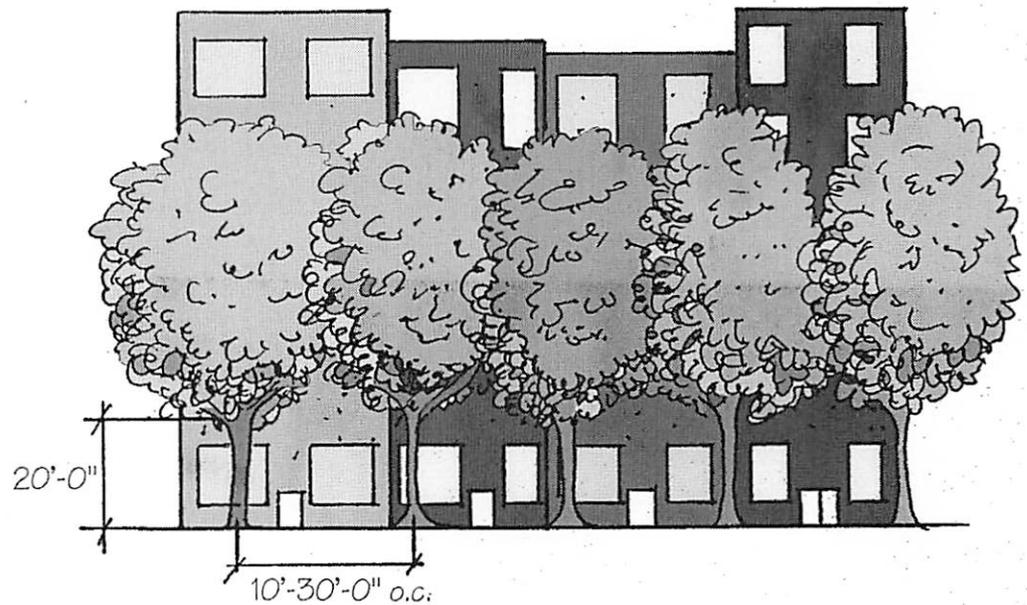


DANVILLE-BOYLE COUNTY PLANNING AND ZONING COMMISSION

# ZONING

# ORDINANCE FOR

BOYLE COUNTY AND  
THE CITIES OF DANVILLE,  
PERRYVILLE, AND JUNCTION CITY



**DANVILLE**

**ADOPTED OCTOBER 18, 2004**

# Table of Contents

<b>ARTICLE 1: GENERAL PROVISIONS</b>	<b>1</b>
1.1 Enacting Clause	1
1.2 Title	1
1.3 Interpretation	1
1.4 Severability	1
1.5 Repeal of Conflicting Ordinances	1
<b>ARTICLE 2: DEFINITIONS AND RELATIONSHIP TO COMPREHENSIVE PLAN</b>	<b>2</b>
2.1 General	2
2.2 Definitions	2
2.3 Relationship to Comprehensive Plan	23
<b>ARTICLE 3: ADMINISTRATION, ENFORCEMENT AND VARIANCES</b>	<b>24</b>
3.1 Administrative Official	24
3.2 Application of Regulations	24
3.3 Planning Commission	25
3.4 Zoning Permits Required	26
3.4.1 APPLICATION FOR ZONING PERMIT	26
3.4.2 ISSUANCE	26
3.4.3 ZONING PERMITS NON-TRANSFERABLE	27
3.5 Construction and Use to be as Provided in Applications, Plans, Permits, and Plats	27
3.6 Complaints Regarding Violations	27
3.7 Penalties for Violating	27
3.7.1 VIOLATIONS REGARDING LOTS OR PARCELS	27
3.7.2 VIOLATIONS REGARDING ZONING PERMITS	28
3.8 Schedule of Fees, Charges, and Expenses	29
3.9 Board of Adjustment	29
3.9.1 APPOINTMENT, PROCEEDINGS, FUNDING AND RECORD KEEPING	29
3.9.2 PROCEDURE FOR APPEALS TO THE BOARD OF ADJUSTMENT	30
3.9.3 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT	30
3.10 Appeals from the Board of Adjustment	33
3.11 Duties of Administrative Official, Board of Adjustment, Legislative Bodies, and Courts on Matters of Appeal	33
3.12 Limits of Authority	34
<b>ARTICLE 4: SITE PLAN REVIEW</b>	<b>35</b>
4.1 Intent and Purpose	35
4.2 Authorization of Planning Commission to Review Site Plans	35
4.3 Applicability of Review Requirements	35
4.4 Effect on Existing Uses	35
4.5 Site Plan Review - Procedures	36
4.6 Sketch Plan	36
4.7 Site Plan Application Requirements	36
4.8 Review Standards for Site Plans	37
4.9 Planning Commission Hearing	38

