

ARTICLE 5
REGULATING DISTRICTS, ZONING MAP,
PERMITTED AND CONDITIONAL USES

5.1 General Regulations

5.1.1 ZONING DISTRICTS

In order to protect the general health, safety, and welfare of the public, including to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, and to realize the general purposes set forth in this Ordinance, the county and cities are divided into zoning districts (also called "regulating districts").

5.1.2 OFFICIAL ZONING MAP

The boundaries of these zoning districts are hereby established as shown on a map entitled "Official Zoning Map for Boyle County and the Cities of Danville, Junction City, and Perryville, Kentucky, 1999 as amended." This map may also be referred to in this Ordinance as the "Official Map" or the "Official Zoning Map." Said zoning map and all notations and references and other matters shown thereon shall be and are hereby made a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Boyle County Judge-Executive and Mayors attested by the County and City Clerks for each jurisdiction. This is to certify that this is the Official Zoning Map for Boyle County, Danville, Junction City, and Perryville, Kentucky adopted by the Fiscal Court and the City Commissions.

No changes of any nature shall be made to the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 3.7 of this Ordinance.

The Official Zoning Map shall be located in the office of the Administrative Official and shall be the final authority on the current zoning classifications of all lands within the County and Cities.

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5.1.3

AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments to the Official Zoning Map shall be carried out using the same procedures that apply to other amendments of the Zoning Ordinance, as set forth in Article 18. The Administrative Official shall update the Official Zoning Map after amendments to it are adopted. No unauthorized person may alter or modify the Official Zoning Map.

The Administrative Official shall keep copies of superseded prints of the zoning map for historical reference.

5.1.4

RULES FOR INTERPRETING DISTRICT BOUNDARIES

Where uncertainties exist as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City or County limits shall be construed as following such limits.
4. Boundaries indicated as approximately following unplatted property lines shall be construed as following unplatted property lines.
5. Boundaries indicated as parallel to or extensions of features indicated in section 5.1.4 (1-4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the graphic scale on the map.
6. Where physical or other features existing on the ground are in variance with those shown on the Official Zoning Map, or in circumstances not covered in section 5.1.4 (1-5) above, the Board of Adjustment shall interpret the district boundaries.

5.1.5

APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly as follows:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or structure shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;

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- c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller yards or other open spaces; than herein required; or in any manner contrary to the provisions of this Ordinance.
3. No part of a yard or other open space, required landscape area, parking or loading area for any building or structure shall hereinafter be included as part of the same requirements for any other building or structure, except as specifically provided for in this Ordinance.
 4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards and lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

5.1.6

PROHIBITED USES

Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts. In addition, prohibited uses shall be defined to include activities which have a similar impact as uses prohibited by this section.

1. Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible, explosive or hazardous material in manner that is in violation of City, County or State safety or fire prevention codes.
2. Tanneries within 1000 ft of a residentially-zoned lot.
3. Use of a travel trailer or motor vehicle (excluding permanently-placed manufactured housing as described elsewhere in this Ordinance) as a permanent or temporary residence, except as permitted as a conditional use for civic uses.
4. Use of a mobile home, manufactured home, or motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, services are performed or other business is conducted, except as provided for in Section 5.1.8.
5. Hazardous material and/or toxic waste disposal sites within 1000 ft of a residentially-zoned lot.
6. Any mobile or manufactured home, as defined in this Ordinance, that is classified as a Class D manufactured home by an administrative official or building inspector, or any manufactured home that is not permanently installed and conforming to all the regulations set forth for manufactured housing in this Ordinance.
7. Any activity that creates or produces noxious emissions of polluting substances, heat, light or vibration in such a manner that the activity prohibits the reasonable and safe use on neighboring properties of regularly permitted uses or activities, unless it is permitted by state or federal authorities.

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5.1.7

Any exceptions listed in Section 5.1.6 existing at the time of enactment of this Ordinance shall be considered to be nonconforming uses and subject to the requirements for such uses set forth elsewhere in this Ordinance.

5.1.8

TEMPORARY BUSINESS USE OF TRAILERS AND OTHER MODULAR FACILITIES

Temporary use of trailers and other modular facilities are permitted for office uses at active construction sites.

1. Such facilities must be located on the construction site.
2. Such facilities must be removed from the site no later than thirty (30) days after substantial completion of the construction process, or no later than thirty (30) days after efforts for the timely completion of the construction project have ceased.
3. In no case may an on-site trailer and modular facilities be used for residential purposes, temporary or otherwise.
4. Assembly and installation of the trailer and all applicable utilities (including electric power and telephone connections) must be done so in a manner consistent with local Building Codes and all applicable State and Federal regulations.

5.1.9

PUBLIC SAFETY STATIONS

Public Safety Stations, as a defined subclassification of Essential Utility Services (Article 2), are permitted in all districts. Such facilities are subject to Site Plan Review procedures as set forth in Article 4, and must abide by the following regulations:

- A. To the extent possible, all public safety buildings should be similar in architectural design to the surrounding neighborhood.
- B. Nonessential vehicle parking shall be to the rear of the lot. Wherever possible, storage of public safety and emergency vehicles shall be to the rear of the lot. (NOTE: driveway lanes associated with fire and rescue vehicles are exempt from this provision.)
- C. Rear portions of lots shall be separated by a wall or solid fence with a minimum height of six (6) feet.
- D. Accessory structures shall be placed to the rear of the lot, unless such placement poses a danger to the safety and security of the public or safety personnel.

5.1.10

ESTABLISHMENTS UTILIZING TEMPORARY OR MOBILE STRUCTURES

- A. Individuals and/or corporations may not display or sell (either wholesale or retail) goods, stock in trade, commodities, or services from a mobile or temporary structure located on property that is not owned or leased by the individual or corporation in question.
- B. "Mobile or temporary structures" include, but are not limited to: tents, trucks, automobiles, carts, campers, trailers, and other such structures.

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C. The administrative official or an appointed designee may immediately cause to be removed any such commercial establishment and/or structure in violation of the provisions of this Section.

D. The following circumstances shall not be subject to the provisions of this Section, and shall be permitted within the limitations of other applicable regulations in this Ordinance and/or other governmental ordinance:

1. The sale of farm-related commodities (such as produce, flowers, and seed) from property owned or leased by the seller of the commodities located within an AR-1 district.
2. Community festivals, activities, and social events.

5.1.11

BUILDING SETBACK LINES ALONG HIGH PRESSURE GAS TRANSMISSION LINES

Building setback lines along high-pressure gas transmission lines shall be increased a minimum of 25' on each side of the established easement.

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5.2

Agricultural Districts (AR-1, A-C)

5.2.1

AGRICULTURAL/RESIDENTIAL (AR-1)

A. Uses Permitted by Right

1. Land used solely for agriculture, farming, dairying, and stock-raising.
2. Horticultural activities and tree farming.
3. Kennels, veterinary clinics, and small animal hospitals.
4. Single Family detached dwellings, whether related to a farming operation or exclusively residential, on a minimum lot size of one (1) acre.
5. Schools and Churches.
6. Essential Utility Services.
7. Public recreational facilities including playgrounds, sports farms, riding stables, campgrounds, and fishing lakes.
8. Livestock sales facilities and tobacco warehouses.
9. Class A and Class B manufactured housing, pursuant to the regulations set forth in Article 11 of this Ordinance.
10. Horse training tracks
11. Permanent tenant housing (see Section 5.2.1 (F))
12. Home occupations

B. Uses Permitted by Condition

1. Bed & Breakfast
2. Cemetery
3. Funeral Homes
4. Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes.
5. Junkyards, disassembly plants
6. Airports
7. Commercial feed lots, commercial saw mills, and activities requiring the large scale slaughtering or rendering of cattle, pork, poultry, or other meats.
8. Construction/Demolition Debris Landfill and/or Registered Permit by Rule.
9. Travel trailer or motor vehicle as a temporary residence for civic uses.
10. Any other use that is determined by the Board of Adjustments to be of the same general character.

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C. Accessory Uses and Structures

1. Uses in connection with agriculture, farming, dairying, stock raising, and principal uses listed above, such as barns, agricultural structures, stables, and parking areas.
2. Private swimming pools and tennis courts.
3. Private garages, storage buildings and parking areas.
4. Roadside stands offering for sale only agricultural products grown on the premise.
5. Satellite dishes.

D. Lot Provisions

	For Land Used Agriculturally	For Single Family Dwellings
Minimum Lot Size	5 acres	1 acre
Minimum Lot Width at Building Line	200 ft	100 ft
Front Yard Setback	75 ft	50 ft
Side Yard Setback	25 ft	20 ft (combined. No side less than 8 ft)
Rear Yard Setback	25 ft	25 ft

Notes: (1) accessory structures shall be 8 ft from all lot lines and all other buildings and meet the designated front yard setback; (2) all street frontages are considered front yard setbacks.

1. There shall be no limit on the number of parcels which may be created from an existing tract of land by divisions for agricultural use provided that each parcel meets the standards for agricultural use set forth herein.
2. Procedures for Agricultural Use Determination
 - (a) Ownership of tobacco allotment and/or raising of tobacco, or

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- (b) Keeping of farm animals on the property (e.g. horses, cattle sheep, goats, etc., or
- (c) Raising of farm products (e.g., agricultural or horticultural crops, including soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants) where some portion is for market or sold by contract and not for personal consumption, or
- (d) Refer to KRS 100.111(2).
- (e) Persons dividing land for agricultural use as set forth herein, must file with the Planning Commission an application for agricultural use determination reflecting their intent to divide for such agricultural use as defined herein.

