

**ARTICLE 7**  
**USES PERMITTED WITH CONDITIONS**

7.1

**Purpose**

The Danville-Boyle County Planning Commission finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet mitigating conditions specific to their design and/or operation. Such conditions ensure different building uses and types may locate in proximity to one another without adverse affects on the community. This Article specifies these requirements which must be met to obtain a Conditional Use Permit from the Board of Adjustment.

7.2

**Conditional Uses**

Each use shall be permitted in compliance with all conditions listed for the use in this Article.

7.2.1

**BED & BREAKFAST FACILITY**

- A. Single-family homes used as Bed and Breakfasts shall have a minimum floor area of 1,500 sq ft, excluding attic, basement, and garage areas.
- B. Single-family homes used as Bed and Breakfast may not subdivide existing rooms into less than 200 sq ft each.
- C. The Bed and Breakfast shall be owner-occupied.
- D. All off-street parking shall be to the side and/or rear of the home on paved surfaces. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.
- E. Bed and Breakfast Facilities shall have no more than four (4) rooms for rent. However, the Board of Adjustment may waive this restriction, provided that the building is listed on the National Register of Historic Places.

7.2.2

**CEMETERY**

- A. Walls between 1.5 ft and 4 ft in height are permitted.
- B. Fences between 4 ft and 8 ft are permitted.
- C. Combination wall and solid fence is permitted.
- D. Setbacks from all rights-of-way to a wall or grave shall be a minimum of 8 feet.

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7.2.3

## COUNTRY CLUB

- A. The principal country club building shall, wherever possible, be located at the termination of one or more street vistas.
- B. Parking shall be to the rear and/or side of the building(s).

7.2.4

## HOME OCCUPATIONS

- A. Business operations shall not change the character of the dwelling.
- B. Any outside storage associated with the home occupation shall be stored in an appropriate accessory structure. All regulations concerning accessory structures in that district (including height, placement, materials, and items prohibited from storage) shall be observed.
- C. No more than 25% of the home shall be used in connection with the home occupation.
- D. A maximum of one (1) full-time equivalent employee or subcontractor, excluding family members, is permitted. "Full-time equivalent" is 40 hours of work-related activity per week.
- E. No display or advertising, other than that permitted in Article 13 (Signs) of this Ordinance, is permitted on site.
- F. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. No more than two (2) such vehicles shall be permitted.
- G. The storage, mixing, or disposal of dyes, pesticides, lawn chemicals, and other toxic or hazardous materials associated with commercial uses is prohibited on site.
- H. On-site residency is required.
- I. Residential homes with over 6,000 sq ft and located on a minimum of 2 acres are subject to the following additional conditions:
  - 1. If the home occupation can be considered an "office use," 30% of the home shall be permitted to be used in connection with the home occupation. This provision shall be substituted for Section 7.2.4(C).
  - 2. All off-street parking shall be to the side and/or rear of the home on paved surfaces. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space for every 300 sq ft of floor space associated with the home occupation.
- J. In districts where home occupations are permitted by right, these provisions (A-I) shall be abided by; however, a CUP need not be obtained so long as these provisions are followed.

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## 7.2.5

### DUPLEX HOME

- A. Lot size minimum of 10,000 square feet is required.
- B. Shall be designed architecturally so that the main entrance for each unit faces the fronting street.

## 7.2.6

### RECREATIONAL FACILITIES

- A. Recreational facilities are encouraged to be built adjoining school campuses, greenbelts, parks, or other similar uses.
- B. Parking shall be located behind structures, or along the perimeter of the lot. The Planning Director may recommend an appropriate parking space allotment for the facility, based upon the uses in the facility. If the Planning Director presents no such recommendation to the Board of Adjustment, there shall be one space per 250 square feet of facility floor area.

## 7.2.7

### ROOMING OR BOARDING HOUSES

- A. Single family homes used as rooming/boarding houses may not subdivide existing rooms.
- B. The rooming/boarding house shall be owner-occupied.
- C. All off-street parking shall be to the side and/or rear of the home on paved surfaces. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.

