

AN ORDINANCE AMENDING ARTICLES 1, 8, 11 and 23A OF THE ZONING ORDINANCE TO ADDRESS RECREATIONAL AND TOURISM LAND USES IN ALL ZONES. (PLANNING COMMISSION, RECREATION ZOTA WORK GROUP).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered text amendments to Articles 1, 8, 11 and 23A of the Zoning Ordinance to address recreational and tourism land uses in all zones; and

WHEREAS, the Planning Commission did hold public hearings on these proposed text amendments on October 23, 2014, March 26, 2015 and June 25, 2015; and

WHEREAS, the Planning Commission did recommend APPROVAL of the text amendments by a vote of 6-5; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission with changes to Article 8-3 which are attached hereto; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 1 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

GENERAL PROVISIONS AND DEFINITIONS

1-11 DEFINITIONS - For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word person includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word structure includes building; the word occupied includes arranged, designed or intended to be occupied; the word used includes arranged, designed or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive; and the word lot includes plot or parcel. Other words and terms shall have the following respective meanings:

ACCESSORY USE OR STRUCTURE - A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto. No accessory structure can be constructed on a lot before a principal structure.

ADAPTIVE REUSE - The process of adapting abandoned, vacant or underutilized buildings and structures for new purposes, which amounts to a change in the structure's primary purpose, a significant change in the way in which the structure is incorporated into and operates within the exterior environment, or which incorporates a non-traditional yet compatible combination of purposes or uses within the site plan. The adaptive reuse should incorporate changes that rejuvenate and/or increase the sustainability of the site and/or neighborhood while retaining historic features of the original building(s) and/or structure(s).

ADULT ARCADE - Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices are maintained to show images to five or fewer persons per machine at any one time; and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas" as herein defined.

ADULT BOOKSTORE OR ADULT VIDEO STORE - Any building or structure which contains or is used for the display or sale or rental of books, magazines, movie films, motion pictures, videos, computer disks and any and all printed or written materials, newspapers, photographic materials, drawings, novelties, other pictorial representations, devices and related sundry items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as herein defined; or an 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, live-stock, 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.

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.

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.

ASSISTED LIVING FACILITY - A residential facility other than a nursing home, or elderly housing 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 may also be provided 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; upholstering; 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;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

BOTANICAL GARDEN - A garden dedicated to the collection, cultivation and display of a wide range of plants.

BREW-PUB - A restaurant with an area devoted to the accessory sale of wine or alcoholic beverages, which also houses an accessory micro-brewery without permanently installed bottling equipment, all within the same completely enclosed building.

BUILDING - Any structure for the shelter or enclosure of persons, animals or property.

BUS AGENCY - A facility providing inter-city transportation to passengers and other bus customers, limited to loading and unloading of passengers and/or freight, and the sale of tickets and/or shipping space; but not to include activities exclusive to a passenger transportation terminal.

BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL OR INSTITUTION - An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged. Such training shall not include any courses or instruction in which the field or occupation would not be a permitted use within the zoning category in which the institution is located.

CABLE TELEVISION SYSTEM - Any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming or other electronic or optical signals originated by the system itself or by another party by wire or cable to persons who subscribe to such service.

CAMPGROUNDS - An outdoor facility for short-term overnight recreational use.

CAMPGROUNDS, PRIMITIVE - A lot or parcel of land without amenities, such as water or electricity, to individual camp sites upon which tents are placed. Shared bathroom facilities and parking areas are permitted.

CAMPGROUNDS, RECREATIONAL VEHICLE OR TRAILER - A lot or parcel of land upon which two or more recreational vehicle sites are located for occupancy by recreational vehicles, trailers or tents. Water and electricity to individual camp sites is typical.

CARNIVAL - A temporary outdoor amusement use in a business or industrial zone lasting no longer than ten days per calendar year that includes mechanical rides, with or without inflatables. Such uses may also include games, live music, games of chance, live entertainment (other than typically associated with a "circus," defined herein), booths, food service, merchandise sales, pony rides and/or a petting zoo intended for children. A carnival does not include a circus, activities conducted at the state-designated County Fair or events at a fairgrounds designated for that activity. Carnivals may not be conducted on any property during the state-designated County Fair, or during the two weeks immediately prior to the County Fair.

CELLULAR TELEPHONE TRANSMITTING FACILITY, TEMPORARY - Any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves, not meeting the definition of a "structure" as defined by this Zoning Ordinance.

CHILD CARE CENTER - Any facility which provides full or part-time care, other than family child care, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky.

CHILD CARE, FAMILY - An incidental and subordinate use within a dwelling and not an accessory structure, where full or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of

Kentucky.

CHILDREN'S RIDES - A temporary outdoor amusement device, not involving a permanent structure, primarily designed for persons less than five (5) feet in height or less than thirteen (13) years of age, including mechanical rides and/or inflatables. Such uses may also include pony rides and/or petting zoos.

CIRCUS - A temporary use or special event lasting no longer than ten days per calendar year that is intended or likely to attract substantial crowds to view entertainment and animal performances or displays (other than a petting zoo intended for children and/or outdoor pony rides), and which is not usually associated with the principal use of the property where the special event is to be located. Such uses may or may not also include rides, games, booths, food service and merchandise sales. No accessory structure associated with a circus can be constructed or erected on a lot without a principal structure thereon.

CLINIC, MEDICAL - A building or part thereof, designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUB, PRIVATE - Buildings and facilities, the purpose of which is to render a social, educational, or recreational service to members and their guests; and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

COCKTAIL LOUNGE - A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

COMMERCIAL COMPOSTING - The aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low grade fertilizer, and primarily for use or distribution off the production site.

COMMERCIAL GREENHOUSE - An establishment primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

Note: This definition applies only to land use as provided for in the Zoning Ordinance and Subdivision Regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes.

COMMISSARY - Premises used for preparation of food for restaurant use.

COMMISSION - Lexington-Fayette Urban County Planning Commission.

COMMUNITY CENTER - Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

COMMUNITY RESIDENCE - A building or group of buildings for up to eight (8) children or adults, not receiving counseling or recovering from drug or alcohol abuse or a psychiatric disorder and not assigned to the home as a condition of parole or probation, who by virtue of their physical or mental needs must reside temporarily in a supervised home. More than eight such residents shall be permitted only as a rehabilitation home.

COMPREHENSIVE PLAN - The adopted plan for Lexington-Fayette County, which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements, whether expressed in words, graphics, or other forms.

CORN MAZE - A recreational facility that creates a labyrinth utilizing an agricultural product intended to be harvested, such as corn, to create a system of paths. This definition shall apply to "hay mazes" as well.

COUNTRY INN - A private facility located in a rural setting that has six (6) or more guest rooms or suites for transient occupancy, in which breakfast and other meals may be served to the guests, and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy. This definition does not include boarding or lodging houses, bed and breakfast facilities, motels, hotels, or extended-stay hotels.

COURTYARD - An open area, partially or completely surrounded by buildings, used as outdoor common area, generally paved and/or landscaped, and primarily for private use. This may also be used to meet the open space requirement of the Zoning Ordinance as herein defined.

CULTURAL TOURISM - Activities associated with geographical places, artifacts, architecture and/or past events that represent the stories and people of the past offered to the public for the purpose of education and enjoyment. These activities should not diminish the place, element or feature for future generations.

DAY SHELTER - Facilities which provide on a free or not-for-profit basis access to indoor shelter, generally during the hours encompassing dawn to dusk, and which may also provide in conjunction therewith personal support services, primarily to, or intended for, persons who otherwise may not have access to indoor shelter if only available on a cost or for profit basis. This definition shall not include temporary emergency heating or cooling shelters which operate only during extreme weather periods.

DEVELOPMENT IMPROVEMENTS - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for human activities. Typical development improvements referenced in these regulations are grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewer facilities, utility lines of all types, street name signs, property number signs, trees, etc. As used herein, development improvements may also be referred to as development or improvements.

DIAMOND MESH WIRE - A fencing material typically used in rural areas which, by its strength and construction, is effective in prevention of climbing and in control of animal movement. The term shall also be construed to include fencing commonly referred to as "V" mesh fencing. The term does not include chain link fencing.

DIVISION OF ENGINEERING MANUALS - The Division of Engineering Manuals (also known as the Engineering Manuals, or the Manuals) is a set of seven documents to provide standards for the design, review, construction, and inspection of infrastructure. The Engineering Technical Manuals are Construction Inspection (also known as the Inspection Manual), Geotechnical, Roadway, Sanitary Sewer and Pumping Station, Stormwater, and Structures. In addition to the six Technical Manuals, a Procedures Manual for Infrastructure Development (also known as the Procedures Manual) establishes the responsibilities and procedures to be used by the Lexington-Fayette Urban County Government, the land developer and the project engineer. These Manuals are hereby adopted by the Urban County Government and incorporated into this Zoning Ordinance by reference. From time to time, the Urban County Government may revise, modify, or amend the Manuals in conformance with the procedure established in the Procedures Manual. When any of the Engineering Manuals are cited by this Zoning Ordinance, the current edition, latest revision, shall be referenced.

DORMITORY - A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such an institution, school or college. Where kitchen facilities or provisions for such are provided, such rooms shall be deemed dwelling units.

DRIVEWAY, FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS - A private paved vehicular access, a maximum of twenty-four (24) feet in width, or ten (10) feet in width when inside the Infill and Redevelopment Area, extending on the shortest reasonable path through the front yard or side street side yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and shall be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

DWELLING - A building, or portion thereof, occupied exclusively for residential purposes, not including a mobile home or trailer.

DWELLING, MULTIPLE FAMILY - A building, or portion thereof, occupied exclusively for residential purposes by more than two (2) families or more than two (2) housekeeping units.

DWELLING, SINGLE FAMILY - A building occupied exclusively for residential purposes by one family or one housekeeping unit. Townhouses are included in this definition.

This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five years prior to January 1, 2010, subject to the following:

- (a) the occupancy is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as a rental dwelling has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - 1. by more than 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 5%; or
 - 2. unless approved by the Board of Adjustment as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units, commonly known as a duplex. Townhouses are not included in this definition.

This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five years prior to January 1, 2010, subject to the following:

- (a) the occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as rental dwellings has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - 1. by more than 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 5%; or
 - 2. unless approved by the Board of Adjustment as a conditional use after January 1, 2010.
- (d) the limitation on enlargement of the building set forth in (c) above shall not apply in the case of the addition of a second unit in a Two-Family (R-2) zone, provided that both units thereafter conform to the limitation of four unrelated persons per dwelling unit.

DWELLING UNIT - One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same building, and containing independent kitchen and sleeping facilities.

ECOTOURISM - Activities conducted in natural, greenspace, or environmentally sensitive areas that are offered to the public for the purpose of enjoyment, education, and active involvement in the activities of the site. These activities shall safeguard the integrity of a natural feature, habitat or ecosystem.

ELDERLY HOUSING - Multiple family structures containing at least twenty-four (24) units and solely devoted to housing families consisting of two (2) or more persons, of which the head (or his spouse) is sixty-two (62) years of age or over, or is handicapped; and single persons who are sixty-two (62) years of age or over, or are handicapped.

ENGINEER, PROJECT - A person currently licensed to practice engineering in the State of Kentucky and in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors; or a firm in good standing as an Engineering company in Kentucky, if the work is to be accomplished other than as a sole practitioner. Work performed under the supervision or at the direction of the project engineer, including, but not limited to: preparation of plans, inspections, reports, testing, and directives or orders regarding work pursuant to these Subdivision Regulations, shall be considered to be the work of the project engineer. Whenever qualifications are questioned, the Commission will consult with the Bluegrass Chapter of the Kentucky Society of Professional Engineers or the Consulting Engineers Council of Kentucky.

ENGINEER, URBAN COUNTY - The Director of the Lexington-Fayette Urban County Government Division of Engineering.

ENTERTAINMENT, LIVE - Any performance at a restaurant, cocktail lounge, or nightclub by any person; including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to: singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

ENTRANCE, PRIMARY - Entrance used as the main pedestrian access point of a structure and along the front lot line.

EQUINE HOSPITAL - A veterinary hospital used primarily for the treatment and care of horses, which may include office facilities and the storage of medicinal supplies when accessory to the primary use.

ESTABLISHED GRADE - The finished elevation, at any point, of the ground level at the base of a fence, wall or projection.

EXTENDED-STAY HOTEL - Multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s).

FAMILY OR HOUSEKEEPING UNIT - A person living alone, or any of the following groups living together and sharing common living and kitchen facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Four (4) or fewer unrelated persons;
- (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship;
- (d) Not more than eight (8) persons who are:
 - 1. Residents of a "home-like" residence, as defined in KRS 216B.450;
 - 2. "Handicapped" as defined in the Fair Housing Act, 42 U.S.C., Section 3602(h). This definition does not include those currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C., Section 802(6).
- (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of "dwelling, single family" or "dwelling, two-family," as contained in this Article.
- (f) A functional family as defined and regulated

FAMILY, FUNCTIONAL - A group of five (5) or more persons, not otherwise meeting the definition of "family," who desire to live as a stable and permanent single housekeeping unit and who have received a conditional use permit from the Board of Adjustment. "Functional family" does not include:

- (a) residents of a boarding or lodging house;
- (b) fraternity, sorority or dormitory;
- (c) any lodge, combine, federation, coterie or like organization;
- (d) any group of individuals whose association is temporary or seasonal in nature;
- (e) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARM GIFT SHOP - An accessory retail facility limited to a maximum of five hundred (500) square feet in size that offers for sale farm products grown or raised on the premises, and/or memorabilia representative of the farm products grown or raised on the premises, such as hats, shirts, and souvenirs.

FARM MARKET, COMMERCIAL - An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public primarily agricultural products such as fresh produce, seasonal fruits, fresh plants or flowers, value-added products, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site. Farm markets shall not include the sale of livestock.

FARM PRODUCERS - Any person, persons or legal entities who are actually engaged in the business of producing/growing farm raised products they sell at the market.

FARM TOUR - An accessory use to a working or active farm or other agricultural use that permits visitors a way to see and experience on-going agricultural operations and facilities, but shall not include overnight accommodations.

FESTIVAL - A temporary public or commercial gathering lasting no longer than

ten days per calendar year where entertainment, food, crafts, and the like are offered for viewing or for sale.

FISHING OR HUNTING CLUB - Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities, but shall not include overnight accommodations, or rifle or other firearm ranges.

FISHING LAKE - A body of water that is located on private property where a fee is paid in order to fish.

FLOOR AREA - The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. In particular, floor area includes:

- (a) basement space at least seven and one-half (7½) feet in height;
- (b) elevator shafts or stairwells at each floor;
- (c) penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of seven and one-half (7½) feet or more; interior balconies, mezzanines, hallways, lobbies;
- (e) floor space in accessory buildings not used for off-street parking;
- (f) laundry rooms, game rooms, or other spaces designed for the common use of the occupants;
- (g) any other floor space not specifically excluded.

However, the floor area of a building shall not include:

- (a) non-habitable basement space which is less than seven and one-half (7½) feet in height;
- (b) elevator or stair bulkheads;
- (c) accessory water tanks, or cooling towers;
- (d) outside steps that are uncovered;
- (e) attic space (whether or not a floor has been laid) providing structural headroom of less than seven and one-half (7½) feet;
- (f) mechanical equipment space;
- (g) interior space used exclusively as parking space for motor vehicles.

FLOOR AREA, PARKING - The floor area of a structure as defined herein, exclusive of any covered pedestrian area in a mall, less storage and warehouse areas, laundry rooms, game rooms, or other spaces designed for the common use of the occupants, and used principally for non-public purposes of said structure. Any basement or cellar space used for retailing shall be included in the parking floor area for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

FLOOR AREA RATIO - Floor area of buildings on a lot divided by pre-development net ground area of the lot on which it is located.

FRATERNITY OR SORORITY HOUSE - A building used as a living and/or gathering quarters for students of a college, university or seminary (not living in a "dormitory" as defined herein) who are members of a fraternity or sorority that has been or is seeking to be officially recognized by the college, university or seminary; or their guests. In identifying such use, the following factors shall be among those considered, regardless of number of occupants:

- (a) signage or other indications that the building is used by a fraternity or sorority;
- (b) fraternity- or sorority-sponsored social activities, such as meetings; parties; dances or other gatherings; and
- (c) events to which fraternity or sorority alumni or prospective members are invited.

A "Family or Housekeeping Unit" or "Boarding or Lodging House" as defined herein are excluded, unless the use demonstrates specific characteristics of use as set forth above.

GARAGE, COMMUNITY - A structure or structures only for the storage of passenger vehicles or trailers of residents of the neighborhood.

GARAGE, PRIVATE - A space or structure, including a carport, on the same lot with or in the building to which it is accessory, primarily for storage of passenger vehicles of the residents of the premises, with no facilities of a commercial or public nature.

GARDEN CENTER - Establishments used primarily for the sale of live plants, including greenhouses and plant nurseries. When accessory to the sale of plants,

the sale of the following items shall be allowed: cut plants, cut trees and wreaths, bulbs and seeds which may have been transported to the premises for the purpose of resale; ground covers; fungicides, insecticides, chemicals, peat moss, humus, mulches and fertilizers; lawn statuary, furniture, bird baths, bird feeders, birdhouses and pottery; pots and containers for plants; artificial flowers; home lawn and garden equipment, including manual and automatic grass cutting devices, grass seeding devices, mulchers, thatchers, tillers, but not including farm tractors and machinery; garden landscape devices, including railroad ties, stepping stones, fencing, edging, trellises, plastic and burlap; hand tools such as sprayers, shovels, dusters, rakes, hoes, and watering devices; firewood; landscape planning and contracting services incidental to the garden center to include contractual services for lawn and garden sprigging, maintenance, fertilizing, spraying and mowing.

GREENWAY - An area defined as a "greenway" in the Comprehensive Plan or other adopted plan.

HAZARDOUS MATERIALS - Any chemical, biological or radiological compound, gas, oil, gasoline, lubricant or other petroleum products, 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 OCCUPATION - A gainful occupation or profession carried on in a residence, such as 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 uses 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, 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.

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 of used, discarded or salvaged materials as part of manufacturing operations; and vehicle storage yards.

KENNEL - Commercial business for the sale or temporary boarding of more than

three (3) dogs, but not including the ownership and occasional sale of dogs at, in, or adjoining a private residence.

KITCHEN FACILITIES - Equipment arranged in a room or some other space in a structure which facilitates the preparation of food, including, but not limited to, a combination of two or more of the following: a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

LIGHTING CUTOFF - Any shielding that conceals the source of lighting visible from the property lines of a site.

LOT - A parcel of land of at least sufficient size to meet the minimum zone requirements for use, coverage and area, and to provide such yards and open spaces as required under this Zoning Ordinance.

LOT AREA - The amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street right-of-way.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street; and where, in either case, the interior angle formed by intersection of the street lines does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE - The computed ground area occupied by all buildings within a lot.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE - The distance between the side lot lines measured along the front building line of the lot, as determined by the prescribed front yard requirement of the zone in which the lot is located, or as designated by the final record plat, whichever is greater.

LOT LINES - The property lines bounding the lot.

LOT LINE, FRONT - In the case of a lot abutting upon only one street or alley, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Zoning Ordinance, have the privilege of electing any street lot line as the front lot line, provided that such choice, in the opinion of the Division of Planning or the Division of Building Inspection, as appropriate, will not be injurious to the existing, or to the desirable future development of adjacent properties.

LOT LINE, REAR - Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall, for the purpose of this Ordinance, be considered the rear lot line. In other cases not covered herein, the Division of Planning or the Division of Building Inspection, as appropriate, shall designate the rear lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT LINE, STREET OR ALLEY - A lot line separating the lot from a street or alley.

LOT WIDTH - The mean horizontal distance across the lot, measured at right angles to the depth.

MAIL ORDER BUSINESS - A business engaged in the sale of manufactured products, goods, merchandise and finished products primarily through means of mail or telephone orders, including the administrative offices of such business.

MAIL SERVICE FACILITY - A commercial establishment that conducts the retail sale of stationery products, provides packaging and mail services to retail customers, and provides mailboxes for lease.

MASSAGE PARLOR - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment is administered by a medical practitioner; chiropractor; acupuncturist; physical therapist or similar professional person licensed by the Commonwealth of Kentucky or another state. This definition does not include an athletic club facility, health club, school, gymnasium, reducing salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MICRO-BREWERY - A facility within a completely enclosed building which is intended for the production of up to 25,000 barrels per year of malt beverages, under the terms and conditions specified by KRS 243.157, KRS 243.150, and other applicable laws.

MINING - Underground excavation made into the earth from which to extract materials produced for sale, exchange or commercial use.

MIXED-INCOME HOUSING UNIT - A dwelling unit provided for sale to an owner-occupant household with an income that does not exceed 100% of median income (adjusted for family size), or for rent to a household with an income that does not exceed 80% of the median income (adjusted for family size) for Lexington-Fayette County. A unit shall be deemed a mixed-income housing unit for an owner-occupant if the total amount of principal, interest, taxes and insurance does not exceed 36% of the household's income; and a unit shall be deemed affordable to a rental household if the total rent, including any tenant-paid utilities, does not exceed 30% of the household's income. In the alternative, a fixed price may be set for a mixed-income housing unit for sale to an owner-occupant if the total principal and interest (for a 30-year mortgage) does not exceed 30% of the total household income for a family of four at 80% of the median income for Lexington-Fayette County; also, if the unit is for rent, then the maximum monthly rent may not exceed 1% of a household income that is at 80% of the median income for Lexington-Fayette County.

MOBILE HOME - Any factory-built structure, with or without a permanent foundation, as defined in KRS 227.550, which is designed and constructed on a permanent chassis to permit occupancy for dwelling or sleeping purposes, either permanent or temporary, when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained therein. These are also known as "manufactured homes," which are regulated by the federal government and the State Fire Marshall, and are required to carry only a "HUD" seal applied by the manufacturer.

MOTEL - 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.

NATURE PRESERVE - An area intended to remain in a predominantly natural or undeveloped state to provide resource protection, which may include possible opportunities for passive recreation and environmental education for present and future generations.

NEIGHBORHOOD DESIGN OVERLAY ZONE - An overlay zone, applied in addition to the underlying zoning category, whereby key characteristics of a particular neighborhood or area are preserved for either new building (infill) construction or replacement of existing structures.

NIGHTCLUB - A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

NURSING HOME - A facility for which four (4) or more persons may be admitted for periods exceeding twenty-four (24) hours to receive treatment and/or medication for bodily illness, including convalescence from illness.

OPEN SPACE, USEABLE - Outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Such areas may be ground or roof space seventy-five percent (75%) open to the sky, balconies a minimum of five (5) feet wide, an enclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading areas, driveways, vehicular use area perimeter landscaping and interior landscaping, unenclosed fire escapes, or required front and side street side yard areas do not qualify as useable open space; provided, however, that those portions of the required side street side yard may qualify as useable open space, as long as such open space is separated from the street right-of-way by a fence or solid screen planting.

PARKING LOT, AREA, OR STRUCTURE - An area not within a building for temporary (less than 24-hour) off-street parking, loading or unloading of vehicles, whether required or permitted by this Zoning Ordinance; including driveways, access ways, aisles, and maneuvering areas; but not including a loading dock or any public or private street right-of-way.

PASSENGER TRANSPORTATION TERMINAL - A facility used by one or more bus companies in providing inter-city transportation of passengers and goods; including, but not limited to, vehicle 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 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.

RECREATIONAL OUTFITTER – An establishment that provides equipment and supplies for the pursuit of recreational activities, such as canoeing, hiking, fishing or trail riding. Recreational outfitters may offer services for outdoor tourism including guide services and transportation services,

RECREATIONAL VEHICLE – A vehicle primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including travel trailers, camping trailers, truck campers, motor homes and park vehicles.

RECYCLING DROP-OFF CENTER - A facility for the collection of waste paper, rags, scrap metal, or other discarded material; not to include used furniture and household equipment, used cars or used lumber.

REHABILITATION HOME - A building or group of buildings providing a supervised residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to uses regulated by KRS 100.982.

RESIDENTIAL INFILL - Construction of new residential building(s) on vacant or by-passed land within the Urban Service Area.

RESTAURANT - An eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged.

Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicles through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.

RESTAURANT, DRIVE-IN - An eating establishment where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

RETAIL SALES ESTABLISHMENT - A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL SALES ESTABLISHMENT, BULK MERCHANDISE - A retail establishment engaged in selling goods or merchandise to the general public, as well as to other retailers, contractors or businesses rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs. Bulk retail is differentiated from general retail by the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock) and may also include a variety of carryout goods (e.g., groceries, household and personal care products).

RIDING STABLE – A structure or land use in which equines are kept for boarding, riding or training.

ROADSIDE STAND - A temporary structure designed or used for the display or sale of agricultural products grown on the premises upon which such a stand is located.

SATELLITE DISH ANTENNA - An accessory structure, consisting of a parabolic-shaped antenna structure used to receive television signals from satellites or other objects in terrestrial orbit.

SATELLITE DISH ANTENNA, GROUND-MOUNTED - A satellite dish antenna mounted and anchored at grade so that the distance from the highest edge of the dish to the existing grade does not exceed twelve (12) feet.

SATELLITE DISH ANTENNA, POLE-MOUNTED - A satellite dish antenna mounted and anchored to the ground by a pole so that the distance from the highest edge of the dish to the existing grade exceeds twelve (12) feet.

SATELLITE DISH ANTENNA, ROOF-MOUNTED - A satellite dish antenna

mounted directly upon the roof of a structure and not attached to any appurtenance such as a chimney, tower, or spire.

SCENIC BYWAY – A state designated roadway maintained by a local government that has roadsides or view sheds of aesthetic, cultural, historical, or archaeological value worthy of preservation, restoration, protection or enhancement.

SCENIC HIGHWAY – A state designated, state-maintained roadway or highway that has roadsides or view sheds of aesthetic, cultural, historical, or archaeological value worthy of preservation, restoration, protection or enhancement.

SCHOOLS FOR ACADEMIC INSTRUCTION - All schools offering primarily classroom instruction with participation of teachers and students, limited to elementary, junior and middle high schools, high schools, junior colleges, colleges, theological seminaries, bible colleges, and universities; but not including business colleges, technical or trade schools.

SEASONAL ACTIVITIES- Any activity which is performed or operated temporarily during one season of a calendar year, for a period not to exceed 90 days with a maximum of two (2) times per calendar year. Such activities may include a pumpkin u-pick farm, corn maze, or the like.

SEXUAL ENTERTAINMENT CENTER - An establishment, not otherwise specifically defined in this Article, which makes available material, services, or entertainment appealing to adult sexual interests, including, but not limited to a bath house; swingers' club; or similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

SPECIFIED ANATOMICAL AREAS -

(1) Less than completely and opaquely covered:

- (a) Human genitals;
- (b) Pubic region;
- (c) Buttocks;
- (d) Female breast below a point immediately above the top of the areola;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES -

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, oral sex (real or simulated), fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts, or sexual contact between humans and animals.

SPORTSMEN'S FARM – An outdoor recreation facility for archery, paintball, skeet, trap rifle and other firearm sports.

STOCKYARD - An establishment or facility commonly known as stockyards; conducted, operated or managed for profit or non profit as a public market for livestock producers, feeders, market agencies and buyers; consisting of pens or other enclosures and their appurtenances, in which live cattle, sheep, swine, horses, mules, goats or other farm animals are received, held or kept for sale or shipment in commerce.

STORAGE - The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

STORY - That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and ceiling next above it.

STREET - Any vehicular way -- a general term used to describe right-of-way, which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of under- or above-ground utilities. Streets are classified by function as follows:

EXPRESSWAYS - Hold the first rank in the classification of streets, and are used only for movement of vehicles, providing for no vehicular or pedestrian access to

adjoining properties; interchange of traffic between an expressway and other streets is accomplished by grade separated interchanges with merging deceleration and acceleration lanes, and no at-grade intersections are permitted. Expressways generally carry higher volumes, require greater right-of-way width, and permit higher speed limits than any other class of street, and should be depressed in urban or urbanizing areas. Arterials are the only class of street which generally should be connected with expressways at interchange points.

ARTERIALS - Hold the second rank in the classification, and should be used only for the movement of vehicles, and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections, which should contain medians, deceleration lanes, and left turn storage lanes. Arterials are the link between expressways and collectors, and rank next to expressways in traffic volume, speed limit, and right-of-way width.

COLLECTORS/CONNECTORS - Hold the third rank in the classification of streets, and are used both for movement of vehicles and for providing access to adjacent properties. Access to adjoining properties should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector/connector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors/connectors are the link between arterials and local streets. Collectors/connectors generally rank next to arterials in traffic volume, speed limit, and right-of-way width.

LOCALS - Hold the fourth rank in the classification of streets, and are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets. Local streets are the primary link between trip generation points (homes, offices, stores, work) and collector streets. Locals have the least right-of-way, the lowest speed limit, and the least amount of vehicular traffic. Local streets can be subdivided further into the following sub-classes:

CONTINUING STREETS - Are local streets having two open ends; each end generally connects with different streets; one or more other street may intersect it between its two open ends, and property fronts on both sides of the streets.

SERVICE ROADS - Are local streets which are parallel to a street with a higher classification on one side and are parallel to properties requiring access on the other side. A service road generally has two or more open ends, connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. In this way, a service road provides an access route to properties adjacent to higher classification streets; while, at the same time, reducing the number of access points from these properties onto the higher classification street. Generally, in a given block, one or no access points are provided directly to the higher classification streets, but multiple access points are provided to the adjacent properties.

LOOP STREETS - Are local streets having two open ends; each end generally connects with the same street; no other streets generally intersect between its two ends, and property fronts on both sides of the street.

CLOSE STREETS - Close streets are one-way local streets forming a "U" shape and having two open ends; each end generally connects with the same street. Property fronts on the outside of the "U," but the interior of the "U" should be natural or landscaped open space. This interior area should generally be between fifty (50) and one hundred (100) feet wide. The close street is a neo-traditional street design used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

CUL-DE-SAC STREETS - Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles; no other street generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS - Are similar to cul-de-sacs, except that they provide no turnaround circle at their closed end and are not permitted as streets in any proposed subdivision. Stub streets planned for future connection are not considered to be dead-end streets.

ALLEYS - Alleys generally have two open ends; each end connects with different streets, and property generally backs onto both sides of the alley. Special permission from the Commission is required whenever alleys are used.

RURAL ROADS - Rural roads are local streets providing access to properties in

the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STRUCTURE - Anything constructed, the use of which requires permanent or continuous location on the ground, or attached to something having permanent location on the ground.

TEMPORARY STRUCTURE - Anything constructed and placed on the ground without a permanent foundation and consisting of 400 square feet or more in size, the use of which is designed for use or occupancy for only 180 days or fewer per 12-month period. Any structure intended to remain in place in excess of that time period must be permitted as a permanent structure. For purposes of regulating the use of such structures, any limitation stated in this ordinance shall be calculated by the cumulative consideration of the use of any and all such structures on a single property. This use must also be consistent with the requirements and limitations, if any, of the Kentucky Building Code.

TENANT HOME - An accessory residence, located in an agricultural zone, occupied by a person other than the owner's family or the farm manager, engaged full-time in an agricultural use on the property.

TOPSOIL - The surface layer and its underlying materials that have properties capable of producing desirable reclamation and vegetation.

TOWNHOUSE - A single family attached dwelling, each dwelling designed and erected as a unit, separated from one another by a common wall, and capable of being subdivided into separate lots.

TRAILER - Any portable structure having no foundation other than wheels, jacks, or skirtings; or any vehicle so designed or constructed as to permit:

- (1) temporary occupancy for dwelling or sleeping purposes;
- (2) the conduct of any business, trade, occupation, profession, or use as a selling or advertising device; or
- (3) the transportation of personal property; and including automobile trailers, campers, and tourist trailers, but not including a mobile home.

TRANSFER STATION - A facility, as defined in KRS 224.01(010), for the compacting and reloading of solid waste as defined in KRS 109.012(9) prior to its transportation to a permanent disposal site.

TREE CANOPY TOUR - A guided aerial exploration or transit of the forest canopy, most commonly by means of a series of zip lines or aerial walkways with platforms constructed within the trees generally for scenic views, education, interpretation and recreation.

TRUCK TERMINAL - Land and buildings used as a relay station for the transfer of freight from one truck to another, or for the parking or storage of semi-trailers for longer than 24 hours, including tractor and/or trailer units. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. A truck terminal may include areas for the washing or repair of trucks associated with the terminal, but does not include an establishment solely for the display, rental, sale and minor repair of trucks.

VALUE-ADDED PRODUCT SALES - The sale of items that have been produced in a manner that enhances their value (such as organically), or items that have had a change in the physical state or form of the product (such as milling wheat into flour, making strawberries into jam, pressure canning vegetables, making salsa or producing honey) from an agricultural resource.

VEHICLE STORAGE YARD - A place where vehicles, which have a current vehicle registration and bear a current license plate in accordance with state law, and not used in the conduct of a trade; business; or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days, a parking lot, truck terminal, automobile wrecking, or junk yards.

WALL PLANE, PRIMARY - A building wall or façade that faces the public right-of-way or street that provides the lot frontage. On through lots, corner lots or lots with multiple frontages on public rights-of-way, only one such wall plane shall be required.

WALL PLANE, REAR - A building wall or façade that is ordinarily opposite to the primary wall plane.

WALL PLANE, SIDE - A building wall or façade on the side of a structure, other than the primary or rear wall plane.

WHOLESALE ESTABLISHMENT - An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, institutional or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WHOLESALE ESTABLISHMENT WITH WAREHOUSE - The display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities; motor freight transportation; moving and storage facilities; warehousing and storage activities.

WOODLOT, COMMERCIAL - Premises, or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale (excluding sawmills, planing mills).

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a front yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the front lot line.

YARD, REAR - An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a rear yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the rear lot line.

YARD, SIDE - An open space between a building and a side lot line, unoccupied and unobstructed from the ground upward, except as herein specified. The width of a side yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the nearest side lot line.

YARD, SIDE STREET SIDE - A yard abutting the side street of a corner lot, unoccupied and unobstructed from the ground upward, except as herein specified, and extending from the front yard line to the rear lot line, and being the least distance between the lot line abutting the side street and the building.

YOUTH CAMP - A facility for the primary purpose of providing activities for children, including social, recreational, spiritual and/or educational activities, including accessory and incidental food service, and operated for five (5) or more consecutive days during one or more seasons of the year.

ZIP LINE TRAIL - An aerial trail system providing recreation and education that enables people to traverse terrain by means of a series of zip lines and platforms supported by man-made towers or ground anchors.

ZIP LINE - A cable or rope line suspended between support structures enabling a person attached to a pulley to traverse from one point to another.

ZONE - A portion of the territory within Lexington-Fayette Urban County within which certain regulations and requirements apply under the provisions of this Zoning Ordinance.

ZONE, AGRICULTURAL - A-R, A-B, A-N or A-U zone.

ZONE, BUSINESS - B-1, B-2, B-2A, B-2B, B-3, B-4, B-5P, B-6P or CC zone.

ZONE, INDUSTRIAL - An I-1, I-2 or ED zone.

ZONE, MIXED-USE - An MU-1, MU-2 or MU-3 zone.

ZONE, RESIDENTIAL - An R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3 or PUD-1 zone.

ZOOLOGICAL GARDEN - A park-like area in which live animals are kept in cages or large enclosures for public exhibition.

Section 2- That Article 8 of the Zoning Ordinance of the Lexington-Fayette

Urban County Government is hereby amended to read as follows:

SCHEDULE OF ZONES

The following zones and their requirements appear in the Schedule of Zones included therein:

<u>Section</u>	<u>Zone</u>	<u>Zone Title</u>
8-1	A-R	Agricultural Rural
8-2	A-B	Agricultural Buffer
8-3	A-N	Agricultural Natural Areas
8-4	A-U	Agricultural Urban
8-5	R-1A	Single Family Residential
8-6	R-1B	Single Family Residential
8-7	R-1C	Single Family Residential
8-8	R-1D	Single Family Residential
8-9	R-1E	Single Family Residential
8-10	R-1T	Townhouse Residential
8-11	R-2	Two-Family Residential
8-12	R-3	Planned Neighborhood Residential
8-13	R-4	High Density Apartment
8-14	R-5	High Rise Apartment
8-15	P-1	Professional Office
8-16	B-1	Neighborhood Business
8-17	B-2	Downtown Business
8-18	B-2A	Downtown Frame Business
8-19	B-2B	Lexington Center Business
8-20	B-3	Highway Service Business
8-21	B-4	Wholesale and Warehouse Business
8-22	I-1	Light Industrial
8-23	I-2	Heavy Industrial
8-24	P-2	Office, Industry and Research Park

8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(a) Intent - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

8-1(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.

8-1(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.

8-1(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Horse race tracks with allotted race meets, including accessory simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages, and horse riding and training facilities.
2. Horse sales establishments.
3. Hospitals for large animals, including equine hospitals.
4. Plant nurseries.
5. Commercial greenhouses, but only when all the following conditions are met:
 - a. A 20-foot wide landscape easement shall be provided around all buildings and parking areas or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting, hedge, fence, wall or earth mound. Plantings shall be both deciduous and non-deciduous. A detailed site plan showing proposed screening shall be provided, and a performance bond or letter of credit shall be posted with the Division of Building Inspection to ensure completion of screening. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - b. No structure shall be built within three hundred (300) feet of any existing residential structure on another lot under different ownership, and driveways shall be one hundred (100) feet from property lines.
 - c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.
 - d. No commercial greenhouse shall be located within a floodplain.
 - e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - f. All driveways and parking areas shall be paved or sealed to prevent dust.
6. Commercial composting, but only when the following conditions are met:
 - a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
 - 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 no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.
 - d. 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.
 - e. 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.
7. Agricultural market, but only when the following conditions are met:
 - a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
 - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two interchanges of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.
 - c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
 - d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. As used herein, "facility" shall mean all improvements, including parking and loading areas, but not including driveways for ingress and egress to the property.
 - e. Improvements such as buildings; barns; and other structures, including storm water detention basins, truck parking and loading areas; above-ground and

- underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
- f. All sales and marketing of livestock shall take place in a completely enclosed facility, and no building may be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that 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 the livestock while allowing adequate ventilation and air circulation.
 - g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
 - h. All parking areas and driveways shall be paved.
 - i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
 - j. The facility shall 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.
 - k. Storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and storm water shall be treated appropriately prior to its discharge.
 - l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of the Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
 - m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
 - n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that the aggregate of these uses may not exceed twenty-five percent (25%) of the total square footage of buildings on the property, or 40,000 square feet, whichever is less; and, except as otherwise provided, shall be located in the principal structure on the property, provided they are operated primarily for the benefit of patrons and employees of the agricultural market; provided that no signs identifying such uses are visible from the right-of-way; and provided that all such uses are clearly identified on the site plan submitted to 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.

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 carriers by rail, including office, garage, and 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, Sunday schools and parish houses, 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 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 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, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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 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.
 23. Asphalt plant, but only when associated with mining and/or quarrying 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 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, stormwater and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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.
24. Commercial woodlots, but only when the following conditions are met:
- a. A 50-foot open space area shall be required from the perimeter of the tract of land.
 - b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.
 - c. A 20-foot wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
 - e. No commercial woodlot shall be located within a floodplain or sinkhole.
 - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - g. All driveways and parking areas shall be paved or sealed to prevent dust.
 - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
 - i. Cutting and splitting of timber shall not occur in the 50-foot open space area

- of the site, and only between the hours of 8:00 a.m. - 5:00 p.m.
- j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - k. No signage shall be permitted on the premises.
 - l. Woodlots shall comply with all applicable Federal and State laws.
25. 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.
 26. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one single family detached dwelling.
 27. 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 (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).
 28. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.
 29. Agritourism activities to include corn mazes; 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.
 30. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.
 31. Youth camps.

8-1(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, and campgrounds.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
10. Garden centers, except those activities specifically allowed under the definition of commercial green-houses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.

12. Automobile service stations.
13. Storage, except as permitted herein and by Article 3-9.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Slaughterhouses.
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. Adult entertainment establishments or other similar adult uses.
25. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.
26. Commercial hiking, bicycling and zip line trails; tree canopy tours; canoeing or kayaking launch sites; or recreational outfitters.
27. Commercial farm markets.

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

8-1(f) Minimum Lot Size - Forty (40) acres, except as noted in 8-1(o)(1) below.

8-1(g) Minimum Lot Frontage - 750', except as noted in 8-1(o)(1) below.

8-1(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.

8-1(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.

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 at least 250' of frontage on an existing road; or approved access as provided for in Article 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three years from the date of its adoption.

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.

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.
 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 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.
 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 motocross, or other vehicle or bicycle race tracks.
10. Garden centers, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.
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.

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, Primitive Campgrounds, Sportsmen's Farms, Zoological Gardens, and 7 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 barns.

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.

