

**Sec. 1-11. Definitions.**

*Driveway, ~~FOR RESIDENTIAL – A private paved vehicular access extending on the shortest reasonable path through the front yard or side street side yard to the off-street parking area. for single family and two-family dwellings, means 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.~~*

**Article 3 GENERAL ZONE REGULATIONS**

**Sec. 3-1. Application of zone regulations.**

The regulations set by this Zoning Ordinance within each zone shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (a) No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located unless otherwise specifically permitted in this Zoning Ordinance.
- (b) No building or other structure shall hereafter be erected or altered:
  - (1) To exceed the height, bulk or floor area ratio;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area;
  - (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces; or
  - (5) To have less perimeter and interior lot landscaping for vehicular use area and non-compatible land uses than herein required, or in any other manner be contrary to the provisions of this Zoning Ordinance.
- (c) No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land, for the purpose of complying with this Zoning Ordinance, shall be included as part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this Zoning Ordinance.
- (d) No yard or lot existing at the time of adoption of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this Zoning Ordinance shall meet at least the minimum requirements established by this Zoning Ordinance.
- (e) There shall be no more than one (1) principal structure and its accessory structures on any lot or parcel of land in an agricultural zone or in any residential zone, unless otherwise specifically permitted as a Group Residential Project or a Planned Unit Development in this Zoning Ordinance. In all other zones, more than one (1) principal building shall be permitted only if a development plan is approved by the Commission, as provided by Article 21.

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<sup>2</sup> In the B-2, B-2A, and B-2B zones, the sight triangle may be modified at signalized intersections, as determined by the Urban County Traffic Engineer.

<sup>3</sup> Wire or chain link fences may be located within the sight triangle when approved by the Division of Traffic Engineering and the Division of Building Inspection upon a finding that visibility would not be impaired.

(Code 1983, § 3-3; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 158-88, § 1, 7-7-1988; Ord. No. 29-2006, §§ 1, 2, 2-9-2006; Ord. No. 166-2017, § 2(3-3), 11-16-2017)

### **Sec. 3-4. Agricultural land use exemptions.**

Notwithstanding any other provision of this Zoning Ordinance, land which is used solely for agricultural use, as defined herein, shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, or location requirements for agricultural buildings, except that a setback line of thirty (30) feet shall be required for agricultural buildings for the protection of existing and proposed streets and highways; and that all buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of floodwaters, may be fully regulated. Any parcel of land used for an urban agricultural use with the Urban Service Area, as defined herein, shall also be exempt from use restrictions listed in each zone, but buildings proposed for such uses shall be subject to building permit, zoning setback, floodplain setback and certificate of occupancy requirements contained herein.

(Code 1983, § 3-4; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 143-95, § 1, 6-29-1995; Ord. No. 211-99, § 1, 7-8-1999; Ord. No. 22-2017, § 2(3-4), 3-2-2017; Ord. No. 166-2017, § 2(3-4), 11-16-2017)

### **Sec. 3-5. Fallout shelters.**

Fallout shelters, as defined by this Zoning Ordinance, shall be permitted as principal or accessory uses in all zones subject to applicable yard, height, area, and other regulations for principal or accessory structures for the zone in which such shelter is located.

(Code 1983, § 3-5; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 166-2017, § 2(3-5), 11-16-2017)

### **Sec. 3-6. Mixed-income housing bonuses.**

Units that are designated as Mixed-Income Housing Units in order to receive either additional density, parking reductions or additional floor area shall be restricted by the developer exclusively to mixed-income housing for a minimum period of five (5) years. Further, such units shall be identified separately in the Certificate of Land Use Restriction filed for the development where the units are located; and such units shall be subject to a deed restriction in favor of the Lexington-Fayette Urban County Government, which shall restrict the use of the property and shall establish monitoring procedures to ensure that the units remain affordable during the period. Affordable housing units within the defined Expansion Area shall be subject to Article 23A-2(w).

(Code 1983, § 3-6; Ord. No. 129-2009, § 6, 7-2-2009; Ord. No. 166-2017, § 2(3-6), 11-16-2017)

### **Sec. 3-7. General regulations for cemetery protection.**

Existing private family cemeteries shall be permitted to remain in all zones. Upon the filing of a development plan or subdivision plan, a private family cemetery shall be preserved and protected in its existing location or relocated within Fayette County unless specifically requested by family or other heirs, and shall be regulated as follows:

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- (d) *Administrative Review.* The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the Division of Planning or the Division of Building Inspection in the enforcement of this Zoning Ordinance. Appeals under this section must be taken within thirty (30) days of the date of official action by the Division of Planning.
- (e) *All Other Appeals.* Appeals to the Board may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal or decision of the Division of Planning or the Division of Building Inspection in the enforcement of this Zoning Ordinance. Such appeal shall be taken within thirty (30) days after the appellant or his agent receives notice of the action appealed from, by filing with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Division of Planning shall forthwith transmit to the Board papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board, any interested person may appear and enter his appearance, and all shall be given an opportunity to be heard.

(Code 1983, § 7-6; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 61-87, § 1, 4-16-1987; Ord. No. 152-87, § 1, 7-9-1987; Ord. No. 175-88, § 1, 7-14-1988; Ord. No. 25-94, § 1, 2-24-1994; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 129-2009, § 10, 7-2-2009; Ord. No. 96-2010, § 7, 6-10-2010; Ord. No. 122-2011, §§ 12—14, 9-29-2011; Ord. No. 133-2016, § 1, 7-7-2016)

### **Sec. 7-7. Authorization.**

Based upon the official record of the Board's public hearing, a written report of the Board's action shall be prepared by the Division of Planning and shall be forwarded to any responsible Division. Such report shall constitute the authorization to the Division to issue a permit, provided the permit application meets all other requirements of law, or take other action as appropriate.

(Code 1983, § 7-7; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 61-87, § 1, 4-16-1987; Ord. No. 122-2011, § 15, 9-29-2011)

### **Sec. 7-8. Recording.**

All variances and conditional use permits approved by the Board shall be recorded at the expense of the applicant at the office of the County Clerk.

(Code 1983, § 7-8; Ord. No. 176-86, § 1, 8-28-1986; Ord. No. 61-87, § 1, 4-16-1987)

## **Article 8 SCHEDULE OF ZONES<sup>1</sup>**

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

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<sup>1</sup>Editor's note(s)—Ord. No. 208-99, adopted July 8, 1999, set out provisions numbered as § 8-23. Said section has been included herein as § 8-2 at the direction of the county, and former §§ 8-2—8-22 have been renumbered as §§ 8-4—8-24. The historical notations have been retained with the amended provisions for reference purposes.

Article 3 GENERAL ZONE REGULATIONS

Section	Zone	Zone Title
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

( Ord. No. 137-2016 , § 2, 7-7-2016; Ord. No. 22-2017 , § 3, 3-2-2017; Ord. No. 166-2017 , § 3, 11-16-2017)

**Sec. 8-1. Agricultural Rural (A-R) Zone.**

- (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.
- (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.
- (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.

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- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (n) *Off-Street Parking.* (See Article 16 and 18 for additional parking regulations.)

No minimum requirements.

~~Bed and Breakfast Facilities: One (1) space per room rented other than the first room.~~

~~Places of Religious Assembly: 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 (1) for every three (3) 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 (1) 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, Childcare Centers and Family Childcare for seven (7) or more children: Three (3) spaces for the first twelve (12) children, plus one (1) 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.~~

(o) *Special Provisions.*

1. Existing single-family residential structures containing, at a minimum, running water; indoor plumbing; and electricity; and which have been legally occupied at any time within six (6) months of the date of the adoption of this section, may be subdivided from its parent tract on a ten-acre minimum lot with a minimum of two hundred fifty (250) feet of lot frontage, provided that the remaining parent tract has a minimum of forty (40) acres, and at least two hundred fifty (250) feet of frontage on an existing road; or approved access as provided for in Section 6-8(1) of the Land Subdivision Regulations. The provisions of this section shall expire three (3) years from the date of its adoption.

(Code 1983, § 8-1; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 60-84, § 1, 5-3-1984; Ord. No. 89-86, § 6, 5-29-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 30-92, §§ 2—4, 3-3-1992; Ord. No. 56-92, § 2, 5-14-1992; Ord. No. 86-92, §§ 2—4, 5-28-1992; Ord. No. 55-94, §§ 2, 3, 4-14-1994; Ord. No. 42-95, § 1, 2-23-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 98-96, § 1, 6-27-1996; Ord. No. 207-99, § 1, 7-8-1999; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 202-2004, § 1, 8-26-2004; Ord. No. 258-2005, § 1, 9-22-2005; Ord. No. 341-2006, §§ 2—7, 12-7-2006; Ord. No. 1-2011, §§ 6, 7, 1-13-2011; Ord. No. 156-2011, § 1, 12-6-2011; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 104-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-1), 7-7-2016; Ord. No. 22-2017, § 3(8-1), 3-2-2017; Ord. No. 124-2017, § 2, 8-31-2017; Ord. No. 166-2017, § 3(8-1), 11-16-2017; Ord. No. 22-2018, § 1, 4-12-2018; Ord. No. 74-2018, § 1, 10-11-2018; Ord. No. 102-2020, § 3, 10-22-2020)

**Sec. 8-2. Agricultural Buffer (A-B) Zone.**

- (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.
- (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.
- (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.

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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.)

- (f) *Minimum Lot Size.* Ten (10) acres.
- (g) *Minimum Lot Frontage.* Two hundred fifty (250) feet.
- (h) *Minimum Front Yard.* Three hundred (300) feet from the right-of-way line, except for the following:
  - (1) Lots which have principal permitted residential structures less than three hundred (300) feet from the right-of-way line; then the minimum front yard shall be coincident with the existing front yard, or fifty (50) feet, 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 fifty (50) feet, whichever is greater;
  - (3) Existing lots less than three hundred fifty (350) feet in lot depth shall have the minimum front yard coincident with the platted building line, or fifty (50) feet, whichever is greater.
- (i) *Minimum Each Side Yard.* Fifty (50) feet.
- (j) *Minimum Rear Yard.* One hundred (100) feet.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet, except for buildings devoted solely to agricultural uses, then no limitation.
- (n) *Off-Street Parking.* (See Article 16 [and](#) [18](#) for additional parking regulations.)

~~No minimum requirements.~~

~~Bed and Breakfast Facilities: One (1) space per room rented other than the first room.~~

~~Places of Religious Assembly: One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.~~

~~Non-commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos: One (1) space for every five (5) spectator seats, or one (1) for every three (3) active participants in the sport, whichever is greater.~~

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

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

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

~~Equine Hospitals or Large Animal Hospitals: One (1) space per four hundred (400) square feet of floor area, with a minimum of five (5) spaces; but not including any 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, Childcare Centers and Family Childcare for seven (7) or more children: Three (3) spaces for the first twelve (12) children, plus one (1) 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.~~

- (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 Section 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 (1) fence to be not less than fifty-two (52) inches high, set on seven and one-half (7½)-foot posts, with a required six-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 eight-foot posts, with a required six-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 nine-foot posts, with a required six-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.

(Code 1983, § 8-2; Ord. No. 208-99, § 1, 7-8-1999; Ord. No. 197-2006, § 1, 7-6-2006; Ord. No. 341-2006, §§ 8—10, 12-7-2006; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-2), 7-7-2016; Ord. No. 22-2017, § 3(8-2), 3-2-2017; Ord. No. 166-2017, § 3(8-2), 11-16-2017; Ord. No. 102-2020, § 3, 10-22-2020)

### **Sec. 8-3. Agricultural-Natural Areas (A-N) Zone.**

- (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



(n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

~~No minimum requirements.~~

~~Bed and Breakfast Facilities: One (1) space per room rented other than the first room.~~

~~Places of Religious Assembly: One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.~~

~~Non-commercial Outdoor Athletic Facilities, including Baseball Fields; Soccer Fields; Outdoor Rodeos: One (1) space for every five (5) spectator seats, or one (1) for every three (3) active participants in the sport, whichever is greater.~~

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

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

~~Kindergartens, Nursery Schools, Childcare Centers and Family Childcare for seven (7) or more children: Three (3) spaces for the first twelve (12) children, plus one (1) 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.~~

(Code 1983, § 8-3; Ord. No. 209-99, § 1, 7-8-1999; Ord. No. 341-2006, §§ 11–13, 12-7-2006; Ord. No. 103-2013, § 3, 9-12-2013; Ord. No. 137-2016, § 2(8-3), 7-7-2016; Ord. No. 22-2017, § 3(8-3), 3-2-2017; Ord. No. 166-2017, § 3(8-3), 11-16-2017; Ord. No. 102-2020, § 3, 10-22-2020)

#### **Sec. 8-4. Agricultural Urban (A-U) Zone.**

- (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.
- (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.
- (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.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. Sections 8-1(d)1 through 5, 8, 10 through 12 (but excluding outdoor rifle and other firearm ranges), and 18 through 22 of the permitted conditional uses in the A-R zone, provided the square footage limitations shall not apply unless required by the Board of Adjustment.

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15. Ecotourism activities, to include commercial hiking, bicycling trails; equine trails; zip line trails; tree canopy tours; canoeing and kayaking launch sites; primitive and vehicular or trailer campgrounds; fishing and hunting clubs; botanical gardens; nature preserves; and recreational outfitters.
  16. Youth camps.
- (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.)
- (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.
- (g) *Minimum Lot Frontage.* Two hundred fifty (250) feet.
- (h) *Minimum Front Yard.* Fifty (50) feet from the right-of-way.
- (i) *Minimum Each Side Yard.* Twenty-five (25) feet.
- (j) *Minimum Rear Yard.* Twenty-five (25) feet.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* No limitation.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

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 (1) for every three (3) 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.~~

~~Conditional Uses: The Board of Adjustment may establish additional requirements as needed.~~

(Code 1983, § 8-4; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 244-86, § 1, 11-20-1986; Ord. No. 183-89, § 1, 9-21-1989; Ord. No. 30-92, §§ 5, 6, 3-3-1992; Ord. No. 86-92, § 5, 5-28-1992; Ord. No. 42-95, § 1, 2-23-1995; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 341-2006, §§ 14—16, 12-7-2006; Ord. No. 137-2016, § 2(8-4), 7-7-2016; Ord. No. 22-2017, § 3(8-4), 3-2-2017; Ord. No. 166-2017, § 3(8-4), 11-16-2017)

## **Sec. 8-5. Single-Family Residential (R-1A) Zone.**

- (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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Single-family detached residences.
  2. Parks and playgrounds operated by government.
  3. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
- (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.

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11. Historic house museums.
  12. Seasonal activities.
  13. Market gardens.
  14. The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. 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 short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.
- (e) *Prohibited Uses.* (All uses, other than those listed as principal, accessory, or conditional uses or substantially similar to principal, accessory, or conditional uses, shall be prohibited. The uses below are provided for illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)
1. Those uses prohibited in the A-U zone, except as permitted herein.
  2. Commercial kennels, equine hospitals, and offices of veterinarians.
  3. Any use dependent upon septic tanks or pit privies.
  4. The above-ground 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.)
- (f) *Minimum Lot Size.* One acre; or twenty-five thousand (25,000) square feet for property rezoned to R-1A after July 14, 1994.
- (g) *Minimum Lot Frontage.* One hundred fifty (150) feet; or one hundred twenty-five (125) feet for property rezoned to R-1A after July 14, 1994.
- (h) *Minimum Front Yard.* Fifty (50) feet; or forty (40) feet for property rezoned to R-1A after July 14, 1994.
- (i) *Minimum Each Side Yard.* Twenty-five (25) feet; or ten (10) feet for property rezoned to R-1A after July 14, 1994.
- (j) *Minimum Rear Yard.* Twenty-five (25) feet.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

~~Places of Religious Assembly: One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.~~

~~Dwelling Units: One (1) space per dwelling unit.~~

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

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

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

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

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

~~Family Childcare 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 (5) 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.~~

(Code 1983, § 8-5; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, §§ 7, 8, 5-29-1986; Ord. No. 198-86, § 1, 9-18-1986; Ord. No. 151-87, § 1, 7-9-1987; Ord. No. 30-92, § 7, 3-3-1992; Ord. No. 86-92, §§ 6—8, 5-28-1992; Ord. No. 55-94, § 3, 4-14-1994; Ord. No. 145-94, § 1, 7-14-1994; Ord. No. 84-2001, § 1, 4-5-2001; Ord. No. 207-2003, § 1, 8-28-2003; Ord. No. 298-2005, § 1, 11-3-2005; Ord. No. 96-2010, § 8, 6-10-2010; Ord. No. 191-2010, § 1, 11-11-2010; Ord. No. 99-2011, § 3, 8-25-2011; Ord. No. 137-2016, § 2(8-5), 7-7-2016; Ord. No. 22-2017, § 3(8-5), 3-2-2017; Ord. No. 166-2017, § 3(8-5), 11-16-2017; Ord. No. 102-2021, §§ 4, 5, 10-28-2021)

## **Sec. 8-6. Single-Family Residential (R-1B) Zone.**

- (a) *Intent.* As for R-1A.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. The principal permitted uses in the R-1A zone.
- (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.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  1. The permitted conditional uses in the R-1A zone.
- (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 uses prohibited in the R-1A zone.

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

- (f) *Minimum Lot Size.* Fifteen thousand (15,000) square feet.
- (g) *Minimum Lot Frontage.* One hundred (100) feet.
- (h) *Minimum Front Yard.* Forty (40) feet.
- (i) *Minimum Each Side Yard.* Ten (10) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Thirty-five (35) feet.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

As for R-1A, Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(Code 1983, § 8-6; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 3(8-6), 11-16-2017)

### **Sec. 8-7. Single-Family Residential (R-1C) Zone.**

- (a) *Intent.* As for R-1A.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  - 1. The principal permitted uses in the R-1A zone.
- (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.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  - 1. The permitted conditional uses in the R-1A zone.
- (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.

Lot, Yard, and Height Requirements. (See Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations.)

- (f) *Minimum Lot Size.* Eight thousand (8,000) square feet.
- (g) *Minimum Lot Frontage.* Sixty (60) feet.
- (h) *Minimum Front Yard.* Thirty (30) feet.
- (i) *Minimum Each Side Yard.* Eight (8) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.

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- (k) *Minimum Useable Open Space.* No limitation.
  - (l) *Maximum Lot Coverage.* No limitation.
  - (m) *Maximum Height of Building.* Thirty-five (35) feet.
  - (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

As for R-1A, Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(o) *Special Provisions.*

1. Lot frontage, 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 twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:
    1. Minimum lot frontage: Twenty-four (24) feet.
    2. Minimum front yard: As per Subsection (h) of this section, 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: Fifty (50) feet, unless the average depth of the existing front yards on each side 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: Three (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: Twenty percent (20%) of the lot depth.
    6. Minimum usable open space: No limitation.
    7. Minimum lot coverage: No limitation.
    8. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.
    9. Maximum lot coverage: No limitation.
    10. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
  - b. Where existing lot frontage is thirty-five (35) feet but less than fifty (50) feet, the provisions of Section 15-7 and the following shall apply:
    1. Minimum lot frontage: Thirty-five (35) feet.
    2. Minimum front yard: As per Subsection (h) of this section, 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: Fifty (50) 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: Five (5) feet.

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5. Minimum rear yard: Twenty percent (20%) of the lot depth.
  6. Minimum usable open space: No limitation.
  7. Minimum lot coverage: No limitation.
  8. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.
  9. Maximum lot coverage: No limitation.
  10. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
- c. Where existing lot frontage is fifty (50) feet or greater, the provisions of Section 15-7 and the following shall apply:
1. Minimum lot frontage: Fifty (50) feet.
  2. Minimum front yard: As per Subsection (h) of this section, 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: Fifty (50) 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 Subsection (i) of this section.
  5. Minimum rear yard: Twenty percent (20%) of the lot depth.
  6. Minimum usable open space: No limitation.
  7. Minimum lot coverage: No limitation.
  8. Maximum height of building: As per Subsection (m) of this section.
  9. Maximum lot coverage: No limitation.
  10. Maximum floor area ratio: 0.7.

(Code 1983, § 8-7; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 166-2017, § 3(8-7), 11-16-2017)

### **Sec. 8-8. Single-Family Residential (R-1D) Zone.**

- (a) *Intent.* As for R-1A.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. The principal permitted uses in the R-1A zone.
  2. Existing two-family dwellings that were granted principal use status in the 1969 Zoning Ordinance. No building permits shall be issued for new two-family dwellings subsequent to the date of adoption of this Zoning Ordinance.
- (c) *Accessory Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. The permitted accessory uses in the R-1A zone.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  1. The permitted conditional uses in the R-1A zone.