E. Temporary Manufactured Housing

Temporary housing of agriculture-related workers is permitted, under the following conditions:

1. Such housing may not occur on lots smaller than 5 acres in size.
2. Housing may be erected and occupied for a total of six (6) months in any calendar year. Such housing must be completely removed within 15 days of the completion of the six month period.
3. Housing must be setback fifty (50) feet from side and rear yards, and 75 ft from front yards.
4. Housing must meet all Kentucky Residential Code regulations at all times.
5. A permit for every such housing unit must be filed with the administrative official. The administrative official shall maintain a list of all such permits, and a schedule determining the date such structures must be removed. A fee of up to \$25 for each housing unit may be collected before the granting of a permit to defray administrative costs.
6. If for any reason these provisions are not met, the temporary housing permits may be immediately revoked.
7. If a principal owner of said property is found to be in violation of these provisions, the Planning Commission may deny the granting of additional temporary housing permits for a period of one (1) year from the date of notification of violation, and removal of the housing structures may be undertaken at the expense of the principal owner of the property on which the housing was permitted, for which the Planning Commission may file a lien against the property involved to recover its costs expended.

F. Permanent Tenant Housing

1. Permanent Tenant Housing is permitted within the scope of this Section on AR-1 lots.

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2. Such housing shall be occupied by family members of the property's primary owner or other permanent, full-time workers on the property.
3. Two (2) permanent tenant housing units are allowed per one hundred (100) acres in size.
4. Housing must meet the same setback requirements as the principle structure.

Tenant House Breakdown:

1 unit/25 acres; 2 units/100 acres; 3 units/150 acres.

A farm 25 acres or larger, but less than 100 acres, will be allowed one tenant housing unit in addition and secondary to the principal residence. A farm 100 acres or larger, but less than 150 acres, will be allowed two tenant housing units in addition and secondary to the principal residence. A farm over 150 acres will be allowed three tenant housing units in addition and secondary to the principal residence. For each 50 acres over 150 acres one additional tenant housing unit will be allowed.

5. Housing must meet all Kentucky Residential Code regulations at all times.
6. All regulations pertaining to the permitting and approval of principal residential structures shall be abided by.

5.2.2

AGRICULTURAL/COMMERCIAL (A-C) DISTRICT

A. Intent

The Agricultural/Commercial (A-C) District is intended for LOCAL commercial activity and/or commercial clusters along SECONDARY rural corridors. This differs from the RC (Rural Commercial) District, which is intended for LOCAL commercial activity along PRIMARY rural corridors, and from the HC (Highway Commercial) District, which is intended for REGIONAL commercial activity along PRIMARY RURAL OR URBAN corridors.

B. Uses Permitted by Right

1. Commercial uses primarily serving local agricultural activity (such as feed stores, suppliers, etc.)

C. Uses Permitted by Condition

1. Single Family residential (excluding boarding or temporary housing)
2. Civic Uses
3. Essential Utility Services

D. Lot Dimensions

Minimum lot size: 2,600 square feet

Minimum lot width at
building line and
street frontage line: 40 ft

Front yard setback: 20 ft

Side yard setback: 8 ft

Rear yard setback: 25 ft

Accessory Structures: 8 ft from all lot lines and all other buildings.

E. Accessory Uses and Structures

All structures accessory to normal and customary commercial activity is permitted, provided such structures and uses comply with all other applicable laws and ordinances.

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5.3

General Residential Large Lot / Small Lot / Civic (GR-A/GR-B/GR-C) Districts

5.3.1

INTENT

The General Residential District is intended to promote the health of neighborhoods as well as providing for their expansion along the traditional physical form with which they were established. The district is divided into three types of lots, based upon size, in order to promote the neighborhood fabric appropriate to individual communities within Boyle County. All uses on A and B lots shall be residential. C lots shall be reserved for civic uses. Public water and sewer is necessary for development in a GR district.

5.3.2

USES PERMITTED BY RIGHT

- Single Family Homes
- Civic Uses (GR-C only)
- Essential Utility Services
- Home Occupations
- Duplex Home (GR-B) (see 5.3.11)

5.3.3

USES PERMITTED BY CONDITION

- Bed & Breakfast
- Duplex Home (GR-A)
- Cemetery
- Civic Uses
- Country Club
- Travel or motor vehicle as a temporary residence for civic uses only.
- Public Safety Station
- Recreational Facilities
- Rooming or Boarding Houses
- Day Care Centers
- Any other use that is determined by the Board of Adjustments to be of the same general character.

5.3.4

LOT PROVISIONS

LOT TYPE	DESCRIPTION	MINIMUM LOT SIZE	MAXIMUM LOT SIZE
GR-A	Residential Large Lot	10,000 sq ft	None
GR-B	Residential Small Lot	4,000 sq ft 10,000 sq ft for each Duplex	None
GR-C	Civic Lot	½ acre	none

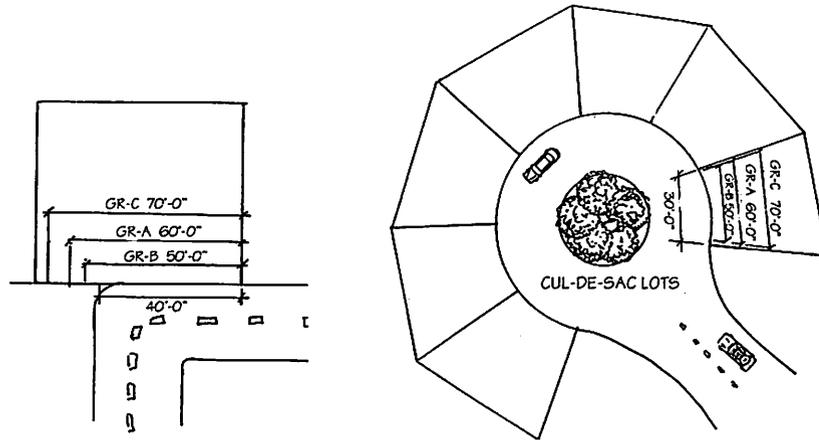
5.3.5

LOT WIDTHS

All lots (excluding cul-de-sac lots) must front along a minimum of 40 feet of publicly dedicated road in order to be built upon. Cul-de-sac lots must front along a minimum of 30 feet of publicly dedicated road in order to be built upon.

Minimum lot width at building line:

- GR-A = 60 ft
- GR-B = 50 ft
- GR-C = 70 ft.



5.3.6

SETBACKS

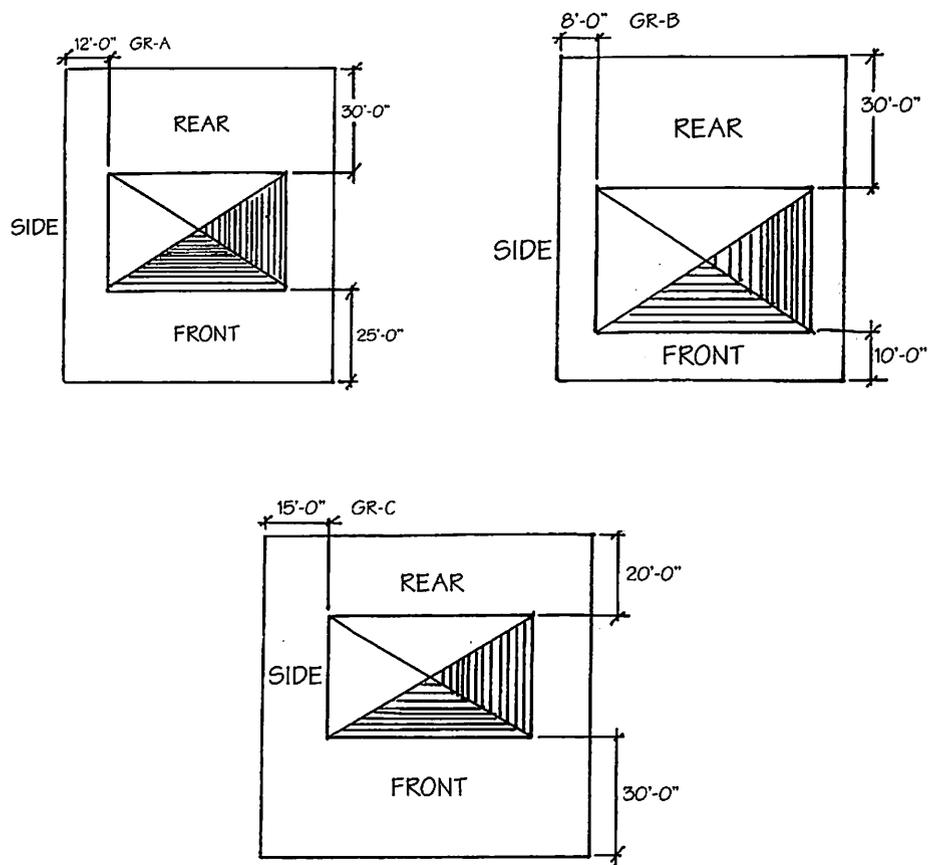
Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 300 feet. Buildings and street facades shall extend parallel to the front property lines. Frontage requirements for irregularly shaped lots shall be determined by the Planning Commission upon recommendation of the Planning Director.

Where there are no established buildings, minimum setbacks shall be as follows, measured from the structure:

	GR-A	GR-B	GR-C
Front	25 ft	10 ft	30 ft
Side*	10 ft	8 ft	15 ft
Rear	30 ft	30 ft	20 ft

* Side yard setbacks are for each side of the property.

Side yards which abut a public or private street shall have the same minimum setback as the front yard setback.



