

**Article 1** (as recommended by the Planning Commission)

establishment with the segment or section devoted to the sale or display of such material.

**ADULT CABARET** - An establishment which features, as a principal use of its business, entertainers, waiters, or bartenders, either male or female, who expose to public view of the patrons of the establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially or completely covered by translucent material; or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

**ADULT DANCING ESTABLISHMENT** - A business wherein employees, agents, servants or independent contractors perform dance routines offered as adult oriented entertainment for viewing by patrons and spectators on the premises, and characterized by an emphasis on "specified sexual activities" defined in this Article; or exposure of any part of the male or female anatomy otherwise prohibited by Section 3-26 of the Code of Ordinances.

**ADULT DAY CARE CENTER** - Any adult care facility, which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults who are not related to the operator by blood, marriage or adoption. The operator must be certified or licensed by a state public agency and may include personal care assistance, administering and/or assistance with medication, and social recreational activities.

**ADULT ENTERTAINMENT ESTABLISHMENT** - An "adult cabaret," "adult dancing establishment" or "sexual entertainment center."

**AGRICULTURAL MARKET** - A regulated place designated exclusively for the purpose of buying and selling of agricultural/farm products, including a stockyard; and to include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products grown, raised or made by farm producers.

**AGRICULTURAL USE** - The use of a tract of land of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including, but not limited to, livestock; livestock products; poultry; poultry products; grain; hay;

pastures; soybeans; tobacco; timber; orchard fruits; vegetables; flowers or ornamental plants; including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

**AGRICULTURAL USE, URBAN** - The use of a lot or portion of a lot within the Urban Service Area that is less than five (5) acres for a community garden as regulated further in the Code of Ordinances.

**AGRIBUSINESS** - An agricultural business entity comprised of a person, partnership, limited partnership, corporation, limited liability company, or any other entity engaged in a business that processes raw agricultural products, including timber, or provides value-added functions with regard to raw agricultural products.

**AGRITOURISM** - Activities conducted on an active farm; or at an agricultural, horticultural or agribusiness operation that are offered to the public for the purpose of enjoyment, education or active involvement in the activities of the active farm or facility. These activities shall be integrated into, directly associated with, and incidental and subordinate to the principal agricultural production on the property.

**AMUSEMENT PARK** - An outdoor facility, which may include structures and buildings, for entertainment, including motorized rides, water slides, miniature golf, batting cages, performance stages or theaters, and booths or kiosks for the conduct of games or sale of items. Such uses may also include entertainment associated with a carnival.

**ANIMAL GROOMING FACILITY** - An establishment where domestic animals are bathed, clipped or combed for the purpose of enhancing their appearance or health, and for which a fee is charged; but not including overnight boarding of animals.

**ASSISTED LIVING FACILITY** - A residential facility, other than a nursing home, ~~with multiple and separate living and sleeping facilities, for persons who are fifty-five (55) years of age or over, which are provided living and sleeping facilities. or elderly housing generally for persons who are fifty-five (55) years of age or over, which are provided living and sleeping facilities.~~ Meal

preparation, laundry services, room cleaning, transportation, ~~recreation~~ and/or ~~some medical services~~ recreation may also be provided, as well as ~~some medical services~~, exclusively for the use of residents of the facility.

**ATHLETIC CLUB FACILITY** - An establishment that provides for indoor commercial or non-commercial services and facilities that purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The establishment may offer access to the following: gymnasiums, swimming pools, tracks, ball courts, weight lifting equipment, exercise equipment or facilities, saunas, steam baths or whirlpools.

**AUTOMOBILE AND TRUCK REPAIR, MAJOR** - Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame, or fender straightening; painting and clear coating; upholstery; auto glass work; and the like.

**AUTOMOBILE AND TRUCK REPAIR, MINOR** - Minor repairs and routine maintenance, including oil and filter change; lubrication; engine tune-up; troubleshooting and replacement of lights; brakes and other prepackaged components; and tire rotation or replacement, but not including any operation specified under "Automobile and Truck Repair, Major."

**AUTOMOBILE AND VEHICLE REFUELING STATION** - A building, structure or lot used for dispensing of compressed natural gas or any liquefied petroleum gas from a storage vessel by means of a compressor or pressure booster into motor fuel cylinders in automobiles and motor vehicles. This use does not include a bulk distribution plant, but may be part of an automobile service station.

**AUTOMOBILE SERVICE STATION** - A building or structure used for minor automobile and truck repair; the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

**BANQUET FACILITY** - A building made available to the public for holding meetings and social events. This use may include the sale of alcoholic beverages; indoor live entertainment; and

may also include, as an accessory use, events conducted outside the main building in tents or other temporary facilities, subject to the issuance of a permit by the Division of Building Inspection.

**BED AND BREAKFAST FACILITY** - A use which provides short-term transient lodging, including serving only breakfast to overnight lodgers, for which rent is paid and subject to the following conditions:

- (1) The use shall be clearly incidental and secondary to the use for dwelling purposes;
- (2) The use shall be carried on only by owners with at least a fifty-one percent (51%) ownership interest, and who reside on the premises;
- (3) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes;
- (4) Each room to be rented shall be designed and intended to accommodate no more than two persons;
- (5) Each room shall be rented for no longer than seven (7) consecutive days. Any facility which rents rooms for more than seven days shall be regulated as a boarding house;
- (6) The use shall not adversely affect the uses permitted in the notification area and in the immediate neighborhood by excessive traffic generation, noise and the like;
- (7) The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection;
- (8) The use shall not be conducted within any accessory building in a residential zone;
- (9) The conditional use permit shall become null and void upon the sale or transfer of the property;
- (10) All off-street parking areas shall be completely screened with landscaping;
- (11) The use shall be in compliance with all applicable state and local laws, including Health Department rules and regulations.

**BOARDING OR LODGING HOUSE** - A residential building, or part thereof, for five (5) or more adults living together, not as a family or housekeeping unit. In identifying this use, one or more of the following factors shall be considered:

- (a) meals and/or food costs are typically not shared;
- (b) rent is established by leases to individuals, or rents are based on charges assessed to each individual;

substances, solution or mixture which, because of its quality; quantity; concentration; physical or infectious characteristics; or any combination thereof, when released into the environment, presents or may present harmful or potentially harmful effects to human health or welfare or the environment.

HEIGHT OF BUILDING - The vertical distance from the established grade in front of the lot or from the average natural grade at the base of the front building wall, if higher, to the average height of the top of the cornice of flat roofs, or roof line or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof; or if there are no gables or dormers, to the middle height of such pitched or hipped roof. See Article 15 for general height regulations.

HEIGHT-TO-YARD RATIO - Height of building as related to minimum rear and each side yard permitted; i.e., for 2:1 ratio, a 40-foot building must have a minimum rear and each side yard of twenty (20) feet.

HELIPORT - A facility used exclusively for helicopter operations, including landing; takeoff; loading; discharging; fueling; maintenance; and/or transient storage of helicopters.

HELISTOP - A facility used exclusively for helicopter landing, take-off, loading, discharging, and/or transient storage of helicopters; but not including facilities for maintenance, fueling or long-term storage of helicopters.

HISTORIC DISTRICT, LOCAL - A designation that carries with it a design review process, within the purview of the Board of Architectural Review, that is based on specific design guidelines for exterior work and changes to the property. Properties that are within a Local Historic District carry an H-1 overlay zone in addition to the underlying zoning category.

HISTORIC DISTRICT, NATIONAL REGISTER - A federal designation, awarded by the Department of the Interior, which provides recognition of a property's archaeological, architectural or historical significance.

HISTORIC HOUSE MUSEUM - A building currently or formerly used as a residence, having public significance by reason of its architecture or former use or occupancy; designed for preserving and exhibiting artistic, historical, scientific, natural

or man-made objects of interest. This use may also include, as an accessory use, the sale of objects collected and memorabilia; the sale of crafts and artwork; and the holding of meetings and social events.

HOME-BASED BUSINESS - A gainful occupation or profession carried on in a residence that involves: (a) customers or clients coming to the residence; and/or (b) the use of materials or equipment that are potentially disturbing to surrounding properties due to noise, odors, flammability or some other risk factor. Examples include, but are not limited to, individual music instruction; athletic training; counseling services; upholstery work; and firearm repair.

Home-based businesses occupation shall not include barber shops; beauty parlors; offices for escort services; massage parlors, automobile and small engine repair; medical or dental offices; palm reading or fortune telling; home cooking and catering; and uses, other than upholstery, which are first permitted in the B-4, I-1 or I-2 zone.

HOME OCCUPATION - A gainful occupation or profession carried on in a residence that does not involve customer or client visits to the residence; does not involve the handling of firearms; and materials or equipment used in the conduct of the home occupation is limited to items that have minimal potential for disturbing surrounding properties due to noise or potentially harmful chemicals. Examples include, but are not limited to, sewing, handicrafts and computer graphics and/or design, the studio of an artist or sculptor, dressmaking and tailoring; upholstery; handicrafts; tutoring; individual musical instruction (provided no instrument is amplified); and professional services, provided such home occupation is performed under the following conditions:

- (1) The use is clearly incidental and secondary to use for dwelling purposes and occupies no more than twenty five percent (25%) or three hundred (300) square feet of the dwelling, whichever is less;
- (2) The use is conducted entirely within a dwelling and not in any accessory building;
- (3) The use is carried on only by residents of the dwelling;
- (4) No commodities are sold or stored, except as are produced by the residents on the premises;
- (5) The use does not require external alteration of the dwelling;

- ~~(6) The use does not adversely affect the use permitted in the immediate neighborhood by excessive traffic generation or noise;~~
- ~~(7) No outside signage shall be permitted on the premises;~~
- ~~(8) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.~~

~~Home occupation shall not include barber shops, beauty parlors, offices for escort services, massage parlors, automobile and small engine repair, medical or dental office, photo studios, palm reading or fortune telling, home cooking and catering; and uses, other than upholstery, which are first permitted in the B-4, I-1 or I-2 zone.~~

HOME OFFICE - An office for record keeping and administration of work. Such office shall be subject to the following conditions:

- ~~(1) The office shall be clearly incidental and secondary to the use for dwelling purposes with no more than twenty five percent (25%), nor more than five hundred (500) square feet, three hundred (300) square feet in any case, of the dwelling devoted to the office use;~~
- ~~(2) The office shall be located in the dwelling unit and not in any accessory building;~~
- ~~(3) The office shall be operated by and shall employ only residents of the dwelling unit;~~
- ~~(4) No sale of merchandise shall be conducted on the property;~~
- ~~(5) No commodities or merchandise shall be stored on the property and no storage, as defined herein, shall be permitted;~~
- ~~(6) No sign of any kind shall be displayed on the property that identifies the home office use;~~
- ~~(7) No visits to the home office by customers, clients, patrons and the general public are allowable;~~
- ~~(8) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building.~~

~~These provisions are not intended to restrict offices accessory to principal permitted agricultural uses located in homes on the same agricultural property.~~

~~Home office shall not include offices for escort services.~~

HOSPICE - A facility that provides support and care for persons in the last stage of an incurable

disease or condition, and to their families. Overnight, in-patient and out-patient facilities may be included, as well as offices, storage and an associated pharmacy. Medical care, palliative care, counseling and education may be provided.

HOSPITALITY HOUSE - A multi-family residence or boarding facility operated strictly on a non-profit basis, by a non-profit organization and utilized solely for the provision of temporary lodging for the immediate family and/or legal guardians of an individual undergoing treatment within a local hospital.

HOTEL - A building or group of buildings containing individual sleeping or living units, designed for the temporary occupancy of transient guests; and including hotels, tourist courts, motor lodges, motor hotels or auto courts, but not including boarding or lodging houses.

INFILL AND REDEVELOPMENT AREAS - Areas located within the Urban Service Area of Lexington-Fayette County, generally characterized by lots that were established prior to 1934. Excluded from these areas are lots that are located in an identified National Register Historic District where average residential lot sizes are greater than 9,500 square feet, and as more particularly described in the adopted Comprehensive Plan map of the Infill and Redevelopment areas.

INFRASTRUCTURE DEVELOPMENT AGREEMENT - An agreement for a project in which infrastructure improvements are proposed to be constructed among the LFUCG, the developer, and the project engineer, which specifies the obligations and requirements of the parties. The Infrastructure Development Agreement shall be in a form and contain the requirements set forth in the Procedures Manual.

JUNK YARD - An outdoor area where waste or discarded or salvaged materials or inoperable vehicles are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including auto wrecking yards, used lumber yards and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but excluding such uses when conducted entirely within a completely enclosed building. A junk yard does not include recycling drop-off centers, pawn shops, establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; the processing

storage and maintenance, continuous use by multiple buses, and services for bus transients, such as food, restrooms, and waiting areas, as well as activities permitted as a bus agency.

PAVED AREA - An area of concrete, asphalt, brick, permeable pavers or other suitable hard surface materials; excluding loose aggregate or other types of gravel.

PAWNSHOP - Any establishment which loans money on deposit of personal property, or which deals in the purchase of personal property on condition of selling the property back again at a stipulated price; or which makes a public display at its place of business of the sign generally used by pawnbrokers to denote their business; or which publicly exhibits a sign advertising money to loan on personal property for deposit.

PERMEABLE PAVING MATERIALS - Paving materials that permit the movement of water under ordinary hydrostatic pressure. This does not include gravel or loose aggregate.

PERSONAL CARE FACILITY - A long-term facility with resident beds, devoted primarily to the care of aged or invalid persons who do not require the level of intensive care normally provided in a hospital or nursing home; but who do require care in excess of room, board and laundry.

PERSONAL SERVICE OR PERSONAL SERVICE ESTABLISHMENT - Commercial business providing services to individuals, such as beauty and barber shops, shoe repair, dressmaking and tailoring.

PETTING ZOO - A collection of farm animals or domesticated animals for children to pet and feed.

PLANT NURSERY - An establishment engaged in the outdoor cultivation of only trees and shrubs for transplanting. A greenhouse may be an accessory structure when used to propagate and prepare the trees or plants for planting on the premises.

PLAZA - A public square or extra wide sidewalk (e.g., on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activities (similar to a courtyard; however, primarily for public, as opposed to private, use).

POOL OR BILLIARD HALL - Any establishment which has, as part of its operation, three (3) or more pool or billiard tables on the premises.

PRIMARY ENTRANCE - The place of ingress and egress for a structure used most frequently by the public.

PRINCIPAL STRUCTURE - A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

PRIVATE WALKWAY - A paved area used for pedestrian activity outside of the public right-of-way.

QUARRYING - Surface excavation for the extraction of any non-metallic mineral, excluding coal, which is produced for sale, exchange, or commercial use.

RECREATION, ACTIVE - Recreational activities involving moderate to high intensity use requiring modification of natural landforms and the provision of service facilities, playing fields or equipment. These activities include, but are not limited to, playground equipment, sports fields, surfaced courts, volleyball courts, batting cages, swimming pools, skateboard facility, skating rinks, equine-related training and riding facilities.

RECREATION, COMMERCIAL - Any recreational activity or facility in which a fee is collected or tickets are sold.

RECREATION, NON-COMMERCIAL - Any recreational activity or facility which is available at no cost; or is available as an amenity for members, employees, residents or other special populations.

RECREATION, PASSIVE - Recreational activities that do not require strenuous physical effort and may occur in a natural setting requiring minimal development, minimal alteration of vegetation, and providing areas for informal activities, including: walking, hiking, bird watching or other natural observation, photography, primitive camping, picnicking, archaeological or historic preservation, and fishing.

**Article 3** (as recommended by the Planning Commission)

- (c) parked or stored on a permitted paved surface or legal non-conforming gravel surface. Any such trailer is limited to a length of no greater than twelve (12) feet. Concession trailers are specifically excluded from this category of allowable trailers, even if they technically comply with axle and length limitations.
- (d) Trailers, equipment or materials shall not be parked or stored on any public or private street.
- (e) Construction materials (such as siding or brick) and salvaged items (such as used appliances or scrap metal) may not be stored.
- (f) Business activities (e.g., selling of merchandise or customer visits) shall not take place on the premises, except as allowed by home office provisions or as authorized by a conditional use approved by the Board of Adjustment. Corollary business activities, such as the storage of merchandise or having employees report to the property, are also prohibited.

**3-10 GENERAL REGULATIONS FOR OPERATION OF A HOME OFFICE OR HOME OCCUPATION** - Shall be as follows:

- ~~(1)(a) The office use shall be clearly incidental and secondary to use for dwelling purposes with no more than twenty five percent (25%), nor more than five hundred (500) square feet, three hundred (300) square feet in any case, of the dwelling devoted to the office each use;~~
- ~~(2)(b) The use shall be operated by and shall employ only residents of the dwelling unit;~~
- ~~(4)(d) No sale of merchandise shall be conducted on the property;~~
- ~~(3)(c) No commodities or merchandise shall be stored on the property other than those produced and/or repaired by the residents on the premises;~~
- ~~(4)(d) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building;~~
- ~~(5)(e) No outside signage related to the use shall be permitted on the premises;~~
- ~~(6)(f) The use shall be located in the dwelling unit and not in any accessory building;~~
  - ~~(g) On-site sales or No visits to the home by customers, clients, patrons and the general public are not allowed;~~
  - ~~(h) The use does not involve firearms or potentially disturbing equipment, materials or chemicals.~~

These provisions are not intended to restrict offices accessory to principal permitted agricultural uses located in homes on the same agricultural property.

Home office shall not include offices for escort services.

**3-11 GENERAL REGULATIONS FOR OPERATION OF A**

**HOME-BASED BUSINESS** – Shall be as follows:

- (a) All activities shall comply with the provisions outlined in 3-10(a) through (f) above;
- (b) Any conditions regarding the use of firearms or potentially disturbing equipment, materials or chemicals (e.g., soundproofing or other safety measures) shall be as determined to be appropriate by the Board of Adjustment;
- (c) Limitations on hours of operation and frequency of customer/client visits shall be as determined to be appropriate by the Board of Adjustment;
- (d) No additional paving for parking shall be permitted.
- (e) The use does not adversely affect surrounding properties by excessive traffic generation, noise or odors that might be associated with equipment, materials or chemicals used in the operation of the home-based business.

**Article 8** (as recommended by the Planning Commission)

identified on the site plan submitted to the the Board of Adjustment:

- 1) Accessory offices for banking, insurance and financial institutions;
  - 2) Meeting rooms, not to exceed five percent (5%) of the total floor area;
  - 3) One (1) coffee shop or restaurant, not to exceed 5,000 square feet, or five percent (5%) of the total floor area, whichever is less;
  - 4) Loading docks;
  - 5) State and federal government offices related to agriculture;
  - 6) Veterinary clinic, including the sale of livestock pharmaceutical supplies;
  - 7) One (1) dwelling unit for owners, operators or employees; and one (1) dwelling unit for watchmen or caretakers, which dwelling units may be separate structures;
  - 8) Retail sale of agricultural products, supplies and related items, including the acceptance of orders for bulk agricultural supplies, with no on-site storage of such supplies, not to exceed 5,000 square feet;
  - 9) Sale of agricultural products produced on the premises;
  - 10) Livestock and grain commodity trading office;
  - 11) Display area for farm machinery/equipment, provided that no on-site sales shall be permitted.
- o. A detailed development plan, indicating access points, including construction and circulation routes; parking areas; lighting; screening and landscaping; proposed improvements; accessory uses; detention areas; signage; fencing and other significant physical or geological features of the property shall be submitted as part of any application.
- p. One free standing sign per street frontage may be permitted, limited to the agricultural market and not any use accessory thereto, with a maximum of two (2) signs, not exceeding 50 square feet in area and 20 feet in height. In addition to any free standing sign, wall-mounted signs may also be permitted, not to exceed a total of five percent (5%) of the wall area to which they are attached; provided the signs are for the agriculture market and not for the purposes of identification of any use accessory thereto. Signs may only be non-illuminated or indirectly illuminated.
- q. An operational plan shall also be submitted that outlines:
- 1) Provisions for animal and/or product waste disposal, including grease, subject to all applicable local, state and federal requirements.
  - 2) Provisions for sewage disposal, maintaining air and water quality, and odor management.
  - 3) Hours of operation, and anticipated hours for truck deliveries and truck shipments.
  - 4) Routing of trucks on the site, including truck stacking, parking and loading areas.
  - 5) Protection measures proposed for any environmentally sensitive area located on the site, including any wellhead protection area.
  - 6) Existing and proposed utilities.
  - 7) Where appropriate, a Kentucky No Discharge Operational Permit (KNDOP), or other appropriate permit from the Kentucky Division of Water may be required as part of the approval of an Operational Plan.
  - 8) Any other pertinent information to indicate clearly the orderly operation proposed.
- r. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
- s. The Board of Adjustment shall review all accessory uses approved as part of an application, on an annual basis, to ensure that such uses are operating in compliance with the restrictions set forth herein, and with any additional restrictions and/or conditions imposed by the Board. The Board may modify or revoke its approval of an accessory use if it finds, based upon the evidence, that such accessory use has been operated in violation of this Ordinance or any conditions or restrictions imposed by the Board.
8. Home-based businesses.  
(Renumber remaining)
- For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.
8. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
  9. Rehabilitation homes.
  10. Non-service facilities of public utilities and common

- warehouse space when not incidental to a service facility as provided in KRS 100.324.
11. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens, sportsmen's farms (including outdoor rifle and other firearm ranges), native animal game preserves, outdoor rodeos, hunting and trapping, and fishing lakes, including private clubs for only these uses.
  12. Commercial and non-commercial outdoor recreational facilities (excluding golf courses), with outdoor lighting; but without loud speakers, retail sales of merchandise, restaurants or food service, and the like; but only when located immediately adjacent to the Blue Sky Rural Activity Center defined in the adopted Comprehensive Plan.
  13. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
  14. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
  15. Airports, including accessory restaurants and/or the serving of alcoholic beverages.
  16. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
    - a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
    - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
    - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
    - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
  17. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  18. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  19. ~~Churches, Places of religious assembly, Sunday schools and parish houses, which provided that churches~~ may be allowed an additional 10,000 square feet of building over and above their existing square footage, provided that the ~~church~~ structure(s) existed or the ~~church~~ religious entity had approval of the Board of Adjustment and the ~~church~~ owned 20 or more contiguous acres prior to the adoption of the Rural Land Management Plan on April 8, 1999.
  20. Schools for academic instruction, including accessory dormitories.
  21. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a place of religious assembly ~~church~~ or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  22. Concrete mixing, but only when associated with mining or quarrying operations which comply with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
    - a. That no concrete mixing and/or asphalt plant operation be conducted closer than one thousand (1,000) feet from any existing residence on another lot under different ownership.
    - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
    - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks,



building line, or 50', whichever is greater.