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(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.

Lot, Yard, and Height Requirements. (See Article 3, Subsection 8-8(o) of this section below, and Article 15 for additional regulations.)

(f) *Minimum Lot Size.* Six thousand (6,000) square feet.

(g) *Minimum Lot Frontage.* Sixty (60) feet.

(h) *Minimum Front Yard.* Thirty (30) feet.

(i) *Minimum Each Side Yard.* Six (6) feet.

(j) *Minimum Rear Yard.* Ten (10) feet.

(k) *Minimum Useable Open Space.* No limitation.

(l) *Maximum Lot Coverage.* No limitation.

(m) *Maximum Height of Building.* Thirty-five (35) feet.

(n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

As for R-1A-Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(o) *Special Provisions.*

1. 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 twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:

1. Minimum lot frontage: Twenty-four (24) feet.

2. Minimum front yard: As per Subsection (h) of this section, 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: Fifty (50) 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: Three (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: Twenty percent (20%) of the lot depth.

6. Minimum usable open space: No limitation.

7. Minimum lot coverage: No limitation.

8. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.

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## Sec. 8-9. Single-Family Residential (R-1E) Zone.

- (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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Single-family detached residences.
  2. Parks and playgrounds operated by government.
  3. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Private garages, storage sheds and parking areas.
  2. Swimming pools and tennis courts.
  3. Agricultural uses, excluding commercial stock raising.
  4. Private, non-commercial parks and open space.
  5. Home offices and home occupations.
  6. A ground, roof or pole-mounted satellite dish antenna, as regulated by Section 15-8.
  7. Family childcare 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.
  9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. As for R-1A.
- (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 Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations.)
- (f) *Lot Size.* four thousand (4,000) square feet minimum, with a maximum of seven thousand, five hundred (7,500) square feet for single-family detached uses on lots not fronting upon a cul-de-sac or more than one (1) public street; for all other uses and lots, there shall be no maximum lot size.
- (g) *Minimum Lot Frontage.* Forty (40) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.

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- (i) *Minimum Each Side Yard.* Three (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. (See Subsection (o)1 of this section, below.)
  - (j) *Minimum Rear Yard.* Ten (10) feet.
  - (k) *Minimum Useable Open Space.* No limitation.
  - (l) *Maximum Lot Coverage.* No limitation.
  - (m) *Maximum Height of Building.* Thirty-five (35) feet.
  - (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

~~One space per dwelling unit.~~ Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(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 twenty-four (24) feet but less than forty (40) feet, the provisions of Section 15-7 and the following shall apply:
    1. Minimum lot frontage: Twenty-four (24) feet.
    2. Minimum front yard: As per Subsection (h) of this section, 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: Forty (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 Subsection (i) of this section.
    5. Minimum rear yard: Twenty percent (20%) of the lot depth.
    6. Minimum usable open space: No limitation.
    7. Minimum lot coverage: No limitation.
    8. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.
    9. Maximum lot coverage: No limitation.
    10. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
  - b. Where existing lot frontage is forty (40) feet or greater, the provisions of Section 15-7 and the following shall apply:
    1. Minimum lot frontage: Forty (40) feet.
    2. Minimum front yard: As per Subsection (h) of this section, 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: Forty (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 Section 8-12(i).
5. Minimum rear yard: Twenty percent (20%) of the lot depth.
6. Minimum usable open space: No limitation.
7. Minimum lot coverage: No limitation.
8. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.
9. Maximum lot coverage: No limitation.
10. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.

(Code 1983, § 8-9; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, §§ 9, 10, 5-29-1986; Ord. No. 111-88, § 1, 6-2-1988; Ord. No. 86-92, § 9, 5-28-1992; Ord. No. 51-98, § 1, 2-19-1998; Ord. No. 121-2002, § 1, 5-30-2002; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 137-2016, § 2(8-9), 7-7-2016; Ord. No. 166-2017, § 3(8-9), 11-16-2017; Ord. No. 102-2021, § 7, 10-28-2021)

### **Sec. 8-10. Townhouse Residential (R-1T) Zone.**

- (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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Single-Family attached residences, except that not more than twelve (12) units shall be attached.
  2. Group Residential Projects, as provided in Article 9.
  3. Existing single-family detached residences and single-family detached residences for which a building permit was issued or a plan approved prior to the adoption of this Zoning Ordinance.
  4. Parks and playgrounds operated by government.
  5. Temporary real estate sales offices for the sale of lots, located only within the subdivision in which said lots are located; to be removed at the end of two (2) years or when all the lots are sold, whichever comes first.
  6. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. Private garages, storage sheds and parking areas.
  2. Swimming pools and tennis courts.
  3. Agricultural uses, excluding commercial stock raising.
  4. Private, non-commercial parks and open space.
  5. Home offices and home occupations.

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6. A ground, roof or pole-mounted satellite dish antenna, as regulated in Section 15-8.
  7. Family childcare 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.
  9. Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. As for R-1A.
- (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 Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations.)
- (f) *Minimum Lot Size.* One thousand, five hundred (1,500) square feet.
  - (g) *Minimum Lot Frontage.* Fifteen (15) feet.
  - (h) *Minimum Front Yard.* Ten (10) feet (See Subsection (o) of this section, below).
  - (i) *Minimum Each Side Yard.* (See Subsection (o) of this section, below).
  - (j) *Minimum Rear Yard.* Ten (10) feet.
  - (k) *Minimum Useable Open Space.* (See Subsection (o) of this section, below).
  - (l) *Maximum Lot Coverage.* No limitation.
  - (m) *Maximum Height of Building.* Thirty-five (35) feet.
  - (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)  
No minimum requirements.  
As for R-1A- Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (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 (1) unit fronts on a side yard; and a side yard of twenty (20) feet when more than one (1) 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.

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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 Subsection (f) of this section.
    - b. Minimum lot frontage: As per Subsection (g) of this section.
    - c. Minimum front yard: Five (5) feet.
    - d. Maximum front yard: Fifteen (15) feet.
    - e. Minimum yard along an alley: Three (3) feet.
    - f. Minimum side yard for the end of unattached units: Three (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: Twenty percent (20%) of the lot depth.
    - h. Minimum usable open space: As per Subsection (o)(3) of this section, above.
    - i. Minimum lot coverage: No limitation.
    - j. Maximum height of building: As per Subsection (m) of this section, above.
    - k. Maximum lot coverage: No limitation.

(Code 1983, § 8-10; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, § 11, 5-29-1986; Ord. No. 86-92, § 9, 5-28-1992; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 129-2009, § 11, 7-2-2009; Ord. No. 137-2016, § 2(8-10), 7-7-2016; Ord. No. 166-2017, § 3(8-10), 11-16-2017; Ord. No. 102-2021, § 7, 10-28-2021)

### **Sec. 8-11. Two-Family Residential (R-2) Zone.**

- (a) *Intent.* This zone is primarily for two-family dwellings (duplexes). 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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. As for R-1A.
  2. Two-Family dwellings.
  3. Two-Family dwellings, having a common vertical wall on the property line of two (2) separate lots. Only one (1) dwelling for one-family shall be permitted on each lot, and no more than two (2) dwelling units shall be attached.

4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
- (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.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  1. The permitted conditional uses in the R-1A zone.

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(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 two-family dwellings.

Lot, Yard, and Height Requirements. (See Article 3, Subsection (o) of this section, below, and Article 15 for additional regulations).

(f) *Minimum Lot Size.* Seven thousand, five hundred (7,500) square feet (See Subsection (o) of this section, below).

(g) *Minimum Lot Frontage.* Sixty (60) feet (See Subsection (o) of this section, below).

(h) *Minimum Front Yard.* Thirty (30) feet.

(i) *Minimum Each Side Yard.* Six (6) feet (See Subsection (o) of this section, below).

(j) *Minimum Rear Yard.* Ten (10) feet or twenty (20) percent of the lot depth, whichever is greater.

(k) *Minimum Usable Open Space.* No limitation.

(l) *Maximum Lot Coverage.* No limitation (See Subsection (o) of this section, below).

(m) *Maximum Height of Building.* Thirty-five (35) feet.

(n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

As for R-1A-

Duplexes: Two (2) spaces per dwelling unit. Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(o) *Special Provisions.*

1. The minimum lot size and lot frontage may be reduced for a property subdivision along the common vertical wall of a two-family dwelling (duplex) as long as the structure meets the dwelling unit separation requirements for townhouses under the current Kentucky Building Code.

2. The minimum side yard may be eliminated on one (1) side of a lot, for future or existing adjacent lots, if a common vertical wall dividing a two-family structure is located, or is to be located, on the common property line. The side yard that is not eliminated shall be a minimum of six (6) feet.

3. Lot, yard and height requirements for single-family detached dwellings in defined Infill and Redevelopment area shall be as required for R-1D.

4. Lot, yard and height requirements for two-family dwellings in defined Infill and Redevelopment areas are for existing lots as of December 5, 2002, and shall be as follows:

a. Minimum lot size: As per Subsection (f) and (o)(1) of this section above.

b. Minimum lot frontage: As per Subsection (g) and (o)(2) of this section above.

c. Minimum front yard: As per Subsection (h) of this section, unless the average depth of the existing front yards on each of the adjacent lots on either side of the lots are less; then the minimum shall be no less than this average, or eight (8) feet, whichever is greater.

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- d. Maximum front yard: Fifty (50) 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.
  - e. Minimum side yard: As per Subsections (i) and (o)(3) of this section, above.
  - f. Minimum rear yard: As per Subsection (j) of this section.
  - g. Minimum usable open space: No limitation.
  - h. Minimum lot coverage: No limitation.
  - i. Maximum height of building: As per Subsection (m) of this section, above.
  - j. Maximum lot coverage: No limitation, except for a floor area ratio of 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
5. Habitable additions to two-family dwellings must have a common wall that shall be at least fifteen (15) feet or twenty-five (25) percent of the length of the common wall on the existing structure, whichever is greater.

(Code 1983, § 8-11; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 17-98, § 1, 1-22-1998; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 133-2004, § 1, 6-24-2004; Ord. No. 129-2009, §§ 12, 13, 7-2-2009; Ord. No. 166-2017, § 3(8-11), 11-16-2017)

### **Sec. 8-12. Planned Neighborhood Residential (R-3) Zone.**

- (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.
- (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.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
  1. Items 1 through 3 and 6 through 10 of the permitted accessory uses in the R-1A zone.
  2. The keeping of not more than four (4) roomers or boarders per dwelling unit by a resident family for single family or two-family dwellings, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.
  3. Non-commercial athletic club facilities, when accessory to another permitted or conditional use.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  1. The permitted conditional uses in the R-1A zone.



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2. Hospitals, nursing homes, personal care facilities, 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. Sorority and fraternity houses.
  8. 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.
  9. 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.
  10. Day Shelters.
- (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 Article 3, Subsection (o) of this section below, and Article 15 for additional regulations.)

- (f) *Minimum Lot Size.* Six thousand (6,000) square feet.
- (g) *Minimum Lot Frontage.* Fifty (50) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* Five (5) feet, unless required to be a minimum of thirty (30) feet by Section 15-2(b)(3).
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Usable Open Space.* Twenty percent (20%).
- (l) *Maximum Lot Coverage.* Twenty-five percent (25%) and a floor area ratio of 0.75.
- (m) *Maximum Height of Building.* Three (3) stories up to forty (40) feet.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No Minimum requirements.

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

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

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

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

~~Hospitals. Nursing Homes. Personal Care Facilities. 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. Conditional Uses: The Board of Adjustment may establish additional requirements as needed.~~

(o) *Special Provisions.*

1. Lot, yard, and height requirements for town houses 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 twenty-four (24) feet, the provisions of Section 15-7 and the following shall apply:
    1. Minimum lot size: Two thousand (2,000) square feet.
    2. Minimum lot frontage: Twenty (20) feet.
    3. Minimum front yard: As per Subsection (h) of this section, 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: Forty (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: Three (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: Twenty (20) feet.
    7. Minimum usable open space: No limitation.
    8. Minimum lot coverage: No limitation.

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9. Maximum height of building: Twenty-four (24) feet.
  10. Maximum lot coverage: No limitation.
  11. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.

~~12. Minimum off street parking: None required.~~

- b. Where existing lot frontage is twenty-four (24) feet but less than thirty-five (35) feet, the provisions of Section 15-7 and the following shall apply:
  1. Minimum lot size: Two thousand, five hundred (2,500) square feet.
  2. Minimum lot frontage: Twenty-four (24) feet.
  3. Minimum front yard: As per Subsection (h) of this section, 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: Forty (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: Three (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: Twenty percent (20%) of the lot depth.
  7. Minimum usable open space: No limitation.
  8. Minimum lot coverage: No limitation.
  9. Maximum height of building: Twenty-eight (28) feet and two and one-half (2½) stories.
  10. Maximum lot coverage: No limitation.
  11. Maximum floor area ratio: 0.35, or that which allows two thousand, six hundred (2,600) square feet, whichever is greater.
- c. Where existing lot frontage is thirty-five (35) feet but less than fifty (50) feet, the provisions of Section 15-7 and the following shall apply:
  1. Minimum lot size: Three thousand, seven hundred fifty (3,750) square feet.
  2. Minimum lot frontage: Thirty-five (35) feet.
  3. Minimum front yard: As per Subsection (h) of this section, 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: Forty (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 Subsection (i) of this section.
  6. Minimum rear yard: Twenty percent (20%) of the lot depth.
  7. Minimum usable open space: No limitation.
  8. Minimum lot coverage: No limitation.

**Sec. 8-13. High Density Apartment (R-4) Zone.**

- (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.
- (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.
- (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.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
  - 1. The permitted conditional uses in the R-3 zone.
- (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 Article 3, Subsection (o) of this section below, and Article 15 for additional regulations.)

- (f) *Minimum Lot Size.* Six thousand (6,000) square feet.
- (g) *Minimum Lot Frontage.* Fifty (50) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* Five (5) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Useable Open Space.* Twenty percent (20%).
- (l) *Maximum Lot Coverage.* Forty percent (40%) and a floor area ratio of 1.6.
- (m) *Maximum Height of Building.* 2:1 height-to-yard ratio, except that buildings under forty (40) feet may have side and rear yards as required in the R-3 zone.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)
  - No minimum requirements.
  - As for R-3-Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (o) *Special Provisions.*
  - 1. Lot, yard, and height requirements for townhouses shall be as required for R-1T.

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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.

(Code 1983, § 8-13; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 307-2002 , § 1, 12-5-2002; Ord. No. 137-2016 , § 2(8-13), 7-7-2016; Ord. No. 166-2017 , § 3(8-13), 11-16-2017; Ord. No. 94-2020 , § 2, 9-21-2020)

### **Sec. 8-14. High Rise Apartment (R-5) Zone.**

- (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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
  1. Multifamily dwellings.
  2. Dormitories.
  3. Offices, limited to multifamily structures with six (6) or more stories, provided offices are limited to no more than the first two (2) stories with no mixing of offices and apartments on the same floor.
  4. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.
- (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 through 9.
  2. Athletic club facilities, when accessory to another permitted or conditional use.
- (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 five thousand (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 one hundred (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 ten percent (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.
- (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.)

- (f) *Minimum Lot Size.* Six thousand (6,000) square feet.
- (g) *Minimum Lot Frontage.* Fifty (50) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* Ten (10) feet.
- (j) *Minimum Rear Yard.* Ten (10) feet.
- (k) *Minimum Usable Open Space.* Twenty percent (20%).
- (l) *Maximum Lot Coverage.* Forty-five percent (45%) and a floor area ratio of 2.25.
- (m) *Maximum Height of Building.* 4:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

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.~~ Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(Code 1983, § 8-14; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 89-86, § 14, 5-29-1986; Ord. No. 213-94, § 3, 1-20-1994; Ord. No. 187-98, § 1, 7-2-1998; Ord. No. 115-2003, §§ 1, 2, 5-29-2003; Ord. No. 49-2012, § 7, 4-26-2012; Ord. No. 137-2016, § 2(8-14), 7-7-2016; Ord. No. 166-2017, § 3(8-14), 11-16-2017; Ord. No. 94-2020, § 3, 9-21-2020)

### **Sec. 8-15. Professional Office (P-1) Zone.**

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

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illustration purposes and for the purpose of limiting permitted uses, and are not intended to be a total listing of all the uses that are prohibited.)

1. As for A-R, except offices, institutional uses, dwelling units, and other uses as permitted herein.
2. Any use dependent upon septic tanks or pit privies.
3. Pawn shops.
4. Golf driving ranges.
5. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas; and the above- or below-ground storage of more than five (5) gallons of gasoline. However, jet fuel may be stored only in conjunction with a heliport.
6. Greenhouses, plant nurseries, market gardens and garden centers.
7. Tattoo parlors.
8. Ecotourism activities, except as permitted herein.

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

- (f) *Minimum Lot Size.* Seven thousand, five hundred (7,500) square feet.
- (g) *Minimum Lot Frontage.* Sixty (60) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* Twelve (12) feet.
- (j) *Minimum Rear Yard.* Twelve (12) feet.
- (k) *Minimum Usable Open Space.* No limitation, except where residences are provided, then ten percent (10%).
- (l) *Maximum Lot Coverage.* Thirty-five percent (35%) and a floor area ratio of 1.3.
- (m) *Maximum Height of Building.* 3:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

~~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 Childcare Centers: Three (3) spaces for the first twelve (12) children, plus one (1) space for every ten (10) (or fraction thereof) additional children.~~

~~Places of Religious Assembly: One (1) space for each five (5) seats in the main auditorium, with a minimum of five (5) spaces.~~

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

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

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

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

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

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

~~Hospitals, Nursing Homes, Personal Care Facilities 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.~~

~~Hotels: One (1) space per suite 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 two hundred (200) square feet, with a minimum of three (3) spaces.~~

~~Mail Service Facilities: One (1) space for each two hundred (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.~~

(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:



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- 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. Hotels, but only when located more than two hundred (200) feet from a residential zone; and the total number of hotels shall not exceed one (1) hotel for every twenty (20) acres of the Professional Office Project.
2. Extended-Stay Hotels.
3. 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.

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. 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.~~

(Code 1983, 8-15; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, § 15, 5-29-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 84-91, § 1, 5-2-1991; Ord. No. 30-92, § 8, 3-3-1992; Ord. No. 174-93, § 1, 9-23-1993; Ord. No. 213-94, § 4, 1-20-1994; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 153-96, § 1, 8-29-1996; Ord. No. 245-97, § 1, 11-20-1997; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 302-2001, § 1, 12-6-2001; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 115-2003, § 3, 5-29-2003; Ord. No. 143-2003, § 1, 6-26-2003; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 61-2008, §§ 2—4, 4-10-2008; Ord. No. 129-2009, §§ 15—17, 7-2-2009; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 16-2015, § 1, 3-17-2015; Ord. No. 68-2015, § 1(8-15), 6-18-2015; Ord. No. 137-2016, § 2(8-15), 7-7-2016; Ord. No. 22-2017, § 3(8-15), 3-2-2017; Ord. No. 166-2017, § 3(8-15), 11-16-2017; Ord. No. 2-2018, § 1, 1-30-2018; Ord. No. 84-2020, § 1, 9-3-2020)

### **Sec. 8-16. Neighborhood Business (B-1) Zone.**

- (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.
- (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.
  11. Nursing homes, personal care facilities and assisted living facilities.
  12. Computer and data processing centers.
  13. Ticket and travel agencies.
  14. Kindergartens, nursery schools and childcare 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.

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- (i) *Minimum Each Side Yard.* No limitation.
  - (j) *Minimum Rear Yard.* No limitation.
  - (k) *Minimum Usable Open Space.* No limitation, except where dwelling units are provided as principal uses; then ten percent (10%).
  - (l) *Maximum Lot Coverage.* No limitation.
  - (m) *Maximum Height of Building.* Thirty-five (35) feet, except as permitted in Subsection (o)(3) of this section.
  - (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

As for P-1:

~~Accessory Warehousing, Wholesaling, Storage and the like: One (1) space for every six hundred (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 two hundred (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 two hundred (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 one hundred fifty (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 ten thousand (10,000) square feet, one (1) space for every four hundred (400) square feet of floor area, with a minimum of three (3) spaces; for all floor area exceeding the first ten thousand (10,000) square feet, one (1) space for every two hundred (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 two hundred fifty (250) square feet of floor area.~~

~~Animal Grooming Facilities: One (1) space for every two hundred (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.~~

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(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. 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.~~

23. 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.