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

<b>4.10</b>	<b>Planning Commission Action</b>	<b>38</b>
4.10.1	APPROVAL	38
4.10.2	APPROVAL WITH MODIFICATIONS	38
4.10.3	DISAPPROVAL	39
<b>4.11</b>	<b>Modifications to Site Plan</b>	<b>39</b>
<b>4.12</b>	<b>Planned Unit Development (PUD) and Final Development Plan Amendments</b>	<b>39</b>
<b>ARTICLE 5: REGULATING DISTRICTS, ZONING MAP, PERMITTED AND</b>		
<b>CONDITIONAL USES</b>		<b>40</b>
<b>5.1</b>	<b>General Regulations</b>	<b>40</b>
5.1.1	ZONING DISTRICTS	40
5.1.2	OFFICIAL ZONING MAP	40
5.1.3	AMENDMENTS TO THE OFFICIAL ZONING MAP	41
5.1.4	RULES FOR INTERPRETING DISTRICT BOUNDARIES	41
5.1.5	APPLICATION OF DISTRICT REGULATIONS	41
5.1.6	PROHIBITED USES	42
5.1.8	TEMPORARY BUSINESS USE OF TRAILERS AND OTHER MODULAR FACILITIES	43
5.1.9	PUBLIC SAFETY STATIONS	43
5.1.10	ESTABLISHMENTS UTILIZING TEMPORARY OR MOBILE STRUCTURES	43
5.1.11	BUILDING SETBACK LINES ALONG HIGH PRESSURE GAS LINES	44
<b>5.2</b>	<b>Agricultural Districts (AR-1, A-C)</b>	<b>45</b>
5.2.1	AGRICULTURAL/RESIDENTIAL (AR-1)	45
5.2.2	AGRICULTURAL/COMMERCIAL (A-C) DISTRICT	49
<b>5.3</b>	<b>General Residential LargeLot /Small Lot/Civic (GR-A/GR-B/GR-C)</b>	
	<b>Districts</b>	<b>50</b>
5.3.1	INTENT	50
5.3.2	USES PERMITTED BY RIGHT	50
5.3.3	USES PERMITTED BY CONDITION	50
5.3.4	LOT PROVISIONS	50
5.3.5	LOT WIDTHS	51
5.3.6	SETBACKS	51
5.3.7	ENCROACHMENTS	52
5.3.8	BUILDING HEIGHT	53
5.3.9	ACCESSORY STRUCTURES	53
5.3.10	ACCESSORY USES	55
5.3.11	ARCHITECTURAL STANDARDS	56
5.3.12	MANUFACTURED HOMES	56
<b>5.4</b>	<b>Neighborhood Center Residential (NCR-A and NCR-B) Districts</b>	<b>58</b>
5.4.1	INTENT	58
5.4.2	USES PERMITTED BY RIGHT	58
5.4.3	USES PERMITTED BY CONDITION	58
5.4.4	LOT PROVISIONS & LOT WIDTHS	58
5.4.5	SETBACKS	59
5.4.6	ENCROACHMENTS	59
5.4.7	BUILDING HEIGHT	60
5.4.8	ACCESSORY STRUCTURES	60
5.4.9	ACCESSORY USES	62
5.4.10	ARCHITECTURAL STANDARDS	62
<b>5.5</b>	<b>Residential-Manufactured Housing (RMH) District</b>	<b>62</b>