5.3.7

ENCROACHMENTS

Balconies, stoops, stairs, chimneys, open porches, bay windows, eaves, and raised doorways shall be permitted to extend within the minimum front setback, to a maximum of:

GR-A = 12 ft

GR-B = 8 ft

GR-C = 15 ft

Pools, open patios and decks in rear yard:

GR-A = 12 ft

GR-B = 10 ft

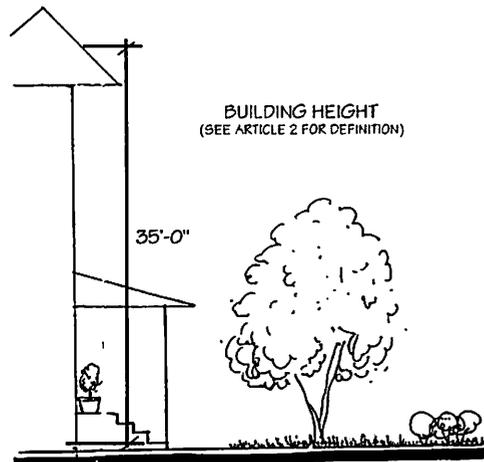
Side yards that abut a public street shall be treated as described above.

5.3.8

BUILDING HEIGHT

All uses in GR districts (all types) shall maintain a maximum building height (as defined in Article 2 of this Ordinance) of 35 feet.

EXCEPTION: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



5.3.9

ACCESSORY STRUCTURES

The following uses are permitted within outbuildings:

- Parking
- Private Garages
- Storage Buildings
- Gazebo
- Poolhouse
- Equipment enclosure
- Sauna
- Workshop (noncommercial)
- Conservatory

The following uses require a Conditional Use Permit as well as the availability of public water and sewer:

- Artist Studio Space
- Rental Cottage

Mechanical equipment and outdoor storage shall be located only within the rear or side yard.

Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses and other animal shelters shall not be placed in the front yard.

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5.3.9.1

Additional Accessory Structure Provisions

GR-A

- (a.) Accessory structures for lots with an area of less than 40,000 square feet shall not exceed 40% of the total area of the principle structure or 576 square feet, whichever is greater. At no time shall the total area of an accessory use exceed 25% of the rear yard. Such uses shall only be permitted in the rear yard.

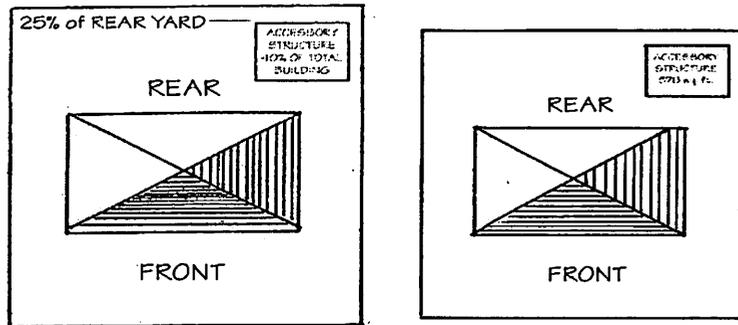
Minimum side and rear setbacks: 5 ft

Minimum setback from principle structure: 10 ft

- (b.) Accessory structures for lots with an area of 40,000 square feet or more shall be permitted to only the rear yard and shall not exceed 25% of the rear yard area.

Minimum side and rear setbacks: 5 ft

Minimum setback from principle structure: 10 ft



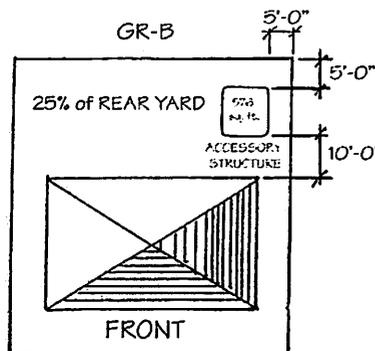
GR-B

Accessory structures shall not exceed 576 square feet or 25% of a rear yard, whichever is less.

Minimum side and rear setbacks: 5 ft

Minimum setback from principle structure: 10 ft

Accessory structures in rear yards that abut a publicly dedicated street must have a minimum setback equal to the front yard setback.



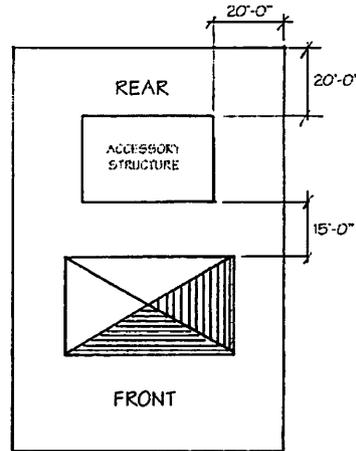
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GR-C

Large accessory structures shall be located towards the perimeter of a lot. Small accessory structures shall be located toward the interior of a lot. Accessory structures shall be located a minimum of 15 feet behind the principle structure facade. There is no minimum or maximum square footage for accessory structures on GR-C lots.

Side and rear yard setbacks: 20 ft

Maximum height of accessory structures: 26 ft.



5.3.10

ACCESSORY USES

1. Pools

All pools and pool areas, whether above-ground or in-ground, shall not be permitted in front yards. The definition of a pool area shall include all structures, walks, or patio areas of cement, stone or wood at or above grade that are built for and used in conjunction with a swimming pool.

A pool area as defined above shall not exceed 85% of a required rear yard area.

Pool areas, as defined above, shall be setback a minimum of 10 feet from all side and rear property lines.

2. Satellite dishes

Satellite dishes less than 36 inches in diameter may be located anywhere on a lot. All other satellite dishes shall comply to the following standards:

- a. Satellite dishes shall be no larger than ten (10) feet in diameter.
- b. The maximum height shall be fifteen (15) feet unless the applicant can prove:
 1. a less intrusive location is not possible; and
 2. a higher location will improve reception.

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- c. The dish must be installed and grounded properly.
- d. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
- e. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
- f. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
- g. Satellite dishes shall not be located on a roof.

5.3.11

ARCHITECTURAL STANDARDS

To maintain the visual consistency of residential neighborhoods, the Planning Commission suggests (but does not require) that all residential construction conform in street orientation and building volumes to adjacent homes; that schools, churches, and government buildings be built so that they terminate a street vista whenever possible, and be of sufficient design to create visual anchors for the community.

A duplex shall be designed architecturally so that the main entrance for each unit faces the fronting street.

5.3.12

MANUFACTURED HOMES

Manufactured homes are permitted in GR-A and GR-B zoning districts for single-family residential purposes subject to the following provisions which shall be met prior to occupancy (except as noted herein):

1. Manufactured homes are must be a "Qualified manufactured home" that meets the following criteria:
 - a. Is manufactured on or after July 15, 2002.
 - b. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570. "Permanent foundation" means a system of supports that is:
 - i. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure.
 - ii. Constructed of concrete with continuous masonry skirting system.
 - iii. Placed at a depth below grade adequate to prevent frost damage.
 - c. Has a width of at least twenty feet at its smallest width measurement.
 - d. The structure must be oriented on the lot or parcel so that its main entrance door faces the street.
 - e. Is not located in manufactured home land-lease community.

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2. Compatibility Standards. In order for a manufactured home to be compatible with its surroundings, the following criteria must be met.
 - a. The home must be compatible, in terms of style, materials and assessed value, with the majority of existing housing located within a one-eighth (1/8) mile or less radius from the proposed location. Examples of "compatible" criteria include, but are not limited to the following architectural features:
 - i. The minimum square footage of the principal structure shall equal the smallest size of any home located within a one-eighth (1/8) mile radius.
 - ii. The roof pitch and materials.
 - iii. Number of stories including half stories.
 - iv. Eight (8) feet minimum exterior wall height.
 - v. Type of siding (brick, stucco, vinyl, etc.).
 - vi. Window size, style, and configuration.
 - vii. Skirting system.
 - viii. Covered porches at main entries facing the street.
 - b. Documentation of compatibility shall be submitted to the Danville-Boyle County Planning and Zoning Commission with the Zoning Permit Application.
3. All wheels, springs, axles, lights and towing apparatus shall be removed.
4. If a standard of compatibility cannot be determined, the following minimum standards shall apply.
 - a. The structure shall have a gable or hip roofing system pitched at least four inches of rise over 12 inches of run covered with shingles (wood, asphalt or fiberglass) or other HUD factory approved materials. Covered decks are exempt.
 - b. The structure shall be sided with wood, aluminum, or vinyl insofar as it has a shingled or horizontal clapboard appearance; or brick; or stucco.
 - c. Permanent steps attached to the structure, may not encroach into any required yard setback line.
5. A minimum of two off-street parking spaces. Design shall be as per Section 8.1 and 8.2. Improvements must be made within six months of occupancy.

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5.4

Neighborhood Center Residential (NCR-A and NCR-B) Districts

5.4.1

INTENT

The Neighborhood Center Residential (NCR-A and NCR-B) districts are designed to provide areas for residential development in close proximity to existing and planned commercial centers. The intent is to create neighborhoods which complement commercial districts with physical proximity and pedestrian interaction. Different housing types and lot sizes are encouraged. Permitted uses for the NCR-A and NCR-B districts distinguish them from similar lot sizes found in the GR-B district. Low intensity business office uses are also permitted in NCR districts.

5.4.2

USES PERMITTED BY RIGHT

- Single Family Homes
- Essential Utility Services
- Duplex Homes
- Home Occupations
- Multi-Family Dwellings

5.4.3

USES PERMITTED BY CONDITION

- Attorneys, Medical, Real Estate, and Similar Offices
- Bed & Breakfast Inns
- Churches
- Day Care Centers
- Group Homes
- Public Safety Stations
- Recreational Facilities
- Rooming or Boarding Houses
- Any other use that is determined by the Board of Adjustments to be of the same general character.

5.4.4

LOT PROVISIONS & LOT WIDTHS

	NCR-A	NCR-B
Minimum Lot Size	4,001 sq. ft.	2,700 sq. ft.
Maximum Lot Size	1 acre	4,000 sq ft
Lot Width	32 ft minimum 128 ft maximum	27 ft

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5.4.5

SETBACKS

Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 300 feet. Building and street facades shall extend parallel to the front property line. Frontage for irregularly shaped lots shall be determined by the Planning Commission upon recommendation of the Planning Director.