8-2(o) Special Provisions - For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:

1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Article 6-3(b) of the Land Subdivision Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property owner in the A-B zone to install and to maintain, and shall consist of the following:
 - a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one fence to be not less than fifty-two (52) inches high, set on 7½-foot posts, with a required 6-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on 8-foot posts, with a required 6-inch top board, placed nearest the adjoining agricultural property; or
 - b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on 9-foot posts, with a required 6-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or
 - c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

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 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.

8-3(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.
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 or 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.

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 motocross, or other vehicle or bicycle race tracks.
10. Garden centers, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.
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 trails.
- 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 - 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, Primitive Campgrounds, Sportsmen's Farms, Zoo- logical 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.

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.

8-4 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, 9-11 (but excluding outdoor rifle and other firearm ranges), and 17-21 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 recreational vehicle or trailer campgrounds; fishing and hunting clubs; botanical gardens; nature preserves; and recreational outfitters.
16. Youth camps.

8-4(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 A-R zone, except as permitted herein.
2. Extraction of crude petroleum or natural gas.
3. Quarrying of non-metallic minerals.
4. Airports.
5. Radio, telephone or television transmitting towers, antennas and line-of-sight relays, except as permitted herein.
6. Penal or correctional institutions.
7. Outdoor rifle and other firearm ranges.
8. Concrete mixing.
9. Asphalt plants.
10. Adult entertainment establishments or other similar adult uses.
11. Museums.
12. Commercial farm markets.

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

8-4(f) Minimum Lot Size - No limitation, except for single family detached residences as a principal permitted use; commercial greenhouses, garden centers and equine hospitals as conditional uses, then ten (10) acres minimum.

8-4(g) Minimum Lot Frontage - 250'.

8-4(h) Minimum Front Yard - 50' from the right-of-way.

8-4(i) Minimum Each Side Yard - 25'.

8-4(j) Minimum Rear Yard - 25'.

8-4(k) Minimum Useable Open Space - No limitation.

8-4(l) Maximum Lot Coverage - No limitation.

8-4(m) Maximum Height of Building - No limitation.

8-4(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for A-R.

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

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

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

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

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

Offices of Veterinarians and Animal Hospitals and Clinics - One (1) space per two hundred (200) square feet of floor area (not including any barns, or other indoor areas devoted principally to housing animals), with a minimum of five (5) spaces.

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

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

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

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

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.

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 office.
7. A ground 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 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 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.
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 pools; tennis courts; campgrounds; and private clubs.
7. Churches, Sunday schools, and parish houses.
8. Schools for academic instruction.
9. A roof or pole mounted satellite dish antenna, as further regulated in Article 15-8.
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.

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.
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 - 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.

Text changes in the R-1A zone carry through by reference to the R-1B, R-1C, R-1D, and R-2 zones.

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.

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 office.
6. A ground 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 each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
 4. Minimum side yard - As per Article 8-9(i).
 5. Minimum rear yard - 20% of the lot depth.
 6. Minimum usable open space - No limitation.
 7. Minimum lot coverage - No limitation.
 8. Maximum height of building - 28 feet and 2½ stories.
 9. Maximum lot coverage - No limitation.
 10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
 - b. Where existing lot frontage is 40 feet or greater, the provisions of Article 15-7 and the following shall apply:
 1. Minimum lot frontage - 40 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 each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
 4. Minimum side yard - As per Article 8-12(i).
 5. Minimum rear yard - 20% of the lot depth.
 6. Minimum usable open space - No limitation.
 7. Minimum lot coverage - No limitation.
 8. Maximum height of building - 28 feet and 2½ stories.
 9. Maximum lot coverage - No limitation.
 10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.

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.

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 office.
6. A ground 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) feet.
4. In addition to the special provisions listed above, the lot, yard and height requirements for attached single family dwellings that are approved by the Planning Commission on a final development plan, in defined Infill and Redevelopment areas, shall be as follows:
 - a. Minimum lot size - As per Article 8-10(f).
 - b. Minimum lot frontage - As per Article 8-10(g).
 - c. Minimum front yard - 5 feet.
 - d. Maximum front yard - 15 feet.
 - e. Minimum yard along an alley - 3 feet.
 - f. Minimum side yard for the end of unattached units - 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 located behind the front wall plane of the principal structure on the lot.

- g. Minimum rear yard - 20% of the lot depth.
- h. Minimum usable open space - As per Article 8-10(o)3 above.
- i. Minimum lot coverage - No limitation.
- j. Maximum height of building - As per Article 8-10(m) above.
- k. Maximum lot coverage - No limitation.

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, 6, 8 and 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. Satellite dish antennas, subject to the following:
 - a. For townhouse dwellings, as permitted as an accessory use in the R-1T zone.
 - b. For duplex dwellings, as permitted as an accessory use in the R-2 zone.
 - c. For single family dwellings, as permitted as an accessory use in the R-1A zone.
 - d. For multi-family dwellings and all other uses not specifically provided for otherwise, one ground, roof or pole-mounted satellite dish antenna, as further regulated by Article 15-8.
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, 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.
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

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 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% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - 28 feet and 2½ stories.
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- c. Where existing lot frontage is 35' but less than 50', the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 3,750 square feet.
 2. Minimum lot frontage - 35 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 - As per Article 8-12(i).
 6. Minimum rear yard - 20% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - 28 feet and 2½ stories.
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- d. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 8,000 square feet.
 2. Minimum lot frontage - 50 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 - 8 feet.

- the property being considered for such use.
11. Athletic club facilities, when accessory to another permitted or conditional use.
 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, 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.

6. Minimum rear yard - 20% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - As per Article 8-12(m).
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.7.
5. Lot, yard and height requirements for all other single family detached dwellings in the R-3 zone shall be as follows:
- (1) Minimum lot size - 2,500 square feet.
 - (2) Minimum lot frontage - 25 feet.
 - (3) Minimum front yard - 20 feet, as per Article 8-12(h).
 - (4) 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.
 - (5) Minimum rear yard - 10 feet.
 - (6) Minimum usable open space - No limitation.
 - (7) Maximum lot coverage - No limitation.
 - (8) Maximum height of building - 35 feet.

Text changes in the R-3 zone carry through by reference to the R-4 zone.

8-13 HIGH DENSITY APARTMENT (R-4) ZONE

8-13(a) Intent - This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 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.

8-13(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-3 zone.

8-13(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-3 zone.

8-13(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.

8-13(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-3 zone.
2. Equine trails.

Lot, Yard, and Height Requirements (See Articles 3, 8-13(o) below, and 15 for additional regulations.)

8-13(f) Minimum Lot Size - 6,000 square feet.

8-13(g) Minimum Lot Frontage - 50 feet.

8-13(h) Minimum Front Yard - 20 feet.

8-13(i) Minimum Each Side Yard - 5 feet.

8-13(j) Minimum Rear Yard - 10 feet.

8-13(k) Minimum Useable Open Space - 20%.

8-13(l) Maximum Lot Coverage - 30% and a floor area ratio of 0.7.

8-13(m) Maximum Height of Building - 2:1 height-to-yard ratio, except that buildings under 35' may have side and rear yards as required in the R-3 zone.

8-13(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3.

8-13(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 provided in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o): Special Provisions of the R-3 zone.

8-14 HIGH RISE APARTMENT (R-5) ZONE

8-14(a) Intent - This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 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.

8-14(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multi-family dwellings.
2. Dormitories.
3. Offices, limited to multi-family structures with six (6) or more stories, provided offices are limited to no more than the first two stories with no mixing of offices and apartments on the same floor.

8-14(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone, items 1 through 3, 6, 7 and 9.
2. Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.

8-14(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.
2. Incidental retail uses to any permitted use, but 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.
3. Extended-stay hotels.
4. Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:
 - a. It shall be located in a building containing a minimum of 100 dwelling units.
 - b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.
 - c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.
 - d. It shall have no drive-in or drive-through food service.
 - e. There shall be no more than two restaurants within a building, provided that the 10% limitation is not exceeded.
 - f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
 - g. Signs permitted per multi-family residential building may be used to identify the restaurant.
 - h. This shall not apply to extended-stay hotels.

8-14(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-4 zone, except for offices, as permitted herein, extended-stay hotels, and incidental retail uses.
2. Outdoor commercial and non-commercial recreational facilities, such as zoological gardens, sportsmen's farms, riding stables and equine trails.

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

8-14(f) Minimum Lot Size - 6,000 square feet.

8-14(g) Minimum Lot Frontage - 50 feet.

8-14(h) Minimum Front Yard - 20 feet.

8-14(i) Minimum Each Side Yard - 10 feet.

8-14(j) Minimum Rear Yard - 10 feet.

8-14(k) Minimum Usable Open Space - 20%.

8-14(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-14(m) Maximum Height of Building - 4:1 height-to-yard ratio.

8-14(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3

Accessory Offices - One (1) space for every two hundred (200) square feet of floor area, with a minimum of three (3) spaces per office tenant.

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

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, 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 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.
20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone, school for academic instruction or a child care center.
21. Adult day care centers.
22. Day shelters.

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.
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, school for academic instruction or a child care center.
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 or 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, 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 - 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, 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. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building 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 that 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, 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.

2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

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, 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 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 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.
 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 or kayaking launch sites.

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 cafés, 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.
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 lounges or nightclubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone; and 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 restrictions to minimize nuisance to the surrounding neighborhood.
6. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than 100 feet from a residential zone.
7. Upholstery shop.
8. 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.
9. 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.
10. Rehabilitation homes, but only when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
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 two hundred (200) feet from any residential zone, residential use, school, hospital, nursing 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. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
14. Extended-stay hotels.
15. Parking lots, provided such use conforms to the conditions of Article 16.
16. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.
17. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
18. Recreation vehicle and trailer campgrounds, but only when located within 500 feet of an interstate interchange.
19. Hunting clubs, but only when located more than 500 feet from a residential zone.

20. Country inns, but only when located within 500 feet of an Agricultural Rural (A-R) zone.

8-16(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 primarily engaged in agricultural sales and services, except as permitted herein.
2. Warehouses, 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; 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.
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; transfer stations.
6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
7. Kennels, outdoor runways, or pens for animals.
8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' 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.
9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
10. Dwellings, except as permitted herein.
11. Hotel or motel, boarding house.
12. Wholesale establishments.
13. Greenhouses, nurseries, hatcheries.
14. 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.
15. 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.
16. 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.
17. 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.
18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
19. Pawnshops, except as permitted herein.
20. Pool or billiard halls.
21. Hospitals.
22. Ecotourism activities, except as permitted herein.

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

8-16(f) Minimum Lot Size - No limitation.

8-16(g) Minimum Lot Frontage - No limitation.

8-16(h) Minimum and Maximum Front Yard:

- a. Minimum - 10 feet.
- b. Maximum - 20 feet.

8-16(i) Minimum Each Side Yard - No limitation.

8-16(j) Minimum Rear Yard - No limitation.

8-16(k) Minimum Usable Open Space - No limitation, except where dwelling units are provided as principal uses; then 10%.

8-16(l) Maximum Lot Coverage - No limitation.

8-16(m) Maximum Height of Building - 35 feet, except as permitted in Section 8-16(o)(3).

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

As for P-1.

Accessory Warehousing, Wholesaling, Storage and the like - One (1) space for every 600 square feet of floor area.

Accessory Dwellings - One (1) space per dwelling unit.

Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every 200 square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every 200 square feet of floor area; or one (1) space for every four (4) indoor seats, plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every 150 square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Retail Uses - For the first 10,000 square feet, one (1) space for every 400 square feet of floor area, with a minimum of three spaces; for all floor area exceeding the first 10,000 square feet, one (1) space for every 200 square feet. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.

Self-Service Laundry - One (1) space for every six (6) machines (washers, dryers, and the like.)

Indoor Theaters - One (1) space for every five (5) seats.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Arcades, with or without accessory billiard or pool tables - One (1) space for every 250 square feet of floor area.

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

Country Inns – One (1) space per room or suite rented.

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

8-16(o) Special Provisions:

1. No building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area unless approved by the Planning Commission prior to December 10, 2013 for at least 40,000 square feet in size. No such structure may exceed 60,000 square feet in size, in any event.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing additional open space mixed-income housing; or twenty-five percent

(25%) by using a combination of mixed-income housing and additional open space.

3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional. The study will document the architectural and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features, such as supplemental landscaping; provision of public space and open space buffers; and improved pedestrian accommodations. These drawings shall be made a part of the Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

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 telephone 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.
17. Athletic club facilities.
18. Adult arcades, massage parlors, adult book-stores, 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, 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.
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 persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. 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.
6. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
7. 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.
8. 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.
9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.
10. Ecotourism activities to include commercial hiking, bicycling, equine and zipline trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves; and seasonal activities.

8-17(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 7, except as permitted herein.
2. Outdoor kennels, or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
5. Hospitals.
6. Campgrounds and hunting clubs.
7. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

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

regulations.)

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every 2,000 square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

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.
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.

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 Section 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.

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.
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; 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.

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 a permitted in 8-19(c)(3).
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 zipline 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 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.
9. 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.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
11. The above- or below-ground storage of any flammable material in gaseous form including compressed natural gas.
12. Pawnshops, except as permitted herein.
13. Campgrounds and hunting clubs.
14. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

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

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every 2,000 square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

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, or 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. Barber shops and beauty shops.
15. Show 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 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. Athletic club 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.

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 8-16(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; soccer field or polo field, and 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, residential use, school, church, hospital, nursing home, or rest home.
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, church, hospital, nursing home, or rest home; 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 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 trials; 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 with Two (2) or More Stalls - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

Motels and Hotels - One (1) space per suite with a minimum of five (5) spaces.

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

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels - One (1) space for every 200 square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats - One (1) space for every 100 square feet of floor area, plus one space for every three (3) employees.

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

Theaters - One (1) space for every five (5) seats.

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats - One (1) space for every five (5) seats, plus one (1) space for every three (3) employees.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Garden Centers - One (1) space for every 400 square feet of floor area; plus one (1) space for each employee, with a minimum of five (5) spaces.

Adult Arcades and Massage Parlors - As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores - As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers - As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

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 for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-20(o) Special Provisions

1. Landscape buffer areas shall be required as set forth in Article 18.
2. No building to be used principally as a single store selling food, produce, grocery items or general merchandise shall exceed 80,000 square feet in floor area unless:
 - a) approved by the Planning Commission prior to April 27, 2000 for a larger area, or
 - b) the building is designed to meet the design guidelines for "big-box" retail establishments (Article 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.

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.
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, animal grooming facilities 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 pre-cut, 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.

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.
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, Sunday schools, and church-related schools for academic instruction, 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 trials; 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.

8-21(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 farm markets, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or 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 two hundred (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) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every 400 square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise - One (1) space for every 250 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 for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-21(o) Special Provisions:

1. All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors which are designed and intended solely for pedestrian access.
2. Landscape buffer areas shall be required as set forth in Article 18.
3. An Office/Warehouse mixed-use project may be permitted by the Planning Commission upon the approval of a final development plan, as provided in Article 21 of the Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Article 8-21(b), the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of 75% of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed-use project;
 - b. Dwelling units for on-site security personnel.
4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
 - a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include at least one existing building that will be adaptively

- re-used as a principal structure.
- c. The applicant shall provide documentation demonstrating that the Project meets at least three of the following criteria:
 1. It will incorporate sustainable features such as LEED Certification, "green" infrastructure, alternative energy or other innovative design or system.
 2. It will include a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or is over 50 years old.
 3. It is in a district that has applied for, or has obtained, special funding such as tax increment financing or similar government incentives.
 4. It will provide residential housing, at least 10% of which will be set aside for affordable housing.
 5. It will provide a high degree of innovative accommodation for non-vehicular transportation.
 6. It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.
 7. It is within an area that is a brownfields recovery site.
 8. Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
 9. It has a single building of over 30,000 square feet that is over 50 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 50 years old. A single building may not be used to meet both criteria #2 and #9.
 - d. Principal uses in Adaptive Reuse Projects:
 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; 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.
 16. Indoor recreational facilities.
 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 Section 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 percent (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.
 - l. 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. 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.
 - 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; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable under-ground 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 places 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, and 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.
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.
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. Heliports 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, Sunday schools, and church-related schools for academic instruction, 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.
 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.
 21. Circus, 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.

22. Day Shelters.

23. Ecotourism activities to include campgrounds; commercial hiking, bicycling, and zip line trials; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

8-22(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-4 zone, items 3 through 11 and 14 through 16.
2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of 4,000 gallons.
4. Slaughterhouses.
5. Equine trails, children's rides, pony rides and petting zoos.

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

8-22(f) Minimum Lot Size - No limitation.

8-22(g) Minimum Lot Frontage - No limitation.

8-22(h) Minimum Front Yard - 20'.

8-22(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-22(o).

8-22(j) Minimum Rear Yard - No limitation, except as provided in Section 8-22(o).

8-22(k) Minimum Useable Open Space - No limitation.

8-22(l) Maximum Lot Coverage - No limitation.

8-22(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height to yard ratio.

8-22(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses - One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks - One (1) space for every five (5) seats.

Correctional or Penal Institutions - One (1) space for each employee.

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

Retail Sales Facility for manufactured goods - One (1) space for every 400 square feet of floor area.

Industrial Mixed Use Projects - As for MU-3, except that off-site parking may be provided in conformity with Article 16-1(d).

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-22(o) Special Provisions

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Except for Industrial Mixed Use Projects, all buildings and structures shall be at

least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors which are designed and intended solely for pedestrian access.

3. Landscape buffer areas shall be required as set forth in Article 18.
4. An Industrial Mixed Use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:
 - a. The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed Use, and should not displace an existing agriculture-related use permitted in the I-1 zone.
 - b. At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.
 - c. At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed Use Project shall be required to be built at the 20-foot setback.
 - d. In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed Use Project:

As Principal Permitted uses:

1. Dwelling units.
2. Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.
3. Uses permitted in the Neighborhood Business (B-1) zone.
- 4.

As Conditional uses:

1. Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
2. Restaurants or nightclubs offering live entertainment and/or dancing, brew-pubs, or nightclubs, wine or spirit-tasting rooms [unless prohibited under Section 8-16(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 or other emissions not creating a nuisance to the surrounding neighborhood.

As Prohibited uses:

1. All adult uses listed in Section 8-16(e)(14) through (17) of the Zoning Ordinance.

- e. The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed Use Project shown on the development plan. Each building within the Industrial Mixed Use Project shall not be required to contain a mixture of uses, provided that at least one structure shall contain a mixture of uses.

8-23 HEAVY INDUSTRIAL (I-2) ZONE

8-23(a) Intent - This zone is intended for manufacturing, industrial, and related uses that involve potential nuisance factors. It is also intended to encourage Adaptive Reuse Projects of older structures in or adjoining 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 to the adequacy of the street system to serve the anticipated traffic needs.

8-23(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.
2. Abrasives manufacturing.
3. Acid (non-corrosive) manufacturing.
4. Aerosol packaging.
5. Agricultural uses, including hatcheries.
6. Asbestos manufacturing.
7. Automobile assembling, rebuilding, and reconditioning.
8. Bleaching plant.
9. Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, metal working shops, operative reciprocating hammers or chisels or other noise-producing machine operated tools.
10. Bolt or screw thread rolling or cutting.
11. Bottle making.

12. Brewery, winery and distillery.
13. Brick, tile and terra-cotta and other clay products manufacturing.
14. Briquette manufacturing from previously prepared charcoal.
15. Bronze casting.
16. Candle or sperm oil manufacturing.
17. Canvas manufacturing.
18. Carpet or rug manufacturing.
19. Coke manufacturing.
20. Concrete mixing, concrete products.
21. Correctional institutions.
22. Die casting and making.
23. Disinfectant, insecticide, or poison manufacturing.
24. Dye or dyestuff manufacturing and printing ink manufacturing.
25. Electric power generating plant.
26. Excelsior and fiber manufacturing.
27. Fencing, woven wire manufacturing.
28. Fertilizer manufacturing.
29. Forge.
30. Foundry.
31. Gas storage: Above- or below-ground storage for resale of flammable or non-flammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form unless the method of distribution is first permitted as a conditional use in this zone; 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. Any outside storage area must be enclosed on all sides by a fence or a solid wall, not less than six (6) feet in height.
32. Glass fiber manufacturing.
33. Glucose manufacturing.
34. Grain drying and poultry feed manufacturing from refuse, mash, or grain.
35. Hair manufacturing.
36. Iron storage, sorting, collecting or baling.
37. Leaf mold and similar plant material processing or manufacturing.
38. Linoleum, oil cloth or oiled goods manufacturing.
39. Match manufacturing.
40. Nitrating processes.
41. Oil, paint, shellac, turpentine, varnish or enamel manufacturing or the grinding of colors by machine.
42. Paper or pulp manufacturing.
43. Paper scrap or waste storage, sorting, collecting or baling.
44. Perfume manufacturing.
45. Plaster manufacturing and products.
46. Potash manufacturing or refining.
47. Pyroline plastic manufacturing.
48. Railroad roundhouse or yards.
49. Roofing material factory.
50. Rubber manufacturing, treating or reclaiming plant.
51. Sand blasting.
52. Sewage treatment plant.
53. Shoe blacking or polish manufacturing.
54. Soda ash, caustic soda or washing compound, containing chlorine bleaching powder manufacturing or refining.
55. Stadium.
56. Steam power plant.
57. Storage, drying, or cleaning of rags, glass, cloth, paper or clippings, including sorting, refining, baling, wool pulling and scouring.
58. Sugar refining or starch manufacturing.
59. Tar or asphalt roofing or waterproofing manufacturing.
60. Textile manufacturing.
61. Tire manufacturing.
62. Vehicle storage yards.
63. Adaptive Reuse Projects, as set out in Section 8-21(b)3 and Section 8-21(o)4.

8-23(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

The permitted accessory uses in the I-1 zone.

8-23(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Acid (corrosive) manufacturing.
2. Ammonia, chlorine or bleaching powder manufacturing.

3. Animal black, lamp black or bone black manufacturing.
4. Asphalt plant, but only when the following conditions are met:
 - a. That no asphalt plant 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, stormwater 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, adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads - All access roads which 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.
 - 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.
5. Automobile wrecking, scrap iron storage or wrecking.
6. Blast furnaces.
7. Building materials salvage yard.
8. Celluloid and pyroxylin manufacturing or explosives, or inflammable cellulose or pyroxylin products manufacturing or storage.
9. Cement, lime, gypsum, or plaster of paris manufacturing.
10. Coal storage.
11. 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.
12. Creosote manufacturing or treatment.
13. Cupola or metal smelting furnace and ore or metal reduction.
14. Distillation of coal, petroleum, refuse, grain, wood, or bones.
15. Explosives manufacturing or storage, except for small arms ammunition.
16. Fertilizer manufacturing using organic materials, compost or storage.
17. Fish curing, smoking, or packing, fish oil manufacturing or refining.
18. Gas (acetylene, illuminating or heating) manufacture or storage.
19. Gas storage and distribution facility where the means of distribution is railroad

- tank cars, gas piping, or tank trucks, which may each have a water capacity in excess of 4,000 gallons; however, the volume shall be governed by National Fire Protection Association regulations.
20. Glue manufacturing, size or gelatin manufacturing, where the processes include the refining or recovery of products from fish, animal refuse, or offal.
 21. Junk yard.
 22. Livestock feed yards.
 23. Machinery wrecking or storage yard.
 24. Petroleum or inflammable liquids production, refining and storage.
 25. Rock or stone crusher, or mill, 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.
 26. Slaughtering of animals or stockyards.
 27. Smelting of aluminum, copper, tin, iron, zinc ore.
 28. Steel mill.
 29. Storage, curing or tanning of raw, green or salted hides or skins.
 30. Sulphurous, sulphuric, nitric, picric, carboic, or hydrochloric or other corrosive acid manufacturing.
 31. Yard for storage of dismantled, or partially dismantled, automobiles.
 32. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
 33. 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.
 34. 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 the Heavy Industrial (I-2) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
 35. Transfer station, but only when the following conditions are met:
 - a. This use shall be conducted in a completely enclosed building. No transfer station shall be closer than 1,000 feet to any A-R zone, to any residential zone, nor to any existing residence on another lot under different ownership.
 - b. The facility shall be operated at all times in compliance with applicable Federal, State and local laws, including Health Department regulations; regulations on noise, air, and water quality; and this Zoning Ordinance. A plan demonstrating proposed conformance with these requirements shall be submitted as part of any application.
 - c. A site/development plan, indicating existing screening and landscaping, fencing and significant geological or physical features of the property, shall be submitted as part of any application. The development plan shall be prepared by either an engineer, architect, landscape architect, land surveyor, or certified planner. This plan should also indicate all existing contours, drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet of the proposed transfer station. The facility shall have adequate groundwater monitoring, waste spillage, and liquid waste/leachate containment measures incorporated into the building and site, and all liquid waste must be disposed of via sanitary sewers. In the event adequate waste liquids/leachate containment, delivery controls and spillage control methods cannot be provided, the conditional use permit may be denied.
 - d. The site/development plan should also indicate access points, proposed signage, and internal circulation designed to minimize the impact of traffic, dust, and vehicle noise on areas outside the site. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks, while being easily accessible to Federal or State highways. The plan shall identify (at a minimum) the route(s) to and from the site, the schedule and frequency of shipments, employee parking areas, and stacking areas for trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - e. All driveways and stacking areas shall be paved or sealed to prevent dust.
 - f. No transfer station shall be located within a 100-year floodplain or sinkhole area.
 - g. No waste shall remain overnight at the site.
 - h. This use shall be conducted only between the hours of 7:00 a.m. - 7:00 p.m.

- i. The operator shall identify and employ misting, spritzing, masking agents, or absorption agents to control offensive odors.
 - j. 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, odor, truck traffic, vermin or other disease vectors, dust or other public health hazards. The Board shall also be able to find that the applicant has demonstrated specific measures in their application and plans that assure compliance with the applicable state environmental performance standards of 401 KAR 47:030.
36. 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.
 37. 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.
 38. Ecotourism activities to include campgrounds; commercial hiking, bicycling, and zip line trials; tree canopy trails; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

8-23(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-4 zone, items 3 through 11 and 14 through 16.

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

8-23(f) Minimum Lot Size - No limitation.

8-23(g) Minimum Lot Frontage - No limitation.

8-23(h) Minimum Front Yard - 20'.

8-23(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-23(o).

8-23(j) Minimum Rear Yard - No limitation, except as provided in Section 8-23(o).

8-23(k) Minimum Useable Open Space - No limitation.

8-23(l) Maximum Lot Coverage - No limitation.

8-23(m) Maximum Height of Building - As for I-1.

8-23(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for I-1.

8-23(o) Special Provisions

1. All buildings, outside storage areas, loading and working areas (except accessory parking) in conjunction with uses which are first permitted in the I-2 zone shall be located at least 300 feet from any residential zone and at least 100 feet from any other zone except B-4, I-1, or A-R.
2. Landscape buffer areas shall be required as set forth in Article 18. As to transfer stations, except in all cases at least a 15-foot landscape buffer shall surround the transfer station use.
3. Outside storage and working areas (except accessory parking) shall be enclosed by a solid wall or fence, not less than six (6) feet in height.

8-24 OFFICE, INDUSTRY AND RESEARCH PARK (P-2) ZONE

8-24(a) Intent - This zoning category is created to provide for a mixture of compatible office, research, warehouse and industrial uses in a park-like setting with high quality standards of development. This zone shall be located as recommended by the Comprehensive Plan. While it is recognized that actual development of property zoned P-2 may occur in increments smaller than the total acreage shown on the Comprehensive Plan, the terms "P-2 area" and "P-2 park" as used herein are intended to mean the entire contiguous area of ORP as designated on the

Comprehensive Plan. The limitations on retail and hotel/motel uses stated herein have been drafted with the expectation that a P-2 project will include all such property as shown on the plan.

8-24(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.
3. Research development and testing laboratories or centers.
4. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction, including dormitory facilities.
5. Libraries, museums, art galleries, and reading rooms.
6. Medical and dental offices, clinics, and laboratories.
7. Telephone exchanges, radio, and television studios.
8. Studios for work or teaching of fine arts, such as photography; music; drama; dance; and theater.
9. Community centers and private clubs.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Television system signal distribution centers and studios.
13. Meeting and conference centers.
14. Storage and warehousing, when conducted in a completely enclosed building.
15. Parking lots and structures.
16. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.
17. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following previously prepared materials: 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.
18. 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.
19. Other industrial and manufacturing uses, such as beverage manufacturing; dairy and non-dairy, and food and non-food product bottling plants; box and crate assembly; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering and japanning; 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; and tool manufacturing.
20. Recycling, sorting, baling and processing of glass, nonferrous metals (not including automobile wrecking yard), paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
21. Hotels and motels, as specifically regulated under Article 8-24(o)(12) herein below.
22. Indoor and outdoor athletic facilities, such as field houses; gymnasiums; soccer; polo; and baseball fields.
23. Outdoor recreational facilities, including swimming pools; tennis courts; golf courses and golf driving ranges, and similar uses.
24. Agricultural research and experimentation facilities.
25. 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 square feet per child.
26. One designated retail sales area per P-2 project, limited to the following uses:

Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.

Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.

Establishments for the retail sale of food products, as per Article 8-16(b)(2).

Medical and dental offices, clinics, and laboratories.
Ticket and travel agencies.

Restaurants, cocktail lounges and night clubs, with entertainment, dancing, and/or sale of alcoholic beverages.

Establishments for the retail sale of merchandise, as per Article 8-16(b)(4).

Beauty shops, barber shops, and shoe repair.

Automobile service stations.

Quick copy services utilizing xerographic or similar processes, but not including offset printing methods.

Laundry and laundry pick-up stations, but not including self-service laundry.

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.

Athletic club facilities.

27. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height-to-yard ratio.

28. Adult day care centers.

29. Day shelters.

8-24(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the P-1, B-4, and I-1 zones, except as specifically prohibited in Article 8-24(e) below.
2. Within the designated retail area, the following accessory uses shall be permitted:

Parking areas and structures.

One dwelling unit for the 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 use.

Warehousing, wholesaling, and storage, excluding outdoor storage.

Drive-through facilities for the sale of goods or products or the provision of services otherwise permitted herein.

Satellite dish antennas, as further regulated by Article 15-8.

3. Residential uses solely for incidental use by employees of a permitted use.

8-24(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops and/or heliports, provided such facilities conform to the requirements of all appropriate Federal, State, and local regulations.
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. 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.

4. 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.
5. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
6. Ecotourism activities to include zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

8-24(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. Dwellings, except as accessory uses for watchmen or caretakers, or as permitted under 8-24(c)(2) and (3) above.
2. All outdoor storage, display, and/or sales areas, including any vehicular sales facilities; but excluding outdoor patio areas operated in conjunction with a restaurant.
3. Any uses first permitted in the Heavy Industrial (I-2) zone.
4. Refuse dumps, incinerators, and landfills.
5. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks which each have a water capacity in excess of 4,000 gallons.
6. Ecotourism activities, except as permitted herein.

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

8-24(f) Minimum Lot Size - Five (5) acres, except in the designated retail area and areas which have been approved for a final development plan, then no limitation. See 8-24(o)6 below.

8-24(g) Minimum Lot Frontage - No limitation.

8-24(h) Minimum Front Yard - 200' on streets classified as expressways and major arterials on the official functional classification map; 100' for all other street frontages, except cul-de-sacs, which shall have a minimum front yard of 50'.

8-24(i) Minimum Side Yard - A combined side yard of 50', with a minimum of 25'.

8-24(j) Minimum Rear Yard - 25'.

8-24(k) Minimum Useable Open Space - See 8-24(o) below.

8-24(l) Maximum Lot Coverage - 30%; with a maximum floor area ratio of .4, except in the designated retail area, which shall have a maximum lot coverage of 25%, with a maximum floor area ratio of .5.

8-24(m) Maximum Height of Building - 1:1 height-to-yard ratio.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Office Uses - One (1) space for each 400 square feet of floor area.

Uses first permitted in the B-4 zone - As per B-4.

Uses first permitted in the I-1 zone - As per I-1.

Designated Retail Area - One (1) space for each 400 square feet of floor area for the first 10,000 square feet; one (1) space for each 200 square feet of floor area after the first 10,000 square feet.

Adult Day Care Center-One (1) space for every ten (10) persons being provided car, 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.

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

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

8-24(o) Special Provisions

1. Any site to be zoned in a P-2 zoning category shall be a minimum of fifty (50) net acres in size.
2. No more than fifty percent (50%) of any P-2 project shall be covered with buildings and parking lots or other paved surfaces designed for vehicular use. All open space areas shall be permitted, however, to contain outdoor recreational/athletic facilities, such as ball fields; jogging trails; tennis courts; picnic areas; golf courses; or similar outdoor activities for the use of the employees of the principal use of the property or the public at large. Land owned by the developer at the time of rezoning, which is subsequently dedicated at no cost to the public as recreational or open spaces (not streets), shall be included in such open space requirement.
3. The developer shall be required to provide proof of at least the following private covenants having been created prior to the approval of any final development plan:
 - a. A design committee of at least three registered architects and landscape architects (mixed 2 to 1 in either combination) shall be required to review and approve all site and architectural designs within the development.
 - b. An owners' association or other mechanism which provides for uniform maintenance of all open space areas and common areas.
4. Landscaping shall be required as per Article 18 of the Zoning Ordinance, except as modified herein. Perimeter landscaping around the exterior boundary of the project shall be as provided under Article 18 for the I-1 zone; however, the Commission may permit such portions of required perimeter planting to be reallocated to areas interior to the site, where it finds that solid screening is not needed to screen the uses from the adjoining rights-of-way or properties. In addition, ten (10) square feet of landscape area for each 100 square feet, or fraction thereof, of vehicular use area shall be required within the park. Street trees shall be required as outlined in the Land Subdivision Regulations. Each lot shall be required to provide on-site tree planting at a standard of 25 trees per acre, which shall include any street trees and trees planted within vehicular use areas. Existing trees may be substituted for such required new trees as outlined in Article 18-3(a)(7).
5. Signage within the P-2 zone shall be specifically regulated under Article 17-7(m) of the Zoning Ordinance.
6. A preliminary development plan shall be required to be filed in conjunction with any zoning map amendment to a P-2 zone. No building permits shall be issued for any lot or building within the development unless and until final development plans are approved, as provided in Article 21. The minimum size project for any final development plan shall be five (5) acres. A final development plan with two or more buildings shall be designed as a cohesive architectural statement, with all development features exhibiting compatible design elements. Where lots are proposed less than five (5) acres in size, the minimum lot, yard, and height requirements shall apply to the entire project, rather than to each subdivided lot.
7. Parking areas shall not be permitted to encroach into required front, side, and rear yards. However, no more than 10 visitor parking spaces may be permitted within such required yards.
8. In addition to the required development plan, the applicant for any P-2 zoning category shall be required to file a comprehensive development statement at the time of filing. Such comprehensive development statement shall include, at a minimum:
 - a. A traffic impact analysis.
 - b. A preliminary site analysis of all significant natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, existing vegetation which should be given priority as use for open space areas.
 - c. Any proposed use restrictions, building requirements, architectural requirements, or similar restrictions over those required herein.Such studies shall be evaluated by the staff as part of the overall review of the map amendment request and development plan. Based upon such review, the Planning Commission and/or Council may impose restrictions on uses or other development aspects, including design criteria, as a part of the approval of the P-2 project.
9. A designated retail area can be included within the project at the option of the developer for any project containing over 100 net acres. If included, such designated retail area shall be defined on the preliminary development plan at the time of creation of any P-2 zone and shall be able to be expanded or relocated only with the approval of the legislative body as for a zone change. The designated retail area shall be designed and located to primarily serve the needs of employees and visitors to the Office, Industry and Research Park. It shall be located internal to the park and shall not be located on adjoining arterial streets. The retail area shall not be less than one percent (1%) of the total area of the park, nor greater than five percent (5%) of the total area of the park, in any case.

10. Except to the extent otherwise permitted in Article 8-24(e) above, all uses shall be conducted in a completely enclosed building.
11. No site utilities shall be permitted to be above ground, with the exception of major electric and telephone distribution lines (which shall generally be located on lot perimeters), pad mounted transformers, and similar facilities. Service connections of such utilities to individual buildings shall be required to be underground. Any utilities to be located above ground shall be shown on required final development plans. All such overhead utilities shall be designed, located, and, where appropriate, screened, so as to preclude visibility from adjoining arterial roadways and public open space and/or greenway areas to the greatest extent feasible.
12. The number of hotels and/or motels within a P-2 project shall not exceed a total of one (1) per fifty (50) net acres of the P-2 project; and the total acreage in motel/hotel uses shall not exceed ten percent (10%) of the area of the P-2 project.

Section 3- That Article 11 of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-1 INTENT - The intent of the Interchange Service Business (B-5P) zone is to permit the establishment of limited commercial facilities at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this Article are intended to provide adequate protection for, and consideration of, the traveling public.

11-2 PRINCIPAL USES PERMITTED - The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

- a. Automobile Service Stations and automobile and vehicle refueling stations providing full service, self service, or a combination thereof; including the sale of convenience type merchandise in conjunction therewith in an enclosed building not exceeding 3,000 square feet in floor area. Such uses shall conform to all requirements of Article 16.
- b. Facilities for the sale of convenience type merchandise in an enclosed building not exceeding 3,000 square feet in floor area in conjunction with pumps for the sale of fuel for vehicles.
- c. Restaurants, excluding drive-in restaurants.
- d. Cocktail Lounges, Nightclubs, Wine Tasting Rooms and Discotheques, with or without live entertainment or dancing.
- e. Brew-pubs, when located at least 100 feet from a residential zone, which 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.
- f. Hotels and Motels.
- g. One Confectionery or Candy Store, not exceeding 1,500 square feet, per interchange quadrant.
- h. Roadside stand and value-added product sales, not exceeding 3,000 square feet in floor area or land area.
- i. Carnivals on a temporary basis, and upon issuance of a permit by the Division 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 may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- j. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height to yard ratio.
- k. Car washing establishments, provided that surface water from such uses 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. The use shall be located at least 150 feet from a residential zone or residential structure in a non-residential zone; or the use shall be designed so that all vehicular stacking areas and machine operations, including vacuuming and mechanical washing, shall be conducted inside a building, or shall be separated from the residential zone or residential structure in a non-residential zone by a building or an eight-foot solid wall.

11-3 ACCESSORY USES PERMITTED - Accessory uses permitted in the B-5P zone are those uses which are customarily accessory, clearly incidental, and subordinate to any permitted principal use, such as:

- a. Swimming pools.
- b. Meeting rooms.
- c. Tennis courts, putting greens, handball courts, and other similar indoor or outdoor recreational facilities.
- d. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
- e. Bus agencies.

11-4 CONDITIONAL USES - The following are conditional uses in an Interchange Service Business (B-5P) zone (Permitted only with Board of Adjustment approval):

- a. 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.
- b. 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.
- c. Seasonal activities.

11-5 PROHIBITED USES - All uses, other than those specifically named as permitted uses, shall be prohibited in the B-5P zone.

11-6-LOCATIONAL STANDARDS - A B-5P zone may be established only upon land having a minimum of 500 feet of frontage on a street designated by the Commission as an arterial and abutting a limited access highway interchange. The location of such B-5P zone shall have an acceptable relationship to the design of the limited access highway which it abuts.

11-7 MINIMUM DESIGN STANDARDS

11-7(a) ACCESS - There shall be no direct entrances or exits from any establishments to any arterial street unless acceleration and deceleration lanes not less than 200 feet in length and 11 feet in width are provided for both directions of travel.

11-7(b) NON-CONFORMING USES - Development of a B-5P zone in accordance with the provisions of this Article shall include the removal of any non-conforming use located on the property involved.

11-7(c) PARKING - Off-street parking areas for each permitted principal use shall be provided at least equal to those required for each such use in the B-3 zone.

11-7(d) SCREENING - Landscaping and screening shall be provided as required in Article 18.

11-7(e) LOT, YARD AND HEIGHT REQUIREMENTS - Lot and yard requirements shall be as for the Highway Service Business (B-3) zone. There shall be no height restriction except when a side or rear yard adjoins a residential zone, then a 3:1 height-to-yard ratio.

11-8 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the B-5P zone shall be the same as provided in Article 6 herein above; and in addition, as follows:

11-8(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 herein below.

11-8(b) FINAL DEVELOPMENT PLANS REQUIRED - Within two (2) years of approval by the Urban County Council of any B-5P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval; otherwise, an application to change the B-5P zone to its previous zone or other appropriate zone may

be filed by the Commission, as provided under Article 6 herein above. The final development plan shall show the information as specified by Article 21 herein below. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits the development plan.

11-8(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

Section 4- That Article 23A of the Zoning Ordinance of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

23A-4 CONSERVATION DISTRICT (CD) ZONE

23A-4(a) INTENT - This zone is intended to provide areas within the Expansion Area for active and passive recreation and to provide neighborhood and community recreational facilities needed to serve the residents of the Expansion Area.

