

## Section 9.13: Outdoor Sales, Displays & Storage

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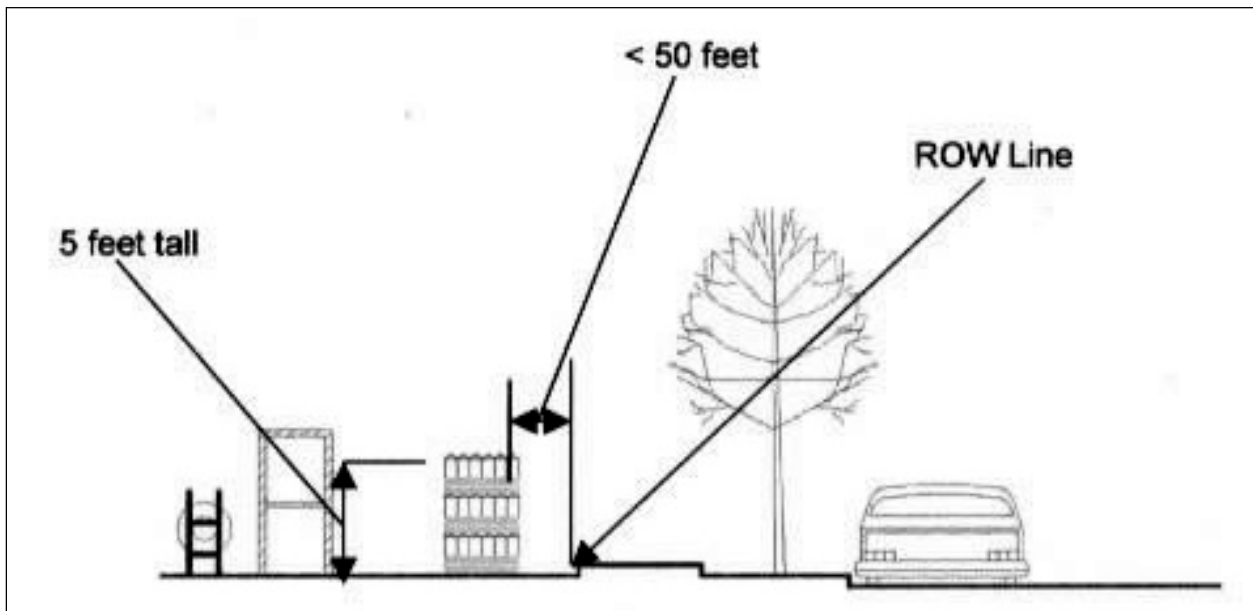
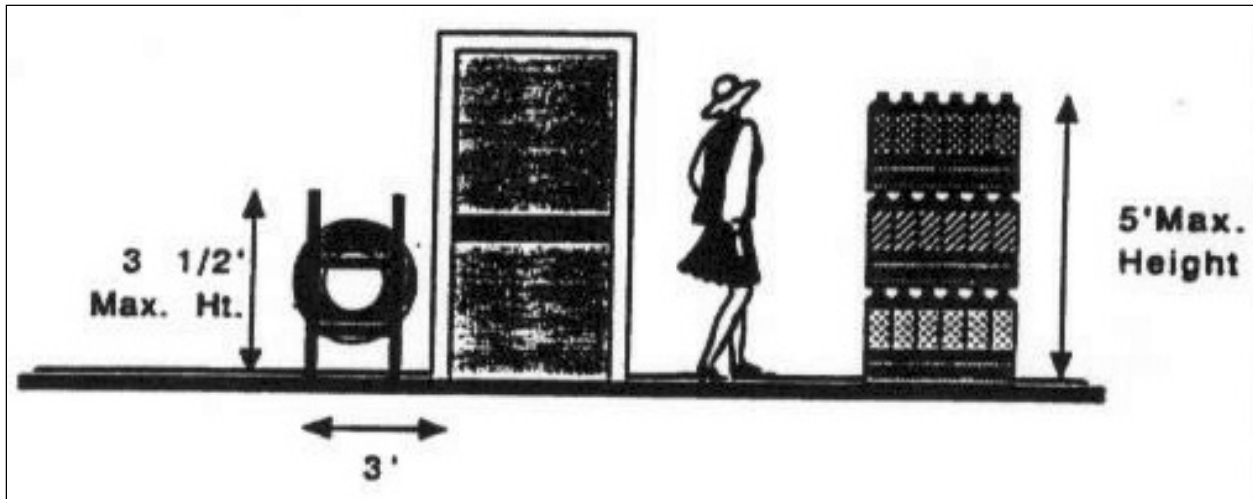
The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