(Code 1983, 8-16; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 207-84, §§ 1—3, 11-15-1984; Ord. No. 241-85, §§ 1, 2, 11-21-1985; Ord. No. 89-86, § 16, 5-29-1986; Ord. No. 73-87, § 1, 4-30-1987; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 123-90, § 1, 6-14-1990; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 9, 3-3-1992; Ord. No. 213-94, § 5, 1-20-1994; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 147-2000, § 1, 6-1-2000; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 43-2004, § 1, 3-4-2004; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 240-2007, §§ 2, 3, 11-1-2007; Ord. No. 129-2009, §§ 18—20, 7-2-2009; Ord. No. 99-2011, § 4, 8-25-2011; Ord. No. 100-2011, §§ 2, 3, 8-25-2011; Ord. No. 122-2011, § 16, 9-29-2011; Ord. No. 138-2012, § 2, 11-15-2012; Ord. No. 3-2013, § 1, 1-17-2013; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-16), 6-18-2015; Ord. No. 137-2016, § 2(8-16), 7-7-2016; Ord. No. 22-2017, § 3(8-16), 3-2-2017; Ord. No. 166-2017, § 3(8-16), 11-16-2017; Ord. No. 84-2020, § 2, 9-3-2020)

### **Sec. 8-17. Downtown Business (B-2) Zone.**

- (a) *Intent.* This zone is intended to accommodate existing and future development in the Central Business District.
- (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; upholstery; laundering, clothes cleaning and dyeing; clothing alterations and tailoring services.
  6. Hotels and motels.
  7. Passenger transportation terminals.
  8. Any type of dwelling unit.

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5. Hospitals.
  6. Campgrounds and hunting clubs.
  7. Farm tours, hayrides, corm 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.)

- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* No limitation.
- (i) *Minimum Each Side Yard.* No limitation.
- (j) *Minimum Rear Yard.* No limitation.
- (k) *Minimum Usable Open Space.* No limitation (except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units).
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* No limitation.
- (n) *Off-Street Parking.* (See Article 16 and 18 for additional parking regulations.)

No minimum requirements.

~~Dwelling Units: No requirements, except for buildings with twenty five (25) or more dwelling units; then one (1) space for every two thousand (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. Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

- (o) *Special Provisions.*
  1. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan and Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.
  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.

(Code 1983, § 8-17; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, § 17, 5-29-1986; Ord. No. 30-92, § 10, 3-3-1992; Ord. No. 213-94, § 5, 1-20-1994; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 71-96, § 2, 5-16-1996; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 155-97, § 1, 7-10-1997; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 261-98, § 1, 10-1-1998; Ord. No. 325-2000, § 1, 11-9-2000; Ord. No. 62-2003, § 1, 3-20-2003; Ord. No. 203-2004, § 1, 8-26-2004; Ord. No. 129-2009, § 21, 7-2-2009; Ord. No. 99-2011, § 5, 8-25-2011; Ord. No. 100-2011, § 4, 8-25-2011; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-

### Sec. 8-18. Downtown Frame Business (B-2A) Zone.

- (a) *Intent.* This zone is intended to accommodate existing and proposed development in the transitional "frame," which surrounds the downtown core area, by providing for comparable and compatible uses while anticipating the future expansion of the downtown core area.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. The principal permitted uses in the B-2 zone.
- (c) *Accessory Uses.* (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)
1. The permitted accessory uses in the B-2 zone.
- (d) *Conditional Uses.* (Permitted only with Board of Adjustment approval.)
1. The permitted conditional uses in the B-2 zone.
- (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-2 zone.
- Lot, Yard, and Height Requirements. (See Articles 3 and 15 for additional regulations.)
- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* Ten (10) feet.
- (i) *Minimum Each Side Yard.* No limitation, except that side street side yard shall be ten (10) feet.
- (j) *Minimum Rear Yard.* No limitation.
- (k) *Minimum Usable Open Space.* No limitation, except that residential uses shall provide useable open space equal to not less than ten percent (10%) of only those floors occupied by dwelling units.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Three (3) stories, or thirty-five (35) feet, except that buildings up to ten (10) stories shall be permitted if the Planning Commission approves a development plan; and for every story in excess of three (3) stories, one percent (1%) of the total lot area shall be added to the otherwise required front yard, or such area shall be provided as ground level open space on land adjoining the right-of-way.
- (n) *Off-Street Parking.* (See Article 16 and 18 for additional parking regulations.) ~~Twenty five percent (25%) of the least parking area required in any zone, other than the B-2 or B-2B zones which permit the principal or a similar use. Off-street loading and unloading areas shall be as required in Article 16.~~
- No minimum requirements.
- Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (o) *Special Provisions.*

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1. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.
  2. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan and Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.

(Code 1983, § 8-18; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 261-98, § 1, 10-1-1998; Ord. No. 129-2009, § 22, 7-2-2009; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 166-2017, § 3(8-18), 11-16-2017; Ord. No. 77-2019, § 2, 10-10-2019)

### **Sec. 8-19. Lexington Center Business (B-2B) Zone.**

- (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.
- (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. Places of religious assembly.
  8. Ticket and travel agencies.
  9. Restaurants, cocktail lounges and nightclubs, including those serving alcoholic beverages and/or offering live entertainment, except as prohibited under Subsection (e) of this section.
  10. Establishments for the retail sale of primarily new merchandise.
  11. Beauty shops and barber shops.
  12. Shoe repair, clothing alterations or tailoring services.
  13. Retail sale of plant, nursery or greenhouse products, or agricultural produce.
  14. Commercial farm markets and market gardens.
  15. Hotels or motels.
  16. Any type of residential use.
  17. Antique shops.

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- (i) *Minimum Each Side Yard.* No limitation.
  - (j) *Minimum Rear Yard.* No limitation.
  - (k) *Minimum Usable Open Space.* No limitation, except that ten percent (10%) shall be required for any residential area.
  - (l) *Maximum Lot Coverage.* No limitation.
  - (m) *Maximum Height of Building.* No limitation.
  - (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

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

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

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

- (o) *Special Provisions.*
  1. For any development that is located adjacent to, connects to, or interacts directly with the Town Branch Commons corridor, such development of the site shall comply with the Town Branch Commons Masterplan and Design standards; taking precedent over the Downtown Streetscape Master Plan where conflicts occur.
  2. Redevelopment of any site shall comply with the Downtown Streetscape Master Plan for Lexington, Kentucky.

(Code 1983, § 8-19; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 234-85, §§ 1, 2, 11-12-1985; Ord. No. 89-86, § 18, 5-29-1986; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 11, 3-3-1992; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 261-98, § 1, 10-1-1998; Ord. No. 325-2000, § 1, 11-9-2000; Ord. No. 217-2006, § 1, 7-11-2006; Ord. No. 129-2009, § 23, 7-2-2009; Ord. No. 99-2011, § 6, 8-25-2011; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 137-2016, § 2(8-19), 7-7-2016; Ord. No. 22-2017, § 3(8-19), 3-2-2017; Ord. No. 166-2017, § 3(8-19), 11-16-2017; Ord. No. 77-2019, § 3, 10-10-2019; Ord. No. 031-2020, § 1, 3-17-2020)

### **Sec. 8-20. Highway Service Business (B-3) Zone.**

- (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.
- (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.



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11. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (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 campgrounds; commercial hiking, bicycling, equine and zip line trails; tree canopy trails; canoeing and kayaking launch sites; fishing and hunting clubs; botanical gardens; nature preserves; and seasonal activities.
- (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 (Sections 8-16(e)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. Boardinghouses.
  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.)
- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* Forty (40) feet.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
- (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except where a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height to yard ratio.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

No minimum requirements.

~~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 six hundred (600) square feet of floor area, with a minimum of five (5) spaces.~~

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

~~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 two hundred (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 one hundred (100) square feet of floor area, plus one (1) space for every three (3) employees.~~

~~Skating Rinks: One (1) space for each four hundred (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 Courses: One and one half (1½) spaces per hole.~~

~~Garden Centers: One (1) space for every four hundred (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; ~~t~~The Board of Adjustment may require establish additional requirements~~additional parking~~, as needed.~~

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

(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 eighty thousand (80,000) square feet in floor area unless:
  - a) Approved by the Planning Commission prior to April 27, 2000 for a larger area; or

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- b) The building is designed to meet the design guidelines for "big-box" retail establishments (Section 12-8), unless specific guidelines are waived by the Planning Commission through its approval of a final development plan.

(Code 1983, § 8-19; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 234-85, §§ 1, 2, 11-12-1985; Ord. No. 89-86, § 18, 5-29-1986; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 11, 3-3-1992; Ord. No. 30-95, § 1, 2-9-1995; Ord. No. 85-96, § 3, 5-30-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 261-98, § 1, 10-1-1998; Ord. No. 325-2000, § 1, 11-9-2000; Ord. No. 217-2006, § 1, 7-11-2006; Ord. No. 129-2009, § 23, 7-2-2009; Ord. No. 99-2011, § 6, 8-25-2011; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 137-2016, § 2(8-19), 7-7-2016; Ord. No. 22-2017, § 3(8-19), 3-2-2017; Ord. No. 166-2017, § 3(8-19), 11-16-2017)

### **Sec. 8-21. Wholesale and Warehouse Business (B-4) Zone.**

- (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 (1) 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 to promote revitalization of these buildings, and the flexible use of sites. 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.
- (b) *Principal Uses.* (Other uses substantially similar to those listed herein shall also be deemed permitted.)
1. Wholesale establishment, wholesale establishment with warehouses, storage, and warehousing.
  2. Shops of special trade and general contractors, such as plumbing; heating; carpentry; masonry; painting; plastering; metal work; printing; publishing; lithographing; engraving; electrical; major automobile and truck repairing; sign painting; upholstering; tile, mosaic and terrazzo work; electroplating; interior decorating; catering.
  3. Laundry (excluding self-service laundry), clothes cleaning or dyeing shop.
  4. Ice plant.
  5. Tire retreading and recapping.
  6. Parking lots and structures.
  7. Machine shop.
  8. Kennels, animal hospitals or clinics, provided that such structures or areas used, not including accessory parking areas, shall be at least one hundred (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.

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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; boardinghouses.
6. Personal service establishments, except as permitted herein.
7. Dwellings, except as permitted in an office/warehouse project herein.
8. Schools and colleges for academic instruction, except as permitted herein.
9. Restaurants, cocktail lounges, and nightclubs, except as permitted herein.
10. Car washing establishments.
11. Refuse dumps, landfills, transfer stations, and incinerators.
12. The above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas, except in association with an automobile and vehicle refueling station.
13. Pawnshops, except as permitted herein.
14. Special events, parties, festivals and concerts.
15. Museums, including historic house museums.
16. Farm tours, hayrides, corn mazes, commercial far markets, outdoor rodeos, riding stables, horse shows, fishing lakes, hunting and trapping, sportsmen's farms, zoological gardens, value-added product sales, and classes related to agricultural products or sales.

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

- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* No limitation, except as provided in Subsection (o) of this section.
- (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
- (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* Seventy-five (75) feet, except when a side or rear yard abuts a Professional Office or a Residential zone, then a 3:1 height-to-yard ratio.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)

[No minimum requirements.](#)

~~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 six hundred (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 two hundred (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 six hundred (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 five hundred (500) square feet of parking floor area, with a minimum of five (5) spaces.~~

~~Skating Rinks: One (1) space for every four hundred (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 four hundred (400) square feet of accessory retail sales area.~~

~~Retail Sales, Bulk Merchandise: One (1) space for every two hundred fifty (250) square feet of floor area.~~

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

~~Conditional Uses: Parking requirements for conditional uses are minimum requirements; t~~The Board of Adjustment may require additional parking, as needed.

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

(o) *Special Provisions.*

1. All buildings and structures shall be at least one hundred (100) feet from any residential zone, unless the portion within that distance has no opening except stationary windows and doors that 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 this Zoning Ordinance, and subject to the following requirements:

In addition to the uses permitted in Subsection (b) of this section, the following uses shall also be permitted in an Office/Warehouse Project:

As principal permitted uses:

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Impact Development BMPs and educational signage (must still meet LFUCG Stormwater Manuals).

- vii. Renewable Energy (1).
- viii. Mixed use residential and commercial site wide (1).
- ix. Innovation Credit (1) - Provide a high degree of innovative modification of land use, building form, and/or design.

2. Transit, Infrastructure, and Connectivity:

- i. Parking Structure (4).
- ii. Riparian Buffer Restoration (3) - Meet requirements of Stormwater Manual Table 1-7 along length of stream on lot.
- iii. Daylighting of stream/removal of culvert (3).
- iv. Stream channel restoration (2) - See Stormwater Manual Ch. 9 for guidance.
- v. Accessible transit shelter and bench (2).
- vi. Multi-use path or open space oriented amenities (2).
- vii. Publicly accessible property to property cross-connectivity (2).
- viii. Innovation Credit (1) - Provide a high degree of innovative modification of transit, infrastructure, and connectivity.

3. Quality of Life Components:

- i. Site is within an area that is a brownfield recovery site (4).
- ii. Increase of Canopy Coverage to 40% (4).
- iii. Increase of Canopy Coverage to 30% (3).
- iv. Increase of Canopy Coverage to 20% (2).
- v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
- vi. Universal Design Standards for all ground floor space (2).
- vii. 20% Community oriented open space nonresidential (3).
- viii. 10% Community oriented open space nonresidential (2).
- ix. Community garden space (1).
- x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.

e. 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.

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4. Restaurants, with or without outdoor seating and with or without live entertainment.
  5. Establishments for the retail sale of food, dairy, bakery, meat, beer, liquor, wine and other food products; the retail sale of merchandise, including new or used clothing and books, gifts, toys, antiques, furnishings, housewares, jewelry, electronics and similar items.
  6. Pharmacies, provided that they are within a structure containing other uses and do not occupy a separate building.
  7. Banquet facilities or private clubs with live entertainment, brew-pubs, bars, cocktail lounges and nightclubs.
  8. Offices, banks or clinics.
  9. Hotels or motels.
  10. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  11. Quick copy services not using offset printing methods.
  12. Residences of any kind.
  13. Health clubs, athletic clubs and spas.
  14. Parking lots and structures.
  15. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  16. Kindergartens, nursery schools and childcare centers for four (4) or more children. A fenced and screened play area shall be provided, which shall contain at least twenty-five (25) square feet per child.
  17. 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 (2) weeks.
  18. Passenger transportation terminals.
  19. Publicly accessible parks.
- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- g. Prohibited uses:
1. All adult uses, as listed in Sections 8-16(e)14 through 17.
  2. Drive-through facilities.
- h. Parking:
- ~~1. Dwelling Units: One (1) space for every two (2) units.~~
  12. For any site that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
  23. For any site that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
  34. Structure parking shall not count toward any maximum parking requirement.
- i. Signage: Shall be as permitted under Section 17-11(n) for an MU-2 zone.
- j. Lot and Yard Requirements: No minimum.

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- ii. Increase of Canopy Coverage to 40% (4).
  - iii. Increase of Canopy Coverage to 30% (3).
  - iv. Increase of Canopy Coverage to 20% (2).
  - v. Site is in a district that has applied for, or has obtained, special funding or similar government incentives (3).
  - vi. Universal Design Standards for all ground floor space (2).
  - vii. 20% Community oriented open space nonresidential (3).
  - viii. 10% Community oriented open space nonresidential (2).
  - ix. Community garden space (1).
  - x. Innovation Credit (1) - Provide a high degree of innovative modification of quality of life components.
- e. Principal uses in **Industrial 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, places of religious assembly 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. Beauty shops, barber shops, shoe repair, dressmaking or tailoring.
  - 10. Residences of any kind.
  - 11. Health clubs, athletic clubs and spas.
  - 12. Retail sales of plant, nursery or greenhouse products or agricultural products, produce or goods, including market gardens.
  - 13. 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.
  - 14. 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.
  - 15. Publicly accessible park.



- f. Accessory uses that are clearly incidental and subordinate to the principal uses are permitted.
- g. Conditional Uses:
  - 1. Drive-through facilities.
- h. Prohibited uses:
  - 2. All adult uses, as listed in Sections 8-16(e)(14 through 17).
- i. Parking:
  - ~~1. Dwelling Units—One (1) space for every two (2) units.~~
  - 12. For any commercial center that is located on a transit route, there shall be a maximum of four (4) surface parking spaces per one thousand (1,000) commercial square feet.
  - 23. For any commercial center that is not located on a transit route, there shall be a maximum of five (5) surface parking spaces per one thousand (1,000) commercial square feet.
  - 34. Structure parking shall not count toward any maximum parking requirement.
- j. Signage Shall be as permitted under Article 17-7(0) for an MU-2 zone.
- k. Lot and Yard Requirements - No minimum.
- l. 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 reused on the same lot or the adjacent lot, or 48 feet, whichever is greater.
- m. 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.
- n. 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.
- o. 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.
- p. For additional land to be added to an Industrial Reuse Project area, the new portion must be adjacent to the current project area. An updated compliance statement must be submitted, which shall implement those elements that have been applied across the project area.
- q. For any amendment that seeks to expand the originally approved project, the added portion of the project must meet all requirements of Sec. 8-18(c)(4)(d) separate from the original project.
- r. Flex Space Projects that have been approved prior to August 1, 2021, shall be regulated per the approved development plan.

(Code 1983, § 8-21; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 47-85, §§ 1, 2, 3-7-1985; Ord. No. 89-86, § 20, 5-29-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 58-91, § 1, 4-4-1991; Ord. No. 93-91, § 1, 5-16-1991; Ord. No. 152-91, §§ 2, 4, 7-18-1991; Ord. No. 30-92, § 13, 3-3-1992; Ord. No. 134-92, §§ 1, 2, 7-9-1992; Ord. No. 44-93, §§ 2—4, 3-25-1993; Ord. No. 213-94, § 7, 1-20-1994; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 85-96, § 2, 5-30-1996; Ord. No. 258-96, § 1, 12-12-1996; Ord. No. 10-2002, § 1, 1-24-2002; Ord. No. 98-2002, § 1, 5-16-2002; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 77-2005, § 1, 3-24-2005; Ord. No. 299-2005, § 2, 11-3-2005; Ord. No. 227-2008, §§ 2—5, 10-23-2008; Ord. No. 60-2009, § 19, 5-7-2009; Ord. No. 99-2011, § 8, 8-25-2011; Ord. No. 100-

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2011 , §§ 7, 8, 8-25-2011; Ord. No. 114-2011 , § 1, 8-25-2011; Ord. No. 5-2013 , § 2, 1-31-2013; Ord. No. 89-2013 , § 1, 8-15-2013; Ord. No. 142-2013 , § 1, 12-5-2013; Ord. No. 155-2013 , § 2, 12-10-2013; Ord. No. 137-2016 , § 2(8-21), 7-7-2016; Ord. No. 22-2017 , § 3(8-21), 3-2-2017; Ord. No. 166-2017 , § 3(8-21), 11-16-2017; Ord. No. 015-2021 , § 2, 3-18-2021; Ord. No. 060-2021 , § 2, 7-6-2021)

### **Sec. 8-22. Light Industrial (I-1) Zone.**

- (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 Adaptive Reuse Projects and Industrial Reuse Projects. The Comprehensive Plan should be used to determine 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.
- (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; cooperage; columbariums and crematories; dextrine and starch manufacturing; enameling, lacquering, and japanning; felt manufacturing; electric foundry; furniture manufacturing; heating equipment manufacturing; inflammable underground liquid storage; iron works (ornamental), and wire drawing; parcel delivery stations; phonograph record manufacturing; public utility service yard; radium extraction; railway or truck terminal; stone monument works; tool manufacturing; vehicle storage yards for which occupancy permits were issued prior to May 1, 1985; welding, and other metal working shops.
  5. Recycling, sorting, baling and processing of glass and nonferrous metals, including copper; brass; aluminum; lead and nickel, but not including automobile wrecking yard; building materials salvage; junk yards or other uses first permitted in the I-2 zone. Recycling, and processing of paper shall be permitted only when wholly conducted in a completely enclosed building.
  6. Adaptive Reuse Projects, as set out in Section 8-21(b)23 and Section 8-21(o)4.
  7. Industrial Reuse Projects, as set out in Section 8-21 (b)26 and Section 8-21 (o)5.
  8. Commercial wood lots, provided that:

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

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

No minimum requirements.

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 four hundred (400) square feet of floor area.

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

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

(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. 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.
3. Landscape buffer areas shall be required as set forth in Article 18.