23A-4(b) PRINCIPAL USES

1. Outdoor commercial and noncommercial recreational facilities such as golf courses, driving ranges, zoological gardens, sportsmen's farms (excluding rifle and other firearm ranges), riding stables, fishing lakes, and outdoor swimming pools, outdoor tennis courts, outdoor skating rinks, baseball fields, soccer fields, polo fields, and the like; and including a structure not exceeding 1000 square feet for the administration of the outdoor recreational use.
2. Ecotourism activities to include hiking, bicycling, equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; botanical gardens and nature preserves.

23A-4(c) ACCESSORY USES

1. Private garages, storage sheds, and parking lots.

23A-4(d) CONDITIONAL USES

1. Sale of food and merchandise directly associated with the recreational activity when accessory to a principal use.
2. Lighting of outdoor recreational facilities.
3. Outdoor speakers and public address systems. Such systems shall only be permitted by the Board of Adjustment upon finding 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 to the location, power, and time of operation of such systems to ensure the protection of surrounding uses and properties.
4. 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.
5. Ecotourism activities to include primitive camping, fishing and hunting clubs, and seasonal activities.

23A-4(e) PROHIBITED USES

1. Commercial recreational facilities such as amusement parks, bowling alleys, skating rinks, pool or billiard halls, outdoor theaters, automobile race tracks, athletic club facilities.
2. Indoor recreational facilities.

3. Ecotourism activities, except as permitted herein.

LOT, YARD AND HEIGHT REQUIREMENTS

23A-4(f) MAXIMUM HEIGHT OF A BUILDING - 35 feet.

23A-4(g) PARKING REQUIREMENTS

Outdoor Athletic Facilities - One space for every five spectator seats.

Riding Stables, Sportsmen's Farms, and Zoological Gardens - Five spaces plus one space for each employee.

Golf Courses - Three spaces for each hole on the main course.

Driving Ranges - One space per driving tee, plus one space per employee, with a minimum of five spaces.

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

23A-5 EXPANSION AREA RESIDENTIAL (EAR-1) ZONE

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, with or without associated child care, in locations where the Comprehensive Plan recommends semi-public uses.

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 Offices.
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. Non-commercial hiking and bicycling trails.

23A-5(d) CONDITIONAL USES

1. Home Occupations.
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. Equine trails.
7. Seasonal activities.

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

1. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-1 zone shall be open space.

Note: Text changes in the EAR-1 zone carry through by reference to the EAR-2 and EAR3.

23A-9 COMMUNITY CENTER (CC) ZONE

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.
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 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 station, 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 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 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.

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.
 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 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; electro-plating; 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 farm; 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 else- where 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 and their accessory structures; and public buildings.
3. No building shall exceed 20,000 square feet in floor area except:
 - a. a building which contains a mix of residential and non-residential uses;
 - b. a building designed and intended to be used for a school, church or public building;
 - c. a building 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. only one of the additional buildings may exceed 80,000 square feet in size; and
 4. 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 23-A ECONOMIC DEVELOPMENT (ED) ZONE

23A-10(a) INTENT - The purpose of the Economic Development zone is to provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan.

23A-10(b) PRINCIPAL USES

1. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
2. Computer and data processing centers.
3. Medical and dental offices, clinics and laboratories, and hospices.
4. Research development and testing laboratories or centers.
5. Mail order businesses.
6. 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.
7. 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.
8. Other industrial and manufacturing uses such as auto parts rebuilding; battery manufacturing; beverage manufacturing; 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; caterers; cooperage; crematory; 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; stone monument works; tool manufacturing, welding, and other metal working shops.
9. Regional medical campus consisting of an integrated complex of medical service providers and related support facilities on a campus of not less than fifty (50) gross acres governed by a single development plan. The development plan must demonstrate that the regional medical campus will contain hospitals and similar in-patient treatment facilities, which may include accessory cafeterias, pharmacies and gift shops. In addition, the following uses shall be considered part of a regional medical campus: outpatient clinics and treatment facilities, surgery centers, nursing homes, medically-supervised assisted living facilities, and extended-stay hotels.
10. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
11. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.

23A-10(c) ACCESSORY USES

1. Off-street parking areas and structures, and loading facilities.
2. A dwelling unit for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. 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.
4. Offices.
5. Recreational facilities, except as otherwise permitted herein.
6. 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 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 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. Helistops 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 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. 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.
 5. Ecotourism activities to include campgrounds; commercial hiking and bicycling trails; equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

23A-10(e) PROHIBITED USES

1. All uses listed as permitted or prohibited within the B-4, I-1 and I-2 zones, except as expressly permitted herein.
2. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers.
3. Dormitories.

LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS

23A-10(f) MAXIMUM HEIGHT OF BUILDING - 90 feet, exclusive of mechanical equipment; or a 1:2 height-to-yard ratio, whichever is less, as measured from the contiguous ED zone boundary, provided that the average height of all buildings within the contiguous ED zone shall not exceed 48 feet.

23A-10(g) FLOOR AREA RATIO - A maximum of 0.75.

23A-10(h) MINIMUM FRONT YARD - 5 feet.

23A-10(i) OFF-STREET PARKING REQUIREMENTS - Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

Hospices - One (1) space for every two (2) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

23A-10(j) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within an ED zone shall be open space.
2. No structures other than sidewalks, transparent fences, or stone fences shall be located within 5' of any public street right-of-way.
3. No more than half of the required off-street parking area shall be located between a building and any collector street.
4. Each parcel in an ED zone shall have direct access to a pedestrian access way.
5. The development shall be screened from adjoining zones and arterial highways as for an industrial zone under Article 18-3(a)(1).
6. All uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six feet (6') in height.
7. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
8. No buildings or structures in the ED zone, other than driveways, transparent fences and stone fences, shall be located in a Scenic Resource Area; however, the Scenic Resource Area may be used to calculate the required floor area ratio.

9. No outdoor loud speakers shall be permitted.
10. No portion of a regional medical campus shall be located within 1,000 feet of the boundary of the Urban Service Area.
11. There shall be no more than one extended-stay hotel for a regional medical campus that contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus that contains more than 100 acres, provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: a) a part of a building that also contains medical facilities permitted on the campus; or b) physically connected by interior access ways to facilities containing medical services permitted on the campus. Extended-stay hotels shall be internally oriented to the site (e.g., not located on adjoining arterial streets.)

Section 5 – That Land Subdivision Regulations Chapter 1 is amended as follows to be consistent with the changes to the zoning ordinance:

GENERAL PROVISIONS AND DEFINITIONS

LAND SUBDIVISION REGULATIONS

ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

1-14 DEFINITION OF WORDS - Throughout these Subdivision Regulations, all words in the present tense include future tense, and all words in the plural number include the singular number or vice-versa, unless the natural construction of the wording indicates otherwise. The word "may" is permissive, while the words "shall" and "will" are mandatory. The following words and phrases, when used in these regulations, shall be defined and interpreted as follows:

ENVIRONMENTALLY SENSITIVE AREA - Any area which, due to its natural or physical setting, may have environmental problems with regard to development or use. Areas included are (but are not limited to) areas of steep slope (over 15%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, any significant tree or significant tree stands, aquifer recharge areas, and similar areas steep slope (over 15%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, any significant tree or significant tree stands, aquifer recharge areas, and similar areas.

Section 6 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 7, 2016


MAYOR

ATTEST:

Clerk of Urban County Council

Published: July 14, 2016-1t
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Recd by KA
Date: 7/29/15

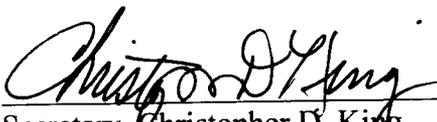
RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: ZOTA 2014-4: RECREATION AND TOURISM LAND USES – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

Having considered the above matter on **October 23, 2014; March 26, 2015; & June 25, 2015**, at three Public Hearings, and having voted **6-5** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of this matter for the following reasons:

1. The 2013 Comprehensive Plan recommends “strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

ATTEST: This 29th day of July, 2015.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Traci Wade, Senior Planner.**

OBJECTIONS

- Greg Bibb, Chair of the Rural Land Management Board
- Missy Byars, Fayette County Neighborhood Council (FCNC)
- Bill Lear, attorney
- Ann Graham, resident of Council District 5
- Knox Van Nagell, Fayette Alliance
- Gregory Butler, Chair of the Greenspace Commission
- Nick Nicholson, attorney, representing Horse Country, Inc.
- Burgess Carey, 8039 Old Richmond Road
- Jim Griggs, McCalls Mill Road
- Todd Johnson, Homebuilders Association of Lexington (HBAL)
- Tom DuPree, Lexington resident

OBJECTORS

- He believes that rural farmland is vital to the local and state economy, and that it should be protected.
- The FCNC is concerned about the effects of some of the possible recreational uses on nearby neighborhoods.
- He is concerned about the possibility of allowing incompatible uses near horse farms in the A-R zone.
- She is concerned about the protection of neighborhood parks.
- She believes that additional recreational uses should be allowed in agricultural areas, but they must be compatible with agricultural operations.
- He is concerned that the proposed recreational uses are too restrictive, and could suppress the potential for development of new uses in the agricultural area.
- His clients contend that gift shops should be allowed in agricultural areas.
- He believes that the proposed agricultural uses are too restrictive, and limit the ability of property owners to sustain their land through commercial activities.
- He is concerned that existing rural neighborhoods could be compromised if new commercial uses are allowed in the agricultural zones.
- HBAL members are opposed to the proposed text amendment because they do not believe it provides property owners with enough opportunities for commercial ventures to support themselves.
- He supports personal property rights, and he believes that allowing more commercial uses in the agricultural zones could be beneficial for job growth in Lexington-Fayette County
-

- Debra Kelly, owner of Kelly Farms, Old Richmond Road
- Chauncey Morris, Kentucky Thoroughbred Association
- Randy Gilbert, Kentucky Thoroughbred Farm Managers' Club
- Carrie McIntosh, Fayette County Farm Bureau
- Betty Webb, former member of the Greenspace Commission and Preservation Committee
- Susan Enlow, resident of Council District 12
- Dr. Luke Fallon, Hagyard Equine Medical Institute
- Richard Murphy, attorney, representing Hidden Haven, LLC
- Jane Snyder-Harrod, 8385 Durbin Lane
- Amy Clark, 628 Kastle Road
- Jan Hellebusch, 134 Hamilton Park
- Gloria Martin, Grimes Mill Road
- Charles Martin, Grimes Mill Road
- She is concerned about her family's ability to continue operating a profitable corn maze and other activities to support their agricultural operations.
- He believes that it is important to protect the landscape that is the foundation of the equine industry.
- He is concerned about protecting the livelihoods of his organization's 700 members, who depend upon agricultural land to support the equine industry.
- She believes that non-commercial recreational opportunities should be strengthened in the rural area, in such a way as to protect agricultural uses.
- She is concerned that the proposed text amendment conflicts with guidelines outlined in the Greenspace Master Plan.
- She is concerned that additional sound, light, traffic, and visitors could negatively impact the equine industry.
- He believes that the A-R zone should remain intact in order to protect the thoroughbred industry.
- He suggests adding principal uses to the A-N zone, contending that many of the areas recommended for that zone are unsuitable for typical agricultural operations.
- She supports expanding the allowable uses in the A-N zone, as it could provide more financial opportunities for her farm.
- She is concerned about allowing historical horse race wagering in the community.
- She is concerned that historical horse race wagering could have a negative impact on neighborhoods.
- She is concerned that allowing additional recreational uses in the agricultural zones could have a negative effect on surrounding neighborhoods, parks, and agricultural operations.
- He is concerned that the proposed uses will not be compatible with the recommendations of the Rural Land Management Plan, Greenspace Plan, and Greenway Plan

VOTES WERE AS FOLLOWS:

AYES: (6) Berkley, Cravens, Drake, Mundy, Richardson, and Smith

NAYS: (5) Brewer, Owens, Penn, Plumlee, Wilson

ABSENT: (0)

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **ZOTA 2014-4** carried.

Enclosures: Minutes of Planning Commission Initiation
Recommended Text
Staff Report
Applicable excerpts of minutes of above meetings

the pedestrian connection across the railroad. In order to construct that connection, the petitioner has to coordinate with the University of Kentucky, the utility companies, and the railroad, which can be a lengthy process.

Mr. Murphy said that the petitioner believed it would be better to combine the 16 parcels that make up the subject property into a cohesive development, rather than develop them separately, in a piecemeal fashion. He said that piecemeal development often results in a "hodgepodge" of structures. The petitioner contends that the proposed development meets established infill principles, and believes that it will be one of the best developments in the neighborhood.

With regard to the meeting Ms. Daley referenced in her comments about another new development in the area, Mr. Murphy said that the petitioner does not own that property, and is actually as curious about the proposal as the area residents. He stated that that additional new development further illustrates the changing nature of the neighborhood. He reiterated that the petitioner is in agreement with the staff's recommendations, and requested approval.

Staff Rebuttal: Ms. Wade stated, with regard to Mr. Murphy's comments about density, that the staff calculates the density of the property based on the number of dwelling units, rather than the number of bedrooms provided. She said that the number of bedrooms is a factor in terms of parking calculations, but is not a factor in the density. The petitioner is proposing 40 dwelling units, for a density of 34 units per acre. Ms. Wade added that, if the petitioner was proposing a townhouse development with 20 townhouses, regardless of the number of bedrooms, the density would be approximately 16 units per acre.

Citizen Rebuttal: Ms. Daley stated that, before the structures on the subject property were demolished, there were six houses there. She added that the property was subdivided into 16 parcels following the demolition of the six homes.

Commission Discussion: Mr. Owens stated that, while he did agree that the area is in transition, he believes that the area's redevelopment will continue.

Ms. Plumlee stated that she believed that Ms. Daley's presentation was very well done, and she thanked her for her input at this hearing.

Zoning Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-1 (Plumlee opposed; Cravens and Penn absent) to approve MAR 2013-20, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 8-1 (Plumlee opposed; Cravens and Penn absent) to approve ZDP 2013-103, subject to the conditions as listed in the revised staff recommendation, deleting condition #6.

VI. COMMISSION ITEMS

- A. ZONING ORDINANCE TEXT AMENDMENT INITIATION FOR RECREATIONAL USES** – Ms. Wade stated that the staff was requesting that the Planning Commission initiate a text amendment that is a result of the work of the Recreation ZOTA Task Force. She noted that the Commission had discussed the proposed text amendment at two of their recent work sessions.

Action: A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-1 (Cravens and Penn absent; Drake opposed) to initiate the requested Zoning Ordinance text amendment.

VII. STAFF ITEMS

- VIII. AUDIENCE ITEMS** – No such items were presented.

IX. MEETING DATES FOR FEBRUARY, 2014

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	February 6, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 13, 2014
Planning Commission Work Session, Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 20, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	February 26, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	February 27, 2014

- X. ADJOURNMENT** – There being no further business, Chairman Owens declared the meeting adjourned at 5:07 p.m.

Mike Owens, Chair

Carla Blanton, Secretary



Text Recommended by the Planning Commission on June 25, 2015

ZOTA 2014-4 & SRA 2014-1

Lexington Fayette Urban County Government Zoning Ordinance Text Amendment (ZOTA) for Recreation and Tourism Land Uses

Article 1 – General Provisions and Definitions

- Zoning Ordinance changes include new definitions and modifications to existing definitions

Article 8 – Schedule of Zones

- Zoning Ordinance changes include the addition of new uses in most zones

Article 11 – Interchange Service Business (B-5P) Zone

- Zoning Ordinance changes include the addition of new uses in this zone

Article 23A – Expansion Area (EA) Zoning Categories and Restrictions

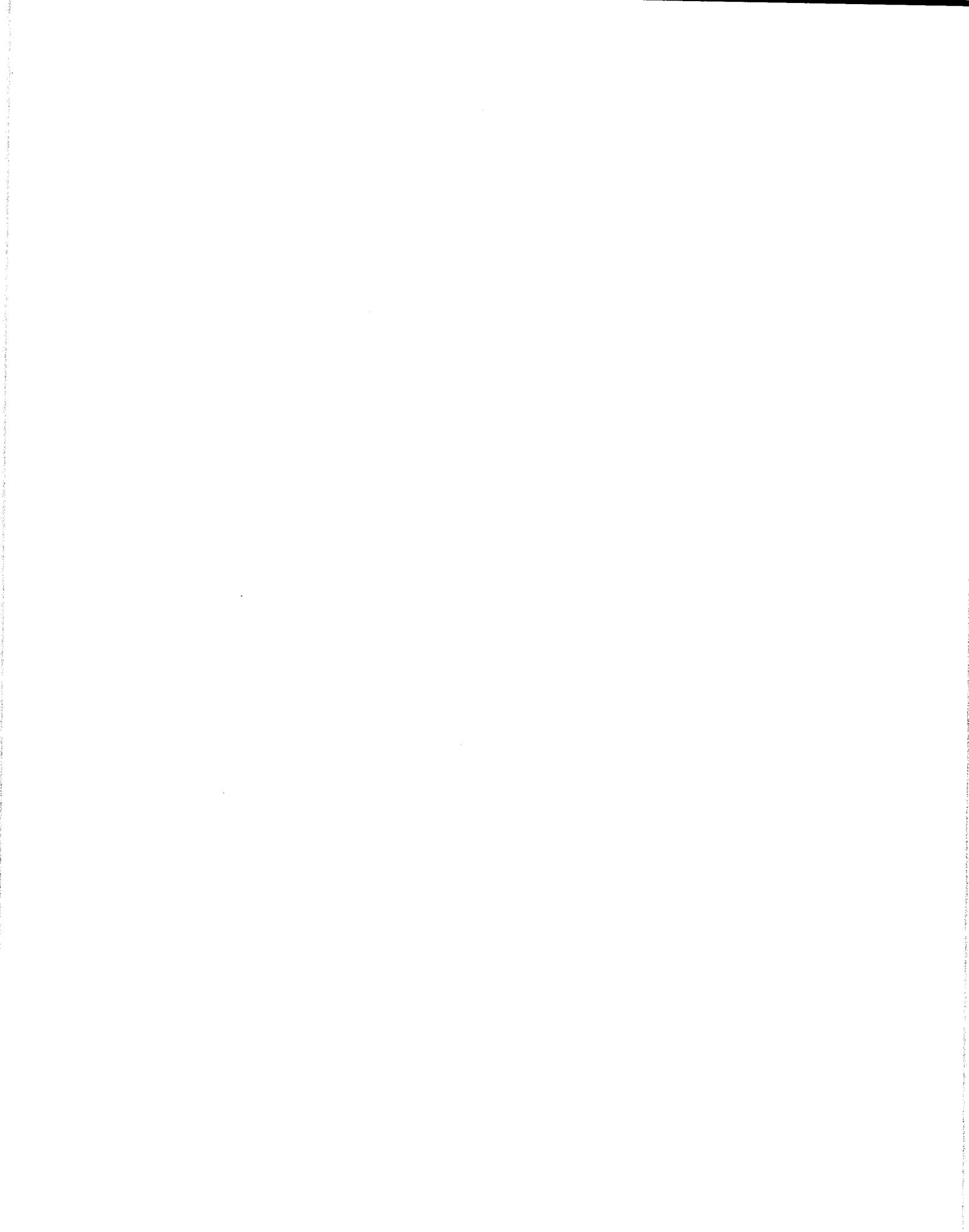
- Zoning Ordinance changes include the addition of new uses in several Expansion Area zones

Subdivision Regulation Amendment (SRA) for Recreation and Tourism Land Uses

Article 1 – General Provisions and Definitions

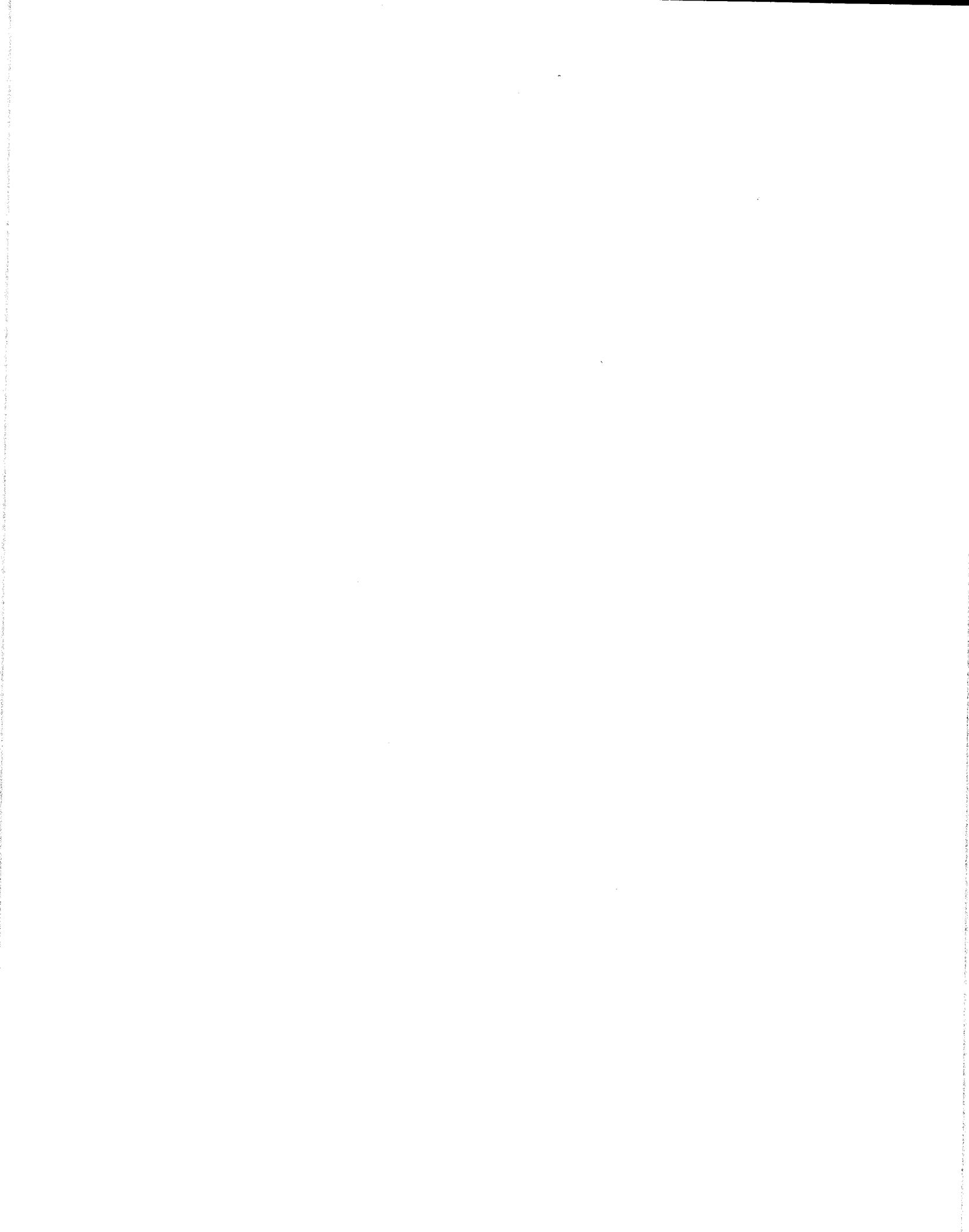
- Subdivision Regulations change is to the definition of “environmentally sensitive area”

Note: Additions to the Zoning Ordinance or Subdivision Regulations are shown with dashed and underlined text, and deletions are shown with ~~strike through text~~. Text boxes are provided to draw attention to the text proposed for modification.



Text Recommended by the Planning Commission on June 25, 2015

Article 1 – General Provisions and Definitions



ARTICLE 1

DEFINITIONS

1-11 DEFINITIONS - For the purpose of this Zoning Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the word person includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word structure includes building; the word occupied includes arranged, designed or intended to be occupied; the word used includes arranged, designed or intended to be used; the word shall is always mandatory and not merely directive; the word may is permissive; and the word lot includes plot or parcel. Other words and terms shall have the following respective meanings:

ACCESSORY USE OR STRUCTURE - A use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental thereto. No accessory structure can be constructed on a lot before a principal structure.

ADAPTIVE REUSE - The process of adapting abandoned, vacant or underutilized buildings and structures for new purposes, which amounts to a change in the structure's primary purpose, a significant change in the way in which the structure is incorporated into and operates within the exterior environment, or which incorporates a non-traditional yet compatible combination of purposes or uses within the site plan. The adaptive reuse should incorporate changes that rejuvenate and/or increase the sustainability of the site and/or neighborhood while retaining historic features of the original building(s) and/or structure(s).

ADULT ARCADE - Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices are maintained to show images to five or fewer persons per machine at any one time; and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas" as herein defined.

ADULT BOOKSTORE OR ADULT VIDEO STORE - Any building or structure which contains or is used for the display or sale or rental of books, magazines, movie films, motion pictures, videos, computer disks

and any and all printed or written materials, newspapers, photographic materials, drawings, novelties, other pictorial representations, devices and related sundry items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as herein defined; or an 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, live- stock,

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.

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.

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.

ASSISTED LIVING FACILITY - A residential facility other than a nursing home, or elderly housing 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 may also be provided 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;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

BOTANICAL GARDEN - A garden dedicated to the collection, cultivation and display of a wide range of plants.

BREW-PUB - A restaurant with an area devoted to the accessory sale of wine or alcoholic beverages, which also houses an accessory micro-brewery without permanently installed bottling equipment, all within the same completely enclosed building.

BUILDING - Any structure for the shelter or enclosure of persons, animals or property.

BUS AGENCY - A facility providing inter-city transportation to passengers and other bus customers, limited to loading and unloading of passengers and/or freight, and the sale of tickets and/or shipping space; but not to include activities exclusive to a passenger transportation terminal.

BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL, OR INSTITUTION - An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged. Such training shall not include any courses or instruction in which the field or occupation would not be a permitted use within the zoning category in which the institution is located.

CABLE TELEVISION SYSTEM - Any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming or other electronic or optical signals originated by the system itself or by another party by wire or cable to persons who subscribe to such service.

CAMPGROUNDS - An outdoor facility for short-term overnight recreational use.

CAMPGROUNDS, PRIMITIVE - A lot or parcel of land without amenities, such as water or electricity, to individual camp sites upon which tents are placed. Shared bathroom facilities and parking areas are permitted.

CAMPGROUNDS, RECREATIONAL VEHICLE OR TRAILER - A lot or parcel of land upon which two or more recreational vehicle sites are located for occupancy by recreational vehicles, trailers or tents. Water and electricity to individual camp sites is typical.

CARNIVAL - A temporary outdoor amusement use in a business or industrial zone lasting no longer than ten days per calendar year that includes mechanical rides, with or without inflatables. Such uses may also include games, live music, games of chance, live entertainment (other than typically associated with a "circus," defined herein), booths, food service, merchandise sales, pony rides and/or a petting zoo intended for children. A carnival does not include a circus, activities conducted at the state-designated County Fair or events at a fairgrounds designated for

that activity. Carnivals may not be conducted on any property during the state-designated County Fair, or during the two weeks immediately prior to the County Fair.

CELLULAR TELEPHONE TRANSMITTING FACILITY, TEMPORARY - Any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves, not meeting the definition of a "structure" as defined by this Zoning Ordinance.

CHILD CARE CENTER - Any facility which provides full or part-time care, other than family child care, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky.

CHILD CARE, FAMILY - An incidental and subordinate use within a dwelling and not an accessory structure, where full or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of Kentucky.

CHILDREN'S RIDES - A temporary outdoor amusement device, not involving a permanent structure, primarily designed for persons less than five (5) feet in height or less than thirteen (13) years of age, including mechanical rides and/or inflatables. Such uses may also include pony rides and/or petting zoos.

CIRCUS - A temporary use or special event lasting no longer than ten days per calendar year that is intended or likely to attract substantial crowds to view entertainment and animal performances or displays (other than a petting zoo intended for children and/or outdoor pony rides), and which is not usually associated with the principal use of the property where the special event is to be located. Such uses may or may not also include rides, games, booths, food service and merchandise sales. No accessory structure associated with a circus can be constructed or erected on a lot without a principal structure thereon.

CLINIC, MEDICAL - A building, or part thereof, designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUB, PRIVATE - Buildings and facilities, the purpose of which is to render a social, educational, or recreational service to members and their guests; and not primarily to render a service customarily carried on as a business or to render a profit. Private club shall include country club.

COCKTAIL LOUNGE - A commercial establishment dispensing and serving alcoholic beverages for consumption on the premises and in which live entertainment, exclusive of dancing, is permitted.

COMMERCIAL COMPOSTING - The aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low grade fertilizer, and primarily for use or distribution off the production site.

COMMERCIAL GREENHOUSE - An establishment primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning and contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery.

Note: This definition applies only to land use as provided for in the Zoning Ordinance and Subdivision Regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes.

COMMISSARY - Premises used for preparation of food for restaurant use.

COMMISSION - Lexington-Fayette Urban County Planning Commission.

COMMUNITY CENTER - Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

COMMUNITY RESIDENCE - A building or group of buildings for up to eight (8) children or adults, not receiving counseling or recovering from drug or alcohol abuse or a psychiatric disorder and not assigned to the home as a condition of parole or probation, who by virtue of their physical or mental needs must reside temporarily in a supervised home. More than eight such residents shall be permitted only as a rehabilitation home.

COMPREHENSIVE PLAN - The adopted plan for Lexington-Fayette County, which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements, whether expressed in words, graphics, or other forms.

CORN MAZE – A recreational facility that creates a labyrinth utilizing an agricultural product intended to be harvested, such as corn, to create a system of paths. This definition shall apply to “hay mazes” as well.

COUNTRY INN – A private facility located in a rural setting that has six (6) or more guest rooms or suites for transient occupancy, in which breakfast and other meals may be served to the guests, and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy. This definition does not include boarding or lodging houses, bed and breakfast facilities, motels, hotels, or extended-stay hotels.

COURTYARD - An open area, partially or completely surrounded by buildings, used as outdoor common area, generally paved and/or landscaped, and primarily for private use. This may also be used to meet the open space requirement of the Zoning Ordinance as herein defined.

CULTURAL TOURISM – Activities associated with geographical places, artifacts, architecture and/or past events that represent the stories and people of the past offered to the public for the purpose of education and enjoyment. These activities should not diminish the place, element or feature for future generations.

DAY SHELTER – Facilities which provide on a free or not-for-profit basis access to indoor shelter, generally during the hours encompassing dawn to dusk, and which may also provide in conjunction therewith personal support services, primarily to, or intended for, persons who otherwise may not have access to indoor shelter if only available on a cost or for profit basis. This definition shall not include temporary emergency heating or cooling shelters which operate only during extreme weather periods.

DEVELOPMENT IMPROVEMENTS - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for human activities. Typical development improvements referenced in these regulations are grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewer facilities, utility lines

of all types, street name signs, property number signs, trees, etc. As used herein, development improvements may also be referred to as development or improvements.

DIAMOND MESH WIRE - A fencing material typically used in rural areas which, by its strength and construction, is effective in prevention of climbing and in control of animal movement. The term shall also be construed to include fencing commonly referred to as “V” mesh fencing. The term does not include chain link fencing.

DIVISION OF ENGINEERING MANUALS - The Division of Engineering Manuals (also known as the Engineering Manuals, or the Manuals) is a set of seven documents to provide standards for the design, review, construction, and inspection of infrastructure. The Engineering Technical Manuals are Construction Inspection (also known as the Inspection Manual), Geotechnical, Roadway, Sanitary Sewer and Pumping Station, Stormwater, and Structures. In addition to the six Technical Manuals, a Procedures Manual for Infrastructure Development (also known as the Procedures Manual) establishes the responsibilities and procedures to be used by the Lexington-Fayette Urban County Government, the land developer and the project engineer. These Manuals are hereby adopted by the Urban County Government and incorporated into this Zoning Ordinance by reference. From time to time, the Urban County Government may revise, modify, or amend the Manuals in conformance with the procedure established in the Procedures Manual. When any of the Engineering Manuals are cited by this Zoning Ordinance, the current edition, latest revision, shall be referenced.

DORMITORY - A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such an institution, school or college. Where kitchen facilities or provisions for such are provided, such rooms shall be deemed dwelling units.

DRIVEWAY, FOR SINGLE FAMILY AND TWO-FAMILY DWELLINGS - A private paved vehicular access, a maximum of twenty-four (24) feet in width, or ten (10) feet in width when inside the Infill and Redevelopment Area, extending on the shortest reasonable path through the front yard or side street side yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and shall be subject to the area limitations and landscaping requirements of this Zoning Ordinance.

DWELLING - A building, or portion thereof, occupied exclusively for residential purposes, not including a mobile home or trailer.

DWELLING, MULTIPLE FAMILY - A building, or portion thereof, occupied exclusively for residential purposes by more than two (2) families or more than two (2) housekeeping units.

DWELLING, SINGLE FAMILY - A building occupied exclusively for residential purposes by one family or one housekeeping unit. Townhouses are included in this definition.

This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five years prior to January 1, 2010, subject to the following:

- (a) the occupancy is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as a rental dwelling has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 1. by more than 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 5%; or
 2. unless approved by the Board of Adjustment as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units, commonly known as a duplex. Townhouses are not included in this definition.

This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five years prior to January 1, 2010, subject to the following:

- (a) the occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as rental dwellings has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 1. by more than 25% unless the building has been expanded by 25% or more under a building permit issued on or after January 1, 2005, in which case, then by no more than 5%; or

2. unless approved by the Board of Adjustment as a conditional use after January 1, 2010.

- (d) the limitation on enlargement of the building set forth in (c) above shall not apply in the case of the addition of a second unit in a Two-Family (R-2) zone, provided that both units thereafter conform to the limitation of four unrelated persons per dwelling unit.

DWELLING UNIT - One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by a family as owner, by rental or lease on a weekly, monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same building, and containing independent kitchen and sleeping facilities.

ECOTOURISM - Activities conducted in natural, greenspace, or environmentally sensitive areas that are offered to the public for the purpose of enjoyment, education, and active involvement in the activities of the site. These activities shall safeguard the integrity of a natural feature, habitat or ecosystem.

ELDERLY HOUSING - Multiple family structures containing at least twenty-four (24) units and solely devoted to housing families consisting of two (2) or more persons, of which the head (or his spouse) is sixty-two (62) years of age or over, or is handicapped; and single persons who are sixty-two (62) years of age or over, or are handicapped.

ENGINEER, PROJECT - A person currently licensed to practice engineering in the State of Kentucky and in good standing with the Kentucky Board of Registration for Professional Engineers and Land Surveyors; or a firm in good standing as an Engineering company in Kentucky, if the work is to be accomplished other than as a sole practitioner. Work performed under the supervision or at the direction of the project engineer, including, but not limited to: preparation of plans, inspections, reports, testing, and directives or orders regarding work pursuant to these Subdivision Regulations, shall be considered to be the work of the project engineer. Whenever qualifications are questioned, the Commission will consult with the Bluegrass Chapter of the Kentucky Society of Professional Engineers or the Consulting Engineers Council of Kentucky.

ENGINEER, URBAN COUNTY - The Director of the Lexington-Fayette Urban County Government Division of Engineering.

ENTERTAINMENT, LIVE - Any performance at a restaurant, cocktail lounge, or nightclub by any person; including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to: singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

ENTRANCE, PRIMARY - Entrance used as the main pedestrian access point of a structure and along the front lot line.

EQUINE HOSPITAL - A veterinary hospital used primarily for the treatment and care of horses, which may include office facilities and the storage of medicinal supplies when accessory to the primary use.

ESTABLISHED GRADE - The finished elevation, at any point, of the ground level at the base of a fence, wall or projection.

EXTENDED-STAY HOTEL - Multiple family dwelling(s) with rental or lease of less than one week, provided such rentals or leases of less than one week shall comprise less than 50% of the total dwelling units within the structure(s).

FAMILY OR HOUSEKEEPING UNIT - A person living alone, or any of the following groups living together and sharing common living and kitchen facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Four (4) or fewer unrelated persons;
- (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship;
- (d) Not more than eight (8) persons who are:
 1. Residents of a “home-like” residence, as defined in KRS 216B.450;
 2. “Handicapped” as defined in the Fair Housing Act, 42 U.S.C., Section 3602(h). This definition does not include those currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C., Section 802(6).
- (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of “dwelling, single family” or “dwelling, two-family,” as contained in this Article.
- (f) A functional family as defined and regulated

FAMILY, FUNCTIONAL - A group of five (5) or more persons, not otherwise meeting the definition of “family,” who desire to live as a stable and permanent single housekeeping unit and who have received a conditional use permit from the Board of Adjustment. “Functional family” does not include:

- (a) residents of a boarding or lodging house;
- (b) fraternity, sorority or dormitory;
- (c) any lodge, combine, federation, coterie or like organization;
- (d) any group of individuals whose association is temporary or seasonal in nature;
- (e) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARM GIFT SHOP - An accessory retail facility limited to a maximum of five hundred (500) square feet in size that offers for sale farm products grown or raised on the premises, and/or memorabilia representative of the farm products grown or raised on the premises, such as hats, shirts, and souvenirs.

FARM MARKET, COMMERCIAL - An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public primarily agricultural products such as fresh produce, seasonal fruits, fresh plants or flowers, value-added products, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site. Farm markets shall not include the sale of livestock.

FARM PRODUCERS - Any person, persons or legal entities who are actually engaged in the business of producing/growing farm raised products they sell at the market.

FARM TOUR - An accessory use to a working or active farm or other agricultural use that permits visitors a way to see and experience on-going agricultural operations and facilities, but shall not include overnight accommodations.

FESTIVAL - A temporary public or commercial gathering lasting no longer than ten days per calendar year where entertainment, food, crafts, and the like are offered for viewing or for sale.

FISHING OR HUNTING CLUB - Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities, but shall not include overnight accommodations, or rifle or other firearm ranges.

FISHING LAKE – A body of water that is located on private property where a fee is paid in order to fish.

FLOOR AREA - The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. In particular, floor area includes:

- (a) basement space at least seven and one-half (7½) feet in height;
- (b) elevator shafts or stairwells at each floor;
- (c) penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of seven and one-half (7½) feet or more; interior balconies, mezzanines, hallways, lobbies;
- (e) floor space in accessory buildings not used for off-street parking;
- (f) laundry rooms, game rooms, or other spaces designed for the common use of the occupants;
- (g) any other floor space not specifically excluded.

However, the floor area of a building shall not include:

- (a) non-habitable basement space which is less than seven and one-half (7½) feet in height;
- (b) elevator or stair bulkheads;
- (c) accessory water tanks, or cooling towers;
- (d) outside steps that are uncovered;
- (e) attic space (whether or not a floor has been laid) providing structural headroom of less than seven and one-half (7½) feet;
- (f) mechanical equipment space;
- (g) interior space used exclusively as parking space for motor vehicles.

FLOOR AREA, PARKING - The floor area of a structure as defined herein, exclusive of any covered pedestrian area in a mall, less storage and warehouse areas, laundry rooms, game rooms, or other spaces designed for the common use of the occupants, and used principally for non-public purposes of said structure. Any basement or cellar space used for retailing shall be included in the parking floor area for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

FLOOR AREA RATIO - Floor area of buildings on a lot divided by pre-development net ground area of the lot on which it is located.

FRATERNITY OR SORORITY HOUSE - A building used as a living and/or gathering quarters for students of a college, university or seminary (not living in a

“dormitory” as defined herein) who are members of a fraternity or sorority that has been or is seeking to be officially recognized by the college, university or seminary; or their guests. In identifying such use, the following factors shall be among those considered, regardless of number of occupants:

- (a) signage or other indications that the building is used by a fraternity or sorority;
- (b) fraternity- or sorority-sponsored social activities, such as meetings; parties; dances or other gatherings; and
- (c) events to which fraternity or sorority alumni or prospective members are invited.

A “Family or Housekeeping Unit” or “Boarding or Lodging House” as defined herein are excluded, unless the use demonstrates specific characteristics of use as set forth above.

GARAGE, COMMUNITY - A structure or structures only for the storage of passenger vehicles or trailers of residents of the neighborhood.

GARAGE, PRIVATE - A space or structure, including a carport, on the same lot with or in the building to which it is accessory, primarily for storage of passenger vehicles of the residents of the premises, with no facilities of a commercial or public nature.

GARDEN CENTER - Establishments used primarily for the sale of live plants, including greenhouses and plant nurseries. When accessory to the sale of plants, the sale of the following items shall be allowed: cut plants, cut trees and wreaths, bulbs and seeds which may have been transported to the premises for the purpose of resale; ground covers; fungicides, insecticides, chemicals, peat moss, humus, mulches and fertilizers; lawn statuary, furniture, bird baths, bird feeders, birdhouses and pottery; pots and containers for plants; artificial flowers; home lawn and garden equipment, including manual and automatic grass cutting devices, grass seeding devices, mulchers, thatchers, tillers, but not including farm tractors and machinery; garden landscape devices, including railroad ties, stepping stones, fencing, edging, trellises, plastic and burlap; hand tools such as sprayers, shovels, dusters, rakes, hoes, and watering devices; firewood; landscape planning and contracting services incidental to the garden center to include contractual services for lawn and garden sprigging, maintenance, fertilizing, spraying and mowing.