8-1(i) Minimum Each Side Yard - 25 feet.

8-1(j) Minimum Rear Yard - 25 feet.

8-1(k) Minimum Useable Open Space - No limitation.

8-1(l) Maximum Lot Coverage - No limitation.

8-1(m) Maximum Height of Building - 35 feet, except for buildings devoted solely to agricultural uses, then no limitation.

8-1(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Places of Religious Assembly Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Commercial Greenhouses - Provided there are sales to the public on the premises, one (1) space per employee, and ten (10) additional spaces, plus one (1) additional space per four hundred (400) square feet of total floor area, up to five thousand (5,000) square feet of total floor area. Parking spaces not required to be paved, but must be durable and dustless.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Sportsmen's Farms, Zoological Gardens, and Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.  
Dormitories - Five (5) spaces, plus one (1) space for every five (5) beds.

Dwelling Units - One (1) parking space per dwelling unit.

Elementary and Junior High Schools - One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is

greater.

All Other Schools for Academic Instruction - One (1) space for each five (5) classroom seats, or one space for each five (5) seats in the main auditorium, whichever is greater.

Equine Hospitals or Large Animal Hospitals - One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any barns.

Golf Courses - Three (3) spaces for every hole on the main course.

Golf Driving Ranges - One (1) space per driving tee; plus one (1) space per employee, with a minimum of five (5) spaces.

Horse Race Tracks - One (1) space per five (5) seats, plus one (1) space for every three (3) employees.

Rehabilitation Homes - One (1) space for each three (3) beds; plus one (1) space for each employee on the maximum shift, with a minimum of five (5) spaces.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant or bistro.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. For any conditional use not otherwise stated herein: one (1) space per employee, with a minimum of five (5) spaces.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

#### 8-1(o) Special Provisions

1. Existing single family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which has been legally occupied at any time within six months of the date of the adoption of this section, may be subdivided from its parent tract on a 10-acre minimum lot with a minimum of 250' of lot frontage, provided that the remaining parent tract has a minimum of 40 acres, and

## 8-2 AGRICULTURAL BUFFER (A-B) ZONE

8-2(a) Intent - This zone is established to preserve the rural character of the agricultural service area by establishing agricultural land that can serve as buffer areas between urban uses and agricultural land, and between land outside Fayette County and agricultural uses. It is the intent of this zone to provide separation between conflicting uses by requiring appropriate landscaping, fencing, and compatible uses. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate location for the Agricultural Buffer (A-B) zone.

8-2(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
2. Single family detached dwellings.

8-2(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises, or value-added product sales primarily from agricultural resources grown or raised on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling and hiking trails and the like.
7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and

not used for rental purposes, for guests and employees of the premises.

9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

8-2(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Hospitals for large animals, including equine hospitals.
2. Plant nurseries.
3. Home-based businesses.  
(Renumber remaining)

For any of the following conditional uses established after January 26, 1995, except where the A-B zone is adjacent to the county boundary, and the property is a minimum of 10 acres and has frontage on a state highway, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses.

3. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
4. Rehabilitation homes.
5. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
6. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like). including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes; including private clubs for only these uses.
7. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
8. Mining and/or quarrying of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and

- c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
9. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
    - a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
    - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
    - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
    - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
  10. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, only when accessory to a residential use. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  11. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  12. ~~Churches, Sunday schools, and parish houses~~ Places of religious assembly.
  13. Schools for academic instruction, including accessory dormitories.
  14. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a chureh place of religious assembly or school, as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  15. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
  16. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval of fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
  17. Agritourism activities to include corn mazes; children's rides; farm gift shops (limited to 500 square feet); educational classes related to agricultural products or skills; horse shows involving more than 70 participants; and seasonal activities.
  18. Ecotourism activities to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; and nature preserves.
  19. Youth camps.
- 8-2(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
  2. Disposal of garbage and refuse, transfer stations.
  3. Multi-family, two-family or townhouse dwelling units.
  4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.

5. Offices, museums, and institutional uses.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.
7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Stockyards and slaughtering of animals.
17. Penal or correctional institutions.
18. Sawmills.
19. Commercial kennels.
20. Hospitals, nursing homes, rest homes, orphanages, community residences.
21. Sewage disposal plants.
22. Fraternity and sorority houses.
23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
24. Horse race tracks.
25. Veterinarian offices.
26. Commercial composting.
27. Airports.
28. Concrete mixing and asphalt plants.
29. Commercial woodlots.
30. Golf courses.
31. Adult entertainment establishments or other similar adult uses.
32. Special events, parties, festivals, and concerts related to a commercial purpose.
33. Commercial farm markets.
34. Recreation vehicle and trailer campgrounds; and recreational outfitters.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-2(f) Minimum Lot Size - Ten (10) acres.

8-2(g) Minimum Lot Frontage - 250 feet.

8-2(h) Minimum Front Yard - 300' from the

right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;
- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-2(i) Minimum Each Side Yard - 50 feet.

8-2(j) Minimum Rear Yard - 100 feet.

8-2(k) Minimum Useable Open Space - No limitation.

8-2(l) Maximum Lot Coverage - No limitation.

8-2(m) Maximum Height of Building - 35 feet, except for buildings devoted solely to agricultural uses, then no limitation.

8-2(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Places of Religious Assembly Churches and Sunday Schools - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dormitories - Five (5) spaces, plus one (1) space for every five (5) beds.

Dwelling Units - One (1) parking space per dwelling unit.

Equine Hospitals or Large Animal Hospitals - One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any

### 8-3 AGRICULTURAL NATURAL AREAS (A-N) ZONE

**8-3(a) Intent** - This zone is established to preserve areas within the Rural Service Area that are physically unique, primarily due to their association with the Kentucky River and its tributaries. This area is characterized by steeper slopes, forested areas, and thinner/poorer soils, and is known as a habitat for rare and unusual flora and fauna. Because these lands are environmentally sensitive, special care is needed to ensure that the uses that are permitted are compatible with the goal of conservation and preservation of these lands. The Land Use Element of the Comprehensive Plan shall be used to determine the appropriate locations for the Agricultural Natural Areas (A-N) Zone.

**8-3(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Land used solely for agricultural purposes, including small farm wineries and equine-related activities, as outlined in KRS 100.
2. Single family detached dwellings.

**8-3(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Accessory uses in connection with agriculture, farming, dairying, stock raising or similar uses, such as agricultural structures; stables; farm tours; hayrides; petting zoos; and parking areas, provided all yard requirements for a principal residence are met.
2. Those specific agricultural uses outlined in KRS 100 that are incidental only to a small farm winery licensed as such by the Commonwealth of Kentucky, such as the manufacture and bottling of wines; tasting rooms for the purpose of serving complimentary samples; sale by the drink or bottle, either on or off premises; and sale and shipment of wine, either wholesale or retail.
3. Home offices and home occupations.
4. Temporary roadside stands offering for sale only agricultural products grown on the premises; or value-added product sales primarily from agricultural resources grown or raised on the premises.
5. Keeping of not more than two (2) roomers or boarders by a resident family.
6. Non-commercial recreational facilities, such as baseball fields; soccer fields; polo fields; swimming pools; tennis courts; bicycling or

hiking trails and the like.

7. Private garages, storage sheds, parking lots, and private farm vehicle fueling facilities.
8. Living quarters, without kitchen facilities and not used for rental purposes, for guests and employees of the premises.
9. Satellite dish antennas, as regulated in Article 15-8.
10. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
11. Mobile homes, as provided in Article 10.
12. Tenant homes, provided all yard requirements for a principal residence are met.

**8-3(d) Conditional Uses** (Permitted only with Board of Adjustment approval.) For any of the following conditional uses established after January 26, 1995, a total of 10,000 square feet shall be the maximum allowable for all structures proposed for such uses. Prior to the approval of any conditional use containing environmentally sensitive land, such as flood hazard areas; areas of significant tree stands; sinkhole and karst areas; slopes exceeding 15%; "special natural protection" areas, as designated in the Comprehensive Plan; and stone fences, the applicant must prove, and the Board of Adjustment must find, that adequate safeguards will be in place to ensure the least negative impact on the land. This proof and finding shall extend to uses accessory to permitted conditional uses.

In making its determination, the Board of Adjustment shall:

- require the submission of an environmental assessment prepared by a qualified professional.
- consider mitigation of environmental impacts over time.
- consider the operational plan of any proposed agritourism or ecotourism activities.
- consider requiring certification for any proposed ecotourism activities.

1. Cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
2. ~~Churches, Sunday schools, and parish houses~~ Places of religious assembly.
3. Non-service facilities of public utilities and common carriers by rail, including office, garage, and warehouse space when not incidental to a service facility as provided in KRS 100.324.
4. Commercial and non-commercial outdoor recreational facilities (without outdoor lighting, loud speakers, retail sales of merchandise, restaurants or food service, and the like), including zoological gardens; sportsmen's farms (including outdoor rifle and other firearm ranges); native animal game preserves; outdoor rodeos; hunting and trapping; primitive campgrounds; and fishing lakes, including private clubs for only these uses.
5. Mining and/or quarrying of non-metallic minerals,

but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
6. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
- a. Such facilities shall be operated at all times in compliance with applicable Federal, State, and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
  - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
  - c. The plans of tower construction shall be certified by an engineer registered in the State of Kentucky.
  - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
7. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms per property, provided that no use permitted under this section shall be located less than one (1) mile, as measured from the facility, from another use permitted under this section. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board

of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

8. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
9. Agritourism activities, to include corn mazes; farm gift shops (limited to 500 square feet); educational classes related to agricultural products and skills; horse shows involving more than 70 participants; and seasonal activities.
10. Ecotourism activities, to include commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens; nature preserves and recreational outfitters, limited to equipment rental only.
11. Youth camps.
12. Home-based businesses.

8-3(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments for the processing of crude petroleum, natural gas, or oil shale.
2. Disposal of garbage and refuse, transfer stations.
3. Multi-family, two-family or townhouse dwelling units.
4. Retail sales or services, wholesale, or warehouse uses, except as provided herein.
5. Offices, museums, and institutional uses.
6. Commercial recreational facilities, such as amusement parks; bowling alleys; skating rinks; pool or billiard halls; establishments with coin-operated pool or billiard tables, or outdoor theaters.

7. Hotels, motels, boarding or lodging houses, except bed and breakfast facilities permitted herein.
8. Manufacturing, compounding, assembling, processing and packaging, and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle moto-cross, or other vehicle or bicycle race tracks.
10. Garden centers, market gardens, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair.
12. Automobile service stations.
13. Storage, except as permitted herein.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Stockyards and slaughtering of animals.
17. Penal or correctional institutions.
18. Sawmills.
19. Commercial kennels.
20. Hospitals, nursing homes, rest homes, orphanages, community residences.
21. Sewage disposal plants.
22. Fraternity and sorority houses.
23. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages, except as permitted herein.
24. Horse race tracks.
25. Veterinarian offices, including equine and large animal hospitals.
26. Commercial composting.
27. Airports.
28. Concrete mixing and asphalt plants.
29. Commercial woodlots.
30. Golf courses.
31. Adult entertainment establishments or other similar adult uses.
32. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
33. Commercial farm markets.
34. Zip line trials.
35. Recreation vehicle and trailer campgrounds.

Lot, Yard and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-3(f) Minimum Lot Size - Forty (40) acres.

8-3(g) Minimum Lot Frontage - 750'.

8-3(h) Minimum Front Yard - 300' from the right-of-way line, except for the following:

- (1) Lots which have principal permitted residential structures less than 300' from the

right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or 50', whichever is greater;

- (2) Lots which were created by subdivision plats recorded prior to January 26, 1995 shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater;
- (3) Existing lots less than 350' in lot depth shall have the minimum front yard coincident with the platted building line, or 50', whichever is greater.

8-3(i) Minimum Each Side Yard - 50'.

8-3(j) Minimum Rear Yard - 100'.

8-3(k) Minimum Useable Open Space - No limitation.

8-3(l) Maximum Lot Coverage - No limitation.

8-3(m) Maximum Height of Building - 35', except for buildings devoted solely to agricultural uses, then no limitation.

8-3(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Bed and Breakfast Facilities - One space per room rented other than the first room.

Churches and Sunday Schools Places of Religious Assembly - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Non-Commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos - One (1) space for every five (5) spectator seats, or one for every three active participants in the sport, whichever is greater.

Commercial and Non-Commercial Riding Stables, Fishing Lakes, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein - Five (5) spaces, plus one (1) space for each employee for each separate use.

Dwelling Units - One (1) parking space per dwelling unit.

Kindergartens, Nursery Schools, Child Care Centers and Family Child Care for seven (7) or more children - Three (3) spaces for the first twelve (12) children, plus one space for every ten (10) (or fraction thereof) additional children.

Private Clubs - One (1) space for every four (4) members.

Small Farm Winery Restaurant/Bistro - One (1) space for every six (6) seats in the restaurant or bistro.

#### 8-4 AGRICULTURAL URBAN (A-U) ZONE

8-4(a) Intent - This zone is intended to control the development of rural land within the Urban Service Area over a period of time so as to manage the growth of the community. In order to avoid premature or improper development, land should remain in this zone until public facilities and services are or will be adequate to serve urban uses.

8-4(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the A-R zone.
2. Farm tours and hayrides.

8-4(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the A-R zone.

8-4(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Items 1-5, ~~8, 9-11~~ 10-12 (but excluding outdoor rifle and other firearm ranges), and ~~17-21~~ 18-22 of the permitted conditional uses in the A-R zone, provided the square footage limitations shall not apply unless required by the Board of Adjustment.
2. Cemeteries, crematories, columbariums, and mausoleums for human burial; but only when adjacent to, or extensions of, existing cemeteries.
3. Garden centers, only when operated in conjunction with a commercial greenhouse or plant nursery on the same premises, and only when all conditions required of commercial greenhouses in Section 8-1(d)(5) above are met.
4. Offices of veterinarians, and animal hospitals and clinics.
5. Radio or television studios, offices and associated equipment used in conjunction with an existing transmitting or relay tower, provided that such studios, offices and associated equipment are entirely enclosed within a building any part of which is located within five hundred (500) feet of such existing tower.
6. Funeral homes.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and

the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

- a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
8. Commercial and non-commercial outdoor recreational facilities, including golf courses; golf driving ranges; and outdoor athletic facilities, such as baseball fields; soccer fields; or polo fields.
  9. Sewage disposal plants.
  10. Private clubs, including accessory restaurants and/or the serving of alcoholic beverages.
  11. Hospitals, nursing homes, rest homes, assisted living facilities, orphanages, community residences.
  12. Schools for academic instruction, including dormitories, fraternity and sorority houses.
  13. Any uses that are clearly incidental and subordinate to a small farm winery operation licensed as such by the Commonwealth of Kentucky, other than those specifically outlined in KRS 100, and permitted by Article 8-1(c)(2), which may include special events with or without live entertainment or a small bistro/restaurant of up to two (2) seats per 1,000 gallons of wine, brandies and cordials produced or compounded on site per year. For special events, documentation shall be provided that arrangements have been made with the LFUCG Division of Fire and Emergency Services for approval for fire suppression and control; that Fayette County Health Department approval has been obtained for the septic system and/or portable toilets; that Fayette County Health Department approval has been obtained for any food services offered, whether it be provided on site or catered for each event; and that approval be obtained from the Division of Building Inspection for any temporary structures used (i.e., tents).
  14. Agritourism activities, to include corn mazes; special events, parties and festivals; concerts; children's rides; farm gift shops (limited to 500 square feet); educational classes related to agricultural products or skills; horse shows involving more than 70 participants; and seasonal activities.
  15. Ecotourism activities, to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; primitive and vehicular or trailer campgrounds; fishing and hunting clubs; botanical gardens; nature preserves; and recreational outfitters.



## **8-5 SINGLE FAMILY RESIDENTIAL (R-1A) ZONE**

**8-5(a) Intent** - These zones are established to provide for single family detached residences and supporting uses. The zones should be located in areas of the community where services and facilities will be adequate to serve the anticipated population. The Comprehensive Plan should be used to determine the location and density (units/acre) of each single family zone.

**8-5(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family detached residences.
2. Parks and playgrounds operated by government.
3. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two years or when all the lots are sold, whichever comes first.

**8-5(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds, and parking areas.
2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
3. Swimming pools and tennis courts, including accessory structures and temporary structures associated with those uses.
4. Agricultural uses, excluding commercial stock raising.
5. Private, non-commercial parks and open space.
6. Home offices and home occupations.
7. A ground, roof or pole-mounted satellite dish antenna, as regulated by Article 15-8.
8. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
9. Hiking and bicycling trails.

**8-5(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Kindergartens and nursery schools for four (4) and not more than twelve (12) children, when accessory to and located in the same structure with the single family residence occupied by

the owner or operator. All kindergartens and nursery schools shall provide a fenced and screened play area, which shall contain not less than twenty-five (25) square feet per child.

2. Kindergartens, nursery schools and child care centers for four (4) or more children, when accessory to a place of religious assembly church, school or private club as permitted herein. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Home-based businesses occupations.
4. ~~Temporary real estate sales offices for the sale of lots located only within the subdivision in which said lots are located, to be removed at the end of two years or when all the lots are sold, whichever comes first.~~  
(Renumber remaining)
5. Cemeteries, columbariums, and mausoleums.
6. Outdoor commercial and non-commercial recreational facilities, such as golf courses; sportsmen's farms; riding stables and equine trails; fishing lakes and non-commercial swimming pool; tennis courts; campgrounds; and private clubs.
7. ~~Churches, Sunday schools, and parish houses~~ Places of religious assembly.
8. Schools for academic instruction.
9. ~~A roof or pole mounted satellite dish antenna, as further regulated in Article 15-8.~~  
(Renumber remaining)
10. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
11. Family child care for seven (7) and not more than twelve (12) children, provided that the total number of children living or being cared for on the premises shall not exceed twelve (12). A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
12. Bed and breakfast facilities, limited to the rental of not more than one (1) room. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in

considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.

13. Historic house museums.
14. Seasonal activities.
15. Market gardens.

8-5(e) Prohibited Uses (All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses, shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Those uses prohibited in the A-U zone, except as permitted herein.
2. Commercial kennels, equine hospitals, and offices of veterinarians.
3. Any use dependent upon septic tanks or pit privies.
4. The above- or below- ground storage of any flammable material in gaseous form, including compressed natural gas, and the above- or below- ground storage of more than five (5) gallons of gasoline.
5. Ecotourism activities, except as permitted herein.
6. Zoological gardens.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-5(f) Minimum Lot Size - One acre; or 25,000 square feet for property rezoned to R-1A after July 14, 1994.

8-5(g) Minimum Lot Frontage - 150'; or 125' for property rezoned to R-1A after July 14, 1994.

8-5(h) Minimum Front Yard - 50'; or 40' for property rezoned to R-1A after July 14, 1994.

8-5(i) Minimum Each Side Yard - 25'; or 10' for property rezoned to R-1A after July 14, 1994.

8-5(j) Minimum Rear Yard - 25'.

8-5(k) Minimum Useable Open Space - No limitation.

8-5(l) Maximum Lot Coverage - No limitation.

8-5(m) Maximum Height of Building - 35'.

8-5(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Churches, Sunday Schools, and Parish Houses Places of Religious Assembly - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Dwelling Units - One (1) space per dwelling unit.

Elementary and Junior High Schools - One (1) space for every fifteen (15) seats in the main auditorium; or one (1) space for every classroom, plus one (1) space for each employee, whichever is greater.

All Other Schools for Academic Instruction - One (1) space for every five (5) seats in the main auditorium; or one (1) space for every five (5) classroom seats, whichever is greater.

Golf Courses - Three (3) spaces for every hole on the main course.

Keeping of Roomers or Boarders - One (1) space for every two (2) roomers or boarders.

Kindergartens, Nursery Schools, Day Nurseries and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Family Child Care for between seven (7) and twelve (12) children - One (1) space in addition to that required for the dwelling.

Private Clubs - One (1) space for every four (4) members.

Non-Commercial Outdoor Recreational Facilities, including Playgrounds; Sportsmen's Farms; and Riding Stables - One (1) space for every four (4) members, with a minimum of five spaces.