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

<b>5.6</b>	<b>Neighborhood Center Commercial (NCC) District</b>	<b>63</b>
5.6.1	INTENT	63
5.6.2	USES PERMITTED BY RIGHT	63
5.6.3	USES PERMITTED BY CONDITION (CONDITIONAL USE PERMIT REQUIRED)	64
5.6.4	LOT PROVISIONS AND LOT WIDTH	64
5.6.5	SETBACKS AND ENCROACHMENTS	65
5.6.6	BUILDING HEIGHT AND USE	65
5.6.7	PARKING AND LOADING REQUIREMENTS	66
5.6.8	ARCHITECTURAL STANDARDS	66
5.6.9	LANDSCAPING	66
<b>5.7</b>	<b>Highway Commercial (HC) District</b>	<b>67</b>
5.7.1	INTENT	67
5.7.2	USES PERMITTED BY RIGHT	67
5.7.3	USES PERMITTED BY CONDITION	67
5.7.4	LOT PROVISIONS, SETBACKS, AND ENCROACHMENTS	68
5.7.5	BUILDING HEIGHT	68
5.7.6	PARKING AND LOADING REQUIREMENTS	69
5.7.7	LANDSCAPING	69
<b>5.8</b>	<b>Rural Commercial (RC) Districts</b>	<b>70</b>
5.8.1	INTENT	70
5.8.2	USES PERMITTED BY RIGHT	70
5.8.3	USES PERMITTED BY CONDITION	70
5.8.4	LOT PROVISIONS, SETBACKS, AND ENCROACHMENTS	71
5.8.5	BUILDING HEIGHT	71
5.8.6	PARKING AND LOADING REQUIREMENTS	72
5.8.7	LANDSCAPING	72
<b>5.9</b>	<b>Institutional Campus Development (ICD) District</b>	<b>73</b>
5.9.1	INTENT	73
5.9.2	USES PERMITTED BY RIGHT	73
5.9.3	USES PERMITTED WITH CONDITIONS	73
5.9.4	DEVELOPMENT PROVISIONS	74
5.9.5	ARCHITECTURAL STANDARDS	74
5.9.6	ADDITIONAL LANDSCAPING	75
<b>5.10</b>	<b>Industrial-Business Development (IBD) District</b>	<b>76</b>
5.10.1	INTENT	76
5.10.2	USES PERMITTED BY RIGHT	76
5.10.3	USES PERMITTED WITH CONDITIONS	76
5.10.4	DEVELOPMENT AND DESIGN PROVISIONS	76
5.10.5	USE PROVISIONS	78
5.10.6	PARKING AND LOADING REQUIREMENTS	78
5.10.7	LANDSCAPING	79
<b>5.11</b>	<b>Downtown (DT) District</b>	<b>80</b>
5.11.1	INTENT	80
5.11.2	USES PERMITTED BY RIGHT	80
5.11.3	USES PERMITTED BY CONDITION	80
5.11.4	LOT PROVISIONS AND LOT WIDTH	81
5.11.5	SETBACKS AND ENCROACHMENTS	81
5.11.6	BUILDING HEIGHT	81
5.11.7	PARKING AND LOADING REQUIREMENTS	82
5.11.8	ARCHITECTURAL STANDARDS	82