GREENWAY - An area defined as a “greenway” in the Comprehensive Plan or other adopted plan.

HAZARDOUS MATERIALS - Any chemical, biological or radiological compound, gas, oil, gasoline, lubricant or other petroleum products, 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 OCCUPATION - A gainful occupation or profession carried on in a residence, such as 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 uses 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, 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.

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 of used, discarded or salvaged materials as part of manufacturing operations; and vehicle storage yards.

KENNEL - Commercial business for the sale or temporary boarding of more than three (3) dogs, but not including the ownership and occasional sale of dogs at, in, or adjoining a private residence.

KITCHEN FACILITIES - Equipment arranged in a room or some other space in a structure which facilitates the preparation of food, including, but not limited to, a combination of two or more of the following -- a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

LIGHTING CUTOFF - Any shielding that conceals the source of lighting visible from the property lines of a site.

LOT - A parcel of land of at least sufficient size to meet the minimum zone requirements for use, coverage and area, and to provide such yards and open spaces as required under this Zoning Ordinance.

LOT AREA - The amount of surface land contained within the property lines of a lot, including land within easements on the lot, but excluding any land within street right-of-way.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street; and where, in either case, the interior angle formed by intersection of the street lines does not exceed one hundred thirty-five (135) degrees.

LOT COVERAGE - The computed ground area occupied by all buildings within a lot.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE - The distance between the side lot lines measured along the front building line of the lot,

as determined by the prescribed front yard requirement of the zone in which the lot is located, or as designated by the final record plat, whichever is greater.

LOT LINES - The property lines bounding the lot.

LOT LINE, FRONT - In the case of a lot abutting upon only one street or alley, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Zoning Ordinance, have the privilege of electing any street lot line as the front lot line, provided that such choice, in the opinion of the Division of Planning or the Division of Building Inspection, as appropriate, will not be injurious to the existing, or to the desirable future development of adjacent properties.

LOT LINE, REAR - Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall, for the purpose of this Ordinance, be considered the rear lot line. In other cases not covered herein, the Division of Planning or the Division of Building Inspection, as appropriate, shall designate the rear lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT LINE, STREET OR ALLEY - A lot line separating the lot from a street or alley.

LOT WIDTH - The mean horizontal distance across the lot, measured at right angles to the depth.

MAIL ORDER BUSINESS - A business engaged in the sale of manufactured products, goods, merchandise and finished products primarily through means of mail or telephone orders, including the administrative offices of such business.

MAIL SERVICE FACILITY - A commercial establishment that conducts the retail sale of stationery products, provides packaging and mail services to retail customers, and provides mailboxes for lease.

MASSAGE PARLOR - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment is administered by a medical practitioner; chiropractor; acupuncturist; physical therapist or similar professional person licensed by the Commonwealth of Kentucky or

another state. This definition does not include an athletic club facility, health club, school, gymnasium, reducing salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MICRO-BREWERY - A facility within a completely enclosed building which is intended for the production of up to 25,000 barrels per year of malt beverages, under the terms and conditions specified by KRS 243.157, KRS 243.150, and other applicable laws.

MINING - Underground excavation made into the earth from which to extract materials produced for sale, exchange or commercial use.

MIXED-INCOME HOUSING UNIT - A dwelling unit provided for sale to an owner-occupant household with an income that does not exceed 100% of median income (adjusted for family size), or for rent to a household with an income that does not exceed 80% of the median income (adjusted for family size) for Lexington-Fayette County. A unit shall be deemed a mixed-income housing unit for an owner-occupant if the total amount of principal, interest, taxes and insurance does not exceed 36% of the household's income; and a unit shall be deemed affordable to a rental household if the total rent, including any tenant-paid utilities, does not exceed 30% of the household's income. In the alternative, a fixed price may be set for a mixed-income housing unit for sale to an owner-occupant if the total principal and interest (for a 30-year mortgage) does not exceed 30% of the total household income for a family of four at 80% of the median income for Lexington-Fayette County; also, if the unit is for rent, then the maximum monthly rent may not exceed 1% of a household income that is at 80% of the median income for Lexington-Fayette County.

MOBILE HOME - Any factory-built structure, with or without a permanent foundation, as defined in KRS 227.550, which is designed and constructed on a permanent chassis to permit occupancy for dwelling or sleeping purposes, either permanent or temporary, when connected to the required utilities; and includes the plumbing, heating, air-conditioning and electrical systems contained therein. These are also known as "manufactured homes," which are regulated by the federal government and the State Fire Marshall, and are required to carry only a "HUD" seal applied by the manufacturer.

MOTEL - 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.

NATURE PRESERVE – An area intended to remain in a predominantly natural or undeveloped state to provide resource protection which may include possible opportunities for passive recreation and environmental education for present and future generations.

NEIGHBORHOOD DESIGN OVERLAY ZONE - An overlay zone, applied in addition to the underlying zoning category, whereby key characteristics of a particular neighborhood or area are preserved for either new building (infill) construction or replacement of existing structures.

NIGHTCLUB - A commercial establishment for dancing and live entertainment, which may or may not include dispensing and serving alcoholic beverages for consumption on the premises.

NURSING HOME - A facility for which four (4) or more persons may be admitted for periods exceeding twenty-four (24) hours to receive treatment and/or medication for bodily illness, including convalescence from illness.

OPEN SPACE, USEABLE - Outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Such areas may be ground or roof space seventy-five percent (75%) open to the sky, balconies a minimum of five (5) feet wide, an enclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading areas, driveways, vehicular use area perimeter landscaping and interior landscaping, unenclosed fire escapes, or required front and side street side yard areas do not qualify as useable open space; provided, however, that those portions of the required side street side yard may qualify as useable open space, as long as such open space is separated from the street right-of-way by a fence or solid screen planting.

PARKING LOT, AREA, OR STRUCTURE - An area not within a building for temporary (less than 24-hour) off-street parking, loading or unloading of vehicles, whether required or permitted by this Zoning Ordinance; including driveways, access ways, aisles, and maneuvering areas; but not including a loading dock or any public or private street right-of-way.

PASSENGER TRANSPORTATION TERMINAL - A facility used by one or more bus companies in

providing inter-city transportation of passengers and goods; including, but not limited to, vehicle 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 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.

RECREATIONAL OUTFITTER -- An establishment that provides equipment and supplies for the pursuit of recreational activities, such as canoeing, hiking, fishing or trail riding. Recreational outfitters may offer services for outdoor tourism including guide services and transportation services.

RECREATIONAL VEHICLE -- A vehicle primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including travel trailers, camping trailers, truck campers, motor homes and park vehicles.

RECYCLING DROP-OFF CENTER - A facility for the collection of waste paper, rags, scrap metal, or other discarded material; not to include used furniture and household equipment, used cars or used lumber.

REHABILITATION HOME - A building or group of buildings providing a supervised residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to uses regulated by KRS 100.982.

RESIDENTIAL INFILL - Construction of new residential building(s) on vacant or by-passed land within the Urban Service Area.

RESTAURANT - An eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged.

Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicles through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.

RESTAURANT, DRIVE-IN - An eating establishment where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

RETAIL SALES ESTABLISHMENT - A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL SALES ESTABLISHMENT, BULK MERCHANDISE - A retail establishment engaged in selling goods or merchandise to the general public, as well as to other retailers, contractors or businesses rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs. Bulk retail is differentiated from general retail by the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock) and

may also include a variety of carryout goods (e.g., groceries, household and personal care products).

RIDING STABLE – A structure or land use in which equines are kept for boarding, riding or training.

ROADSIDE STAND - A temporary structure designed or used for the display or sale of agricultural products grown on the premises upon which such a stand is located.

SATELLITE DISH ANTENNA - An accessory structure, consisting of a parabolic-shaped antenna structure used to receive television signals from satellites or other objects in terrestrial orbit.

SATELLITE DISH ANTENNA, GROUND-MOUNTED - A satellite dish antenna mounted and anchored at grade so that the distance from the highest edge of the dish to the existing grade does not exceed twelve (12) feet.

SATELLITE DISH ANTENNA, POLE-MOUNTED - A satellite dish antenna mounted and anchored to the ground by a pole so that the distance from the highest edge of the dish to the existing grade exceeds twelve (12) feet.

SATELLITE DISH ANTENNA, ROOF-MOUNTED - A satellite dish antenna mounted directly upon the roof of a structure and not attached to any appurtenance such as a chimney, tower, or spire.

SCENIC BYWAY – A state designated roadway maintained by a local government that has roadsides or view sheds of aesthetic, cultural, historical, or archaeological value worthy of preservation, restoration, protection or enhancement.

SCENIC HIGHWAY – A state designated, state-maintained roadway or highway that has roadsides or view sheds of aesthetic, cultural, historical, or archaeological value worthy of preservation, restoration, protection or enhancement.

SCHOOLS FOR ACADEMIC INSTRUCTION - All schools offering primarily classroom instruction with participation of teachers and students, limited to elementary, junior and middle high schools, high schools, junior colleges, colleges, theological seminaries, bible colleges, and universities; but not including business colleges, technical or trade schools.

SEASONAL ACTIVITIES- Any activity which is performed or operated temporarily during one season of a calendar year, for a period not to exceed 90 days

with a maximum of two (2) times per calendar year. Such activities may include a pumpkin u-pick farm, corn maze, or the like.

SEXUAL ENTERTAINMENT CENTER - An establishment, not otherwise specifically defined in this Article, which makes available material, services, or entertainment appealing to adult sexual interests, including, but not limited to a bath house; swingers' club; or similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

SPECIFIED ANATOMICAL AREAS -

- (1) Less than completely and opaquely covered:
 - (a) Human genitals;
 - (b) Pubic region;
 - (c) Buttocks;
 - (d) Female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES -

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, sodomy, oral sex (real or simulated), fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts, or sexual contact between humans and animals.

SPORTSMEN'S FARM – An outdoor recreation facility for archery, paintball, skeet, trap rifle and other firearm sports.

STOCKYARD - An establishment or facility commonly known as stockyards; conducted, operated or managed for profit or non profit as a public market for livestock producers, feeders, market agencies and buyers; consisting of pens or other enclosures and their appurtenances, in which live cattle, sheep, swine, horses, mules, goats or other farm animals are received, held or kept for sale or shipment in commerce.

STORAGE - The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

STORY - That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and ceiling next above it.

STREET - Any vehicular way -- a general term used to describe right-of-way, which provides a channel for vehicular and pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of under- or above-ground utilities. Streets are classified by function as follows:

EXPRESSWAYS - Hold the first rank in the classification of streets, and are used only for movement of vehicles, providing for no vehicular or pedestrian access to adjoining properties; interchange of traffic between an expressway and other streets is accomplished by grade separated interchanges with merging deceleration and acceleration lanes, and no at-grade intersections are permitted. Expressways generally carry higher volumes, require greater right-of-way width, and permit higher speed limits than any other class of street, and should be depressed in urban or urbanizing areas. Arterials are the only class of street which generally should be connected with expressways at interchange points.

ARTERIALS - Hold the second rank in the classification, and should be used only for the movement of vehicles, and preferably should not provide for vehicular access to adjacent properties. Interruption of traffic flow should be permitted only at street intersections, which should contain medians, deceleration lanes, and left turn storage lanes. Arterials are the link between expressways and collectors, and rank next to expressways in traffic volume, speed limit, and right-of-way width.

COLLECTORS/CONNECTORS - Hold the third rank in the classification of streets, and are used both for movement of vehicles and for providing access to adjacent properties. Access to adjoining properties should be planned and controlled so that minimum disturbance is made to the traffic moving efficiency of the collector/ connector street. Intersections should contain medians, deceleration lanes, and left turn storage lanes. Collectors/connectors are the link between arterials and local streets. Collectors/ connectors generally rank next to arterials in traffic volume, speed limit, and right-of-way width.

LOCALS - Hold the fourth rank in the classification of streets, and are used primarily for providing access to adjacent properties. Vehicles moving on these streets should have an origin or

destination in the immediate vicinity, and all types of through traffic should be eliminated through initial design of its connections with other streets. Local streets are the primary link between trip generation points (homes, offices, stores, work) and collector streets. Locals have the least right-of-way, the lowest speed limit, and the least amount of vehicular traffic. Local streets can be subdivided further into the following sub-classes:

CONTINUING STREETS - Are local streets having two open ends; each end generally connects with different streets; one or more other street may intersect it between its two open ends, and property fronts on both sides of the streets.

SERVICE ROADS - Are local streets which are parallel to a street with a higher classification on one side and are parallel to properties requiring access on the other side. A service road generally has two or more open ends, connecting at intersections with streets that run perpendicular to the service road and its adjacent street of higher classification. In this way, a service road provides an access route to properties adjacent to higher classification streets; while, at the same time, reducing the number of access points from these properties onto the higher classification street. Generally, in a given block, one or no access points are provided directly to the higher classification streets, but multiple access points are provided to the adjacent properties.

LOOP STREETS - Are local streets having two open ends; each end generally connects with the same street; no other streets generally intersect between its two ends, and property fronts on both sides of the street.

CLOSE STREETS - Close streets are one-way local streets forming a “U” shape and having two open ends; each end generally connects with the same street. Property fronts on the outside of the “U,” but the interior of the “U” should be natural or landscaped open space. This interior area should generally be between fifty (50) and one hundred (100) feet wide. The close street is a neo-traditional street design used as an alternative to cul-de-sacs in areas where it is difficult to provide a through street.

CUL-DE-SAC STREETS - Are local streets having only one open end providing access to another street; the closed end provides a turnaround circle for vehicles; no other street

generally intersects between the two ends, and property fronts on both sides of the street.

DEAD-END STREETS - Are similar to cul-de-sacs, except that they provide no turnaround circle at their closed end and are not permitted as streets in any proposed subdivision. Stub streets planned for future connection are not considered to be dead-end streets.

ALLEYS - Alleys generally have two open ends; each end connects with different streets, and property generally backs onto both sides of the alley. Special permission from the Commission is required whenever alleys are used.

RURAL ROADS - Rural roads are local streets providing access to properties in the Rural Service Area, as well as providing for movement between certain points in the community. A rural roadway includes a right-of-way, the street pavement, and may include paved shoulders and drainage ditches.

STRUCTURE - Anything constructed, the use of which requires permanent or continuous location on the ground, or attached to something having permanent location on the ground.

TEMPORARY STRUCTURE - Anything constructed and placed on the ground without a permanent foundation and consisting of 400 square feet or more in size, the use of which is designed for use or occupancy for only 180 days or fewer per 12-month period. Any structure intended to remain in place in excess of that time period must be permitted as a permanent structure. For purposes of regulating the use of such structures, any limitation stated in this ordinance shall be calculated by the cumulative consideration of the use of any and all such structures on a single property. This use must also be consistent with the requirements and limitations, if any, of the Kentucky Building Code.

TENANT HOME - An accessory residence, located in an agricultural zone, occupied by a person other than the owner's family or the farm manager, engaged full-time in an agricultural use on the property.

TOPSOIL - The surface layer and its underlying materials that have properties capable of producing desirable reclamation and vegetation.

TOWNHOUSE - A single family attached dwelling, each dwelling designed and erected as a unit, separated

from one another by a common wall, and capable of being subdivided into separate lots.

TRAILER - Any portable structure having no foundation other than wheels, jacks, or skirting; or any vehicle so designed or constructed as to permit:

- (1) temporary occupancy for dwelling or sleeping purposes;
- (2) the conduct of any business, trade, occupation, profession, or use as a selling or advertising device; or
- (3) the transportation of personal property; and including automobile trailers, campers, and tourist trailers, but not including a mobile home.

TRANSFER STATION - A facility, as defined in KRS 224.01(010), for the compacting and reloading of solid waste as defined in KRS 109.012(9) prior to its transportation to a permanent disposal site.

TREE CANOPY TOUR - A guided aerial exploration or transit of the forest canopy, most commonly by means of a series of zip lines or aerial walkways with platforms constructed within the trees generally for scenic views, education, interpretation and recreation.

TRUCK TERMINAL - Land and buildings used as a relay station for the transfer of freight from one truck to another, or for the parking or storage of semi-trailers for longer than 24 hours, including tractor and/or trailer units. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. A truck terminal may include areas for the washing or repair of trucks associated with the terminal, but does not include an establishment solely for the display, rental, sale and minor repair of trucks.

VALUE-ADDED PRODUCT SALES - The sale of items that have been produced in a manner that enhances their value (such as organically), or items that have had a change in the physical state or form of the product (such as milling wheat into flour, making strawberries into jam, pressure canning vegetables, making salsa or producing honey) from an agricultural resource.

VEHICLE STORAGE YARD - A place where vehicles, which have a current vehicle registration and bear a current license plate in accordance with state law, and not used in the conduct of a trade; business; or profession are kept for 24 hours or longer. A vehicle storage yard does not include a yard for storage of dismantled or partially dismantled automobiles, storage of inoperable vehicles for longer than 60 days,

a parking lot, truck terminal, automobile wrecking, or junk yards.

WALL PLANE, PRIMARY - A building wall or façade that faces the public right-of-way or street that provides the lot frontage. On through lots, corner lots or lots with multiple frontage on public rights-of-way, only one such wall plane shall be required.

WALL PLANE, REAR - A building wall or façade that is ordinarily opposite to the primary wall plane.

WALL PLANE, SIDE - A building wall or façade on the side of a structure, other than the primary or rear wall plane.

WHOLESALE ESTABLISHMENT - An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, institutional or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WHOLESALE ESTABLISHMENT WITH WAREHOUSE - The display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities; motor freight transportation; moving and storage facilities; warehousing and storage activities.

WOODLOT, COMMERCIAL - Premises, or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale (excluding sawmills, planing mills).

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a front yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the front lot line.

YARD, REAR - An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified. The depth of a rear yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the rear lot line.

YARD, SIDE - An open space between a building and a side lot line, unoccupied and unobstructed from the ground upward, except as herein specified. The width of a side yard is the shortest distance, measured horizontally, between any part of a building, exclusive of such parts herein excepted, and the nearest side lot line.

YARD, SIDE STREET SIDE - A yard abutting the side street of a corner lot, unoccupied and unobstructed from the ground upward, except as herein specified, and extending from the front yard line to the rear lot line, and being the least distance between the lot line abutting the side street and the building.

YOUTH CAMP - A facility for the primary purpose of providing activities for children, including social, recreational, spiritual and/or educational activities, including accessory and incidental food service, and operated for five (5) or more consecutive days during one or more seasons of the year.

ZIP LINE TRAIL - An aerial trail system providing recreation and education that enables people to traverse terrain by means of a series of zip lines and platforms supported by man-made towers or ground anchors.

ZIP LINE - A cable or rope line suspended between support structures enabling a person attached to a pulley to traverse from one point to another.

ZONE - A portion of the territory within Lexington-Fayette Urban County within which certain regulations and requirements apply under the provisions of this Zoning Ordinance.

ZONE, AGRICULTURAL - A-R, A-B, A-N or A-U zone.

ZONE, BUSINESS - B-1, B-2, B-2A, B-2B, B-3, B-4, B-5P, B-6P or CC zone.

ZONE, INDUSTRIAL - An I-1, I-2 or ED zone.

ZONE, MIXED-USE - An MU-1, MU-2 or MU-3 zone.

ZONE, RESIDENTIAL - An R-1A, R-1B, R-1C, R-1D, R-1E, R-1T, R-2, R-3, R-4, R-5, EAR-1, EAR-2, EAR-3 or PUD-1 zone.

ZOOLOGICAL GARDEN - A park-like area in which live animals are kept in cages or large enclosures for public exhibition.

Text Recommended by the Planning Commission on June 25, 2015

Article 8 – Schedule of Zones



ARTICLE 8

SCHEDULE OF ZONES

The following zones and their requirements appear in the Schedule of Zones included therein:

<u>Section</u>	<u>Zone</u>	<u>Zone Title</u>
8-1	A-R	Agricultural Rural
8-2	A-B	Agricultural Buffer
8-3	A-N	Agricultural Natural Areas
8-4	A-U	Agricultural Urban
8-5	R-1A	Single Family Residential
8-6	R-1B	Single Family Residential
8-7	R-1C	Single Family Residential
8-8	R-1D	Single Family Residential
8-9	R-1E	Single Family Residential
8-10	R-1T	Townhouse Residential
8-11	R-2	Two-Family Residential
8-12	R-3	Planned Neighborhood Residential
8-13	R-4	High Density Apartment
8-14	R-5	High Rise Apartment
8-15	P-1	Professional Office
8-16	B-1	Neighborhood Business
8-17	B-2	Downtown Business
8-18	B-2A	Downtown Frame Business
8-19	B-2B	Lexington Center Business
8-20	B-3	Highway Service Business
8-21	B-4	Wholesale and Warehouse Business
8-22	I-1	Light Industrial
8-23	I-2	Heavy Industrial
8-24	P-2	Office, Industry and Research Park

8-1 AGRICULTURAL RURAL (A-R) ZONE

8-1(a) Intent - This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and related uses, and by discouraging all forms of urban development except for a limited amount of conditional uses.

8-1(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.

8-1(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.

8-1(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Horse race tracks with allotted race meets, including accessory simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages, and horse riding and training facilities.
2. Horse sales establishments.
3. Hospitals for large animals, including equine hospitals.
4. Plant nurseries.
5. Commercial greenhouses, but only when all the following conditions are met:
 - a. A 20-foot wide landscape easement shall be provided around all buildings and parking areas or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting, hedge, fence, wall or earth mound. Plantings shall be both deciduous and non-deciduous. A detailed site plan showing proposed screening shall be provided, and a performance bond or letter of credit shall be posted with the Division of Building Inspection to ensure completion of screening. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - b. No structure shall be built within three hundred (300) feet of any existing residential structure on another lot under different ownership, and driveways shall be one hundred (100) feet from property lines.
 - c. There shall be no outdoor display or sale of fungicides, insecticides, chemicals, peat moss, humus, mulches or fertilizer.
 - d. No commercial greenhouse shall be located within a floodplain.
 - e. The commercial greenhouse shall be located where easily accessible by arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - f. All driveways and parking areas shall be paved or sealed to prevent dust.
6. Commercial composting, but only when the following conditions are met:
 - a. That only the open windrow or static pile method of aerobic processing using plant material, soils and animal manure, be permitted.
 - 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 no commercial composting operation be conducted closer than one thousand (1,000) feet to any existing residence.
 - d. 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.
 - e. 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.
7. Agricultural market, but only when the following conditions are met:
- a. The minimum lot size shall be forty (40) acres and shall not be located in A-R zoned land within the Urban Service Area of Lexington-Fayette County.
 - b. The property shall be within one (1) mile of an interstate interchange with a state or federal highway, excluding the two interchanges of Interstate 64 with Interstate 75. The property must also have frontage on a state or federal highway, and access is also to be within one (1) mile of the point of intersection of the centerlines of the interchange, and subject to approval by the Kentucky Transportation Cabinet.
 - c. All roads to the property shall be of sufficient width, and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions.
 - d. The facility shall be at least one thousand (1,000) feet from any property in a residential zone, any property designated as a Rural Settlement (RS) or as an Existing Rural Residential (ERR) land use under the adopted Comprehensive Plan, and any property designated on the National Register of Historic Places. As used herein, "facility" shall mean all improvements, including parking and loading areas, but not including driveways for ingress and egress to the property.
 - e. Improvements such as buildings; barns; and other structures, including storm water detention basins, truck parking and loading areas; above-ground and underground storage tanks and septic sewage disposal systems shall be located outside of any environmentally sensitive area, including any wellhead protection area.
 - f. All sales and marketing of livestock shall take place in a completely enclosed facility, and no building may be located closer than one thousand (1,000) feet from a residence on a lot under different ownership; provided, however, that 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 the livestock while allowing adequate ventilation and air circulation.
- g. There shall be provision for the treatment and/or disposal of waste generated on the site, subject to all applicable local, state and federal requirements. Muck piles or the spreading of animal waste upon any part of the site shall be prohibited.
 - h. All parking areas and driveways shall be paved.
 - i. Any outdoor lighting proposed must be directed away from, and shielded from, adjacent agricultural and/or residential areas.
 - j. The facility shall 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.
 - k. Storm water management shall be provided pursuant to the requirements of the LFUCG Engineering Manuals, and storm water shall be treated appropriately prior to its discharge.
 - l. Screening shall be provided if the facility is visible from adjoining properties. Such screening and buffering shall be designed so as to minimize the impact of air, noise, odor and/or light generated by the facility upon adjoining properties to the greatest extent practicable. Article 18 of the Zoning Ordinance shall be used to guide the planting of the screening of loading docks and vehicular use areas, but the Board of Adjustment may impose additional screening requirements and landscape buffers, as necessary.
 - m. There shall be a minimum of forty-five percent (45%) of the lot, regardless of size, provided as open space, which may not be varied by the Board of Adjustment.
 - n. The following accessory uses may also be permitted in conjunction with the operation of an agricultural market, provided that the aggregate of these uses may not exceed twenty-five percent (25%) of the total square footage of buildings on the property, or 40,000 square feet, whichever is less; and, except as otherwise provided, shall be located in the principal structure on the property, provided they are operated primarily for the benefit of patrons and employees of the agricultural market; provided that no signs identifying such uses are visible from the right-of-way; and provided that all such uses are clearly identified on the site plan submitted to 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.

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 carriers by rail, including office, garage, and 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, ~~riding stables, campgrounds,~~ 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, Sunday schools and parish houses, 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 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 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, or other bodies of water within five hundred (500) feet.
 - d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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 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.
23. Asphalt plant, but only when associated with mining and/or quarrying 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 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, stormwater and sediment basins; and the names and locations of all streams, creeks, or other bodies of water within five hundred (500) feet.
- d. Drainage and Erosion Control - The facility shall have adequate drainage, erosion, and sediment control measures incorporated in the site/development plan(s). If, in the event 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.
24. Commercial woodlots, but only when the following conditions are met:
- a. A 50-foot open space area shall be required from the perimeter of the tract of land.

- b. No commercial woodlot shall be located within four hundred (400) feet of any residential structure on another lot under different ownership, and driveways shall be a minimum of one hundred (100) feet from property lines.
 - c. A 20-foot wide landscape buffer area shall be provided around all commercial woodlots or at the perimeter of the tract of land, containing one tree per thirty (30) feet of length or fraction thereof, plus a continuous 6-foot high planting hedge, fence, wall or earth mound. New screening shall not be required to be planted when existing screening is substantially similar to the screening mentioned above.
 - d. There shall be no storage or sale of wood chips, peat moss, humus, mulches or fertilizer, nor sale to the public of firewood at the site.
 - e. No commercial woodlot shall be located within a floodplain or sinkhole.
 - f. Commercial woodlots shall be located where easily accessible by Federal or State highways. All roads to site should be of sufficient width and constructed to safely handle all sizes of trucks. The Board shall review the location of access points to ensure that no traffic hazards are created.
 - g. All driveways and parking areas shall be paved or sealed to prevent dust.
 - h. Wood shall be stored in rows no greater than ten (10) feet in height, no greater than twenty (20) feet in width, and spaced no less than fifteen (15) feet apart.
 - i. Cutting and splitting of timber shall not occur in the 50-foot open space area of the site, and only between the hours of 8:00 a.m. - 5:00 p.m.
 - j. The Board of Adjustment shall specifically consider and be able to find that the proposed use will not constitute a public nuisance by creating excessive noise, water pollution, traffic, dust or other public health hazards.
 - k. No signage shall be permitted on the premises.
 - l. Woodlots shall comply with all applicable Federal and State laws.
25. 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.
26. Expansion of golf courses in existence or approved as of January 26, 1995 (including private clubs) with or without driving ranges, including the accessory retail sale of golf-related merchandise, and including an accessory restaurant and/or food service with or without the serving of alcoholic beverages. This use shall not be conducted in conjunction with more than one single family detached dwelling.
 27. 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 (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).
 28. Historic House Museum operated by a governmental entity or by a private, non-profit entity that has Internal Revenue Code Section 501(c)(3) status and that is a member of a recognized museum association such as the Kentucky Museum and Heritage Alliance, the American Association for State and Local History, the American Association of Museums, the Association of Living History, Farm and Agricultural Museums and/or Southeastern Museum Conference; provided, however, that the house shall not be expanded beyond its current or documented historic footprint, and all activities and events shall relate to the educational mission of the governmental or non-profit entity.
 29. Agritourism activities to include corn mazes; 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.
 30. Ecotourism activities to include equine trails; botanical gardens; and nature preserves.
 31. Youth camps.

8-1(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, and campgrounds.
8. Manufacturing, compounding, assembling, processing and packaging and other industrial uses.
9. Automobile, truck, ATV, motorcycle, bicycle motocross, or other vehicle or bicycle race tracks.
10. Garden centers, except those activities specifically allowed under the definition of commercial green-houses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.
12. Automobile service stations.
13. Storage, except as permitted herein and by Article 3-9.
14. Junk yards.
15. Sale of new or used merchandise, except as provided herein.
16. Slaughterhouses.
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. Adult entertainment establishments or other similar adult uses.

25. Special events, parties, festivals, concerts, and children's rides related to a commercial purpose.

26. Commercial hiking, bicycling and zip line

trails; tree canopy tours; canoeing or kayaking launch sites; or recreational outfitters.
27. Commercial farm markets.

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

8-1(f) Minimum Lot Size - Forty (40) acres, except as noted in 8-1(o)(1) below.

8-1(g) Minimum Lot Frontage - 750', except as noted in 8-1(o)(1) below.

8-1(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.

8-1(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.

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, Campgrounds, Sportsmen's Farms, Zoological Gardens, and Non-Commercial 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 at least 250' of frontage on an existing road; or approved access as provided for in Article 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three years from the date of its adoption.

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.

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; riding stables; 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.
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 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.
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 motocross, or other vehicle or bicycle race tracks.

10. Garden centers, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.
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.

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, Primitive Campgrounds, Sportsmen's Farms, Zoological Gardens, and Non-Commercial 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 barns.

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.

8-2(o) Special Provisions - For any development in an Agricultural Buffer Area (A-B) zone, the following provisions shall apply:

1. All Agricultural-Buffer Area (A-B) zone developments shall provide a fenced buffer yard along the boundary of the development with land recommended for Natural Areas and Core Agricultural and Rural Land in the Comprehensive Plan. In order to prevent the growth of plants that may be toxic to animals, the buffer yard shall be kept mowed and free of trees, shrubs and plants other than grasses. Existing vegetation may remain as specified under Article 6-3(b) of the Land Subdivision Regulations. Buffer yards may, however, be used for utility installation and easements. Such buffer yard shall be the responsibility of the property owner in the A-B zone to install and to maintain, and shall consist of the following:
 - a. A double row of standard gauge diamond-mesh wire fences, of durable construction, at least eight (8) feet apart, with one fence to be not less than fifty-two (52) inches high, set on 7½-foot posts, with a required 6-inch top board, to be placed closest to the A-B development; and the second fence to be not less than fifty-eight (58) inches high, set on 8-foot posts, with a required 6-inch top board, placed nearest the adjoining agricultural property; or
 - b. A single, standard gauge, diamond mesh wire fence, of durable construction, not less than seventy-two (72) inches high, set on 9-foot posts, with a required 6-inch top board, with the mowed buffer yard to be eight (8) feet adjoining the fence; or
 - c. Other buffer yard and fencing which achieves the intent of this section and which is agreed upon by the developer of the Agricultural Buffer Area and the adjoining agricultural property.

**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.
3. Educational classes related to agricultural products or skills.
4. Commercial hiking and bicycling trails; equine trails; tree canopy tours; canoeing and kayaking launch sites; and nature preserves.

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 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.

8-3(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 may 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. ~~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.~~
3. ~~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.~~
- 2.... 4. Churches, Sunday schools, and parish houses.

~~5. Kindergartens, nursery schools and child care centers for four (4) or more children when accessory to a 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.~~

~~3. 6. 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. 7. 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; riding stables; primitive campgrounds; and fishing lakes, including private clubs for only these uses.~~

~~8. Extraction of crude petroleum or natural gas and mining of metal, anthracite, lignite or bituminous coal.~~

~~5. 9. 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. 10. 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. 11. 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. 12. 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), horse shows involving more than 70 participants, and seasonal activities.~~

~~10. Ecotourism activities, to include botanical gardens, and recreational outfitters, limited to equipment rental only.~~

~~11. Youth camps.~~

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 motocross, or other vehicle or bicycle race tracks.
10. Garden centers, commercial greenhouses and plant nurseries.
11. Major or minor automobile and truck repair, except as permitted by Article 3-8.
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 trails.
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 - 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, Primitive Campgrounds, Sportsmen's Farms, Zoo- logical Gardens, and Non-Commercial Other Recreational Facilities, Ecotourism and Agritourism activities not otherwise stated herein - Five (5) spaces,

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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.

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.

8-4 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, 9-11 (but excluding outdoor rifle and other firearm ranges), and 17-21 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 recreational vehicle or trailer campgrounds; fishing and hunting clubs; botanical gradens; nature preserves; and recreational outfitters.
 16. Youth camps.

8-4(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 A-R zone, except as permitted herein.
2. Extraction of crude petroleum or natural gas.
3. Quarrying of non-metallic minerals.
4. Airports.
5. Radio, telephone or television transmitting towers, antennas and line-of-sight relays, except as permitted herein.
6. Penal or correctional institutions.
7. Outdoor rifle and other firearm ranges.
8. Concrete mixing.
9. Asphalt plants.
10. Adult entertainment establishments or other similar adult uses.

11. Museums.

12. Commercial farm markets.

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

8-4(f) Minimum Lot Size - No limitation, except for single family detached residences as a principal permitted use; commercial greenhouses, garden centers and equine hospitals as conditional uses, then ten (10) acres minimum.

8-4(g) Minimum Lot Frontage - 250'.

8-4(h) Minimum Front Yard - 50' from the right-of-way.

8-4(i) Minimum Each Side Yard - 25'.

8-4(j) Minimum Rear Yard - 25'.

8-4(k) Minimum Useable Open Space - No limitation.

8-4(l) Maximum Lot Coverage - No limitation.

8-4(m) Maximum Height of Building - No limitation.

8-4(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for A-R.

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

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

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

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

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

Offices of Veterinarians and Animal Hospitals and Clinics - One (1) space per two hundred (200) square feet of floor area (not including any barns, or other indoor areas devoted principally to housing animals), with a minimum of five (5) spaces.

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

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

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

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

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.

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 office.
7. A ground 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 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 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.
5. Cemeteries, columbariums, and mausoleums.
6. Outdoor commercial and non-commercial recreational facilities, such as golf courses; ~~zoological gardens~~; sportsmen's farms; riding stables and ~~equine trails~~; fishing lakes and non-commercial swimming pools; tennis courts; campgrounds; and private clubs.
7. Churches, Sunday schools, and parish houses.
8. Schools for academic instruction.
9. A roof or pole mounted satellite dish antenna, as further regulated in Article 15-8.
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.

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.
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 - 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.

Text changes in the R-1A zone carry through by reference to the R-1B, R-1C, R-1D, and R-2 zones.

**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.

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 office.
6. A ground 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 each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
 4. Minimum side yard - As per Article 8-9(i).
 5. Minimum rear yard - 20% of the lot depth.
 6. Minimum usable open space - No limitation.
 7. Minimum lot coverage - No limitation.
 8. Maximum height of building - 28 feet and 2½

- stories.
9. Maximum lot coverage - No limitation.
 10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- b. Where existing lot frontage is 40 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot frontage - 40 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 each of the adjacent lots on either side of the lot are greater; then the maximum shall be no greater than this average.
 4. Minimum side yard - As per Article 8-12(i).
 5. Minimum rear yard - 20% of the lot depth.
 6. Minimum usable open space - No limitation.
 7. Minimum lot coverage - No limitation.
 8. Maximum height of building - 28 feet and 2½ stories.
 9. Maximum lot coverage - No limitation.
 10. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.

**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.

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 office.
6. A ground 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) feet.
4. In addition to the special provisions listed above, the lot, yard and height requirements for attached single family dwellings that are approved by the Planning Commission on a final development plan, in defined Infill and Redevelopment areas, shall be as follows:
 - a. Minimum lot size - As per Article 8-10(f).
 - b. Minimum lot frontage - As per Article 8-10(g).

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- c. Minimum front yard - 5 feet.
- d. Maximum front yard - 15 feet.
- e. Minimum yard along an alley - 3 feet.
- f. Minimum side yard for the end of unattached units - 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 located behind the front wall plane of the principal structure on the lot.
- g. Minimum rear yard - 20% of the lot depth.
- h. Minimum usable open space - As per Article 8-10(o)3 above.
- i. Minimum lot coverage - No limitation.
- j. Maximum height of building - As per Article 8-10(m) above.
- k. Maximum lot coverage - No limitation.

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, ~~6 and~~ 8 and 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. Satellite dish antennas, subject to the following:
 - a. For townhouse dwellings, as permitted as an accessory use in the R-1T zone.
 - b. For duplex dwellings, as permitted as an accessory use in the R-2 zone.
 - c. For single family dwellings, as permitted as an accessory use in the R-1A zone.
 - d. For multi-family dwellings and all other uses not specifically provided for otherwise, one ground, roof or pole-mounted satellite dish antenna, as further regulated by Article 15-8.
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, 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.
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.
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, 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 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% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - 28 feet and 2½ stories.
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- c. Where existing lot frontage is 35' but less than 50', the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 3,750 square feet.
 2. Minimum lot frontage - 35 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 - As per Article 8-12(i).
 6. Minimum rear yard - 20% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - 28 feet and 2½ stories.
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.35, or that which allows 2,600 square feet, whichever is greater.
- d. Where existing lot frontage is 50 feet or greater, the provisions of Article 15-7 and the following shall apply:
1. Minimum lot size - 8,000 square feet.
 2. Minimum lot frontage - 50 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 - 8 feet.
 6. Minimum rear yard - 20% of the lot depth.
 7. Minimum usable open space - No limitation.
 8. Minimum lot coverage - No limitation.
 9. Maximum height of building - As per Article 8-12(m).
 10. Maximum lot coverage - No limitation.
 11. Maximum floor area ratio - 0.7.
5. Lot, yard and height requirements for all other single family detached dwellings in the R-3 zone shall be as follows:
- (1) Minimum lot size - 2,500 square feet.
 - (2) Minimum lot frontage - 25 feet.
 - (3) Minimum front yard - 20 feet, as per Article 8-12(h).
 - (4) 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.
 - (5) Minimum rear yard - 10 feet.
 - (6) Minimum usable open space - No limitation.
 - (7) Maximum lot coverage - No limitation.
 - (8) Maximum height of building - 35 feet.

Text changes in the R-3 zone carry through by reference to the R-4 zone.

8-13 HIGH DENSITY APARTMENT (R-4) ZONE

8-13(a) Intent - This zone is primarily for multi-family dwellings, but at a higher density than the R-3 zone. The R-4 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.

8-13(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the R-3 zone.

8-13(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-3 zone.

8-13(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.

8-13(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-3 zone.

2. Equine trails.

Lot, Yard, and Height Requirements (See Articles 3, 8-13(o) below, and 15 for additional regulations.)

8-13(f) Minimum Lot Size - 6,000 square feet.

8-13(g) Minimum Lot Frontage - 50 feet.

8-13(h) Minimum Front Yard - 20 feet.

8-13(i) Minimum Each Side Yard - 5 feet.

8-13(j) Minimum Rear Yard - 10 feet.

8-13(k) Minimum Useable Open Space - 20%.

8-13(l) Maximum Lot Coverage - 30% and a floor area ratio of 0.7.

8-13(m) Maximum Height of Building - 2:1 height-

to-yard ratio, except that buildings under 35' may have side and rear yards as required in the R-3 zone.

8-13(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3.

8-13(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 provided in Article 9.
4. Lot, yard, and height requirements for single family detached dwellings shall be as provided in Section 8-12(o): Special Provisions of the R-3 zone.

8-14 HIGH RISE APARTMENT (R-5) ZONE

8-14(a) Intent - This zone is primarily for multi-family dwellings and particularly for high rise apartments. The R-5 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.

8-14(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. Multi-family dwellings.
2. Dormitories.
3. Offices, limited to multi-family structures with six (6) or more stories, provided offices are limited to no more than the first two stories with no mixing of offices and apartments on the same floor.

8-14(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. The permitted accessory uses in the R-1A zone, items 1 through 3, ~~and 6, and 7, and 9.~~
2. Athletic club facilities, when operated solely for the use of occupants of residential units on the same property.

8-14(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. The permitted conditional uses in the R-3 zone.
2. *Incidental retail uses* to any permitted use, but 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.
3. Extended-stay hotels.
4. Restaurants, without a cocktail lounge, live entertainment and/or dancing, provided it meets the following conditions:
 - a. It shall be located in a building containing a minimum of 100 dwelling units.
 - b. It shall occupy no more than ten percent (10%) of the gross floor area of the building it occupies.
 - c. It shall have no primary access to the exterior; however, one service entrance directly to the outside of the building may be permitted.
 - d. It shall have no drive-in or drive-through food service.
 - e. There shall be no more than two restaurants within a building, provided that the 10%

limitation is not exceeded.

