

ORDINANCE NO. 2051

AN ORDINANCE OF THE CITY OF DANVILLE, KENTUCKY, AMENDING ARTICLE 4 OF THE "ZONING ORDINANCE, BOYLE COUNTY, THE CITIES OF DANVILLE, JUNCTION CITY AND PERRYVILLE", IN ORDER TO AMEND REGULATIONS RELATING TO GRAVEL PARKING LOTS

WHEREAS, the City of Danville has previously enacted a joint planning and zoning ordinance with the County of Boyle and the Cities of Junction City and Perryville, which ordinance is formally referred to as the "Zoning Ordinance, Boyle County, and The Cities of Danville, and Perryville, Kentucky" and sometimes referred to as the "zoning ordinance", which ordinance is adopted by reference in Chapter 19 of the Code of Ordinances of the City of Danville; and

WHEREAS, the Danville/Boyle County Planning and Zoning Commission made certain recommendations as of July 24, 2024, concerning the amendment of Article 4 of the Zoning Ordinance to amend regulations related to gravel parking lots and the Board of Commissioners desire to approved and adopt the recommended text amendments;

Now, therefore, in consideration of the foregoing, BE IT ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

SECTION ONE: Article 4 (Zoning Districts – Industrial) Section 4.7.4 (General Industrial Development Standards) of the Zoning Ordinance is hereby amended as follows:

4.7.4 General Industrial Development Standards

- A. Uses.** Uses permitted in this District are shown in the Use Table in Section 5.1, Use Table. This table employs broad use categories containing a variety of similar uses. The use categories are described in Section 5.2, Use Categories. Additional standards for specific uses, if any, can be found in each category.
- B. Property Development Standards.**
 - 1. Development in each District shall comply with the industrial development standards in the following table:

	LI	HI	IBD
Lot Area (minimum) Public Sewer Septic System	5,000 sf N/A	5,000 sf N/A	217,800 sf N/A
Lot Width (min at bldg line)	50 ft	50 ft	100 ft
Lot Frontage (minimum)	50 ft	50 ft	50 ft
Lot Coverage (maximum)	90%	90%	80%
Setback (minimum) Front Yard Side Yard Rear Yard	25 ft 0 ft 0 ft	25 ft 0 ft 0 ft	25 ft 0 ft 0 ft
Height, (maximum)	100 ft	100 ft	100 ft
Residential Uses Allowed?	No	No	Yes

2. **Minimum Lot Area Above 100-Year Flood Level Required.** No lot served by public sanitary sewer shall be created or developed which does not have at least 5,000 square feet of lot area above the 100-year frequency flood level.

3. **Measurement of Lot Coverage.** Lot coverage shall include all areas of the lot covered by buildings, structures (including accessory structures), patios, walkways, travelways, and parking areas, including gravel parking areas. Lot coverage does not include pervious material or similar permeable paving material. The percent of lot coverage shall be determined by dividing the total covered area by the gross area of the lot.

C. **Additional Setback Adjacent to Residential District/ Use.** Development in any industrial district adjacent to the boundary of a residential zoning district or a residential use shall require the following setback:

1. The LI District shall require a 25-foot side and a 50-foot rear yard where abutting a residential district/use.
2. The HI District shall require a 50-foot side and rear yard where abutting a residential district/use.
3. The IBD District shall require a 50-foot side and rear yard where abutting a residential district/use.

D. **Landscaping.** All industrial development shall comply with the minimum landscaping standards as set forth in the Commercial Development Standards in Section 4.6.8.D.

E. **Off-Street Parking and Loading.** Off-street vehicle storage or parking space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley.

1. **Required Spaces.** The following are minimum requirements for specific industrial uses. See specific use chart in 4.6.8.E for other parking requirements in the Industrial District. All measurements utilizing square feet shall be square feet of gross floor area unless otherwise expressly stated. Combined uses shall be required to provide parking equal to the total requirements for the individual uses. Where necessary, calculations shall be based on Kentucky Building Code Occupancy load requirements.

Industrial Use	Spaces Required
Industrial Plant	1 space per employee, maximum shift
Wholesale, Storage or Warehousing	1 space per employee, maximum shift
Industrial Service	1 space per 300 square feet
All other Industrial Uses	See Sec 4.6.8.E

2. **Computation and Design.** All parking required under this Section shall comply with Section 4.6.8.E. of the Commercial Development Standards with regard to computing parking requirements, alternative parking study, parking space design, off-site parking, and shared parking.
3. **Parking Surface.** Drives and parking areas must be paved with concrete, asphalt, brick pavers, pervious material or similar permeable paving material.
4. **Alternative Parking Surface.** At the time of the filing of any application for a Building Permit or Zoning (~~Paving Only~~) Permit, the Parking Surface Standards for truck and heavy equipment parking areas, only, in the Light Industrial (LI), Industrial Business Development (IBD), and Heavy Industrial (HI) districts may be permissible waived by the Public Works Director or his or her designee with the following conditions:
 - a. ~~Travelways and all other parking areas must be paved with concrete, asphalt, brick pavers, pervious material or similar permeable paving material.~~
 - b. ~~Truck and Heavy Equipment parking areas utilizing an alternative parking surface must provide curbing in order to minimize the spreading of alternative paving materials into landscaping areas, travelways and other parking areas.~~