Where there are no established buildings, minimum setbacks shall be as follows, measured from the structure:

TYPE	NCR-A > 20,000 sq ft	NCR-A ≤ 20,000 sq ft	NCR-B
Front	20 ft	10 ft	8 ft
Side	15 ft	5 ft	0 ft
Rear	30 ft	30 ft	30 ft

* Side yard setbacks are for each side of the property.

Side yards which abut a public or private street shall be required to have the same minimum setback as the front yard setback.

5.4.6

ENCROACHMENTS

Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways shall be permitted to extend within the minimum front setback, to a maximum of:

NCR-A lots > 20,000 sq ft = 12 ft

NCR-A lots < 20,000 sq ft = 8 ft

NCR-B lots = 8 ft

Open patios and decks in rear yard (all NCR lots) = 10 ft

Side yards that abut a public street shall be treated in the same manner as front yards.

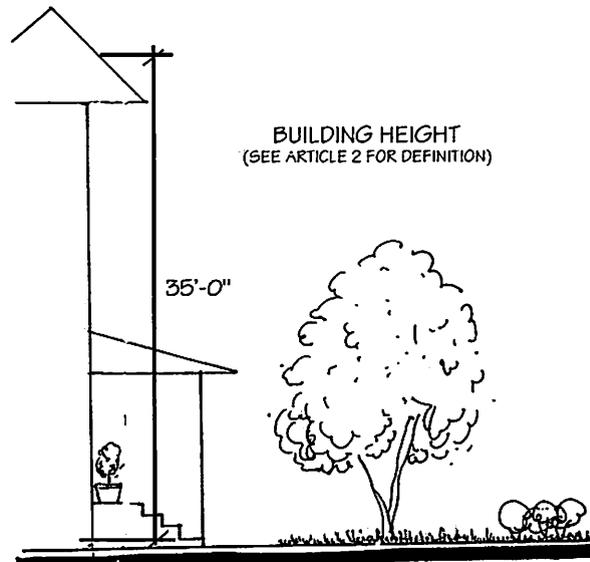
Hedges, garden walls, or fences may not restrict access to any easements or public utilities.

5.4.7

BUILDING HEIGHT

All uses in NCR districts (all types) shall maintain a maximum building height (as defined in Article 2 of this Ordinance) of 35 feet. **EXCEPTION:**

Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



5.4.8

ACCESSORY STRUCTURES

The following uses are permitted within accessory structures:

- Parking
- Private Garages
- Gazebo
- Poolhouse
- Equipment Enclosure
- Sauna
- Storage Buildings
- Workshop
- Conservatory

The following uses require a Conditional Use Permit as well as the availability of public water and sewer:

- Artist Studio Space
- Rental Cottage

Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses and other animal shelters must not be placed in front yards.

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Additional Accessory Structure Provisions

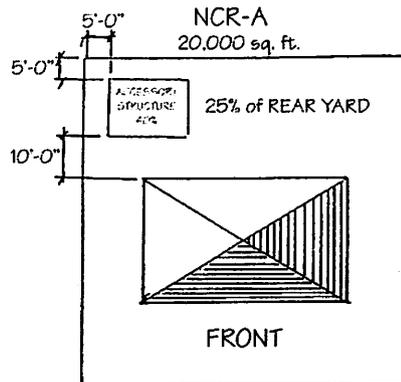
NCR-A

Accessory structures shall not exceed 40% of the total area of the principle structure. At no time shall the total area of an accessory use exceed 25% of the rear yard. Such uses shall only be permitted in the rear yard.

Minimum side and rear setbacks: 5 ft

Minimum setback from principle structure: 10 ft

Maximum height: 26 ft



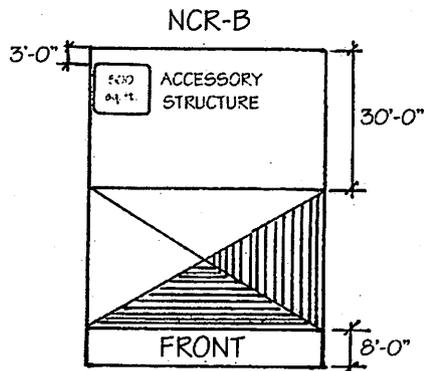
NCR-B

Accessory structures shall not exceed 500 square feet.

Minimum side setback: 0 ft

Minimum rear setback: 3 ft

Maximum height: 26 ft



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5.4.9

ACCESSORY USES

1. Pools

Pools shall not be permitted for NCR-B lots. NCR-A lots shall adhere to the following provisions:

All pools and pool areas, whether above-ground or in-ground, shall not be built in front yards. The definition of a pool area shall include all structures, walks, or patio areas of cement, stone or wood at or above grade that are built for and used in conjunction with a swimming pool.

A pool area as defined above shall not exceed 85% of a required rear yard.

Pool areas, as defined above, shall be setback a minimum of 10 feet from all side and rear property lines.

2. Satellite Dishes

Satellite dishes less than 36 inches in diameter may be located anywhere on a lot. All other satellite dishes shall adhere to the following standards:

- a. Satellite dishes shall be no larger than ten (10) feet in diameter.
- b. The maximum height shall be fifteen (15) feet unless the applicant can prove:
 1. a less intrusive location is not possible; and
 2. a higher location will improve reception.
- c. The dish must be installed and grounded properly.
- d. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
- e. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
- f. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
- g. Satellite dishes shall not be located on a roof.

5.4.10

ARCHITECTURAL STANDARDS

To maintain the visual consistency of residential neighborhoods, the Planning Commission suggests (but does not require) that all residential construction conform in street orientation and building volumes to adjacent homes.

5.5

Residential-Manufactured Housing (RMH) District

Regulations regarding the Residential-Manufactured Housing (RMH) district are described in Article 11 of this Ordinance.

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5.6

Neighborhood Center Commercial (NCC) District

5.6.1

INTENT

The Neighborhood Center-Commercial (NCC) district is intended to provide redevelopment or investment opportunities for existing or planned commercial centers within Danville, Perryville, Junction City, or Boyle County. Developments in NCC districts are intended to emulate the "Main Street" characteristics of the various downtown communities in Boyle County, encourage pedestrian use through connection to adjacent neighborhoods, and promote the construction of mixed use buildings.

5.6.2

USES PERMITTED BY RIGHT

A. Permitted Uses

General Commercial Uses up to 30,000 gross square feet (with the exception of those uses expressly prohibited in Section 5.7.2 (B)).

Office Uses up to 30,000 gross square feet

Hotels/Convention Facilities up to 50 rooms and 30,000 gross square feet of convention floor area.

Restaurants (except those listed in Section 5.7.2 (B)).

Drive-thru Banks

Bed & Breakfasts

Multi-Family dwellings up to 50 units

Mixed Use structures up to 35,000 gross square feet

Zero-Lot Line Residential

Civic Uses on lots not exceeding 3 acres

Fraternal and Service Organizations

Indoor Theaters

Vocational Centers

Essential Utility Services

B. Exceptions to Permitted Uses

The following uses are specific exceptions to the permitted uses listed above and are expressly prohibited in NCC districts:

Adult Retail

Automotive Repair

Garages

Welding Shops

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- Machine Shops
- Outdoor storage or sales
- Pool halls/game rooms
- Drive-thru restaurants
- Any use which encourages patrons to remain in their vehicles while receiving goods or services

5.6.3

USES PERMITTED BY CONDITION (CONDITIONAL USE PERMIT REQUIRED)

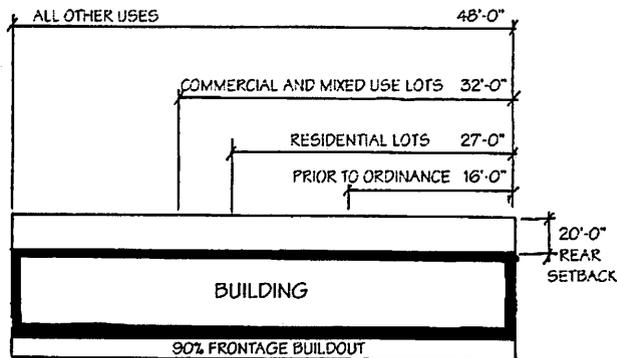
- Home Occupations
- Day Care Centers
- Gas Stations
- Nightclubs and Bars with live music
- Restaurants with outdoor seating
- Parking decks
- All commercial uses exceeding 30,000 gross square feet (except for those expressly prohibited above)
- All office uses exceeding 30,000 gross square feet
- Hotels/Convention Facilities exceeding 50 rooms and 30,000 gross square feet of convention floor area
- Multi-Family dwellings exceeding 50 units
- Civic Uses exceeding 3 acres
- Mixed Use structures exceeding 35,000 gross square feet
- Any other use that is determined by the Board of Adjustments to be of the same general character.

5.6.4

LOT PROVISIONS AND LOT WIDTH

Lots platted prior to the adoption of this Ordinance:
Minimum Lot Width: 16 ft (all uses)

All new lots:
Commercial and Mixed Use lots: 32 ft
Residential lots: 27 ft
All other uses: 48 ft



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5.6.5

SETBACKS AND ENCROACHMENTS

Front and Side Setbacks (minimum): 0 feet

Rear Setbacks (minimum): 20 feet

Frontage Buildout (minimum): 90% (except for civic uses)

Buildings and street facades shall extend along frontage lines. All portions of a frontage line shall be occupied by a building or a wall. (Exceptions: Pedestrian walkways, driveways and Civic Lots).