- f. None of its public floor area may be devoted exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
- g. Signs permitted per multi-family residential building may be used to identify the restaurant.
- h. This shall not apply to extended-stay hotels.

8-14(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-4 zone, except for offices, as permitted herein, extended-stay hotels, and incidental retail uses.

2. Outdoor commercial and non-commercial recreational facilities, such as zoological gardens, sportsmen's farms, riding stables and equine trails.

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

8-14(f) Minimum Lot Size - 6,000 square feet.

8-14(g) Minimum Lot Frontage - 50 feet.

8-14(h) Minimum Front Yard - 20 feet.

8-14(i) Minimum Each Side Yard - 10 feet.

8-14(j) Minimum Rear Yard - 10 feet.

8-14(k) Minimum Usable Open Space - 20%.

8-14(l) Maximum Lot Coverage - 35% and a floor area ratio of 1.3.

8-14(m) Maximum Height of Building - 4:1 height-to-yard ratio.

8-14(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for R-3

Accessory Offices - One (1) space for every two hundred (200) square feet of floor area, with a minimum of three (3) spaces per office tenant.

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

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, 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 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.

20. Rehabilitation homes, but only when more than five hundred (500) feet from a residential zone, school for academic instruction or a child care center.
21. Adult day care centers.
22. Day shelters.

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.
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, school for academic instruction or a child care center.
 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 or 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, 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 - 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, 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. Such activity, including loading and unloading, shall be conducted entirely within the walls of the principal structure and shall be limited to a maximum of twenty percent (20%) of the total floor area of said principal structure.
2. Shoe repair, clothing alteration or tailoring services.
3. Mobile food unit vendors to serve employees and visitors of a permitted principal or conditional use, provided that the requirements of Section 15-11 of the Code of Ordinances are met and that the mobile food unit is located no closer than five hundred (500) feet from any property zoned residential.

As conditional uses:

1. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
2. Beauty shops and barber shops, with no restrictions.

In addition to the uses otherwise permitted in the Professional Office zone, the following accessory use shall be permitted in a P-1 area of at least twenty (20) contiguous acres:

Restaurant(s), with or without a cocktail lounge, entertainment, dancing, and sale of alcoholic beverages, provided it meets the following conditions:

- a. It shall be located in an office building 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 that 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, 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.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced, when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing mixed-income housing, or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.

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, 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 are 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.
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 or kayaking launch sites.

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 cafés, 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.
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 lounges or nightclubs [unless prohibited under Sections 8-16(e)(14) and (15)]. Such uses shall be located at least 100 feet from any residential zone; and 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 restrictions to minimize nuisance to the surrounding neighborhood.
6. Indoor live entertainment and/or dancing, when accessory to a restaurant, brew-pub or banquet facility; but only when located closer than 100 feet from a residential zone.
7. Upholstery shop.
8. 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.
9. 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.
 10. Rehabilitation homes, but only when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
 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 two hundred (200) feet from any residential zone, residential use, school, hospital, nursing 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. Automobile and vehicle refueling stations, provided such uses conform to all requirements of Article 16.
 14. Extended-stay hotels.
 15. Parking lots, provided such use conforms to the conditions of Article 16.
 16. Drive-through facilities for the sale of goods or products, or the provision of services otherwise permitted herein, except as accessory uses herein.

17. Ecotourism activities to include zip line trails; tree canopy tours; fishing clubs; botanical gardens; nature preserves; and seasonal activities.
18. Recreation vehicle and trailer campgrounds, but only when located within 500 feet of an interstate interchange.
19. Hunting clubs, but only when located more than 500 feet from a residential zone.
20. Country inns, but only when located within 500 feet of an Agricultural Rural (A-R) zone.

8-16(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 primarily engaged in agricultural sales and services, except as permitted herein.
2. Warehouses, 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; 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.
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; transfer stations.
6. Amusement enterprises, such as outdoor theaters; automobile racing; horse racing.
7. Kennels, outdoor runways, or pens for animals.
8. Establishments engaged in the display, rental, sales, service and major repair of automobiles, repair of motorcycles, boats, trucks, travel trailers, farm implements, contractors' 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.
9. Establishments for cleaning, dyeing, laundering and the like, other than self-service and pickup stations, except for clothes cleaning establishments of not more than forty (40) pounds capacity and using a closed-system process.
10. Dwellings, except as permitted herein.
11. Hotel or motel, boarding house.
12. Wholesale establishments.
13. Greenhouses, nurseries, hatcheries.
14. 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.

15. 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.
16. 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.
17. 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.
18. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
19. Pawnshops, except as permitted herein.
20. Pool or billiard halls.
21. Hospitals.

22. Ecotourism activities, except as permitted herein.

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

8-16(f) Minimum Lot Size - No limitation.

8-16(g) Minimum Lot Frontage - No limitation.

8-16(h) Minimum and Maximum Front Yard:

- a. Minimum - 10 feet.
- b. Maximum - 20 feet.

8-16(i) Minimum Each Side Yard - No limitation.

8-16(j) Minimum Rear Yard - No limitation.

8-16(k) Minimum Usable Open Space - No limitation, except where dwelling units are provided as principal uses; then 10%.

8-16(l) Maximum Lot Coverage - No limitation.

8-16(m) Maximum Height of Building - 35 feet, except as permitted in Section 8-16(o)(3).

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

As for P-1.

Accessory Warehousing, Wholesaling, Storage and the like - One (1) space for every 600 square feet of floor area.

Accessory Dwellings - One (1) space per dwelling unit.

Shoe Repair Shops, Clothing Alterations, Tailoring Services and Tattoo Parlors - One space for every 200 square feet, with a minimum of three (3) spaces.

Restaurants and Brew-Pubs with no live entertainment or dancing - One (1) space for every 200 square feet of floor area; or one (1) space for every four (4) indoor seats, plus one (1) for every eight (8) outdoor seats, whichever is greater.

Cocktail Lounges, Night Clubs, Banquet Facilities or Restaurants and Brew-Pubs with live entertainment or dancing - One (1) space for every 150 square feet; or one (1) space for every three (3) indoor seats plus one (1) for every six (6) outdoor seats, whichever is greater.

Retail Uses - For the first 10,000 square feet, one (1) space for every 400 square feet of floor area, with a minimum of three spaces; for all floor area exceeding the first 10,000 square feet, one (1) space for every 200 square feet. Combined uses located in a single building shall calculate required parking on the total square footage of the building and not the individual retail uses therein.

Self-Service Laundry - One (1) space for every six (6) machines (washers, dryers, and the like.)

Indoor Theaters - One (1) space for every five (5) seats.

Miniature Golf or Putting Course - One and one-half (1½) spaces per hole.

Arcades, with or without accessory billiard or pool tables - One (1) space for every 250 square feet of floor area.

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

Country Inns - One (1) space per room or suite rented.

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

8-16(o) Special Provisions:

1. No building to be used principally as a single use or establishment shall exceed 40,000 square feet in floor area unless approved by the Planning Commission prior to December 10, 2013 for at least 40,000 square feet in size. No such structure may exceed 60,000 square feet in size, in any event.
2. Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced when specific permission is given by the Commission to reduce said required parking by not more than one percent (1%) for each one percent (1%) of additional useable open space that is provided over the minimum. Also, for every one percent (1%) of the dwelling units that will be provided as a mixed-income housing unit, the Commission may decrease the required parking by one percent (1%). In any case, the maximum parking reduction shall not exceed the minimum parking otherwise required in the zone by more than ten percent (10%) by only providing additional open space or only providing additional open space mixed-income housing; or twenty-five percent (25%) by using a combination of mixed-income housing and additional open space.
3. A form-based neighborhood business project may be approved by the Planning Commission on any site over one (1) acre in size. For any such project, a final development plan shall be approved by the Planning Commission prior to issuance of any building permit. The lot, yard, height and setback requirements will be those established by the Commission on the approved development plan, rather than those stated above. In addition to the development plan, an applicant seeking approval of a form-based neighborhood business project shall be required to submit an area character and context study prepared by an architect or urban design professional. The study will document the architectural and urban design character of the area. It shall demonstrate, through the use of renderings, elevations and similar graphic materials, how the proposed project will enhance and complement the area's character. It will also show its integration with the surrounding neighborhood by using positive design features, such as supplemental landscaping; provision of public space and open space buffers; and improved pedestrian accommodations.

These drawings shall be made a part of the Commission's approval, and building permits shall comply with the approved drawings. A form-based neighborhood business project shall not be subject to the square footage limitation of 8-16(o)(1) above.

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 telephone 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.
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, 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.
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 persons under 18 years of age, or within a 1,000-foot radius of any other similarly regulated adult business.
5. 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.
6. Rehabilitation homes, when located closer than 500 feet from a residential zone, school for academic instruction or a child care center.
 7. 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.
 8. 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.
 9. Automobile and vehicle refueling stations, provided such use conforms to all requirements of Article 16.

10. Ecotourism activities to include commercial hiking, bicycling, equine and zipline trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; botanical gardens; nature preserves; and seasonal activities.

8-17(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 7, except as permitted herein.
2. Outdoor kennels, or outdoor animal runs.
3. Establishments engaged in the display, rental, or repair of farm equipment, trucks exceeding one and one-half (1½) tons, and contractor's equipment.
4. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
5. Hospitals.

6. Campgrounds and hunting clubs.
7. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms,

zoological gardens and classes related to agricultural products or skills.

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

8-17(f) Minimum Lot Size - No limitation.

8-17(g) Minimum Lot Frontage - No limitation.

8-17(h) Minimum Front Yard - No limitation.

8-17(i) Minimum Each Side Yard - No limitation.

8-17(j) Minimum Rear Yard - No limitation.

8-17(k) Minimum Usable Open Space - No limitation (except that residential uses shall provide useable open space equal to not less than 10% of only those floors occupied by dwelling units).

8-17(l) Maximum Lot Coverage - No limitation.

8-17(m) Maximum Height of Building - No limitation.

8-17(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units; then one (1) space for every 2,000 square feet of residential floor area.

All Other Permitted Uses - Off-street parking not required.

Off-street loading shall be as required in Article 16.

8-17(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2 zone where such provisions are more restrictive than those set out in this zone.
2. For those floors of buildings containing dwelling units with windows for habitable rooms, there shall be provided a height-to-yard ratio of 3:1 for light and air. Public street right-of-way width may be used as part of this setback requirement, except that a minimum setback of five (5) feet from the property line, other than property lines adjoining street right-of-way, shall be required in any case. No setback shall be required for those floors containing non-residential uses or dwelling unit walls without windows.
3. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

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.
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.

- ~~15. 14. Hotels or motels.~~
- ~~16. 15. Any type of residential use.~~
- ~~17. 16. Antique shops.~~
- ~~18. 17. 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. 18. 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. 19. Establishments engaged in blueprinting, printing, publishing, and lithography; interior decoration and upholstery; repair of household appliances.~~
- ~~21. 20. Bookstores, except as prohibited under Section 8-19(e).~~
- ~~22. 21. 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. 22. Computer and data processing centers.~~
- ~~24. 23. Telephone exchanges, radio and television studios.~~
- ~~25. 24. Cable television system signal distribution centers and studios.~~
- ~~26. 25. Private clubs, except as prohibited under Section 8-19(e)(7, 8 and 9).~~
- ~~27. 26. 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. 27. 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.

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.
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; 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.

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 a permitted in 8-19(c)(3).
 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 zipline 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 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.
 9. 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.
10. Animal kennels, hospitals, clinics, outdoor runways or pens, and animal grooming facilities.
 11. The above- or below-ground storage of any flammable material in gaseous form including compressed natural gas.
 12. Pawnshops, except as permitted herein.

13. Campgrounds and hunting clubs.
14. Farm tours, hayrides, corn mazes, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or trapping, sportsmen's farms, zoological gardens and classes related to agricultural products or skills.

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

8-19(f) Minimum Lot Size - No limitation.

8-19(g) Minimum Lot Frontage - No limitation.

8-19(h) Minimum Front Yard - No limitation.

8-19(i) Minimum Each Side Yard - No limitation.

8-19(j) Minimum Rear Yard - No limitation.

8-19(k) Minimum Usable Open Space - No limitation, except that 10% shall be required for any residential area.

8-19(l) Maximum Lot Coverage - No limitation.

8-19(m) Maximum Height of Building - No limitation.

8-19(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Dwelling Units - No requirements, except for buildings with 25 or more dwelling units: then one (1) space for every 2,000 square feet of residential floor area.

Hotels or Motels - One (1) space per suite, with a minimum of five (5) spaces.

8-19(o) Special Provisions:

1. For any development within the Urban Renewal Project Area, all provisions of the Urban Renewal Plan shall take precedence over any provisions of this B-2B zone where such provisions are more restrictive than those set in this zone.
2. Redevelopment of any site shall comply with

the Downtown Streetscape Master Plan for Lexington, Kentucky.

**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, or 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. Barber shops and beauty shops.
15. Show 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 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 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. Athletic club 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.

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 8-16(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; soccer field or polo field, and 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, residential use, school, church, hospital, nursing home, or rest home.
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, church, hospital, nursing home, or rest home; 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 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 trials; 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 with Two (2) or More Stalls - Two (2) spaces for each stall, plus one (1) space for each vacuum unit.

Motels and Hotels - One (1) space per suite with a minimum of five (5) spaces.

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

Offices of Veterinarians, Animal Hospitals or Clinics, and Kennels - One (1) space for every 200 square feet of floor area.

Billiard or Pool Halls, Arcades, Dance Halls, Indoor Athletic Facilities, and other amusement places without fixed seats - One (1) space for every 100 square feet of floor area, plus one space for every three (3) employees.

Skating Rinks - One (1) space for each 400 square feet of

floor area, plus one (1) space for every employee.

Theaters - One (1) space for every five (5) seats.

Indoor and Outdoor Athletic Facilities, Horse Race Tracks, and other amusement places with fixed seats - One (1) space for every five (5) seats, plus one (1) space for every three (3) employees.

Miniature Golf or Putting Course – One and one-half (1½) spaces per hole.

Garden Centers - One (1) space for every 400 square feet of floor area; plus one (1) space for each employee, with a minimum of five (5) spaces.

Adult Arcades and Massage Parlors - As for retail uses in the B-1 zone (with a minimum of three (3) spaces) or one (1) space for every five (5) seats, whichever is greater.

Adult Bookstores or Adult Video Stores - As for retail uses in the B-1 zone (with a minimum of three (3) spaces.)

Adult Cabarets, Adult Dancing Establishments, Adult Entertainment Establishments, and Sexual Entertainment Centers - As for retail uses in the B-1 zone (with a minimum of three (3) spaces), or one (1) space for every three (3) seats, whichever is greater.

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 for conditional uses shall be minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-20(o) Special Provisions

1. Landscape buffer areas shall be required as set forth in Article 18.
2. No building to be used principally as a single store selling food, produce, grocery items or general merchandise shall exceed 80,000 square feet in floor area unless:
 - a) approved by the Planning Commission prior to April 27, 2000 for a larger area, or
 - b) the building is designed to meet the design guidelines for “big-box” retail establishments (Article 12-8), unless specific

guidelines are waived by the Planning Commission through its approval of a final development plan.

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.
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, animal grooming facilities 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 of 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.

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.
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,

3. Churches, Sunday schools, and church-related schools for academic instruction, 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 trials; 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.

8-21(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 inciner-

ators.

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 farm markets, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting or 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 two hundred (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) employees on a maximum working shift, with a minimum of five (5) spaces; plus one (1) space for every 400 square feet of accessory retail sales area.

Retail Sales, Bulk Merchandise - One (1) space for every 250 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 for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-21(o) Special Provisions:

1. All buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors which are designed and intended solely for pedestrian access.
2. Landscape buffer areas shall be required as set forth in Article 18.
3. An Office/Warehouse mixed-use project may be permitted by the Planning Commission upon the

approval of a final development plan, as provided in Article 21 of the Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Article 8-21(b), the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

- a. Offices, laboratories and data processing centers, limited to a maximum of 75% of the floor area of the building or project. This square footage limitation shall not apply if the project is located within the defined Infill and Redevelopment Area.

As accessory uses:

- a. Drive-through facilities for the provision of services allowed in an Office/Warehouse mixed-use project;
 - b. Dwelling units for on-site security personnel.
4. Adaptive Reuse Projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- a. The property must be located in or adjacent to, or across a public right-of-way from, the defined Infill and Redevelopment Area. The area of the Project will be defined by the development plan and may include noncontiguous properties that can function together as an interrelated development.
 - b. The Project must include at least one existing building that will be adaptively reused as a principal structure.
 - c. The applicant shall provide documentation demonstrating that the Project meets at least three of the following criteria:
 1. It will incorporate sustainable features such as LEED Certification, “green” infrastructure, alternative energy or other innovative design or system.
 2. It will include a structure individually listed on the National Register of Historic Places or is determined to be eligible for such listing; is determined to contribute to the significance of a National Register Historic District or is in an area that meets the requirements of a National Register Historic District; is individually listed on a state inventory of historic places; is located within an Historic District (H-1) overlay zone; or is over 50 years old.
 3. It is in a district that has applied for, or has obtained, special funding such as tax

increment financing or similar government incentives.

4. It will provide residential housing, at least 10% of which will be set aside for affordable housing.
 5. It will provide a high degree of innovative accommodation for non-vehicular transportation.
 6. It is in an area specified in the Comprehensive Plan for adaptive reuse or revitalization.
 7. It is within an area that is a brownfields recovery site.
 8. Public art is provided by the development that will be publicly displayed in an accessible unpaid area and is visible from the adjacent street level. This is not to include a business logo or other type of advertisement.
 9. It has a single building of over 30,000 square feet that is over 50 years old, or a total project of over 80,000 square feet with at least two adaptive reuse buildings over 50 years old. A single building may not be used to meet both criteria #2 and #9.
- d. Principal uses in Adaptive Reuse Projects:
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; 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.
16. Indoor recreational facilities.
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 Section 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 percent (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. 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.
 - 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; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering, and

japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable under-ground 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, and 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.
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.
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, Sunday schools, and church-related schools for academic instruction, 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.
 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.
 21. Circus, 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.
 22. Ecotourism activities to include campgrounds; commercial hiking, bicycling, 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.

8-22(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-4 zone, items 3 through 11 and 14 through 16.
2. All uses first permitted in the I-2 zone, except as specifically permitted herein.
3. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks, which each have a water capacity in excess of 4,000 gallons.
4. Slaughterhouses.
5. Equine trails, children's rides, pony rides and petting zoos.

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

8-22(f) Minimum Lot Size - No limitation.

8-22(g) Minimum Lot Frontage - No limitation.

8-22(h) Minimum Front Yard - 20'.

8-22(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-22(o).

8-22(j) Minimum Rear Yard - No limitation, except as provided in Section 8-22(o).

8-22(k) Minimum Useable Open Space - No limitation.

8-22(l) Maximum Lot Coverage - No limitation.

8-22(m) Maximum Height of Building - 75', except when a side or rear yard abuts a Professional Office or Residential zone, then a 3:1 height to yard ratio.

8-22(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for B-4.

Manufacturing or Industrial Uses - One (1) space for every two (2) employees on a maximum working shift, with a minimum of five (5) spaces.

Automobile Race Tracks - One (1) space for every five (5) seats.

Correctional or Penal Institutions - One (1) space for each employee.

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

Retail Sales Facility for manufactured goods - One (1) space for every 400 square feet of floor area.

Industrial Mixed Use Projects - As for MU-3, except that off-site parking may be provided in conformity with Article 16-1(d).

Conditional Uses - Parking requirements for conditional uses are minimum requirements; the Board of Adjustment may require additional parking, as needed.

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

8-22(o) Special Provisions

1. All industrial uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six (6) feet in height.
2. Except for Industrial Mixed Use Projects, all buildings and structures shall be at least 100 feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors which are designed and intended solely for pedestrian access.
3. Landscape buffer areas shall be required as set forth in Article 18.
4. An Industrial Mixed Use Project may be permitted by the Planning Commission upon the approval of a development plan, subject to the following requirements:
 - a. The property must be in a location recommended in the Comprehensive Plan for Industrial Mixed Use, and should not displace an existing agriculture-related use permitted in the I-1 zone.
 - b. At least twenty percent (20%) of the total floor area shall be devoted to residential use, at least ten percent (10%) shall be devoted to a principal permitted use in this zone or the Wholesale and Warehouse Business (B-4) zone, and no more than forty percent (40%) of the total floor area shall be occupied by retail uses.
 - c. At least forty percent (40%) of the front building wall(s) of new buildings proposed for an Industrial Mixed Use Project shall be required to be built at the 20-foot setback.
 - d. In addition to the uses otherwise permitted in the Light Industrial (I-1) zone, the following uses shall be permitted in an Industrial Mixed Use Project:

As Principal Permitted uses:

1. Dwelling units.

2. Uses permitted in the Professional Office (P-1) zone, excluding a Professional Office Project.
3. Uses permitted in the Neighborhood Business (B-1) zone.

As Conditional uses:

1. Restaurants, without live entertainment or dancing, which devote more than twenty percent (20%) of the public floor area exclusively to the preparation and service of malt beverages, wine or alcoholic beverages.
2. Restaurants or nightclubs offering live entertainment and/or dancing, brew-pubs, or nightclubs, wine or spirit-tasting rooms [unless prohibited under Section 8-16(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 or other emissions not creating a nuisance to the surrounding neighborhood.

As Prohibited uses:

1. All adult uses listed in Section 8-16(e)(14) through (17) of the Zoning Ordinance.
- e. The minimum and maximum mix of uses shall be calculated based on the overall Industrial Mixed Use Project shown on the development plan. Each building within the Industrial Mixed Use Project shall not be required to contain a mixture of uses, provided that at least one structure shall contain a mixture of uses.

8-23 HEAVY INDUSTRIAL (I-2) ZONE

8-23(a) Intent - This zone is intended for manufacturing, industrial, and related uses that involve potential nuisance factors. It is also intended to encourage Adaptive Reuse Projects of older structures in or adjoining 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 to the adequacy of the street system to serve the anticipated traffic needs.

8-23(b) Principal Uses (Other uses substantially similar to those listed herein shall also be deemed permitted.)

1. The principal permitted uses in the I-1 zone, provided that all provisions outlined therein shall apply for said uses in this zone.
2. Abrasives manufacturing.
3. Acid (non-corrosive) manufacturing.
4. Aerosol packaging.
5. Agricultural uses, including hatcheries.
6. Asbestos manufacturing.
7. Automobile assembling, rebuilding, and reconditioning.
8. Bleaching plant.
9. Boiler shops, structural steel fabricating shops, steel car or locomotive shops, railway repair shops, metal working shops, operative reciprocating hammers or chisels or other noise-producing machine operated tools.
10. Bolt or screw thread rolling or cutting.
11. Bottle making.
12. Brewery, winery and distillery.
13. Brick, tile and terra-cotta and other clay products manufacturing.
14. Briquette manufacturing from previously prepared charcoal.
15. Bronze casting.
16. Candle or sperm oil manufacturing.
17. Canvas manufacturing.
18. Carpet or rug manufacturing.
19. Coke manufacturing.
20. Concrete mixing, concrete products.
21. Correctional institutions.
22. Die casting and making.
23. Disinfectant, insecticide, or poison manufacturing.
24. Dye or dyestuff manufacturing and printing ink manufacturing.
25. Electric power generating plant.
26. Excelsior and fiber manufacturing.
27. Fencing, woven wire manufacturing.
28. Fertilizer manufacturing.
29. Forge.
30. Foundry.
31. Gas storage: Above- or below-ground storage for resale of flammable or non-flammable gas or oxidizer in liquid or gaseous form, the storage of any empty container which contained any gas in any form, and the receiving of or dispensing of any gas in any form unless the method of distribution is first permitted as a conditional use in this zone; 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. Any outside storage area must be enclosed on all sides by a fence or a solid wall, not less than six (6) feet in height.
32. Glass fiber manufacturing.
33. Glucose manufacturing.
34. Grain drying and poultry feed manufacturing from refuse, mash, or grain.
35. Hair manufacturing.
36. Iron storage, sorting, collecting or baling.
37. Leaf mold and similar plant material processing or manufacturing.
38. Linoleum, oil cloth or oiled goods manufacturing.
39. Match manufacturing.
40. Nitrating processes.
41. Oil, paint, shellac, turpentine, varnish or enamel manufacturing or the grinding of colors by machine.
42. Paper or pulp manufacturing.
43. Paper scrap or waste storage, sorting, collecting or baling.
44. Perfume manufacturing.
45. Plaster manufacturing and products.
46. Potash manufacturing or refining.
47. Pyroline plastic manufacturing.
48. Railroad roundhouse or yards.
49. Roofing material factory.
50. Rubber manufacturing, treating or reclaiming plant.
51. Sand blasting.
52. Sewage treatment plant.
53. Shoe blacking or polish manufacturing.
54. Soda ash, caustic soda or washing compound, containing chlorine bleaching powder manufacturing or refining.
55. Stadium.
56. Steam power plant.
57. Storage, drying, or cleaning of rags, glass, cloth, paper or clippings, including sorting, refining, baling, wool pulling and scouring.
58. Sugar refining or starch manufacturing.
59. Tar or asphalt roofing or waterproofing manufacturing.
60. Textile manufacturing.
61. Tire manufacturing.
62. Vehicle storage yards.
63. Adaptive Reuse Projects, as set out in Section 8-21(b)3 and Section 8-21(o)4.

8-23(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

The permitted accessory uses in the I-1 zone.

8-23(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Acid (corrosive) manufacturing.
 2. Ammonia, chlorine or bleaching powder manufacturing.
 3. Animal black, lamp black or bone black manufacturing.
 4. Asphalt plant, but only when the following conditions are met:
 - a. That no asphalt plant 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, stormwater 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, adequate drainage, erosion, and sediment control cannot be provided, permits may be denied.
 - e. Roads - All access roads which 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.
 - 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.
5. Automobile wrecking, scrap iron storage or wrecking.
 6. Blast furnaces.
 7. Building materials salvage yard.
 8. Celluloid and pyroxylin manufacturing or explosives, or inflammable cellulose or pyroxylin products manufacturing or storage.
 9. Cement, lime, gypsum, or plaster of paris manufacturing.
 10. Coal storage.
 11. 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.
 12. Creosote manufacturing or treatment.
 13. Cupola or metal smelting furnace and ore or metal

- reduction.
14. Distillation of coal, petroleum, refuse, grain, wood, or bones.
 15. Explosives manufacturing or storage, except for small arms ammunition.
 16. Fertilizer manufacturing using organic materials, compost or storage.
 17. Fish curing, smoking, or packing, fish oil manufacturing or refining.
 18. Gas (acetylene, illuminating or heating) manufacture or storage.
 19. Gas storage and distribution facility where the means of distribution is railroad tank cars, gas piping, or tank trucks, which may each have a water capacity in excess of 4,000 gallons; however, the volume shall be governed by National Fire Protection Association regulations.
 20. Glue manufacturing, size or gelatin manufacturing, where the processes include the refining or recovery of products from fish, animal refuse, or offal.
 21. Junk yard.
 22. Livestock feed yards.
 23. Machinery wrecking or storage yard.
 24. Petroleum or inflammable liquids production, refining and storage.
 25. Rock or stone crusher, or mill, 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.
 26. Slaughtering of animals or stockyards.
 27. Smelting of aluminum, copper, tin, iron, zinc ore.
 28. Steel mill.
 29. Storage, curing or tanning of raw, green or salted hides or skins.
 30. Sulphurous, sulphuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacturing.
 31. Yard for storage of dismantled, or partially dismantled, automobiles.
 32. Helistops and heliports, provided such facilities conform to the requirements of all appropriate Federal, State and local regulations.
 33. 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.
34. 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 the Heavy Industrial (I-2) zone, including indoor tennis courts; skating rinks; athletic club facilities and bowling alleys.
 35. Transfer station, but only when the following conditions are met:
 - a. This use shall be conducted in a completely enclosed building. No transfer station shall be closer than 1,000 feet to any A-R zone, to any residential zone, nor to any existing residence on another lot under different ownership.
 - b. The facility shall be operated at all times in compliance with applicable Federal, State and local laws, including Health Department regulations; regulations on noise, air, and water quality; and this Zoning Ordinance. A plan demonstrating proposed conformance with these requirements shall be submitted as part of any application.
 - c. A site/development plan, indicating existing screening and landscaping, fencing and significant geological or physical features of the property, shall be submitted as part of any application. The development plan shall be prepared by either an engineer, architect, landscape architect, land surveyor, or certified planner. This plan should also indicate all existing contours, drainage courses, retention, stormwater and sedimentation basins; and the names and locations of all streams, creeks, or other bodies of water within 500 feet of the proposed transfer station. The facility shall have adequate groundwater monitoring, waste spillage, and liquid waste/ leachate containment measures incorporated into the building and site, and all liquid waste must be disposed of via sanitary sewers. In the event adequate waste liquids/leachate containment, delivery controls and spillage control methods cannot be provided, the conditional use permit may be denied.
 - d. The site/development plan should also indicate access points, proposed signage, and internal circulation designed to minimize the impact of traffic, dust, and vehicle noise on areas outside the site. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks, while being easily accessible to Federal or State highways. The plan shall identify (at a minimum) the route(s) to and from the site, the schedule and frequency of shipments, employee parking areas, and stacking areas for trucks. The

Board shall review the location of access points to ensure that no traffic hazards are created.

- e. All driveways and stacking areas shall be paved or sealed to prevent dust.
 - f. No transfer station shall be located within a 100-year floodplain or sinkhole area.
 - g. No waste shall remain overnight at the site.
 - h. This use shall be conducted only between the hours of 7:00 a.m. - 7:00 p.m.
 - i. The operator shall identify and employ misting, spritzing, masking agents, or absorption agents to control offensive odors.
 - j. 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, odor, truck traffic, vermin or other disease vectors, dust or other public health hazards. The Board shall also be able to find that the applicant has demonstrated specific measures in their application and plans that assure compliance with the applicable state environmental performance standards of 401 KAR 47:030.
36. 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.
37. 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.

38. Ecotourism activities to include campgrounds; commercial hiking, bicycling, 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.

8-23(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-4 zone, items 3 through 11 and 14 through 16.

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

8-23(f) Minimum Lot Size - No limitation.

8-23(g) Minimum Lot Frontage - No limitation.

8-23(h) Minimum Front Yard - 20'.

8-23(i) Minimum Each Side Yard - No limitation, except as provided in Section 8-23(o).

8-23(j) Minimum Rear Yard - No limitation, except as provided in Section 8-23(o).

8-23(k) Minimum Useable Open Space - No limitation.

8-23(l) Maximum Lot Coverage - No limitation.

8-23(m) Maximum Height of Building - As for I-1.

8-23(n) Off-Street Parking (See Article 16 for additional parking regulations.)

As for I-1.

8-23(o) Special Provisions

1. All buildings, outside storage areas, loading and working areas (except accessory parking) in conjunction with uses which are first permitted in the I-2 zone shall be located at least 300 feet from any residential zone and at least 100 feet from any other zone except B-4, I-1, or A-R.
2. Landscape buffer areas shall be required as set forth in Article 18. As to transfer stations, except in all cases at least a 15-foot landscape buffer shall surround the transfer station use.
3. Outside storage and working areas (except accessory parking) shall be enclosed by a solid wall or fence, not less than six (6) feet in height.

**8-24 OFFICE, INDUSTRY AND RESEARCH
PARK (P-2) ZONE**

8-24(a) Intent - This zoning category is created to provide for a mixture of compatible office, research, warehouse and industrial uses in a park-like setting with high quality standards of development. This zone shall be located as recommended by the Comprehensive Plan. While it is recognized that actual development of property zoned P-2 may occur in increments smaller than the total acreage shown on the Comprehensive Plan, the terms "P-2 area" and "P-2 park" as used herein are intended to mean the entire contiguous area of ORP as designated on the Comprehensive Plan. The limitations on retail and hotel/motel uses stated herein have been drafted with the expectation that a P-2 project will include all such property as shown on the plan.

8-24(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.
3. Research development and testing laboratories or centers.
4. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction, including dormitory facilities.
5. Libraries, museums, art galleries, and reading rooms.
6. Medical and dental offices, clinics, and laboratories.
7. Telephone exchanges, radio, and television studios.
8. Studios for work or teaching of fine arts, such as photography; music; drama; dance; and theater.
9. Community centers and private clubs.
10. Computer and data processing centers.
11. Ticket and travel agencies.
12. Television system signal distribution centers and studios.
13. Meeting and conference centers.
14. Storage and warehousing, when conducted in a completely enclosed building.
15. Parking lots and structures.
16. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.
17. The manufacturing, compounding, assembling, processing, packaging, or similar treatment of articles of merchandise from the following

previously prepared materials: 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.

18. 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.
19. Other industrial and manufacturing uses, such as beverage manufacturing; dairy and non-dairy, and food and non-food product bottling plants; box and crate assembly; cabinet shop; cannery; caterers; cooperage; crematory; dextrine and starch manufacturing; enameling, lacquering and japanning; 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; and tool manufacturing.
20. Recycling, sorting, baling and processing of glass, nonferrous metals (not including automobile wrecking yard), paper scrap and storage of waste paper, when wholly conducted in a completely enclosed building.
21. Hotels and motels, as specifically regulated under Article 8-24(o)(12) herein below.
22. Indoor and outdoor athletic facilities, such as field houses; gymnasiums; soccer; polo; and baseball fields.
23. Outdoor recreational facilities, including swimming pools; tennis courts; golf courses and golf driving ranges, and similar uses.
24. Agricultural research and experimentation facilities.
25. 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 square feet per child.
26. One designated retail sales area per P-2 project, limited to the following uses:

Offices for business, professional, governmental, civic, social, fraternal, political, religious, and charitable organizations.

Banks, credit agencies, security and commodity brokers and exchanges, credit institutions, savings and loan companies, holding and investment companies.

Establishments for the retail sale of food products, as per Article 8-16(b)(2).

Medical and dental offices, clinics, and laboratories.

Ticket and travel agencies.

Restaurants, cocktail lounges and night clubs, with entertainment, dancing, and/or sale of alcoholic beverages.

Establishments for the retail sale of merchandise, as per Article 8-16(b)(4).

Beauty shops, barber shops, and shoe repair.

Automobile service stations.

Quick copy services utilizing xerographic or similar processes, but not including offset printing methods.

Laundry and laundry pick-up stations, but not including self-service laundry.

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.

Athletic club facilities.

27. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height-to-yard ratio.

28. Adult day care centers.

29. Day shelters.

8-24(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental, and subordinate to permitted uses.)

1. The accessory uses permitted in the P-1, B-4, and I-1 zones, except as specifically prohibited in Article 8-24(e) below.

2. Within the designated retail area, the following accessory uses shall be permitted:

Parking areas and structures.

One dwelling unit for the 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 use.

Warehousing, wholesaling, and storage, excluding outdoor storage.

Drive-through facilities for the sale of goods or

products or the provision of services otherwise permitted herein.

Satellite dish antennas, as further regulated by Article 15-8.

3. Residential uses solely for incidental use by employees of a permitted use.

8-24(d) Conditional Uses (Permitted only with Board of Adjustment approval.)

1. Helistops and/or heliports, provided such facilities conform to the requirements of all appropriate Federal, State, and local regulations.

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. 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.

4. 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.

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

6. Ecotourism activities to include zip line trails; tree canopy tours; canoeing and kayaking launch sites; fishing clubs; and seasonal activities.

8-24(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. Dwellings, except as accessory uses for watchmen or caretakers, or as permitted under 8-24(c)(2) and (3) above.
2. All outdoor storage, display, and/or sales areas, including any vehicular sales facilities; but excluding outdoor patio areas operated in conjunction with a restaurant.
3. Any uses first permitted in the Heavy Industrial (I-2) zone.
4. Refuse dumps, incinerators, and landfills.
5. A facility for the storage and distribution of gas by railroad tank cars, through gas piping, or by tank trucks which each have a water capacity in excess of 4,000 gallons.

6. Ecotourism activities, except as permitted herein.

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

8-24(f) Minimum Lot Size - Five (5) acres, except in the designated retail area and areas which have been approved for a final development plan, then no limitation. See 8-24(o)6 below.

8-24(g) Minimum Lot Frontage - No limitation.

8-24(h) Minimum Front Yard - 200' on streets classified as expressways and major arterials on the official functional classification map; 100' for all other street frontages, except cul-de-sacs, which shall have a minimum front yard of 50'.

8-24(i) Minimum Side Yard - A combined side yard of 50', with a minimum of 25'.

8-24(j) Minimum Rear Yard - 25'.

8-24(k) Minimum Useable Open Space - See 8-24(o) below.

8-24(l) Maximum Lot Coverage - 30%; with a maximum floor area ratio of .4, except in the designated retail area, which shall have a maximum lot coverage of 25%, with a maximum floor area ratio of .5.

8-24(m) Maximum Height of Building - 1:1 height-to-yard ratio.

8-24(n) Off-Street Parking (See Article 16 for additional parking regulations.)

Office Uses - One (1) space for each 400 square feet of floor area.

Uses first permitted in the B-4 zone - As per B-4.

Uses first permitted in the I-1 zone - As per I-1.

Designated Retail Area - One (1) space for each 400 square feet of floor area for the first 10,000 square feet; one (1) space for each 200 square feet of floor area after the first 10,000 square feet.