## 7.2.8

### ATTORNEYS/MEDICAL/REAL ESTATE AND SIMILAR OFFICES (NCR)

- A. Buildings housing these uses shall be residential in design and appearance.
- B. These uses are restricted to Type A lots only.
- C. Parking shall be in the side and/or rear yards on paved surfaces. Such areas shall be appropriately screened.

## 7.2.9

### DAY CARE CENTERS

- A. Provisions for NCR (A,B) Districts
  - 1. Minimum lot size shall be 1/2 acre.
  - 2. Day care centers shall conform in architecture to the surrounding residential structures.
  - 3. The rear of the lot shall be walled or fenced with a solid fence.

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## B. Provisions for NCC Districts

1. Minimum lot size shall be 6,500 sq. ft.
2. Day care centers must be able to comply with all open area and outdoor playground space (as required by Kentucky Revised Statutes) on the actual lot. Adjacent parks and open areas shall not satisfy the space requirements of this Ordinance for the purposes of granting the conditional use permit even if the presence of such adjacent spaces satisfy other state requirements not related to zoning.
3. On-street parking may be used to fulfill parking requirements.
4. Rear courtyards shall be fenced with a solid fence or walled.

### 7.2.10

#### GROUP HOMES

- A. All group homes shall be residential in architectural design.
- B. Minimum lot size shall be 7,000 sq ft.
- C. All off-street parking shall be to the side and/or rear of the home on paved surfaces. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. Off-street parking shall be appropriately screened.

### 7.2.11

#### MULTI-FAMILY DWELLINGS

- A. All multifamily development shall front onto a street.
- B. Parking shall be to the rear or side of an apartment building.
- C. Parking which adjoins a street shall have a wall running the length of the right-of-way except for driveways.

### 7.2.12

#### GAS STATIONS/SERVICE STATIONS

##### A. Provisions for NCC Districts

1. All gas stations/service stations shall provide a continuous street facade consisting of buildings or walls along all rights-of-way except driveways.
2. The architectural design of such structures shall be compatible with abutting structures with regards to building materials and roof pitch.

##### B. Provisions for RC Districts

1. Front setbacks may be less than the minimum requirement if such an encroachment allows for better site design of the building in relation to the street.
2. Outdoor storage shall be screened from all public rights-of-way and can occur in the rear yard only. Screening shall comply with the provisions set forth in Article 9 (Landscaping).

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## C. Provisions for DT and TND Districts

1. Buildings shall conform to surrounding architecture. For example, gas stations in a "Main Street" district shall conform to the shopfront-type structure typical of that area.

7.2.13

### **NIGHTCLUBS AND BARS**

- A. Unless a jurisdiction is governed by a more restrictive local noise ordinance, music shall not be audible off the premise at decibel levels louder than normal background noise after 11:00 pm, if such establishments are located within 350 ft of a residence (including multifamily).

7.2.14

### **PARKING DECKS (OR PARKING GARAGES)**

- A. Parking deck facades shall be visually similar to the material used on surrounding buildings.

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**

- A. Parking may be accommodated on-site, on-street, or within 800 ft of the site. Shared parking is encouraged.
- B. All loading areas shall be to the rear of the structure (does not apply to multifamily development).

7.2.16

### **CIVIC USES EXCEEDING 3 ACRES IN NCC DISTRICTS OR EXCEEDING 2 ACRES IN DT DISTRICTS**

- A. Civic uses shall be placed on a lot so as to front on the street, and where possible, terminate a vista.
- B. Building(s) incidental to the principle structure shall be behind a line a minimum of 20 ft from the front facade of the structure. If there is more than one such building, they shall be arranged to create secondary gathering spaces within the lot, whenever possible.
- C. Parking shall be located towards the interior of the lot. On-street parking may be used to fulfill parking requirements. Parking may not occur within a front setback or corner side setback.
- D. Front setback lines and depth may be altered to preserve views, significant trees, or significant topographic features.
- F. Civic Uses over 3 acres in NCC Districts and over 2 acres in DT districts shall provide 90% of the parking on-site.