Temporary Real Estate Sales Offices - One (1) space for every four hundred (400) square feet of floor area to be used as the sales office.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements, as needed. Where no requirement is stated herein, the Board shall determine the required parking for the conditional use.

Combinations - Combined uses shall provide parking equal to the sum of individual requirements.

## 8-9 SINGLE FAMILY RESIDENTIAL (R-1E) ZONE

8-9(a) Intent - This zone is intended to provide for single family detached residences on small lots, and at a higher density than would be possible in other detached single family zones. It may be used for zero-lot-line houses and for patio houses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-9(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family detached residences.
2. Parks and playgrounds operated by government.
3. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two years or when all the lots are sold, whichever comes first.

8-9(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home offices and home occupations.
6. A ground, roof or pole-mounted satellite dish antenna, as regulated by Article 15-8.
7. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
8. Hiking and bicycling trails.

8-9(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. As for R-1A.

8-9(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not

intended to be a total listing of all the uses that are prohibited.)

1. As for R-1A.

Lot, Yard, and Height Requirements (See Articles 3, 8-9(o) below, and 15 for additional regulations.)

8-9(f) Lot Size - 4,000 square feet minimum, with a maximum of 7,500 square feet for single family detached uses on lots not fronting upon a cul-de-sac or more than one public street; for all other uses and lots, there shall be no maximum lot size.

8-9(g) Minimum Lot Frontage - 40'.

8-9(h) Minimum Front Yard - 20'.

8-9(i) Minimum Each Side Yard - 3'. No wall, air-conditioning unit, structure or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot. (See Article 8-9(o)1 below.)

8-9(j) Minimum Rear Yard - 10'.

8-9(k) Minimum Useable Open Space - No limitation.

8-9(l) Maximum Lot Coverage - No limitation.

8-9(m) Maximum Height of Building - 35'.

8-9(n) Off-Street Parking (See Article 16 for additional parking regulations.)

One space per dwelling unit.

8-9(o) Special Provisions

1. There shall be not less than six (6) feet at any point between the walls of each single family residence.
2. Lot, yard and height requirements for single family detached dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:
  - a. Where existing lot frontage is 24 feet but less than 40 feet, the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot frontage - 24 feet.
    2. Minimum front yard - As per Article 8-9(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
  3. Maximum front yard - 40 feet, unless the average depth of the existing front yards on

**8-10 TOWNHOUSE RESIDENTIAL (R-1T) ZONE**

**8-10(a) Intent** - This zone is intended to provide for attached single family dwellings and supporting uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

**8-10(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Single family attached residences, except that not more than twelve (12) units shall be attached.
2. Group Residential Projects, as provided in Article 9.
3. Existing single family detached residences and single family detached residences for which a building permit was issued or a plan approved prior to the adoption of this Zoning Ordinance.
4. Parks and playgrounds operated by government.
5. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two years or when all the lots are sold, whichever comes first.

**8-10(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds and parking areas.
2. Swimming pools and tennis courts.
3. Agricultural uses, excluding commercial stock raising.
4. Private, non-commercial parks and open space.
5. Home offices and home occupations.
6. A ground, roof or pole-mounted satellite dish antenna, as regulated in Article 15-8.
7. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).
8. Hiking and bicycling trails.

**8-10(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. As for R-1A.

**8-10(e) Prohibited Uses** (All uses other than those

listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for R-1A, except for townhouses.

**Lot, Yard, and Height Requirements** (See Articles 3, 8-10(o) below, and 15 for additional regulations.)

**8-10(f) Minimum Lot Size** - 1,500 square feet.

**8-10(g) Minimum Lot Frontage** - 15'.

**8-10(h) Minimum Front Yard** - 10' (See 8-10(o) below).

**8-10(i) Minimum Each Side Yard** (See 8-10(o) below).

**8-10(j) Minimum Rear Yard** - 10'.

**8-10(k) Minimum Useable Open Space** (See 8-10(o) below).

**8-10(l) Maximum Lot Coverage** - No limitation.

**8-10(m) Maximum Height of Building** - 35'.

**8-10(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

As for R-1A.

**8-10(o) Special Provisions**

1. No more than three (3) contiguous townhouse units may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs. Buildings may penetrate up to eighteen (18) inches over the building line into the required front yard, but the average setback of the contiguous units shall be at least as great as the required front yard.
2. Required side yard shall be six (6) feet for each side yard of townhouses when no units or only one unit fronts on a side yard; and a side yard of twenty (20) feet when more than one unit fronts on that side yard.
3. Not less than ten percent (10%) of the total lot area for any townhouse shall be devoted to private usable open space either on each lot or on land adjacent and directly accessible to each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common open space by plantings, fences, or walls. The least dimension of the private open space shall be eight (8)

## 8-12 PLANNED NEIGHBORHOOD RESIDENTIAL (R-3) ZONE

8-12(a) Intent - This zone is primarily for multi-family dwellings and other residential uses. This zone should be at locations and at the density (units/acre) recommended by the Comprehensive Plan, and in areas of the community where necessary services and facilities will be adequate to serve the anticipated population.

8-12(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-2 zone.
2. Multi-family dwellings.
3. Dormitories.
4. Boarding or lodging houses, assisted living facilities, and hospitality houses for up to eight (8) persons.
5. Community residences.
6. Group Residential Projects, as provided by Article 9.
7. Townhouses, except that no less than three (3) and no more than twelve (12) units shall be attached.

8-12(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Items 1 through 3, ~~and 6, 8 and~~ through 9 of the permitted accessory uses in the R-1A zone.
2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.
3. Non-commercial athletic club facilities, when accessory to another permitted or conditional use.
4. ~~Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.~~

8-12(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-1A zone.
2. Hospitals, nursing homes, personal care facilities rest-homes, and orphanages.
3. Community centers (such as YMCA, YWCA, etc.)

4. Community garages.
5. Kindergartens, nursery schools, and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
6. Parking, as permitted in Article 16-3.
7. ~~Satellite dish antenna, subject to the following:~~
  - a. ~~For townhouse dwellings, as permitted as a conditional use in the R-1T zone.~~
  - b. ~~For duplex dwellings, as permitted as a conditional use in the R-2 zone.~~
  - c. ~~For single family dwellings, as permitted as a conditional use in the R-1A zone.~~(Renumber remaining)
8. Sorority and fraternity houses.
9. Boarding or lodging houses, assisted living facilities, and hospitality houses for more than eight (8) persons and rehabilitation homes, provided that no use permitted under this section shall be located less than five hundred (500) feet, as measured from the nearest property line, from another use permitted under this section. However, the Board may reduce the 500-foot spacing requirement if it can determine that a reduction will not have an adverse influence on existing or future development of the subject property or its surrounding neighborhood.
10. Bed and breakfast facilities, limited to the rental of not more than five (5) rooms. The Board of Adjustment, in considering approval of such conditional use, shall consider and make a finding that the number of rooms granted shall not have an adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
11. ~~Athletic club facilities, when accessory to another permitted or conditional use.~~  
(Renumber remaining)
12. Day Shelters.

8-12(e) Prohibited Uses (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the R-1A zone, except for multi-family, two-family and townhouse dwellings; boarding or lodging houses; dormitories; and sorority and fraternity houses.

Lot, Yard, and Height Requirements (See Articles 3, 8-

12(o) below, and 15 for additional regulations.)

8-12(f) Minimum Lot Size - 6,000 square feet.

8-12(g) Minimum Lot Frontage - 50'.

8-12(h) Minimum Front Yard - 20'.

8-12(i) Minimum Each Side Yard - 5', unless required to be a minimum of 30 feet by Article 15-2(b)(3).

8-12(j) Minimum Rear Yard - 10'.

8-12(k) Minimum Usable Open Space - 20%.

8-12(l) Maximum Lot Coverage - 25% and a floor area ratio of 0.5.

8-12(m) Maximum Height of Building - 35'.

8-12(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-1A, except as provided in Article 8-12(o)(4) below.

Multiple Family Dwellings (other than Elderly Housing) - Three (3) spaces for every two (2) dwelling units, or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater.

Elderly Housing - Three (3) spaces for every four (4) dwelling units.

Fraternity and Sorority Houses, Dormitories, Boarding and Lodging Houses and Hospitality Houses - Five (5) spaces, plus one (1) space for every five (5) beds.

Hospitals, Nursing Homes, Personal Care Facilities, Rest Homes, Orphanages, and Rehabilitation Homes - One (1) space for every four (4) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Community Centers - Five (5) spaces, plus one (1) space for each employee.

Bed and Breakfast Facilities - One space per room rented other than the first room.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Duplexes - Two (2) spaces per dwelling unit.

8-12(o) Special Provisions:

1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.
2. Lot, yard, and height requirements for two-family dwellings shall be as required by R-2.
3. Lot, yard, and height requirements for Group Residential Projects shall be as required in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings in defined Infill & Redevelopment areas are for existing lots as of December 5, 2002, and shall be as listed below. (Minimum lot sizes are listed below for the purpose of establishing minimum configurations that may be the result of consolidation among adjacent parcels.)
  - a. Where existing lot frontage is less than 24', the provisions of Article 15-7 and the following shall apply:
    1. Minimum lot size - 2,000 square feet.
    2. Minimum lot frontage - 20 feet.
    3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.
    4. Maximum front yard - 40 feet, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
    5. Minimum side yard - 3 feet. No wall, air-conditioning unit, structure, or other obstruction shall be located within the required side yard. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.
    6. Minimum rear yard - 20 feet.
    7. Minimum usable open space - No limitation.
    8. Minimum lot coverage - No limitation.
    9. Maximum height of building - 24 feet.
    10. Maximum lot coverage - No limitation.
    11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
    12. Minimum off-street parking - None required.

- b. Where existing lot frontage is 24' but less than 35', the provisions of Article 15-7 and the following shall apply:
  1. Minimum lot size - 2,500 square feet.
  2. Minimum lot frontage - 24 feet.
  3. Minimum front yard - As per Article 8-12(h), unless the average depth of the existing front yards on each of the adjacent lots on either side of the lot are less; then the minimum shall be

## 8-15 PROFESSIONAL OFFICE (P-1) ZONE

8-15(a) Intent - This zone is primarily for offices and related uses. Retail sales are prohibited, except where directly related to office functions. This zone should be located as recommended in the Comprehensive Plan.

8-15(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics, and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs, churches, and Sunday schools.
11. Hospitals, nursing homes, personal care facilities ~~rest homes~~ and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Cable television system signal distribution centers and studios.
16. Dwelling units, provided the units are not located on the first floor of a structure and provided that at least the first floor is occupied by another permitted use or uses in the P-1 zone, with no mixing of other permitted uses and dwelling units on any floor.
17. Business colleges, technical or trade schools or institutions.
18. Athletic club facilities, when located at least one hundred fifty (150) feet from a residential

zone.

19. Beauty shops and barber shops not exceeding 2,000 square feet in floor area, which employ not more than five licensed cosmetologists, with all service provided only by licensed cosmetologists and/or barbers.
20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone.
21. Adult day care centers.
22. Day Shelters.
23. Places of religious assembly.
24. Offices of veterinarians, animal hospitals or clinics, provided that (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.

8-15(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies.
2. Parking areas or structures.
3. Incidental retail sales or personal services, including facilities for serving food, only for employees, residents or visitors to any permitted use, and having no primary access to the exterior; and limited to a maximum of ten percent (10%) of the gross floor area of the building in which it is located, with no single such use being in excess of 5,000 square feet.
4. Sales offices for the display of merchandise and the acceptance of orders.
5. Swimming pools, tennis courts, putting greens, hiking and bicycling trails, botanical gardens, nature preserves and other similar non-commercial recreational uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. One dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be part of the building and located above, to the side, or to the rear of such permitted use.
8. Retail sales and storage areas accessory to internet-based businesses, for which Certificates of Occupancy are issued after November 15, 2001; provided that the retail sales and storage area occupies no more than twenty-five percent (25%) of the business area, nor more than 2,500 square feet, whichever is less; and having no display space, storage space or signs visible from the exterior of the building.
9. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

8-15(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. ~~Offices of veterinarians, animal hospitals.~~  
(Renumber remaining)
2. Drive-through facilities for sale of goods or products or the provision of services otherwise permitted herein.
3. Parking lots and structures.
4. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
5. Rehabilitation homes, when located closer than five hundred (500) feet from a residential zone.
6. Extended-stay hotels, except as permitted in a Professional Office Project.
7. Mail service facilities, except as permitted in a Professional Office Project.
8. Ecotourism activities to include equine or zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

**8-15(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or

below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.

6. Greenhouses, plant nurseries, market gardens and garden centers.
7. Tattoo parlors.
8. Ecotourism activities, except as permitted herein.

**Lot, Yard, and Height Requirements** (See Articles 3 and 15 for additional regulations.)

**8-15(f) Minimum Lot Size** - 7,500 square feet.

**8-15(g) Minimum Lot Frontage** - 60 feet.

**8-15(h) Minimum Front Yard** - 20 feet.

**8-15(i) Minimum Each Side Yard** - 12 feet.

**8-15(j) Minimum Rear Yard** - 12 feet.

**8-15(k) Minimum Usable Open Space** - No limitation, except where residences are provided, then 10%.

**8-15(l) Maximum Lot Coverage** - 35% and a floor area ratio of 1.3.

**8-15(m) Maximum Height of Building** - 3:1 height-to-yard ratio.

**8-15(n) Off-Street Parking** (See Article 16 for additional parking regulations.)

**Athletic Club Facilities** - One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each employee on the maximum working shift.

**Offices, Fine Arts Studios, Banks and Financial Establishments, Offices of Veterinarians, and Animal Hospitals, Medical and Dental Offices, Clinics and Laboratories, and the like** - One (1) space for each two hundred (200) square feet of floor area.

**Telephone Exchanges, Radio and Television Stations** - One (1) space for every two (2) employees on a maximum shift; plus one (1) space for each vehicle owned by the use, with a minimum of five (5) spaces.

**Elementary and Junior High Schools** - One (1) space for every fifteen (15) auditorium seats; or one (1) space for each classroom, plus one (1) space for each employee, whichever is greater.

**All Other Schools for Academic Instruction** - One (1) space for every five (5) main auditorium seats, or one (1) space for every five (5) gymnasium seats, or one (1) space for every five (5) classroom seats, whichever is



greater.

Professional Office Projects - One (1) space for every four hundred (400) square feet of floor area.

Kindergartens, Nursery Schools, and Child Care Centers - Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.

Churches, Sunday Schools and Parish Houses  
Places of Religious Assembly - One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.

Libraries, Museums, Community Centers, Art Galleries and Reading Rooms - One (1) space for each six hundred (600) square feet of floor area.

Funeral Parlors - One (1) space for every five (5) seats under maximum occupancy, plus one (1) for each vehicle owned by the use.

Dwelling Units - One (1) space for each dwelling unit.

Private Clubs - One (1) space for every four (4) members.

Accessory Retail Facilities - One (1) space for every six hundred (600) square feet of floor area for each retail use.

Restaurants - One (1) space for each two hundred (200) square feet of floor area; or one (1) for every four (4) indoor seats plus one (1) for every eight (8) outdoor seats, whichever is greater.

Hospitals, Nursing Homes, Personal Care Facilities, Rest Homes, and Rehabilitation Homes - One (1) space for every three (3) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Assisted Living Facilities - Three (3) spaces for each four (4) bedrooms, plus one (1) space for each employee on the maximum shift.

Extended-Stay Hotels - One (1) space for every dwelling unit, plus one (1) space for each employee on the maximum shift.

Adult Day Care Center - One (1) space for every ten (10) persons being provided care, plus one (1) space per caregiver on the maximum shift.

Day Shelter - One (1) space for every ten (10)

persons being provided services, plus one (1) space per staff member on the maximum shift.

Beauty Shops or Barber Shops - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Mail Service Facilities - One (1) space for each 200 square feet of floor area.

Other Recreational Facilities or Ecotourism activities not otherwise stated herein -- Five (5) spaces, plus one (1) space for each employee for each separate use.

Conditional Uses - Parking requirements stated herein for conditional uses are minimum requirements; the Board of Adjustment may establish additional requirements as needed.

Combinations - Combined uses shall provide parking equal to the sum of the individual requirements.

#### 8-15(o) Special Provisions

1. A Professional Office Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, upon the approval of a preliminary development plan and a final development plan as provided in Article 21, and subject to the P-1 zone regulations.

Subdivision of land in a Professional Office Project is permitted, subject to the following regulations:

- a. There shall be no minimum lot size, lot frontage, yard or open space, nor maximum lot coverage or height requirements for each subdivided lot; however, all said requirements for the approved final development plan shall be applicable to the subdivision.
- b. Each subdivided lot shall have access to adjacent streets or joint parking areas, as provided by appropriate easements shown on the final development plan and the final record plan.

In addition to the uses otherwise permitted in the Professional Office zone, the following uses shall be permitted in the Professional Office Project:

#### As a principal permitted use:

1. Extended-Stay Hotels.
2. Mail Service Facilities.

#### As accessory uses:

1. Receiving, shipping, and storage of new fixtures, equipment and other non-perishable materials for distribution to corporate or affiliated units subsidiary to the tenant(s) of a principal structure.

## 8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

8-16(a) Intent - This zone is intended to accommodate neighborhood shopping facilities to serve the needs of the surrounding residential area. Generally, they should be planned facilities and should be located as recommended in the Comprehensive Plan. This zone should be oriented to the residential neighborhood, and should have a roadway system which will be adequate to accommodate the anticipated vehicular traffic.

8-16(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
2. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations; including, but not limited to, real estate sales offices.
3. Research development and testing laboratories or centers.
4. Schools for academic instruction.
5. Libraries, museums, art galleries and reading rooms.
6. Funeral parlors.
7. Medical and dental offices, clinics and laboratories.
8. Telephone exchanges, radio and television studios.
9. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
10. Community centers and private clubs; ~~churches and Sunday schools.~~
11. Nursing homes, personal care facilities ~~rest homes~~ and assisted living facilities.
12. Computer and data processing centers.
13. Ticket and travel agencies.
14. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
15. Business colleges, technical or trade schools or institutions.
16. Rehabilitation homes; but only when more than 500 feet from a residential zone, school for academic instruction or a child care center.
17. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
18. Restaurants, and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15), which offer no live entertainment or dancing.
19. Establishments for the retail sale of merchandise, including: clothing, shoes, fabrics, yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products, paint and other interior or exterior care products, hobby items, toys, gifts, antiques, newspapers and magazines, stationery and books, flowers, music, cameras, jewelry and luggage, business supplies and machines; sporting goods and recreational equipment; prescription and non-prescription medicines and medical supplies.
20. Beauty shops and barber shops.
21. Shoe repair, clothing alterations and tailoring services.
22. Self service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed-system process.
23. Automobile service stations, provided such use conforms to all requirements of Article 16.
24. Parking structures; provided such use conforms to the conditions of Article 16, and provided that at least twenty-five percent (25%) of the first floor is occupied by another permitted use or uses in the B-1 zone.
25. Repair of household appliances.
26. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
27. Miniature golf or putting courses.
28. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
29. Carnivals, special events, festivals, or concerts on a temporary basis; and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access, or in other ways to protect public health, safety, or welfare; or deny such if public health, safety, or welfare is adversely affected. A carnival, special events, festivals, or concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
30. Indoor theaters, limited to three screens or stages.
31. Rental of equipment whose retail sale would be permitted in the B-1 zone.
32. Dwelling units, provided the units are not located on the first floor of a structure; and provided that at least

the first floor is occupied by another permitted use or uses in the B-1 zone, with no mixing of other permitted uses and dwelling units on any floor.

33. Arcades, including pinball and electronic games.
34. Pawnshops, which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
35. Athletic club facilities.
36. Banquet facilities.
37. Adult day care centers.
38. Animal grooming facilities.
39. Mail service facilities.
40. Tattoo parlors.
41. Form-based neighborhood business project, as per 8-16(o)(3).
42. Day Shelters.
43. Commercial farm markets and market gardens.
44. Establishments primarily engaged in agricultural sales and services, but only when located within 500 feet of an Agricultural Rural (A-R) zone.
45. Ecotourism activities to include hiking, bicycling and equine trails; recreational outfitters, and canoeing and kayaking launch sites.
46. Places of religious assembly.
47. Offices of veterinarians, animal hospitals or clinics, provided that (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.

**8-16(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Parking areas or structures.
2. One (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted uses.
3. Warehousing, wholesaling, and storage, excluding outdoor storage; and provided that no building for such accessory use shall have openings other than stationary windows or solid pedestrian doors within 100 feet of any residential zone.

4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. One or two pool or billiard tables within an establishment.
7. Sidewalk cafes, when accessory to any permitted restaurant.
8. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-16(b).
9. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located more than 100 feet from a residential zone.
10. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

**8-16(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Self-service car washes, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
2. ~~Animal hospital or clinic, provided that all exterior walls are completely soundproofed; and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.~~  
(Renumber remaining)
3. The rental of trucks (single rear axle - 28' maximum overall length), trailers and related items in conjunction with the operation of an automobile service station; provided that the service station abuts a state or federal highway. No more than five (5) trucks shall be stored for longer than 48 hours on any service station. A site plan shall be submitted for the approval of the Board of Adjustment for the continued control of such activity and shall show the entire property, buildings, signs, parking and location of the proposed storage area.
4. A restaurant or brew-pub, without live entertainment or dancing, which devotes more than twenty-five percent (25%) of its public floor area primarily to the preparation and service of malt beverages, wine or alcoholic beverages.
5. Outdoor live entertainment and/or dancing, cocktail

## **8-17 DOWNTOWN BUSINESS (B-2) ZONE**

**8-17(a) Intent** - This zone is intended to accommodate existing and future development in the Central Business District.