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

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

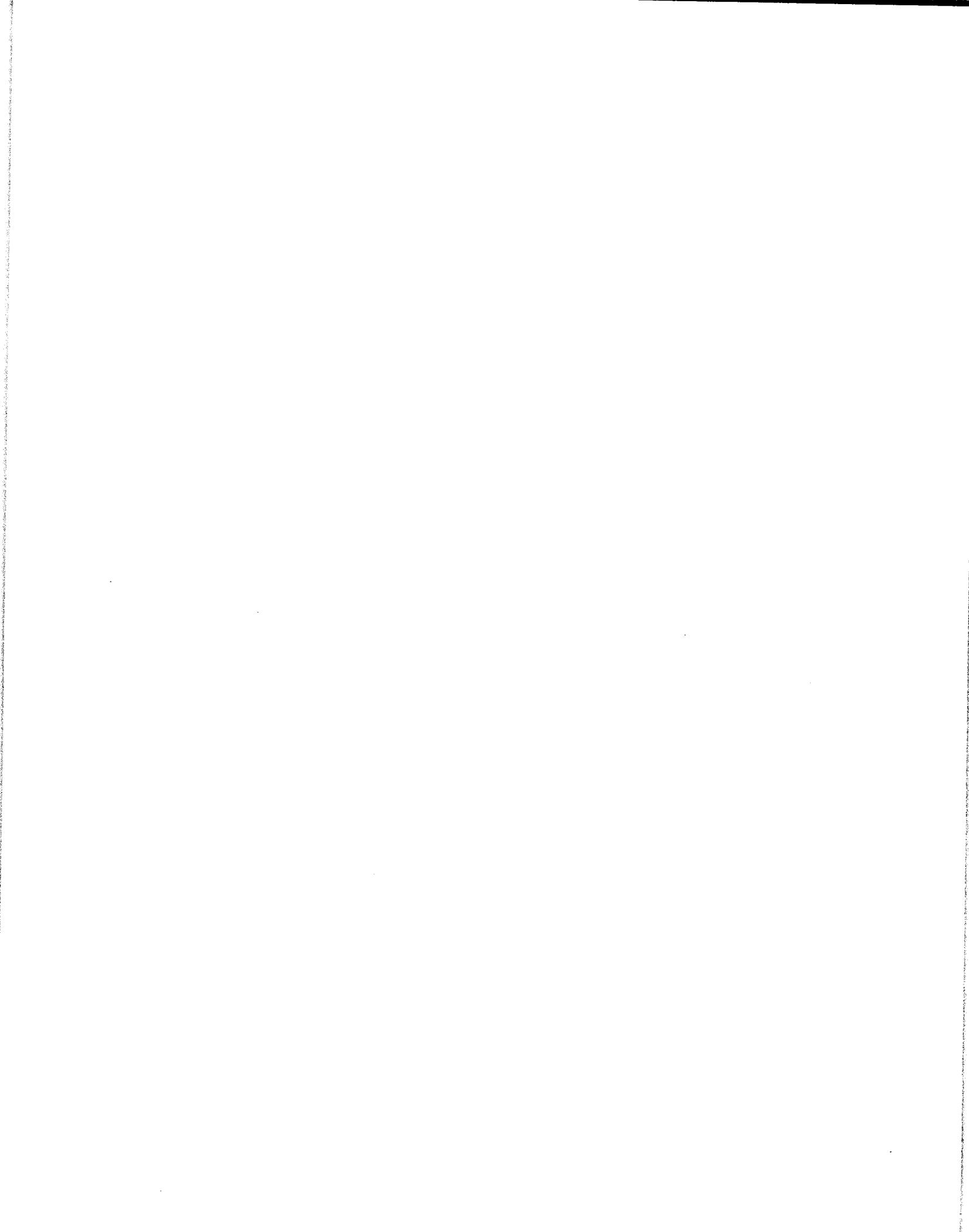
8-24(o) Special Provisions

1. Any site to be zoned in a P-2 zoning category shall be a minimum of fifty (50) net acres in size.
2. No more than fifty percent (50%) of any P-2 project shall be covered with buildings and parking lots or other paved surfaces designed for vehicular use. All open space areas shall be permitted, however, to contain outdoor recreational/athletic facilities, such as ball fields; jogging trails; tennis courts; picnic areas; golf courses; or similar outdoor activities for the use of the employees of the principal use of the property or the public at large. Land owned by the developer at the time of rezoning, which is subsequently dedicated at no cost to the public as recreational or open spaces (not streets), shall be included in such open space requirement.
3. The developer shall be required to provide proof of at least the following private covenants having been created prior to the approval of any final development plan:
 - a. A design committee of at least three registered architects and landscape architects (mixed 2 to 1 in either combination) shall be required to review and approve all site and architectural designs within the development.
 - b. An owners' association or other mechanism which provides for uniform maintenance of all open space areas and common areas.
4. Landscaping shall be required as per Article 18 of the Zoning Ordinance, except as modified herein. Perimeter landscaping around the exterior boundary of the project shall be as provided under Article 18 for the I-1 zone; however, the Commission may permit such portions of required perimeter planting to be reallocated to areas interior to the site, where it finds that solid screening is not needed to screen the uses from the adjoining rights-of-way or properties. In addition, ten (10) square feet of landscape area for each 100 square feet, or fraction thereof, of vehicular use area shall be required within the park. Street trees shall be required as outlined in the Land Subdivision Regulations. Each lot shall be required to provide on-site tree planting at a standard of 25 trees per acre,

- which shall include any street trees and trees planted within vehicular use areas. Existing trees may be substituted for such required new trees as outlined in Article 18-3(a)(7).
5. Signage within the P-2 zone shall be specifically regulated under Article 17-7(m) of the Zoning Ordinance.
 6. A preliminary development plan shall be required to be filed in conjunction with any zoning map amendment to a P-2 zone. No building permits shall be issued for any lot or building within the development unless and until final development plans are approved, as provided in Article 21. The minimum size project for any final development plan shall be five (5) acres. A final development plan with two or more buildings shall be designed as a cohesive architectural statement, with all development features exhibiting compatible design elements. Where lots are proposed less than five (5) acres in size, the minimum lot, yard, and height requirements shall apply to the entire project, rather than to each subdivided lot.
 7. Parking areas shall not be permitted to encroach into required front, side, and rear yards. However, no more than 10 visitor parking spaces may be permitted within such required yards.
 8. In addition to the required development plan, the applicant for any P-2 zoning category shall be required to file a comprehensive development statement at the time of filing. Such comprehensive development statement shall include, at a minimum:
 - a. A traffic impact analysis.
 - b. A preliminary site analysis of all significant natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, existing vegetation which should be given priority as use for open space areas.
 - c. Any proposed use restrictions, building requirements, architectural requirements, or similar restrictions over those required herein.Such studies shall be evaluated by the staff as part of the overall review of the map amendment request and development plan. Based upon such review, the Planning Commission and/or Council may impose restrictions on uses or other development aspects, including design criteria, as a part of the approval of the P-2 project.
 9. A designated retail area can be included within the project at the option of the developer for any project containing over 100 net acres. If included, such designated retail area shall be defined on the preliminary development plan at the time of creation of any P-2 zone and shall be able to be expanded or relocated only with the approval of the legislative body as for a zone change. The designated retail area shall be designed and located to primarily serve the needs of employees and visitors to the Office, Industry and Research Park. It shall be located internal to the park and shall not be located on adjoining arterial streets. The retail area shall not be less than one percent (1%) of the total area of the park, nor greater than five percent (5%) of the total area of the park, in any case.
 10. Except to the extent otherwise permitted in Article 8-24(e) above, all uses shall be conducted in a completely enclosed building.
 11. No site utilities shall be permitted to be above ground, with the exception of major electric and telephone distribution lines (which shall generally be located on lot perimeters), pad mounted transformers, and similar facilities. Service connections of such utilities to individual buildings shall be required to be underground. Any utilities to be located above ground shall be shown on required final development plans. All such overhead utilities shall be designed, located, and, where appropriate, screened, so as to preclude visibility from adjoining arterial roadways and public open space and/or greenway areas to the greatest extent feasible.
 12. The number of hotels and/or motels within a P-2 project shall not exceed a total of one (1) per fifty (50) net acres of the P-2 project; and the total acreage in motel/hotel uses shall not exceed ten percent (10%) of the area of the P-2 project.

Text Recommended by the Planning Commission on June 25, 2015

Article 11 – Interchange Service Business (B-5P) Zone



ARTICLE 11

INTERCHANGE SERVICE BUSINESS (B-5P) ZONE

11-1 INTENT - The intent of the Interchange Service Business (B-5P) zone is to permit the establishment of limited commercial facilities at limited access highway interchange areas so that the traveling public is conveniently provided with transient type services without endangering the movement along, as well as access to and from, the limited access highway. The standards contained in this Article are intended to provide adequate protection for, and consideration of, the traveling public.

11-2 PRINCIPAL USES PERMITTED - The following are principal permitted uses in an Interchange Service Business (B-5P) zone:

- a. Automobile Service Stations and automobile and vehicle refueling stations providing full service, self service, or a combination thereof; including the sale of convenience type merchandise in conjunction therewith in an enclosed building not exceeding 3,000 square feet in floor area. Such uses shall conform to all requirements of Article 16.
- b. Facilities for the sale of convenience type merchandise in an enclosed building not exceeding 3,000 square feet in floor area in conjunction with pumps for the sale of fuel for vehicles.
- c. Restaurants, excluding drive-in restaurants.
- d. Cocktail Lounges, Nightclubs, Wine Tasting Rooms and Discotheques, with or without live entertainment or dancing.
- e. Brew-pubs, when located at least 100 feet from a residential zone, which 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.
- f. Hotels and Motels.
- g. One Confectionery or Candy Store, not exceeding 1,500 square feet, per interchange quadrant.
- h. Overnight Trailer and Camping Facilities, Roadside stand and value-added product sales, not exceeding 3,000 square feet in floor area or land area.
- i. Carnivals on a temporary basis, and upon issuance of a permit by the Division 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 may not displace more than twenty-five percent (25%) of the minimum required parking for the site it occupies.
- j. Temporary cellular telephone transmitting facility; not to exceed 70' in height and with a 1:1 height to yard ratio.
- k. Car washing establishments, provided that surface water from such uses 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. The use shall be located at least 150 feet from a residential zone or residential structure in a non-residential zone; or the use shall be designed so that all vehicular stacking areas and machine operations, including vacuuming and mechanical washing, shall be conducted inside a building, or shall be separated from the residential zone or residential structure in a non-residential zone by a building or an eight-foot solid wall.

11-3 ACCESSORY USES PERMITTED - Accessory uses permitted in the B-5P zone are those uses which are customarily accessory, clearly incidental, and subordinate to any permitted principal use, such as:

- a. Swimming pools.
- b. Meeting rooms.
- c. Tennis courts, putting greens, handball courts, and other similar indoor or outdoor recreational facilities.
- d. Drive-through facilities for sale of goods or products or provision of services otherwise permitted herein.
- e. Bus agencies.

11-4 CONDITIONAL USES - The following are conditional uses in an Interchange Service Business (B-5P) zone (Permitted only with Board of Adjustment approval):

- a. 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.
- b. 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.

c. Seasonal activities.

11-5 PROHIBITED USES - All uses, other than those specifically named as permitted uses, shall be prohibited in the B-5P zone.

11-6 LOCATIONAL STANDARDS - A B-5P zone may be established only upon land having a minimum of 500 feet of frontage on a street designated by the Commission as an arterial and abutting a limited access highway interchange. The location of such B-5P zone shall have an acceptable relationship to the design of the limited access highway which it abuts.

11-7 MINIMUM DESIGN STANDARDS

11-7(a) ACCESS - There shall be no direct entrances or exits from any establishments to any arterial street unless acceleration and deceleration lanes not less than 200 feet in length and 11 feet in width are provided for both directions of travel.

11-7(b) NON-CONFORMING USES - Development of a B-5P zone in accordance with the provisions of this Article shall include the removal of any non-conforming use located on the property involved.

11-7(c) PARKING - Off-street parking areas for each permitted principal use shall be provided at least equal to those required for each such use in the B-3 zone.

11-7(d) SCREENING - Landscaping and screening shall be provided as required in Article 18.

11-7(e) LOT, YARD AND HEIGHT REQUIREMENTS - Lot and yard requirements shall be as for the Highway Service Business (B-3) zone. There shall be no height restriction except when a side or rear yard adjoins a residential zone, then a 3:1 height-to-yard ratio.

11-8 PROCEDURE - The procedure for obtaining a Zoning Map Amendment to the B-5P zone shall be the same as provided in Article 6 herein above; and in addition, as follows:

11-8(a) PRELIMINARY DEVELOPMENT PLAN REQUIRED - A preliminary development plan shall be submitted with the application for a Zoning Map Amendment with the information as specified in Article 21 herein below.

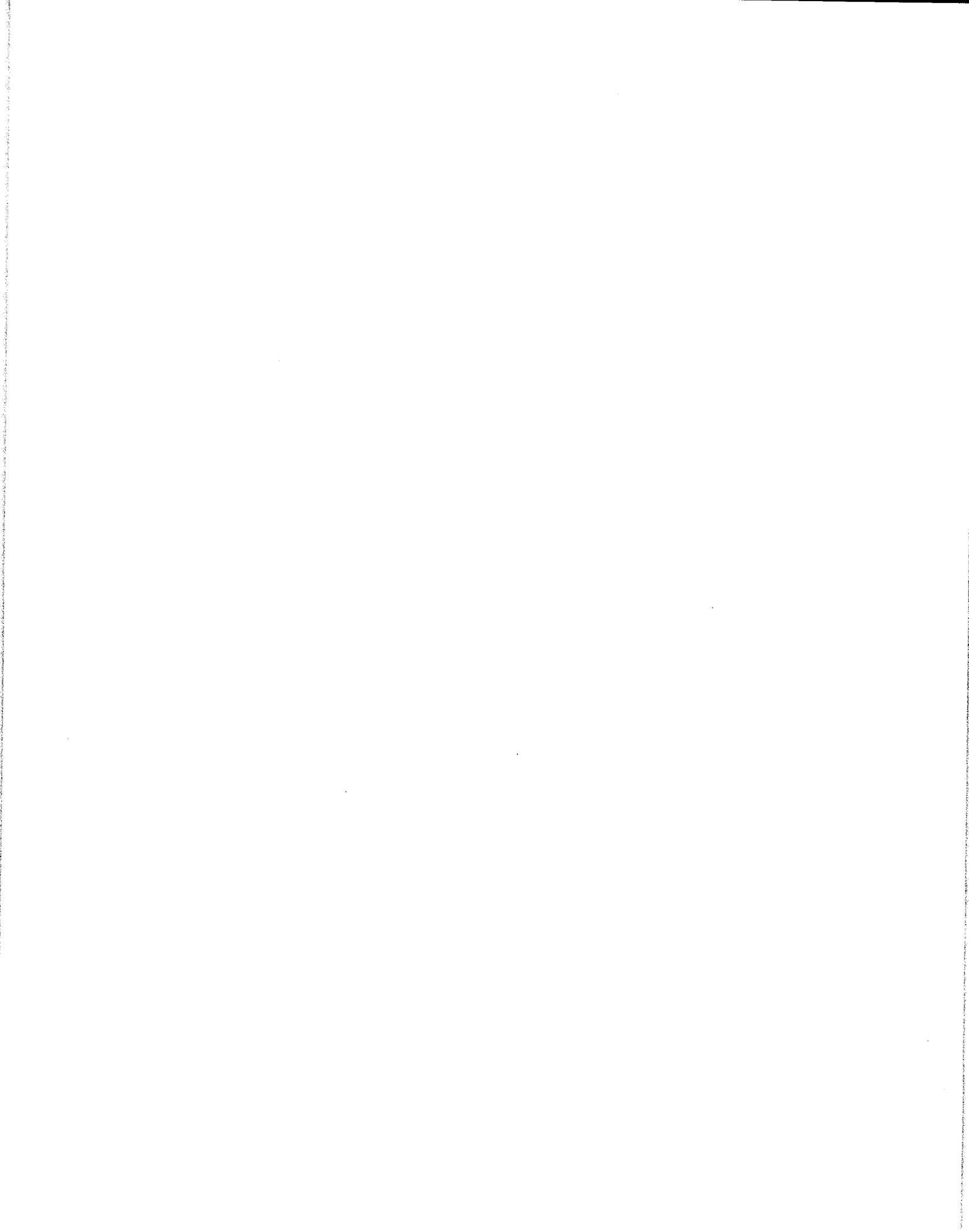
11-8(b) FINAL DEVELOPMENT PLANS REQUIRED - Within two (2) years of approval by the Urban County Council of any B-5P Zoning Map Amendment, unless an extension is granted by the Commission, the applicant shall submit a final development plan to the Commission for its review and approval; otherwise, an application to change the B-5P zone to its previous zone or other appropriate zone may be filed by the Commission, as provided under Article 6

herein above. The final development plan shall show the information as specified by Article 21 herein below. The Commission shall approve, conditionally approve, or disapprove a final development plan within ninety (90) days after the applicant submits the development plan.

11-8(c) BUILDING PERMIT REQUIRED - No building permit shall be issued until a final development plan has been approved by the Commission and certified to the Division of Planning, after which a permit for construction may be issued by the Division of Building Inspection. The approved final development plan shall limit and control the issuance of all building and occupancy permits, and shall restrict the construction, location, and use of all land and structures to all conditions set forth in the plan. Amendments to the plan can be made only as permitted in Article 21: Development Plans.

Text Recommended by the Planning Commission on June 25, 2015

**Article 23A – Expansion Area (EA) Zoning Categories
and Restrictions**



ARTICLE 23

23A-4 CONSERVATION DISTRICT (CD) ZONE

23A-4(a) INTENT - This zone is intended to provide areas within the Expansion Area for active and passive recreation and to provide neighborhood and community recreational facilities needed to serve the residents of the Expansion Area.

23A-4(b) PRINCIPAL USES

1. Outdoor commercial and noncommercial recreational facilities such as golf courses, driving ranges, zoological gardens, sportsmen's farms (excluding rifle and other firearm ranges), riding stables, fishing lakes, and outdoor swimming pools, outdoor tennis courts, outdoor skating rinks, baseball fields, soccer fields, polo fields, and the like; and including a structure not exceeding 1000 square feet for the administration of the outdoor recreational use.

2. Ecotourism activities to include hiking, bicycling, equine and zip line trails, tree canopy tours, canoeing and kayaking launch sites, botanical gardens and nature preserves.

23A-4(c) ACCESSORY USES

1. Private garages, storage sheds, and parking lots.

23A-4(d) CONDITIONAL USES

1. Sale of food and merchandise directly associated with the recreational activity when accessory to a principal use.
2. Lighting of outdoor recreational facilities.
3. Outdoor speakers and public address systems. Such systems shall only be permitted by the Board of Adjustment upon finding 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 to the location, power, and time of operation of such systems to ensure the protection of surrounding uses and properties.
4. 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.

5. Ecotourism activities to include primitive camping, fishing and hunting clubs, and seasonal activities.

23A-4(e) PROHIBITED USES

1. Commercial recreational facilities such as amusement parks, bowling alleys, skating rinks, pool or billiard halls, outdoor theaters, automobile race tracks, athletic club facilities.
2. Indoor recreational facilities.

3. Ecotourism activities, except as permitted herein.

LOT, YARD AND HEIGHT REQUIREMENTS

23A-4(f) MAXIMUM HEIGHT OF A BUILDING - 35 feet.

23A-4(g) PARKING REQUIREMENTS

Outdoor Athletic Facilities - One space for every five spectator seats.

Riding Stables, Sportsmen's Farms, and Zoological Gardens - Five spaces plus one space for each employee.

Golf Courses - Three spaces for each hole on the main course.

Driving Ranges - One space per driving tee, plus one space per employee, with a minimum of five spaces.

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

23A-5 EXPANSION AREA RESIDENTIAL 1 (EAR-1) ZONE

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 townhouse dwellings.
2. Community Residences.
3. Golf Courses and common open spaces.
4. Churches and Sunday schools, with or without associated child care, in locations where the Comprehensive Plan recommends semi-public uses.

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 Offices.
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. Non-commercial hiking and bicycling trails.

23A-5(d) CONDITIONAL USES

1. Home Occupations.
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. Equine trails.
7. Seasonal activities.

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

1. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-1 zone shall be open space.

Note: Text changes in the EAR-1 zone carry through by reference to the EAR-2 and EAR-3

23A-9 COMMUNITY CENTER (CC) ZONE

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.
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 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 station, 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 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 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.

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.
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 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 mastur-

bation, 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 farm; 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 and their accessory structures; and public buildings.
3. No building shall exceed 20,000 square feet in floor area except:
 - a. a building which contains a mix of residential and non-residential uses;
 - b. a building designed and intended to be used for a school, church or public building;

- c. a building 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. only one of the additional buildings may exceed 80,000 square feet in size; and
 4. 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 ECONOMIC DEVELOPMENT (ED) ZONE

23A-10(a) INTENT - The purpose of the Economic Development zone is to provide land within the Expansion Area for employment opportunities compatible with the overall character of development as provided in the Expansion Area Master Plan.

23A-10(b) PRINCIPAL USES

1. Offices for business, professional, governmental, civic, social, fraternal, political, religious and charitable organizations.
2. Computer and data processing centers.
3. Medical and dental offices, clinics and laboratories, and hospices.
4. Research development and testing laboratories or centers.
5. Mail order businesses.
6. 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.
7. 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.
8. Other industrial and manufacturing uses such as auto parts rebuilding; battery manufacturing; beverage manufacturing; 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; caterers; cooperage; crematory; 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; stone monument works; tool manufacturing, welding, and other metal working shops.

9. Regional medical campus consisting of an integrated complex of medical service providers and related support facilities on a campus of not less than fifty (50) gross acres governed by a single development plan. The development plan must demonstrate that the regional medical campus will contain hospitals and similar in-patient treatment facilities, which may include accessory cafeterias, pharmacies and gift shops. In addition, the following uses shall be considered part of a regional medical campus: outpatient clinics and treatment facilities, surgery centers, nursing homes, medically-supervised assisted living facilities, and extended-stay hotels.
10. Colleges, universities, business colleges, technical or trade schools, and other schools and institutions for academic instruction.
11. Offices of purchasers, processors, and handlers of agricultural products, limited to administrative uses only.

23A-10(c) ACCESSORY USES

1. Off-street parking areas and structures, and loading facilities.
2. A dwelling unit for watchmen or caretakers, provided that such facilities shall be located on the same premises as the permitted use.
3. 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.
4. Offices.
5. Recreational facilities, except as otherwise permitted herein.
6. 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 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 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. Helistops 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 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. 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.

5. Ecotourism activities to include campgrounds; commercial hiking and bicycling trails; equine and zip line trails; tree canopy tours; canoeing and kayaking launch sites; recreational outfitters; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.

23A-10(e) PROHIBITED USES

1. All uses listed as permitted or prohibited within the B-4, I-1 and I-2 zones, except as expressly permitted herein.
2. Radio, telephone or television transmitting or relay facilities, including line-of-sight relays and towers.
3. Dormitories.

LOT, YARD, HEIGHT AND DENSITY REQUIREMENTS

23A-10(f) MAXIMUM HEIGHT OF BUILDING - 90 feet, exclusive of mechanical equipment; or a 1:2 height-to-yard ratio, whichever is less, as measured from the contiguous ED zone boundary, provided that the average height of all buildings within the contiguous ED zone shall not exceed 48 feet.

23A-10(g) FLOOR AREA RATIO - A maximum of 0.75.

23A-10(h) MINIMUM FRONT YARD - 5 feet.

23A-10(i) OFF-STREET PARKING REQUIREMENTS - Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.

Hospices - One (1) space for every two (2) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

23A-10(j) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within an ED zone shall be open space.
2. No structures other than sidewalks, transparent fences, or stone fences shall be located within 5' of any public street right-of-way.
3. No more than half of the required off-street parking area shall be located between a building and any collector street.

4. Each parcel in an ED zone shall have direct access to a pedestrian accessway.
5. The development shall be screened from adjoining zones and arterial highways as for an industrial zone under Article 18-3(a)(1).
6. All uses shall be conducted in a completely enclosed building, except for outdoor storage uses, which shall be enclosed on all sides by a solid wall or fence not less than six feet (6') in height.
7. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no openings except stationary windows and doors that are designed and intended solely for pedestrian access.
8. No buildings or structures in the ED zone, other than driveways, transparent fences and stone fences, shall be located in a Scenic Resource Area; however, the Scenic Resource Area may be used to calculate the required floor area ratio.
9. No outdoor loud speakers shall be permitted.
10. No portion of a regional medical campus shall be located within 1,000 feet of the boundary of the Urban Service Area.
11. There shall be no more than one extended-stay hotel for a regional medical campus that contains 100 acres or less; a second extended-stay hotel is permitted for a regional medical campus that contains more than 100 acres, provided that there shall be no more than two (2) extended-stay hotels in a regional medical campus. The extended-stay hotel shall be: a) a part of a building that also contains medical facilities permitted on the campus; or b) physically connected by interior access ways to facilities containing medical services permitted on the campus. Extended-stay hotels shall be internally oriented to the site (e.g., not located on adjoining arterial streets).

Text Recommended by the Planning Commission on June 25, 2015

Subdivision Regulations

Article 1 – General Provisions and Definitions



LAND SUBDIVISION REGULATIONS

ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

1-14 DEFINITION OF WORDS - Throughout these Subdivision Regulations, all words in the present tense include future tense, and all words in the plural number include the singular number or vice-versa, unless the natural construction of the wording indicates otherwise. The word "may" is permissive, while the words "shall" and "will" are mandatory. The following words and phrases, when used in these regulations, shall be defined and interpreted as follows:

ENVIRONMENTALLY SENSITIVE AREA -

Any area which, due to its natural or physical setting, may have environmental problems with regard to development or use. Areas included are (but are not limited to) areas of steep slope (over 15%), floodplains, sinkholes, areas of poor soil, improper fills, wetlands, any significant tree or significant tree stands, aquifer recharge areas, and similar areas.

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-4 & SRA 2014-1: RECREATION AND TOURISM LAND USES

REQUESTED BY: URBAN COUNTY PLANNING COMMISSION

PROPOSED TEXT: See Attached
(Note: ~~Dashed underlined text~~ indicates an addition, and ~~stricken through text~~ indicates a deletion to the current Zoning Ordinance. Red text indicated a change suggested by the Planning Commission)

STAFF REVIEW:

In January 2014, the Planning Commission initiated a text amendment to modify Articles 1, 8, 11 and 23 of the Zoning Ordinance and one section of the Land Subdivision Regulations in order to implement the comprehensive recommendations of the Urban County Council's ad hoc Recreation ZOTA Work Group.

The 15-member Work Group was formed in February 2012 by Vice-Mayor Gorton in order to expand recreational opportunities and tourism in Fayette County. The Work Group was made up of the Vice-Mayor; Council Member Lane (12th District); members of the Planning Commission and Board of Adjustment; and several business, government, neighborhood and recreation planning representatives. The Work Group held 20 meetings throughout 2012, reviewing the basics of zoning; the intent of each zoning category; numerous maps depicting resources and existing recreational and tourism land uses within the county; the *Rural Land Management Plan* (1999); and tourism facts for Fayette County. The Work Group adopted three goals to help direct and focus their work:

- (1) Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape and historic resources;
- (2) Encourage agritourism opportunities that are incidental to the primary agricultural use for signature Fayette County farmland; and
- (3) Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.

The significant review of existing materials informed the group's collective recommendations for many new definitions, as well as expanding the opportunity for recreational and tourism land uses in virtually every zone. The Work Group also formed two sub-committees that examined the Neighborhood Business (B-1) and Agricultural Natural Areas (A-N) zones more closely.

In general, the text amendment process identified a number of recreation uses, most of which are not being addressed by the current Zoning Ordinance, that generally fall into two larger recreational use categories – "ecotourism" and "agritourism." Definitions were developed for the uses that generally fell within these two categories, and then each land use was reviewed by the Work Group and recommended to be allowed as a principal, accessory, conditional use or prohibited use in virtually every zone; for example, the Work Group looked in detail at "campgrounds" and recommended that two separate definitions be established – one for "primitive campgrounds" and one for "recreational vehicle campgrounds." This allowed for the more insensitive recreational vehicle campground to be permitted in fewer zoning categories because of its potential negative impact. The proposed definitions for each type of campground provide a clear distinction between the two uses, and this type of clarification was desired by the Work Group for a multitude of recreational land uses. Currently, the most intensive recreational uses, both indoor and outdoor, are permitted in the Highway Service Business (B-3) zone (mostly located within the Urban Service Area), and that would remain true if the proposed ZOTA is adopted by the Urban County Council.

Once the Work Group completed their effort, the Council's staff prepared a final summary of the Recreation ZOTA process and recommendations for presentation to the full Urban County Council. Chair of the Work Group, Don Robinson, and Vice-Mayor Gorton presented the information (which included the detailed recreational use matrix) to the Council in July of last year.

In the summer of 2013, the planning staff transferred the Work Group's recreational and many into an initial draft of the text amendment (in the format typically reviewed by the Planning Commission). Following review by the Chair and Vice-Chair of the Work Group, the draft was forwarded to the Planning Commission for review. The Planning Commission initiated the text amendment in January 2014, but has since taken additional time to review the draft text. This thorough review resulted in several proposed modifications. The ZOTA was drafted after a half-dozen work session discussions with the Planning Commission members, up until May 2014.

The Commission's changes from the initial Work Group draft (shown in red text) generally involved the following:

- Adding definitions for the following terms: agribusiness, amusement park, botanical garden, campgrounds, children's rides, country inn, petting zoo, recreational vehicle, active recreation, passive recreation, scenic byway, scenic highway, and youth camp.
- Modifying definitions for the following terms: bed and breakfast facility, commercial farm market, farm tour, festival, fishing and hunting club, gift shop, homegrown restaurant, seasonal activities, sportsman's farm, and tree canopy tour.
- Accepting "pony rides" as part of the current KRS definition of agricultural use (which resulted in its removal from list of accessory uses in all the agricultural zones).
- Adding "horse shows for more than 70 participants" and "youth camps" as conditional uses in the agricultural zones.
- Making "gift shops" a conditional use in the A-N zone, similar to the initial proposal for other agricultural zones.
- Adding "country inns" as a conditional use in the B-1 zone, including an off-street parking requirement.

Upon completion of the Planning Commission's review of this extensive text amendment, a public hearing was set and notification was sent to all registered neighborhood associations in Fayette County, as required for all text amendments.

Since the Planning Commission completed its review in mid-May, the staff met several times to review the proposed text amendment and has drafted several suggested changes. The Planning Staff as a whole has a broad mission and has involvement in a number of community groups, boards and commissions. That broad experience, along with the guidance from several local planning documents (2013 Comprehensive Plan, Greenways Master Plan, Regional Bicycle and Pedestrian Plan, Rural Land Management Plan), has shaped the staff's draft changes. In general, the staff recommends the following adjustments to the ZOTA (see attached staff alternative text):

- (1) tighten the language of some definitions;
- (2) delete definitions that are not absolutely necessary - meaning that they do not appear elsewhere in the Ordinance;
- (3) relax the proposed regulation of some low impact recreational uses (hiking and biking trails, canoeing and kayaking launch sites, campgrounds, for instance);
- (4) incorporate rock climbing as an adventure tourism activity in the agricultural zones and permit tree canopy tours and commercial farm markets in the A-B zone as a conditional use;
- (5) clarify that ATV, BMX and other race tracks would be regulated as automobile race tracks are currently regulated, and differentiate such race tracks from bicycle trails;
- (6) group tourism-related land uses with other outdoor recreational uses;
- (7) provide additional requirements for review by the Board of Adjustment for recreation and tourism-related land uses in the agricultural zones;
- (8) remove sportsman's farms and campgrounds from possible location in residential zones; and
- (9) clarify inclusion of sporting goods and recreational equipment sales in the business zones.

The staff believes these proposed modifications create a more consistent treatment of land uses for the entire Urban County.

It is the community's desire to encourage an active lifestyle for Lexington which can be encouraged by removing obstacles and permitting uses that are currently not allowed in the Zoning Ordinance. In addition, increasing the opportunities for recreation and tourism-related uses is an excellent way to allow for a better quality of life. This text amendment will help do so.

The Staff Recommends Approval for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that support the agricultural economy, including, but not limited to, local food production and distribution, agriculture, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World" (Theme C, Goal #1, Obj. B); "encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism" (Theme C, Goal #1, Obj. E); and "providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington" (Theme C, Goal #2, Obj. 1). The proposed

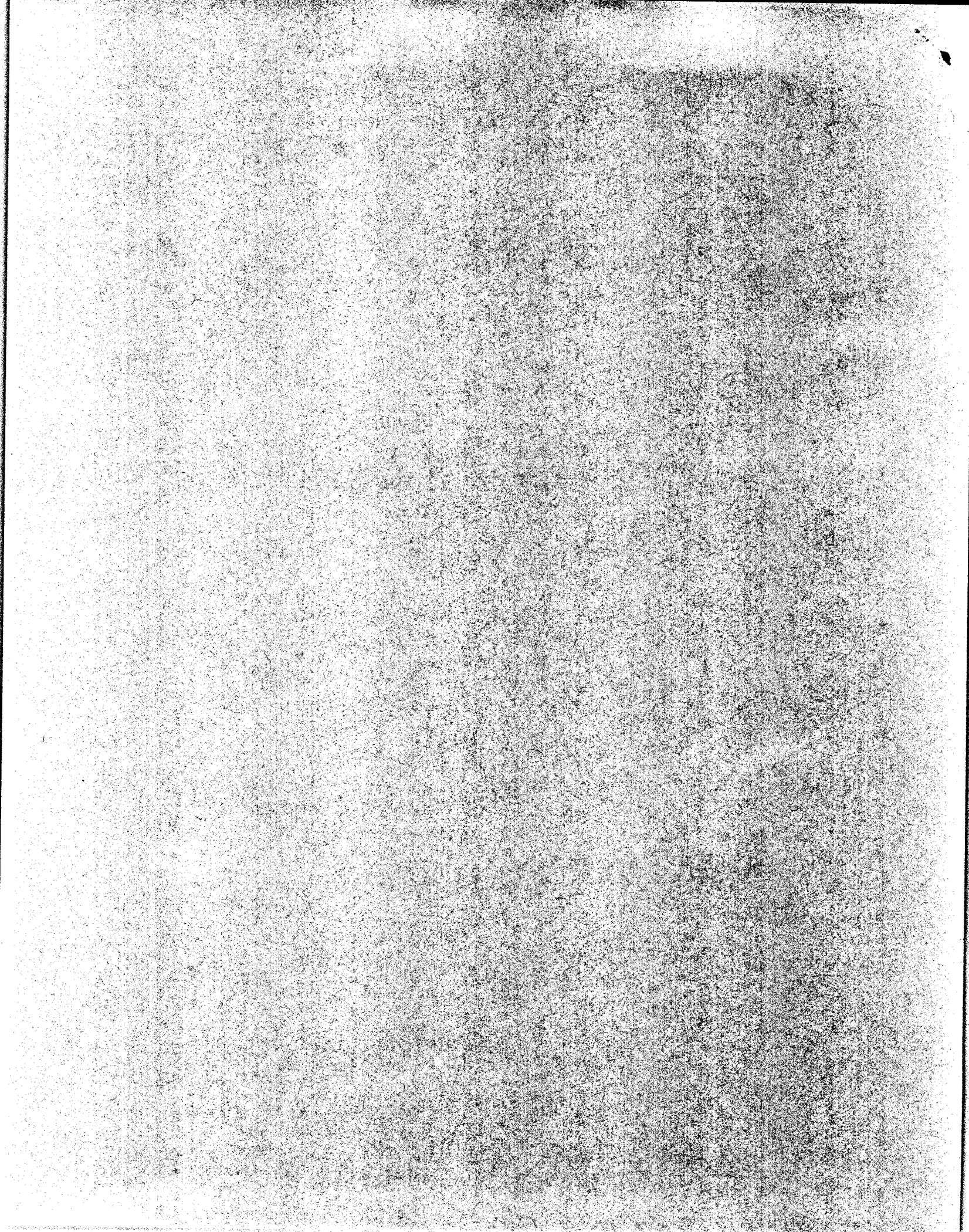
text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.

2. The *Rural Land Management Plan* (1999) acknowledged that "the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong" (page 1-4), and called for greenways, staging areas and trails, as well as public access to the community's unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community's overall quality of life.

TLW/BJRWLS

7/2/14

Planning Services/Staff Reports/ZOTA/ 2014/ZOTA 2014-4.doc



2. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee made no recommendation on this request.

The Staff Recommends: Approval for the following reasons:

1. The 2013 Comprehensive Plan recommends “strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page 1-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

Staff Presentation: Ms. Wade stated that the staff had received a considerable amount of correspondence related to this requested text amendment, noting that they had been forwarding letters and emails to the Commission members electronically as they were received, with the exception of a letter that arrived on the morning of this hearing. She distributed copies of the letters and emails to the Commission members for their reference during the hearing. Ms. Wade noted that the staff had also distributed copies of the Planning Commission’s draft text; the basic intent statements from each of the zoning categories; and a set of tables that reflect the existing and proposed uses for each zone.

Ms. Wade stated that the purpose of this proposed text amendment was to review the Zoning Ordinance in relation to recreation and tourism uses, and to make revisions. The goals, as established by an ad hoc work group convened by Vice-Mayor Linda Gorton, were: 1) to showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources; 2) to encourage agritourism opportunities that are incidental to the primary agricultural use in Fayette County; and 3) to explore recreation and tourism opportunities that support quality of life, infrastructure, and the environment of the urban, neighborhood, and rural settings in Fayette County.

To date, Ms. Wade explained, a significant amount of effort has been devoted to this text amendment, which began in March of 2012 with the establishment of the work group that was put together by the Vice-Mayor. The work group spent approximately eight months sifting through information in consideration of recreation uses, and created a summary document, which was presented to the Urban County Council in May of 2013. The Division of Planning staff conducted research based on that summary document, and drafted a text amendment that specifically mirrored the recommendations of the work group. The work group co-chairs reviewed the proposed text, which was then forwarded to the Council. Ms. Wade said that, in October of 2013, the Council elected to forward the text on to the Planning Commission for initiation, because they realized that it would receive more review. Also in October 2013, the staff did a preliminary presentation of the draft text at a Planning Commission work session. The Planning Commission methodically reviewed the draft text from November 2013 to May 2014 at several work sessions. The staff took the Planning Commission’s recommendations, and incorporated them into the text, which is the version that is being presented at this hearing. The Zoning Committee reviewed the staff report in July of 2014; and the full Planning Commission considered staff alternative language from July through September.

Ms. Wade stated that the staff’s expectation is that the Commission will take public comment on the proposed text amendment at this hearing; review those comments, and possibly ask the staff to make revisions to the text; then take action on the text at a later public hearing. That action would trigger the staff’s final report to the Council, which would then receive the text for further consideration.

Ms. Wade said that the work group had 20 meetings, where they considered the basics of zoning; the intents of the zones; resource mapping; tourism information from the Lexington Convention & Visitors Bureau; definitions; and, specifically, agri-tourism and ecotourism. The work group then created a matrix of recreation uses by zone. They also had two subcommittees do in-depth studies of the Neighborhood Business (B-1) zone and Agricultural Natural (A-N) zones, due to more intense community interest in those zones. Additional attention was given to the B-1 zone because it is both urban and rural, while the A-N zone was given more in-depth review because the Rural Land Management Plan calls for special treatment of that area. Ms. Wade said that the proposed text amendment is the result of very careful review of recreational uses in all zones, not just agricultural zones. The proposed text will help to define uses and differentiate between uses with regard to their intensity.

Ms. Wade stated that the staff drafted the proposed text in two sections: definitions and land use regulations. The staff focused on improving definitions, which are regulated in Article 1. Land use regulation changes are proposed to Articles 8, 11 and 23, with an emphasis on agritourism and ecotourism uses and minor modifications to the uses listed in the urban zones.

Ms. Wade said that the new definition list, which is lengthy, includes some terms that are not currently defined, as well as some new land uses. Providing definitions was very important to the work group. For example, the work group put a great deal of thought into defining "campgrounds," which are not currently defined; they recommended separating the types of campgrounds into primitive and recreational vehicle types, and treating the types differently based on the zoning category. Ms. Wade noted that "bed and breakfast," which is included in the definition list, is currently defined in the Ordinance, but the Planning Commission suggested a slight modification to that use.

With regard to the work group's consideration of agritourism, Ms. Wade said that the work group proposed new land uses that could be included in that category, and the regulations established for those uses. The new proposed uses include: hayrides; farm tours; corn mazes; petting zoos; pony rides; gift shops; and seasonal activities. There are some existing uses that could generally be thought of as agritourism, including wine tasting; roadside stands; riding stables; and historic house museums.

Ms. Wade stated that the proposed ecotourism category includes: hiking and biking trails; equine and zipline trails; tree canopy tours; canoe and kayaking launch sites; recreational outfitters; and bird-watching and nature preserves. The staff found that the only two existing ecotourism uses in the Zoning Ordinance were fishing and hunting clubs. Ms. Wade noted that government uses are not regulated by the Zoning Ordinance, so LFUCG Park facilities in the agricultural area will not be required to adhere to the requirements established therein.

With regard to agricultural use definitions, Ms. Wade explained that KRS defines "agricultural use" in Article 100, and exempts several uses. Small farm wineries and equine-related uses are generally permitted under KRS, so those cannot be prohibited or restricted by the Zoning Ordinance. Gift shops have been proposed in some instances in agricultural zones; those are proposed to be limited to 1,000 square feet in size. The proposed text also refers to special events, but notes that they would be prohibited if they were related to a commercial purpose. That regulation would allow the continuation of philanthropic events on agricultural properties. Ms. Wade said that clarifications are proposed for the definition of "commercial farm market," which is different from the current definition of agricultural market. Commercial farm markets are intended as the downtown farmers market, while an agricultural market is broader and more intense in use, and can include sales of livestock. "Tree canopy tours" and "zipline trails" are differentiated by the method of construction. Ms. Wade added that these proposed changes would maintain the limit of 10,000 total square feet for built structures in agricultural zones.

Ms. Wade said that the Planning Commission reviewed the work group's recommendations for several months, relying on tables prepared by the staff to aid in the comparison of existing zoning regulations versus the proposed changes. The specific changes proposed by the Planning Commission included some new or modified definitions, as well as several use changes. Equine-related uses, such as riding events of more than 70 participants, would be conditional uses. The Commission added youth camps in the agricultural zones; included gift shops, with a 1,000 square-foot restriction, in the A-N zone; and added "country inn," along with a definition, which would be allowed only in rural B-1 zones.

Ms. Wade stated that the last part of the proposed text amendment involves a minor change to the Land Subdivision Regulations definition of "environmentally sensitive area." That definition would add the words "or use" to the end of the first sentence of the definition, in order to make the definition in the Land Subdivision Regulations match that of the RLMP text.

Ms. Wade noted that the staff would not review the particulars of the proposed text extensively at this time, since the Commission had reviewed it at many of their recent work sessions.

Citizen Comments: Greg Bibb, Chair of the Rural Land Management Board, read the following for the record:

"In the year 2000, the Urban Council passed the ordinance that created the Rural Land Management Board and the Purchase of Development Rights program. The purpose of the ordinance is 'to establish a program for the preservation and management of agricultural, rural and natural lands which will

over the next 20 years purchase perpetual conservation easements on 50,000 acres in the Rural Service Area.'

Since the inception of the program, the Rural Land Management Board has successfully conserved over 28,000 acres of farmland on approximately 244 farms. These farms range in size from less than 20 acres to over 500 acres, and include crop, cattle and equine farmland.

The preservation of Fayette County farmland is vital to our local and state economy. According to a 2013 University of Kentucky College of Agriculture economic impact study, this finite resource supports an agricultural cluster that generates \$2.4 billion in annual output, and provides 1 of every 9 jobs. This farmland is woven through our economy in ways we do not consciously recognize, yet is essential to our quality of life. It provides the food that fuels the farm-to-table movement in our local restaurants; it enables our farmers' markets to thrive and diversify; it drives the record-breaking attendance at Keeneland and its \$530 million in sales last year; and it brings tourists from all over the world who shop, eat and play in our wonderful city. It is an indispensable component of our economy.