Balconies and awnings shall be permitted to encroach within sidewalk areas as follows:

Balconies: 3 feet

Awnings: 6 feet

Signs: 4 feet

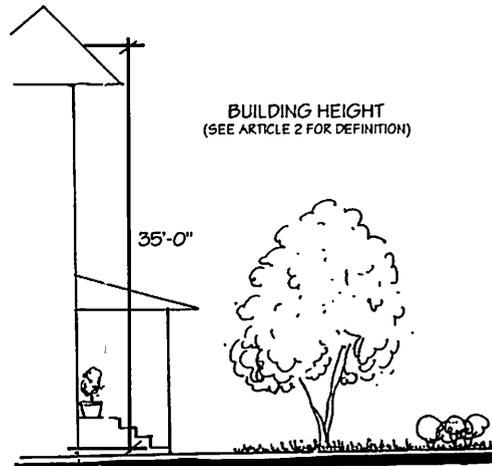
5.6.6

BUILDING HEIGHT AND USE

A. Building Height

All uses in NCC districts shall maintain a maximum building height (as defined in Article 2 of this Ordinance) of 35 feet AND a minimum building height of 26 feet.

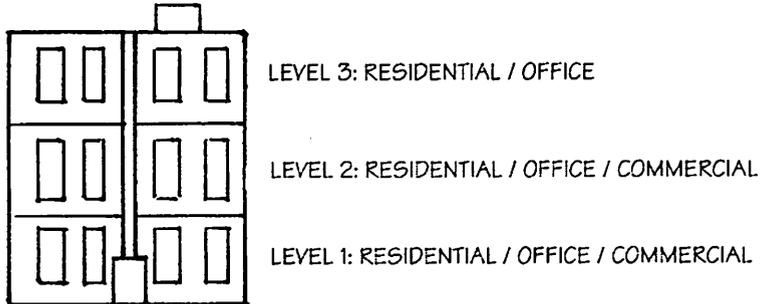
EXCEPTION: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



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B. Building Use

Ground floor and second floor uses may be residential, office, or commercial/retail in nature. If a building has three floors, the third floor shall be limited to residential and office uses only.



5.6.7

PARKING AND LOADING REQUIREMENTS

See Section 8.6.1 for additional parking and loading requirements.

5.6.8

ARCHITECTURAL STANDARDS

To maintain the visual consistency of NCC neighborhoods, the Planning Commission suggests (but does not require) that all construction conform in street orientation and building volumes to adjacent structures.

5.6.9

LANDSCAPING

All applicable landscaping provisions, including but not limited to those set forth in Section 9.11.7 of this Ordinance, shall be observed.

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5.7

Highway Commercial (HC) District

5.7.1

INTENT

The intensity of commercial development in the Highway-Commercial (HC) district is established by the traffic carrying capacity of the fronting thoroughfare. This district and the Rural Commercial (RC) district are the only districts intended primarily for auto-dependent development. The intent of these provisions is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. Only property along principle arterials (as defined in the comprehensive plan) can be designated as an HC district.

5.7.2

USES PERMITTED BY RIGHT

A. Permitted Uses

Commercial Uses (Including Retail, Business Services, Office, and Wholesaling) up to 50,000 square feet.

Entertainment Uses, including theaters, drive-in theaters, and mini-golf.

Civic Uses

Essential Utility Services

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

B. Exceptions to Permitted Uses

The following uses are specific exceptions to the permitted uses listed above and are expressly prohibited in HC districts:

Uses which involve on-site manufacturing

Outdoor storage of hazardous materials

Mining

Pool halls, gaming rooms, and gambling facilities

Establishments Utilizing Temporary or Mobile Structures
(see Section 5.1.11)

5.7.3

USES PERMITTED BY CONDITION

Commercial Uses exceeding 50,000 square feet in area

Adult Retail

Indoor storage of hazardous material(*)

(*) Fireworks sales shall not be permitted except as a minor stock item (less than 20% of total stock)

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5.7.4

LOT PROVISIONS, SETBACKS, AND ENCROACHMENTS

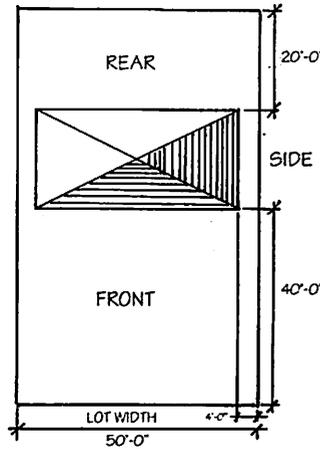
Lot Width (minimum): 50 feet

Front Setback (minimum): 40 feet

Side setback (minimum): 4 feet (Corner lot = 8 feet)

Rear Setback (minimum): 20 feet

Arcades, awnings, and open porches shall be permitted to encroach a maximum of 6 feet into front setbacks and side setbacks on corner lots only.

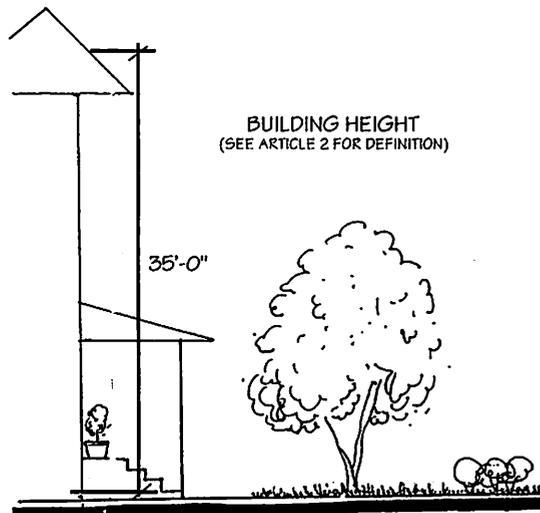


5.7.5

BUILDING HEIGHT

All uses in HC districts shall maintain a maximum building height (as defined in Article 2 of this Ordinance) of 35 feet.

EXCEPTION: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



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5.7.6

PARKING AND LOADING REQUIREMENTS

See Section 8.6.2 for parking and loading regulations

5.7.7

LANDSCAPING

All applicable landscaping provisions, including but not limited to those set forth in Section 9.11.6 of this Ordinance, shall be observed.

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5.8

Rural Commercial (RC) Districts

5.8.1

INTENT

The Rural Commercial (RC) District is intended for commercial clusters along primary rural corridors within Boyle County and for existing commercial clusters within Danville, Perryville, Junction City, and Boyle County which are less pedestrian-oriented in design than NCC development. Carrying capacity of the road or intersection is the factor which limits the size of RC development. Uses located in RC districts shall draw from a local area, as opposed to a regional area, characteristic of HC development.

5.8.2

USES PERMITTED BY RIGHT

A. Permitted Uses

Commercial Uses (including Retail, Business, Services, Office, Restaurants and Wholesaling) up to 20,000 square feet.

Essential Utility Services

B. Exceptions to Permitted Uses

The following uses are specific exceptions to the permitted uses listed above and are expressly prohibited in RC districts:

Uses which involve on-site manufacturing

Outdoor storage of hazardous materials

Churches

Machines shops

Auto parts and supply stores

Mining

Adult retail

Pool halls, gaming rooms, and gambling facilities

Establishments Utilizing Temporary or Mobile Structures

(see Section 5.1.10)

5.8.3

USES PERMITTED BY CONDITION

Commercial Uses exceeding 20,000 square feet in area

Service Stations and Garages

Drive-in Theaters

Solid Waste Landfill

Construction/Demolition Debris Landfill and/or Registered Permit by Rule

Indoor storage of hazardous material (*)

(*) Fireworks sales shall not be permitted except as a minor stock item (less than 20% of total stock)

Any other use that is determined by the Board of Adjustments to be of the same general character.

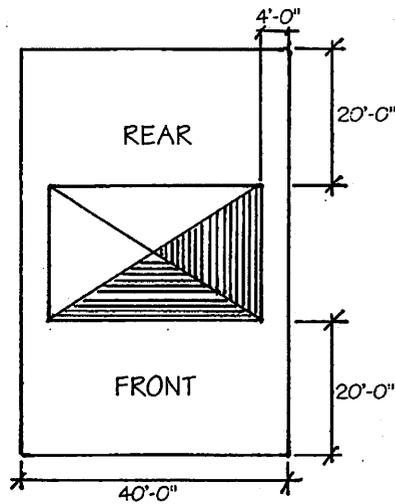
Danville, Junction City, Perryville, and Boyle County Zoning Ordinance

5.8.4

LOT PROVISIONS, SETBACKS, AND ENCROACHMENTS

- Lot Width (minimum): 40 feet
- Front Setback (minimum): 20 feet
- Side setback (minimum): 4 feet (Corner lot = 8 feet)
- Rear Setback (minimum): 20 feet

Arcades, awnings, and open porches shall be permitted to encroach a maximum of 6 feet into front setbacks and corner side setbacks on corner lots only.

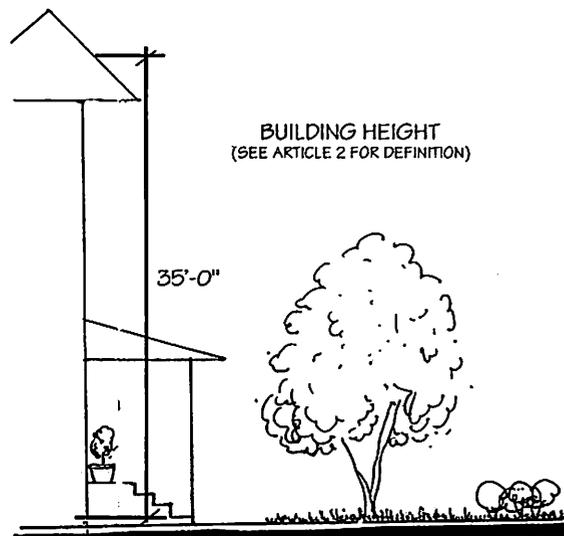


5.8.5

BUILDING HEIGHT

All uses in RC districts shall maintain a maximum building height (as defined in Article 2 of this Ordinance) of 35 feet.