**8-17(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-1 zone.
2. Amusement enterprises, such as indoor billiard or pool halls; indoor theaters; bowling alleys; dance halls; skating rinks.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing or the sale of alcoholic beverages.
4. Establishments for the display, rental, or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.
5. Establishments engaged in blueprinting, printing, publishing and lithographing; interior decorating; upholstering; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
6. Hotels and motels.
7. Passenger transportation terminals.
8. Any type of dwelling unit.
9. Wholesale establishments.
10. Minor automobile and truck repair.
11. Establishments primarily engaged in the sale of supplies and parts for vehicles and farm equipment.
12. Pawnshops.
13. Stadium and exhibition halls.
14. Telephone exchanges; radio and television studios.
15. Cable television system signal distribution centers and studios.
16. ~~Animal hospitals or clinics, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.~~  
(Renumber remaining)
17. Athletic club facilities.
18. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers; provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18

years of age, or within a 1,000-foot radius of any other similarly regulated adult business.

19. Parking lots and structures, provided such use conforms to the conditions of Article 16.

**8-17(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage, wholesaling, and warehousing.
2. Storage yards for delivery vehicles of a permitted use.
3. Sidewalk café, when accessory to any permitted restaurant.
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Satellite dish antennas, as further regulated in Article 15-8.
6. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
7. Parking areas or structures.

**8-17(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Helistops, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
2. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein; provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by

**8-19 LEXINGTON CENTER BUSINESS (B-2B) ZONE**

**8-19(a) Intent** - This zone is intended to ensure compatible land uses, the preservation of existing attractions compatible with the Lexington Center, and the encouragement of new uses necessary to the proper development of the downtown area. The permitted land uses in the zone should have some logical relation to the Lexington Center and to the downtown core, should promote tourism, should promote the economic health of the community, should provide for an aesthetically pleasing environment, and should prevent the creation of influences adverse to the prospering of the Lexington Center and the downtown area.

**8-19(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Civic Center and convention facilities.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions; savings and loan companies, holding and investment companies.
3. Offices and clinics.
4. Schools for academic instruction.
5. Libraries, museums, art galleries, and reading rooms.
6. Studios for work or teaching of fine arts, such as photography, music, drama, dance or theater.
7. Churches, Sunday schools, and parish houses  
Places of religious assembly.
8. Ticket and travel agencies.
9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Section 8-19(e).
10. Establishments for the retail sale of primarily new merchandise.
11. Beauty shops and barber shops.
12. Shoe repair, clothing alterations or tailoring services.
13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
14. Commercial farm markets and market gardens.
15. Hotels or motels.
16. Any type of residential use.
17. Antique shops.
18. Establishments for the display, rental or sale of automobiles, motorcycles, trucks not exceeding one and one-half (1½) tons, and boats limited to runabout boats; provided that the outdoor display or storage of vehicles shall conform to the requirements of Article 16.

19. Amusement enterprises, such as circuses; carnivals; horse racing or automobile racing, special events, festivals, and concerts provided such activity is operated on a temporary basis of a duration not exceeding two weeks.
20. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.
21. Bookstores, except as prohibited under Section 8-19(e).
22. Indoor amusement enterprises, such as motion picture theaters, except as prohibited under Section 8-19(e); billiard or pool halls; bowling alleys; dance halls, skating rinks; and arcades.
23. Computer and data processing centers.
24. Telephone exchanges, radio and television studios.
25. Cable television system signal distribution centers and studios.
26. Private clubs, except as prohibited under Sections 8-19(e)(7, 8 and 9).
27. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than 25 square feet per child.
28. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
29. Historic house museums.
30. Health clubs, athletic clubs and spas.

**8-19(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Storage area for delivery vehicles of a permitted use.
2. Sidewalk café, when accessory to any permitted restaurant.
3. ~~Health clubs, athletic clubs and spas, when operated solely for the use of occupants of residential uses, employees, tenants and owners of office uses, or registered guests of hotels and motels.~~  
(Renumber remaining)
4. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
5. Parking lots and parking structures, when accessory to principal permitted uses.
6. Satellite dish antennas, as further regulated by Article 15-8.
7. Micro-brewery, when accessory to a restaurant permitted herein; shall be located at least 100 feet from a residential zone, and shall be soundproofed to the maximum extent feasible by using existing

technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.

**8-19(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Automobile service stations at which only minor automobile and truck repair is performed, and provided such use conforms to all requirements of Article 16.
2. Automobile rental facilities; parking lots and parking structures, when not accessory to a principal permitted use, provided such uses conform to all requirements of Article 16.
3. Secondhand shops.
4. Self-service laundry or laundry pick-up stations, including clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
5. Helistops, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
6. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
7. ~~Health clubs, athletic clubs and spas, except as permitted in 8-19(e)(3).~~  
(Renumber remaining)
8. Recycling drop-off centers for aluminum; steel; plastic; glass; newspapers; cardboard and other paper products; oil and other household recyclable waste, provided that such an establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application: Reasons for the location of the proposed use at a specific site, description of equipment to be used, physical arrangement, and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.
9. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had

a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Tattoo parlors.
13. Ecotourism activities to include commercial hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves, and seasonal activities.

**8-19(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. Establishments primarily engaged in agricultural equipment sales and services.
2. Warehouse, as well as storage uses, except as accessory uses herein.
3. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking, construction and paving. This is not intended to prohibit administrative offices of such.
4. Manufacturing, compounding, assembling, bottling, processing and packaging, and other industrial uses for sale or distribution other than as retail on the premises.
5. Truck terminals and freight yards.
6. Drive-in restaurants or drive-in theaters.
7. Establishments offering live entertainment in which a person is unclothed, or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
8. Establishments at which any employee is unclothed or

**8-20 HIGHWAY SERVICE BUSINESS (B-3)  
ZONE**

**8-20(a) Intent** - This zone is intended to provide for retail and other uses, which are necessary to the economic vitality of the community but may be inappropriate in other zones. The Comprehensive Plan should be used to determine the locations for this zone. Special consideration should be given to the relationship of the uses in the zone to the surrounding land uses and to the adequacy of the street system to serve the traffic needs.

**8-20(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
2. Automobile service stations, subject to the conditions of Article 16.
3. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of alcoholic beverages.
4. Car washing establishments, provided that surface water from such use shall not drain onto adjacent property or over a public sidewalk, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
5. Motel or hotel.
6. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; miniature golf or putting courses; theaters or bowling alleys.
7. Self-service laundry, laundry pick-up station, or clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
8. Garden centers.
9. Kennels, animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least 100 feet from any residential zone.
10. Drive-in restaurants, provided that all outside food service areas shall be at least 100 feet from any residential zone.
11. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 8-20(e).
12. Minor automobile and truck repair.
13. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
14. Beauty shops and barber shops.
15. Shoe repair, clothing alteration, tailoring services and tattoo parlors.
16. Carnivals, special events, festivals and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and of Building Inspection, which may restrict the permit in terms of time, parking, access or in other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival, special event, festival, or concert may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
17. Offices and medical clinics.
18. Taxidermy establishments.
19. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
20. Business colleges, technical or trade schools or institutions.
21. Schools for academic instruction.
22. Kindergartens, nursery schools and child care centers, where enrollment of children is sponsored and licensed by established churches places of religious assembly and non-profit community-based groups, and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment which is located on or abutting the same lot as the proposed child care facility. A fenced and screened play area shall be provided in an area, located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than 25 square feet per child.
23. Pawnshops which: (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
24. Indoor Athletic clubs and recreational facilities.
25. Parking lots and structures.
26. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, provided that none shall be located within a 500-foot radius of any agricultural or residential zone, any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
27. Commissaries for preparation of food for restaurant use.
28. Retail sale of automotive parts with storage and distribution of inventory to other local establishments

under the same ownership, when such use is at least 200 feet from a residential zone.

29. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
30. Commercial farm markets and market gardens.

**8-20(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Wholesale, warehouse, and storage facilities.
2. Parking areas and structures.
3. Swimming pools.
4. Newsstands and retail shops when accessory to a motel or hotel, provided there are no exterior entrances or signs visible from outside the structure in which they are located.
5. Not more than one (1) dwelling unit for owners, operators, or employees of a permitted use, provided that such dwelling unit shall be a part of and located above or to the rear of such permitted use.
6. Major automobile and truck repair, when accessory to an establishment primarily engaged in the sale of automobiles and trucks.
7. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
8. Satellite dish antennas, as further regulated by Article 15-8.
9. Pawnshops which are accessory to an establishment primarily engaged in the retail sale of jewelry. Not less than fifty percent (50%) of the gross revenue of such establishments shall come from the retail sale of jewelry.
10. Micro-brewery, when accessory to a restaurant permitted herein; and shall be located at least 100 feet from a residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
11. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of merchandise or an automobile service station permitted under Article 8-20(b).

**8-20(d) Conditional Uses** (Permitted only with Board of Adjustment approval.) Required conditions for any conditional use permitted herein shall be as follows:

- Any conditional use shall be located, in relationship to the arterial roadway system, so that the conditional use has a minimal effect

on the adjoining streets and the surrounding uses.

- Any outdoor theater screen or illuminated scoreboard or other similar surface shall not be visible from any street for a distance of 1,000 feet from said structure.
- Entrances of ingress or egress, acceleration lanes, and deceleration lanes shall be provided in conformance with requirements as established by the Urban County Traffic Engineer.

1. ~~Indoor and~~ Outdoor athletic facilities that ~~may also require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Highway Service Business (B-3) zone, such as a field house, gymnasium, football stadium, tennis courts, a soccer field or polo field, and a baseball field.~~
2. Amusement parks, fairgrounds, or horse racing tracks, if all buildings are located not less than 200 feet from any residential zone; and further provided that all buildings for housing animals shall be 200 feet from any residential zone, residence, school, ~~church~~, place of religious assembly, hospital, nursing home, or ~~rest home~~ personal care facility.
3. Outdoor theaters, provided that all facilities, other than highway access drives, are not less than 1,000 feet from any residential zone, residence, school, place of religious assembly ~~church~~, hospital, nursing home, or ~~rest home~~ personal care facility; and further provided that a vehicle storage area equal to thirty percent (30%) of the capacity of the theater be provided between the highway and theater ticket gate.
4. Outdoor recreational facilities, including go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; swimming pools; water slides and other water-related recreational facilities, and other similar uses.
5. Passenger transportation terminals.
6. Pawnshops, except as permitted herein.
7. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.



8. Adult arcades, adult bookstores, adult video stores, adult cabarets, adult dancing establishments, adult entertainment establishments, and sexual entertainment centers, except as permitted herein, provided none shall be located within a 500-foot radius of any elementary or secondary school, any park attended by persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
9. ~~Churches~~ Places of religious assembly and Sunday schools.
10. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; except as permitted herein, or except in conformance with the Kentucky Building Code and all applicable fire safety codes. Except in association with an automobile and vehicle refueling station, total above-ground storage of gas is limited to 600 square feet. There may be no filling or re-filling of gas containers in this zone.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
13. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

**8-20(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. The prohibited uses in the B-1 zone, items 1 through 5.
2. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.

3. Establishments for cleaning, dyeing, and the like, except as permitted herein.
4. Dwellings, except as accessory uses herein.
5. Major automobile and truck repair, except as permitted herein.
6. Boarding houses.
7. Outdoor retail sale of merchandise, unless accessory to a permanent retail sales establishment that conducts most of its activities within a completely enclosed building or group of buildings.
8. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except as permitted herein.
9. Hospitals.
10. Museums, including historic house museums.
11. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, and zoological gardens.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-20(f) Minimum Lot Size - No limitation.

8-20(g) Minimum Lot Frontage - 40'.

8-20(h) Minimum Front Yard - 20'.

8-20(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-20(o).

8-20(j) Minimum Rear Yard - No limitation, except as provided in Section 8-20(o).

8-20(k) Minimum Useable Open Space - No limitation.

8-20(l) Maximum Lot Coverage - No limitation.

8-20(m) Maximum Height of Building - 75', except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.

8-20(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-1.

Establishments for display, rental, sale, service or repair of farm implements, contractor equipment, automobiles, motorcycles, boats, travel trailers, mobile homes, or supplies for such items - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Car Washing Establishments - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

## 8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE

8-21(a) Intent - This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-21(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating; catering.
3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
4. Ice plant.
5. Tire re-treading and recapping.
6. Parking lots and structures.
7. Machine shop.
8. Kennels, animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least 100 feet from any residential zone.
9. Offices of purchasers, processors and handlers of agricultural products, limited to administrative uses only.
10. Sales of feed, grain, or other agricultural supplies.
11. Garden centers.
12. Establishments and lots for the display, rental,

sale, and repair of farm equipment; contractor equipment; automobiles, trucks, mobile homes; recreational vehicles, such as mini-bikes, motorcycles, bicycles; boats or supplies for such items.

13. Truck terminals and freight yards.
14. Automobile service stations, subject to the conditions of Article 16.
15. Major or minor automobile and truck repair.
16. Establishments for the display and sale of precut, prefabricated, or shell homes.
17. Carnivals on a temporary basis, and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time, parking, access or other ways to protect public health, safety, or welfare; or deny such if public health, safety or welfare are adversely affected. A carnival may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
18. Retail sale of building materials and lumber.
19. Pawnshops which (1) were in operation prior to August 31, 1990 and in compliance with the provisions of KRS 226.010 et seq. and Code of Ordinances, Sections 13-52 and 13-53; or (2) had on file with the Lexington-Fayette Urban County Government, prior to August 31, 1990, an application for a business license or certificate of occupancy.
20. Mail order business.
21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.
24. Shredding, sorting and baling of paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
25. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
26. Flex Space Projects, as further regulated in 8-21(o)5.
27. Indoor recreational activities, ~~except as provided as a part of an adaptive reuse project that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but that including, but not limited to,~~ indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.

8-21(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.

1. Parking areas and structures, and loading areas.

2. Financial and insurance offices, the principal activities of which are oriented towards agricultural loans and farm insurance.
3. Laundry pick-up station, when accessory to a laundry or dry-cleaning establishment.
4. Retail sale of hardware-related items, when accessory to the sale of building materials and/or lumber.
5. Satellite dish antennas, as further regulated by Article 15-8.
6. Sale of manufactured products, goods, merchandise and finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than 30% of the total floor and storage area.
7. The retail sale of groceries; dairy products; bakery goods; meat; beer; health and beauty items; stationery; and similar convenience-type merchandise, when accessory to an automobile service station.
8. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
9. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
10. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to the retail sale of building materials and lumber permitted under Article 8-21(b)(18).

**8-21(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

- ~~1. Indoor recreational activities, except as provided as a part of an adaptive reuse project that require buildings which, as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Wholesale and Warehouse Business (B-4) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys. Also included would be any outdoor recreational facilities that are customarily accessory, clearly incidental and subordinate to such indoor recreational activities.~~

(Renumber remaining)

2. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
3. ~~Churches, Places of religious assembly,~~ Sunday schools, and ~~church-related~~ schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an adaptive reuse project.
4. Retail sale (except as provided as part of an adaptive reuse project) of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china; when accessory to its storage, refinishing, repairing or upholstery on the same premises.
5. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
6. Circuses, provided all structures are located not less than 200 feet from any residential zone; and further provided that all structures for housing animals shall be 200 feet from any residential zone, residential use, school, hospital, nursing home or rest home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
7. Ecotourism activities to include campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities, including associated gift shops as an accessory use.
8. Market gardens, except as provided as part of an adaptive reuse project.

**8-21(e) Prohibited Uses** (All uses other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and

are not intended to be a total listing of all the uses that are prohibited.)

1. Heavy manufacturing, heavy assembling, compounding, packaging, bottling, processing, and other industrial uses, except as permitted herein.
2. Storage of commodities, the storage of which is permitted for the first time in the industrial zones.
3. Amusement enterprises, such as indoor theaters; drive-in theaters; horse race tracks; pool halls; billiard halls; dancing halls and amusement parks.
4. Retail sales and offices, except as permitted herein.
5. Motels and hotels; boarding houses.
6. Personal service establishments, except as permitted herein.
7. Dwellings, except as permitted in an office/warehouse project herein.
8. Schools and colleges for academic instruction, except as permitted herein.
9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.
10. Car washing establishments.
11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile and vehicle refueling station.
13. Pawnshops, except as permitted herein.
14. Special events, parties, festivals and concerts.
15. Museums, including historic house museums.
16. Farm tours, hayrides, corn mazes, commercial far markets, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting and trapping, sportsmen's farms, zoological gardens, value-added product sales, and classes related to agricultural products or sales.

Lot, Yard, and Height Requirements (See Articles 3 and 15 for additional regulations.)

8-21(f) Minimum Lot Size - No limitation.

8-21(g) Minimum Lot Frontage - No limitation.

8-21(h) Minimum Front Yard - No limitation, except as provided in Section 8-21(o).

8-21(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-21(o).

8-21(j) Minimum Rear Yard - No limitation, except

as provided in Section 8-21(o).

8-21(k) Minimum Useable Open Space - No limitation.

8-21(l) Maximum Lot Coverage - No limitation.

8-21(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.

8-21(n) Off-Street Parking - (See Article 16 for additional parking regulations.)

Wholesale business, warehousing, storage; Establishments for special trade and general contractors; Machine shops; Sale of feed, grain or other agricultural supplies; Garden centers; and Establishments for the rental, sale, service and repair of farm equipment, contractor equipment, trucks, travel trailers and mobile homes - One (1) space for every 600 square feet of floor area, with a minimum of five (5) spaces.

Tire re-treading or recapping; Truck terminals and Ice plants - One (1) space for each two (2) employees on a maximum working shift; plus one (1) space for each vehicle owned or operated by the use, with a minimum of five (5) spaces total.

Offices, as permitted herein; Animal Hospitals or Clinics; Laundry, clothes cleaning or dyeing shop - One (1) space for every 200 square feet of floor area, with a minimum of five (5) spaces.

Animal Grooming Facilities - One (1) space for every 200 square feet, with a minimum of three (3) spaces.

Kennels - One (1) space for every 600 square feet of floor area; plus one (1) space per two (2) employees on the maximum shift, with a minimum of five (5) spaces.

Office/Warehouse Mixed-Use Project - One (1) space for every 500 square feet of parking floor area, with a minimum of five (5) spaces.

Skating Rinks - One (1) space for every 400 square feet of floor area, plus one (1) space for each employee.

Bowling Alleys - Four (4) spaces per alley; however, snack bars and food service provided primarily to patrons shall not require additional parking.

Tennis Courts and other similar indoor recreational uses - One (1) space for every two (2) participants, plus one (1) space for every three (3) spectator seats, plus one (1) space for each employee.

Mail Order Business - One (1) for every two (2)

- studios for work or teaching of fine arts, metal work, photography, dance, drama or theater; theaters, including movie theaters and other indoor amusements, except as prohibited under Section 8-19(e), including billiard or pool halls, bowling alleys, dance halls, skating rinks and arcades.
3. Community centers, churches and private clubs.
  4. Restaurants, with or without outdoor seating and with or without live entertainment.
  5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
  6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
  7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
  8. Offices, banks or clinics.
  9. Hotels or motels.
  10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  11. Quick copy services not using offset printing methods.
  12. Residences of any kind.
  13. Health clubs, athletic clubs and spas.
  14. Parking lots and structures.
  15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  16. ~~Indoor recreational facilities.~~  
(Renumber remaining)
  17. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least 25 square feet per child.
  18. Indoor or outdoor amusement or entertainment enterprises such as circuses, carnivals, rodeos, horse shows or automobile shows; provided such activity is operated on a temporary basis, not to exceed two weeks.
  19. Passenger transportation terminals.
- e. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
  - f. Conditional uses:
    1. Drive-through facilities.
  - g. Prohibited uses:
    1. All adult uses, as listed in Sections 8-16(e)(14 through 17).
  - h. Parking
    1. Dwelling Units – One (1) space for every two (2) units.
    2. Non-Residential Uses – Fifty percent (50%) of the least parking required in any zone other than the B-2, B-2A or B-2B zone, which permits the use or a similar use.
    3. Allowable Reductions in Parking:
      - a. Bicycle Reduction – Sites having fifty (50) or more parking spaces may reduce the total minimum automobile parking space requirement by one (1) parking space for every one (1) bicycle space provided in a permanent, constructed bicycle locker. The maximum reduction of required parking spaces, based on provision of bicycle parking, shall not be reduced less than five percent (5%) of the otherwise required amount.
      - b. Allowable Transit Stop Reductions – Sites located within 300 feet of a transit stop with a shelter may be allowed a ten percent (10%) reduction of the minimum required parking. Sites located within 300 feet of a transit stop without a shelter shall be allowed a five percent (5%) reduction of the minimum required parking. If the site is located within 300 feet of more than one transit stop, the maximum reduction allowed will be ten percent (10%) for this specific parking reduction.
      - c. Reductions in required off-street parking for transit stops and bicycle lockers may be combined for the same property, but in any event may not reduce the total amount of required off-street parking by more than 15%.
    - i. Signage – Shall be as permitted under Article 17-7(o) for an MU-2 zone.
    - j. Lot and Yard Requirements - No minimum.
    - k. Height - No maximum height for adaptive reuse of existing buildings. New buildings shall not be more than 12 feet taller than the tallest structure that is being adaptively re-used, or 48 feet, whichever is greater.
      1. The applicant shall submit a compliance statement with the development plan that specifies how the project will further the Goals and Objectives and other elements of the Comprehensive Plan.
    - m. Prior to holding a hearing on the development plan, the applicant shall post a sign, with dimensions set out in Article 23B-5(b), at a visible location on the property at least 14 days prior to

the hearing, informing the public of the location, date and time of the hearing. Evidence of the sign having been posted shall be submitted to the Planning Commission at the hearing.