As you contemplate expanded recreational uses in the Rural Service Area, we ask that you keep in mind that our community, state and federal government have invested \$77,000,000 in protecting our rural farmland. The PDR farm owners and citizens of Fayette County have a vested interest in ensuring these dollars accomplish their intended use as stated in the Rural Land Management Plan. Agriculture is economic development and if our farmland goes away, so goes our Lexington economy. 50,000 acres is only 27% of all land in Fayette County, yet the return is immeasurable. We ask that you join us in our goal of preserving 50,000 acres, and not implement changes that could hinder our efforts.

With sincere gratitude for your consideration,
The Rural Land Management Board"

Missy Byars, representing the Fayette County Neighborhood Council, read the following for the record:

"Conditions must be drafted and adopted for many of the proposed uses as part of the text amendment, in order to make them user and neighborhood-friendly. Without the establishment of minimum conditions for the individual and specific uses that could potentially generate noise, pollution or other conflicts, neighbors and neighborhoods have no assurances or legal grounds that the use will not have an adverse influence on the existing or future development of the subject property or the surrounding neighborhood.

Article 6-7A of the Zoning Ordinance states: 'All recreational and commercial uses shall require a posted security bond.' The Fayette County Neighborhood Council suggests additional information and clarification regarding ensuring intent compliance for activities in each zone clarification; provide definitions for every use; improve some of the existing definitions for clarification; develop conditions for some specific uses to ensure compatibility; eliminate conflicts within individual zones and across zones; and comply with all other local, state and federal laws and regulations and adopted plans."

Bill Lear, attorney, stated that he had not been involved in the Recreation ZOTA process to date, but he was recently asked by a number of individuals to comment on the proposed text and how it relates to past planning efforts.

Mr. Lear said that he was involved in a "seminal period" in Lexington-Fayette County planning history, beginning in 1995 and ending in 2000. During that time, the Urban Service Area was expanded by 5,600 acres; and the Expansion Area Master Plan (EAMP), Rural Land Management Plan (RLMP), and PDR programs were adopted. There were four incorporators named in the RLMP, who were directed to establish the PDR program: Mayor Pam Miller; Frank Penn; Margaret Graves; and Mr. Lear. He participated on behalf of the Homebuilders Association of Lexington, as well as other economic development and development interests. This ZOTA process has been similar to that of the development of those plans and programs.

Mr. Lear stated that some balances were struck as part of the public policy process in Lexington-Fayette County, including expansion of the USA boundary for the first time in many years, and laying of the foundation for future expansion. That process also provided maximum protection for the rural landscape, particularly the prime agricultural lands. From the standpoint of preservation, the points system in the PDF program was given the most attention, since it was intended to establish the foundation of rural protection going forward. Mr. Lear said that the highest point value in the program is for prime agricultural lands, large tracts, and lands that have road access. Points were deducted for sewerability areas and proximity to the USA boundary, and protections were specifically put in place for the equine industry.

Mr. Lear read the following, from presentations he made at that time:

"Listen who is in favor of this compact we made: the Chamber of Commerce; the Land and Nature Trust of the Bluegrass; Bluegrass Tomorrow; the Homebuilders Association; Bluegrass Conservancy; the Farm Bureau; Fayette County Neighborhood Council; Kentucky Thoroughbred Association; and various Planning Commission members, Councilmembers, the Mayor, and other members of the public."

"This is important from the business and economic standpoint, because of the economic impact of the agriculture industries, particularly the horse industry; its role in establishing the character of our area; its role in the recruitment of businesses and employees."

Mr. Lear stated, after reviewing the proposed text amendment, that he is concerned about "anything which has the potential for putting incompatible uses—uses incompatible with functioning, primarily horse farms—in the A-R zone." He said that horse farms are "horse factories" that produce a product that cannot be easily replaced if it is lost. In his opinion, many of the uses in the broad definitions of ecotourism and agritourism sound appealing, but they should not be located next to those "horse factories" if they have the potential for endangering the primary product.

Mr. Lear stated that the community made the decision to protect that primary product because of its economic value. He suggested that the Commission "go very slow" in opening up additional uses in the prime agricultural areas, because they run the risk of endangering the industry that is most important there.

Ann Graham, resident of the 5th Council District, read the following for the record:

"I grew up in the Ecton Park neighborhood, or what became Ecton Park after the Ware Farm was sold. In fact, there were farms surrounding our new neighborhood, and we played in the open spaces for hours; cops and robbers in the summer, and snow sledding all day at Banana Hollow in the winter. Now, all that is left of this fabulous open space is tiny little Ecton Park. And only half of it is available to the neighborhood, since the rest of it has been consumed by baseball fields, bleachers, a snack stand, and other buildings.

An Incompatible History

Ecton was meant to be a neighborhood park, a place for teaching our children to play tennis; for adult volleyball leagues; beginners' soccer instruction; family reunions; stopping at the store on Romany Road to buy a picnic dinner for the family while they listened to a Tuesday evening jazz concert; walking babies and dogs; hosting tiny tot birthday parties at the playground; a place where Morton, Cassidy, and Christ the King classes can walk to learn and picnic. In other words, a normal park. Even the basketball court had to be squeezed into the center of the park, because of the ball fields. When the beautiful, 150+-year-old tree in the heart of the park came down a few years ago, our view became nothing but the blight from the paved-over grass and the concession building for the ball club. Today, the sign on the side of the building says that they are having a \$450,000 expansion campaign. But nothing about moving the facility to a more appropriate location. Before the park service finally put up wooden post barriers, the ball club parents were parking their cars on what was left of the grassy area, so that they would not have to walk a few blocks to their child's game. So much for the tree roots that they were crushing. The 5th district Councilman was told an untruth so that they could get access to more of the park to build a third field. They said the tennis courts, in good condition at that time, were never used, even though I had recently had to wait in line to get a court. This group, with many of the families coming from outside our district, has taken over our park, and, because their facilities lock up so much of the park space, imagine what is left over for all of those community activities listed above. Almost nothing.

I am here today asking you to protect our parks as green spaces, and not allow special interest groups to come into a neighborhood and corrupt a beautiful and much-loved park. Thank you for allowing me to speak today."

Knox Van Nagell, Fayette Alliance, stated that she would like to submit, for the record, the group's written position and *Lexington Herald-Leader* op-ed article about the proposed text amendment. She read the following for the record:

"We would like to say that we applaud the ZOTA initiative, as it attempts to achieve the delicate but necessary balance of promoting tourism and recreation on one hand, and protecting our farm operations and natural resources on the other. Therefore, we respectfully request that you adopt the ZOTA committee report, along with our following five recommendations.

First, we believe that farm gift shops and homegrown restaurants must have an agricultural nexus between the products sold and the subject farm. Work is needed to determine a feasible and enforceable

* - Denotes date by which Commission must either approve or disapprove request.

ble definition for "ag nexus" to legitimize the ag aspect of tourism uses in the rural area, and in the A-R zone in particular.

Second, we support farm gift shops only if they are located on working farms that are giving tours; are no more than 1,000 square feet in size; and are selling farm products and/or memorabilia that are raised on site. Under this scenario, the ag nexus is maintained, and the use is accessory to a bona fide farm operation, upholding the ag intent of the rural zones where they are contemplated.

Third, we support non-commercial, passive recreational principal uses in our core ag areas, particularly in the A-R zone, such as multi-use trail systems using public rights-of-way along our scenic rural roads.

Fourth, we support commercial, recreational, and ecotourism conditional uses, such as canopy tours, recreational outfitters, and campgrounds, outside of our core ag areas in the B-1, A-U, A-B, and, potentially, A-N zones, provided a surety bond is in place where needed on a case-by-case basis to protect the environmentally sensitive lands in that area. The Planning Commission should appoint a workgroup to explore the use and application of such bonds. Ostensibly, a bond requirement would demonstrate that the business operator is well-financed and capable of stewarding our most precious resources, and also able to clean up the site in the event the use ceases for any reason. If we can require performance bonds for development in the heart of downtown, we can and should do it for our most remote and sensitive natural resources throughout our rural landscape.

Fifth, new non-commercial recreation and ecotourism programs should be explored on our 2,800 acres of rural parkland in Fayette County. These lands could accommodate a community need without altering our Zoning Ordinance.

The ZOTA is a most significant legislative initiative, and a win-win is needed, where we build on our assets, and not undermine them. To accomplish this, we must strengthen the foundation upon which our acclaimed, bluegrass brand is built, while introducing exciting new land uses and public access opportunities that complement this foundation. Protecting the ag intent of our rural zones and preserving our unique natural resources are essential to this vision. Much is at stake, and we very much appreciate you considering our remarks here today."

Gregory Butler, Chair of the Greenspace Commission, read the following for the record:

"The Urban County Council created the Lexington Greenspace Commission in 1990 with an ordinance tasking the Commission to protect, preserve, and enhance those open spaces within the county which possess the characteristics which give the Bluegrass Region its unique identity, to strengthen tourism and related businesses through the preservation of our unique character, and to provide an accessible system of open spaces which offer significant education value and opportunities.

Having reviewed the proposed Recreation Zoning Ordinance Text Amendment (ZOTA), the Greenspace Commission unanimously supports the goals of the ZOTA Work Group to:

'Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, and cultural landscape and historic resources.

Encourage agritourism opportunities that are incidental to the primary Agricultural use for signature Fayette County farmland.

Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.'

These goals are in line with the mission of the Greenspace Commission, as well as the goals and recommendations outlined within the Greenspace Plan adopted by the Council in 1994.

However, the Greenspace Commission contends that the proposed use designations within the Recreational ZOTA are too restrictive and suppress the potential for the development of new and engaging recreational opportunities within the Rural Service Area that are accessible, promote tourism, and stimulate economic development. The prohibition of so many potential uses is contradictory to the aims of the Greenspace Plan to diversify the rural economy and increase rural recreational activities, while adapting to the needs of the future.

The Greenspace Commission recommends that the Planning Commission review uses proposed within the Recreation ZOTA as Prohibited (P) and consider amending them to a Conditional Use (C).

Given the unique nature of each proposed development or improvement, the Conditional Use designation allows the Board of Adjustment to review each proposal on its individual merits and appropriateness, and to take into consideration the uniqueness of its scale, location, and potential impact on the surrounding area.

Respectfully submitted,
Gregory M. Butler, Chair"

Nick Nicholson, attorney, was present representing Horse Country, Inc., who made a presentation to the Planning Commission at their August work session. He said that, since their business is not yet operational, his clients did not want to weigh in fully on the proposed text amendment. They are concerned, however, about the proposed language concerning gift shops.

Mr. Nicholson stated that the Disney Institute, acting as a consultant in the development of his clients' business, stressed the importance of providing "tangible memory items" for tour participants, noting that souvenirs create a desire in travelers to return to the locations where happy memories were made. He said that repeat tourism will be an important facet of Horse Country, Inc., so his clients would like to propose an alternative definition for "gift shop," (the same definition as was proposed by Fayette Alliance.) Their definition would tie the commercial gift shop uses to the agricultural zone, while clearing up ambiguities, such as the meaning of "small and inexpensive," which is included in the current definition. Mr. Nicholson stated that his clients would recommend the following language for the definition of "gift shop:"

"A retail facility that sells farm products grown or raised on the premises, and/or farm memorabilia representative of the farm products grown or raised on the premises."

Mr. Nicholson stressed that his clients do not believe that gift shop uses should be limited to horse farms, but should be open to any use.

Burgess Carey, 8039 Old Richmond Road, read the following for the record:

"Thank you for considering my comments regarding the currently proposed Recreational ZOTA. As you know the Boone Creek Outdoors project has withdrawn its request for a rezoning to the as yet unused Agricultural Natural zone. This project is only relevant to my comments regarding the ZOTA as an example of the consequences of not including additional principal uses in the A-N zone as a part of this text amendment.

It is clear that this ZOTA is intended, as Vice Mayor Gorton has repeatedly stated for the record '...not to look for more uses in the A-R zone, but to restrict the types of uses that we don't want.' The committee, which recorded and considered no public comments of record, identified its priority as to promoting the three primary brands for Fayette County, The Equine Industry, Traditional Agricultural and Wineries, then anything else that does not negatively affect these industries.

What has resulted is a proposed piece of legislation that limits the potential commercial opportunities to sustainably preserve and maintain our treasured Greenspace to these three industries. This is a shortsighted approach.

While no one would dispute the priority the thoroughbred industry should be given in our community, or the fact that this commercial activity helps support the land values of our Greenspace, it is also true that our county is littered with 40 acre and smaller lots that can never be entirely self supporting while limited to these three uses alone.

The priority, as identified by John Gaines, of preserving our "Factory Floor" is sound, however if the rent and maintenance of that factory cannot be supported by one business, does it matter if another type of business can?

What if this legislation were passed 50 years ago, and tobacco was one of the few products that landowners were allowed to produce? We would now have one fewer way to preserve our Greenspace, and be desperately searching for another.

The safety net currently in place is sufficient to prevent development we do not want, there is a multi layered regulatory process that must be met before any new commercial or non commercial uses are established in the A/R zone now, from the Planning Staff, The Board of Adjustments, The Planning Commission and the City Council, and in my case the Circuit Court. It is obvious to me that controls are established to regulate unwanted activity in our community.

* - Denotes date by which Commission must either approve or disapprove request.

So what do we gain by prohibiting virtually every commercial activity from 73% of our land in Fayette County?

It is an established principle that gains are seldom made by suppression, and while we all support and admire our current "signature brands", refusing to consider new innovations through prohibition will only squash innovation, in which case we all lose as a community.

For example, 40-acre lots or those of similar size might best be preserved "as is" by hosting nano-distilleries, yoga studios, citizen centers, bed and breakfasts, children's educational facilities, art studios, ferriers, music studios or boutique venues, surely these types of uses could be good neighbors to our most prominent industries.

Bourbon and Bluegrass music are two "signature brands" that are not represented here, will we regret that later?

Please consider allowing additional commercial and non commercial uses in the AR zone that would not be disruptive to our signature brands.

Finally, as I understand this ZOTA, it is recommending the separation of eco-tourism from agri-tourism in terms of definition. This is contrary to the existing State KRS which identifies eco-tourism activities under its agri-tourism definitions. This ZOTA basically proposes prohibiting all eco tourism from the A-R zone (as well as many other uses) in favor of allowing these uses to be "conditional" under the Ag-Natural Zone.

However the "conditional use" addition is not practical and will not result in the intended protection of these lands. The Agriculture Natural Zone carries a higher standard for use and protection, commercial or non commercial, because of the sensitivity of the land eligible for that classification. This is entirely reasonable, however if there are no new principal uses in the A-N zone there is no real opportunity or reason for the landowner to make the investment to request a zone change, to only have a "conditional" use to provide the incentive.

The A-N zone has not been utilized since it was created in the 1990's for this very reason. The principal uses are the same.

Therefore, I would like to respectfully request that this planning commission amend the current ZOTA to include ecotourism activities, including canopy tours, as well as Bed and Breakfasts, as Principal uses in the A/N zone.

In closing, I attended every meeting of the ZOTA committee as a member of the public, however public comments were limited to 3 minutes at the end of each meeting and not recorded for the record, very few others attended these meetings. While the committee took on a Herculean task, there was little influence on its decision from many other potential stakeholders from our community. This ZOTA needs revision and needs to be more inclusive of our entire populous and to potential visitors alike.

On Old Richmond Road where my family lives, we have numerous alternative commercial activities taking place on AR land, both permitted and non permitted, from bistro restaurants, wineries and corn mazes, those operations are benefits to the neighborhood, and they facilitate the preservation of the land as well as help sustain property values. These alternative commercial uses present opportunity to take better care of the properties in our area, and can benefit from the impact and proximity of the interstate as well as the potential opportunities from being so close to the Kentucky River.

Please consider these suggestions for revisions to this critical change in the law.

Our greenspace is precious, to all of us.

Burgess Carey
The Carey Group"

Jim Griggs, McCalls Mill Road, read the following for the record:

"My name is Jim Griggs. I've been a member of the Board of Adjustment for 10 years. This text amendment, will be implemented, for the most part, by the BOA. Our hearings are fast-paced. Regarding conditional uses, which is one of the Board's areas of responsibility, sometimes we fail to think of all of the requirements necessary to protect the existing neighborhood. Nothing would help the BOA more than these three things: clear definitions of terms; recognizing in the text amendment

the different impact a use will have in a commercial vs. a non-commercial setting; and a thorough list of minimum conditions for uses that are likely to be intense, busy, and noisy, like wedding receptions, campgrounds, or canopy tours/ziplines. For an example of minimum conditions, may I suggest you look at ag markets, mining/quarrying, concrete mixing plants, and B&Bs. In the A-R zone, you'll find requirements on parking, lighting, noise, and minimum lot size, as well as minimum distances from a conditional use facility to other properties. The BOA has difficulty coming up with these conditions on the fly, in order to limit adverse effects on surrounding properties, thoughtful consideration of these conditions in advance will help the BOA make better and more consistent judgment calls.

On a personal note, if I can have one more minute of your time, I'd like to give you a view into the A-N zone, which seems to be taking the brunt of this ZOTA. I live in southeast Fayette County on McCalls Mill Road. It's a Scenic Byway little more than one lane wide. We live in a wooded creek valley. Our driveway is graveled with a switchback. Obviously, we don't have sidewalks or street lights or city sewers. Eight houses on McCalls Mill don't have city water; I have a well. We don't live there because it's easy or convenient; it's not. We live there because it's quiet and peaceful, rare qualities these days. Our land is zoned A-R, but it's in the A-N overlay, if I can call it that. Wedding receptions every weekend, a campground, or a zipline in close proximity would destroy the ambience and hurt land values. Without long--very long--separation requirements between these new, intense uses and surrounding properties, the existing neighborhood will be compromised.

I thank you for your time and your efforts."

Commission Question: Ms. Mundy asked how large Mr. Griggs' property is. He responded that his property is 3.75 acres in size.

Todd Johnson, Homebuilders Association of Lexington (HBAL), stated that been involved in this process since the beginning, as a member of the ZOTA work group. He submitted a letter for the record.

Mr. Johnson stated that, at a recent HBAL board meeting, a conversation took place about property rights and opportunities for property owners to make a living in a way that is compatible and beneficial to the community. He said that HBAL members believe that it is vitally important to connect the Urban and Rural Service Areas, and to be forward-thinking in developing opportunities to connect visitors with the rural landscape and activities.

Mr. Johnson said that HBAL is opposed to the ZOTA as proposed, because its members do not believe that there are enough provisions in place to allow property owners to make a living on their properties without a number of barriers. He opined that the existence of zones with either no allowable principal uses, or very limited such uses, is not a good example of land use. The HBAL members believe that it is possible to review the zones in question and find compatible, principal uses that will apply to each situation.

Mr. Johnson stated that HBAL would like to request that the Planning Commission not approve the current text of the proposed ZOTA, and take time to work with the staff to find "reasonable, logical" principal uses for some of the zones that they believe might be lacking.

Tom DuPree, Lexington resident for 50 years, stated that he had worked in many jobs in the community. He read the following for the record:

"As you take up the Recreational Zoning Ordinance Text Amendment at your meeting today, you might ask yourself a very simple question 'Does Fayette Cmnty really need more regulations concerning land use?'

My business is located just across and up Main Street from City Hall. Our business sits at street level with large plate glass windows facing Main Street. I see a lot of people walk by during the course of the day and almost none of them have jobs.

The reasons why they don't have jobs are myriad and beyond the scope of this letter. However more arcane and detailed regulations concerning how the land in our county can be used will probably further limit the possibility that these people may find jobs. I don't see many of them becoming ag-tourism guides or farm to table purveyors anytime soon.

Another aspect of our business puts us in touch with people who have recently retired. If you look at the impact of employers like Lexmark and Toyota on the financial situations of many simple working people, as I do daily, your eyes would be opened as to what actually creates wealth and prosperity in our community. It isn't agriculture. It is manufacturing.

Proponents of the Text Amendment, also known as ZOTA would have us believe that further taking of property rights away from landowners in rural Fayette County somehow will create prosperity. It is based on a notion that the "community of stakeholders" meeting numerous times over the past few years have come up with better ways of managing land than its actual owners. This is a ridiculous notion, but in Lexington-Fayette it is au courant.

The idea that Lexington-Fayette is an agricultural powerhouse is tenuous. If you take away the Thoroughbred race horse industry we have very little agriculture in this county. We don't crack the top ten counties in Kentucky in any agricultural product other than race horses. And when the sales at Keeneland are added to Fayette County agricultural production it is simply a misrepresentation. The Keeneland Sales ring is more like a brokerage company. That sale could take place anywhere, including in a virtual environment. There is nothing particular about Lexington that requires the sale to happen here.

If you drive around in rural Fayette County as I do frequently what you realize is that Lexington-Fayette has a mowing problem. Our rural areas are mainly empty fields. Instead of working farms what we have in rural Fayette County is a lot of high priced residences on 40 acres or more. And there's the rub.

The most recognized group pushing ZOTA, the Fayette Alliance, represents primarily large landowners even as they pretend to be somewhat more populist. While it could be argued that these large owners' land values might be somehow enhanced by ag tourism, it seems that the real motivation is 'not in my backyard'. These people paid a lot of money for their land and they don't want to look out their back window and see anything but more farm land. And to be honest, I don't blame them.

But this is a private matter. Large parts of the notion of private ownership of land have been ceded to 'communalists' over the years in our country and especially in Fayette County. The problem comes when these 'community takings' seriously devalue the private value of land and its ability to generate real jobs. The Lexington Fayette Urban County Government will find itself financially pinched more as its Public Safety pension and health care costs rise. It's only real source of revenue is the occupational tax. But if we continue to constrain more land those jobs will continue going to Scott County.

As you look at ZOTA, remember what it is. It's an effort on the part of a wealthy few to keep rural Fayette County free of people. It's how the whole notion of infill got started. What rural Fayette County needs is more factories of the manufacturing type, not the imaginary type.

I see the effects of our county's land use policies on a daily basis. It creates an inner city which is a breeding ground for crime and poverty. And it creates countryside with an artificiality that is good for very little. Except mowing."

Mr. DuPree invited anyone who was interested to appear on his radio show to discuss the proposed text amendment.

Debra Kelly, owner of Kelly Farms on Old Richmond Road, stated that her family's farm is approximately 200 acres in size. She said that her family also operates a corn maze, which generates funds that help support the farm. The family raises cattle; has several acres of blackberries; and sells pumpkins and other seasonal produce. Educational groups are encouraged to visit the corn maze, where students are taught about growing produce, beekeeping, and other agricultural activities.

Ms. Kelly said that the corn maze was started by one of her daughters as a high school project. She stated that the corn maze has been operated for eight seasons, with the full support of her neighbors, all of whom were notified about the project before it opened. The corn maze operates Wednesday, Thursday, and Friday evenings, as well as all day Saturday and Saturday evenings, all in accordance with state regulations.

Ms. Kelly stated that her family has been lifelong residents of Lexington-Fayette County for at least three generations. She asked for the Planning Commission's consideration in allowing her farm to continue operating corn mazes and providing educational activities, while supporting their neighborhood.

Commission Question: Mr. Owens asked if the corn from the maze is harvested. Ms. Kelly answered that the corn is cut down after the maze, and serves as a home for foxes and deer during the winter. She added that this year, it is intended to be used as silage.

Chauncey Morris, executive director of the Kentucky Thoroughbred Association, read the following for the record:

"The Kentucky Thoroughbred Association (KTA) is supportive of recreational and tourism opportunities that complement our signature Equine and Agricultural sectors which define the image of our community and contribute jobs, tax revenue and significant economic impact to Fayette County. Simply put,

there has been a large increase in tourism as well as new opportunities for novel recreation over the past ten years due to a tradition of preserving production agriculture, not in spite of it.

As it pertains to the Agricultural Rural (A-R) zone, the KTA is in favor of preserving the zone as designated, to promote production agriculture and the itinerant needs of farming operations. It is our opinion that commercial recreation and adventure tourism should be minimal in this zone, as it is disruptive to the very activities which have attracted interest from individuals and groups wanting to locate within the A-R Zone from all over the world. Public access in our core agricultural areas may be addressed through carefully managed farm-tour initiatives such as Horse Country, and comprehensive non-commercial trail systems using public rights-of-way, etc.

Adventure tourism and other commercial uses may be better suited to the rural B-1, A-N, and A-B areas, given the intent of these zones. Such uses should only be introduced if their operations respect the natural resources, adjacent farm operations, and neighbors of the subject area. Buffering, noise and light restrictions, water quality controls, and if necessary surety bonds are tools that can be used on a case-by-case basis to achieve this goal.

Lexington-Fayette County is the Horse Capitol of the World. We must continue to deliberately protect and promote our acclaimed Bluegrass landscape that is the foundation of our signature industries, while responsibly pursuing tourism opportunities that complement this brand."

Mr. Morris stated that Kentucky has superseded all other states, and is now responsible for 34% of the national foal crop, as well as producing more foals than any other single location in the world. He said that Lexington-Fayette County is the best location in the world for breeding, racing, and selling thoroughbred horses; and that industry is a significant contributor to the economy.

Mr. Morris stated that the 24 directors of KTA are not large landowners; they are hands-on horsemen and women who are devoted to growing "a product that has a heartbeat," and that is their reason for wanting to preserve the agricultural area as it was meant to be.

Randy Gilbert, president of the Kentucky Thoroughbred Farm Managers' Club, stated that he first came to the Kentucky Horse Park when he was nine years old, and he fell in love with the landscape. He said that his family is from Ohio, but he knew at that point that he wanted to live in Lexington-Fayette County. He relocated to the area as part of the Kentucky Equine Management internship program in 2001. Mr. Gilbert read the following for the record:

"My name is Randy Gilbert and as the President of the Kentucky Thoroughbred Farm Managers' Club (KTFMC), I am writing to you on behalf of our 700 members whose livelihoods are dependent upon the land that makes up Fayette County and the surrounding counties. Fayette County is known as the horse capital of the world and for good reason. The Thoroughbred industry here in Kentucky is a multibillion dollar industry with the largest concentration of horses here in Lexington. Without our famed bluegrass land upon which we raise our horses, Kentucky would be without one of its signature industries. We cannot create more land, therefore we must protect what we have now. The KTFMC is in full support of preserving the Agricultural Rural (A-R) zone as designated. Any change should be minimal as it is imperative that we protect the land and water that we use to raise Kentucky's signature industry. Commercial and other non-agricultural/equine related ventures are best suited for other zones where our industry will not be disturbed."

Mr. Gilbert stated that the following statistics were obtained from the University of Kentucky Equine Survey that was conducted in 2012: the equine industry as a whole in Kentucky has a \$3 billion impact; breeding and raising horses has a \$710 million impact; the racing industry has a \$1.28 billion impact; and Keeneland had a \$15 million impact on Lexington-Fayette County in just its two 2012 meets. He said that those statistics are important because, of the 242,000 horses in Kentucky, 10% are located in Lexington-Fayette County, nearly twice the 13,000 horses located in Bourbon County, which has the second largest concentration.

Carrie McIntosh, Fayette County Farm Bureau, read the following for the record:

"My name is Carrie McIntosh, and I am writing this letter on behalf of the Fayette County Farm Bureau.

Farm Bureau serves as the "voice for agriculture," our mission is to work together to support farmers in practicing sustainable agriculture, to enhance the environment, to provide safe food systems from production through consumption, to communicate factual information to consumers, to encourage youth in advancing education and leadership skills, to represent agricultural concerns to elected officials, and to contribute to the social fabric of the community.

In advancement of our mission, Fayette County Farm Bureau would like to recommend your consideration and adoption of ZOTA 2014-4 & SRA 2014-1: Recreation and Tourism Land Uses.

A diverse group of members was assembled under the direction of the Vice Mayor and has worked on this plan for over 2 years with planning staff present at all meetings. We feel confident that the workings of this group and their final recommendations has been taken very seriously and explored to the fullest and therefore support their original findings and recommendations.

The ZOTA work group has recommended new tourism uses in the rural area provided they consider natural resources and some sort of production agricultural take place in conjunction with the conditional use.

The intent of the A-R zone is to promote farming. Non-agricultural commercial uses should be kept to a minimum in this zone to protect Ag enterprise, which has a \$2.4 billion impact on our local economy and constitutes our iconic brand.

The creation of the Agricultural-Natural Zone allows for advancement in recreation under strict supervision to ensure proposed activities are well suited for the land being proposed.

Recreation opportunities can be strengthened in the rural area, and should be addressed in a non-commercial comprehensive way to protect the intent and primary land uses of the A-R zone.

Horse Country, a comprehensive bike trail system using public rights of way, and a re-evaluation of the activities and programs offered on our 2,800 acres of rural parkland should be explored. We are aware that this issue of agritourism in Fayette County has been a highly discussed topic for some time and careful consideration of this matter is very important to secure our landscape and heritage here in Fayette County.

In conclusion we again would like to recommend that you adopt the final report as presented by the ZOTA work group ZOTA 2014-4 & SRA 2014-1. Let's work together to enhance our County and provide economic opportunities for all in a way that protects our unique Bluegrass."

Betty Webb, former member of the Greenspace Commission and Preservation Committee, stated that, as a member of those bodies, she served during the same time period as Mr. Lear. She said that, although she and Mr. Lear were on different sides of the table, they both came to realize that agricultural land is "an extremely special resource" in Lexington-Fayette County, and it needs to be protected.

Ms. Webb said, with regard to the Greenspace Master Plan, that one portion provided a framework for open spaces and riparian corridors along the nine major watersheds for the specific purpose of addressing the growing problem of stormwater runoff, declining water quality, and reduced wildlife habitat. She asked that the Commission members review that Plan, because she believes it is important that they become familiar with its guidelines before allowing recreation uses along important conservation corridors.

Ms. Webb opined that, although she is a supporter of all types of active and passive recreational uses, she believes that many of the changes proposed in this text amendment conflict with the carefully crafted guidelines outlined in the Greenspace Master Plan. She said that the Plan identified three distinct types of conservation corridors, and the types of activities that should be allowed in them: 1) steep slopes, wetlands, and areas with unique ecology, with no facility development or active recreational activities; 2) less sensitive areas, which would be suitable for low-impact, passive activities such as hiking trails, minimal amenities, and picnic tables; and 3) lesser sensitive areas, which were deemed suitable for active recreational uses such as hard-surface trails and more extensive support services and amenities. The more important consideration in all of those corridors was to preserve the natural landscape to ensure optimal stormwater management and water quality control.

Ms. Webb stated that she believes that more intense recreational uses in the most sensitive areas will have a direct negative impact on the issues that the conservation corridors were designed to address. She noted that those corridors run throughout the Rural and Urban Service areas, and include public and privately-owned lands, so the zoning issues involved with uses along the corridors can be very complex. Ms. Webb said that the original Greenspace Master Plan included a recommendation for small area development plans for many of the portions of the conservation corridors, which has not happened in any one area. She opined that, if such a plan had been developed in the Boone Creek area, it would have saved a lot of trouble over the last several years. Ms. Webb encouraged the Commission members to defer to the guidelines currently in effect in the existing Greenspace Master Plan as part of their consideration of this text amendment.

Susan Enlow, Fayette County resident, complimented the staff on the "very delicate dance" they have conducted to satisfy the disparate interests in this text amendment. She said that she wants to preserve the gifts of Lexington-Fayette County, and she wants other people to be able to enjoy them.

Ms. Enlow stated that she and her husband have biked and kayaked in other states, where they have enjoyed ecotourism activities, and noted that Lexington-Fayette County might be missing out on tourism dollars by not developing similar ecotourism uses. She said that she was raised on a farm, and she has an interest in preserving Lexington's international brand. As the current owner of an off-track thoroughbred, she recently spent time with veterinarians and farriers from Spain, England, and Ireland, who came to this area because Lexington-Fayette County is "the center of the thoroughbred world."

Ms. Enlow stated that she is a strong proponent of personal property rights; however, she believes that sound, light, traffic, and visitors could seriously negatively impact the preservation of the equine industry. She asked that the Commission include the extra provisions proposed by Fayette Alliance in their consideration of the proposed text amendment.

Luke Fallon, stated that he was present representing "the land and the horse," both of which are critical to the culture of Lexington-Fayette County. He said that he is a fifth-generation member of Hagyard Equine Medical Institute, his family's business, which has operated continually for nearly 140 years.

Dr. Fallon said that he would challenge anyone who believes that the equine industry does not contribute to the community culturally and economically. He noted that, during the foaling and breeding season, his family's business employs 200+ staff members, in addition to its existing 60+ veterinarians. Those veterinarians support many vendors in equine agribusiness companies that are located and operate in Lexington-Fayette County and surrounding counties. Dr. Fallon stated that the base of that economic platform is the horse, which is the reason that many residents locate here. He read the following for the record:

"As custodians of this unique and precious landscape which gives Lexington its cultural identity as the Horse Capitol of the World and provides valuable economic growth through agribusiness, we must preserve the A-R zone as it is currently written to protect the inner Bluegrass Region of Fayette County. It is imperative that the A-R zone remain intact as it has been historically maintained by our predecessors and other forms of adventure tourism be directed towards B-1, A-N, or A-B areas given the intent of those zones with consideration given to the impact on adjacent agricultural operations with these types of activities."

Richard Murphy, attorney, was present representing Hidden Haven, LLC, which owns property that is currently zoned A-R, but is eligible for the A-N zone. He said that he "would like to see the A-N zone exist someday in reality," since it currently exists only in the Zoning Ordinance.

Mr. Murphy stated that he has had conversations with owners of A-R properties that are unsuitable for agricultural purposes due to steep slopes and thin soils, but they are not interested in A-N zoning, because it allows only agriculture and single family houses on 40-acre tracts. Most of the properties in areas that would be appropriate for A-N zoning are not suitable for farming, or, in many cases, for housing. With regard to conditional uses, Mr. Murphy said that there are many more available such uses in the A-R zone than the A-N zone. Most property owners are not interested in what amounts to downzoning their property, and there is no incentive to request the A-N zone.

Mr. Murphy said that he would like to suggest four allowable principal uses in the A-N zone that would be suitable for the properties on which they would be located: 1) commercial and non-commercial outdoor recreational facilities; 2) agritourism activities; 3) ecotourism activities; and 4) youth camps. He contended that allowing those four uses would give property owners some incentive to request the A-N zone, and let the zone regulate as it was designed to do.

Commission Question: Mr. Owens asked what address is associated with Hidden Haven, LLC. Mr. Murphy responded that the property is in the Old Richmond Road area, but is not the Boone Creek Outdoors property, which was before the Planning Commission a month prior to this hearing.

Phil DeSimone, member of the ZOTA committee, stated that the A-N zone was developed to protect sensitive land from "erosion and abuse."

Jane Snyder-Harrod, 8385 Durbin Lane, stated that her family has been paying taxes on and farming the property since 1803, but is now "being asked to be a postcard." She said that the property is supposed to look a certain way, even though it is located approximately 100 feet from Interstate 75. The farm is also not supposed to negatively impact the environment, although it is impacted by pollution from the interstate.

Ms. Snyder-Harrod said that the construction of the interstate left her property with only five tillable acres, which are difficult to farm for her cattle and hogs because she cannot raise her own feed. The remaining 135 acres of the property contain

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mostly the cliffs and mouth of Boone Creek along the Kentucky River, and are too steep and rocky to safely board horses there.

Ms. Snyder-Harrod stated that she had worked on the "bottom end" of the thoroughbred industry as an exercise rider for years, and she believes that it is a great industry. She said, however, that she does not understand why so many horse farm owners feel "threatened" by the prospect of ecotourism facilities such as Boone Creek Outdoors, since there are no such farms adjacent.

Ms. Snyder-Harrod said that she was excited to hear about the formation of the Recreation ZOTA work group, since she thought expanding the uses available in the A-N zone could provide more opportunities for her to earn income from her farm. Over the course of the process, however, she has been disappointed with the results. She is concerned that a conditional use permit will still be required for almost all of the possible activities that she could pursue for her farm, and she asked how long the process for obtaining a permit usually takes. Mr. Sallee answered that the time between an application and the BOA hearing for a conditional use permit is about six weeks. Ms. Snyder-Harrod asked how much it costs to obtain a conditional use permit. Mr. Sallee responded that the filing fees generally range between \$125 and \$500.

Ms. Snyder-Harrod asked the Planning Commission not to "cut down the creativity of farmers who have very little agricultural land left." She requested that they consider each situation individually, since not all of the farmers in the area benefit from the equine industry.

Amy Clark, 628 Kastle Road, asked that the Planning Commission give consideration to a set of conditional uses that, in her opinion, "have been wholly ignored in this process to date." She said that definitions and clearly articulated conditions are needed for every use, particularly the new historical horse racing uses being proposed at local racetracks.

Ms. Clark stated that historical horse racing is not comparable to traditional racing, because it is "played at lightning-fast speed on video gaming terminals." She opined that the wagering that accompanies this type of racing entertainment needs regulation, because it could offer a great deal of harm to citizens and neighborhoods, particularly the least fortunate citizens. This type of racing offers the opportunity to wager, in a single day, a number of races equal to a typical fall meet.

Ms. Clark said that she does not believe that historical horse racing should be offered in or near residential areas; she suggested that those uses should have locational standards and conditions of use requiring separation from children and residences. She stated that the current definitions refer to horse racing and simulcasting, which are both offered in real-time and are very different from historical racing. Ms. Clark opined that it is incumbent upon the Commission to regulate these types of uses similarly to bars and restaurants, which are regulated by both state liquor licenses and local zoning laws.

Jan Hellebusch, 134 Hamilton Park, stated that she, too, is concerned about the possible detrimental effect that historical horse racing could have on her neighborhood, given its proximity to both the Red Mile and Keeneland racetracks. She said that many other residents along the Versailles Road corridor are very concerned as well, and asked that the Planning Commission "pay close attention to this issue," in order to prevent the location of slot machines in Lexington-Fayette County.

Gloria Martin, Grimes Mill Road, asked that the Planning Commission consider the proposed ZOTA globally, and how it dovetails with other regulations. She said that she was asked to speak at this hearing, like Mr. Lear, because of her institutional memory and past work on the Greenway and Greenspace Plans, as well as two Comprehensive Plan update committees. She asked that the Planning Commission consider the recommendations of those past plans, as well as the effect of the proposed ZOTA on neighborhoods. It is important, Ms. Martin opined, to carefully consider the recreational uses allowed in neighborhood parks, many of which are "loved to death."

Ms. Martin said that she believes that it is also important to remember that the Planning Commission must abide by KRS regulations with regard to agritourism uses, such as corn mazes and hayrides, and focus on the direction that KRS provides for working those uses into the Zoning Ordinance. She distributed to the Commission members proposed text for the A-R and A-N zones, noting that she incorporated parts of the proposed Planning Commission text; the staff recommendation; the work group recommendation; and neighborhood and residents' desires.

Ms. Martin also entered into the record a letter from a state veterinary organization, which Mr. King indicated had previously been distributed to the Commission.

Note: Mr. Cravens left the meeting at this time.

Charles Martin, Grimes Mill Road, stated that he has lived in his home for 36 years, because of its location along Boone Creek. He said that he believed it was more important to consider "what we can do for the creek and the natural area, rather than what the natural area can do for us," since he does not believe that natural areas should be income-producing.

Dr. Martin said that he had worked for preservation of the Boone Creek area through the following projects: the Kentucky State Nature Preserve Commission's Natural Area designation; recognition of the protection area by the Nature Conservancy; implementation of an agricultural water quality plan; the Boone Creek Watershed Study, which involved three counties;

the Boone Creek Conservation Plan; the National Register Rural Historic District designation; Tourism Arts & Heritage contracts; and preservation of his entire farm through PDR and Bluegrass Conservancy easements.

Dr. Martin stated that he had attended the ZOTA work group meetings, the result of which was a matrix of possible uses. He said that he finds it interesting that some uses are proposed to be prohibited in the A-R zone, but allowable in the A-N zone, which all of the previous plans for the area indicated should remain as wilderness land. Dr. Martin requested that the Planning Commission make the permitted uses compatible with the Rural Land Management Plan, Greenspace Plan, and Greenway Plan, and ensure that the permitted uses do not negatively impact existing conservation easements and ongoing efforts. He said that Lexington-Fayette County is lucky to have strong planning and zoning regulations, and asked that the Planning Commission not "devalue" those, the recommendations of its staff, or the desires of engaged citizens and community leaders.

Chairman Comments: Mr. Owens stated that 10 of the speakers had represented associations or groups, with 15 private citizens, all of whom provided good information. He thanked the speakers for their attendance, and those who submitted letters and emails with comments on the proposed text amendment. Mr. Owens declared the public hearing portion of this item closed, explaining that this item would be continued to the Commission's November 13th meeting. The Commission would be discussing the comments at their next work session, and continuing to do what they believe is best for Lexington-Fayette County.

VI. COMMISSION ITEMS

A. ADOPTION OF MEETING & FILING SCHEDULE – The staff will present copies of the recommended "Official Meeting and Filing Schedule for 2015" and will request that the Commission consider its adoption. After adoption by the Commission and by the Board of Adjustment, the 2015 schedule will be distributed.