(Code 1983, § 8-22; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 89-86, § 21, 5-29-1986; Ord. No. 35-87, §§ 1, 2, 3-5-1987; Ord. No. 154-88, § 1, 7-7-1988; Ord. No. 93-89, § 1, 6-1-1989; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 58-91, § 2, 4-4-1991; Ord. No. 84-91, § 2, 5-2-1991; Ord. No. 93-91, § 1, 5-16-1991; Ord. No. 30-92, §§ 14, 15, 3-3-1992; Ord. No. 134-92, § 3, 7-9-1992; Ord. No. 213-94, § 8, 1-20-1994; Ord. No. 31-95, § 1, 2-9-1995; Ord. No. 258-96, § 1, 12-12-1996; Ord. No. 7-99, § 1, 1-28-1999; Ord. No. 50-2004, § 1, 3-18-2004; Ord. No. 339-2006, §§ 1—6, 11-21-2006; Ord. No. 43-2007, § 1, 2-22-2007; Ord. No. 227-2008, §§ 7, 8, 10-23-2008; Ord. No. 1-2011, § 8, 1-13-2011; Ord. No. 99-2011, § 9, 8-25-2011; Ord. No. 100-2011, § 9, 8-25-2011; Ord. No. 114-2011, § 2, 8-25-2011; Ord. No. 153-2012, § 1, 12-6-2012; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 89-2013, § 1, 8-15-2013; Ord. No. 155-2013, § 2, 12-10-2013; Ord. No. 68-2015, § 1(8-22), 6-18-2015; Ord. No. 137-2016, § 2(8-22), 7-7-2016; Ord. No. 166-2017, § 3(8-22), 11-16-2017; Ord. No. 060-2021, § 2, 7-6-2021)

### **Sec. 8-23. Heavy Industrial (I-2) Zone.**

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

1. The prohibited uses in the B-4 zone, Sections 8-21(e)3 through 11 and Section 8-21(e)14 through 16. Lot, Yard, and Height Requirements. (See Articles 3 and 15 for additional regulations.)
- (f) *Minimum Lot Size.* No limitation.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* Twenty (20) feet.
- (i) *Minimum Each Side Yard.* No limitation, except as provided in Subsection (o) of this section.
- (j) *Minimum Rear Yard.* No limitation, except as provided in Subsection (o) of this section.
- (k) *Minimum Useable Open Space.* No limitation.
- (l) *Maximum Lot Coverage.* No limitation.
- (m) *Maximum Height of Building.* As for I-1.
- (n) *Off-Street Parking.* (See Article 16 [and 18](#) for additional parking regulations.)
  - No minimum requirements.
  - As for I-1.
  - Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (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 three hundred (300) feet from any residential zone and at least one hundred (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.

(Code 1983, § 8-23; Ord. No. 35-87, §§ 3, 4, 3-5-1987; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 93-89, § 1, 6-1-1989; Ord. No. 154-89, § 1, 8-31-1989; Ord. No. 84-91, § 2, 5-2-1991; Ord. No. 30-92, §§ 16—18, 3-3-1992; Ord. No. 190-92, § 1, 10-29-1992; Ord. No. 215-92, § 1, 12-3-1992; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 341-2006, § 17, 12-7-2006; Ord. No. 227-2008, §§ 9—11, 10-23-2008; Ord. No. 1-2011, § 9, 1-13-2011; Ord. No. 99-2011, § 10, 8-25-2011; Ord. No. 100-2011, § 10, 8-25-2011; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 137-2016, § 2(8-23), 7-7-2016; Ord. No. 22-2017, § 3(8-23), 3-2-2017; Ord. No. 166-2017, § 3(8-23), 11-16-2017)

### **Sec. 8-24. University Research Campus (P-2) Zone.**

- (a) *Intent.* This zoning category is created to provide for a mixture of compatible office, and research uses in a campus setting that adheres to high quality standards. Residential, retail, restaurants, and hotel/motel uses are intended to be supportive uses for the organizations located on the research campus.
- (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.

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(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. Single-family detached residences and two-family dwellings.
2. All outdoor storage and 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.
7. Establishments for the storage, display, rental, or sales of any type of vehicles.
8. Automobile and vehicle refueling and/or service stations.

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

- (f) *Minimum Lot Size.* No limitation, as specifically regulated under 8-24(o) herein.
- (g) *Minimum Lot Frontage.* No limitation.
- (h) *Minimum Front Yard.* 200 feet on streets classified as expressways and major arterials on the official functional classification map; 100 feet on streets classified as minor arterials; 5 feet on collector and local streets.
- (i) *Minimum Side Yard.* 15 feet.
- (j) *Minimum Rear Yard.* 25 feet.
- (k) *Minimum Useable Open Space.* 40 percent for the entire P-2 development, as specifically regulated under Article 8-24(o) herein.
- (l) *Maximum Floor Area.* Maximum floor area ratio of 0.75 and as further regulated by Article 8-24(o)2.
- (m) *Maximum Height of Building.* 120 feet.
- (n) *Off-Street Parking* (See Article 16 and 18 for additional parking regulations.)

~~*No minimum requirements.*~~

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

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

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

~~*Townhouse Dwelling Units: One (1) space per dwelling unit.*~~

~~*Multi-Family Dwelling Units: Three (3) spaces for every two (2) dwelling units or 0.9 spaces per bedroom in a multi-family dwelling, whichever is greater.*~~

~~*Hospitals: 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.*~~

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~~Hotels and/or Motels: One (1) space per suite with a minimum of five (5) spaces. Designated Retail Area for Nonresidential Uses—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.~~

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

~~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.~~

~~Other Recreational Facilities or 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.~~

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(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 sixty percent (60%) 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. Tree canopy requirements shall be met for the development in accordance with Article 26. 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 development. Street trees shall be required as outlined in the Land Subdivision Regulations. Open space shall be defined on the preliminary development plan, and designated to protect and/or formally recognize existing natural and man-made features with a particular emphasis on any environmentally sensitive areas, geologic hazard areas, cemeteries, floodplains, or other area in order to meet the open space requirements for the P-2 development. Structures devoted solely to residential use shall be screened from adjacent industrial, office, or business use as required by the Property Perimeter Requirements provided in Article 18-3(a)(1)(C & D)(3).

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- b. Supportive uses shall only be developed and constructed either concurrently with or after construction and occupancy of at least 250,000 square feet of floor area for other principal permitted uses. Development shall be phased as follows:
    - i. Until 250,000 square feet of other principal permitted uses are approved and constructed for the P-2 development, the permitted floor area of supportive uses shall not exceed a maximum of twenty percent (20%) of the total floor area of all approved and constructed structures.
    - ii. Once the P-2 development has 250,000 square feet of existing floor area of other principal permitted uses, the phasing restriction in Article 8-24(o)(13)(b)(i) shall no longer apply.
  - c. Designated retail or mixed-use areas can be included within the supportive uses. Such designated retail and mixed-use areas shall be defined on a preliminary development plan for the P-2 zone. The designated retail or mixed-use areas shall be designated and located to primarily serve the needs of employees, residents, and visitors to the university research campus. Entrance to designated retail or mixed-use areas shall be located on collector or local streets and not major or minor arterial streets.
  - d. Entrance to restaurants, brew-pubs and/or banquet facilities, with indoor live entertainment shall be located on collector or local streets, and not on major or minor arterial streets.
  - e. The number of hotels and/or motels within a P-2 development shall not exceed a total of one (1) per fifty (50) net acres of the P-2 development.

(Code 1983, § 8-24; Ord. No. 248-90, § 1, 11-27-1990; Ord. No. 30-92, § 19, 3-3-1992; Ord. No. 213-94, § 9, 1-20-1994; Ord. No. 40-94, § 2, 3-24-1994; Ord. No. 85-96, § 2, 5-30-1996; Ord. No. 5-98, § 1, 1-8-1998; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 260-98, § 1, 10-1-1998; Ord. No. 307-2006, § 1, 11-2-2006; Ord. No. 99-2011, § 11, 8-25-2011; Ord. No. 5-2013, § 2, 1-31-2013; Ord. No. 129-2013, § 2, 10-24-2013; Ord. No. 68-2015, § 1(8-24), 6-18-2015; Ord. No. 137-2016, § 2(8-24), 7-7-2016; Ord. No. 22-2017, § 3(8-24), 3-2-2017; Ord. No. 76-2017, § 1, 5-25-2017; Ord. No. 166-2017, § 3(8-24), 11-16-2017; Ord. No. 009-2021, § 1, 2-11-2021; Ord. No. 015-2021, § 3, 3-18-2021)

## Article 9 GROUP RESIDENTIAL PROJECTS

### Sec. 9-1. Intent.

The intent of this Article is to provide a means to permit two (2) or more detached buildings for residential purposes to be placed on the same parcel or lot of land in any R-1T, R-3, R-4 or R-5 zone, if approved as a Group Residential Project as provided herein, and to allow slight variations from the requirements of the zone in which it is located only as specifically provided herein.

(Code 1983, § 9-1; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 49-2012, § 1, 4-26-2012; Ord. No. 166-2017, § 4(9-1), 11-16-2017)

### Sec. 9-2. Where required.

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

- (2) *Project Exterior Yard.* The Project exterior yard shall be established along the outside boundary of the property, except where a front yard has been established as required in Subsection (c)(1) of this section. Where a Project exterior yard is required, the distance between principal buildings and the outside boundary of the property upon which the Project is located shall not be less than the height of the building, nor twenty (20) feet, whichever is less. Where the wall of any principal building is not parallel to the outside boundary of the property or is broken or otherwise irregular, the average distance shall not be less than as specified above. At no point shall such distance be less than fifteen (15) feet.
- (3) *Distances Required Between Buildings.* The distances between principal buildings shall not be less than the required side yard in the zone in which the Project is located. Where the walls of the buildings are not parallel, or are broken or otherwise irregular, the average distance between the principal buildings shall not be less than as specified above, and shall at no point be less than one-half (½) the required side yard for the zone in which the Project is located.
- (d) *Proximity to Drive.* A part of every residential building shall not be farther than one hundred sixty (160) feet from an access roadway or drive providing vehicular access from a public street. Residential buildings shall not be closer than five (5) feet to any access roadway or drive.
- (e) *Maximum Height.* The maximum height of nonresidential buildings within a Project shall be thirty-five (35) feet. The maximum height of residential or mixed use buildings within a Project shall be as follows:

Zone	Maximum Height
R-1T	35 feet
R-3	40 feet
R-4	60 feet
R-5	80 feet

- (f) *Parking Area.* ~~One and one half (1½) off-street parking spaces shall be provided per dwelling unit or 0.9 spaces per bedroom in a multifamily dwelling, whichever is greater. Parking minimums may be reduced for the provision of bicycle and transit facilities as specified in Section 16-10 of this Zoning Ordinance. As for the zone in which it is located (See Article 16 and 18 for additional parking regulations).~~
- (g) *Service Areas.* Proper open spaces shall be devoted to service needs of the Project, including, among others, refuse collection areas and equipment service areas.
- (h) *Usable Open Space and Screening.* Proper usable open spaces shall be devoted to the recreation needs of the Project for active and passive use. For projects with less than ten (10) dwelling units, no usable open space shall be required. Projects with ten (10) or more dwelling units shall provide usable open space based on the density of the project as follows:

Density (d.u./net acre)	Usable Open Space Required (percent of net project area)
5 d.u./acre	5 percent
5 to 15 d.u./acre	20 percent
16 to 40 d.u./acre	15 percent
>40 d.u./acre	10 percent

- (i) *Private Streets.* Private streets may be permitted by the Commission. Plans containing private streets shall conform to the requirements of the Subdivision Regulations concerning private streets.



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- (j) *Maintenance of Common Spaces.* Where the design of the Group Residential Project indicates a need or desire to subdivide property and to provide for common areas, a Home Owners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common areas, including streets; parking areas; open space, etc.; shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Group Residential Project. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.
  - (k) *Other Requirements.* Except as modified herein, the Project shall conform to the requirements of this Zoning Ordinance for the zone in which it is located.

(Code 1983, § 9-6; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 122-2011, § 18, 9-29-2011; Ord. No. 49-2012, § 5, 4-26-2012; Ord. No. 166-2017, § 4(9-6), 11-16-2017)

### **Sec. 9-7. Group residential projects in the infill and redevelopment area.**

Projects in the Infill and Redevelopment Area shall follow the same procedures set out as provided in Sections 9-5 and 9-6 herein for Group Residential Projects, except that such Projects may utilize the following alternative minimum design standards:

- (a) *Provisions of the Underlying Zone.* Projects in the Infill and Redevelopment Area may choose to comply in whole with the height; front, rear and side yard setbacks; and parking requirements as for the underlying zone rather than with Sections 9-6(b) through 9-6(f) above.
- (b) *Bonus Floor Area.* The maximum floor area shall not exceed one hundred twenty-five percent (125%) of the otherwise permitted maximum floor area in the zone in which the Project is located, provided the required usable open space has not been granted a dimensional variance. Any Project that proposes a total floor area of more than one hundred percent (100%) of that permitted in the zone in which the Project is located, shall require that notice be provided to all property owners within four hundred (400) feet of the site, as outlined in Section 6-4(b) herein prior to Planning Commission consideration.
- (c) *Open Space Reductions.* For projects located within one thousand (1,000) feet of an existing LFUCG park space, the minimum required open space shall be reduced by fifty percent (50%).
- (d) *Front Yard Averaging.* The front yard may be averaged as permitted in Section 15-2(a)(1) only if the primary wall plane of the building is parallel to the public or private street.

(Code 1983, § 9-7; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 49-2012, § 6, 4-26-2012; Ord. No. 166-2017, § 4(9-7), 11-16-2017)

## **Article 10 MOBILE HOME PARK (M-1P) ZONE**

### **Sec. 10-1. Intent.**

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

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(b) *Pedestrian Access.* There shall be provided, along one (1) side of each access road and/or driveway, a sidewalk not less than three (3) feet in width to provide for pedestrian circulation throughout the mobile home park.

(c) *Required Parking.* ~~There shall be provided on the same space with the mobile home, or on a lot contiguous thereto, or on an access road, at least two (2) parking spaces per mobile home lot. The required p~~

No minimum requirements.

Parking spaces may be located within the access road or driveway, provided that the portion thereof to be used exclusively for such parking is improved in accordance with the requirements of the Division of Engineering. The minimum width of an access road or driveway on which parking is permitted shall be twenty-nine (29) feet for one-side parking and thirty-eight (38) feet for both-side parking.

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(Code 1983, § 10-9; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 5(10-9), 11-16-2017)

### **Sec. 10-10. Landscaping.**

(a) *Screening.* Landscaping and screening shall be provided as required by Article 18, Landscape and Land Use Buffers.

(b) *Open space.* All required open space and other areas not used for mobile home spaces, access, parking, traffic circulation, buildings or service areas, shall be landscaped with grass or a ground cover as defined in Article 18 of this Zoning Ordinance.

(Code 1983, § 10-10; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 5(10-10), 11-16-2017)

### **Sec. 10-11. Procedure.**

The procedure for obtaining a Zoning Map Amendment to the M-1P zone shall be the same as provided in Article 6 hereinabove and, in addition, as follows:

(a) *Preliminary Development Plan Required.* A preliminary development plan shall be submitted with the application for a Zoning Map Amendment, with the information as required in Article 21, Development Plans hereinbelow; and, in addition, the location and dimensions of all mobile home spaces, parking spaces and recreation areas.

(b) *Final Development Plan Required.* Within two (2) years of final approval by the legislative body of any M-1P 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 M-1P zone to its previous zone, or other appropriate zone may be filed by the Commission as provided by Article 6 hereinabove. The final development plan shall show the information required by Article 21 hereinbelow; and, in addition, the exact location of all mobile home spaces, parking spaces, and recreational areas. The Commission shall approve a final development plan with such conditions as are found necessary to comply with the Ordinance within ninety (90) days after the applicant submits the development plan.

(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 Building Inspection. The approved final development plan shall limit and control the issuance of all building 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 provided in Article 21.

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(Code 1983, § 10-12; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 42-95 , § 1, 2-23-1995; Ord. No. 207-99 , § 1, 7-8-1999; Ord. No. 210-99 , § 1, 7-8-1999; Ord. No. 166-2017 , § 5(10-12), 11-16-2017; Ord. No. 102-2020 , § 3, 10-22-2020)

### **Sec. 10-13. Enlargement of existing parks.**

Any enlargement or extension of any existing mobile home park shall be in accordance with the requirements of this Article.

(Code 1983, § 10-13; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 5(10-13), 11-16-2017)

### **Sec. 10-14. Compliance with other law.**

Conformity with the standards established in this Ordinance shall not relieve the owner or operator of a mobile home park from compliance with all other requirements of the law.

(Code 1983, § 10-14; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 166-2017 , § 5(10-14), 11-16-2017)

## **Article 11 INTERCHANGE SERVICE BUSINESS (B-5P) ZONE**

### **Sec. 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.

(Code 1983, § 11-1; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 137-2016 , § 3(11-1), 7-7-2016)

### **Sec. 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 three thousand (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 three thousand (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 one hundred (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.

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- (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 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.
  - (c) Seasonal activities.
  - (d) Market gardens.

(Code 1983, § 11-4; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 30-92, § 20, 3-3-1992; Ord. No. 71-96, § 6, 5-16-1996; Ord. No. 155-97, § 1, 7-10-1997; Ord. No. 60-2004, § 1, 4-8-2004; Ord. No. 100-2011, § 14, 8-25-2011; Ord. No. 137-2016, § 3(11-4), 7-7-2016; Ord. No. 22-2017, § 4(11-4), 3-2-2017)

#### **Sec. 11-5. Prohibited uses.**

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

(Code 1983, § 11-5; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 137-2016, § 3(11-5), 7-7-2016)

#### **Sec. 11-6. Locational standards.**

A B-5P zone may be established only upon land having a minimum of five hundred (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.

(Code 1983, § 11-6; Ord. No. 263-83, § 1, 12-15-1983; Ord. No. 137-2016, § 3(11-6), 7-7-2016)

#### **Sec. 11-7. Minimum design standards.**

- (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 two hundred (200) feet in length and eleven (11) feet in width are provided for both directions of travel.
- (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.
- (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. No minimum requirements. (See Article 16 for additional parking regulations)~~

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

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- (d) *Screening.* Landscaping and screening shall be provided as required in Article 18.
- (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.

(Code 1983, § 11-7; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 137-2016 , § 3(11-7), 7-7-2016)

### **Sec. 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 hereinabove; and in addition, as follows:

- (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
- (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 hereinabove. 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.
- (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.

(Code 1983, § 11-8; Ord. No. 263-83 , § 1, 12-15-1983; Ord. No. 172-86 , § 1, 8-28-1986; Ord. No. 122-2011 , § 19, 9-29-2011; Ord. No. 137-2016 , § 3(11-8), 7-7-2016)

## **Article 16 GENERAL REGULATIONS FOR ~~PARKING, LOADING AREAS, GARAGES, AUTOMOBILE SERVICE STATIONS, VEHICLE SALES LOTS AND STACKING AREAS~~ VEHICULAR USE AREAS**

### **Sec. 16-1. INTENT.**

The intent of this article is to allow development that provides the off-street parking, loading, and circulation facilities needed to meet demands created by occupants, employees, visitors, customers, and patrons, and to improve local traffic patterns. The standards in this section ensure that all provided off-street parking and vehicular use areas allow for safe and equitable access to developments for all users, including drivers, pedestrians, transit-riders, and cyclists.

The standards are intended to implement policies that support new development and the revitalization of mixed-use urban areas that encourages pedestrian-oriented development, reduces excessive paved surface areas, and promotes environmental sustainability.

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## Sec. 16-12. General regulations for parking and loading and pedestrian areas.