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7.2.17

**MIXED USES EXCEEDING 35,000 SQ FT IN NCC DISTRICTS  
OR EXCEEDING 25,000 SQ FT IN DT DISTRICTS**

A. First floor uses shall be for nonresidential uses only.

7.2.18

**ESSENTIAL SERVICES**

A. All such services shall be screened where appropriate from rights-of-way.

7.2.19

**COMMERCIAL USES EXCEEDING 50,000 SQ FT IN HC DISTRICTS OR EXCEEDING  
20,000 SQ FT IN RC DISTRICTS**

A. Applicants for commercial uses requiring water or sewer usage at levels greater than existing capacity of the system shall be required to improve the appropriate infrastructure capacity as determined by the appropriate city or county.

7.2.20

**ADULT RETAIL**

A. No adult retail establishment, as defined in Article 2 of this Ordinance, shall be located less than 1,000 ft from a school, church, day care center, or lot in residential use.

B. No adult retail establishment shall be established in violation of any health, safety, or obscenity legislation at the Federal, State, or local level of governance.

7.2.21

**INDOOR STORAGE OF HAZARDOUS MATERIAL**

A. All indoor storage of hazardous materials shall be in compliance with all state and federal regulations.

B. Such material shall be listed and made known to the Fire Department of the appropriate jurisdiction.

7.2.22

**DRIVE-IN THEATERS**

A. Minimum lot size shall be 3 acres.

7.2.23

**OUTDOOR STORAGE OF HAZARDOUS MATERIAL**

A. Outdoor storage of hazardous material shall be screened from all public rights-of-way and can only occur in a rear yard.

B. All storage of such material shall be in compliance with all state and federal regulations.

B. Such material shall be listed and made known to the Fire Department of the appropriate jurisdiction.

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### 7.2.24

#### **AUTOMOBILE REPAIR SHOPS (DT)**

- A. Buildings shall conform to surrounding architecture. For example, gas stations in a "Main Street" district shall conform to the shopfront-type structure typical of that area.
- B. No outside storage shall be permitted.
- C. Hours of operation shall be normal and customary to other commercial uses in the surrounding district.
- D. All work areas shall be enclosed.
- E. Impacts on adjacent property (including noise, heat, vibration, dust, and other pollutants) shall be mitigated.
- F. Parking and other service areas shall be fenced with a solid fence or screened.
- G. The Board of Adjustment shall be permitted to impose any additional conditions for the granting of a conditional use permit to ensure the general health, safety, and welfare of the community.

### 7.2.25

#### **WELDING & MACHINE SHOPS (DT)**

- A. Buildings shall conform to surrounding architecture. For example, gas stations in a "Main Street" district shall conform to the shopfront-type structure typical of that area.
- B. No outside storage shall be permitted.
- C. Hours of operation shall be normal and customary to other commercial uses in the surrounding district.
- D. All work areas shall be enclosed.
- E. Impacts on adjacent property (including noise, heat, vibration, dust, and other pollutants) shall be mitigated.
- F. Parking, screening, and other service areas shall be fenced or screened.
- G. The Board of Adjustment shall be permitted to impose any additional conditions for the granting of a conditional use permit to ensure the general health, safety, and welfare of the community.

### 7.2.26

#### **GENERAL COMMERCIAL USES EXCEEDING 20,000 SQ FT IN DT DISTRICTS; OFFICE USES EXCEEDING 20,000 SQ FT IN DT DISTRICTS**

- A. Parking may be accommodated on-site, on-street, or within 500 feet of the site. Shared parking is encouraged.
- B. All loading areas shall be to the rear of the structure (does not apply to multifamily development).