EXCEPTION: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



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5.8.6

PARKING AND LOADING REQUIREMENTS

See Section 8.6.3 for parking and loading regulations.

5.8.7

LANDSCAPING

All applicable landscaping provisions, including but not limited to those set forth in Section 9.11.6 of this Ordinance, shall be observed.

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5.9

Institutional Campus Development (ICD) District

5.9.1

INTENT

The intent of this district is to allow for the continued and future use, expansion, and new development of academic campuses, religious campuses, and government and health/welfare facilities with a total development size greater than 15 acres. The district is designed to promote the varied uses associated with such institutions while maintaining the overall design integrity of the traditional campus setting.

5.9.2

USES PERMITTED BY RIGHT

The following uses include all accompanying facilities and accessory uses associated with their development as approved by the Planning Commission.

Academic Institutions

Religious Institutions

Government Facilities

Health and Welfare Facilities

Essential Utility Services

5.9.3

USES PERMITTED WITH CONDITIONS

Outdoor Storage

5.9.4

DEVELOPMENT PROVISIONS

Minimum Development Size: 15 acres

NOTE: development can occur in multiple phases and include existing structures or lots.

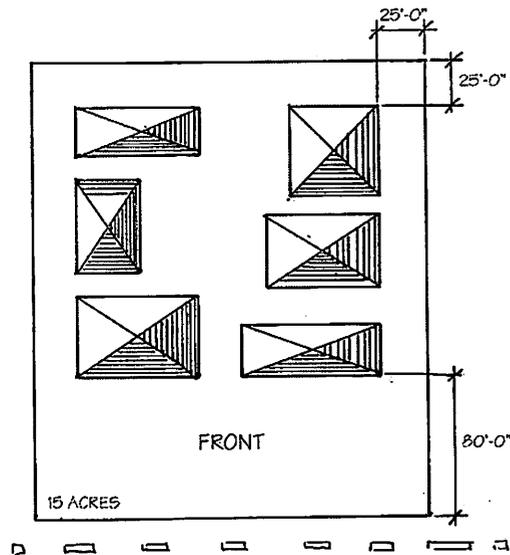
Minimum development setbacks:

Front: 80 feet

All other sides: 25 feet

Maximum height: 60 feet

EXCEPTION: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.



5.9.5

ARCHITECTURAL STANDARDS

Important structures shall be built so that they terminate a vista, where possible, and shall be of sufficient design to create visual anchors for the campus. All principle structures on a campus shall maintain a consistent architectural style.

A. Materials

1. Walls shall be clad in stone, brick, marble, approved metal paneling or cast concrete.
2. Roofs shall be clad in slate, sheet metal, corrugated metal, tile, asphalt shingles, or any other material similar in appearance and composition to existing campus buildings.

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B. Techniques

1. All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.

5.9.6

ADDITIONAL LANDSCAPING

All applicable landscaping provisions, including but not limited to those set forth in Section 9.11.8 of this Ordinance, shall be observed.

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5.10

Industrial-Business Development (IBD) District

5.10.1

INTENT

In order to maintain an attractive and viable environment for businesses and residents in Boyle County, the Danville-Boyle County Planning Commission has developed this district to promote larger-scale industrial, business, and mixed use developments.

Regulations for the IBD districts are written to encourage developments to achieve the high-quality site design and use flexibility inherent in ICD districts. Specific guidelines are established to direct such development issues as architectural compatibility with other buildings and the relationship of buildings to the public realm.

5.10.2

USES PERMITTED BY RIGHT

Permitted uses in IBD districts are divided into three categories. Category II and III uses are permitted only in conjunction with Category I uses and are subject to the use provisions set forth in Section 5.10.5.

- I. Business and professional office and research facilities, manufacturing, industrial uses, kennels, and warehousing (subject to the provisions of Section 5.10.3).
- II. Hotels, banks, convention facilities, restaurants, educational facilities, and day care centers.
- III. Support retail, multi-family residential.

5.10.3

USES PERMITTED WITH CONDITIONS

All residential uses shall be approved as a percentage of the overall development square footage as provided for in Section 5.10.5. Residential construction shall be subject to the lot provisions as set forth for NCC lots in Section 5.6.

5.10.4

DEVELOPMENT AND DESIGN PROVISIONS

Minimum Development Size = 2 acres

Interior Platted Lot Size:

Nonresidential lots: the AVERAGE lot size of all nonresidential lots shall be a minimum of 0.75 acres, with no single lot smaller than 0.5 acres.

Residential lots: 32 units per acre, with a maximum of 35 ft in building height (excepting roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed).

Minimum Development Setbacks:

Front (defined as main entrance on plat): 40 ft

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All other sides: 20 ft

Interior Platted Lot Setbacks

All buildings located along main interior roads shall have unified front setbacks of 20 ft.

Nonresidential building side and rear setbacks shall be determined by the following:

- * Parking loading and storage needs for the use;
- * Adequate internal circulation of all traffic; and
- * All fire and safety concerns addressed.

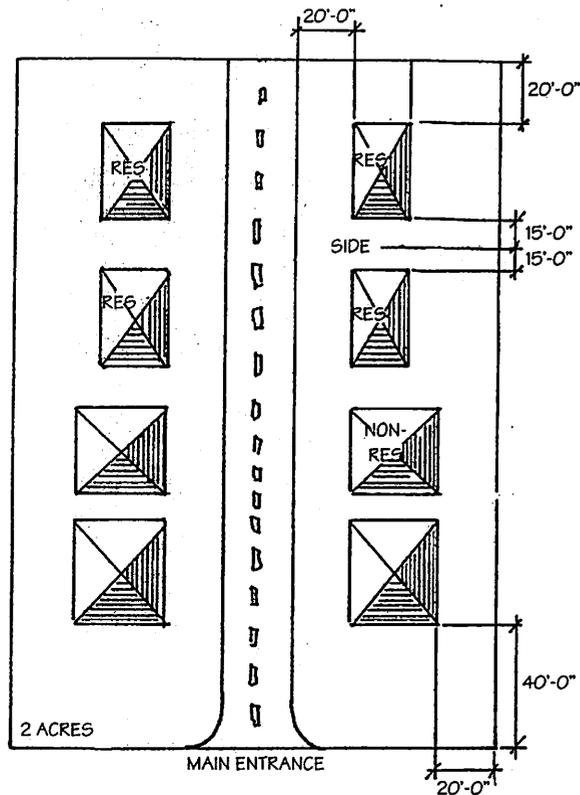
Recommended side and rear setbacks shall be provided to the Planning Commission by the Planning Director.

Residential building setbacks:

Front: 20 ft

Side: 15 ft

Rear: 30 ft



Maximum Height of nonresidential structures: 60 ft. Exceptions:

1. Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.

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5.10.5

USE PROVISIONS

1. The three use categories described in Section 5.10.2 shall be combined within a development as follows:

Category I

- A. The development may consist entirely of Category I uses.

Category II

- A. Category II uses shall not exceed 25% of the total floor area of the development.
- B. Category II uses shall be incorporated into the development through architectural design elements.

Category III

- A. Category III uses shall not exceed 20% of the total floor area of the development (35% if there is a residential component).
 - B. Category III uses are for the primary use of individuals working within the development (or living in the development, if there is a residential component) and shall not be designed to draw from surrounding retail districts or neighborhoods.
 - C. Category III uses may be located separately throughout the development or combined into a town center and arranged to facilitate pedestrian access to surrounding development.
2. Residential Uses
 - A. Residential uses shall not exceed 30% of the total floor area of the development. Residential uses shall be counted towards the total floor area allowed for all Category III uses.
 - B. Residential density and design shall be reviewed and approved by the Planning Commission.

3. Industrial Relationship to Residential Lots

Manufacturing, industrial and warehousing uses shall not be located adjacent to residential lots, unless separated by a greenbelt of at least 50 yards in width.

4. Residential uses shall be located adjacent to retail and shall be accessible by foot.

5.10.6

PARKING AND LOADING REQUIREMENTS

See Section 8.6.4 for parking and loading regulations.

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5.10.7

LANDSCAPING

All applicable landscaping provisions, including but not limited to those set forth in Section 9.11.9 of this Ordinance, shall be observed.

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5.11

Downtown (DT) District

5.11.1

INTENT

The Downtown (DT) district is intended to provide mixed use redevelopment or investment opportunities for existing downtown districts. Developments in DT districts are to be characteristic and similar in use, physical layout and architectural style to established downtown areas in Boyle County.

5.11.2

USES PERMITTED BY RIGHT

A. Permitted Uses

Loft Apartments

Multi-Family dwellings up to 50 units

Hotels and motels

Bed & Breakfasts

Convention/conference facilities of up to 20,000 gross square feet

Restaurants (except drive-thru restaurants)

Home Occupations

General Commercial Retail Uses up to 20,000 square feet (with the exception of those uses expressly prohibited below.)

Office Uses up to 20,000 square feet.

Mixed Use Structures up to 25,000 square feet

Zero-Lot Line Residential

Civic Uses on lots not exceeding 2 acres

Indoor Theaters

Vocational Centers

B. Exceptions to Permitted Uses

The following uses are specific exceptions to the permitted uses listed above and are expressly prohibited in DT districts

Adult Retail

Outdoor storage or sales

Drive-thru restaurants

Any use which encourages patrons to remain in their vehicles while receiving good or services.

Residential uses on the ground floors of shopfront buildings.