- (a) *Parking or Loading Spaces Established Prior to Adoption or Amendment of This Zoning Ordinance.* Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance shall be governed by any certified Development Plan or approved site plan, as acted upon by the Planning Commission or Board of Adjustment, that are either used or are intended to be used in connection with any principal building, structure, or use; or any spaces designed and intended to comply with the requirements of this Zoning Ordinance for any such principal building or structure erected after that adoption or amendment date, shall hereafter be maintained, as long as said building, structure, or use remains (unless the owner provides and maintains, in another location, an equivalent number of spaces as required in conformance with the provisions of this Zoning Ordinance).
- ~~(b) *Parking Requirements for a Change in the Principal Use.* Where the principal use is changed to a use for which additional parking space is required under the provisions of this Zoning Ordinance, it shall be unlawful to begin or maintain such altered use until the required off-street parking is provided.~~
- ~~(c) *Units of Measurement for Determining the Required Parking.* For the purpose of this Zoning Ordinance, the term "floor area" as used in computing the required off-street parking or loading areas, shall mean "Parking Floor Area" as defined in this Zoning Ordinance. In stadiums, sports arenas, places of religious assembly, or other places of assembly where patrons or spectators occupy benches, pews, or other such seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirements for off-street parking spaces under this Zoning Ordinance. When units of measurement used in determining the number of required parking spaces would result in the requirement of a fractional space, any fraction less than one-half ( $\frac{1}{2}$ ) shall be disregarded, and fractions of one-half ( $\frac{1}{2}$ ) or more shall require one (1) parking space.~~
- ~~(d) *Location of Parking Spaces.* The location of parking spaces shall be as hereinafter set forth; and where distances are specified, they shall be the walking distances measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve. For one- and two-family dwellings, parking shall be provided on the same lot with the building it is required to serve; for multiple-family dwellings, not more than two hundred (200) feet from the building the parking spaces are required to serve; for uses located in or permitted in a Professional Office or any business zone (except B-2B); and for hospitals, nursing, convalescent and personal care facilities, orphanages, private clubs, fraternity or sorority houses, and places of religious assembly, not more than three hundred (300) feet from the building they are required to serve; for uses located in or permitted in any industrial zone and uses not specified above, not more than seven hundred (700) feet from the building, or other place of assembly, they are required to serve; and for all uses located in the B-2B zone, on any lot located within the B-2, B-2A, or B-2B zones, parking location shall be subject to the qualifications listed under the requirements of the B-2B zone.~~
- ~~(e) *Loading and Unloading Spaces Required.* In any zone, every building or part thereof hereafter erected, with a floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing; compounding; processing; storage; warehousing; goods display; retail store; wholesale store; hotel; hospital; funeral parlor; laundry; dry cleaning; or other uses similarly requiring the receipt or distribution by vehicles of material, objects, or merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space plus one (1) additional off-street loading space for each twenty thousand (20,000) square feet or fraction thereof of floor area so used in excess of twenty thousand (20,000) square feet.~~
- ~~(f) *Permit Requirement.* Permits are required for private walkways, parking, loading or unloading areas. Such permits shall not be issued until the applicant has met the design standards jointly promulgated by the~~

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Division of Traffic Engineering and the Division of Building Inspection, the storm drainage requirements of the Division of Engineering, and all other requirements of the ~~is~~ Zoning Ordinance.

(Code 1983, § 16-1; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 21-2013, § 3, 3-7-2013; Ord. No. 166-2017, § 8(16-1), 11-16-2017)

### **Sec. 16-~~23~~. Minimum design and maintenance requirements for parking areas.**

Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

- (a) Off-street parking areas ~~shall equal or exceed the number of spaces required,~~ shall be of useable shape and surface, and shall have convenient ingress and egress. Not less than seventy-five percent (75%) of the total ~~provided~~~~required~~ parking spaces shall be designed for use by full-size vehicles. Up to twenty-five percent (25%) of the ~~provided~~~~required~~ parking may be designed and designated for compact vehicles. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served; and in no case shall off-street parking areas be permitted that encourage or require the backing onto, or maneuvering within, the right-of-way of any public or private street.
- (b) Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way. Free-standing lighting shall be no taller than twelve (12) feet in height.
- (c) Any off-street parking area having more than one thousand, eight hundred (1,800) square feet of area and/or used by five (5) or more vehicles shall be landscaped and screened as required by Article 18, Landscape and Land Use Buffers.
- (d) A "sight triangle" shall be observed at all street intersections or intersections of driveways with streets as required in Article 18, Landscape and Land Use Buffers and Section 3-3 of this Zoning Ordinance.
- (e) All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required.
- (f) ~~Where parking areas are provided for five (5) or more vehicles or contain more than one thousand, eight hundred (1,800) square feet of area in a residential zone; or are enlarged or expanded to provide for five (5) or more vehicles or to contain more than one thousand, eight hundred (1,800) square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area. The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection.~~

Loose aggregate or other type of gravel is prohibited, except:

- (i.) for agricultural land uses,
- (ii.) as approved by the Board of Architectural Review for the purpose of historic preservation,
- (iii.) when approved by the Urban County Forester for the purpose of tree protection.

In any case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited, except where described in this section.

- (g) Permanent stormwater management, in compliance with the stormwater manuals and accepted by the Division of Engineering, shall be provided for all off-street parking areas containing five (5) or more

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parking spaces and/or more than one thousand, eight hundred (1,800) square feet. For off-street parking areas of one thousand, eight hundred (1,800) square feet or less, or less than five (5) parking spaces, permanent stormwater retention may be required by the Division of Engineering upon the determination that the lack of such retention would cause or aggravate flooding or other drainage problems on surrounding property.

(Code 1983, § 16-2; Ord. No. 153-87 , § 1, 7-9-1987; Ord. No. 307-2002 , § 1, 12-5-2002; Ord. No. 166-2017 , § 8(16-2), 11-16-2017)

### **Sec. 16-34. Required Professional Office, or Business (except B-2B) Zone automobile parking area as a conditional use in R-3, R-4 or R-5 zone.**

The establishment and operation of a restricted accessory parking area may be authorized by the Board of Adjustment as a conditional use in such parts of any Planned Neighborhood Residential (R-3) Zone, High Density Apartment (R-4) Zone or High Rise Apartment (R-5) Zone as abut, either directly or across an alley, a Professional Office or Business (except B-2B) Zone or any conforming or non-conforming ~~commercial~~institutional use in a particular residential zone, subject to the following conditions and requirements:

(a) The parking area shall be accessory to and for use in conjunction with one (1) or more permitted uses located on an adjoining Professional Office or business (except B-2B) zone, or in connection with one (1) or more existing conforming or non-conforming ~~commercial~~institutional uses on adjoining premises.

(b) Such parking shall be situated on premises not less than five thousand (5,000) square feet in area which shall abut at least fifty (50) feet, either directly or across an alley, on a Professional Office or business (except B-2B) zone, or on the premises of the existing conforming or non-conforming ~~commercial~~institutional use to which the parking area is accessory.

~~(c) Such parking area shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits, and conditions of use, shall be maintained on such parking area. Such signs shall conform to the zone in which the parking area is established.~~

~~(cd)~~ Each entrance and exit to and from such parking area shall be at least twenty (20) feet distant from any adjacent lot line located in any residential zone.

~~(de)~~ The parking area shall be subject to all requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping, screening, and minimum yards and setbacks.

~~(ef)~~ Any permit issued by the Division of Planning for such parking area may be revoked any time that the aforementioned requirements are not complied with; and any permittee who uses the premises in violation of any of the conditions specified above, or attached as conditions to such permit by the Board of Adjustment, shall be deemed in violation of this Zoning Ordinance.

(Code 1983, § 16-3; Ord. No. 153-87 , § 1, 7-9-1987; Ord. No. 307-2002 , § 1, 12-5-2002; Ord. No. 122-2011 , § 26, 9-29-2011; Ord. No. 166-2017 , § 8(16-3), 11-16-2017)

### **Sec. 16-45. Parking, loading and unloading areas in residential zones.**

(a) ~~Minimum Required Parking. In every R-1A, R-1B, R-1C, R-1D, R-1E, R-1T and R-2 zone, there shall be provided at least one (1) off-street parking space for each dwelling unit; For all single-family detached dwelling units, no such space shall be located within any required front yard or side street side yard area. The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as~~



approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

- (1) Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

Within the defined Infill and Redevelopment Area, the maximum width in the front yard of any driveway serving the required space(s) per dwelling unit shall be limited to ten (10) feet.

- (b) Additional Parking. Provided the above parking requirements have been met, additional parking shall be permitted in any R-1A, R-1B, R-1C, R-1D, R-1E, R-1F or R-2 zone, provided the following requirements are met:

- (1) The parking area and driveway shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate. Where decorative rock, or a similar product, is being driven on or being used for parking, it shall be considered loose aggregate and prohibited.

Any private walkway shall be designed in such a way that a vehicle cannot drive on it so as to permit the area to be used as a parking space or vehicular use area. No private walkways shall be built in the street right-of-way without approval of an encroachment permit.

- (2) The paved areas for parking areas and driveways shall be set back from the property lines as follows: The setback from the side and rear lot line shall be two (2) feet for paved areas and driveways.

<i>Zone</i>	<i>Setback from Front Lot Line and/or Side Street Lot Line</i>	<i>Setback from Side and Rear Lot Line</i>
R-1A	15 feet	8 feet
R-1B	10 feet	4 feet
R-1C	6 feet	2 feet
R-1D	6 feet	2 feet
R-1E	6 feet	2 feet
R-1F	6 feet	2 feet
R-2	6 feet	2 feet
R-3 and R-4*	6 feet	2 feet

\* For single family homes or duplexes, per Section 16-4(c)(6)

3. Paving within a required front yard or side street side yard shall be limited to private walkways and residential driveways as defined and regulated herein.

4. Driveway Width – Allowable driveway width shall be based on the lot frontage, regardless of the width of the provided off-street parking area.

(a) Outside the infill and redevelopment area, where lot frontage is forty (40) feet or more, the maximum driveway width shall be twenty-four (24) feet.

(b) Inside the infill and redevelopment area, driveway width shall not exceed ten (10) feet.

(c) Where existing lot frontage is less than forty (40) feet, driveway width shall not exceed ten (10) feet. A driveway width may be widened to fifty (50%) percent of the lot frontage if an approved pervious surface is installed.

(d) If the width of a garage exceeds the allowable driveway width, the driveway shall be allowed to flare to that width for a distance no less than eighteen (18) feet, beginning at a location no closer to the street than half (½) of the required front yard or side street side yard.

(e) Shared driveways are allowed (and encouraged for lots with less than forty (40) feet of frontage), but may not exceed a total width of twenty (20) feet. (See Figure 2: Shared Driveways)

a. If located within the required front yard or required side street side yard, outside the defined Infill and Redevelopment Area, the percentage of coverage of parking areas and driveways shall not exceed fifty percent (50%) of the total required front or side street side yard. The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard.

b. If located within the required front or side street side yard, inside the defined Infill and Redevelopment Area, parking is prohibited, and driveway width shall be limited to ten (10) feet. The maximum amount of private walkways shall not exceed ten percent (10%) of the total required front or side street side yard.

(54) The design of the parking areas and driveways shall be developed so as to discourage the backing of vehicles onto a public right-of-way.

(65) The parking area shall be landscaped and screened as required by Article 18 of this Zoning Ordinance.

(76) A permit shall be required for the construction of all parking areas and driveways that fall under the above regulations. The owner must provide the Division of Building Inspection with a plot plan showing the entire lot, the location of the residence, the layout of the parking areas and driveways ~~(both the required spaces and proposed extra spaces)~~ and all proposed landscaping and screening required, as well as any other information necessary to clearly define the proposed construction as required by the Division of Building Inspection.

(78) Within the defined Infill and Redevelopment Area, the maximum number of parking spaces on the lot will be no more than two (2) parking spaces. ~~fifty percent (50%) additional spaces over the required parking. The following table gives examples of the required and maximum number of parking spaces:~~

<i>Required Parking</i>	<i>Maximum Parking</i>
<u>1</u>	<u>2</u>
<u>2</u>	<u>3</u>
<u>3</u>	<u>5</u>
<u>4</u>	<u>6</u>

(89) The maximum amount of paved area, including private walkways, shall not exceed sixty percent (60%) of the total required front or side street side yard. ~~Properties that have one (1) or more street frontage with restricted parking shall be allowed one (1) additional parking space per restricted street frontage over the maximum allowed parking.~~

(b) For all single family attached dwelling units and multi-family residential ~~(fewer than six (6) or fewer dwelling units)~~, driveways, parking areas, and private walkways shall be regulated in accordance with the regulations for single family detached above, except:

(1) Single-family attached units shall receive vehicle access only from the front or rear lot line exclusively, not both. End units with a side street side yard may receive vehicle access from that lot line in lieu of front or rear entry.

(2) Single-family attached units with vehicle access in the rear shall be served by an alley or public street.

(3) Single-family attached units with all front-loaded garages and driveways must be paired, except where a paired unit cannot be achieved.

(4) Where shared parking courts are provided, or a lot dedicated to providing shared off-street parking for single family attached dwelling units, shall meet the following standards:

a. Shared parking courts shall be owned and maintained by a common ownership mechanism.

b. Shared parking courts shall contain a maximum of twelve (12) parking spaces.

c. Landscaping shall be in accordance with Article 18-3

d. Parking courts shall be located to the rear or side of the single-family attached units.

i. Shared parking courts shall not be the principal use on a corner lot.

ii. Shared parking courts shall be adjacent to single-family attached units on at least two sides.

iii. When located in the same block frontage as other residential uses, no parking spaces shall be located within the required front yard for the zone.

(c) Parking, Loading, and Unloading Prohibited in Residential Zones. R-3, R-4 and R-5. In the R-3, R-4 and R-5 residential zones, parking, driveways, loading and unloading areas must meet the following requirements For multi-family residential (greater than six (6) dwelling units) and Group Residential Projects, driveways, parking areas, and private walkways shall be regulated as follows:

(1) Vehicular use area (VUA) shall not be located between a principal structure and the street. No off-street parking area, loading or unloading area, maneuvering area or aisles shall be permitted within the required front yard or side street side yard of any lot with a principal building. Where parking is the principal use of a lot, such off-street parking, loading or unloading area shall not be closer to any lot line than the distance required for a principal building of one (1) story in height.

(2) No portion of the front yard or side street side yard, exclusive of driveways or pedestrian walkways, shall be paved or surfaced; and all such front and side street side yards shall be enclosed by a barrier, or landscaped in such a manner, suitable to preclude any such activity as prohibited in this section.

(3) The parking area and driveway shall be paved with concrete, asphalt, brick or other suitable hard surface materials, as approved by the Division of Building Inspection. Loose aggregate or other type of gravel is prohibited, except as approved by the Board of Architectural Review for the purpose of historic preservation, or when approved by the Urban County Forester for the purpose of tree protection. In either case, the applicant must show that there is not another reasonable alternative to the loose aggregate.

(4) Within the defined Infill and Redevelopment Area, the maximum number of surface parking spaces on the lot will be no more than fifty percent (50%) additional spaces over the required parking. (See the table in Subsection (b)(7) of this section for examples.)

(5) Properties that have one (1) or more street frontage with restricted parking shall be allowed one (1) additional parking space, over the maximum allowed parking, per restricted street frontage.

(6) For a single-family detached dwelling unit, or a two-family duplex unit in the R-3 or R-4 zone, the parking requirements shall be as per Sections 16-4(a) and 16-4(b).

~~(d) Non-conforming Parking Exception.~~

- ~~(1) No off-street parking space shall be required for a single-family detached residence on any lot redeveloped as defined in Section 15-2(a)(1) when the lot already has no off-street parking space (a non-conforming situation).~~
- ~~(2) No off-street parking space shall be required within the defined Infill and Redevelopment Area where the Urban County Council has established a designated on-street parking area on a block-by-block basis.~~

(Code 1983, § 16-4; Ord. No. 104-99, § 1, 4-22-1999; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 129-2009, §§ 28—31, 7-2-2009; Ord. No. 21-2013, § 3, 3-7-2013; Ord. No. 166-2017, § 8(16-4), 11-16-2017)

**Sec. 16-6. Vehicular use area, pedestrian facilities, and loading and unloading areas permitted in non-residential and mixed-use zones**

(a.) Locational Standards for any P-1, B-1, B-3, B-5P, B-6P, CC, MU-1, MU-2 or MU-3, zones as well as any Supportive Uses in the ED zone:

- (1.) On a corner lot, vehicular use areas shall not be in the front yard. Vehicular use areas along the side street shall be set back a minimum of fifteen (15) feet from the right-of-way.
- (2.) On all other lots a maximum of two (2) bays of surface parking with a single drive aisle, or a vehicular use area of up to sixty (60) feet in depth as measured perpendicular to the street, whichever is greater, shall be permitted between the building and the street, except otherwise prohibited by a maximum setback.
- (3.) Connection Standards:
  - (a.) Internal pedestrian walkways shall be required and meet the following standards:
    - (1.) A minimum of five (5) feet wide
    - (2.) Extend from the vehicular access point to the building entrance(s).
    - (3.) Directly connected to all adjacent rights-of-way.
  - (b.) For projects with two or more buildings, internal vehicular and pedestrian walkways shall be provided between vehicular use areas.
  - (c.) Primary internal drives shall connect to established internal drives on adjacent properties to create cross-access and thru connections.

(b.) Locational Standards for any B-2, B-2A, B-2B zone:

- (1.) There shall be no vehicular use areas located in the front yard or side street side yard.
- (2.) Connection Standards:
  - (a.) Internal pedestrian walkways shall be required and meet the following standards:
    - (1.) A minimum of five (5) feet wide
    - (2.) Extend from the vehicular access point to the building entrance(s).
    - (3.) Directly connected to all adjacent rights-of-way.

(b.) For projects with two or more buildings, internal vehicular and pedestrian access shall be provided between vehicular use areas.

(c.) Primary internal drives shall connect to established internal drives on adjacent properties to create cross-access and thru connections.

(c.) Locational Standards for any B-4, I-1, I-2, or ED zone:

(1.) There shall be a maximum of two (2) bays of surface parking with a single drive aisle, or a vehicular use area of up to one hundred twenty (120) feet in depth as measured perpendicular to the street, whichever is greater.

(2.) Connection Standards:

(a.) Internal pedestrian walkways shall be required and meet the following standards:

(1.) A minimum of five (5) feet wide where there is no vehicular curb overhang. A minimum of seven (7) feet where there is vehicular curb overhang.

(2.) Extend from the vehicular access point to the building entrance(s).

(3.) Directly connected to all adjacent rights-of-way.

(b.) For projects with two or more buildings, internal vehicular and pedestrian access shall be provided between vehicular use areas.

(c.) Primary internal drives shall connect to established internal drives on adjacent properties to create cross-access and thru connections.

### **Sec. 16-57. Parking, loading and unloading areas permitted in required front or side street side yard in zones other than residential zones.**

In any zone other than a residential zone, or an industrial zone adjoining an Agricultural Rural (A-R), Agricultural Buffer (A-B) or Agricultural Natural (A-N) zone across a public or private street right-of-way, off-street parking, loading or unloading areas may be permitted within the required front or side street side yard if there is sufficient depth between the street right-of-way line and the building line or other barrier to accommodate all parking and maneuvering without the necessity of backing over the street right-of-way line. All portions of front yards and side street side yards, including driveways, shall be enclosed by a barrier or landscaped in accordance with the landscaping requirements for vehicular use areas set forth in Article 18 of this Zoning Ordinance.