- n. The Planning Commission shall have the power to approve, modify or disapprove the development plan, as set out in Article 21. In addition, if the Planning Commission approves the development plan, it must adopt a finding that the development plan furthers the Goals and Objectives or other elements of the Comprehensive Plan.
5. Flex Space Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
  - a. The site must be located outside of the defined Infill and Redevelopment Area.
  - b. Principal uses in Flex Space Projects shall include:
    1. Any of the principal uses permitted in the underlying zone.
    2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater.
    3. Places of religious assembly Churches and private clubs.
    4. Establishments for the retail sale of merchandise, food and food products, if under 20,000 square feet in area.
    5. Restaurants, if under 4,000 square feet in area.
    6. Offices.
    7. Health clubs, athletic clubs and spas.
    8. Market gardens.
  - c. Accessory uses that are clearly incidental and subordinate to the principal uses.
  - d. Conditional uses:
    1. Drive-through facilities.
  - e. Prohibited uses:
    1. All adult uses, as listed in Section 8-16(e)(14 through 17).
  - f. Parking:
    1. Restaurants - as set forth in the B-1 zone.
    2. All other uses - One (1) space per 600 square feet.
  - g. Signage, lot, yard and height requirements shall be as set forth in the underlying zone.
  - h. The Planning Commission shall, with the approval of any development plan, consider the following locational and compatibility factors:
    1. A Flex Space Project shall generally not be located on a major arterial. If the

Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers.

2. The Project shall generally be located in an area of mixed uses and zones.
3. The Project shall generally be located in an area that has historically had a mixture of retail and wholesaling land uses.
4. The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or the nature of the roadway system, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
5. The property is the site of an existing building with substantial lot coverage that does not allow substantial expansion of the building or parking facilities.
6. The Project shall generally not be located in a block front that contains residential zoning.

## **8-22 LIGHT INDUSTRIAL (I-1) ZONE**

**8-22(a) Intent** - This zone is intended for manufacturing, industrial and related uses not involving a potential nuisance in terms of smoke, noise, odor, vibration, heat, light or industrial waste. In addition, the Comprehensive Plan recognizes that it is important to promote adaptive reuse of older industrial areas and to allow Industrial Mixed-Use projects and Adaptive Reuse Projects. The Comprehensive Plan should be used to determine appropriate locations for this zone and for Industrial Mixed-Use Projects. Consideration should be given to the relationship of this zone to the surrounding land uses and to the adequacy of the street system to serve the anticipated traffic needs.

**8-22(b) Principal Uses** (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the B-4 zone.
2. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious and semi-precious metals, precious and semi-precious stones, rubber, sheet metal (excluding large stampings), shell, textiles, tobacco, wax, wire, wood (excluding sawmills, planing mills), and yarn.
3. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of such products as: bakery goods; billboards; candy; ceramics; cosmetics; drafting instruments; electrical parts; appliances; electric or neon signs; electronic instruments; food products; meat packaging; ice cream; medical and dental instruments; musical instruments; pharmaceuticals; pottery, china, or figurines; radios; record players; rubber and metal stamps; rubber products; scientific instruments and equipment; shoes; television receivers; toiletries, soaps and detergents; toys; and watches and clocks.
4. Other industrial and manufacturing uses, such as auto parts rebuilding; battery manufacturing; beverage manufacturing; micro-brewery as regulated by KRS 243.157 and KRS 243.150; dairy and non-dairy and food and non-food product bottling plants; box and crate assembly; building materials sales; rental storage yard; bag, carpet and rug cleaning and dyeing; cabinet shop; cannery; eaterers;

cooperage; columbariums and crematories; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.

5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
6. Industrial Mixed-Use Projects, as further regulated by Article 8-22(o).
7. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
8. Commercial wood lots, provided that:
  - a. All wood storage and processing activities are located at least 300 feet from the nearest residential zone;
  - b. Wood piles are no greater than fifteen (15) feet in height, no greater than twenty (20) feet in width, no greater than 100 feet in length, and are spaced no less than twenty (20) feet from any property line; and
  - c. Cutting and splitting of timber takes place only between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

**8-22(c) Accessory Uses** (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Off-street parking areas and structures; loading facilities.
2. Dwelling units for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises.
4. Facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.
5. Offices.

6. Recreational facilities, except as prohibited herein.
7. Sale of manufactured goods.
8. Sale of finished products related or incidental to the principal use, provided that the area set aside for sales of these related or incidental items does not constitute more than thirty percent (30%) of the total floor and storage area.
9. Satellite dish antennas, as further regulated by Article 15-8.
10. Beauty salons where accessory to an athletic club facility, provided that the area of the salon shall not constitute more than 10% of the total floor area, that the salon has no separate external entrance, nor separate business signage.
11. Retail sale of liquid propane (limited to 20-lb. containers), when accessory to retail sale of building materials and lumber permitted under Article 8-21(b)(18).

**8-22(d) Conditional Uses** (Permitted only with Board of Adjustment approval.)

1. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
2. Public utilities and public service uses and structures.
3. ~~Columbariums and crematories.~~  
(Renumber remaining)
4. Penal or correctional institutions.
5. ~~Indoor recreational activities, except as provided as part of an Adaptive Reuse Project, that require buildings, which as a result of their size and design, are not compatible with residential and business zones, but would be compatible in a Light Industrial (I-1) zone, including indoor tennis courts, skating rinks, athletic club facilities and bowling alleys.~~  
(Renumber remaining)
6. Grain drying, when operated in a fully enclosed building at least 300 feet from the nearest residential, business, or professional office zone.
7. The above- or below-ground storage for resale of any flammable or nonflammable gas or oxidizer in liquid or gaseous form; the storage of any empty container that contained any gas in any form; and the receiving of or dispensing of any gas in any form, unless in association with an automobile and vehicle refueling station or limited by 8-22(e); and provided such operations conform to the standards prescribed by the National Fire Protection Association, the Kentucky Occupational Safety

- and Health Standards for General Industry, and any requirements of the Fire Marshall. Such conformance shall be certified in writing by the Fire Marshall, and any required protective measures for the containers shall be met in all ways.
8. Banks, with or without drive-through facilities, except as provided as part of an Industrial Mixed-Use Project or an Adaptive Reuse Project, provided:
    - a. The site lies within the area of a development plan approved by the Planning Commission, having a minimum 100 acres zoned industrial;
    - b. There shall be an on-site stacking capacity of a minimum of twenty (20) cars for each bank having drive-through facilities;
    - c. The site shall not have direct access to an arterial street;
    - d. There exists, within the development plan area, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 500 employees;
    - e. There exists, within a one-mile radius of the property boundaries of the proposed site, industrial businesses having a full-time, non-seasonal, on-site total employee population of at least 2,500 employees;
    - f. A site development plan is submitted to, and approved by, the Board of Adjustment and the Planning Commission.
  9. Concrete mixing and concrete products, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein, and only under the following conditions:
    - a. That no concrete mixing operation be conducted closer than 1,000 feet from any existing residence on another lot under different ownership.
    - b. Noise, Air & Water Quality - The facility shall be operated at all times in compliance with applicable Federal, State and local laws and regulations on noise, air, and water quality, including the LFUCG Noise Ordinance (Sections 14-70 through 14-80), Article 6-7: Stormwater Disposal Standards, and Chapter 16 of the Code of Ordinances.
    - c. Development Plan - The development plan shall indicate all existing contours, shown with intervals sufficient to show existing drainage courses, retention, storm water and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet.
    - d. Drainage and Erosion Control - All operations shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event that adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
    - e. Roads - All access roads that intersect with a State highway or public street shall be paved with an all-



- weather surface of either asphalt or concrete for the entire length of road from State highway or street to the active loading point. Internal roads may be unpaved, provided dust is adequately controlled.
- f. Screening - Screening shall be provided as defined in accordance with LFUCG Article 18 of the Zoning Ordinance.
  - g. Transportation Plan - A Transportation Plan shall be planned (in relationship to the arterial roadway system) to minimize the impact of traffic, dust, and vehicle noise on areas outside the site and shall include the following information:
    - 1) Product shipping and deliveries;
    - 2) Mode of transportation;
    - 3) Route(s) to and from the site;
    - 4) Schedule and frequency of shipments;
    - 5) Delivery and shipping spillage control methods;
    - 6) Employee parking.
  - h. Storage - Storage and/or stockpiles of hazardous materials shall be in a completely closed building. Outdoor storage, except aggregate, sand and recycled asphalt material, shall be enclosed on at least three sides by a solid wall or fence, not less than six (6) feet nor greater than eight (8) feet in height, and shall be placed at designated site(s) on the development plan. At the cessation of operation, all storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
  - i. Excess Product and Waste - Excess product and waste, when disposed of on site, shall be in a designated area so as to prevent erosion and contamination of streams and waterways. At the cessation of operation, all outdoor storage piles and/or stockpiles shall either be removed or graded and covered with a minimum of 18 inches of topsoil and/or other soil-making materials, and planted in accordance with Article 18 of the Zoning Ordinance.
10. Cable television system facilities, including transmitting towers; antennas; earth stations; microwave dishes; relays; business offices; television studios; and storage facilities.
  11. Vehicle storage yards, for which occupancy permits were applied for on or after May 1, 1985.
  12. Commercial composting, provided that the following requirements are met:
    - a. That all such composting shall be conducted in a fully enclosed building.
    - b. That a permit-by-rule or letter of intent from the Division of Waste Management of the Kentucky Natural Resources and Environmental Protection Cabinet be obtained prior to submission of any application to the Board of Adjustment for a conditional use permit.
    - c. That a development plan, indicating access points and circulation routes; proposed signage; screening and landscaping; fencing and other significant geological or physical features of the property, be submitted as part of any application.
    - d. That the Board specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic or dust.
  13. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
  14. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
    - a. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
    - b. That a reasonable degree of reclamation and proper drainage control is feasible; and
    - c. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
  15. Churches Places of religious assembly, Sunday schools, and ~~church~~-related schools for academic instruction, when affiliated with a place of religious assembly or a religious entity, except as provided as part of an adaptive reuse project.
  16. Retail sale, except as provided as part of an Adaptive Reuse Project, of furniture and household-related items, such as antiques; fabrics; fixtures; furnishings; glassware and china, when accessory to its storage, refinishing, repairing or upholstery on the same premises.
  17. Community centers, except as provided as part of an Adaptive Reuse Project.
  18. Child care centers, except as provided as part of an Adaptive Reuse Project.
  19. Agricultural market and market gardens.
  20. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.

## ARTICLE 9 (as recommended by the Planning Commission)

### GROUP RESIDENTIAL PROJECTS

**9-1 INTENT** - The intent of this Article is to provide a means to permit two or more detached buildings for residential purposes to be placed on the same parcel or lot of land in any R-1T, R-3, R-4 or R-5 zone, if approved as a Group Residential Project as provided herein, and to allow slight variations from the requirements of the zone in which it is located only as specifically provided herein.

**9-2 WHERE REQUIRED** - Any development in an R-1T, R-3, R-4 or R-5 zone, which proposes two or more detached buildings for residential purposes on the same lot or parcel, shall be considered a Group Residential Project, and shall conform to the provisions of this Article.

**9-3 PERMITTED USES** - The permitted uses shall be those principal and accessory uses listed in Article 8 for the zone in which the Group Residential Project is located. All other uses are prohibited, except that (a) schools for academic instruction; (b) places of religious assembly churches; (c) canteens of less than 500 square feet in size for the sale of sundries and other incidental items to residents of the Project; (d) a sales or rental office of less than 1,200 square feet in size, where contracts or leases can be obtained or executed; (e) up to two (2) clubhouses for each Project; and (f) recreational facilities, with or without game rooms and/or one (1) indoor theater shall be permitted in a project approved by the Commission. Single family detached units permitted under the R-3 and R-4 zone are also prohibited from construction under the provisions of this Article. Such uses shall follow the requirements for subdividing, as required for single family residential zones.

**9-4 DETACHED BUILDINGS DEFINED** - For the purposes of this Article, detached buildings for residential purposes shall be defined as single family, two-family, or multi-family residential buildings, including ranch, motel or garden design types; townhouses; apartment buildings butted against each other; or apartment buildings connected by an open breezeway or similar connection. Buildings connected by breezeways or similar connections shall be considered to be detached buildings rather than one building. Ranch, motel, garden, butted buildings or other design types may be counted as single detached buildings, as long as they do not exceed 200 feet in length; and buildings exceeding this length shall be considered as two or more detached buildings, and shall be permitted only in Group Residential Projects.

**9-5 REVIEW AND APPROVAL** - The Division of Planning may approve site plans for a zoning compliance permit, after which the Division of Building Inspection may issue permits for the construction of a Group Residential Project on a lot of five (5) acres or less; provided the proposed Project meets the

requirements set forth under Section 9-6. The Planning Commission shall review all other Group Residential Projects on lots of more than five (5) acres within ninety (90) days of their filing with the Division of Planning, unless the applicant agrees to a longer period. Projects of five (5) acres or less may also be submitted to the Commission. Regardless of the size, the Commission may only approve those Projects which meet the requirements of Section 9-6. The following procedure shall be followed for approval of Group Residential Projects by the Commission:

- (a) **DEVELOPMENT PLAN REQUIRED** - The Commission shall require a final development plan containing the information as required by Article 21; and, in addition, specifying the number and type of dwelling units for each building and use of other structures. The Commission shall review the plan for provision of safe, convenient, efficient and harmonious groupings of buildings in relation to their intended use; transportation and utilities in relation to the buildings served and general circulation needs; open space in relation to needs of the occupants; and for conformance to any other necessary requirements. The Project shall be planned to properly blend with all surrounding property.
- (b) **PUBLIC HEARING REQUIRED** - The Commission shall advertise and hold a public hearing before proceeding to postpone, approve, conditionally approve or disapprove the plan for a Group Residential Project. Amendments to the plan shall follow the same procedure as provided in Section 21-7.
- (c) **CERTIFICATION OF APPROVAL** - The certification of approval for a Group Residential Project development plan shall be as provided in Section 21-4(d).
- (d) **PERMITS REQUIRED** - After certification by the Secretary of the Commission, the Divisions of Planning and Building Inspection may issue permits in conformance with the approved plan upon receipt of a certified copy of the plan.

**9-6 GROUP RESIDENTIAL PROJECT MINIMUM DESIGN STANDARDS** - All Group Residential Projects shall conform to the following minimum design standards:

- (a) **SIZE** - The parcel or lot on which the Project is located shall not be less than the minimum lot area for the zone in which it is located.
- (b) **MAXIMUM FLOOR AREA RATIO AND LOT**

**ARTICLE 10 (as recommended by the Planning Commission)**

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**MOBILE HOME PARK (M-1P) ZONE**

**10-1 INTENT** - The intent of the Mobile Home Park (M-1P) zone is to permit the establishment of mobile home parks in areas which will provide a residential setting and which will be convenient to major traffic arterials. Because of unusual characteristics, mobile home parks pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the proper integration of such uses into the community. The standards contained in this provision are intended to provide adequate protection and consideration for both the community and the mobile home dweller.

**10-2 PERMITTED USES** - The uses permitted in an M-1P zone are mobile home parks and those uses and structures which are customarily accessory, clearly incidental and subordinate to a mobile home park, such as satellite dish antennas, playgrounds, swimming pools, tennis courts, and similar non-commercial recreational buildings and facilities.

**10-3 CONDITIONAL USES PERMITTED WHEN AUTHORIZED BY THE BOARD OF ADJUSTMENT**

- a. Incidental retail uses, such as barber and beauty shops; self-service laundries; news and novelty stands; snack bars and commissaries conducted for the convenience of the residents of any mobile home park containing one hundred fifty (150) or more mobile home lots, when located wholly within a principal building with access only to an interior arcade or open court and having no exterior display space or identification sign visible from any adjacent public right-of-way; and provided that such uses do not exceed a total of 2,500 square feet in area.
- b. Nursery schools, day nurseries, and child care centers for four (4) or more children when located in a permanent structure, provided there is a fenced and screened play lot.

**10-4 PROHIBITED USES** - In any M-1P zone, all uses other than as specifically permitted are prohibited.

**10-5 STRUCTURES ACCESSORY TO MOBILE HOMES**

- a. No accessory building shall be constructed as a permanent part of a mobile home, nor shall any other device be attached other than a cloth or metal awning or similar device.

- b. Cabanas, ramadas, and other similar permanent structures may be erected in conjunction with a mobile home parking space, and shall not be closer to any other structure or mobile home other than the one it is intended to serve, than the minimum distance required between mobile homes.

**10-6 MAXIMUM HEIGHT** - The maximum height of any structure in an M-1P zone shall be twenty-five (25) feet.

**10-7 LOCATIONAL STANDARDS** - The following locational standards shall be met in the design of a mobile home park:

- a. A mobile home park shall have a minimum of two hundred (200) feet of frontage on a street designated by the Commission as an arterial or collector street and shall have its principal access to and from said street.
- b. The principal access to and from the mobile home park shall be at a location where traffic congestion does not exist at the present on the street or streets to be utilized for access to the proposed mobile home or trailer park; and the possibility of such congestion in the future shall be minimized by provision in the development plans for proper entrances and exits, and by internal provisions for traffic circulation and parking.
- c. No vehicular entrance or exit from a mobile home park shall be within two hundred (200) feet, measured along streets, from any property line of any lot containing a school; public playground; ~~place of religious assembly~~ ~~church~~; hospital; library; hospital; nursing or ~~personal care facility~~ ~~rest-home~~; orphanage or rehabilitation home, except where such building or property is in another block or fronts on a street on which such mobile home park will have no entrance or exit.
- d. Each proposed mobile home park shall be well drained and properly graded to ensure proper drainage; shall have water service, sanitary sewer service, and shall be located so as to provide for the availability of community facilities and services such as schools, parks, shopping facilities, and police and fire protection.

**10-8 MINIMUM DESIGN STANDARDS**

- a. All new mobile home parks shall have a minimum site area of ten (10) acres. There shall be no area limitations on additions to existing parks containing fifty (50) or more mobile home spaces.

## ARTICLE 12 (as recommended by the Planning Commission)

### PLANNED SHOPPING CENTER (B-6P) ZONE

**12-1 INTENT** - The intent of the Planned Shopping Center (B-6P) zone is to encourage the logical and timely development of land for commercial purposes and the expansion of existing shopping centers in accordance with the Comprehensive Plan. The protective standards contained in this provision are intended to:

Assure convenience by providing commercial areas of sufficient size and in the proper location to serve conveniently the people of the area in relation to their purchasing power and their needs and demands for goods and services;

Assure traffic safety and provide for the improvement of major thoroughfare traffic capacities by properly locating and grouping commercial areas and by designing such commercial areas so as to provide safe and convenient access thereto and adequate off-street parking for automotive vehicles and by effectively separating vehicular from pedestrian traffic both within the commercial area and on adjacent public rights-of-way;

Provide for service vehicles by including convenient access and loading facilities in the design of commercial areas;

Protect adjacent residential neighborhoods from depreciation of property values resulting from commercial over-zoning, from the over-development or intrusion of undesirable commercial uses, and from the possible blighting effect of failed "big-box" retail establishments;

Promote community attractiveness by encouraging the design of commercial areas and "big-box" retail establishments which will integrate with residential areas by utilizing effectively topographic features, transitional areas, and the liberal application of landscaping and screening devices, thus minimizing any adverse effect of any such commercial area upon adjacent land uses and providing a pleasant environment for the shopping and working experience;

Improve the economic base and tax structure of the Lexington metropolitan area by encouraging the development of stable, economically sound commercial concentrations;

Protect the investments of existing and future commercial concentrations by providing the basis for convenient and stable commercial development through the application of sound planning principles.

**12-2 TYPES OF SHOPPING CENTERS** - The types of shopping centers provided for in this section may be generally described as follows:

A neighborhood shopping center is one which provides for

the sale of convenience goods such as food, drugs, hardware and personal services, and has a minimum area of three (3) acres.

A community shopping center provides not only convenience goods, but a range of facilities for the sale of "shopping goods" such as apparel and home furnishings, as well as banking, professional services, and recreation. A community shopping center shall have a minimum area of ten (10) acres.

A regional shopping center generally provides more and larger facilities than the community shopping center. A regional shopping center shall have a minimum area of thirty (30) acres.

**12-3 PRINCIPAL PERMITTED USES** - The principal permitted uses in a B-6P zone shall be as follows:

- a. The principal permitted uses in the B-1 and P-1 zones.
- b. Indoor theaters.
- c. Parking lots and structures.
- d. Offices of veterinarians, animal hospitals or clinics, provided that (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.
- e. Self-service car washes, provided that such uses shall be located at least 100 feet from any residential zone; that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

**12-4 ACCESSORY USES** - The accessory uses permitted in a B-6P zone shall be as follows:

- a. The accessory uses in the B-1 and P-1 zones.
- b. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein, when approved by the Planning Commission on a development plan.