5.11.3

USES PERMITTED BY CONDITION

Single-family Residential (attached and detached)

Day Care Centers

Gas Stations

Auto Repair Shops

Welding and Machine Shops

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Nightclubs and Bars with live music
Restaurants with outdoor seating
Parking decks
General Commercial Uses over 20,000 gross square feet
Office Uses over 20,000 gross square feet
Conference/convention facilities over 20,000 gross square feet
Mixed Use structures over 25,000 square feet
Civic Uses on lots exceeding 2 acres
Banks with drive-in windows Attorneys, Medical, Real Estate, and Similar
Any other use that is determined by the Board of Adjustments to be of the same general character.

5.11.4

LOT PROVISIONS AND LOT WIDTH

Minimum Lot Size:
Residential = 7,260 sq ft.
Nonresidential = no minimum
Minimum Lot Width: no minimum

5.11.5

SETBACKS AND ENCROACHMENTS

Front Setbacks:
Equal to the average front setback within 150 ft of the center line of either side of the lot.

Side Setbacks:
Single-family Residential: 10 ft
All other uses: no minimum

Rear Setbacks:
All uses: 10 ft

Buildings and street facades shall extend along frontage lines. All portions of a frontage line shall be occupied by a building or wall. (Exceptions: pedestrian walkways, Civic Lots, and single-family residential).

Balconies and awnings shall be constructed as cantilever structures and shall not extend beyond the curb line. Balconies and awnings shall be permitted to encroach within sidewalk areas as follows:

Balconies: 6 feet
Awnings: 6 feet

5.11.6

BUILDING HEIGHT

Single-Family Residential
Minimum: none
Maximum: 35 ft

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All Other Uses

Minimum: 26 feet

Maximum: 155 ft in the City of Danville, 35 ft elsewhere.

Exception: Roof equipment not intended for human occupancy and which is necessary to the structure upon which it is placed.

5.11.7

PARKING AND LOADING REQUIREMENTS

See Section 8.7 of this Ordinance.

5.11.8

ARCHITECTURAL STANDARDS

All construction shall conform in street orientation and building volumes to adjacent structures. There shall be no metal paneling on the surface area of a building wall.

A. Configurations

1. Two wall materials may be combined horizontally on one facade. The heavier material must be below and can cover the first floor only.
2. Street level windows shall be untinted.

B. Techniques

1. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.

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5.12

Traditional Neighborhood (TND) District

5.12.1

INTENT

The purpose of this district is to allow for the development of fully integrated, mixed use, pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation.

Its provisions adapt urban conventions which were normal in the United States until the 1940's and were, historically, based on the following design principles:

- * All neighborhoods have identifiable centers and edges.
- * Edge lots are readily accessible to retail and recreation by non-vehicular means.
- * Uses and housing types are mixed and in close proximity to one another.
- * Street networks are interconnected and blocks are small.
- * Civic buildings are given prominent sites throughout the neighborhood.

While these principles are the basis for most of this Ordinance, the TND district is unique in its attempt to unify all of these principles in a single, planned development district. This is accomplished by allowing for a wider range of uses in the TND district than in other districts and by establishing more specific design standards for each broad use category in the district.

5.12.2

DEVELOPMENT PROVISIONS

Minimum Development Size: that which is necessary to design a planned development that meets all of the requirements of Section 5.12 Suggested minimum size is 40 acres.

Maximum Development Size: 200 acres

(NOTE: Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all such provisions. This ensures a pedestrian orientation of each neighborhood in a TND district.

Maximum permitted densities and total number of dwelling units shall be established during the Site Plan Review Process.

All Traditional Neighborhood development shall follow the standard preliminary and final plat procedures described in the Danville-Boyle County Subdivision Regulations, unless otherwise directed in said subdivision regulations.

EXAMPLE OF A
TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Scale: 0.5 to 1 mile across

Within a neighborhood the following land uses should be arranged to service the needs of the resident population in a convenient pedestrian-oriented environment:

- Open Space
- Civic Buildings
- Low Density Residential
- High Density Residential
- Retail / Commercial
- Business / Workplace
- Parking

5.12.3

GENERAL DESIGN STANDARDS AND PROVISIONS

A. Use

1. The entire land area of the TND shall be divided into blocks, streets, and lots, as well as optional natural/greenbelt areas.
2. Similar land categories shall generally front across streets. Dissimilar categories shall abut at rear lot lines. Corner lots which front on streets of dissimilar use shall be set back the same as the adjacent use with the lesser setback.
3. Large-scale, single use buildings (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above habitable street front space.
4. Uses Permitted with Conditions:
 - a. Uses which generate significant impacts on City, County, and/or State services and infrastructure
 - b. Essential Services
 - c. Gas Stations and Garages
 - d. Restaurants and other commercial establishments with outdoor seating.
 - e. Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services (including drive-thru restaurants and banks with drive-in windows)

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5. Prohibited Uses in TND districts
 - a. Chemical manufacturing, storage or distribution as a primary use
 - b. Enameling, painting or plating, except artist's studios
 - c. Outdoor advertising or billboards as a principle use
 - d. A carting, moving, or hauling terminal or yard
 - e. Prisons, detention centers, or halfway houses (NOTE: group homes shall be treated as traditional multifamily dwellings and are not excluded from TND districts by this subsection).
 - f. Mobile homes, manufactured homes, and other forms of modular housing
 - g. Kennels
 - h. Adult Retail
 - i. Establishments Utilizing Temporary or Mobile Structures
(see Section 5.1.11)
 - j. All other uses specifically prohibited in Section 5.1.7 of this Ordinance.
 6. Accessory structures may be used for rental housing on attached and detached home lots
 7. All uses shall be conducted within complete enclosed buildings unless otherwise specified.
 8. Fences and Walls shall adhere to the provisions of Article 9 (Landscaping and Screening) of this Ordinance unless otherwise specified in this Section.
- B. Lots and Buildings
1. All lots shall share a frontage line with a street or square.
 2. All buildings, except accessory structures, shall have their main entrance opening onto a street or square.
 3. Stoops, open colonnades, and open porches may encroach up to 12 feet into front setbacks.
- C. Streets & Alleys
1. Streets shall provide access to all tracts and lots
 2. All streets and alleys shall terminate at other streets within the neighborhood and connect to existing and projected through streets outside the development.

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3. There shall generally be a continuous network of alleys to the rear of lots within the TND.
4. The average perimeter of all blocks within the TND shall not exceed 1,350 feet. No block face shall have a length greater than 500 ft without a dedicated alley or pathway providing through access.
5. Utilities shall be buried and/or run along alleys wherever possible.
6. If provided, street lamps shall be installed on both sides of the street no less than 100 ft apart, as per local ordinance.
7. Rights-of-way and streets are encouraged to differ in dimension and each street shall be separately detailed in the site plan.
8. Steady and even building lines shall be established along all streets and public space frontages, determining the width desired for each street or public space. A minimum percentage build-out at the building line shall be established along all streets and public square frontages.
9. The long axis of the street shall have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

D. Parking

1. Parking lots shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, solid fences or hedges.
2. Parking lots and parking garages shall not abut street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
3. Primary street frontages shall have no vehicular entries, for properties with another street frontage. Properties with a single-frontage on a primary street shall be limited to a maximum of two single-lane width vehicular entries separated by a minimum of 20 ft.
4. Adjacent parking lots shall have vehicular connections via an alley or internally.
5. On-street parking directly fronting shall count toward fulfilling the parking requirement of that lot. One parking space credit shall be given for every space in front of the lot that is over 50% of the length of the parking space.

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E. Landscaping

1. Trees shall be planted within right-of-ways parallel to the street along all streets. (Exception: alleys).
2. Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 ft and a maximum of 50 ft on center. Small and medium maturing trees shall be planted a minimum of 10 ft and a maximum of 30 ft on center.
3. Large maturing trees shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic structures.
4. Small maturing trees shall generally be planted along nonresidential streets, interior portions of parks, squares, greenbelts, and civic structures.
5. Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines.
6. Plantings towards the street shall respect the integrity of the street by not obscuring important buildings and respecting views to and from streets, porches, walks, and public open spaces.
7. Existing trees 18" in caliper or greater may count towards all tree requirements. All such trees not within a drive or building footprint after grading may not be cut without permission from the administrative official.
8. All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.
9. Must comply with local ordinances.

5.12.4

PARKS AND OPEN SPACE (POS) TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated for Parks and Open Space (POS) uses shall consist of the following:
 - a. Parks
 - b. Squares
 - c. Greenbelts
 - d. Streets and Alleys
2. POS tracts may contain civic use lots.
3. Large-scale recreational uses such as golf courses and multiple game fields shall be located on the perimeter of neighborhoods (i.e., within a greenbelt).
4. A minimum of 5% of the gross area of the neighborhood or two acres (whichever is greater) shall be permanently allocated to squares or parks.

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5. Each neighborhood shall contain as its central focus at least one square or park no smaller than 1 acre, and no greater than 3 acres. This square shall be within 600 ft of the geographic center of the neighborhood.
6. Squares, parks, and other natural amenities shall have at least 75% of their perimeter abutting street rights-of-way.
7. The remaining POS area shall be divided at least into thirds and distributed such that no portion of the TND is further than 600 ft from a park or square.

B. Lots & Buildings

1. Balconies shall be permitted to encroach up to 8 ft into a POS tract.
2. All lots share a frontage line with a street or square. All buildings shall have their main entrance opening to a street or square (except accessory structures).
3. Similar building massing and uses at ground level shall front a street, park, or square.

C. Streets & Alleys

Alleys shall not form the boundary of a park, square, or greenbelt unless a wall a minimum of 6 ft in height is used for separation.

D. Parking

1. The developer shall demonstrate the provision of adequate parking for POS tracts containing squares and parks. Shared parking shall be encouraged.
2. Parking lots on POS tracts shall be graded, compacted, and landscaped, but may be left unpaved.

E. Landscaping

1. Streets fronting parkways shall at a minimum have trees planted on the developed side of the street.
2. Greenbelts shall be left natural (exception: provisions set forth by section 5.12(A)(3)). Fronting right-of-ways shall require no plantings or landscapings.