Action: A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 9-0 (Cravens and Penn absent) to adopt the 2015 Meeting & Filing Schedule as presented by staff.

VII. STAFF ITEMS – No such items were presented.

III. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR November, 2014

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 13, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 20, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 26, 2014

X. ADJOURNMENT – There being no further business, Chairman Owens declared the meeting adjourned at 4:01 p.m.

TLW/TM/CT/BJR/BS/src

Mike Owens, Chair

Will Berkley, Secretary

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B. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

Note: This item was continued from the Planning Commission's January 29, 2015, meeting.

1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and for viewing at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee made no recommendation on this request.

The Staff Recommends: Approval for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World" (Theme C, Goal #1, Obj. B); "encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism" (Theme C, Goal #1, Obj. E); and "providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington" (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that "the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong" (page 1-4), and called for greenways, staging areas and trails, as well as public access to the community's unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community's overall quality of life.

Chairman Comments: Mr. Owens commended the Commission and the staff for their hard work on this text amendment, noting that Ms. Wade, Mr. King, and Mr. Sallee, in particular, had done a great deal of work to get the draft to this point in the process.

Staff Presentation: Ms. Wade stated that the Planning Commission held a public hearing on this Zoning Ordinance text amendment request in October of 2014. At that time, the staff did a presentation about the proposal, and the Commission heard public comments. Since that time, the Commission held three work sessions to discuss the comments that were presented at the public hearing, and those that were submitted in writing. The Planning Commission's next step will be to take action on the proposed text, after which the staff would forward the Commission's recommendation to the Urban County Council for their consideration.

Ms. Wade displayed a timeline of the Commission's consideration, noting that the staff had made changes to the draft text that was presented to the Commission in October based on their discussion at their recent work sessions. She said that the Commission members had received copies of the revised text. The new draft includes additions, deletions, and modifications to the definition section, and additions and modifications to the land use regulations.

With regard to the definition changes, Ms. Wade explained that the Commission added definitions for "cultural tourism" and "farm gift shop;" and deleted the definitions for "gift shop" and "homegrown restaurant." Modifications were made to the definitions of "recreation vehicle and trailer campground;" "primitive campground;" "children's rides;" "country inn;" "ecotourism;" "commercial farm market;" "festival;" "nature preserve;" "recreational outfitter;" "seasonal activities;" "sportsmen's farm;" "tree canopy tour;" and "value-added product sales."

Ms. Wade stated, with regard to changes to the land use portion of the Ordinance, that farm gift shop would become a new conditional use that would be accessory to a permitted agricultural use, and limited to 500 square feet in size. Zoological gardens were removed from all the residential zones. Hiking and biking were allowed as accessory with other non-commercial recreation, but added as commercial if they were conditional or prohibited; this change was intended to separate non-commercial and commercial hiking and biking activities. Homegrown restaurants were removed from any zone where they appeared. Commercial farm market, such as the downtown Farmers Market, were removed from the A-

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R zone, and allowed in the business zones. Kayaking and canoeing were modified to reflect "launch sites" rather than "operators." Ms. Wade added that, where value-added products appear also as an accessory use in the agricultural zones, they were moved from general agricultural accessory uses to be grouped with roadside stands. Botanical gardens were incorporated into the land use regulations, similar to nature preserves. The B-1 zone was modified to include the sale of sporting goods and recreational equipment. In any instance in which automobile racetracks appeared, the text was modified to reflect all types of racetracks, such as motocross and ATV tracks. Some language was added to the Light Industrial zone to clarify recreational uses, and equine trails were moved from a conditional use to a prohibited use in that zone to avoid conflicts. The word "agritourism" was removed from all the non-agricultural zones, and bird-watching was removed from all the zones, because the Commission felt that use should not be regulated.

Ms. Wade stated that the staff is recommending approval of this text amendment, for the reasons as listed in the staff report and on the agenda.

Staff Alternative Text Presentation: Mr. King stated that the staff would like to thank and commend everyone who has been involved in this process, opining that it has been a thoughtful, in-depth clarification of some provisions of the Zoning Ordinance in the A-R and A-N zones. He reiterated that the staff is recommending approval of this request, because they believe that it is much-improved legislation that will provide guidance to the Board of Adjustment and the community in the future.

Mr. King said that, prior to the October 2014 hearing on this request, the staff submitted an alternative text for the Commission's consideration; however, after some discussion with the Commission, the staff withdrew that text in favor of having the public hearing. Following the Commission's last work session, there are now very few changes between the text as currently proposed by the Commission, and the things the staff would like for them to consider.

Mr. King stated that the staff believes that a very small number of limited and heavily restricted conditional uses should be considered by the Planning Commission for inclusion in the allowable group for the A-R zone. Those uses would not be principal; and, as conditional uses, would be subject to Board of Adjustment approval and special review. Because of the nature of the A-R zone, the staff is recommending that, before any of the new A-R uses are permitted, the Board of Adjustment should consider several items as pre-conditions. Those pre-conditions include an assurance that the proposed activity would not harm agricultural; would not cause a loss of prime soil; would meet a local need; would provide access to a natural landscape feature; and would be consistent with the major, adopted plans that guide such uses. Also required would be an operational plan; traffic management plan; environmental assessment, if necessary; and other certifications, if required by outside organizations. Mr. King noted that the Board of Adjustment has the right to consider those types of conditions, and the staff felt that it would be good to identify them specifically in the Zoning Ordinance.

Mr. King said that there are currently a few uses in the A-R zone that the BOA has the authority to review, that the Planning Commission has opted to direct to the A-N zone. He explained that most of the agricultural area in Lexington-Fayette County is zoned A-R, while the area recommended by the Rural Land Management Plan (RLMP) for A-N zoning is mostly in the southeastern portion of the county. The staff believes that a few additional uses could be added to the A-R zone, including: primitive camping; rock climbing; launch sites for canoeing and kayaking, since those sites are functionally dependent on locations of streams and waterways; tree canopy tours; bicycle and hiking trails; and recreational outfitting. Rock climbing, in particular, is not currently included in the A-R or A-N zones, and the staff believes that it could be appropriate in either of those zones, with proper regulation by the BOA. With regard to recreational outfitters, Mr. King said that the staff sees that use in conjunction with other types of recreational uses, similar to the manner in which the Planning Commission's draft proposes to address gift shops as accessory to agricultural uses. He noted that this list of uses comprises the only differences between the Planning Commission's draft proposal, and the text proposed for inclusion by the staff. He said that that the staff believes that the proposed text will result in "a better piece of legislation than that under which we are currently operating."

Discussion: Mr. Owens stated that the public comment portion of this hearing was held in October, and the hearing will not be reopened for public comments at this time. He opened the floor for questions or comments from Commission members.

Mr. Brewer asked, with regard to commercial equine activities, how a use is determined to be commercial, as opposed to non-commercial. Mr. King responded that, if a business license is obtained and a fee charged, then the use is commercial. He said that, as Zoning Administrator, he had to make the determination on a case-by-case basis. Mr. Brewer asked why commercial use is referred to specifically in this instance, but not in others. Mr. King answered that it is referenced specifically in this instance to clarify that these uses are not something that property owners have an inherent right to do on their property as a business operation. Ms. Wade added that the commercial aspect would apply to all of the uses. She said that, earlier in their consideration of this text amendment, the Commission decided that non-commercial hiking and biking could be accessory uses, but commercial would be prohibited.

Mr. Brewer asked what would determine "local need" for a particular use. Mr. King answered that the staff thought it would be good to establish that there is a need for a facility locally, rather than having to travel somewhere else to find a similar

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facility. Mr. Brewer asked how that local need would be determined. Mr. King responded that that determination would fall to the BOA. Mr. Brewer asked if there are guidelines in place to assist with that determination, to which Mr. King responded that there are no guidelines at this time. He added that, currently, no guidelines of this type are in place, and the BOA functions without them. The staff believes that the proposed text will provide additional guidance and direction to the BOA.

Mr. Penn stated that he was concerned about letting the BOA decide where commercial uses can be located in the A-R zone. He said that the Commission is "trying to drive our commercial uses to the B-1 sites" in the agricultural area, because that is where they believe commercial uses should be located.

Mr. Owens said that the primary issue of this text amendment is commercial vs. non-commercial activities in the agricultural area. He said that, during the public hearing, the Commission received only one letter from a member of the bicycling community, and the writer was not concerned about commercial cycling in the rural area, since she could cycle freely on the roadways. That letter writer also recommended not including commercial activities in the agricultural area.

Mr. Owens opined that "commercial agricultural activities are incompatible with the agricultural activities that the Commission has been charged with promoting and preserving." He said that approximately 40% of the Comprehensive Plan's mission statement speaks to the preservation of rural character and agricultural land. Each page of the City of Lexington's Visitors' Guide contains either an equine-related article, or an image of the blue horse that LFUCG adopted as part of its branding.

Mr. Owens stated that "equine is agriculture, and it is not compatible with bicycles and pedestrians." He said that the proposed staff text refers to uses that "do not result in significant loss of prime agricultural land." He said all agricultural land is prime, and he believes that that determination would be subjective. Mr. Owens said that, during this ZOTA process, the workgroup and the Commission "tried to think of everything," but new uses like canopy tours and rock climbing keep coming forward. He opined that the Commission "has a good plan," with this text amendment, and "we need to push it forward."

Mr. Drake stated that he believes it is essential to preserve and nurture the thoroughbred industry, and that public policy and regulation have a significant role to play in that effort. He opined that it is important to strike a balance between the needs of the equine industry and the economic and social interests of other segments of society; the Planning Commission must determine if the proposed text amendment strikes that balance.

During the public hearing, Mr. Drake stated, some of the speakers indicated that they were opposed to this text amendment simply because it adds regulations; others were opposed for other reasons, while some speakers supported it. He said that he views the text amendment in its totality, rather than in portions, and he is concerned that it is too narrow and restrictive, and does not strike the necessary balance.

Mr. Drake stated that it is incumbent upon those who are entrusted with the power of governance to use it judiciously. Many citizens see government as an intrusive force, and he believes that the Commission must be careful in their role so that they do not exacerbate those feelings. Mr. Drake opined that, at times during this process, he has felt like the Commission's proposed text showed a "lack of trust in our successors." He said that decision makers must have the flexibility and latitude to assess issues and apply judgment to obtain an optimum outcome. For those reasons, Mr. Drake stated that he could not vote in favor of this proposed text amendment, although he honors opposing viewpoints and will accept the collective decision of the body.

Ms. Richardson stated that she agreed with many of Mr. Drake's comments, noting that she, too, has concerns about the restrictiveness of the proposed text. She said that she loves animals and supports the agricultural industry; but she believes it is important for the Commission to be careful about the balance of those industries, noting that she "does not want to be part of the Commission that squashed entrepreneurship." There are many differing viewpoints in society, and people who have different interests and activities. Ms. Richardson stated that Commerce Lexington spends a great deal of time and effort to promote the community and draw in new businesses and activities. When new companies are considering locating in Lexington-Fayette County, they want to know that there are good schools available, along with a variety of activities for their employees.

Ms. Richardson said that, because it is already difficult and expensive to start a new business, she is concerned that severely limiting the allowable uses in the rural area (such as in the Commission's proposed text) could result in a loss of entrepreneurship in the community. She believes that there should be regulations in place to protect the equine industry, but she believes that "this one has gone a step or two too far." She said that she could not support the proposed text amendment at this time, because she feels that it is too restrictive.

Mr. Penn stated that the proposed text amendment would allow 50 new uses in the A-R zone that are not currently permitted. He said that the objective of this text amendment was to define uses, not change the intent of the zoning

categories. Mr. Penn said that "commercial uses in the A-R zone work "only if they are well thought out." He said that there are 23 B-1 sites in the agricultural area, and commercial uses should be limited to those locations.

Mr. Penn said that, "agriculture is a commercial use; it is a factory, we produce a product that lives and breathes." He opined that thoroughbreds are just a small part of the equine industry, which includes the Kentucky Horse Park, show horses, and non-race industry breeds. Mr. Penn said that those industries support the economy of Lexington-Fayette County, and people move here from other counties to take advantage of the rural protection offered here. He added that the community would have to make a decision about whether "to be a convention town or a tourism town," and to protect the agricultural industry, which brings tourists here; the proposed text amendment is intended to be part of that protection.

Mr. Cravens asked if the Commission needed to take action on the staff alternative text. Mr. Owens said that, if the Commission is ready, they could vote for their draft, or for the staff alternative.

Mr. Cravens stated that he had made several suggestions for modifications to the draft text, but none of the changes were made until the work session one week prior to this hearing. He said he believes that many of the suggested changes are "absurd," such as defining a "recreational vehicle" and determining if children's rides can include music. He believes that the proposed text amendment goes too far, and he does not believe that it is appropriate to make so many activities conditional uses, which will require more applicants to go to the BOA. Mr. Cravens said that part of his objection to this text amendment is based on his belief in personal property rights.

Mr. Cravens explained that, for some time, he has wanted to modify the draft text to include some principal uses in the A-N zone, including: youth camps; agritourism; equitourism; and commercial and non-commercial outdoor recreational facilities. He said that a residence is the only principal use currently listed in the A-N zone, and he believes that it is too onerous to require every other use in that zone to be a conditional use. He asked if the Chair would prefer to discuss his A-N proposal, or if he should make a motion to include it at this time. Mr. Owens responded that he would prefer to discuss the proposal in a work session. Mr. Cravens stated that, if a vote on this text amendment takes place today, there will be no more work sessions. Mr. Owens said that, if the Commission is ready to vote, they can; if not, this item could be continued to another meeting.

Motion: A motion was made by Mr. Cravens and seconded by Mr. Drake to include the following as principal uses in the A-N zone: youth camps; agritourism; ecotourism; and commercial and non-commercial outdoor recreational facilities.

Discussion of Motion: Mr. Owens stated that the staff would need to draft language for Mr. Cravens' proposed addition, and he did not believe that the staff preferred to "draft text on the fly."

Mr. King said that the staff would be opposed to that addition to the text, since they believe that it is "entirely against" the intent of the proposed text amendment. He stated that the environmental sensitivity of the A-N area warrants BOA approval of any of those types of uses. With regard to drafting the text, he noted on the staff exhibit the list of uses that would move from conditional to principal under Mr. Cravens' proposal. Mr. Owens asked if the staff could draft that text at this point. Mr. King answered that, with the knowledge that there was a motion on the table, the staff would do what they could to assist. He noted that the staff was still opposed to Mr. Cravens' proposed text.

Mr. Berkley asked if it was necessary to make uses in the A-N zone conditional, since no land is currently zoned A-N and any new uses would require a zone change. Mr. King answered that, if a parcel is proposed for rezoning and the owner wants a conditional use, they could apply to have the Planning Commission hear the conditional use request along with the zone change. Mr. Berkley stated that he did not see the point of making those uses conditional, since zone changes will be required. Mr. King responded that circumstances can change; a property could be rezoned for one use, but financing or other issues might result in that use not being operated on the property. Mr. Berkley said that those types of issues can be addressed via conditional zoning, and added that he did not see "why we would need this extra layer of a conditional use" when there is currently no land zoned A-N in Lexington-Fayette County. Mr. King stated that the Planning Commission's control would be at the time of a re-zoning, but the use could continue on past that date. Mr. Berkley said that he believed that "these are big enough issues" that the Planning Commission needs to be dealing with it, not the BOA. Mr. King noted that the BOA has the authority to regulate specific conditions of operation and other criteria, that the Planning Commission cannot. He said that conditional zoning restrictions are very limited under statute, compared to what can be regulated by a conditional use permit through the BOA. Mr. King said that the staff believed that the Commission would need and want that level of flexibility in dealing with new uses in the A-N zone.

Ms. Plumlee stated that she believed that the proposed text amendment is much too liberal; and, as written, does not fulfill the intent of the A-N zone. She said that the area of the county recommended for A-N zoning is environmentally sensitive and has steep slopes. An ad hoc committee was specifically appointed to study the potential for the use of surety bonds for environmentally sensitive areas, and that group has not yet released its results. Ms. Plumlee said that, if the group determines that it is too expensive to participate in a surety process, that should serve as an indication that the land is so valuable that it should not be developed at all. In addition, there are currently no mitigation requirements or measures for returning the land to its original state, should a use no longer be active. Ms. Plumlee stated that that portion

of Lexington-Fayette County is a "prized area, and we need to offer the most protection there." She opined that the proposed text amendment should not be any more liberal than the current regulations in that area.

Mr. Brewer asked if the motion on the table referred to the staff's proposed text, or the Planning Commission draft. Mr. Cravens answered that he wanted to add those items as conditional uses. Mr. King stated that the motion would take the Planning Commission's version, and make the changes that he outlined, as requested by Mr. Cravens. Mr. Brewer said that he was concerned about this motion, because it includes new information as well as the entire text amendment. Mr. Cravens explained that his intent was just to add his proposed changes, not to vote on the entire text. He said that the result of the motion would be to either add his proposed changes, or carry the text amendment forward as is.

Action: Mr. Cravens' motion carried, 6-5 (Brewer, Owens, Penn, Plumlee and Wilson opposed).

Discussion: Mr. Berkley stated that he would like to make a motion to modify the proposed text amendment, to apply to all agricultural zones. He proposed: an amendment to Article 1-11 to redefine "farm gift shop" to "accessory gift shop;" an amendment to Article 8-19(d), adding #32 as accessory gift shops, limited to 500 square feet; and to add "accessory gift shop," limited to 500 square feet, to Article 8-2(d), Article 8-3(d), and Article 8-4(d). His motion was seconded by Mr. Cravens.

Mr. Owens stated that he believed that Mr. Berkley's modification to the proposed text would allow a gift shop anywhere in the agricultural area. Mr. Berkley responded that his intent would not be to allow a freestanding gift shop anywhere in the agricultural zones; rather, it would allow an accessory gift shop to one of the otherwise allowable uses. Mr. Owens asked if it would allow gift shops as accessory to agricultural, agritourism, or ecotourism uses. Mr. Berkley answered that gift shops would be allowed as accessory uses to any permitted use in the four agricultural zones, whether they are a principal or conditional use.

Mr. Penn asked if Mr. Berkley would be agreeable to requiring BOA approval for such gift shops. Mr. Berkley responded that, if the use required BOA approval because it would be conditional, that would be acceptable. He said that, based on Mr. Cravens' modification that was just approved, he believed that new uses in the A-N zone might be principal, which would not require BOA approval. Mr. Penn said that, under the current Ordinance, farm gift shops are conditional uses. Mr. Berkley clarified that, if the primary use was allowable without BOA approval, he would not want BOA approval to be required for an accessory gift shop.

Mr. Owens suggested continuing this hearing, so that the Commission and the staff could discuss these issues further at a work session, rather than attempting to draft text on the fly. He asked if Mr. Berkley would be agreeable. Mr. Berkley answered that, if the Commission chose to continue the hearing, he would be agreeable; but he did not want to take his motion off the table. He said that, whenever the Commission votes on this item, he wants that modification to be considered. Mr. Owens asked if Mr. Berkley would be willing to withdraw his motion at this point, in order to allow the Commission and the staff to work on it further. Mr. Berkley answered that he would rather vote on his motion today, then discuss the rest of the text amendment.

Mr. Cravens asked if Mr. Owens was suggesting continuing the hearing. Mr. Owens answered affirmatively.

Mr. Brewer stated that he thought the Commission was much closer to being ready to vote on the proposed text amendment. He proposed that they continue the hearing at this point to allow for further discussion, since several substantive issues had been brought forward.

Mr. Berkley stated that he would withdraw his motion, provided that action would not be taken on the whole Ordinance today.

Mr. Owens stated that ZOTA 2014-4 would be continued to a later date. Mr. King suggested that, if any Commission member intended to make another motion, they let the staff know as soon as possible so that the language could be presented and discussed at an upcoming work session.

Mr. Wilson asked if the text amendment would be tabled or continued. Mr. King answered that the Commission should continue their hearing. Mr. Brewer asked if it could be continued to a work session. Mr. King responded that formal Commission consideration of the text amendment needs to be at a full public hearing, but the Commission could have a work session to talk about it in the interim.

Mr. Penn asked if the report would be available from the environmental surety bond work group, so the Commission could use that information in their consideration. Mr. King answered that the report is very close to being completed, and it could possibly be available at the next work session. Mr. Penn noted that he did not believe the Commission should vote on the proposed text amendment without knowing the results of that report. Mr. King stated that it was staff's understanding that environmental surety bonds would be treated as a separate issue, although the report would somewhat inform their work on this text amendment.

Mr. Brewer asked if a motion was needed to continue this item. Ms. Jones stated that, if the Commission has questions to pose to the staff, they should ask them as soon as possible, so that the staff is not "working on the fly" at the work session. She added that, if the Commission intends to continue the hearing, a motion would be needed; and it must be continued to a specific date. Mr. Sallee noted that the Commission's next scheduled work session is April 30th. Mr. King stated that the Commission would be asked to set April 30th as a hearing date for two small area plans, so that would not be a good day to discuss this text amendment. He said that the Commission could potentially schedule a work session on the 16th, but they would need to continue this hearing, not to a work session, but to a regularly scheduled meeting. He suggested that they continue to their April 23rd meeting.

Mr. Drake stated that he had a previous commitment out of state on April 23rd. Ms. Plumlee stated that, since consideration of this item had dragged on for so long, she believed it should be heard in April. Mr. Cravens said that he disagreed, since Mr. Drake could not attend on April 23rd. He opined that this item should be continued until May.

Mr. King stated that May 21st was available for a work session, with the hearing on May 28th.

Motion: A motion was made by Mr. Brewer, seconded by Mr. Cravens, and carried 10-1 (Plumlee opposed) to continue ZOTA 2014-4 to the May 28, 2015, Planning Commission meeting.

2. **ZOTA 2015-3: AMENDMENT TO ARTICLE 17-7(k) TO ALLOW MULTI-TENANT LISTINGS ON FREE-STANDING SIGNS IN THE PLANNED SHOPPING CENTER (B-6P) ZONE (6/4/15)*** – petition for a Zoning Ordinance text amendment to allow a maximum of eight multi-tenant panels on free-standing signs in the Planned Shopping Center (B-6P) zone.

REQUESTED BY: Ruggles Sign

PROPOSED TEXT: (Text underlined indicates an addition to the existing Zoning Ordinance.)

ARTICLE 17: SIGNAGE REGULATIONS

17-3(b) (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.

17-3(b) (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.

17-3(c) (5) FREE-STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.

17-7(k) PLANNED SHOPPING CENTER ZONE (B-6P) - Signs within the B-6P zone shall be permitted and regulated as for B-1 [Section 17-7(f)], except as follows:

- (1) In place of the free-standing signs permitted under Section 17-7(f)(1)(b), the only permitted free-standing signs shall be shopping center identification signs. One sign shall be permitted per street frontage, with a maximum of two (2) signs. The maximum square footage of each sign shall be 150 square feet, with a maximum height of twenty-five (25) feet for a regional shopping center; and seventy-five (75) square feet, with a maximum height of twenty (20) feet in a community or neighborhood shopping center. An attraction board may be attached to the free-standing sign, provided it does not exceed the area of the identification sign and provided that no permanent copy identifying any specific business or product sold within the center is included on the attraction board. The area of the attraction board shall be included in the computation of the area of the free-standing sign. The copy on such an attraction board shall be limited to sales or other events on the premises and civic meetings, rallies or other noncommercial events on or off the premises.

In lieu of an attraction board, multi-tenant panels may be used. A maximum of eight (8) tenants may be listed. The area of the tenant panels shall be included in the computation of the area of the free-standing sign.

- (2) The wall-mounted signs shall show only the name and/or logo of the business or profession, and shall contain no product trade name identifications. A listing of any products sold or offered on the premises may be an integral part of, and incorporated into, each permitted wall sign, provided the listing occupies no more than fifty percent (50%) of the area of the sign.
- (3) Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area.

* - Denotes date by which Commission must either approve or disapprove request.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

Note: This item was continued from the Planning Commission's May 28, 2015, meeting.

1. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and for viewing at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee made no recommendation on this request.

The Staff Recommends: Approval, for the following reasons:

1. The 2013 Comprehensive Plan recommends "strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World" (Theme C, Goal #1, Obj. B); "encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism" (Theme C, Goal #1, Obj. E); and "providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington" (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that "the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong" (page I-4), and called for greenways, staging areas and trails, as well as public access to the community's unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community's overall quality of life.

Commission Comment: Mr. Penn stated that he believes that the most recent modifications to the proposed text would serve to change the intent of the A-N zone. He said that, for that reason, he would make a motion to continue consideration of this item.

Motion: A motion was made by Mr. Penn and seconded by Ms. Plumlee to continue ZOTA 2014-4 to the September 24, 2015, Planning Commission meeting.

Discussion of Motion: Ms. Richardson stated that the Commission had spent at least six hours discussing the A-N zone; they spent the most recent work session, which lasted over three hours, coming to a compromise. She said that she did not believe that there was anything left to discuss, since each Commission member had come to their own conclusions about which uses were appropriate for that zone. It seemed that everyone left the work session last week believing that a compromise had been reached and the Commission would take action on this request today. Ms. Richardson stated that she would not vote in favor of Mr. Penn's motion to continue this item to the September meeting.

Mr. Berkley echoed Ms. Richardson's comments, noting that the Commission had met 16 times on this ZOTA in 2014, and five times in 2015. He said that he realized that there were differing opinions about principal and conditional uses in the A-N zone, but he believes that the Commission should vote on this ZOTA at this time.

Ms. Plumlee opined that the equine and agricultural industries in Lexington-Fayette County had survived floods, droughts, insect infestations, recessions, and casinos, but it would not survive "irresponsible zoning." She said that she does not believe that the current text lives up to the Planning Commission's responsibility; she believes that the Commission needs to take a step back and review the text further, rather than "burning the factory floor."

Mr. Brewer stated that, at the end of the recent work session, it appeared that the Commission was ready to move this text amendment forward. He said that discussion, however, left him with a great deal of disappointment in this process. After considering the text amendment for a week and discussing it with others, he opined that this text amendment is "broken," and the Commission needs to continue it in order to allow time for further discussion. Mr. Brewer opined that, after spending two years working on it, another two months should not make a difference, particularly if it results in a better text amendment being forwarded to the Urban County Council. He added that he also believes that the recent changes to the text have changed the intent of the A-N zone.

Mr. Cravens stated that this item had been continued many times, and several Commission members had suggested changes, but the proposed text had not changed a great deal. He said that he believed that this item should be heard today.

Mr. Penn stated that the one consistent theme through the three years of consideration of this text amendment has been maintaining the intent of the zones. He said that, after the last work session, he reviewed the proposed text again; and he now feels that it would change the intent of the A-N zone. Mr. Penn said that, if the Commission wants to change the intent of the zones, they should do so purposefully, rather than by selectively allowing principal uses.

Mr. Owens concurred with Mr. Brewer, opining that, throughout the last work session, he offered suggestions on how best to move the proposed text amendment forward. At the end of that meeting, he believed that the Commission had reached a general consensus to continue this item until the September hearing.

Mr. Owens said that he took exception to Mr. Cravens' assertion that the proposed text has not changed much. He said that the text had changed abruptly in March, based on Mr. Cravens' motion to add several principal uses to the A-N zone. Prior to the most recent work session, the staff was asked to survey the Commission members to determine their level of support for those proposed principal uses; the tally changed since last March, indicating that several members had reversed their opinions. Mr. Owens stated that he believed that the Commission should take a break from their consideration of the proposed text, then reconsider it in September.

Action: Mr. Penn's motion failed, 5-6 (Berkley, Cravens, Drake, Mundy, Richardson, and Smith opposed.)

Commission Discussion: Mr. Wilson asked, with regard to Mr. Penn's motion to continue this request, if additional information had been brought forward that had not already been discussed, which could have helped the Commission in their deliberation. Mr. Penn answered that, during the three-year process for this text amendment, the Commission held firm to their decision not to change the intent of any of the agricultural zones. He said that the Commission never discussed whether the most recent set of proposed changes would change the intent of the A-N zone, and he believed that the members should have that discussion in a work session.

Staff Comments: Ms. Wade stated that the staff had prepared a draft of the text resulting from the motion that Mr. Cravens made in March, as well as a draft of the A-N zone provisions discussed at the Commission's work session a week ago. She distributed those items to the Commission members.

Discussion (cont.): Mr. Brewer asked if the staff believed that the proposed changes would alter the intent of the A-N zone. Mr. King responded that the staff has been clear in their belief that all of the new uses discussed for the A-N zone should be conditional, and they have expressed that belief to the Commission members many times. He added that the staff also believes that there should be additional, limited conditional uses available in the A-R zone, which they have also made part of the record. Mr. King noted that, regardless of the Commission's vote at this hearing, that will continue to be the staff's position going forward.

Ms. Wade stated that the staff also had the minutes of the October 23, 2014, and March 26, 2015, public hearings on this text amendment, in case the Commission needed them for reference.

Mr. King placed the A-N zone text on the overhead for the Commission members, explaining that they would each have to determine how they felt based on one key sentence from the text: "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."

Mr. Brewer stated that he had recently reviewed the proposed text for the A-N zone, and he could not justify the new principal uses as being consistent with the intent of the zone. He opined that he could not, in good conscience, vote to move this text amendment forward at this point, since he believes that it would do harm to the intent of the A-N zone and create an injustice to the process.

Mr. Owens agreed with Mr. Brewer's comments, noting that, in his opinion, commercial hiking and biking trails; equine trails; tree canopy tours; canoeing; kayaking; and nature preserves are commercial uses, and they should not be located in environmentally sensitive areas. He said that those uses could be conditional in the A-N zone, which might provide an additional level of protection for sensitive areas.

Mr. Cravens stated that one single family residence has always been a principal use in the A-N zone. He said that residential construction in environmentally sensitive areas is regulated and vetted by the Engineering Manuals, permit requirements, and review by an environmental planner. That same level of review could apply to the uses proposed for the A-N zone. Mr. Cravens stated that the necessary zone changes to A-N, along with conditional zoning, would be sufficient to provide the necessary protection for the area.

Mr. Penn stated that there was a difference between allowing a residence, and bringing commercial uses to the A-N zone without the requirements of a conditional use permit. He said that any property in the A-R zone could apply for a zone change to A-N, and have the same "right of use," if the proposed uses are made principal.

Ms. Plumlee opined that there was no reason to add principal uses to the A-N zone, when they could be destructive and would require more oversight, not less. She said that she believes that the language as proposed "messes with the intent" of the zone, and goes against the staff's recommendations.

Mr. Owens said that the Planning Commission's charge was to consider recreational activities in the agricultural zones, not change the intent of any of those zones. He asked Ms. Jones if the proposed text had been changed to the degree that another public hearing would be necessary. Ms. Jones answered that she did not believe that another public hearing would be necessary, for two reasons: the Commission had already had one hearing, and only one is required; and, Mr. Cravens' motion to add principal uses to the A-N zone was also in an open public meeting. In addition, the Urban County Council will make the final determination on this text amendment, and the public could have an opportunity to request a public hearing before that body. Mr. Owens stated that he needed clarification, because the public comment portion of the hearing had been closed prior to Mr. Cravens' motion in March. Ms. Jones responded that the Commission could reopen the hearing, but she reiterated that, since the motion was made at a continuation of the public hearing, she did not believe that it was necessary. She added that the Commission frequently closes hearings for public comment, but then comments amongst themselves prior to voting on a matter.

Ms. Richardson stated, with regard to Ms. Wade's handouts listing possible alternatives to the proposed text, that #2 was the option she believed the Commission had decided upon at their work session one week ago. She agreed with Mr. Brewer that some of the items in alternative #1, which reflects Mr. Cravens' motion in March, should not be included in the A-N zone. Ms. Richardson said that she had read the intent of the A-N zone, and she agreed that that area needs special consideration. She said that she believes that the six uses proposed in alternative #2 would be developed in such a fashion that the profit for the businesses would be dependent upon the proper care provided for the land. If a business is based on characteristics of the land, and that land is destroyed, then the business cannot be successful. Ms. Richardson opined that it would be impossible to plan for every possible use that could be proposed in the A-N area.

Ms. Richardson stated that the A-N zone is provided for a wonderful area, and she believes that there are many uses that could locate there—properly and safely, with attention to the environment. She noted that she does not advocate the destruction of beautiful property, but she would like for people to be able to use, enjoy, and learn from it. Ms. Richardson did not believe that the proposed text is contrary to the intent of the A-N zone.

Mr. Brewer reiterated that he believes that the proposed language violates the intent of the A-N zone, and that the staff's actions indicate that they feel that the Commission is making a mistake. He asked what is to be gained by making so many uses principal, rather than conditional. Mr. Brewer believed that commercial entities have profit motives, and that allowing those uses by-right in the A-N zone would change its intent forever.

Mr. Cravens asked why the staff would recommend making the uses conditional, if they could be harmful to the A-N zone, rather than prohibiting all uses except single-family residences. Mr. Brewer responded that he did not believe the uses should be prohibited, but the Planning Commission or the Board of Adjustment would have additional oversight if they were conditional uses. Mr. Cravens stated that uses either meet the intent of the zone, or they do not.

Mr. Penn stated that he believes that it is the intensity of use and volume of customers that make the difference. He said that harm could come to environmentally sensitive areas not through use, but through over-use. Making uses principal, rather than conditional, would allow them to locate in the A-N zone by right once the property is zoned, and will remove the ability for oversight. Mr. Penn said that, throughout the ZOTA process, the staff proposed many different types of uses; however, the work group never allowed consideration of any use that would change the intent of the zone.

Mr. Owens said that the intent of residential zones is primarily for residences, but there are several conditional uses that are allowed in those zones as well. He opined that he is in favor of some of the activities proposed, but he believes there needs to be an opportunity to vet those proposals and place conditions on them.

Mr. Owens stated that, after Mr. Cravens' motion in March, he asked the staff to survey the Commission members with regard to their opinions about the proposed uses. The staff prepared a tally sheet that indicated that most of the Commission members would prefer that a large number of the uses remain conditional, with the exception of educational classes and commercial hiking and biking trails.

Mr. Brewer asked the staff to explain the difference between conditional and principal uses, and how the rules vary. Mr. King answered that conditional uses are a class of permitted uses; however, there may be special circumstances about the nature of the land or a particular location that would warrant a review as to whether that use is appropriate, or whether it could be made appropriate with special conditions that are not inherent in the zone. The conditional use process also requires notice to surrounding property owners, which allows others to weigh in on any given proposal.

Mr. Brewer reiterated that he thought the Commission would risk a great deal, but gain nothing, by making the list of uses principal, rather than conditional.

Mr. Berkley stated that the Commission had discussed the issue at length in work sessions. He opined that these concerns could be handled through the zoning process, rather than by making the uses conditional. Mr. Berkley said his objection to making uses conditional is that the only means of appeal is through the court system, rather than through a local government body. All of the Commission's other rulings have an appeals process through the local government.

Ms. Plumlee asked Mr. Berkley why he feared the conditional use process. He responded that there are no properties currently zoned A-N; any proposed A-N property would require a zone change. He said that he believes that the zone change will require a more intensive review process than would a conditional use. Mr. Penn stated that that level of review is lost after a property is rezoned to A-N. Mr. Berkley answered that the Commission could disapprove the rezoning request, or place limits on uses via conditional zoning restrictions.

Mr. Owens asked if it was possible to make conditional zoning restrictions too restrictive. Mr. King answered that he could not respond directly. He noted, however, that the zone change process requires a determination as to whether the proposed zone is appropriate for the land. If it is determined to be appropriate, it must be based on one of three reasons: 1) it is in agreement with the Comprehensive Plan; 2) there has been a change, unanticipated by the Plan, that makes it appropriate; 3) the existing zoning is inappropriate, and the proposed zoning is appropriate. Mr. King said that the second question, when faced with a zone change, is whether the Commission should use their conditional zoning power to restrict any of the uses that are allowed. Conditional zoning is described by KRS 100 as intended to be used sparingly, and in special circumstances, and it does not allow for the regulation of very specific operational details that often go along with conditional uses. Some concerns could be addressed on a required development plan, but that governs the physical arrangement of a property rather than specific operational details.

Mr. Cravens asked if a property owner proposed a zone change to A-N for a youth camp, which some Commission members believe should be a conditional use, could that request be filed along with the zone change. Mr. King answered that, in that scenario, the property owner arguably would not have to detail intended uses for the property, but rather note the physical arrangement of buildings and parking on a development plan. The assumption would be that any of the uses permitted in the zone would be allowed to occupy those facilities, unless the Planning Commission restricted those uses via conditional zoning. Mr. Cravens asked if a conditional use could be requested along with a zone change. Mr. King responded that the Planning Commission is allowed by local law to take on the role of the Board of Adjustment on a zone change application rather than requiring the filing of a separate application to the BOA.

Mr. Owens suggested that the Commission review each possible use individually as principal or conditional. The staff displayed the most recent "tally sheet," indicating the number of Commissioners in favor of each type of use.

Mr. Drake stated that he did not view the tally sheet as a list of principal or conditional uses, but rather tried to convey that he believed several of the uses could be examples of the types of uses that would be appropriate in the A-N zone.

Motion: A motion was made by Mr. Cravens and seconded by Mr. Berkley to amend the motion Mr. Cravens made on March 26, 2015, to use the example prepared by the staff, removing most of the uses enumerated at that time from principal and making them conditional.

Discussion of Motion: Mr. Penn asked if the motion would amend Mr. Cravens' earlier motion to reduce the list of principal uses to those six agreed upon at the last work session. Mr. King explained that the motion would amend the package of text amendments to make this specific change, prior to taking a final vote on the entire package.

Ms. Plumlee asked how this motion would affect the work done by the ad hoc environmental bond committee. Mr. Owens answered that the work of that committee would follow as a separate text amendment; it was never intended to be part of this text amendment.

Action: Mr. Cravens' motion carried, 8-3 (Brewer, Owens, and Wilson opposed).

Mr. Owens asked if the Commission would still need to take action on the amended draft text. Mr. King answered that the Commission would need to make a recommendation on the entire text amendment package.

Motion: A motion was made by Mr. Cravens and seconded by Ms. Mundy to approve ZOTA 2014-4, as amended in the previous motion.

Discussion of Motion: Mr. Penn stated that he was very concerned about moving forward with this text amendment as proposed, because he believed that it changes the intent of the A-N zone and adds commercial uses to it. He said that the unintended consequences of this text amendment would prevent him from voting to approve it, despite the three years he

had spent working on it. Mr. Penn said that he believed that this text amendment would change the A-N and A-R zones, and he urged the Commission members not to recommend approval.

Ms. Plumlee echoed Mr. Penn's comments, and asked the other Commission members to heed his advice.

Mr. Drake asked if there would be a "spillover effect" between the uses in the A-N and A-R zones. Mr. Penn stated that, since the Comprehensive Plan no longer includes a land use map, the A-N zone would be applicable anywhere in Lexington-Fayette County in order to operate one of the uses allowable in that zone. He said that he was concerned about by-right use in the A-N zone, which was never intended to be part of this text amendment. Mr. King stated that the staff believes that the Rural Land Management Plan (RLMP) land use maps would still be applicable in evaluating rural zone changes, and the staff would still consider them as part of their review of any application. He added that the RLMP should be reviewed, but he could not speak to the outcome of that process. Mr. Penn added that the RLMP does need to be reviewed, but he opined that it would not be changed to allow recreational uses by-right in the agricultural zones. He reiterated his opinion that this text amendment is "bad legislation," and the Commission should not send it forward to the Council with the expectation that they would fix it.

Mr. Brewer stated that he did not see the urgency of moving this text amendment forward today; he suggested that the Commission continue this item, and use the time to consider it thoughtfully.

Mr. Owens stated that he agreed with Mr. Penn. He said that, after three years of work, he wanted a recommendation to go forward, but he could not support this text amendment as proposed.

Mr. Cravens asked what would happen if the Commission did not approve the proposed text amendment. Mr. King answered that, if the Commission votes to recommend approval, this text amendment would go to the Council with their recommendation. If the motion on the floor fails, the Commission would be sending their own text amendment to the Council with a recommendation that it be disapproved. Mr. King noted that this text amendment would go to the Council either way, unless the Commission makes a motion to withdraw it.

Mr. Owens stated that this process had not been easy, and that he appreciated the Commission members and the staff for their hard work, and for sharing their concerns and viewpoints.

Action: Mr. Cravens' motion carried, 6-5 (Brewer, Owens, Penn, Plumlee, and Wilson opposed).

Staff Comments: Mr. King stated that the corollary Subdivision Regulations amendment would need a motion as well.

Ms. Wade stated that the proposed change to the Subdivision Regulations relates to one sentence in the definition of environmentally sensitive areas, and would read as follows: "Any area which, due to its natural or physical setting, may have environmental problems, with regard to development or use." She said that language would be consistent with the RLMP.

Action: A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 7-4 (Brewer, Owens, Penn, and Plumlee opposed) to approve the Subdivision Regulations amendment as presented by staff.