**12-5 CONDITIONAL USES** - Shall be as follows:

- a. Restaurants, cocktail lounges, brew-pubs, nightclubs, and discotheques offering live entertainment and/or dancing, unless otherwise prohibited. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- b. ~~Self-service car wash, provided that such uses shall be located at least 100 feet from any residential zone; and that surface water from such establishment shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no~~

~~public way shall be used for such purposes.~~

(Renumber remaining)

c. Recycling drop-off centers for aluminum, steel, glass, newspapers, cardboard and other paper products, oil and other household recyclable waste; provided that such establishment shall be located at least 200 feet from any residential zone. Any appeal for a conditional use permit to operate a recycling drop-off center shall include as part of the application:

1. Reasons for the location of the use at a specific site; description of equipment to be used; physical arrangement; and operation of the proposed center. The Board of Adjustment shall consider the necessity of screening, if needed.

~~d. Animal hospital or clinic, provided all exterior walls are completely soundproofed and all animal pens are completely within the principal building and used only for the medical treatment of small animals.~~

(Renumber remaining)

e. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:

1. That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
2. That a reasonable degree of reclamation and proper drainage control is feasible; and
3. That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.

f. Rehabilitation homes, when located closer than 500 feet from a residential zone; school for academic instruction or a child care center.

g. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.

h. Drive-through facilities for the sale of goods or products or provision of services otherwise permitted herein, except as accessory uses herein.

**12-6 PROHIBITED USES** - In a B-6P zone, all uses other than as permitted herein are prohibited.

**12-7 LOCATIONAL STANDARDS** - A neighborhood or community shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial or collector street, as deemed to be appropriate by the Commission. A regional shopping center shall abut, front on and have its principal access to and from a street designated by the Commission as an arterial.

The proposed shopping center shall be at a location where traffic

congestion does not exist at present on the streets to be utilized for access to the proposed shopping center, and where such congestion will be minimized by provision in the plan for proper entrances and exits, and by internal provisions for traffic circulation and parking.

The need for the proposed center at the proposed location, to provide adequate shopping facilities or service to the surrounding neighborhood or community, as the case may be, shall be demonstrated by the applicant by means of market studies or such other evidence as the Commission may require.

The proposed shopping center shall be of sufficient, but not excessive, size to provide adequate shopping facilities for the population which reasonably may be expected to be served by such shopping facilities.

**12-8 MINIMUM DESIGN STANDARDS** - The following minimum standards shall be met in the design of a planned shopping center:

**12-8(a) HEIGHT REQUIREMENT** - There shall be no height limitation.

**12-8(b) REQUIRED SETBACK** - All buildings shall be at least fifty (50) feet from the perimeter boundary of the B-6P zone. However, no more than 100 feet of exterior walls may be established at the same setback. A variation of at least three (3) feet shall be required where a break in setback occurs. Buildings may penetrate up to three (3) feet over the building line into the required setback, but the average setback shall be at least as great as the required setback.

**12-8(c) SCREENING** - Landscaping and screening shall be provided as required by Article 18 herein.

**12-8(d) LOT COVERAGE** - The ground area occupied by all the buildings shall not exceed, in the aggregate, thirty-five percent (35%) of the total area of the B-6P zone. Parking structures shall not be considered as a building for the purposes of this section.

**12-8(e) REQUIRED PARKING** - Notwithstanding any other requirements of this Zoning Ordinance:

1. For a neighborhood shopping center, two square feet of off-street parking area, including driveways, shall be provided for every square foot of parking floor area.
2. For a community or regional shopping center after May 29, 2003, one parking space shall be provided for every 250 square feet of gross floor area.
3. For community or regional shopping centers before May 29, 2003, three square feet of off-street parking, including driveways, shall be provided for every square foot of parking floor area.
4. For any shopping center containing residential use(s), the residential use(s) shall require 0.5 parking space per dwelling unit.

**Article 15** (as recommended by the Planning Commission)

the following requirements:

- (1) The choice of garage door location under Article 15-7(a)(4)(b) shall not be permitted.
- (2) At least seventy-five percent (75%) of the roof surface of the principal structure shall be covered by a minimum 4:12 pitched roof.
- (3) The maximum length of a primary wall plane for a structure shall be 160 feet.
- (4) A change of at least four (4) feet in depth and at least eight (8) feet in length shall occur for every forty (40) feet in a primary wall plane or side wall plane facing a public street.
- (5) All exterior lighting shall require a lighting cutoff, concealing the source of lighting visible from all property lines of the site.
- (6) The maximum height of freestanding exterior lighting fixtures shall be twenty-five (25) feet.

**15-7(c) CONFLICT OF INFILL STANDARDS WITH DESIGN GUIDELINES IN A LOCAL HISTORIC (H-1) DISTRICT** - In the event the provisions of Sections 15-7(a) and (b) above would conflict with the adopted Design Guidelines applied by the Board of Architectural Review as a part of the Certificate of Appropriateness review and approval process, the H-1 guidelines shall be deemed to be the stricter requirement and shall control.

**15-7(d) SPECIAL CONSIDERATIONS FOR SET-BACKS IN INFILL AND REDEVELOPMENT AREAS** - The intent of the Infill and Redevelopment regulations is to allow new construction that is compatible with existing development patterns in older, established neighborhoods. Unique circumstances may require appropriate Board of Adjustment action to allow some relief of yard requirements where strict application of the regulations would cause unusual hardship or a development incompatible with the existing pattern of the neighborhood.

**15-8 GENERAL REGULATIONS FOR LOCATION, HEIGHT AND SIZE OF SATELLITE DISH ANTENNAS** - Satellite dish antennas shall be permitted in all zones and shall be subject to the following provisions regulating location, height and size:

- a. All roof and pole-mounted satellite dish antennas greater than six (6) feet in diameter shall be of the mesh type only, with not more than eighty-five percent (85%) of the surface being solid, and shall be painted a solid dark color.
- b. When located in an agricultural zone, satellite dish antennas shall be limited to:
  - (1) One (1) per lot, for lots of ten (10) acres or less; for over ten (10) acres, no limit as to the number;

- (2) A maximum diameter of twelve (12) feet;
- (3) A maximum height of four (4) feet above the highest point of the principal building on the lot;
- (4) Shall be for private non-commercial use only and shall be accessory to a principal use on the property;
- (5) Shall not be visible from the road or from adjoining property, and shall be screened with landscaping material.

c. When located in any residential zone, satellite dish antennas shall be limited and regulated as follows:

- (1) Satellite dish antennas shall be prohibited in any required front yard;
- (2) For single family, duplex and townhouse dwellings, one (1) per dwelling unit;
- (3) For multi-family dwellings, one (1) per multi-family building;
- (4) For all other uses permitted in the residential zones not specifically provided for otherwise (e.g., schools, ~~places of religious assembly churches~~, nursing homes, etc.), one (1) per building;
- (5) The maximum diameter of any satellite dish antenna shall be twelve (12) feet;
- (6) The maximum height of any portion of the satellite dish antenna shall be four (4) feet above the highest point of the principal building on the lot, regardless of the height of the structure or the maximum height restriction in the zone;
- (7) All satellite dish antennas shall be for private non-commercial use only and shall be accessory to a principal use on the property.

d. When located in a business, office, or industrial zone, satellite dish antennas shall have no restriction as to location, height, size or number per lot.

**ARTICLE 16 (as recommended by the Planning Commission)**

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**GENERAL REGULATIONS FOR PARKING, LOADING AREAS,  
GARAGES, AUTOMOBILE SERVICE STATIONS,  
VEHICLE SALES LOTS AND STACKING AREAS**

**16-1 GENERAL REGULATIONS FOR PARKING, LOADING AND PEDESTRIAN AREAS**

**16-1(a) PARKING OR LOADING SPACES ESTABLISHED PRIOR TO ADOPTION OR AMENDMENT OF THIS ZONING ORDINANCE** - Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance that are either used or are intended to be used in connection with any principal building, structure, or use; or any spaces designed and intended to comply with the requirements of this Zoning Ordinance for any such principal building or structure erected after that adoption or amendment date, shall hereafter be maintained, as long as said building, structure, or use remains (unless the owner provides and maintains, in another location, an equivalent number of spaces as required in conformance with the provisions of this Zoning Ordinance).

**16-1(b) PARKING REQUIREMENTS FOR A CHANGE IN THE PRINCIPAL USE** - Where the principal use is changed to a use for which additional parking space is required under the provisions of this Zoning Ordinance, it shall be unlawful to begin or maintain such altered use until the required off-street parking is provided.

**16-1(c) UNITS OF MEASUREMENT FOR DETERMINING THE REQUIRED PARKING** - For the purpose of this Zoning Ordinance, "floor area" as used in computing the required off-street parking or loading areas, shall mean "Parking Floor Area" as defined in this Zoning Ordinance. In stadiums, sports arenas, places of religious assembly churches, or other places of assembly where patrons or spectators occupy benches, pews, or other such seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining the requirements for off-street parking spaces under this Zoning Ordinance. When units of measurement used in determining the number of required parking spaces would result in the requirement of a fractional space, any fraction less than one-half (½) shall be disregarded, and fractions of one-half (½) or more shall require one (1) parking space.

**16-1(d) LOCATION OF PARKING SPACES** - The location of parking spaces shall be as hereinafter set forth; and where distances are specified, they shall be the walking distances measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve. For one and two-family dwellings, parking shall be provided on the same lot with the building it is required to serve; for multiple family dwellings, not more than 200 feet from the building the parking spaces are required to serve; for

uses located in or permitted in a Professional Office or any business zone (except B-2B); and for hospitals, nursing, convalescent and personal care facilities rest-homes, orphanages, private clubs, fraternity or sorority houses, and places of religious assembly churches, not more than 300 feet from the building they are required to serve; for uses located in or permitted in any industrial zone and uses not specified above, not more than 700 feet from the building, or other place of assembly, they are required to serve; and for all uses located in the B-2B zone, on any lot located within the B-2, B-2A, or B-2B zones, parking location shall be subject to the qualifications listed under the requirements of the B-2B zone.

**16-1(e) LOADING AND UNLOADING SPACES REQUIRED** - In any zone, every building or part thereof hereafter erected, with a floor area of 10,000 square feet or more, which is to be occupied by manufacturing; compounding; processing; storage; warehousing; goods display; retail store; wholesale store; hotel; hospital; funeral parlor; laundry; dry cleaning; or other uses similarly requiring the receipt or distribution by vehicles of material, objects, or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space plus one (1) additional off-street loading space for each 20,000 square feet or fraction thereof of floor area so used in excess of 20,000 square feet.

**16-1(f) PERMIT REQUIREMENT** - Permits are required for private walkways, parking, loading or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of this Zoning Ordinance.

**16-2 MINIMUM DESIGN AND MAINTENANCE REQUIREMENTS FOR PARKING AREAS** - Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

- (a) Off-street parking areas shall equal or exceed the number of spaces required, shall be of useable shape and surface, and shall have convenient ingress and egress. Not less than seventy-five percent (75%) of the total required parking spaces shall be designed for use by full-size vehicles. Up to twenty-five percent (25%) of the required parking may be designed and designated for compact vehicles. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served; and in no case shall off-street parking areas be permitted that encourage or require the

erected or altered, which has an entrance or exit for vehicles in the same block front and within 200 feet of the property boundary of any school; public playground; ~~place of religious assembly church~~; hospital; public library; convalescent ~~home~~, nursing ~~home~~ or personal care facility ~~rest home~~ or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within 100 feet of any property boundary line of any of the aforesaid public or institutional uses. "Parking lot," as used herein, does not include off-street parking areas as otherwise required for the public or institutional uses listed above.

16-8(b) REQUIRED DISTANCE BETWEEN GASOLINE/OIL DISPENSING FACILITIES AND RESIDENTIAL ZONES/USES - No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within 65 feet of a single family residential zone or within 65 feet of a single family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

- (1) A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
- (2) A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
- (3) The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.3.

16-8(c) REQUIRED DISTANCES BETWEEN AUTOMOBILE AND VEHICLE REFUELING STATIONS DISPENSING COMPRESSED NATURAL GAS AND/OR LIQUID NATURAL GAS AND OTHER USES - In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile and vehicle

refueling station may be located within:

- (1) 10 feet of any sidewalk, walkway, parking lot or property line;
- (2) 15 feet of any electrical source or any overhead electric utility line;
- (3) 50 feet of a right-of-way line, a building on another lot, or the nearest rail of any railroad line;
- (4) 65 feet of a residential zone; and
- (5) not less than 50 feet of a fire hydrant.

16-8(d) REQUIREMENTS FOR VEHICLE SALES LOTS

- Every parcel of land hereafter used as an automobile, truck, mobile home, boat, trailer, or camper sales lot, or as an automobile service station shall be subject to the requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping and screening, and minimum yards and setbacks; and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, regardless of its size.

16-8(e) COMMUNITY GARAGES AS CONDITIONAL USES

- Community garages permitted as a conditional use in a R-3 and R-4 zone shall not be within 80 feet of any right-of-way line or in a R-3 zone be within 25 feet of any other lot line; or in a R-4 zone be within 20 feet of any lot line, except the rear lot line of an adjoining Professional Office, Business or Industrial zone.

16-9 STACKING AREA

- For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of five (5) vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in Article 18.

16-10 REDUCTIONS OF MINIMUM REQUIRED PARKING

- All parking reductions shall apply only under the following circumstances:

- (1) Uses shall be limited to attached single family dwellings and multi-family dwellings in residential and/or mixed use zones.
- (2) Properties in the P-1 and B-1 zones, when located within the Infill & Redevelopment Area, are eligible.
- (3) Properties in the B-3 or B-6P zone, when required to meet the provisions of Article 12-8 herein, are eligible for parking reductions.
- (4) The Planning Commission must approve the specific proposed use of the property on a development plan.
- (5) The total maximum amount of parking reductions,



**Article 17** (as recommended by the Planning Commission)

**(2) ATTRACTION BOARD** - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.

**(3) BULLETIN BOARD** - A sign which allows the manual changing of the copy material and is used to notify the public of non-commercial events or occurrences such as ~~religious church~~ services, political rallies, civic meetings or similar events.

**(4) BUSINESS SIGN** - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.

**(5) CONSTRUCTION SIGN** - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

**(6) DIRECTIONAL SIGN** - A non-commercial sign of an instructional nature, such as "parking," "exit" or "entrance," displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

**(7) DISTRICT IDENTIFICATION SIGN** - Any type of sign or other graphic, located on public or private property, which establishes the identity of a unique and distinct community district by way of its size, configuration, height, location or message; and which has no direct advertising value for any specific business, product or service.

**(8) GOVERNMENT SIGN** - A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility; provided that such signs not contain business advertising of any kind.

**(9) HISTORIC MARKER** - A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.

**(10) INCIDENTAL SIGN** - A small sign, not exceeding

two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business, and similar information.

**(11) IDENTIFICATION SIGN** - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.

**(12) INFORMATIONAL SIGN** - A sign whose copy gives only the time, temperature and/or date through an electronic message display system or by mechanical means (including clocks and thermometers), and provides no advertising of any product or business activity.

**(13) LANDMARK SIGN** - Any type of sign or other graphic that helps to create a unique location by way of its size, configuration, height, location or message and exhibits distinctive stylistic features.

**(14) MENU BOARD** - A free-standing or wall-mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.

**(15) MENU BOX** - A wall-mounted sign, primarily designed for the display of menu items and prices in conjunction with a restaurant.

**(16) NAMEPLATE** - A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.

**(17) POLITICAL SIGN** - A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.

**(18) REAL ESTATE SIGN** - A temporary sign indicating only sale, lease or rental of property or buildings on which the sign is erected.

**(19) TEMPORARY SIGN** - Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for

permitted with the approval of the Commissioner of Public Works and Development (or designee) and a four-member sign review committee established by the Mayor. In addition to the Commissioner of Public Works and Development, the committee shall consist of at least one (1) architect, licensed in the Commonwealth of Kentucky, and at least one (1) building inspector from the Division of Building Inspection. Any such signs shall meet all applicable Kentucky Building Code and Kentucky Fire Safety Code requirements.

A landmark or district identification sign shall be evaluated by the sign review committee, based on the following criteria:

- (1) The sign exhibits distinctive stylistic features and an unusual use of material in the design.
  - (2) The sign is an example of artistic design and skilled craftsmanship.
  - (3) The sign is a significant part of the architectural or cultural history of the community.
- (j) Temporary signs related to events that are sponsored by neighborhood associations or owners' associations that are located within the public or private street right-of-way of that neighborhood, and that do not otherwise interfere with sight in violation of Section 17-4(j). There shall not be more than ten (10) signs for any such event, and each such sign shall not exceed six (6) square feet in area and six (6) feet in height; shall not be displayed more than seven (7) calendar days prior to the event; and must be removed within two (2) calendar days after the event.

**17-7 PERMITTED SIGNS BY ZONE** - The following sign regulations shall be applicable within the zoning categories indicated. Any sign not specifically permitted shall be deemed as prohibited.

**17-7(a) AGRICULTURAL ZONES (A-R, A-U, A-B and A-N)** - Permitted signs within these zones may be either free standing or wall mounted unless otherwise specified; no free standing sign may exceed ten (10) feet in height; signs shall be either non-illuminated or indirectly illuminated unless otherwise specified.

- (1) One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
- (2) One identification sign for a ~~permitted home occupation, or a bed and breakfast facility permitted as a conditional use,~~ not exceeding two (2) square feet in area.
- (3) One identification sign for a farm or estate, not exceeding ten (10) square feet.
- (4) One identification sign for any permitted use not

otherwise specifically provided for, not exceeding thirty-two (32) square feet in area.

- (5) One identification sign for a permitted place of religious assembly church or school for academic instruction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board not exceeding twelve (12) square feet in area and eight (8) feet in height.
- (6) One non-illuminated business sign advertising agricultural products grown or raised on the premises, not exceeding thirty-two (32) square feet in area.
- (7) For farms utilizing more than one point of access, one non-illuminated or indirectly illuminated sign per entrance, indicating the name of the farm and directional information, as necessary to provide information as to the particular farm activity which must be served by only that point of access; not to exceed ten (10) square feet in area; maximum height of ten (10) feet.
- (8) Subdivision entrance identification signs of permanent construction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; no more than two per entrance; not more than two entrances to be identified. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.

**17-7(b) LOW DENSITY RESIDENTIAL ZONES (R-1 [A THROUGH E], R-1T, R-2)** - Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or indirectly illuminated. Minimum setback for any free standing sign permitted under this section shall be one-half (½) the minimum front yard requirement for the zone in which the sign is to be located; and no less than ten (10) feet in any case.

- (1) One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
- ~~(2) One identification sign for a permitted home occupation, not exceeding two (2) square feet in area.~~  
(Renumber remaining)
- (3) One identification sign, for a farm or estate exceeding five (5) acres in size, free standing or wall mounted; not exceeding ten (10) square feet in area; not exceeding ten (10) feet in height if free standing.

- (4) One identification sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
- (5) One identification sign for a permitted place of religious assembly church or school for academic instruction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; in addition, one bulletin board, free standing or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height. If the property has five or more acres and has frontage on two or more streets, then a second identification sign and bulletin board, meeting the same requirements as the first sign shall be permitted, limited to one per street frontage; provided these signs are located a minimum of two hundred fifty (250) feet from each other. In addition, in the A-U zone, if the property has five (5) or more acres and has frontage on two or more streets, then a second identification sign and bulletin board, meeting the same requirements as the first sign shall be permitted, limited to one (1) per street frontage; provided these signs are located a minimum of two hundred fifty (250) feet from each other.
- (6) One identification sign for any permitted use not otherwise specifically provided for, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing.
- (7) Subdivision entrance identification signs of permanent construction, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding six (6) feet in height if free standing; no more than two per entrance; not more than two entrances to be identified, or not more than four entrances to be identified when all such signs are oriented to an intersection with an arterial, collector, boulevard or parkway. Such signs may be located in the right-of-way (in the median or at each side of the street) subject to written authorization of the Commissioner of Public Works, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for a subdivision entrance identification sign located in the right-of-way.
- (8) For a Group Residential Project within the R-1T zone only, one non-illuminated directional sign per entrance, not exceeding three (3) square feet in area; and not exceeding three (3) feet in height if free standing; not to exceed four (4) signs per Group

Residential Project.

- (9) One identification sign for a bed and breakfast facility permitted as a conditional use, free standing or wall mounted; not exceeding two (2) square feet in area; not exceeding six (6) feet in height if free standing.

17-7(c) HIGH DENSITY RESIDENTIAL ZONES (R-3 & R-4) - Permitted signs within these zones shall be free standing or wall mounted as specifically noted; signs shall be either non-illuminated or indirectly illuminated.

- (1) Signs as permitted and regulated under Section 17-7(b) above.
- (2) One identification sign for a multi-family residential building containing four (4) or more dwelling units and not located within a Group Residential Project, free standing or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if free standing; minimum setback of at least twenty (20) feet.
- (3) Identification sign(s) for a Group Residential Project, one sign per street frontage, with a maximum of two (2) signs; free standing or wall mounted; not exceeding thirty-two (32) square feet in area per sign; not exceeding eight (8) feet in height if free standing; minimum setback of at least twenty (20) feet.
- (4) Pole-banner signs shall be permitted only if displayed in a parking area approved as a conditional use to be accessory to a mixed-use project, and subject to the following restrictions:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Banner signs may not advertise a specific business or products, goods or services.
  - (c) Pole-mounted banners shall be permitted on light fixtures in parking areas located outside the public right-of-way.
  - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking area.
  - (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.