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

<b>5.12</b>	<b>Traditional Neighborhood (TND) District</b>	<b>83</b>
5.12.1	INTENT	83
5.12.2	DEVELOPMENT PROVISIONS	83
5.12.3	GENERAL DESIGN STANDARDS AND PROVISIONS	84
5.12.4	PARKS AND OPEN SPACE (POS) TND DESIGN STANDARDS AND PROVISIONS	87
5.12.5	CIVIC USE TND DESIGN STANDARDS AND PROVISIONS	89
5.12.6	SHOPFRONT TND DESIGN STANDARDS AND PROVISIONS	90
5.12.7	ATTACHED (MULTI-FAMILY) HOME TND DESIGN STANDARDS AND PROVISIONS	91
5.12.8	DETACHED (SINGLE FAMILY) HOME TND DESIGN STANDARDS AND PROVISIONS	92
5.12.9	BUSINESS TND DESIGN STANDARDS AND PROVISIONS	94
5.12.10	ARCHITECTURAL STANDARDS (ALL USES)	95
<b>ARTICLE 6:</b>	<b>NONCONFORMING SITUATIONS</b>	<b>96</b>
6.1	Continuation of Nonconforming Structures	96
6.2	Abandonment and Discontinuance of Nonconforming Situations	96
6.3	Nonconforming Lots of Record	96
6.4	Extensions or Enlargements to Nonconforming Situations	97
6.4.2	EXTENSION OF NONCONFORMING USES	97
6.4.3	ENLARGEMENT OR REPLACEMENT OF NONCONFORMING SINGLE FAMILY RESIDENTIAL STRUCTURES	97
6.4.4	GUIDELINES FOR BOARD OF ADJUSTMENT	98
6.5	Repair, Maintenance and Reconstruction	98
6.5.1	MINOR REPAIRS	98
6.6	Registration of Junkyards and Salvage Yards	98
<b>ARTICLE 7:</b>	<b>USES PERMITTED WITH CONDITIONS</b>	<b>99</b>
7.1	Purpose	99
7.2	Conditional Uses	99
7.2.1	BED & BREAKFAST FACILITY	99
7.2.2	CEMETERY	99
7.2.3	COUNTRY CLUB	100
7.2.4	HOME OCCUPATIONS	100
7.2.5	DUPLEX HOME	101
7.2.6	RECREATIONAL FACILITIES	101
7.2.7	ROOMING OR BOARDING HOUSES	101
7.2.8	ATTORNEYS/MEDICAL/REAL ESTATE AND SIMILAR OFFICES (NCR)	101
7.2.9	DAY CARE CENTERS	101
7.2.10	GROUP HOMES	102
7.2.11	MULTI-FAMILY DWELLINGS	102
7.2.12	GAS STATIONS/SERVICE STATIONS	102
7.2.13	NIGHTCLUBS AND BARS	103
7.2.14	PARKING DECKS (OR PARKING GARAGES)	103
7.2.15	COMMERCIAL USES EXCEEDING 30,000 SQ FT (NCC), HOTEL/CONVENTION FACILITIES, MULTIFAMILY DEVELOPMENT EXCEEDING 50 UNITS, OFFICE USES EXCEEDING 30,000 SQ FT	103
7.2.16	CIVIC USES EXCEEDING 3 ACRES IN NCC DISTRICTS OR EXCEEDING 2 ACRES IN DT DISTRICTS	103
7.2.17	MIXED USES EXCEEDING 35,000 SQ FT IN NCC DISTRICTS OR EXCEEDING 25,000 SQ FT IN DT DISTRICTS	104
7.2.18	ESSENTIAL SERVICES	104
7.2.19	COMMERCIAL USES EXCEEDING 50,000 SQ FT IN HC DISTRICTS OR EXCEEDING 20,000 SQ FT IN RC DISTRICTS	104
7.2.20	ADULT RETAIL	104

