
ARTICLE

20

SMALL COMMUNITY OVERLAY DISTRICT

SECTION 2000

Intent

The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.

The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.

SECTION 2010

Principally Permitted Uses

1. All principally permitted uses of the basic underlying district(s);
2. Detached single family residences;
3. Bed and Breakfast Inns and hotels with four or less guest rooms;
4. Duplexes and multi-family residential units if the use is located within an existing building which requires no building additions which increase the square footage of the structure.

The following commercial uses are principally permitted if they are located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces:

5. Eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments;
6. Grocery stores and supermarkets, retail sales of meat, fish, seafood, dairy and poultry products, bakery, produce and specialty foods;
7. Research, development and testing service of an office nature;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services (excluding drive-thru facilities) savings and loan associations, credit unions and other credit services, title services, security brokers, dealers and finance companies;
10. Accounting, auditing and bookkeeping services;

11. Postal services, direct mail and advertising services;
12. Physician, dental, and optical goods and services, medical clinics and specialists, laboratory and out patient services and drug store;
13. Veterinary services and pet grooming services, but not including the boarding of animals;
14. Beauty and barber services and tanning salons;
15. Nursery and day care centers;
16. Motion pictures theaters, play houses, puppet shows and similar entertainment (indoors only);
17. Art, music and dancing schools, libraries and museums;
18. Apparel stores, general merchandise, mail ordering houses, shoe stores, specialty clothing or boutiques;
19. Jewelry stores and repair;
20. Radio, t.v., music supplies, cameras, photographic supplies;
21. Art, craft and hobby supplies and products, gifts and novelties;
22. Furniture, home furnishings antiques and used merchandise including furniture repair and upholstery;
23. Books, stationery, newspapers and magazines;
24. Florists excluding greenhouses;
25. Sporting goods including bicycles;
26. Hardware stores, retail sales of paint, glass and wallpaper stores, draperies, curtains, and floor coverings;
27. Household appliances china, glassware and metal ware including repairs and services;
28. Photographic services;
29. Churches, synagogues, temples and other places of religious assembly for worship;
30. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
31. Dry cleaning services (excluding cleaning on site), shoe repair and tailoring;
32. Welfare and charitable services;
33. Funeral homes (excluding crematoriums), cemeteries or mausoleums;
34. Primary, elementary, secondary schools, colleges and universities, vocational or trade schools and special training and schooling facilities;
35. Business associations and professional membership organizations including civic, social and fraternal organizations;
36. Art and craft galleries and similar exhibit space;
37. Aquariums, botanical gardens, and other natural exhibitions;

38. Passive open space;
39. Video stores;
40. Bike shops excluding exterior storage.

SECTION 2011

Accessory Uses

All accessory uses, buildings, and structures permitted in the basic, underlying district(s) are permitted in the SC overlay district. In addition, uses that are customarily and incidental to the uses permitted as principally permitted uses or conditional uses will also be permitted by right within the SC overlay district, including the following:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Accessory dwelling units;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Temporary buildings incidental to construction;
7. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
8. Manufacturing, refinishing or production of crafts and household items sold on premises.

SECTION 2012

Conditional Uses and Criteria

The following uses and appropriate accessory uses may be permitted subject to the approval and conditions of the Board of Adjustment and Zoning Appeals provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and c) historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards

for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

1. All conditional uses specified for the basic, underlying zoning district unless permitted as a principally permitted use by Section 2010;
2. Any use that requires a drive-thru, pursuant to Section 3155;
3. Gasoline filling stations and automobile repair facilities and wash services for vehicles;
4. Dry cleaning services;
5. Garden and landscaping sales including florist greenhouses, lawn furniture and the like;
6. Funeral homes with crematoriums;
7. Motorcycles sales excluding outside storage;
8. Recreation centers, gymnasiums, clubs and similar athletic uses;
9. Police, fire, civil defense and other protective and related services;
10. The writing, publishing, and printing of newspapers, periodicals, and books;
11. Bed and Breakfast Inns and hotels with more than four guest rooms;
12. Franchise style fast food establishments;
13. Small-scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances;
14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

The Principally Permitted uses number 5 through 40 shall be conditional uses if they are located within an existing building which is larger than 2,500 square feet, requires any major exterior alterations or additions which increase the size of use or structure, requires more than ten parking spaces, or requires the construction of a new building on a vacant lot.

SECTION 2014

Intensity

When the underlying zone is agricultural or residential, the maximum intensity for residential uses shall be 50 percent greater than that permitted by the underlying zone. When the underlying zone is not agricultural or residential, the maximum intensity for residential uses is 12 dwelling units per acre. There is no maximum building intensity for commercial, office, and public facility uses provided all other requirements of this order are met.

SECTION 2015

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in the SC overlay district are subject to the supplemental, parking and loading, landscaping and signage regulations of this order unless exempted by the Board of Adjustment and Zoning Appeals when literal conformance to such regulations would be to the detriment of the district. All uses in this article are subject to Site Plan Review as specified in Article 30, or Zoning Permits as specified in Article 4 of this Zoning Order as applicable.

Setback standards within the Small Community Overlay District shall be as follows:

Front Yard and Corner SideYard: The following requirements apply for residential structures when the underlying zone is agricultural or residential.

- A. The required front yard and corner side yard shall conform to the setbacks of adjacent principal structures on the same, respective street frontage;
- B. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage, then the required front yard and corner side yard setbacks shall conform to the setbacks of adjacent principal structures across the respective street;
- C. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage or across the street, then the front yard setback shall be 20 feet maximum and the corner side yard setback shall be one half of the front yard setback;

The required front yard for commercial, office, and public facility uses, and residential uses when the underlying zone is not agricultural or residential, shall be 20 feet maximum. The required corner side yard shall be one half of the front yard setback;

Side Yard: 5 feet minimum;

Rear Yard: 20 feet minimum when adjacent to private property; 10 feet minimum when adjacent to an alley.

Certain circumstances may arise where a modification in the setback is necessary or desired. When these situations occur a variance may be requested in accordance with the provisions of Article 2. All uses within the Small Community Overlay regardless of the underlying zoning designation shall be subject to the sign regulations found within Section 3446 of Article 34.

SECTION 2020

Burlington Town Strategic Plan Design Standards

Construction proposals in the SC overlay district that are within the Burlington Town Plan Strategic Plan area, and that require site plan review (major or minor), are subject to specified design standards contained in that Plan. The design standards are outlined in pages 17 through 19 of the Burlington Town Plan Strategic Plan in the sections entitled Site Layout, Architectural Details/Ornamentation for Existing Historic Buildings, Exterior Siding, Windows and Doors, Building Roofs, and New Construction and Additions. Review of construction proposals for compliance with these design standards shall be performed by the Planning Commission staff through the site plan procedure. Proposals subject to these standards shall submit architectural drawings as outlined in Section 3004, #21.