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**Section 800** **Applicability**

Except as hereinafter specified, the provisions of this Article shall apply to all districts.

The provisions of these Regulations affect every building and use. No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with these Regulations. No excavation, cut or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of these Regulations.

**Section 810** **Yard Regulations**

1. Yards

Any part of any yard, open space, off-street parking or loading space required in connection with any building to comply with these Regulations shall not be included as part of any yard, open space, or parking or loading space for any other building.

2. Non-Reduction of Yards

A yard or lot existing at the time of adoption of these Regulations, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these Regulations. In addition, no lot shall be reduced in area so that yards are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3. Front Yards and Through Lots

Front yards for corner and/or through lots shall be of the depth required by these Regulations for the zone in which the lots are located. The side yard adjacent to the intersecting or parallel street shall be of the depth required by these Regulations for front yards in the zone in which the lot adjacent to the corner and/or through lot is located.

4. Corner Lots

Front yards and side yards for corner lots shall be measured from the street right-of-way line; provided that for the purposes of this measurement no city street shall be considered to be less than fifty (50) feet wide. This provision shall not be construed as requiring the dedication of any property to the public.

5. Architectural Features

Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine (9) feet, provided that no such projection shall be less than five (5) feet from a side lot line. Enclosing such projection in the required yard space is prohibited.

6. Use of Yards for Accessory Buildings

No accessory buildings are permitted in front yards. They are permitted in the rear or side yards according to the dimension and area regulations.

7. Rear Dwellings

No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet.

No building in the rear of a main building on the same lot may be used for residential purposes, unless approved as a special exception by the Board of Zoning Adjustment.

8. Fences, Walls and Hedges

In any required front yard or side yard for corner lots, no fences or walls shall be permitted which materially impede vision across or into such yard above thirty (30) inches in height, except in commercial and industrial areas. Fences, walls and hedges are permitted in or along the edge of a yard except as provided above. In Planned Unit Developments requiring Development Plan review, the Planning Commission may permit fences, walls and hedges above thirty (30) inches in height in the front yard.

9. The owner of a lot of official record, improved or unimproved, which lot at the time of the adoption of these Regulations does not include sufficient land to conform to the yard or other requirements of these Regulations, may submit an application to the Board of Zoning Adjustment for a variance from the terms of this ordinance in accordance with provisions of Article V. Such lot may be used as a building site, provided, that the yard and other requirements of the zone are complied with as closely as is possible in the opinion of the Board of Zoning Adjustments.

**Section 812 Building Line Setback**

A building line to establish a front yard for all buildings and structures shall be established at a distance from the street right-of-way line equivalent to one half (1/2) the width of the right-of-way of the street on which the building fronts. In no case shall this distance be less than twenty five (25) feet from the right-of-way line of the street, and it shall not be required to be more than one-hundred (100) feet.

Variations may be granted where existing development on adjoining lots does not meet this front yard requirement.

This section of these Regulations shall not apply to the Central Commercial District, which allows for zero setbacks from the right-of-way (ROW).

**Section 815 Setback Lines, Exceptions**

Front yard setback lines may be varied by the Board of Zoning Adjustment where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in these Regulations. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

### **Section 820 Lot Access Requirements**

Every lot upon which a building is erected for use shall either be adjacent to or have direct and permanent and exclusive access to a public street of at least sixty (60) feet unless otherwise specifically permitted in these Zoning Regulations. Access to buildings in a Planned Unit Development shall be approved by the Planning Commission.

The following restrictions regarding lot access control shall apply:

1. Lots with less than one-hundred (100) feet of frontage on a public street shall have no more than one (1) point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two (2) points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two (2) points of access for each four-hundred (400) feet of frontage.
2. The location of access drives for lots with 400 or more feet of frontage shall be approved by the appropriate agency.
3. No point of access shall be allowed within thirty (30) feet of the intersection of the right-of-way lines of intersecting streets.
4. No curbs on public streets or public rights-of-way shall be cut, removed, or altered nor shall any curb or pavement be constructed within the right-of-way without written approval of the appropriate agency.
5. An access drive shall not exceed twenty (20) feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed thirty-five (35) feet in width. Total access to any lot shall not exceed 40% of the lot width.

### **Section 825 Provisions for Pedestrian Network**

Sidewalk connections to adjacent developments and/or public rights-of-way shall be provided along existing and proposed public streets. New developments or re-development of existing sites shall provide sidewalks along existing and proposed public streets. Where adequate right-of-way does not exist, right-of-way or an approved public sidewalk easement shall be granted. The width of the sidewalks shall be in conformance with the requirements of the Subdivision Regulations. At intersections and pedestrian crosswalks, ADA-compliant ramps shall be installed to facilitate crossing.