- a. Truck and Heavy Equipment parking areas utilizing an alternative parking surface must not extend beyond the front of the principal structure and shall not be visible from any public right-of-way or adjoining residential use.
- b. Truck and Heavy Equipment parking areas utilizing an alternative parking surface may not be located within designated building setback areas and must meet all landscape requirements of the Zoning Ordinance.
- c. Alternative parking surfaces shall not exceed the maximum permitted lot coverage in the ~~LI (Light Industry) and HI (Heavy Industry)~~ Light Industrial (LI), Industrial Business District (IBD), and Heavy Industrial (HI) zoning districts.
- d. Truck and Heavy Equipment parking areas utilizing an alternative parking surface shall conform to the Stormwater Management Program and must be designed and constructed so as to direct stormwater runoff to the appropriate drainage facility.
- e. ~~The above alternative parking surface standards for truck and heavy equipment parking in industrial districts are not variable.~~

5. **Off-Street Loading Space.** Every building or structure hereafter constructed for business or trade use shall provide adequate space for the loading or unloading of delivery vehicles on site. Such space shall have access to a public alley, or if there is no alley, to a public street.

District	Minimum Off-Street Loading Space
LI, HI	1 space per each 20,000 sf of building.

- 6. **Signs.** All signs in the Industrial Districts shall comply with Section 4.6.8.F. of the Commercial Development Standards.
- 7. **Outdoor Storage.** Outdoor storage and display shall be allowed in any industrial district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be subject to the requirements of this Section. Such storage shall not include junk, trash, garbage or other debris. For the purpose of this section, outdoor storage and display shall be broken down into four (4) types, as follows.
 - a. **Type 1: Outdoor Display.** Type 1 Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.

- b. **Type 2: Limited Outdoor Storage.** Type 2 Limited Outdoor Storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater) in addition to any Type 1 Outdoor Display on the site.
- c. **Type 3: General Outdoor Storage.** Type 3 General Outdoor Storage shall be allowed in unlimited quantity, subject only to the location restrictions below.
- d. **Type 4: Temporary/Seasonal Outdoor Storage.** Type 4 Temporary/Seasonal Outdoor Storage may exceed the limits for Outdoor Storage but shall require a permit from the Building Inspector and shall be limited to a 30 day period no more than 3 times per year.
- e. **Exceptions.**
 - (1) Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
 - (2) Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor.
- f. **Location of Outdoor Storage and Display.**
 - (1) All outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
 - (2) No outdoor storage or display shall be allowed in required side yards.
 - (3) Any temporary/seasonal outdoor storage shall not utilize any parking space required for the principal use of the property.
- g. **Allowed Storage Table.** The three types of storage shall be allowed in the districts designated in the Table below:

TYPE	LI, HI	IBD
Type 1: Outdoor Display	✓	✓
Type 2: Limited Outdoor Storage	✓	✓
Type 3: General Outdoor Storage	✓	--
Type 4: Temporary/Seasonal Storage	✓	✓

F. Outdoor Lighting and Speakers.

1. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements.
 - a. **Fixtures.** All light sources shall be concealed within an opaque housing and shall not be visible from any public right-of-way or residential district boundary.
 - b. **Mounting.** Fixtures must be mounted in such a manner that the cone of light does not cross any property line of the site.
 - c. **Illumination Levels.** All site lighting shall be designed so that the level of illumination, measured in footcandles (fc) at any one point meets the standards for the specific use below. Minimum and maximum levels are measured at a single point. Average level is the not-to-exceed value calculated using only the area intended to receive illumination.
- G. **Height Limit Exceptions.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys or smokestacks.
- H. **Accessory Building Standards.** Accessory buildings, except as otherwise permitted by this Ordinance, shall require a Building Permit and shall be subject to the following regulations in all industrial zoning districts.
 1. Where the accessory building is structurally attached to the principal building, it shall be subject to, and shall conform to, all regulations of this Ordinance applicable to the principal building.
 2. No detached accessory building shall be located closer than 10 feet to any principal building and may require greater separation when requested by the Fire Marshal.
 3. An accessory building may be connected to the principal building by a breezeway or other similar structure but shall not be considered as an attached accessory building, carport, or similar structure. Said breezeway shall not project nearer the side lot line than the minimum side yard required for the main building.
 4. Accessory buildings/structures shall be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container. Ground level storage units shall be exempt from the requirement to be permanently affixed and shall be allowed in industrial districts with appropriate screening as outlined in 4.6.8.D.
 5. **Fences.** For the purpose of determining side and rear yard setback, the accessory structure setback shall not apply to fences.
 6. **Solar Panels.** Roof-mounted and ground-mounted solar panel systems are permitted in all industrial districts.

7. No accessory structure that is not designated to breakaway on impact shall be permitted in or extended over a public right-of-way or utility easement without the express written consent of the controlling jurisdiction or utility company. Such structures include, but are not limited to, rock or brick mailbox structures.

SECTION TWO: If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION THREE: This Ordinance shall be effective upon its final passage and publication, and the City Clerk is hereby directed to publish this Ordinance in the Danville Advocate-Messenger of Danville, Kentucky.

GIVEN FIRST READING AND PASSED _____

GIVEN SECOND READING AND PASSED _____

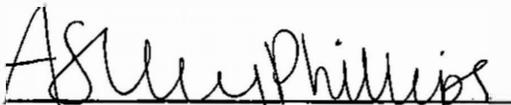
DATE OF PUBLICATION _____

APPROVED:



J. H. ATKINS, MAYOR
CITY OF DANVILLE, KENTUCKY

ATTEST:



ASHLEY PHILLIPS, CITY CLERK
CITY OF DANVILLE, KENTUCKY

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