Trimmed and cut several trees on Shady Ln.
 - c. Trimmed and cut several trees on Mill Creek Ln.
 - d. Trimmed back trees on Andrea Ct.
 - e. Trimmed trees back on Glenview Dr.
- Had calls from dispatch for down trees on the following roads on June 7th weekend.
 - a. Old Boston Rd.
 - b. Harrison Fork
 - c. Coon Hollow Rd.
- Hauled several loads of topsoil from the City of Bardstown to the old quarry to stockpile.
- Finished the Boston pavilion project for topsoil and seeding/strawing.
- Mowing crew is in district 2 and will have completed two full rounds today.

FISCAL COURT ORDERS

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Treasurer Report

Nelson County Fiscal Court
Treasurer Report - All Funds Combined
July 2024 through May 2025

	Jul '24 - May 25	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4100 - Taxes	11,945,857.22	12,529,000.00	(583,142.78)	95.3%
4500 - Excess Fees	612,558.60	534,000.00	78,558.60	114.9%
4600 - Licenses & Permits	419,733.52	671,800.00	(251,766.48)	62.5%
4500 - Intergovernmental Revenues	5,500,505.88	8,220,900.00	(2,720,394.12)	66.9%
4600 - Charges for Services	13,789,453.77	11,702,500.00	2,086,953.77	117.8%
4700 - Miscellaneous Revenues	1,062,115.55	807,200.00	254,915.55	135.3%
4801 - Interest	3,235.46	2,500.00	735.46	125.4%
4802 - Interest - Investments	36,512.69	32,800.00	3,712.69	115.9%
Total Income	32,299,412.74	32,479,400.00	(179,987.26)	99.8%
Gross Profit	32,299,412.74	32,479,400.00	(179,987.26)	99.8%
Expense				
5000 - General Government	3,016,320.41	2,917,100.00	99,220.41	103.4%
5100 - Public Protection	9,737,527.27	9,751,800.00	(14,272.73)	99.8%
5200 - General Health & Sanitation	6,714,829.74	7,097,300.00	(382,470.26)	94.6%
5300 - Social Services	60,316.34	75,100.00	(14,783.66)	78.9%
5400 - Recreation & Culture	333,215.45	1,231,300.00	(898,084.55)	27.1%
5100 - Roads	3,006,282.65	4,180,450.00	(1,174,167.35)	71.9%
5200 - Airports		22,000.00	(22,000.00)	
5300 - Transportation Services	223,820.40	236,000.00	(12,179.60)	93.6%
5800 - Capital Projects	2,768,931.95	4,227,185.35	(1,458,253.40)	65.5%
9000 - Administrative Expenses	6,327,421.18	7,524,000.00	(1,196,578.82)	84.3%
9200 - Transfers to Reserves		7,559,100.00	(7,559,100.00)	
Total Expense	31,894,415.46	45,427,505.35	(13,533,089.89)	69.9%
Net Ordinary Income	(1,286,002.72)	(12,948,105.35)	11,662,102.63	90.9%
Other Income/Expense				
Other Income				
4901 - Budgeted Carryover Fund Balance	9,903,543.35	8,480,900.00	1,422,643.35	105.2%
4901a - Budgeted Carryover Investment	4,651,422.74	4,468,000.00	183,422.74	104.1%
4909 - Transfers Out	(3,882,877.10)	(4,543,000.00)	660,122.90	78.6%
4910 - Transfers In	3,882,877.12	4,543,000.00	(660,122.88)	78.6%
Total Other Income	13,554,966.11	12,928,900.00	626,066.11	104.8%
Net Other Income	13,554,966.11	12,928,900.00	626,066.11	104.8%
Net Income	12,268,963.39	12,289,800.00	(120,836.61)	100.0%