

CITY OF BENTON, KENTUCKY
ORDINANCE NO. 19-06-04

**AN ORDINANCE OF THE CITY OF BENTON, KENTUCKY AMENDING THE
BENTON ZONING ORDINANCE TO CREATE A NEW, RESIDENTIAL 4 (R-4) ZONE.**

WHEREAS, the City of Benton desires to plan for the responsible future development of the City;

WHEREAS, smaller residences and “tiny houses” having become more popular in recent years due to a trend in downsizing, among other things, and the City Council is concerned about the health, safety, and wellbeing of its citizens, as well as the economic growth of the City; and

WHEREAS, the Planning and Zoning Commission has identified areas of the City that are suitable for smaller residences due to the typical lot sizes of the such properties;

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BENTON, KENTUCKY AS FOLLOWS:**

SECTION I

A new section of Chapter 155 is created as follows:

§155.0931 SMALL DWELLING RESIDENTIAL DISTRICT (R-4).

(A) Principal permitted uses. Single family dwellings, planned residential development projects as permitted in §155.056. No building shall be erected in an R-4 District for residential purposes having a ground floor area of less than 400 square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways, without a variance or being part of an approved planned residential development project pursuant to § 155.056.

(B) Conditionally permitted uses.

(1) The following uses are special exceptions and require written approval of the Board of Adjustment: churches and other places of worship; parish houses; public libraries; schools offering general education services; public parks; noncommercial public recreational facilities; public utilities; funeral homes; cemeteries; nursing homes; clinics; hospitals for human care; philanthropic institutions and clubs, except a club which the chief activity is customarily carried on as a business. The Board of Adjustments may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of this district in which the proposed use would locate.

(2) Multi-family housing is a special exception and require written approval of the Board of Adjustment. A proposed multi-family residential dwelling must have a ground floor area of less than 850 square feet, exclusive of porches, breezeways, terraces, garages and exterior and secondary stairways, without a variance or being part of an approved

planned residential development project pursuant to § 155.056. The board of adjustments shall not allow a variance on this minimum square footage requirement for multi-family housing.

(3) The Board of Adjustments may attach certain conditions to its approval, which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

(C) Accessory uses.

(1) Accessory buildings and uses shall be permitted only as customarily incidental to any of the permitted and conditionally permitted uses listed above and in further compliance with Section 4.0106 on Accessory Uses, etc., including, but not limited to, provisions on Storage Sheds and Outbuildings.

(2) Other accessory uses within an R-4 district may include the office or studio in the residence of a physician, dentist, artist, lawyer, engineer, teacher (with musical instruction limited on one (1) pupil at a time), architect, realtor and insurance agent, provided that not more than one-half (1/2) of the area of one (1) floor of the dwelling is devoted to such an accessory use, and that not more than one such use shall require structural alterations or construction involving features not customarily found in dwellings are required. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

(3) Other accessory uses may include customary home occupations of handicrafts, dressmaking, and laundering, provided that such occupations shall be conducted exclusively by resident occupants in their place of residence and provided further that not more than one quarter of the area of one floor of said residence shall be used for such purposes and that such use shall not involve alterations or construction involving features not customarily found in dwellings are required. An indirectly lighted nameplate, not over one square foot in area, attached flat against the building shall be permitted.

(D) Limitation on other and accessory uses. Any of the "other uses" or "accessory uses," as set forth above, shall only be allowed if the residential area of the dwelling (that is the area not used for an "other use") is at least 400 square feet.

(E) Height Requirements. No principal structure shall exceed three (3) stories or thirty-six (36) feet in height.

(F) Lot Area, Frontage and Yard Requirements.

(1) Minimum required lot area within a R-4 district shall be five thousand (5,000) square feet for single-family dwellings, and 5,000 square feet for the first family when dwelling is for multi-family use plus 4,000 square feet for each additional family.

(2) Minimum required lot width at building lines shall be as follows:

<u>Single-Family Dwellings</u>	-	<u>50 feet</u>
<u>Multi-Family Dwellings</u>	-	<u>75 feet</u>

(3) All buildings, except unattached buildings of accessory use, shall have the following minimum yard space:

<u>Rear Depth</u>	-	<u>15 feet</u>
<u>Side Width</u>	-	<u>10 feet (each side)</u>
<u>Front Depth</u>	-	<u>15 feet</u>

(4) The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential zone on such side street. The minimum lot frontage on a public street shall be 30 feet.

SECTION II


Any property or properties that shall be designated as R-4 shall only be designated as such pursuant to the process for a map amendment as set forth in chapter 155 of the code of ordinances and KRS Chapter 100.

Passed this the 18 day of June, 2019.



RITA DOTSON, MAYOR

ATTEST:



BETHANY COOPER
CITY CLERK/TREASURER

First Reading 5-20-2019
Second Reading 10-18-2019
Publication 10-25-2019

COUNCIL MEMBERS VOTING

SPONSOR

AYE

NAY

X

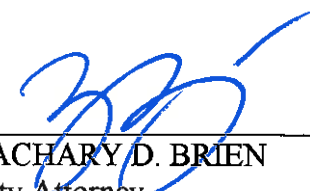
CHARLES EDMONDS
ANN RILEY
KEVIN FARLEY
RITA MURRAY
SHERRA RILEY
BUTCH HOLLAND

AN ORDINANCE OF THE CITY OF BENTON, KENTUCKY AMENDING THE BENTON ZONING ORDINANCE TO CREATE A NEW, RESIDENTIAL 4 (R-4) ZONE.

This ordinance is summarized as establishing a new small dwelling residential district (R-4) zone permitting dwellings of no less than four hundred (400) square feet of living area and smaller lot sizes.

A complete copy of this ordinance is available for viewing at the City Hall during regular business hours.

I hereby certify that the above is a true and correct summary of an Ordinance adopted by the City of Benton on 10 - 18, 2019.



ZACHARY D. BRIEN
City Attorney
P.O. Box 466
Benton, KY 42025