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5.12.5

CIVIC USE TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated for Civic uses may contain but not be limited to the following:
 - a. Community buildings
 - b. Meeting halls
 - c. Libraries
 - d. Post Offices
 - e. Schools
 - f. Child care centers
 - g. Clubhouses
 - h. Religious buildings
 - i. Recreational facilities
 - j. Museums
 - k. Performing arts buildings
 - l. Municipal buildings
2. A minimum of 2% of the gross area of the neighborhood shall be designated for civic use lots.
3. Civic lots shall be within or adjacent to a square or park, or on a lot terminating a street vista.

B. Lots & Buildings

1. Civic use buildings shall not be subject to setback limitations.

C. Streets & Alleys

The long axis of a street shall visually terminate with a public monument, a building facade, or a park or public gathering area.

D. Parking

1. The developer shall demonstrate the provision of adequate parking for POS tracts containing squares and parks. Shared parking shall be encouraged.
2. Civic Use lots within POS tracts may count on-street parking fronting the POS tract toward its parking requirements.
3. Off-street parking for Civic Uses shall occur at the rear or side of the building.

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E. Landscaping

1. Landscaping for parking lots shall conform to the provisions set forth in Section 9.11.6(B) of this Ordinance.
2. Landscaping and screening for utility, storage, and loading areas shall conform to the provisions set forth in Section 9.11.6(C) of this Ordinance.
3. Interior plantings shall respect vistas and building lines.

5.12.6

SHOP FRONT TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated as Shopfront Use shall contain residential and commercial uses.
2. At least 50% of the building area shall be designated for residential use.
3. Residential uses are not permitted on the ground floors of shopfront buildings.
4. A minimum of 2% and a maximum of 30% of the gross area of a neighborhood shall be designated for shopfronts.

B. Lots and Buildings

1. Buildings on shopfront lots shall have the facade built directly on the building line along at least 70% of its length. The unbuilt portion of the building line shall have a street wall directly upon it.
2. Buildings on shopfront lots shall have no setback from at least one side lot line.
3. Buildings on shopfront lots shall cover no more than 60% of the lot area.
4. The maximum height shall be 35 ft.
5. The minimum height shall be 26 ft.

C. Streets and Alleys

1. Shopfronts shall have their rear lot lines coinciding with an alley at least 24 feet wide containing a vehicular pavement width of at least 10 feet in width.
2. Shopfront lots shall front on streets with a maximum right-of-way of 65 feet consisting of at least two 12 ft travel lanes, 8 ft parallel parking on both sides, and 12 ft sidewalks. Curb radius shall not exceed 10 feet.

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D. Parking

1. No less than 75% of the parking places shall be to the rear of the building. Access may be through the frontage only if the alley entrance providing access is not within 200 ft of the lot.
2. For shopfronts and workplaces, on-street parking directly fronting a lot shall count toward fulfilling the parking requirement.
3. All shopfront and workplace streets shall have parallel or diagonal parking on street.
4. The required number of parking spaces may be reduced by demonstrating the possibility of shared parking.
5. The parking requirements may be suspended by the Planning Commission for select retail uses of 2,000 sq ft or less, that portion of restaurant seating which is outdoors and adjacent to the street, for daycare, or for other uses which require encouragement.
6. There shall be one parking space per 300 square feet of building space for nonresidential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. Landscaping

1. Landscaping for parking lots shall conform to the provisions set forth in Section 9.11.6(B) of this Ordinance.
2. Landscaping and screening for utility, storage, and loading areas shall conform to the provisions set forth in Section 9.11.6(C) of this Ordinance.
3. Sidewalks for shopfront lots shall not have a continuous band of plantings separating the curb from the sidewalk.

5.12.7

ATTACHED (MULTI-FAMILY) HOME TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated for attached home use shall contain buildings for residential use and limited commercial use, such as a coffee house, home occupation, or bed & breakfast.
2. An accessory building is permitted on each lot.
3. 100% of the building area above the ground floor shall be residential.
4. A minimum of 15% and a maximum of 30% of the gross area of the neighborhood shall be designated for attached (multi-family) housing and small lot (50 ft or less in width) detached houses.

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B. Lots and Buildings

1. Buildings on attached (multifamily) home lots shall be set back between 0 and 15 feet from the frontage line, and frontage lines (except for corner lots) shall be constant for a street. Buildings at street intersections may be set back 0 feet from both frontage lines.
2. Buildings on attached (multifamily) home lots shall have no required setbacks from side lot lines.
3. Buildings on attached (multifamily) home lots shall cover no more than 50% of the lot area.
4. Building height shall not exceed 35 feet.
5. Buildings on attached (multifamily) home lots shall have a masonry wall, wood fence, or hedge between 3 and 5 feet tall built along the unbuilt portion of the frontage line.

C. Streets and Alleys

1. Attached (multifamily) homes and small lot detached homes shall have their rear lot lines coinciding with an alley 24 feet wide containing a vehicular pavement width of at least 10 feet.
2. Attached (multifamily) house lots shall enfront on streets with a maximum right-of-way of 54 feet consisting of at least two 12 ft travel lanes, 8 ft parallel parking on both sides, and 6 ft sidewalks. Curb radius shall not exceed 10 feet.

D. Parking

1. All off-street parking places shall be to the rear of the building. Access shall be by an alley only.
2. There shall be one parking space per 300 square feet of building space for nonresidential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. Landscaping

No tree 18" in caliper or greater may be removed unless it is located in a grading area, building footprint, or drive.

5.12.8

DETACHED (SINGLE FAMILY) HOME TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated for detached (single-family) home use shall contain buildings for residential uses, customary home occupational uses, and bed & breakfast inns.
2. An accessory building is permitted on each lot.

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3. 100% of the building area above the ground floor shall be residential.
4. A maximum of 30% of the gross area of the neighborhood shall be designated for large lot (over 50 ft in width) detached homes.

B. Lots and Buildings

1. Buildings on detached home lots shall be set back between 0 and 25 feet from the frontage line.
2. Buildings on detached home lots shall be set back from the side lot lines equivalent to no less than 20% of the width of the lot. The entire setback may be allocated to one side.
3. Buildings on detached home lots shall be set back no less than 30 ft from the rear lot line.
4. Buildings on detached home lots shall cover no more than 50% of the lot area.
5. Building height shall not exceed 35 ft.
6. Buildings on detached home lots shall have a masonry wall, wood fence, or hedge between 3 and 5 feet tall built along the unbuilt portion of the frontage line.

C. Streets and Alleys

1. Detached home lots may have their rear lot lines coinciding with an alley 24 ft wide containing a vehicular pavement width of at least 10 feet.
2. Detached house lots shall enfront on streets with a maximum right-of-way of 40 feet consisting of at least two 10 ft travel lanes and 5 ft sidewalks. Curb radius shall not exceed 25 feet.

D. Parking

1. All off-street parking places shall be to the side or the rear of the building. Where access is through the frontage, garages or carports shall be located a minimum of 20 feet behind the front facade.
2. There shall be one parking space per 300 sq ft of building space for nonresidential uses, and one per room of lodging, and per 2 bedrooms of residential use.

E. Landscaping

No tree 18" in caliper or greater may be removed unless it is located in a grading area, building footprint, or drive.

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5.12.9

BUSINESS TND DESIGN STANDARDS AND PROVISIONS

A. Use

1. Land designated for Business Use shall contain office, retail, light industry, warehousing, and/or gas stations.
2. A minimum of 5% and a maximum of 15% of the gross area of the neighborhood shall be designated for business.
3. Business Uses shall be grouped together as follows:
 - * Office and retail may be grouped with Shopfront buildings to form town centers.
 - * All other Business Uses shall be grouped together outside town and neighborhood centers.

B. Lots and Buildings

1. Business buildings shall not require setbacks from front or side lot lines.
2. Business buildings shall not cover more than 50% of the lot area.
3. Business lots shall be separated from other use types at the side and rear lot lines by a continuous masonry wall no less than 8 ft in height.
4. The maximum height shall be 35 ft.

C. Streets and Alleys

1. Business lots may have their rear lot lines coinciding with an alley at least 24 ft wide containing a vehicular pavement width of at least 10 feet.
2. Business lots shall enfront on streets with a maximum right-of-way of 70 ft consisting of at least two 12 ft travel lanes, one 10 ft central turning lane, 8 ft parallel parking on both sides, and 9 ft sidewalks. Curb radius shall not exceed 15 feet.

D. Parking

1. There shall be one parking space per 500 sq ft of building space, except for office use which shall have one per 300 sq ft.
2. Off-street parking places may be placed to one side or to the rear of the building.

E. Landscaping

1. Landscaping for parking lots shall conform to the provisions set forth in Section 9.11.6(B) of this Ordinance.
2. Landscaping and screening for utility, storage, and loading areas shall conform to the provisions set forth in Section 9.11.6(C) of this Ordinance.

5.12.10

ARCHITECTURAL STANDARDS (ALL USES)

Due to the mixed use nature of the district, architectural compatibility is necessary in order to visually integrate development and allow for proximity of varied uses.

All residential uses shall conform to the standards detailed in Section 5.5.10 (NCR)

A. Materials

1. All walls visible from public streets shall be clad in brick, cast concrete, stone, stucco, approved metal paneling (no more than 20% of a building wall), or material similar in appearance or texture.
2. Screening walls shall be made of materials which match the principle structure. If a structure consists of more than one material, the heavier material shall be used.

B. Configurations

1. Two wall materials may be combined (horizontally) on one facade. The heavier material must be below.
2. Maximum screening wall height shall be 8 ft.
3. Flat roofs are allowed.

C. Techniques

1. Stucco shall be float finish.
2. All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.