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7.2.27

## **BANKS WITH DRIVE-IN WINDOWS (DT)**

- A. Drive-in window lanes in the City of Danville shall not enter or exit onto Main Street, 4th Street, or 3rd Street.
- B. Sites should be designed so that there is a minimum of 4 reservoir spaces for each drive-in teller lane (including drive-in ATM lanes).
- C. Off-street parking shall be to the side and/or rear of the lot. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking.
- D. The Board of Adjustment shall have the authority to alter these conditions, or impose additional conditions, to better effect the spirit of this section.

7.2.28

## **MANUFACTURED HOUSING OUTSIDE OF RMH DISTRICTS**

Site plan approval is required before the placement of manufactured housing on a lot shall occur for all temporary manufactured housing, even for manufactured housing used for residential purposes. The requirements for a residential manufactured housing site plan shall be those set forth in Section 4.7 (1-3, 6, 9, and 15).

7.2.29

## **SOLID WASTE LANDFILL**

- B. The front, side and back setbacks from the perimeter of the landfill footprint to the property line shall be two hundred fifty (250) feet.
- C. The following distances from adjoining land uses shall be observed:

Residential Structures	1000 feet
School and Church Property Lines	1000 feet
Public Park Property Lines	1000 feet

The minimum distances shall be measured from the perimeter of the landfill footprint to the adjoining land uses.

- D. The facility shall be permitted by the Kentucky Cabinet of Environmental Protection, Division of Waste Management (401 KAR Chapters 47 and 48), as amended from time to time.
- E. The front of the property shall be fenced with a solid fence, as defined herein, at least six (6) feet in height, designed to keep children and animals off the site.
- F. The side and back property lines shall be fenced with a solid fence, as defined herein, at least six (6) feet in height, designed to keep children and animals off the landfill site.

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7.2.30

### CONSTRUCTION/DEMOLITION DEBRIS LANDFILL (CDDL) AND/OR REGISTERED PERMIT BY RULE

- A. The front, side and back setbacks from the perimeter of CDDL footprint to the property line shall be two hundred fifty (250) feet.
- B. The following distances from adjoining land uses shall be observed:
  - Residential Structures 1000 feet
  - School and Church Property Lines 1000 feet
  - Public Park Property Lines 1000 feetThe minimum distances shall be measured from the perimeter of the CDDL footprint to the adjoining land uses.
- C. The facility shall be permitted by the Kentucky Cabinet of Environmental Protection, Division of Waste Management (401 KAR Chapters 47 and 48), as amended from time to time.
- D. The front of the property shall be fenced with a solid fence, as defined herein, at least six (6) feet in height, designed to keep children and animals off the site.
- E. The side and back property lines shall be fenced with a solid fence, as defined herein, at least six (6) feet in height, designed to keep children and animals off the landfill site.
- F. Shall have sole access on a state or federal highway.

7.2.31

### JUNKYARDS AND SALVAGE YARDS

- A. All areas containing junked vehicles or equipment shall be fenced with a solid fence at least six (6) feet in height.
- B. Vehicles may be stacked one upon another to within one foot of the top of the solid fence.
- C. Front, side and back setbacks from the footprint of the junkyard shall be one hundred (100) feet to the adjoining property lines.
- D. New junkyards and salvage yard facilities shall register with the Enforcement Officer of the local Planning and Zoning Commission. "Register" means completing a Junkyard and Salvage Yard Registration application provided by Planning and Zoning and paying applicable fees.

7.2.32

### TRAVEL TRAILERS AND MOTOR VEHICLES FOR TEMPORARY RESIDENCE

- B. Travel trailers and motor vehicles shall be permitted as temporary residences for civic uses for a period not to exceed 90 days. An extension may be granted for an additional 90 days, but the total period of placement shall not exceed 180 days.
- C. Placement of travel trailers or motor vehicles for temporary residence shall meet minimum building setbacks for structures in that zoning district.