17-7(d) HIGH-RISE APARTMENT ZONE (R-5) - Permitted signs within this zone shall be free standing or wall mounted, as specifically noted; signs may be internally illuminated only when across a public street from any office, business or industrial zone; otherwise, signs shall be either

APPENDIX 22A (as recommended by the Planning Commission)

RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-1) ZONE

22A-1 INTENT - The intent of the Residential Planned Unit Development (PUD-1) is to encourage a unified design for large tracts of land in the new growth areas of Lexington-Fayette County, which will be consistent with the residential land use recommendations of the adopted Comprehensive Plan.

22A-2 MINIMUM SITE LOCATION AND SIZE CRITERIA - Application for a map amendment request to a PUD-1 zone shall be made only on property that meets the following criteria:

22A-2(a) LOCATION - The property must be entirely or substantially located within an area recommended for residential (low, medium or high density) use in the adopted Comprehensive Plan.

22A-2(b) MINIMUM SIZE - No site may be zoned to a PUD-1 classification unless it is at least three (3) acres in size. Enlargement of the PUD-1 zone may be permitted, regardless of the size, only if it is found that the enlargement is in accord with the requirements of the PUD-1 zone and that the enlargement would be a harmonious extension of the original design of the PUD-1 zone.

22A-3 PERMITTED USES - The following uses shall be permitted in the PUD-1 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

22A-3(a) PRINCIPAL PERMITTED USES - The primary principal permitted uses shall be single family, two family, townhouse, and multi-family dwelling units. In addition, the following uses shall be permitted, provided that the aggregate total lot area for such uses does not exceed fifteen percent (15%) of the total lot area of the planned unit development:

1. Kindergartens, nursery schools, day nurseries and child care centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries, and child care centers shall provide a fenced and screened play lot which shall contain not less than twenty-five (25) square feet per child.
2. ~~Churches, Sunday schools, and parish houses~~ Places of religious assembly.
3. Nursing homes and personal care facilities ~~rest homes.~~
4. Schools for academic instruction.

22A-3(b) OTHER PERMITTED USES - Within a planned unit development containing at least one hundred (100) gross acres and not less than six hundred (600) total dwelling units, a restricted commercial use shall be permitted within the PUD-1 zone in conformance with the following provisions:

1. The Commercial area(s) shall be designated on the required development plans. Residential and non-residential uses may be provided within the same structure, provided that such uses are not located on the same floor, or separate entrances are provided.
2. Permitted uses and off-street parking shall be as provided for principal permitted uses in the B-1 zone.
3. The commercial area shall be located on a continuous public collector street, but shall not be closer than 2,000 feet (measured along the collector street) to any principal or minor arterial street.
4. The total land area for the commercial use shall not exceed two (2) acres in size, or one percent (1%) of the gross land area within the planned unit development, whichever is the greater acreage.
5. The commercial area shall be in keeping with the overall design of the planned unit development, provide primarily for the needs of the residents of the development, and visually harmonize with the residential areas within the planned unit development.
6. No building permits may be issued for structures designated for commercial uses until occupancy permits have been issued for at least fifty percent (50%) of the total residential dwelling units contained within the planned unit development.

22A-3(c) ACCESSORY USES - The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, storage sheds and parking areas.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
3. Agricultural uses, excluding commercial stock raising.
4. Home office.

22A-3(d) CONDITIONAL USES - Home occupations

Three spaces for the first twelve (12) children plus one (1) space for every ten (10) (or fraction thereof) additional children.

Places of Religious Assembly Churches, Sunday schools and parish houses: One (1) space for every five (5) seats in the main auditorium.

Nursing homes and personal care facilities rest homes: One (1) space for every four (4) beds plus one (1) space for each employee on the maximum working shift with a minimum of five (5) spaces.

22A-6(i) DESIGN AND IMPROVEMENT STANDARDS - All standards contained within Article 6 of the Land Subdivision Regulations shall be applicable to any planned unit development. The standards for street width, curb, gutter and sidewalks (but not the paving specifications) may be waived or modified for local streets where it is found that the planned unit development provides innovative design alternatives in keeping with the intent of the PUD zones and the intent of the PUD-1 zone and still achieves the basic objectives of the Land Subdivision Regulations.

22A-6(j) RELATIONSHIP TO THE SITE INVENTORY - The design of the planned unit development shall respond to the natural and manmade features of the site. The design shall not necessitate excessive grading, filling, the destruction or other alteration of the natural features. Where possible, the streets should follow the natural terrain. The design shall provide adequately for any historic feature on the site as well as any existing structure which is to be retained. The applicant shall use the flexibility of the PUD-1 zone to preserve such desirable natural and man-made features to the greatest feasible extent.

22A-6(k) RELATIONSHIP TO THE TRAFFIC NEEDS OF THE AREA - The planned unit development shall provide a road system which will be adequate to serve both the residents of the PUD-1 zone and the surrounding residents. The design shall provide for the continuation of existing or dedicated streets on adjoining or nearby tracts and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be landlocked. Collector streets as designated in the Comprehensive Plan shall be extended as shown therein.

22A-6(l) RELATIONSHIP TO THE SURROUNDING LAND USES - The planned unit development zone shall have a harmonious relationship to the surrounding land uses. Certain uses may be limited to specified locations within the PUD-1 zone or other restrictions or requirements may be made as necessary.

22A-6(m) ADEQUACY OF LIGHT, AIR AND OPEN SPACE - The design of the planned unit development shall

provide for adequate light to each dwelling unit during all seasons of the year. The Commission may require a winter shadow plan to be submitted prior to making a recommendation or decision on the PUD-1 zone. Usable open space shall be distributed throughout the site so that open space is readily available to each unit. The dwelling units shall be arranged in relationship to each other and the terrain so that adequate ventilation is provided to each unit.

22A-6(n) APPLICABILITY OF OTHER ZONING ORDINANCE AND SUBDIVISION REGULATION ARTICLES - Except as specifically modified herein, all other provisions of the Zoning Ordinance and Subdivision Regulations generally applicable to development in the Lexington-Fayette Urban County shall be applicable within the PUD-1 zone.

22A-6(o) MAINTENANCE OF COMMON AREAS - Where the design of the Planned Unit Development indicates a need or desire to subdivide property and to provide for common areas, a Homeowners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common areas including streets, parking areas, open space, etc., shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Planned Unit Development. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

22A-6(p) INNOVATIVE DESIGN - The planned unit development shall utilize a design or arrangement of unit types which would not be customary using traditional techniques. While some units or buildings may be arranged in a traditional manner, the overall design should reflect the intent of the PUD zones as well as comply with all requirements and the intent of the PUD-1 zone.

22A-7 TIMING OF DEVELOPMENT - Within five (5) years of the approval of the final Planned Unit Development Plan, unless an extension of the time period is granted, the applicant shall be required to obtain building permits for all structures shown thereon. No permits for unconstructed buildings may be issued after that date based on the final Planned Unit Development Plan. The applicant may submit a

new final plan for review or may request that the previous plan be re-evaluated to determine if time has necessitated changes in the plan for the health, safety, or welfare of the community. In either case, the procedure for submission and review shall be as required for a final planned unit development plan contained herein.

**Article 22B** (as recommended by the Planning Commission)

6. Digital makerspace.
7. Urban agriculture.
8. Visiting artist housing.
9. Libraries, museums, art galleries and reading rooms.
- 10 Community centers.
- ~~i.1. Places of religious assembly, churches and Sunday schools.~~
- (Re-number remaining)
10. Indoor theaters.
11. Tattoo parlors.
12. Shoe repair, clothing alterations and tailoring services.
13. Beauty shops and barber shops.
14. Radio and television studios.
15. Banks and financial institutions, without drive-through facilities.
16. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
17. Establishments for the retail sale of food products.
18. Establishments for the retail sale of merchandise as permitted in the B-1 zone, unless prohibited by Section 22B-5(d).
19. Common use open space and recreational areas.

**22B-5(b) ACCESSORY USES** - The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, off-street parking areas and storage sheds, only if accessory to a principally permitted use which does not contain a principal structure; such as, but not limited to, an Urban Agriculture use.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
3. Private, non-commercial parks and open space.
4. A ground-mounted satellite dish antenna, as regulated by Article 15-8.
5. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the property shall not exceed six.
6. One or two pool or billiard tables within an establishment.
7. Sale of finished products related or incidental to the principal use.
8. Accessory dwelling units.
9. Temporary structures designed for use or occupancy for up to 60 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
10. Sidewalk cafes, when accessory to any permitted restaurant.

**22B-5(c) CONDITIONAL USES** - Permitted only with Board of Adjustment approval.

1. Parking areas.
2. Family child care for seven (7) and not more than twelve (12) children. A fenced outdoor play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
3. Restaurants and brew-pubs, except as prohibited under Sections 8-16(e)(14) and (15). This does not include drive-in restaurants.
4. The sale of malt beverages, wine or alcoholic beverages, when accessory to a restaurant permitted herein.
5. Indoor or outdoor live entertainment and/or dancing, when accessory to a restaurant or brew-pub. Indoor uses shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood. The Board may also impose time and other restrictions to minimize nuisance to the surrounding neighborhood.
6. Cocktail lounges or nightclubs unless prohibited under Sections 8-16(e)(14) and (15).
7. Temporary structures designed for use or occupancy for 61-180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
8. Retail sales not otherwise permitted herein.
9. Private clubs or banquet facilities.
10. Kindergartens, nursery schools, day nurseries and child care centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries and child care centers shall provide a fenced outdoor play area, which shall contain not less than twenty-five (25) square feet per child.

**22B-5(d) PROHIBITED USES** - All uses other than those listed as principal, accessory or conditional uses, or substantially similar to principal, accessory or conditional uses shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.

1. Drive-through facilities.
2. Beer, liquor and wine stores.
3. General contractors, such as plumbing; heating; carpentry and cabinet shops; masonry; plastering; electrical; tile and terrazzo work; electroplating; drilling; excavating; wrecking; construction and paving. This is not intended to prohibit the administrative offices of such.

**22B-6 DESIGN STANDARDS** - The following design standards and criteria shall be applicable in the PUD-2 zone.

**23A-5 EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE (as recommended by the Planning Commission)**

**23A-5(a) INTENT** - This zone is intended to provide a mixture of low density residential uses which will serve as a transition between the more intensely developed suburban neighborhoods and the Rural Service Area.

**23A-5(b) PRINCIPAL USES**

1. Single family, two-family, multi-family, and town-house dwellings.
2. Community Residences.
3. Golf Courses and common open spaces.
4. ~~Churches and Sunday schools~~ Places of religious assembly when located adjacent to a street that has the functional classification of collector/boulevard or arterial.

**23A-5(c) ACCESSORY USES**

1. Private garages and parking areas.
2. Accessory dwellings, as defined herein.
3. Swimming pools and tennis courts, which may include a clubhouse, as approved by the Planning Commission on a final development plan, for the use and enjoyment of the surrounding neighborhood, which may also include weight training and exercise rooms, restrooms, meeting rooms, or similar facilities.
4. Home ~~o~~-offices and home occupations.
5. Family child care for up to six children.
6. The keeping of not more than two roomers or boarders by a resident family.
7. Child care facilities and schools for academic instruction when accessory to a place of religious assembly ~~church~~ on the same property.
8. Non-commercial hiking and bicycling trails.

**23A-5(d) CONDITIONAL USES**

1. ~~Home Occupations.~~ Home-based businesses.
2. Family Child care for seven and not more than 12 children, provided the total number of children living or being cared for on the premises shall not exceed twelve.
3. Temporary Real Estate Sales Offices for the sale of lots located only within the subdivision in which the sales office is located, to be removed at the end of two years or when all the lots are sold, whichever comes first.
4. Clubhouse, with sale of food and merchandise, when accessory to a golf course.

5. Historic house museums.
6. Schools for academic instruction, except as permitted herein, but only when located on a lot adjacent to a street that has the functional classification of collector/boulevard or arterial.
7. Equine trails.
8. Seasonal activities.
9. Market gardens.

**23A-5(e) PROHIBITED USES** - All uses not specifically listed as permitted shall be prohibited.

**LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS**

**23A-5(f) DWELLING UNIT DENSITY** - The dwelling unit density within the EAR-1 zone shall not exceed three (3) units per gross acre. (See Special Provisions below)

**23A-5(g) MAXIMUM HEIGHT OF BUILDING** - 35 feet.

**23A-5(h) FLOOR AREA RATIO** - None; except where more than one principal residential structure is placed on a lot, the FAR shall not exceed 0.5.

**23A-5(i) OFF-STREET PARKING REQUIREMENTS**

1. There shall be a minimum of one space per dwelling unit for single family detached, duplex and townhouse residential units. Multi-family units shall have a minimum of 1.5 spaces per unit; except for elderly housing, which shall provide three (3) spaces for every four (4) units. One additional space shall be provided for any accessory dwelling unit.
2. Golf Courses - As per CD.
3. Community Residences - One space per every four (4) beds, plus one space for each employee on the maximum working shift, with a minimum of five (5) spaces.
4. Accessory and Conditional Uses - Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

**23A-5(j) SPECIAL PROVISIONS**

**23A-6 EXPANSION AREA RESIDENTIAL 2 (EAR-2) ZONE (as recommended by the Planning Commission)**

**23A-6(a) INTENT** - The intent of the Expansion Area Residential 2 Zone is to provide a mixture of residential uses and housing types, to allow density transfer from areas which should not be developed, and to provide for well-designed neighborhoods.

**23A-6(b) PRINCIPAL USES**

1. As for EAR-1.
2. Schools for academic instruction.

**23A-6(c) ACCESSORY USES** - As for EAR-1.

**23A-6(d) CONDITIONAL USES**

1. As for EAR-1.
2. Boarding houses, rehabilitation homes, nursing homes, personal care facilities ~~rest-homes~~, and assisted living facilities. As a prerequisite requirement, sites for such uses must front on a street with a functional classification of collector or arterial.
3. Existing radio, telephone or television transmitting or relay facilities as of May 26, 2005, including line-of-sight relays and towers, except as permitted by KRS 100.324, and only under the following conditions:
  - a. Such facilities shall be operated at all times in compliance with applicable Federal, State and local laws and regulations, including all standards of the Federal Aviation Administration and the Federal Communications Commission.
  - b. No transmitting or relay tower shall be located closer than the height of the tower from another lot under different ownership, or any public or private street or highway, unless the tower is constructed to withstand a minimum wind speed of one hundred (100) miles per hour.
  - c. The plans of tower construction shall be certified by an engineer registered in the Commonwealth of Kentucky.
  - d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.

**23A-6(e) PROHIBITED USES** - As for EAR-1.

**LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS**

**23A-6(f) DWELLING UNIT DENSITY**

Minimum Density - Three dwelling units per gross acre.

Maximum Density without DTR - Six dwelling units per gross acre.

Maximum Density with DTR - Nine dwelling units per gross acre.

**23A-6(g) MAXIMUM HEIGHT OF BUILDING** - 35 feet.

**23A-6(h) FLOOR AREA RATIO** - None; except where more than one principal residential structure is placed on a lot, the FAR shall not exceed 0.75

**23A-6(i) MINIMUM FRONT YARD** - 5 feet.

**23A-6(j) OFF-STREET PARKING REQUIREMENTS** - There shall be a minimum of one space per dwelling unit for single family detached, duplex and townhouse residential units. Multi-family units shall have a minimum of 1.5 spaces per unit; except for elderly housing, which shall provide three (3) spaces for every four (4) units. One additional space shall be provided for any accessory dwelling unit.

**23A-6(k) SPECIAL PROVISIONS**

1. Affordable housing units shall not be considered as dwelling units for the purposes of calculating maximum density, provided the number of affordable units does not exceed eight (8) units per gross acre.
2. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-2 zone shall be open space.
3. Permitted schools shall not be located on a lot exceeding 15 acres in area.



**23A-8 TRANSITION AREA (TA) ZONE** (as recommended by the Planning Commission)

**23A-8(a) INTENT** - The intent of the Transition Area zone is to create an overlay district to be used in conjunction with an EAR zoning category to allow for the development of residential uses and civic, cultural, religious, and educational institutions on lands which are located immediately adjacent to Community Center zones.

**23A-8(b) PRINCIPAL USES**

1. As for the underlying EAR zoning category.
2. Only when the Transition Area is included as an integral part of the development plan for adjacent land in the Community Center zone, then the following uses shall be permitted:
  - a) Nursing homes and ~~personal care facilities rest homes.~~
  - b) Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
  - c) ~~Churches and Sunday Schools.~~ Places of religious assembly.
  - d) Buildings and facilities for social or recreational purposes operated by a non-profit organization and which are generally open to the public and do not render a service customarily carried on as a business.

**23A-8(c) ACCESSORY USES** - As for the underlying EAR zoning category.

**23A-8(d) CONDITIONAL USES** - As for the underlying EAR zoning category.

**23A-8(e) PROHIBITED USES** - As for the underlying EAR zoning category.

**LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS**

**23A-8(f) DWELLING UNIT DENSITY** - As for the underlying EAR zoning category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the density shall be as provided for the CC zone herein below.

**23A-8(g) MAXIMUM HEIGHT OF BUILDING** - As for the underlying EAR category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the maximum permitted height shall be 48 feet.

**23A-8(h) FLOOR AREA RATIO** - As for the underlying EAR zoning category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the FAR shall be as provided for the CC zone herein below.

**23A-8(i) MINIMUM FRONT YARD** - 5 feet

**23A-8(j) OFF-STREET PARKING REQUIREMENTS**

1. Residential Uses - As per the underlying EAR category.
2. Other Permitted Uses - Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

**23A-8(k) SPECIAL PROVISIONS**

1. As per the underlying EAR zoning category.

### 23A-9 COMMUNITY CENTER (CC) ZONE (as recommended by the Planning Commission)

**23A-9(a) INTENT** -The intent of this zone is to implement the Community Center land use designation in the Expansion Area Master Plan by providing a mixture of residential uses and non-residential uses which serve the needs of the surrounding residential neighborhoods.

#### 23A-9(b) PRINCIPAL USES

1. As for EAR-3.
2. Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.
3. Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations, including but not limited to, real estate sales offices.
4. ~~Churches, Sunday schools and parish houses~~ Places of religious assembly.
5. Libraries, museums, art galleries, and reading rooms.
6. Medical and dental offices, clinics, and laboratories.
7. Studios for work or teaching of fine arts, such as photography; music; drama; dance and theater.
8. Community centers and private clubs.
9. Nursing and personal care facilities ~~rest-homes~~, and rehabilitation homes.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Kindergartens, nursery schools and child care centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain not less than twenty-five (25) square feet per child.
13. Business colleges, technical or trade schools or institutions.
14. Establishments for the retail sale of food products, such as supermarkets; dairy, bakery, meat, beer, liquor, and wine and other food product stores; and provided that production of food products is permitted only for retail sale on the premises.
15. Restaurants, except as prohibited under Section 8-16(e)(14) and (15), which offer no live entertainment or dancing.
16. Establishments for the retail sale of merchandise, including clothing; shoes; fabrics; yard goods; fixtures, furnishings, and appliances, such as floor covering, radios, TV, phonograph products and other visual and sound reproduction or transmitting equipment; furniture; kitchen and laundry equipment; glassware and china; and other establishments for the retail sale of hardware and wallpaper, lawn care products; paint and other interior or exterior care products; hobby items; toys; gifts; antiques; newspapers and magazines, stationery and books; flowers; music; cameras; jewelry and luggage; business supplies and machines; prescription and non-prescription medicines and medical supplies.
17. Beauty shops, barber shops, shoe repair, self-service laundry, or laundry pick-up station, including clothes cleaning establishments of not more than 40 pounds capacity and using a closed system process.
18. Automobile service stations, provided such use conforms to all requirements of Article 16.
19. Repair of household appliances.
20. Retail sale of plant nursery or greenhouse products, except as prohibited herein.
21. Outdoor miniature golf or putting courses.
22. Quick copy services utilizing xerographic or similar processes, but not utilizing offset printing methods.
23. Carnivals, special events, festivals, and concerts on a temporary basis, and upon issuance of a permit by the Divisions of Planning and Building Inspection, which may restrict the permit in terms of time; parking; access; or in other ways to protect public health, safety, or welfare, or deny such if public health, safety, or welfare are adversely affected. A carnival, special events, festivals, and concerts may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
24. Indoor theaters.
25. Rental of equipment whose retail sale would be permitted elsewhere in this zone.
26. Arcades, including pinball, and electronic games.
27. Athletic club facilities.
28. Swimming pools; tennis courts; putting greens; hiking, bicycling and equine trails; and other similar commercial and non-commercial recreational uses.
29. Brew-pub.
30. Day Shelters.
31. Commercial farm markets.
32. Market gardens.
33. Offices of veterinarians, animal hospitals or clinics, provided that (a) all exterior walls are completely soundproofed; (b) animal pens are located completely within the principal building; and (c) boarding is limited to only animals receiving medical treatment.