- A. Outdoor Sales and Display. Outdoor sales and display shall be permitted only in the B-1, B-2, B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts, unless otherwise set forth in these Regulations, when the following requirements of this Section are met:
- (1) Outdoor sales and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially used or zoned property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.
  - (2) When outdoor sales and display occurs within twenty-five (25) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height and shall be completely screened from view from the public right-of-way.
  - (3) Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see Figure 9.13A(1)(c), below).
  - (4) Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from these Regulations.
  - (5) Outdoor sales and display of items shall be located on a “hard and durable” surface.
  - (6) Any area proposed to be used for outdoor sales and display in accordance with this Section shall be accurately delineated on applicable site or development plans.
  - (7) No outdoor sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.
  - (8) Outdoor sales and display items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.
  - (9) Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.
  - (10) No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Section 9.5 of this Section or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.
  - (11) One additional parking space shall be required for each 500 square feet of outdoor sales and display area, unless more specific parking requirements are provided in Article 11 of these Regulations.
  - (12) Any outdoor display or sale item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.
  - (13) In the City of Bardstown, outdoor sales and display shall only be accessory to a principal non-residential use that conducts most of its activities within a completely enclosed building or group of buildings, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement. Any outdoor sales and

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display prohibited by these Regulations may be allowed by special permit issued by the Mayor of the City of Bardstown or his/her designated representative.

Figure 9.13A(1)(c)



B. Outdoor Storage. Accessory and regular outdoor storage, as defined in Article 5 of these Regulations, shall be permitted in the B-1, B-2, B-3, B-4, B-5, LIP, I-1, I-1M, and I-2 zoning districts, unless otherwise set forth in these Regulations. In the City of Bardstown, regular outdoor storage shall only be permitted with the issuance of a conditional use permit. All outdoor storage shall comply with the following requirements:

- (1) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

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- (2) Outdoor storage shall not occur within 25 feet of any public right-of-way.
  - (3) Outdoor storage shall be screened from view from any abutting property.
  - (4) Outdoor storage of new or used tires shall meet the following standards:
    - (a) Tires shall be stored in compliance with applicable public health regulations.
    - (b) Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a conditional use permit has been granted.
    - (c) Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.
  - (5) All items stored outside shall be placed on a “hard and durable” surface.
  - (6) Outdoor storage may be located on sidewalks in the public right-of-way only if permitted by the appropriate agency. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.
  - (7) No outdoor storage shall be located in the sight distance triangle as defined in Section 9.5 of this Section or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.
  - (8) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.
- C. Exemptions. The following uses are exempt from the requirements set forth in Section A and B of this Part:
- (1) Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, building and landscape materials, and lumberyards.
  - (2) Sale, display, or storage areas for automobile, boat and similar passenger and recreational vehicles, farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these Regulations and all other applicable laws, rules, and regulations.
  - (3) Retail operations that occur under a permanent canopy structure attached to the principal structure on the lot.
- D. Violations. Uses conducting outdoor sales, display, and storage in a manner not permitted by this Section may be cited in accordance with Article 14 of these Regulations. If a use is cited for non-compliance and said use desires to continue outdoor sales and display activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.
- E. Conflicts with Other Regulations or Standards. When the requirements of this Section differ from other provisions of the Zoning and Subdivision Regulations or other local ordinances, rules, and regulations, the more stringent standard(s) shall apply.

*Amended 8-30-06*