### **Section 830 Accessory Buildings**

Accessory buildings shall be permitted in rear yards only and must be at least five (5) feet from any other buildings on the same lot and five (5) feet from all adjoining lots. On any corner lot adjoining in the rear another lot which is in a residential zone, accessory buildings shall conform to the side yard requirements for the residential zone. Residential accessory buildings shall not be used for or involved with the conduct of any business, trade, or industry.

Temporary structures and accessory buildings may be allowed for the storage of equipment during construction.

No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of these Regulations, including, but

not limited to, Section 810 (7).

### **Section 831 Storage of Materials or Supplies**

In all zones, no materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without adequate screening as determined by the Planning Commission or meeting the requirements of Section 830 of these Regulations.

### **Section 832 Swimming Pools**

All private in-ground and above-ground pools except as noted must be covered or completely enclosed, including a gate, with a minimum of a four foot fence so as to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18" in depth or less and not containing any re-circulating equipment shall be exempt from this requirement.

The Enforcement Official shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

All public swimming pools must meet all applicable Kentucky State Regulations regarding fencing.

### **Section 840 Lot for Every Building**

Except in a Planned Unit Development, every principal building shall be located on a separate lot with only one principal building and permitted accessory structures. Temporary structures are permitted during construction only (See Article 8, Section 891) and may be erected on a single lot unless requirements of these Regulations are met as though it were on an individual lot.

### **Section 850 Exceptions to Height Limitations**

The height limitations of these Regulations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, masts and aerials; provided, however, that a conditional use permit is obtained for the exception from the Board of Zoning Adjustment.

### **Section 860 Subdivision or Consolidation of Lots**

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, of any kind, the provisions of the Shelby County Subdivision Regulations shall apply in addition to the provisions of these Regulations.

### **Section 865 Co-Ordination With Subdivision Regulations**

It is desirable that access points to the major streets serving all zones shall be located no more frequently than once every eighth to quarter mile. Topography and traffic volumes determine the exact locations of heavy volumes requiring greater spacing. Along any major street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the platting of temporary access and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the permanent access points.

### **Section 870 Visibility at Intersections**

Within the area defined by the intersection of any two right-of-way lines of streets and railroads and a straight line intersecting those two right-of-way lines at points twenty (20) feet from their intersection, no obstructions to vision between a height of two (2) and one half (1/2) feet and

twelve (12) feet above the imaginary plane defined by those three (3) points of intersection are permitted.

### **Section 880 Water Supply and Sewage Disposal**

No building or dwelling can be constructed without a safe drinking water supply and sewage disposal facilities which have been approved by the governing health official. Wherever public water and/or sewer mains are accessible, all buildings and dwellings shall be connected to such mains. In every case, individual water supply and sewage disposal must meet the requirements set by the governing health official and/or the County's/City's water and sewer department superintendent. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for zoning permits.

### **Section 890 Excavation and Regrading**

The excavation of natural materials or filling of land shall be permitted without a conditional use permit only to the degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted. Materials used for fill shall be natural materials only, such as sand, gravel or dirt, and shall not consist of rubbish, refuse, garbage or decomposable animal or vegetable materials. Any excavation or filling which is not clearly necessary and incidental to an approved construction project shall require a conditional use permit. Regrading shall be undertaken at a time which is customary to the overall construction timetable of similar projects.

### **Section 891 Temporary Building or Temporary Use**

Temporary permits not to exceed six (6) months and renewable for additional six (6) months periods for a maximum of eighteen (18) months may be issued by the Administrative Official for site construction purposes. Non-renewable temporary permits not to exceed sixty (60) days may be issued by the Administrative Official for carnivals, circuses, tent revival meetings and similar special event activities. Temporary events by local schools, churches and civic clubs of short duration shall not require a permit.

Before issuing a temporary permit, the Administrative Official shall find that the site is adequate for the proposed activity and that the proposed use, including related parking and traffic is not detrimental to the surrounding area.

The Board of Zoning Adjustment may permit temporary conditional uses for a period not to exceed six (6) months for structures and/or uses referred to above provided that the requirements for site adequacy, parking, and traffic are met in addition to the Board's conditions.

### **Section 892 Minimum Zoning District Size**

No land zoning district created under the provisions of these Regulations shall be less than two (2) acres in size.

### **Section 895 Buffer Zone Requirements**

All new commercial or industrial development shall, at the least, abide by the conditions set forth in Article XV – Landscape and Buffer Zones, in regard to landscaping and buffer requirements.