(Code 1983, § 16-5; Ord. No. 201-86, § 1, 10-2-1986; Ord. No. 32-90, § 1, 2-22-1990; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 166-2017, § 8(16-5), 11-16-2017)

### **~~Sec. 16-6. Single parking areas for multiple uses.~~**

~~The required off-street parking for any number of separate uses may be combined in one (1) lot; but the off-street parking required by any use for the purposes of complying with this Zoning Ordinance shall not be counted, nor shall it be included in the off-street parking required for any other use unless specifically permitted herein.~~

~~(Code 1983, § 16-6; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 166-2017, § 8(16-6), 11-16-2017)~~

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## **Sec. 16-7. Joint use of parking areas.**

The Division of Planning may, upon application by all parties involved, authorize the joint use of off-street parking facilities. Joint use of off-street parking shall be subject to the following limitations and conditions:

- (a) ~~Off-street parking areas required for detached single-family and two-family residential use shall not be included in any joint parking arrangement. For the purpose of this Article, residential uses shall be considered between the hours of 7:00 p.m. and 7:00 a.m.~~
- (b) ~~Up to one hundred percent (100%) of the off-street parking required for a place of religious assembly, or an auditorium incidental to a public or private school; and up to seventy-five percent (75%) of the off-street parking required for any other use may be provided by a joint parking arrangement.~~
- (c) ~~The joint parking area shall be within three hundred (300) feet of all of the uses being served by such facility, measured by the walking distance from the nearest point of the parking facility property to the nearest point of the property where the use is located and which the parking is intended to serve.~~
- (d) ~~The applicant shall submit sufficient data to the Division of Planning to demonstrate that the normal and regular operating hours of the uses proposing a joint parking arrangement do not coincide or overlap by more than one (1) hour.~~
- (e) ~~All parties shall execute a properly drawn legal instrument for the joint use of off-street parking areas. This instrument, having been approved as to form and manner of execution by the legal counsel of the Lexington-Fayette Urban County Government, shall be filed with the application.~~

~~(Code 1983, § 16-7; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 129-2009, § 32, 7-2-2009; Ord. No. 122-2011, §§ 27, 28, 9-29-2011; Ord. No. 166-2017, § 8(16-7), 11-16-2017)~~

## **Sec. 16-8. Special access, surface, and location requirements for garages, parking lots, automobile service stations, and vehicle sales lots.**

- (a) *Required Distance Between Service Stations/Garages/Automobile Repair Shops/Automobile and Vehicle Refueling Stations and Residential Zones and/or Institutional Uses.* No building, structure or premises intended or designed to be used as a community garage; an automobile repair shop; a service station; an automobile and vehicle refueling station or a parking lot or structure, whether a principal or a conditional use on a property, shall be used, erected or altered, which has an entrance or exit for vehicles in the same block front and within two hundred (200) feet of the property boundary of any school; public playground; place of religious assembly; hospital; public library; convalescent home, nursing home or personal care facility or orphanage. No such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone; nor shall any structure used for an automobile repair shop or service station, or any part of a parking lot or structure, be located within one hundred (100) feet of any property boundary line of any of the aforesaid public or institutional uses. The term "parking lot," as used herein, does not include off-street parking areas ~~as otherwise required~~ for the public or institutional uses listed above.
- (b) *Required Distance Between Gasoline/Oil Dispensing Facilities and Residential Zones/Uses.* No gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within fifteen (15) feet of any right-of-way line, or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed building and distant at least fifteen (15) feet from any vehicular entrance or exit of such building. Notwithstanding the above provision, no gasoline pump, oil draining pit, or similar appliance for any purpose shall be located within sixty-five (65) feet of a single-family residential zone or within sixty-five (65) feet of a single-family detached residential unit located in any residential zone. However, such 65-foot dimension shall not be applicable to the renovation, reconstruction, redevelopment, or construction of such

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a service station upon a tract used by such a facility within twelve (12) months prior to the application for a building permit. Except for gasoline service stations, no gasoline pump shall be permitted as an accessory use for another activity unless a site plan showing the following is submitted to, and approved by, the Division of Planning:

- (1) A safe traffic flow pattern shall exist at all times for vehicles to be serviced with gas, including a safe entrance and exit to the service area, and a traffic flow lane not impeded by parked vehicles or other objects.
  - (2) A safe traffic pattern shall exist for pedestrians to insure that pedestrian flow for other purposes is not routed by the gasoline pumps, thereby exposing such pedestrians to unnecessary hazards.
  - (3) The gasoline pumps shall be operated only by employees of the activity; or if others are permitted to operate them, the facility must comply with Chapter 28 of the Kentucky Fire Prevention Code, specifically Section F-2803.8.2 and Section F-2803.8.3.
- (c) *Required Distances Between Automobile and Vehicle Refueling Stations Dispensing Compressed Natural Gas and/or Liquid Natural Gas and Other Uses.* In addition to the requirements of this section (above), no stationary dispensing equipment for compressed natural gas or liquid natural gas associated with an automobile and vehicle refueling station may be located within:
- (1) Ten (10) feet of any sidewalk, walkway, parking lot or property line;
  - (2) Fifteen (15) feet of any electrical source or any overhead electric utility line;
  - (3) Fifty (50) feet of a right-of-way line, a building on another lot, or the nearest rail of any railroad line;
  - (4) Sixty-five (65) feet of a residential zone; and
  - (5) Not less than fifty (50) feet of a fire hydrant.
- (d) *Requirements for Vehicle Sales Lots.* Every parcel of land hereafter used as an automobile, truck, mobile home, boat, trailer, or camper sales lot, or as an automobile service station shall be subject to the requirements of this Zoning Ordinance concerning surfacing, lighting, landscaping and screening, and minimum yards and setbacks; and shall be considered, in the application thereof, as the equivalent of a parking area for more than five (5) vehicles, regardless of its size.
- (e) *Community Garages as Conditional Uses.* Community garages permitted as a conditional use in a R-3 and R-4 zone shall not be within eighty (80) feet of any right-of-way line or in a R-3 zone be within twenty-five (25) feet of any other lot line; or in a R-4 zone be within twenty (20) feet of any lot line, except the rear lot line of an adjoining Professional Office, Business or Industrial Zone.

(Code 1983, § 16-8; Ord. No. 108-87, § 1, 6-11-1987; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 122-2011, § 29, 9-29-2011; Ord. No. 5-2013, § 5, 1-31-2013; Ord. No. 166-2017, § 8(16-8), 11-16-2017)

### **Sec. 16-9. Stacking area.**

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

(Code 1983, § 16-9; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 166-2017, § 8(16-9), 11-16-2017)

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## **Sec. 16-10. Reductions of minimum required parking.**

All parking reductions shall apply only under the following circumstances:

- (1) ~~Uses shall be limited to attached single family dwellings and multi-family dwellings in residential and/or mixed use zones.~~
- (2) ~~Properties in the P-1 and B-1 zones, when located within the Infill and Redevelopment Area, are eligible.~~
- (3) ~~Properties in the B-3 or B-6P zone, when required to meet the provisions of Article 12-8 herein, are eligible for parking reductions.~~
- (4) ~~The Planning Commission must approve the specific proposed use of the property on a development plan.~~
- (5) ~~The total maximum amount of parking reductions, including the on-street parking provision of the Mixed Use zones, shall not exceed a fifteen percent (15%) reduction of the otherwise required parking, unless the Board of Adjustment grants a parking variance allowable under Article 7.~~
  - (a) ~~*Allowable Bicycle Reductions.* 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 on a permanently constructed bicycle rack. The maximum reduction of required parking spaces shall not be reduced less than five percent (5%) of the otherwise required amount. Only the provision of additional bicycle spaces shall count toward this reduction when a minimum bicycle space is required. Provision of bicycle spaces shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.~~
  - (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 may 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. Provision of a transit stop shall not count against the otherwise required minimum for the calculation of the maximum parking allowed.~~

~~In addition, "big-box" developments in any B-3 or B-6P zone may be allowed a ten percent (10%) reduction of the minimum required parking if a designated Park and Ride lot is provided on the site near a transit stop with a shelter (designed to meet the specifications of the Lexington Transit Authority), provided the shelter is directly connected to the entrance of a "big-box" establishment by a sidewalk or designated pedestrian pathway.~~
  - (c) ~~*Mixed income housing reductions.* Where dwelling units are provided and the Planning Commission has approved a final development plan, the required parking spaces may be reduced to a rate of 1 space per dwelling unit.~~

~~(Code 1983, § 16-10; Ord. No. 129-2009, § 33, 7-2-2009; Ord. No. 173-2010, § 1, 10-21-2010; Ord. No. 166-2017, § 8(16-10), 11-16-2017; Ord. No. 84-2020, § 2, 9-3-2020)~~



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## **Sec. 16-~~1011~~. Effect of pedestrian-oriented business district.**

For any such district created under Code of Ordinances Article 18, Chapter XIII, the provisions of the district will take precedence over any ~~off-street parking requirements or~~ related provisions contained in the Zoning Ordinance.

(Code 1983, § 16-11; Ord. No. 124-2012 , § 1, 10-11-2012; Ord. No. 166-2017 , § 8(16-11), 11-16-2017)

## **Sec. 16-11. Parking Structures.**

### (a) General Standards:

- (1.) Gated vehicular entrances shall be recessed from the front building plane fifteen (15) feet.
- (2.) There shall be a delineated pedestrian access point(s) into the parking structure. Pedestrian walkways shall meet the following standards:
  - (a.) A minimum of five (5) feet wide.
  - (b.) Directly connected to all adjacent rights-of-way.
- (3.) Transparent windows or openings shall be provided for a minimum of sixty (60%) percent of the ground level, except where residential uses are located.
- (4.) Ground floor activation shall include one of the following along every street frontage:
  - (a.) Façade articulation that includes a change in exterior material type, style or finish such that materials vary for every eighty (80) feet of length or fraction thereof, or;
  - (b.) ~~Ground floor that includes a~~At least thirty (30%) percent of the ground floor façade includes commercial land uses or dwelling units, or;
  - (c.) An accessible useable open space of a minimum depth of twenty (20) feet along twenty (20%) percent of the ground floor. Open space includes plazas with seating, playgrounds, parks, porches, patios, or similarly programmed spaces. Landscaping not designed to be used by people are not included.

## **Sec. 16-12. Bicycle Parking and Storage.**

- (a) Where vehicle parking is provided, bicycle parking facilities shall be provided and shall meet the following standards:
  - (1) Bicycle parking shall be provided at a rate of one (1) space for every ten (10) vehicular spaces or fraction thereof;
  - (2) Bicycle parking facilities shall be securely anchored;
  - (3) Short-term bicycle parking facilities shall be located ~~along the internal pedestrian walkway~~ within fifty (50) feet from the entrance;
  - (4) Long-term bicycle parking facilities shall be constructed with at least one of the following features:
    - (a) A bicycle locker or similar structure manufactured for the purpose of securing and protecting a standard size bicycle, or;
    - (b) A secured and dedicated bicycle parking area provided either inside the principal building on the lot, or in a building located elsewhere on the lot.

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### **Sec. 16-13. Loading and Unloading Areas.**

Loading and Unloading Spaces Required. In any zone, every non-residential building or part thereof, hereafter erected, with a floor area of ten thousand (10,000) square feet or more, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space plus one (1) additional off-street loading space for each twenty thousand (20,000) square feet or fraction thereof of floor area so used in excess of twenty thousand (20,000) square feet.

### **Sec. 16-14. Parking Demand Mitigation Studies.**

All significant developments requiring a Zoning Map Amendment shall submit a Parking Demand Mitigation Study. As used herein, the term "significant developments" shall mean any new construction in excess of five thousand (5,000) square feet of lot coverage. A study shall not be required for new construction of single family residential and multi-family residential with 6 or fewer dwelling units, or for any construction in the B-2, B-2A, B-2B and B-6P zones. The applicant shall have the responsibility of providing the study. The information from the study shall provide guidance to determine the necessary parking facilities. Those facilities shall be approved by the Planning Commission and reflected on the associated development plan per Article 21-6.

- (a) The study shall be submitted to the appropriately identify the necessary provision of vehicular and bicycle parking spaces based on the unique locational and end-user/tenant mix for the development. Such a study shall be prepared by a qualified professional well-suited to addressing the quantity of parking for the property, including a Professional Engineer, AICP Planner, CCIM Real Estate Professional, or substantially similar qualification. The Parking Demand Mitigation Study shall include:
- 1) Review of national best practices for parking calculations for the project, including the current ITE Manual Parking ranges or the ranges produced by the ITEParkGen Report.
  - 2) The anticipated parking demand for the project;
  - 3) How the anticipated parking demand will be satisfied on-site or off-site;
  - 4) The methods and strategies to be implemented in order to reduce vehicle trips by site users;
  - 5) The methods and strategies to be implemented in order to promote transportation options by site users; and
  - ~~6)~~ 6) The projected mode share by site users from the utilization of the Study's strategies.
- (b) Strategies for parking mitigation can include, but are not limited to, the following:
- 1) Shared or joint parking arrangements;
  - 2) Mixed-use developments that promotes live/work arrangements;
  - 3) Support for car-share and bike-share services and facilities;
  - 4) Dedicated areas for drop off/pick up areas along public right-of-way;
  - 5) Parking cash-out programs or unbundled parking/market rate pricing;
  - 6) Roadway improvements adjacent to the site that will help encourage transportation options;
  - 7) Parking management partnerships with LexPark.

## Article 18 LANDSCAPE AND LAND USE BUFFERS

### Sec. 18-1. Intent.

The intent of this Article is to improve the appearance of vehicular use areas (VUAs) and property abutting public rights-of-way; to require buffering between incompatible land uses; and to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare.

(Code 1983, § 18-1)

### Sec. 18-2. Sites affected.

- (a) *New Sites.* No new site development, building, or structure shall hereafter be constructed or vehicular use area created or used unless landscaping is provided as required by the provisions of this Article.
- (b) *Existing Sites.* No building, structure, or vehicular use area (VUA) shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.
- (c) *Change of Use.* No use shall be changed to another use for which the Zoning Ordinance requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.
- (d) *Change of Zone.* No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

(Code 1983, § 18-2)

### Sec. 18-3. Where landscape materials required.

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land use areas, and landscaping for service areas.

- (a) *Perimeter Landscaping Requirements.* Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one (1) foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four (4) years after installation. The required landscaping shall be provided along the property perimeter in designated landscape buffer areas (LBAs) as shown in the chart in Subsection (a)(1) of this section or adjacent to the vehicular use area as shown in the chart in Subsection (a)(2) of this section. A "Planting Manual" and a "Plant Materials List" shall be maintained

by the Division of Planning and available in the offices of the Division of Environmental Services, to provide more detailed information on the acceptable plant material.

(1) *Property Perimeter Requirements.*

	A.	B.	C.	D.
	When the following...	Adjoins the following...	A minimum buffer area <sup>1</sup> of this average width (with three feet as the least dimension) is required. <sup>3,4</sup>	Which will contain this material, to achieve opacity required. <sup>5,8</sup>
1.	Any M-1P zone.	Any property in any zone other than M-1P.	Ten feet adjacent to all common boundaries, including street frontage.	One tree/40 feet of linear boundary, OFT <sup>2</sup> , from Group A, B, or C of Plant List plus continuous six feet high planting, hedge, fence, wall or earth mound.
2.	Any office or business zone (except P-2).	Any residential zone.	15 feet adjacent to all common boundaries (located behind the building line) except street frontage <sup>7</sup> .	One tree/40 feet of linear boundary, OFT, from Group A or B only, plus, 1) a double row of six feet high hedge or 2) a six feet high fence, wall or earth mound.
3.	Any industrial or P-2 zone.	Any residential, office, or business zone.	15 feet adjacent to all common boundaries except street frontage <sup>7,9</sup> .	Same as 2D.
4.	Any double frontage lot (as defined by the Subdivision Regulations) in any zone except A-U, A-R, A-N and A-B unless the lot is used for a vehicular sales facility or a service station.	Any state maintained freeway or arterial street not providing direct access to the property.	20 feet for residential zones and ten feet for all other zones adjacent to freeway or arterial.	One tree/30 feet, OFT, Group A or B, plus continuous six (6) feet high planting, hedge, wall, fence (not to exceed eight feet in height at street grade) or earth mound. Such plantings are to be shown on a unified plan for the development.
5.	Any zone except agricultural and industrial zones.	Railroads (except spur tracks and along sight triangles)	Same as 6C, adjacent to railroad boundaries.	Same as 2D.
6.	Utility substation, junk yards, landfills, sewage plants, sewage pump stations, transfer stations or similar uses.	Any property boundary, including street rights-of-way.	15 feet adjacent to all boundaries, except only five feet for utility substations and sewage pump stations measured adjacent to the enclosure. <sup>7</sup>	Same as 2D.
7.	Any R-1T, R-3, R-4 or R-5 zone except when developed as buildings	Any R-1A, R-1B, R-1C, R-1D, or R-2 zone.	Six feet adjacent to all common boundaries except street frontage.	One tree/40 feet of linear boundary, OFT <sup>2</sup> , from Group A, B, or C of Plant List plus a continuous six feet high

	for single-family or two-family occupancy.			planting, hedge, fence, wall, or earthmound.
8.	Any business, office, or industrial zone.	Any A-R zone.	15 feet adjacent to all common boundaries except street frontage.	One tree/40 feet of linear boundary, OFT <sup>2</sup> , of native species from Group a of Plant List plus continuous six feet high planting or hedge or, 1) one evergreen tree/15 feet of linear boundary, OFT, planted 15 feet o.k.; or 2) one tree/20 feet of linear boundary, OFT, that is a combination of 50 percent deciduous, native species trees from Group A and 50 percent evergreen trees or small flowering trees.
9.	Any residential, business, office, or industrial zone.	Urban Service Area boundary.	Five feet adjacent to all common boundaries except street frontage. <sup>6</sup>	Same as 1D, except use only native tree species from Group A.
10.	Any cemetery use, whether private or public.	Any property boundary, including street rights-of-way.	50 feet adjacent to all boundaries, as shown on a development plan or subdivision plan.	One tree/40 feet of linear boundary, OFT, from Group A or one tree/30 feet from Group B, plus continuous six feet high planting, or hedge, in addition to a wall or fence a minimum of three feet in height.

1. Grass or ground cover shall be planted on all portions of the landscape buffer area not occupied by other landscape material.

2. OFT means "or fraction thereof." Unless otherwise specified, trees do not have to be equally spaced, but may be grouped.

3. To determine required area of landscape buffer area, multiply required averaged width by length of common boundary. Using item 1C as an example, the ten-foot average required width times an assumed 100 feet of common boundary equals 1,000 square feet of required landscape area. Thus, if some sections of the landscape buffer area are only three feet in width, other sections will have to be greater than ten feet in width in order to attain the required one thousand (1,000) square feet of landscape area.

4. Five feet shall be the least dimension for any P-1, B-1, B-2, B-2A, B-2B, B-3, B-4, I-1, or I-2 zone with three feet as the least dimension for any other zone.

5. A continuous planting of evergreen trees 15 feet o.c. Shall be deemed to meet the requirements for trees and a continuous planting provided the trees meet the requirements of Section 18-4(c) and an opacity of 70 percent is achieved.

6. No map amendment request, major subdivision plan, or development plan shall be approved by the Planning Commission except in compliance with this section. However, the Planning Commission shall not require such landscaping adjoining the Urban Service Area boundary where any of the following conditions

exist: major railroad lines, major water bodies (not including streams or farm ponds), publicly owned parks or open space, public property with a low intensity of use, or existing urban development along the Urban Service Area boundary.

7. The 15-foot Landscape Buffer Area (LBA) may be reduced to five feet when used in conjunction with a six-foot high wall or fence.

8. In situations where a slope occurs along a boundary, the required landscaping shall be placed (in relation to the slope) where it will most effectively screen the more intensive use from the adjoining property.

9. In conjunction with the required development plan in a P-2 zone, the Planning Commission may permit portions of required perimeter planting to be reallocated to areas interior to the site. This shall be permitted for areas where the Commission finds that such solid screening is not necessary or desirable to screen the P-2 uses from adjoining properties or right-of-way. For example, where such uses as open space areas, outdoor recreation areas, large open yards, and the like adjoin the abutting rights-of-way or adjoining properties, the Commission should consider utilizing the reallocation provision of this section.

(2) Vehicular Use Area Perimeter Requirements:

(a) A vehicular use area perimeter buffer shall be located between vehicular use areas containing 1,800 sq. ft. of area and/or used by five or more of any type of vehicle and any adjacent streets and adjacent properties excluding required sight clearances at driveways and ingress/egress locations. A vehicular use area perimeter buffer shall not be required when a vehicular use area is contiguous to a required property perimeter buffer and the screening intent of this Article is met.

(b) Vehicular Use Area Perimeter Requirements shall be required as follows:

(1) The vehicular use area perimeter buffer shall be located along the perimeter of a vehicular use area and maintain a minimum average width of eight (8) feet, as measured from the outer edge of the vehicular use area. The buffer shall contain:

(i) A continuous hedge, fence, wall, or earthen mound, except where trees require breaks.

(a) Hedges shall be composed of a double staggered row of evergreen shrubs, deciduous shrubs, and/or warm season grasses with a minimum planting height of 30 inches and planted three feet on-center.

(1) Up to 25 percent may be deciduous.

(2) Plant material other than groundcover shall be located at least three (3) feet from the back edge of the curb where cars overhang.

(b) Fences or walls shall be opaque and shall be a minimum of four (4) feet in height.

(ii) One (1) canopy tree (Group A or B) per twenty-five (25) linear feet of the total perimeter of the parking area.

(a.) Trees shall be located at least six (6) feet from the back edge of the curb where cars overhang.

(b.) In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted.