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

7.2.21	INDOOR STORAGE OF HAZARDOUS MATERIAL	104
7.2.22	DRIVE-IN THEATERS	104
7.2.23	OUTDOOR STORAGE OF HAZARDOUS MATERIAL	104
7.2.24	AUTOMOBILE REPAIR SHOPS (DT)	105
7.2.25	WELDING & MACHINE SHOPS (DT)	105
7.2.26	GENERAL COMMERCIAL USES EXCEEDING 20,000 SQ FT IN DT DISTRICTS; OFFICE USES EXCEEDING 20,000 SQ FT IN DT DISTRICTS	105
7.2.27	BANKS WITH DRIVE-IN WINDOWS (DT)	106
7.2.28	MANUFACTURED HOUSING OUTSIDE OF RMH DISTRICTS	106
7.2.29	SOLID WASTE LANDFILL	106
7.2.30	CONSTRUCTION/DEMOLITION DEBRIS LANDFILL (CDDL) AND/OR REGISTERED PERMIT BY RULE	107
7.2.31	JUNKYARDS AND SALVAGE YARDS	107
7.2.32	TRAVEL TRAILERS AND MOTOR VEHICLES FOR TEMPORARY RESIDENCE	107
<b>ARTICLE 8: PARKING REGULATIONS</b>		<b>108</b>
8.1	<b>General Design Standards</b>	<b>108</b>
8.2	<b>Parking Space Dimensions</b>	<b>108</b>
8.3	<b>Aisle Widths</b>	<b>109</b>
8.4	<b>Parking for Persons with Disabilities</b>	<b>110</b>
8.5	<b>Cooperative Parking</b>	<b>111</b>
8.6	<b>Parking Requirements</b>	<b>112</b>
8.7	<b>Parking Requirements in the DT District</b>	<b>114</b>
8.8	<b>Additional Parking Requirements</b>	<b>114</b>
8.8.1	NC-C DISTRICT	114
8.8.2	HC DISTRICT	115
8.8.3	RC DISTRICT	116
8.8.4	IBD DISTRICT	117
<b>ARTICLE 9: LANDSCAPING AND SCREENING</b>		<b>118</b>
9.1	<b>Intent</b>	<b>118</b>
9.2	<b>General Provisions</b>	<b>118</b>
9.3	<b>Use of Existing Landscape Features</b>	<b>118</b>
9.4	<b>Driver Visibility</b>	<b>119</b>
9.5	<b>Maintenance</b>	<b>119</b>
9.6	<b>Installation and Standards</b>	<b>119</b>
9.7	<b>Tree and Root Protection Standards during Development and Construction</b>	<b>120</b>
9.8	<b>Letter of Credit</b>	<b>121</b>
9.8.2	CERTIFICATION OF EXPENSES	122
9.8.3	RELEASE OF GUARANTEE SECURITY	122
9.9	<b>Procedures</b>	<b>122</b>
9.10	<b>Waiving Screening and Buffer Requirements</b>	<b>123</b>
9.11	<b>Landscaping Provisions</b>	<b>124</b>
9.11.1	GENERAL INSTALLATION REQUIREMENTS	124
9.11.2	PLANTINGS WITHIN STREET YARDS	124
9.11.3	PLANTINGS WITHIN PARKING LOTS	124
9.11.4	SCREENING FOR LOADING AND STORAGE	126
9.11.4.1	SCREENING FOR UTILITY AREAS	126
9.11.5	TRANSITIONAL YARD PLANTINGS	127
9.11.6	ADDITIONAL LANDSCAPING PROVISIONS FOR HC AND RC DISTRICTS	127
9.11.7	ADDITIONAL LANDSCAPING PROVISIONS FOR NC-C DISTRICTS	131
9.11.8	ADDITIONAL LANDSCAPING PROVISIONS FOR ICD DISTRICTS	131
9.11.9	ADDITIONAL LANDSCAPING PROVISIONS FOR IBD DISTRICTS	132
9.11.10	LANDSCAPING FOR UTILITY SUBSTATIONS AND SIMILAR STRUCTURES	132
9.12	<b>Approved Species List and Other Suitable Species</b>	<b>133</b>

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

<b>ARTICLE 10: WIRELESS COMMUNICATION FACILITIES</b>	<b>134</b>
10.1 Intent	134
10.2 Definitions	134
10.3 Cellular Antenna Towers for Cellular Telecommunications Services Or Personal Communications Services	134
10.4 General Provisions	135
10.5 Existing Telecommunications Facilities	138
10.6 Co-Location	138
10.7 Severability	139
10.8 Conflicts	139
<b>ARTICLE 11: MANUFACTURED HOUSING REGULATIONS</b>	<b>140</b>
11.1 Definitions	140
11.1.1 CLASS A MANUFACTURED HOME	140
11.1.2 CLASS B MANUFACTURED HOME	141
11.1.3 CLASS C MANUFACTURED HOME (MOBILE HOME)	141
11.1.4 CLASS D MANUFACTURED HOME	141
11.1.5 MANUFACTURED HOUSING PARK	141
11.2 Regulations and Standards for RMH District	142
11.2.1 INTENT	142
11.2.2 APPLICATION	142
11.2.3 MINIMUM DESIGN STANDARDS	143
11.2.4 ISSUANCE OF ZONING PERMIT	147
11.2.5 ISSUANCE OF CERTIFICATE OF OCCUPANCY	147
11.2.6 OCCUPANCY LIMITATIONS	147
11.2.7 ENFORCEMENT	147
11.3 Regulations and Standards for Manufactured Housing Outside of RMH Districts	147
11.3.1 PRINCIPAL, CONDITIONAL AND PROHIBITED MANUFACTURED HOUSING	147
11.3.2 TEMPORARY PLACEMENT	148
11.3.3 MINIMUM LOT SIZE	148
11.3.4 RESIDENTIAL DENSITY	148
11.3.5 SUBDIVISION OF PROPERTY FOR MANUFACTURED HOUSING	148
11.3.6 MINIMUM LOT WIDTH, BUILDING SETBACK, AND DESIGN REQUIREMENTS	149
11.3.7 ISSUANCE OF MANUFACTURED HOME PLACEMENT PERMIT	149
11.3.8 OCCUPANCY LIMITATIONS	149
11.3.9 CONFLICTING PROVISIONS	149
11.3.10 ENFORCEMENT	149
<b>ARTICLE 12: RESERVED</b>	<b>150</b>
<b>ARTICLE 13: SIGNS</b>	<b>151</b>
13.1 Purpose	151
13.2 Intent	151
13.3 Exempt Signs	151
13.4 Prohibited Permanent and Temporary Signs	153
13.5 General Provisions	154
13.6 Permitted Temporary Signs	156
13.6.1 DURATION	156
13.6.2 TEMPORARY SIGN PROVISIONS	156
13.7 Measurement of Sign Area	157
13.8 Sign Setback Requirement	157
13.9 Special Yard Provisions	157

# Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

13.10	No Signs in Easements	157
13.11	Violations - Signs	157
13.12	Violations - Sign Permits	158
13.13	Nonconforming Signs	158
13.14	Additional Sign Regulations	158
13.14.1	HOME OCCUPATIONS	158
13.14.2	SINGLE-FAMILY RESIDENTIAL AND SIMILAR DEVELOPMENT	158
13.14.3	MULTI-FAMILY RESIDENTIAL AND SIMILAR DEVELOPMENT	158
13.14.4	OFFICE, CIVIC, AND MIXED USE STRUCTURES IN GR, NCR, DT, TND DISTRICTS	158
13.14.5	OFFICE, CIVIC, AND MIXED USE STRUCTURES IN NCC DISTRICTS	159
13.14.6	OFFICE, CIVIC, AND MIXED USE STRUCTURES IN HC AND RC DISTRICTS	159
13.14.7	BED AND BREAKFAST FACILITIES AND BOARDING HOUSES (ALL DISTRICTS)	159
13.14.8	DAY CARE CENTERS IN GR, NCR, DT, AND TND DISTRICTS	159
13.14.9	DAY CARE CENTERS IN ALL OTHER DISTRICTS	160
13.14.10	RECREATION FACILITIES (NONSTRUCTURAL)	160
13.14.11	RECREATION FACILITIES (STRUCTURAL)	160
13.14.12	GENERAL COMMERCIAL USES (OUTSIDE HC AND RC DISTRICTS)	160
13.14.13	GENERAL COMMERCIAL USES IN HC AND RC DISTRICTS	161
13.14.14	INDUSTRIAL USES	161
<b>ARTICLE 14: HISTORIC PRESERVATION OVERLAY (HP-O)</b>		<b>162</b>
14.1	Intent and Purpose	162
14.2	Authorization of Planning Commission to enact the HP-O District	162
14.3	Requests for HP-O Designation: Procedures	162
14.4	Delineation of the HP-O Overlay District	163
14.5	Permitted Uses in an HP-O Overlay District	163
14.6	Maintenance of Property in HP-O Overlay Districts	163
14.7	Changes to Landmarks, Landmark Sites, and Property in HP-O Overlay Districts	164
14.8	HP-O Regulations to be Additional Regulations Typical Historic Preservation Process	164 165
<b>ARTICLE 15: RESERVED</b>		<b>166</b>
<b>ARTICLE 16: RESERVED</b>		<b>167</b>
<b>ARTICLE 17: RESERVED</b>		<b>168</b>
<b>ARTICLE 18: AMENDMENTS</b>		<b>169</b>
18.1	General	169
18.2	Petitions for Change of Zoning Regulations	169
18.3	Planning Commission Procedure	169
18.4	Notice of Public Hearing	169
18.5	Public Hearing on Application	170
18.6	Recommendation of Commission for Zoning Map Amendments	170
18.7	Action by Appropriate Legislative Bodies on Zoning Map Amendments	171
18.8	Recommendation of Commission for Text Amendment	171
18.9	Action by Appropriate Legislative Bodies on text Amendments	171
18.10	Special Conditions to the Granting of Zoning Changes	171
18.10.1	REVERSION CLAUSE	171
18.10.2	ZONE CHANGE RECONSIDERATIONS	171