### 23A-9(c) ACCESSORY USES

1. As for EAR-3.
2. Storage, excluding outdoor storage, and provided that no building for such accessory use shall have openings other than stationary windows within one hundred feet (100') of any residential zone.
3. The sale of malt beverages, wine, or alcoholic beverages when accessory to a restaurant permitted under Section 8-16(b)(3). Such accessory use shall not devote more than twenty percent (20%) of its public floor area exclusively to the preparation and service of such beverages, nor provide any separate outside entrances or separate identification signs for those areas.
4. Parking lots and structures.
5. Satellite dish antennas as further regulated by Article 15-7.
6. One (1) or two (2) pool or billiard tables within an establishment.

### 23A-9(d) CONDITIONAL USES

1. As for EAR-3.
2. Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth therein. The Board of Adjustment shall specifically consider and be able to find:
  - a) That the proposed use will not constitute a public nuisance by creating excessive noise, odor, traffic, dust, or damage to the environment or surrounding properties;
  - b) That a reasonable degree of reclamation and proper drainage control is feasible; and
  - c) That the owner and/or applicant has not had a permit revoked or bond or other security forfeited for failure to comply with any Federal, State or local laws, regulations or conditions, including land reclamation, pertaining to the proposed use.
4. Self-service car washes when accessory to a service station, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

~~5. Animal hospital or clinic, provided that all exterior walls are completely soundproofed; and further provided that animal pens shall be completely within the principal building and used for the medical treatment of small animals.~~

~~(Renumber remaining)~~

6. A restaurant, without live entertainment or dancing, which devotes more than twenty percent (20%) of its public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
7. Restaurants offering live entertainment and/or dancing, cocktail lounges, or nightclubs [unless prohibited under Section 8-14(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone and shall be soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
8. Upholstery shop.
9. Outdoor speakers and public address systems. Such systems shall only be permitted by the Board of Adjustment upon findings that the system would not constitute a public nuisance by creating excessive noise on the property and surrounding properties; and is a necessary adjunct to the proposed use and has been designed to serve only such need. The Board may limit such features as the location, power, and time of operation of such systems to ensure the protection of surrounding uses and properties.
10. Gasoline pumps available to the public without an employee on site, provided a plan is approved by the Board of Adjustment for periodic inspection of the site by an employee for the following purposes:
  - a. To check on all operating equipment;
  - b. To check fire suppression system(s);
  - c. To check the condition of the fire alarm(s);
  - d. To check for indications of fuel leaks and spillage;
  - e. To remove trash from the site;
  - f. To monitor the general condition of the site.
11. Temporary structures designed for use or occupancy for 61 to 180 days per 12-month period on a single property, calculating said period by cumulative consideration of the use of any and all such structures on a single property.
12. Circuses, provided all structures are located not less than two hundred (200) feet from any residential zone; and further provided that all structures for housing animals shall be two hundred (200) feet from any residential zone, residential use, school, hospital,

nursing home or personal care facility rest-home. A circus may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.

13. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; natural preserves; and seasonal activities.
14. Recreation vehicle and trailer campgrounds, but only when located within 500 feet of an interstate interchange.
15. Hunting clubs, but only when located more than 500 feet from a residential zone.

#### 23A-9(e) PROHIBITED USES

1. As for EAR-3.
2. As for A-R, except as expressly permitted herein.
3. Any use dependent upon septic tanks or pit privies.
4. Pawn shops.
5. Golf driving ranges.
6. Except when accessory to a permitted automobile service station, the above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline.
7. Greenhouses, plant nurseries, and garden centers.
8. Establishments primarily engaged in agricultural sales and services.
9. Warehouses, as well as storage uses, except as accessory uses herein.
10. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; plastering; painting; metal work; printing; electrical; sign painting; tile, mosaic and terrazzo work; electroplating; drilling; excavating; wrecking; construction, and paving. This is not intended to prohibit the administrative offices of such.
11. Manufacturing, compounding, assembling, bottling, processing and packaging and other industrial uses for sale or distribution other than as retail on the premises.
12. Truck terminals and freight yards.
13. Amusement enterprises, such as outdoor theaters, automobile racing, horse racing.
14. Kennels, outdoor runways or pens for animals.
15. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractor's equipment, mobile homes, and establishments primarily engaged in the sale of supplies and parts for any of the above-mentioned vehicles or equipment, except as permitted herein.
16. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pick-up stations; except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed system process.
17. Hotel or motel.
18. Wholesale establishments.
19. Greenhouses, nurseries, hatcheries.
20. Establishments offering live entertainment in which a person simulates any sexual act or in which a person is unclothed, or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, the male or female genitalia, or the buttocks.
21. Establishments at which any employee is unclothed or in the attire, costume or clothing described above, or is clothed in such a manner as to simulate the breast, genitalia, buttocks, or any portion thereof.
22. Establishments having as a substantial or significant portion of their stock in trade for sale, rent or display, pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis on matter depicting, describing or relating to such sexual activities as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy, or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
23. Indoor motion picture theaters having as a substantial or significant portion of their use the presentation of material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to such sexual activities as (a) depiction of human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; or (c) holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
24. Pool or billiard halls.
25. Primitive campgrounds; farm tours; hayrides; corn mazes; outdoor rodeos; riding stables; horse shows; fishing lakes; hunting and trapping; sportsmen's farms; and zoological gardens.

#### LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS

23A-9(f) DWELLING UNIT DENSITY - No limitation  
(See Special Provisions below).

23A-9(g) MAXIMUM HEIGHT OF BUILDING - 48 feet.

23A-9(h) FLOOR AREA RATIO - A maximum of 1.0; however, the FAR may be increased to 1.5, provided that the FAR in excess of 1.0 is used for affordable housing.

23A-9(i) MINIMUM FRONT YARD - 5 feet.

23A-9(j) OFF-STREET PARKING REQUIREMENTS

1. Residential Uses - As per EAR-3.
2. All other uses - Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

23A-9(k) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within a CC zone shall be open space.
2. At least 40% of the aggregated floor area of buildings within a development in a CC zone shall be devoted to residential uses as permitted in EAR-3; schools, ~~churches~~ places of religious assembly and their accessory structures; and public buildings.
3. No building shall exceed 20,000 square feet in floor area, except:
  - a. a building that contains a mix of residential and non-residential uses; or
  - b. a building designed and intended to be used for a school, place of religious assembly ~~church~~ or public building;
  - c. a building is designed and intended to be used principally as a store selling food, produce and other grocery items (not primarily general merchandise) and not exceeding 80,000 square feet; and
  - d. up to two additional buildings, which are designed and intended to be used primarily as stores selling general merchandise, which may include food, produce and other grocery items; but only under the following conditions:
    1. the proposed building shall be located within a CC zone containing at least 30 net contiguous acres, and that has frontage on an interstate interchange;
    2. the building shall be part of an integrated development governed for all contiguously zoned CC land (excluding right-of-way) by a single development plan; and
3. any building exceeding 80,000 square feet in size shall also adhere to the "Design Guidelines for 'Big-Box' Establishments," excluding guideline numbers 6 and 14, which are contrary to other provisions of the CC zone. Such design guidelines shall be met unless waived by the Planning Commission through its approval of a final development plan.
- e. the maximum number of buildings permitted over 20,000 square feet by subsections c & d (above) shall be two.
4. Parking areas shall be designed so as to minimize the placement of parking between the buildings and the adjoining streets.
5. Each development within a CC zone shall have access to a pedestrian accessway.
6. Each development shall provide suitable facilities for the parking of bicycles.
7. The development shall be screened from adjoining zones as for a business zone under Article 18-3(a)(1).
8. Structures shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.

**Article 23A-10** (as recommended by the Planning Commission)

constitute more than five percent (5%) of the total floor and storage area.

7. Storage and warehousing.
8. Libraries, museums and reading rooms.
9. Meeting and conference centers.
10. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies with a drive-through window, provided it meets the following conditions:
  - a) Establishments limited to the filling of prescriptions shall be located in a building, the primary use of which is for medical uses; including, but not limited to, hospitals; in-patient treatment facilities; hospices; outpatient facilities; surgery centers; medical and dental offices, clinics or laboratories.
  - b) Establishments principally used for the retail sale of pharmaceutical and medical supplies shall be internally oriented to the site (e.g., not located on adjoining arterial streets).
  - c) It shall have no more than one public entrance and one service entrance directly to the outside of the building.
  - d) Signage for such establishments may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per such establishment, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.
11. Satellite dish antennas, as further regulated by Article 15-8. When located within 200 feet of the Urban Service Area boundary, satellite dish antennas shall be limited to:
  - a) A maximum height of four (4) feet above the highest point of the principal building on the lot.
  - b) If located on the ground, satellite dish antennas shall not be visible from the road, and shall be screened with landscape material.
12. Restaurants, provided they meet the following conditions:
  - a) It shall be located in an office building or extended-stay hotel containing a minimum of 40,000 square feet of floor area.

- b) It shall occupy not more than twenty-five percent (25%) of the building in which it is located.
  - c) It shall have no more than one public entrance and one service entrance directly to the outside of the building, and this use shall be at least one hundred fifty (150) feet from any residential zone.
  - d) It shall have no drive-in or drive-through food service.
  - e) There shall be no more than two restaurants within an office building or extended-stay hotel, provided that the 25% limitation is not exceeded.
  - f) Signs permitted per office building may be used to identify the restaurant and/or the office use.
13. For premises not permitted under 23-A(1)(c)(12) above, facilities for serving food only for employees and visitors; having no direct access to the exterior, and having no signs visible from the exterior of the building. Mobile food unit vendors may also serve this purpose, and be parked outside of a building to serve employees and visitors, provided that the requirements of Section 15-11 of the Code of Ordinances are met.

**23A-10(d) CONDITIONAL USES**

1. Kindergartens, nursery schools and child care centers, where enrollment of children is sponsored and licensed by established churches places of religious assembly and non-profit community based groups; and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment that is located within the contiguous ED zone as the proposed child care facility. A fenced and screened play area shall be provided in an area located a minimum of ten (10) feet from a collector or arterial street, and shall contain not less than twenty-five (25) square feet per child.
2. Heliports and heliports, provided such facilities conform to the requirements of all appropriate federal, state and local regulations.
3. Mining of non-metallic minerals, but only when the proposal complies with the requirements of the Mining/Quarrying Ordinance (Code of Ordinances #252-91) and the conditions and requirements as set forth

**APPENDIX 24A (as recommended by the Planning Commission)**

**PARIS PIKE/LEXINGTON ROAD CORRIDOR OVERLAY ZONE**

**24A-1 INTENT** - The intent of this corridor overlay zone is to...

- 1) implement the recommendations of the Paris Pike Corridor Small Area Plan (excluding the designated transition areas) &
- 2) regulate permitted land uses in the corridor in conjunction with an inter-local agreement between Bourbon County, the City of Paris, and the Lexington-Fayette Urban County.

This corridor overlay zoning classification is intended for lands adjoining the Paris Pike between Johnston Road (to the south) and the Paris City limits (to the north); and the regulations hereunder shall be established in addition to the zone classifications shown on the zoning map atlas for the subject areas, and the applicable regulations contained in this Zoning Ordinance. The use, dimensions and other requirements for said zones, as provided in the Zoning Ordinance, shall apply unless further restricted hereunder. Where there are conflicts between the regulations hereunder, and those contained elsewhere in the Zoning Ordinance, the more restrictive shall apply.

**24A-2 PRINCIPAL USES PERMITTED** - Those uses listed as permitted in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below.

**24A-3 ACCESSORY USES PERMITTED** - Those uses listed as accessory in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below (those uses customarily accessory, clearly incidental and subordinate to permitted uses).

**24A-4 CONDITIONAL USES** - Those uses listed as conditional (permitted only with Board of Adjustment approval) in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone, unless listed as a prohibited use below.

**24A-5 PROHIBITED USES** - Those uses listed as prohibited in the zone classification underlying the Paris Pike/Lexington Road Corridor Overlay Zone.

1. Advertising signs (billboards).
2. Aircraft landing strips.
3. Airports.
4. Asphalt plants.
5. Bait shops.
6. Commercial cemeteries, crematories, columbariums,

mausoleums, including animal burial grounds. (Non-commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds, are not prohibited under this section).

7. ~~Additional places of religious assembly Churches, Sunday schools, and parish houses;~~ except that existing ~~churches~~ places of religious assembly may expand with approval of the Board of Adjustment up to a total of 10,000 square feet.
8. Commercial composting.
9. Concrete mixing.
10. Above-ground facilities for the extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
11. Funeral home.
12. Commercial garages, storage sheds, parking lots, and vehicle fueling facilities.
13. Golf clubs and golf courses or related facilities, including driving ranges.
14. Except as ancillary to row crop production, commercial greenhouses and plant nurseries.
15. Kindergartens, nursery schools, and child care centers for more than twelve (12) children.
16. Landfills.
17. Above-ground facilities for mining activities and quarrying of non-metallic minerals.
18. Mobile homes.
19. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
20. Commercial outdoor recreational facilities such as the following: golf courses, sportsmen's farms, riding stables, fishing lakes, swimming pools, tennis courts, campgrounds, zoological gardens, outdoor rifle and other firearm ranges, native animal game preserves, outdoor rodeos, hunting and trapping (non-commercial outdoor recreational facilities are not prohibited under this section).
21. Commercial outdoor athletic facilities (non-commercial outdoor athletic facilities are not prohibited under this section).
22. Parking lots and structures, except as accessory to a business or office use.
23. Radio or television studios and offices and associated equipment.
24. Radio, telephone or television transmitting or relay facilities.
25. Rehabilitation homes.
26. Schools for academic instruction, including accessory dormitories, other than those for agricultural instruction which are incidental to a farming operation.

## APPENDIX 24B (as recommended by the Planning Commission)

### AGRICULTURAL MARKET (AM-1) OVERLAY ZONE

**24B-1 INTENT** - This zone is established to promote the agricultural industry, which is vital to the economy of Lexington-Fayette County. However, some of those uses that are integral to the agricultural economy may not necessarily be agricultural uses. Uses such as livestock markets, horse sales facilities and horse race tracks are recognized as providing a benefit to the surrounding agricultural community, but must be appropriately located throughout the community so as not to be a detriment to the surrounding agricultural areas which they are to serve. In order to provide appropriate locations for these operations and their accessory uses, the Agricultural Market (AM-1) Overlay Zone is hereby created to accompany lands located in an Agricultural Rural (A-R) zone that are not designated for future residential uses.

**24B-2 AGRICULTURAL MARKETS DEFINED** - These facilities provide for the large scale marketing operations of agricultural products (such as livestock markets) and some agricultural-entertainment uses, such as horse race tracks. Agricultural Markets are generally large facilities of at least forty (40) acres in size.

**24B-3 PRINCIPAL PERMITTED USES** - The uses allowed in this overlay zone are those listed as permitted in the zone classification underlying the AM-1 zone, unless listed as a prohibited use in Article 24B-6. In addition, the following uses are also permitted in the AM-1 zone:

1. Livestock markets and stockyards.
2. Horse race tracks with allotted race meets, and horse riding and training facilities.
3. Horse sales establishments.

**24B-4 ACCESSORY USES PERMITTED** - Those uses that are listed as accessory uses in the zone classification underlying the AM-1 zone, meaning they are clearly subordinate and incidental to principal permitted uses, are those also allowed in this overlay zone, unless listed as a prohibited use in Article 24B-6. The aggregate of all accessory uses in an AM-1 zone may not exceed twenty-five percent (25%) of the total square footage of the principal structure on the property, or 40,000 square feet, whichever is less; and except as otherwise provided, shall be located within the principal building. In addition, the following accessory uses are also permitted in the AM-1 zone, but only when incidental and subordinate to a principal use permitted under Article 24B-3 that is not listed as permitted in the zone classification underlying the AM-1 zone:

1. Parking areas and loading docks.

2. Accessory offices for government agencies related to agriculture, banking, insurance and financial institutions.
3. Livestock and grain commodity trading office.
4. One (1) coffee shop and/or restaurant not to exceed five thousand (5,000) square feet, or five per cent (5%) of the total floor area, whichever is less.
5. Veterinary clinic, including the sale of livestock pharmaceutical supplies.
6. Meeting rooms, not to exceed five percent (5%) of the total floor area.
7. One (1) dwelling unit for owners, operators, or employees of a permitted use, which may be in a separate structure.
8. One (1) dwelling unit for watchmen or caretakers, which may be in a separate structure.
9. Outdoor lighting, but only when directed away from and shielded from adjacent agricultural and residential areas.
10. Sale of agricultural products produced on the premises.
11. One (1) gift shop not to exceed two thousand five hundred (2,500) square feet, or five per cent (5%) of the total floor area, whichever is greater.
12. Display area for farm machinery/equipment, provided that no on-site sales shall be permitted.
13. Retail sale of agricultural products, supplies and related items, including the acceptance of orders for bulk agricultural supplies, with no on-site storage of such supplies, not to exceed five thousand (5,000) square feet.
14. Indoor Retail Farmers Market.

**24B-5 CONDITIONAL USES** - The uses listed as conditional (permitted only with Board of Adjustment approval) in the zone classification underlying the Agricultural Market (AM-1) Overlay zone, unless listed as a principal permitted or prohibited use in this Article. In addition, approval of the following uses can also be sought from the Board of Adjustment:

1. Outdoor Retail Farmers Market.

**24B-6 PROHIBITED USES** - The uses listed as prohibited in the zone classification underlying the Agricultural Market Overlay Zone, except as otherwise permitted herein. However, the following uses are prohibited in the AM-1 overlay zone, regardless of their regulation in the underlying zone classification:

1. Advertising signs, as defined in Article 17 herein (aka: billboards).



2. Aircraft landing strips.
3. Airports.
4. Asphalt plants.
5. Commercial cemeteries, crematories, columbariums, mausoleums, including animal burial grounds.
6. ~~Churches, Sunday schools, and parish houses.~~ Places of religious assembly.
7. Concrete mixing.
8. Above-ground facilities for the extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.
9. Funeral home.
10. Kindergartens and nursery schools.
11. Landfills.
12. Above-ground facilities for mining activities and quarrying of non-metallic minerals.
13. Mobile homes.
14. Non-service facilities of public utilities when not incidental to a service facility as provided in KRS 100.324.
15. Rehabilitation homes.
16. Commercial woodlots.
17. Family child care.
18. Spreading of any animal waste upon land outdoors in an AM-1 zone.

**24B-7 LOCATIONAL STANDARDS** - An AM-1 zone may be established only upon land that meets two or more of the following criteria:

1. The property shall be located within one (1) mile of the point of intersection of the centerlines of an interstate interchange with a state or federal highway (excluding the two interchanges of Interstate 75 with Interstate 64), provided the property has lot frontage and access on that same state or federal highway, so long as the access is also within one (1) mile of that interchange; and/or...
2. The portion of the property wherein site improvements are proposed is not located on land within the Urban Service Area that is recommended for a residential use, nor in an identified environmentally sensitive area, including any wellhead protection area; and/or...
3. The property was approved prior to August 28, 2003 for a conditional use permit by the Board of Adjustment for a horse sales facility, a horse training facility or a horse race track.

**24B-8 RELATIONSHIP TO THE COMPREHENSIVE PLAN** - The location of an AM-1 zone must be based upon furthering the goals, objectives and land use policies of the Comprehensive Plan for Lexington-Fayette County. Any application for an AM-1 zone should be accompanied by a detailed statement from the applicant to this effect, which shall be submitted at the time of the application.

**24B-9 SITE STANDARDS** - Any parcel considered for an AM-1 zone must meet all of the following site criteria:

1. The property shall be at least forty (40) acres in size.
2. The property must have easy access to a state or federal highway, with that access approved by the Kentucky Transportation Cabinet, or the LFUCG Division of Traffic Engineering, as appropriate. All roads to the site should be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
3. The property must be at least three hundred (300) feet from any property in a residential zone, or any property designated as either a Rural Settlement (RS) land use or as an Existing Rural Residential (ERR) land use in the adopted Comprehensive Plan for Lexington-Fayette County.

#### **24B-10 MINIMUM DESIGN STANDARDS**

**24B-10(a) ENCLOSED BUILDINGS REQUIRED FOR SOME USES** - All sales and marketing of livestock, and all horse sales shall be conducted in an enclosed facility. All pre-sale and post-sale handling of livestock shall take place under roof in a facility enclosed by a combination of fences and gates in order to secure livestock while allowing adequate ventilation and air circulation.

**24B-10(b) PROPER SITE LANDSCAPING REQUIRED** - All new facilities proposed in the AM-1 overlay zone must be landscaped and screened, if those facilities are visible from adjoining properties. Article 18 may be used to plan the proposed screening of loading docks and vehicular use areas, but the Planning Commission may impose additional screening requirements and landscape buffers as necessary.

**24B-10(c) ENVIRONMENTALLY SENSITIVE AREAS ARE TO BE AVOIDED** - Site improvements such as buildings, underground and above-ground storage tanks, septic sewage disposal systems, and all truck parking and loading areas shall be located outside of any environmentally sensitive area, including any wellhead protection area. In addition, storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals; and storm water must be treated appropriately prior to its discharge, and directed away from environmentally sensitive areas and known karst geologic features. Muck piles are prohibited in all environmentally sensitive areas.

**24B-10(d) APPLICABLE LAWS MUST BE MET** - All facilities must be operated at all times in compliance with applicable federal, state and local laws and regulations, including those pertaining to noise, air and water quality.

**24B-10(e) LOT AND YARD REQUIREMENTS** - Those listed as minimum or required in the zone classification underlying the Agricultural Market (AM-1) Overlay Zone shall apply. However, no principal or accessory building