<u>A.</u>	<u>B.</u>	<u>C.</u>	<u>D.</u>
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When the following...	Adjoins the following...	A minimum landscape buffer area of this width is required <sup>1</sup>	Which will contain this material, <sup>2</sup> to achieve opacity required.
1. Any vehicular use area <sup>2</sup> (VUA) on any property	Any property in any zone except Industrial (I-1, I-2) Downtown Business Core (B-2), Downtown Business Frame (B-2A), Lexington Center Business (B-2B), or Agricultural (A-U, A-R, A-N or A-B)	Five feet to edge of paving where vehicles overhang, four feet minimum from edge of paving and three feet (that prohibits any vehicular overhang) for other areas, adjacent to portion of vehicular use area that faces adjacent property.	One tree/40 feet of boundary of vehicular use area OFT <sup>4</sup> , from group A, B, or C, plus a three feet average height continuous planting, hedge, fence, wall or earth mound or a three feet decrease in elevation from the adjoining property to the vehicular use area.
2. Any vehicular use area in any zone outside the B-2, B-2A, or B-2B zones, except vehicle sales facilities or service stations.	Any public or private street right-of-way, access road or service road (except expressways).	Same as 1C above, except applies to VUA portion facing public or private street right-of-way, access road, or service road.	Same as 1D, except use only Group A or B.
3. Any vehicle sales facility or service station.	Any public or private street right-of-way, access road, service road, expressway or arterial street.	Same as 2C above.	One tree/50 feet OFT from Group A or B, plus an 18-inch average height continuous planting, hedge, fence or wall.
4. Any vehicular use area (except loading and unloading in areas) B-2, B-2A or B-2B zones.	Same as 2B.	Six feet adjacent to portion of vehicular use area that faces a public or private street right-of-way, access road or service road.	Three feet average height continuous planting, hedge, or wall.
5. Financial institutions with drive-in facilities or night deposits.	Same as 2B.	Same as 1C.	One (1) tree/40 feet of boundary OFT from Group A or B (deciduous only) with five feet of clear trunk, plus an 18-inch average height continuous planting, hedge, fence or wall adjoining a public or private right-of-way and a three feet average height planting, hedge, fence or wall adjacent to all other property.

<sup>1</sup>. These provisions may be included within the property perimeter landscaping required by Subsection (a)(1) of this section where landscape buffer areas are also applicable.

~~2. A vehicular use area (V.U.A.) is any open or unenclosed area containing more than 1,800 square feet of area and/or used by five or more, of any type of vehicle, whether, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements described previously in this paragraph (and intervening curbs, sidewalks landscape strips, etc., do not eliminate adjacency).~~

~~3. Grass or ground cover shall be planted on all portions of the landscape buffer areas not occupied by other landscape material.~~

~~4. OFT means "or fraction thereof."~~

~~5. In the B-2, B-2A, and B-2B zones, when a wall is used, it is to be constructed of natural stone, brick or precast concrete.~~

(3) *Who Provides Landscape Buffer Area.* The landscape buffer area and material required adjacent to any vehicular use area under Subsection (a)(2) of this section shall be provided by the person in charge of or in control of the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "owner"), unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries, the landscape buffer area and materials:

(a) May be placed on either adjoining parcel, or astride the boundary, if both are owned and being processed by the same owner; or

(b) ~~Generally shall be placed on the property with the vehicular use area the activity listed under Column A of Subsections (a)(1) and (a)(2) of this section~~ when adjoining parcels have different owners; or

(c) May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, is filed with the Division of Environmental Services as a public record; or

~~(d) Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Subsection (a)(1) of this section, lines 4 and 5; or~~

(ed.) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property, in fulfillment of the requirements of this ordinance. A note indicating the maintenance of the shared boundary shall be included on the approved landscape plan.

(4) *Requirement Conflicts.* Whenever a parcel or activity falls under two (2) or more of the landscape requirements listed ~~in the table of Subsections (a)(1) or (a)(2) of this section~~, the most stringent requirements will be enforced.

(5) *Landscaping in Easements.* The required landscape buffer area may be combined with a utility or other easements as long as all of the landscape requirements can be fully met, otherwise, the landscape buffer area shall be provided in addition to, and separate from, any easement. Trees to be planted in utility easements containing overhead lines shall be only those specified in the Plant List. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer area more than ~~two and one-half (2½)~~ three (3) feet, and wheel stops or curbs will be required.

(6) *Street Trees in the Right-of-Way.* Trees required as a part of the vehicular use area perimeter landscaping may be placed on the right-of-way adjoining such vehicular use area when approved by the Division of Environmental Services ~~and the Street Tree Coordination Committee~~. Where street trees required by the Subdivision Regulations have already been planted in the right-of-



way, such trees may be substituted for an equal number of ~~vehicular use area VUA~~ perimeter trees. Written permission from the authority having jurisdiction over the right-of-way shall be submitted by the developer prior to the approval of a landscape plan which utilizes the right-of-way for ~~vehicular use area VUA~~ perimeter landscaping. The Division of Environmental Services shall permit the required ~~vehicular use area VUA~~ perimeter trees to be located in the right-of-way only if there is sufficient area for such trees to grow to maturity.

- (7) *Existing Landscape Material.* Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Division of Environmental Services such material meets the requirements and achieves the objectives of this Article. Existing healthy trees from Group "A" or "B" of the Plant List may be substituted for trees required for property or vehicular use area perimeter landscaping, or for interior landscaping by using the following criteria: a six-inch to twelve (12)-inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12)-inch to twenty-four (24)-inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24)-inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) new trees of the required minimum size.
- (8) *Landscaping at Driveway and Street Intersections.* To ensure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets as required by Section 3-2 herein.
- (9) *Joint Driveways and Common Vehicular Use Areas.* Vehicular use area screening shall not be required between a vehicular use area and the adjoining property where a property line divides a driveway used for common access to two (2) or more properties nor when a final development plan for the properties has been approved by the Planning Commission. ~~both of the following conditions exist:~~
- a. ~~The vehicular use areas are for the required parking for the properties or the common use of the properties (as substantiated by a reciprocal parking and access agreement);~~
  - b. ~~A final development plan for the properties has been approved by the Planning Commission.~~
- (b) *Interior Landscaping for Vehicular Use Areas.* Any open vehicular use area ~~(excluding loading, unloading, and storage areas in an industrial zone, I-1 or I-2, or warehouse business zone, B-4)~~ containing ~~six-five thousand (65,000)~~ or more square feet of area, or ~~twenty (20) fifteen (15)~~ or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall be peninsular or island types. Where a vehicular use area is altered or expanded to increase the size to six-five thousand (65,000) or more square feet of area, or twenty-fifteen (2015) or more vehicular parking spaces, interior landscaping for the entire vehicular use area shall be provided and not merely to the extent of its alteration or expansion.
- ~~(1) Landscape Area. For each one hundred (100) square feet, or fraction thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided in all zones except the P-2 zone. In the P-2 zone, ten (10) square feet of landscaped area shall be required for each one hundred (100) square feet of vehicular use area.~~
- (a1) *Minimum Interior Landscape Area.* The minimum interior landscape area shall be ten (10%) percent of the total vehicular use area, excluding loading, unloading, and storage areas in a Wholesale and Warehouse Business (B-4), Light Industrial (I-1), Heavy Industrial (I-2), or

Economic Development (ED) zone permitted shall be sixty-four (64) square feet, with a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang.

- (b) Maximum Contiguous Area. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than one thousand, five hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang. The maximum distance between landscape areas shall be one hundred twenty (120) feet measured from the closest perimeter landscape area curb edge or the closest curb edge of each required interior area. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.
- (e2) Minimum Interior Vehicular Use Area Trees Canopy. Tree canopy equal to or exceeding thirty percent of the total vehicular use area shall be provided, including loading, unloading, and storage areas in a Wholesale and Warehouse Business (B-4), Light Industrial (I-1), Heavy Industrial (I-2), or Economic Development (ED) zone. In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted. Mature trees shall have a clear trunk of at least eight (8) feet above the ground. Clustering is permitted within the interior landscape areas. A minimum of one (1) tree shall be required for each two hundred fifty (250) square feet or fraction thereof of required landscape area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.
- (d) Vehicle Overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half (2½) feet, as long as concrete or other wheel stops are provided to ensure no greater overhang or penetration of the landscaped area.
- (3) Alternative Tree Locations for loading/unloading zones or storage areas in the Wholesale and Warehouse Business (B-4), Light Industrial (I-1), Heavy Industrial (I-2), or Economic Development (ED) zones – where required tree canopy cannot be accommodated within the required vehicular use area interior landscape areas the remaining trees shall be planted elsewhere on the site.
- (4) Location for Interior Landscape Areas
- (a) A maximum distance of ninety (90) feet between interior landscape areas.
- (b) At the end of every row of parking there shall be an interior landscape area.
- (c) Every other row of double-loaded parking requires a continuous interior landscape area.
- (5) Interior Landscape Area without Trees
- (a) Minimum Area - Seventy-two (72) square feet as measured from front of curb.
- (b) Plant Material Required - Low shrubs, ground cover, herbaceous cover or native warm season grass to cover at least seventy-five (75%) percent at maturity.
- (c) Vehicle Overhang – Plant material other than groundcover shall be located at least three (3) feet from the back edge of curb, where vehicles overhang.
- (6) Interior Landscape Area with Trees
- (a) Minimum Area – One Hundred and forty-four (144) square feet per tree as measured from front of curb.
- (b) Minimum Top Soil Depth – Three (3) feet.

(c.) Plant Material Required - At least one canopy tree from Group A or Group B; In areas where overhead utilities prevent the use of canopy trees (Group A or B), understory trees (Group C) may be substituted. Trees shall be underplanted with low shrubs, ground cover, herbaceous cover or native warm season grass to cover at least 75% at maturity.

(d) Vehicle Overhang – Trees shall be located at least four (4) feet from the back edge of curb, where vehicles overhang.

~~(e7)~~ *Landscaping for Service Structures.* All service structures shall be fully screened except when located in a R-1, R-2, B-4, I-1 or I-2 zone or when located more than thirty-five (35) feet above the established grade. Service structures in the B-4, I-1 or I-2 zone shall be fully screened when located within one hundred (100) feet of any zone except B-4, I-1 or I-2. For the purpose of this Article, service structures shall include propane tanks, air-conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

~~(a1)~~ *Location of Screening.* A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

~~(b2)~~ *Protection of Screening Material.* Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

~~(e8)~~ *Screening of Outdoor Storage Areas.* All outdoor storage areas in the I-1 and I-2 zones shall be screened by a solid wall or fence not less than six (6) feet in height.

(9) Innovative Design Landscape Plan. Interior landscaping requirements for vehicular use areas may be modified on a development plan without a variance in accordance with an Innovative Design Landscape Plan. An Innovative Design Landscape Plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky.

The plan may include, but is not limited to:

- a. Green infrastructure elements above and beyond existing requirements,
- b. Provisions for solar or alternative energy production,
- c. Vegetated areas that do not meet one or more of the above regulations, but still achieve the basic objectives of these regulations.

The plan shall be reviewed and approved by the Landscape Review Committee; and a finding shall be made by the Planning Commission and noted on the Final Development Plan. Such

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[finding shall state that the proposed interior landscaping for the vehicular use area utilizes innovative landscape design elements to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare in accordance with Article 18-1.](#)

(Code 1983, § 18-3; Ord. No. 201-86, § 1, 10-2-1986; Ord. No. 228-86, § 1, 10-21-1986; Ord. No. 153-87, § 1, 7-9-1987; Ord. No. 198-87, § 1, 8-27-1987; Ord. No. 7-88, § 1, 1-28-1988; Ord. No. 73-89, § 1, 5-4-1989; Ord. No. 248-90, § 1, 11-27-1990; Ord. No. 292-95, § 1, 12-7-1995; Ord. No. 211-99, § 1, 7-8-1999; Ord. No. 156-2004, § 1, 7-2-2004; Ord. No. 29-2006, § 3, 2-9-2006; Ord. No. 5-2010, § 2, 1-14-2010; Ord. No. 124-2017, § 3, 8-31-2017)

### **Sec. 18-4. Landscape materials.**

The landscaping materials shall consist of the following, and are described in more detail in the Planting Manual and Plant Materials List available at the Division of Planning and the Division of Environmental Services.

- (a) *Walls and Fences.* Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence posts shall be structurally stable based on the material used, and shall have a maximum spacing of 8' on center (o.c.). If wood is used, the posts shall be 4" x 4" minimum. Posts shall be set in or anchored to crowned concrete footers at least six (6) inches larger in each direction than the post it supports. The base of the footer shall be at least twenty-four (24) inches below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all heart redwood, or all heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproof. Slats are to be minimum one-half (½) inch in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). All hardware is to be galvanized or otherwise rust-proofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used to meet the requirements of this Article. Chain link fencing may be installed in the required landscape area only if it is in addition to the required continuous planting, hedge, fence, wall or earth mound. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this Article shall not be used for the erection or display of any sign or other advertising device. Height limitations for walls and fences are regulated by zone and land use in Article 15-4(b).
- (b) *Earth Mounds.* Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an earth mound.
- (c) *Plants.* All plant materials shall be living plants (artificial plants are prohibited) and shall meet the following requirements:
  - (1) *Quality.* Plant materials used in conformance with provision of this Zoning Ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with the exception of shrubs and hedges, vines and ground covers shall be prohibited.
  - (2) *Deciduous Trees.* (Trees which normally shed their leaves in the Fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet in Fayette County and having

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trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured 6 inches above ground for trees up to 4 inches caliper) of at least one and three-fourths (1¾) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete. Columnar variety trees of any species may only be permitted upon the express approval of the Division of Environmental Services in accordance with Section 18-6. Any columnar variety tree shall be considered as a small tree and be granted new canopy credit of 100 square feet according to Article 26-5(e).

- (3) *Evergreen Trees.* Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1½) inches immediately after planting.
  - (4) *Shrubs and Hedges.* Shall be at least twelve (12) inches with three (3) canes for Section 18-3(a)(2), lines 3 and 5, at least two (2) feet with three (3) canes for all other lines of Section 18-3(a)(2), and three (3) feet with four (4) canes for Section 18-3(a)(1) in average height when installed. After approval by the Division of Environmental Services and with the exception of the 12-inch plants, shrubs and hedges may be pruned to one-half (½) the height in accordance with accepted horticultural practices. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of the final approval of each planting or replanting. Privet (*Ligustrum* species) cannot meet the opacity requirements and may not be used to satisfy the requirements of this Article. The height of the planting shall be measured from the level of the surface of the vehicular use area at the edge closest to the screening.
  - (5) *Vines.* Shall be at least twelve (12) or fifteen (15) inches high at planting, and are generally used in conjunction with walls or fences.
  - (6) *Grass or Ground Cover.* Grass of the fescus (*Gramineae*) or Bluegrass (*Poaceae*) family shall be planted in species normally grown as permanent lawns in Fayette County, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted not more than fifteen (15) inches on center and in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.
- (d) *Maintenance and Installation.* All landscaping required by this Article shall be installed and maintained by the owner in compliance with the standards specified in Section 4 of the Planting Manual and the American National Standards (ANSI A300) and, as applicable, the requirements specified in Lexington-Fayette Urban County Government Ordinances No. 1-91 and No. 34-92 (Man o' War Boulevard), No. 134-89 (Old Frankfort Pike), No. 133-89 (Georgetown Road), No. 213-83 and No. 266-87 (Richmond Road), No. 42-98 (Downtown Street Trees), and No. 85-2008 (Newtown Pike), all available in the offices of the Division of Environmental Services; or any other future amendments to these ordinances. Any landscape material that fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. The person in charge of, or in control of, the property, whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible

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for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant materials shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Sizes for the above-mentioned replacements shall be as provided in Subsection (c)(2) of this section. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this Article. Except as provided above, the removal of landscape materials requires the approval of the Division of Environmental Services. When trees are removed, other than as permitted above, such trees shall either be replaced with the necessary number two and one-half (2½)-inch caliper trees to equal the total caliper of trees removed, or with trees of the same caliper as those that were removed. All replacement trees shall be planted in the original location unless an alternate location is approved by the Division of Environmental Services. Violation of these installation and maintenance provisions shall be grounds for the Division of Building Inspection to refuse a building occupancy permit, or for the Division of Environmental Services to require replacement of landscape material or institute legal proceedings to enforce the provisions of this Article.

(Code 1983, § 18-4; Ord. No. 201-86, § 1, 10-2-1986; Ord. No. 198-87, § 1, 8-27-1987; Ord. No. 100-96, § 1, 6-27-1996; Ord. No. 11-2011, § 1, 2-3-2011; Ord. No. 124-2017, § 4, 8-31-2017; Ord. No. 45-2019, § 1, 2, 7-2-2019)

### **Sec. 18-5. Plan submission and approval.**

Whenever any property is affected by these landscape requirements, the property owner or developer shall submit a landscape plan to the Division of Environmental Services. For any property where a vehicular use area for twenty (20) or more vehicles or six thousand (6,000) or more square feet is provided, the landscape plan shall be prepared and sealed by an architect, landscape architect or engineer licensed to practice in the State of Kentucky. For any property, where a vehicular use area for fifty (50) or more vehicles is provided, the landscape plan shall be prepared and sealed by a landscape architect licensed to practice in the State of Kentucky. The requirements of this Article shall be followed in approving or disapproving any landscape plan required by this Article. Landscape plans also may be submitted as part of any development plan required by the Planning Commission. Such "combination plans," however, shall be first submitted to the Division of Environmental Services for its approval or disapproval of the landscape portion of the plan.

- (a) *Plan Content.* The contents of the plan shall include the following:
- (1) Plot plan, drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines; easements; buildings and other structures; vehicular use areas (including parking stalls, driveways, service areas, square footage, etc.); water outlets and landscape material (including botanical name and common name, installation size, on center planting dimensions where applicable, and quantities for all plants used);
  - (2) Existing and proposed contours at two-foot intervals;
  - (3) Typical elevations and/or cross-sections as may be required;
  - (4) Title block with the pertinent names and addresses (property owner, person drawing plan, and person installing landscape material), scale, date, north arrow (generally orient plan so that north is to top of plan), and zone;
  - (5) Requirements or an approved tree protection plan applicable to the site, per Article 26, Tree Protection Standards.

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- (b) *Building Permit and Certificate of Occupancy.* Where landscaping is required, no building permit shall be issued until the required landscaping plan has been submitted and approved; and no Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Division of Environmental Services. If the required landscaping has not been completed and a Temporary Certificate of Occupancy is issued under Section 5-4(a) of this Zoning Ordinance, a full cash bond or irrevocable letter of credit from a banking institution with offices in Fayette County shall be posted at that time. The amount of the bond or letter of credit shall be based upon the cost of the proper installation of the uninstalled landscape material shown in the submitted plan, with the cost certified by a landscape contractor. The amount of the bond or letter of credit shall also include an inflation factor and/or administrative contingency cost of no more than twenty-five percent (25%) of the base cost, as determined by the Division of Environmental Services, to complete the work in the event of the foreclosure of the bond or letter of credit.
- (c) *Posting of a Full Cash Bond or Irrevocable Letter of Credit.* After a full cash bond or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within three (3) months after the date of posting the full cash bond or irrevocable letter of credit. A one-month extension of the planting period may be granted by the Division of Environmental Services upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant materials. No more than three (3) such one-month extensions may be granted. The full cash performance bond or irrevocable letter of credit shall be called if the required landscaping has not been installed by the end of the approved planting period, and the Division of Environmental Services shall apply the proceeds of the bond or letter of credit to have the work completed.

(Code 1983, § 18-5; Ord. No. 201-86 , § 1, 10-2-1986; Ord. No. 289-2000 , § 1, 9-14-2000; Ord. No. 124-2017 , § 5, 8-31-2017)

### **Sec. 18-6. Planting manual and plant materials list.**

Developers shall refer to the Planting Manual and Plant Materials List, which are available at the offices of the Division of Planning and the Division of Environmental Services for minimal requirements to use in meeting the provisions of this Article. Any materials that are not on the Plant Materials List shall be considered on an individual basis to determine the suitability of the specific plant in the proposed location. A plant not on the Plant Materials List shall be permitted only upon the expressed approval of the Division of Environmental Services.

(Code 1983, § 18-6; Ord. No. 124-2017 , § 6, 8-31-2017)

### **Sec. 18-7. Variances.**

Any landscape plan submitted to, and disapproved by the Division of Environmental Services because it does not meet the requirements of this Article, may be appealed within sixty (60) days of such action to the Board of Adjustment.

- (a) *Landscape Review Committee.* To aid the Board of Adjustment in the performance of the duties imposed by this Article, there is hereby created a Landscape Review Committee.
- (b) *Membership.* The Landscape Review Committee shall consist of five (5) members, to be appointed by the action of the Board of Adjustment. One member shall be a nurseryman or horticulturist, one (1) shall be a landscape architect, one (1) shall be a member of the Lexington Homebuilder's Association, one (1) shall be a member of the Urban County Tree Board and one (1) shall be a member of the Board of Adjustment. The term of the Board of Adjustment member shall be the same as his Board of Adjustment appointment. For others, at the initial appointment, one (1) shall be appointed for four (4)

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years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. Subsequent appointments shall be for four (4) years.

- (c) *Organization and Meetings.* The Landscape Review Committee shall elect a chairman and any other officers deemed necessary, and keep official minutes of its meetings and recommendations. The Division of Planning shall perform staff service for the committee. Meetings shall be held at regularly scheduled times, or at the call of the chairman, or by joint action of two (2) members. In any case, notification shall be given to all members at least six (6) days prior to any meeting. A quorum shall consist of three (3) members, and official recommendations may be decided by the vote of two (2) members when a quorum is present.
- (d) *Reviewing Variance Requests.* The committee, in its review of said recommendations on variance requests, shall base its recommendations on all of the following criteria:
  - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
  - (2) The strict application of the provisions of this Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
  - (3) Such special circumstances are not the result of actions of the applicant subsequent to the adoption or amendment of this Zoning Ordinance.
  - (4) Reasons that the variance will adversely effect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.
- (e) *Recording.* Whenever the committee makes a recommendation, such recommendation shall be forwarded to the Board of Adjustment, the Division of Environmental Services, and be properly described in the committee's minutes.

(Code 1983, § 18-7; Ord. No. 201-86 , § 1, 10-2-1986; Ord. No. 124-2017 , § 7, 8-31-2017)

### **Sec. 18-8. Enforcement.**

Violations of this Article 18 are subject to the penalty provisions in Section 5-8 and may be enforced through the issuance of a civil citation pursuant to Section 5-9.

(Code 1983, § 18-8; Ord. No. 11-2011 , § 2, 2-3-2011)

## **Article 21 DEVELOPMENT PLANS**

### **Sec. 21-1. Intent and purpose.**

The purpose of this Article is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This Article outlines the content and procedure for submission, review, and approval, of all development plans required by the Zoning Ordinance and Subdivision Regulations unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.

(Code 1983, § 21-1)



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- (a) *On-Site Meeting.* Prior to the submission of a development plan, the owner/developer shall contact the Urban Forester who will determine if an on-site meeting with the developer's design professional and/or other pertinent Urban County Government staff is necessary.
  - (b) *Filing.* To formally request Planning Commission action on the development plan, the developer shall file a completed application form, filing fee and copies of the plans as required by the Commission's adopted filing and fee schedules with the Division of Planning. The Division of Planning shall make copies of the plan available to all other concerned agencies.
  - (c) *Review.* The Division of Planning and concerned agencies shall review the development plan, and then meet together as a Technical Committee to try to resolve all differences and to make recommendations to the Commission's Subdivision Committee. The Subdivision Committee will review all recommendations, and then forward their recommendations to the Commission. These Committee meetings shall be open to the developer and to any interested citizen, however, each Committee may impose rules which control participation by non-members in attendance. The developer may secure recommendations from the staff at any of the review checkpoints, and proceed to make plan changes so that revised plans may be submitted to the remaining review groups.
    - 1. The Subdivision Committee shall have the authority to require an applicant to prepare a traffic impact study for significant developments per Article 6-1(a). These Committee meetings shall be open to the developer and to any interested citizen, however, each Committee may impose rules which control participation by non-members in attendance. The developer may secure recommendations from the staff at any of the review checkpoints, and proceed to make plan changes so that revised plans may be submitted to the remaining review groups.
    - 2. The Subdivision Committee shall have the authority to require an applicant to prepare a Parking Demand Mitigation Study for significant developments per Article 16-14.

(d) *Commission Action.*

No development plans shall be considered for action by the Commission until they have been reviewed by, and recommendations made by the Subdivision Committee unless this requirement is waived by the Commission under its adopted late filing procedures. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed for Commission action with the Division of Planning, unless the developer agrees to a longer time period. However, in the case of a development plan filed in conjunction with a map amendment request, the Planning Commission may postpone the development plan until after the Urban County Council has made its decision on the map amendment request. For cases such as these, the Commission shall either approve or disapprove the development plan within sixty (60) days of the date of Council action on the map amendment request unless the developer agrees to a longer time period.

The Commission will review the Subdivision Committee's recommendation and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of this Zoning Ordinance, and when applicable, the Land Subdivision Regulations or if it finds there are existing or potential flood, drainage, traffic, topographic, health, safety, nuisance or other similar problems relating to the development of the subject property. In addition to these items, development plans which seek to amend the original development plan or its approved amendments shall also be subject to the provisions of Section 21-7(e) hereinbelow. Reasons for action of postponement or disapproval shall be fully incorporated in the Commission's minutes. The following actions by the Commission shall have the meanings so stated:

- (1) *Approval.* Means the development plan is ready to be certified by the Commission's Secretary with no further corrections or revisions of the plan required by the developer.

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- (1) The developer shall meet with the Division of Planning no later than five (5) working days in advance of the filing deadline to discuss the appropriateness of filing a combined plan.
  - (2) The plan shall show all information required for a development plan (preliminary or final as appropriate) and all information required for preliminary subdivision plans as set forth in Section 5-2 of the Land Subdivision Regulations.
  - (3) Provisions relating to the timing of public or private streets or other public or common use improvements in relation to the timing of building permit issuance may be required.
- (d) *Preliminary Subdivision Plan May Be Substituted for Development Plans Required in Conjunction with map amendment request.* It is recognized that in certain cases, a preliminary subdivision plan would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, and the requirements for placement of structures within the zone, and where the developer sees fit to have plans prepared at the required level of detail for subdivisions plans prior to receiving a zone change approval. When a developer is required to provide a development plan under Section 21-3(c) hereinabove, and the developer desires to file a subdivision plan in its place, the developer shall meet with the Division of Planning in advance of filing the map amendment request to discuss the appropriateness of a substitution. In any disputed cases, the Planning Commission shall make the final judgments as to whether a development plan or subdivision plan is required.

(Code 1983, § 21-8; Ord. No. 174-88 , § 1, 7-14-1988)

## **Article 23 EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS**

### **Sec. 23-1. Purpose.**

As a part of adoption of the Comprehensive Plan, the Planning Commission adopted an Expansion Area Master Plan (EAMP) element, which sets forth provisions to guide growth within designated Expansion Areas (EA) to Lexington-Fayette County's Urban Service Area. The Expansion Area Master Plan is intended to establish a new approach to development coordination and regulation than has been previously used within the existing Urban Service Area. The Expansion Area Master Plan encourages innovative design and a range of uses which are integrated into the development; encourages development which is sensitive to the topographic features and the unique rural character of the Bluegrass; encourages the new development within the Expansion Area to function as a "community" with a mix of uses, housing types and land for economic development and community facilities, including parks, public facilities, and community centers. The purpose of this Article and its appendices is to provide the necessary implementing regulations to achieve the goals of the Expansion Area Master Plan.

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(Code 1983, § 23A-3; Ord. No. 196-96 , § 1, 10-3-1996; Ord. No. 353-2000 , § 1, 11-16-2000; Ord. No. 166-2017 , § 11(23A-3), 11-16-2017)

#### **Sec. 23A-4. Conservation District (CD) Zone.**

- (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.
- (b) *Principal Uses.*
1. Outdoor commercial and non-commercial 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 one thousand (1,000) 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.
- (c) *Accessory Uses.*
1. Private garages, storage sheds, and parking lots.
- (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 sixty-one (61) to one hundred eighty (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.
- (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.
- (f) *Maximum Height of A Building.* Thirty-five (35) feet.
- (g) *Parking Requirements.* [\(See Article 16 and 18 for additional parking regulations\)](#)  
[No minimum requirements.](#)

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~~Outdoor Athletic Facilities: One space for every five (5) spectator seats.~~

~~Riding Stables, Sportsmen's Farms, and Zoological Gardens: Five spaces plus one (1) space for each employee.~~

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

~~Driving Ranges: One space per driving tee, plus one (1) space per employee, with a minimum of five (5) 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.~~

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(Code 1983, § 23A-4; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 60-2009, § 20, 5-7-2009; Ord. No. 99-2011, § 12, 8-25-2011; Ord. No. 137-2016, § 4(23A-4), 7-7-2016; Ord. No. 166-2017, § 11(23A-4), 11-16-2017)

### **Sec. 23A-5. Expansion Area Residential 1 (EAR-1) Zone.**

(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.

(b) *Principal Uses.*

1. Single-family, two-family, multifamily, and townhouse dwellings.
2. Community residences.
3. Golf courses and common open spaces.
4. Places of religious assembly when located adjacent to a street that has the functional classification of collector/boulevard or arterial.

5. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.

(c) *Accessory Uses.*

1. Private garages and parking areas.
2. Accessory Dwelling Units, as regulated in Article 3-12.
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 and home occupations.
5. Family childcare for up to six children.
6. The keeping of not more than two (2) roomers or boarders by a resident family.
7. Childcare facilities and schools for academic instruction when accessory to a place of religious assembly on the same property.
8. Non-commercial hiking and bicycling trails.

(d) *Conditional Uses.*

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1. Home-based businesses.
  2. Family Childcare for seven and not more than twelve (12) children, provided the total number of children living or being cared for on the premises shall not exceed twelve (12).
  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 (2) years or when all the lots are sold, whichever comes first.
  4. Clubhouse, with sale of food and merchandise, when accessory to a golf course.
  5. Historic house museums.
  6. Schools for academic instruction, except as permitted herein, but only when located on a lot adjacent to a street that has the functional classification of collector/boulevard or arterial.
  7. Equine trails.
  8. Seasonal activities.
  9. Market gardens.
  10. The short-term rental (defined in the Code of Ordinances) of Accessory Dwelling Units, as regulated in Article 3-12 of the Zoning Ordinance. 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 short-term rental facilities, if any, within the general neighborhood of the property being considered for such use.
- (e) *Prohibited Uses.* All uses not specifically listed as permitted shall be prohibited.  
Lot, Yard, Height, and Density Requirements.
- (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.)
- (g) *Maximum Height of Building.* Thirty-five (35) feet.
- (h) *Floor Area Ratio.* None; except where more than one (1) principal residential structure is placed on a lot, the FAR shall not exceed 0.5.
- (i) *Off-Street Parking Requirements.* (See Article 16 and 18 for additional parking regulations)
- ~~1. There shall be a minimum of one (1) space per dwelling unit for single family detached, duplex and townhouse residential units. Multifamily 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 (1) 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.~~
- No minimum requirements.
- Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(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.

(Code 1983, § 23A-5; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 84-2001, § 1, 4-5-2001; Ord. No. 311-2002, § 1, 12-5-2002; Ord. No. 207-2003, § 1, 8-28-2003; Ord. No. 108-2004, § 1, 5-25-2004; Ord. No. 227-2005, §§ 1, 2, 8-25-2005; Ord. No. 60-2009, § 21, 5-7-2009; Ord. No. 129-2016, § 1, 7-5-2016; Ord. No. 22-2017, § 5(23A-5), 3-2-2017; Ord. No. 166-2017, § 11(23A-5), 11-16-2017; Ord. No. 102-2021, §§ 11, 12, 10-28-2021)

**Sec. 23A-6. Expansion Area Residential 2 (EAR-2) Zone.**

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

(b) *Principal Uses.*

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

(c) *Accessory Uses.* As for EAR-1.

(d) *Conditional Uses.*

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

(e) *Prohibited Uses.* As for EAR-1.

Lot, Yard, Height, and Density Requirements.

(f) *Dwelling Unit Density.*

Minimum Density: Three (3) dwelling units per gross acre.

Maximum Density without DTR: Six (6) dwelling units per gross acre.

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Maximum Density with DTR: Nine (9) dwelling units per gross acre.

- (g) *Maximum Height of Building.* Thirty-five (35) feet.
- (h) *Floor Area Ratio.* None; except where more than one (1) principal residential structure is placed on a lot, the FAR shall not exceed 0.75.
- (i) *Minimum Front Yard.* Five (5) feet.
- (j) *Off-Street Parking Requirements.* (See Article 16 and 18 for additional parking regulations)

~~There shall be a minimum of one (1) space per dwelling unit for single-family detached, duplex and townhouse residential units. Multifamily 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.~~

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

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

(Code 1983, § 23A-6; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 226-98, § 1, 8-27-1998; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 108-2004, § 1, 5-25-2004; Ord. No. 171-2005, § 1, 7-7-2005; Ord. No. 60-2009, § 22, 5-7-2009; Ord. No. 166-2017, § 11(23A-6), 11-16-2017)

### **Sec. 23A-7. Expansion Area Residential 3 (EAR-3) Zone.**

- (a) *Intent.* The intent of the Expansion Area Residential 3 Zone is to provide a mixture of residential uses and housing types at a higher density than the other Expansion Area Residential zones, to allow density transfer from areas that should not be developed and to provide for well-designed neighborhoods.
- (b) *Principal Uses.* As for EAR-2.
- (c) *Accessory Uses.* As for EAR-2.
- (d) *Conditional Uses.* As for EAR-2.
- (e) *Prohibited Uses.* As for EAR-2.

Lot, Yard, Height, and Density Requirements.

- (f) *Dwelling Unit Density.*

Minimum Density: Six dwelling units per gross acre.

Maximum Density without DTR: Eighteen (18) dwelling units per gross acre.

Maximum Density with DTR: Twenty-four (24) dwelling units per gross acre.

- (g) *Maximum Height of Building:* Sixty (60) feet.
- (h) *Floor Area Ratio:* None.

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(i) *Minimum Front Yard:* Five (5) feet.

(j) *Off-Street Parking Requirements.* (See Article 16 and 18 for additional parking regulations)

~~There shall be a minimum of one (1) space per dwelling unit for single-family detached, duplex and townhouse residential units. Multifamily 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.~~

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(k) *Special Provisions.*

1. Affordable housing units shall not be considered as dwelling units for the purposes of calculating maximum density, provided the number of affordable units does not exceed eight (8) units per gross acre.
2. At least twenty-five percent (25%) of the net developable acreage of any project in the EAR-3 zone shall be open space.
3. Permitted schools shall not be located on a lot exceeding fifteen (15) acres in area.
4. No more than twenty-five percent (25%) of the required off-street parking for a multifamily residential development shall be located between the closest residential building and the right-of-way of any collector street.

(Code 1983, § 23A-7; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 108-2004, § 1, 5-25-2004; Ord. No. 60-2009, § 23, 5-7-2009; Ord. No. 112-2015, § 1, 10-8-2015; Ord. No. 166-2017, § 11(23A-7), 11-16-2017)

### **Sec. 23A-8. Transition Area (TA) Zone.**

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

(b) *Principal Uses.*

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

(c) *Accessory Uses.* As for the underlying EAR zoning category.



- (d) *Conditional Uses.* As for the underlying EAR zoning category.
  - (e) *Prohibited Uses.* As for the underlying EAR zoning category.  
Lot, Yard, Height, and Density Requirements.
  - (f) *Dwelling Unit Density.* As for the underlying EAR zoning category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the density shall be as provided for the CC zone hereinbelow.
  - (g) *Maximum Height of Building.* As for the underlying EAR category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the maximum permitted height shall be forty-eight (48) feet.
  - (h) *Floor Area Ratio.* As for the underlying EAR zoning category; except that when the property zoned TA is included as an integral part of the development plan for adjacent land in the Community Center zone, the FAR shall be as provided for the CC zone hereinbelow.
  - (i) *Minimum Front Yard.* Five (5) feet
  - (j) *Off-Street Parking Requirements.* (See Article 16 and 18 for additional parking regulations)  
~~1. Residential Uses. As per the underlying EAR category.~~  
~~2. Other Permitted Uses. Parking shall be as provided elsewhere in the Zoning Ordinance within the zone where the use is first permitted.~~  
No minimum requirements.  
Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
  - (k) *Special Provisions.*
    - 1. As per the underlying EAR zoning category.
- (Code 1983, § 23A-8; Ord. No. 196-96 , § 1, 10-3-1996; Ord. No. 353-2000 , § 1, 11-16-2000; Ord. No. 166-2017 , § 11(23A-8), 11-16-2017)

### **Sec. 23A-9. Community Center (CC) Zone.**

- (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 nonresidential uses which serve the needs of the surrounding residential neighborhoods.
- (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. Places of religious assembly.
  - 5. Libraries, museums, art galleries, and reading rooms.
  - 6. Medical and dental offices, clinics, and laboratories.

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- (a) Depiction of human genitals in a state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse or sodomy; or
  - (c) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.
24. Pool or billiard halls.
25. Primitive campgrounds; farm tours; hayrides; corn mazes; outdoor rodeos; riding stables; horse shows; fishing lakes; hunting and trapping; sportsmen's farms; and zoological gardens.

Lot, Yard, Height, and Density Requirements.

- (f) *Dwelling Unit Density*. No limitation (See Special Provisions below).
- (g) *Maximum Height of Building*. Forty-eight (48) feet.
- (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.
- (i) *Minimum Front Yard*. Five (5) feet.
- (j) *Off-Street Parking Requirements*. (See Article 16 and 18 for additional parking regulations.)
  - ~~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.~~
  - ~~No minimum requirements.~~
  - Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (k) *Special Provisions*.
  - 1. At least twenty-five percent (25%) of the net developable acreage of any development within a CC zone shall be open space.
  - 2. At least forty (40) percent 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, places of religious assembly and their accessory structures; and public buildings.
  - 3. No building shall exceed twenty thousand (20,000) square feet in floor area, except:
    - a. A building that contains a mix of residential and nonresidential uses; or
    - b. A building designed and intended to be used for a school, place of religious assembly or public building;
    - c. A building is designed and intended to be used principally as a store selling food, produce and other grocery items (not primarily general merchandise) and not exceeding eighty thousand (80,000) square feet; and
    - d. Up to two (2) 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 thirty (30) net contiguous acres, and that has frontage on an interstate interchange;

2. The building shall be part of an integrated development governed for all contiguously zoned CC land (excluding right-of-way) by a single development plan; and
3. Any building exceeding eighty thousand (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 twenty thousand (20,000) square feet by Subsections (k)3.c and d of this section (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 Section 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.

(Code 1983, § 23A-9; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 222-98, § 1, 8-27-1998; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 108-2004, § 1, 5-25-2004; Ord. No. 89-2005, § 1, 4-21-2005; Ord. No. 60-2009, § 24, 5-7-2009; Ord. No. 99-2011, § 13, 8-25-2011; Ord. No. 100-2011, §§ 11, 12, 8-25-2011; Ord. No. 122-2012, § 1, 10-11-2012; Ord. No. 125-2014, § 1, 10-9-2014; Ord. No. 68-2015, § 1(23A-9), 6-18-2015; Ord. No. 75-2017, § 1(23A-10), 5-25-2017; Ord. No. 166-2017, § 11(23A-9), 11-16-2017)

### **Sec. 23A-10. Economic Development (ED) Zone.**

- (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.
- (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, including agricultural research and experimentation facilities.
  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.

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- k. Libraries, museums, art galleries, and reading rooms.
  - l. Multi-family dwellings and townhouses, three (3) or more units.
  - m. Pharmacy and retail sale of medical equipment and supplies.
  - h. Restaurants, with or without drive-through facilities.
  - o. Studios for work or teaching of fine arts.
  - p. Telephone exchanges, radio and television studios, including line of sight relay facilities.
  - q. Television system signal distribution centers and studios, including line of sight relay facilities.
  - r. Ticket and travel agencies.

s. Shared parking court, as regulated by Article 16-5(b)(4), where depicted on a certified development plan.

(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. Offices.
- 4. Recreational facilities, except as otherwise permitted herein.
- 5. 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.
- 6. Storage and warehousing.
- 7. Meeting and conference centers.
- 8. 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.
- 9. For premises not permitted under 23A-10(b)(14) 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.
- 10. Drive-through facilities for the provision of services otherwise permitted herein.

(d) *Conditional Uses.*

- 1. Kindergartens, nursery schools and childcare centers, where enrollment of children is sponsored and licensed by established places of religious assembly and non-profit community based groups; and/or where enrollment may be limited to children of employees and staff of an office, business or commercial establishment that is located within the contiguous ED zone as the proposed childcare facility. A fenced and screened play area shall be provided in an area located a minimum of ten (10)

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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 sixty-one (61) to one hundred eighty (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.
6. Market gardens.

(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 towers.
3. Dormitories.

Lot, Yard, Height, and Density Requirements.

(f) *Maximum Height of Building.* 120 feet.

(g) *Floor Area Ratio.* A maximum of 1.0.

(h) *Minimum Front Yard.* Five (5) feet.

(i) *Off-Street Parking Requirements.* ~~(See Article 16 and 18 for additional parking regulations.) 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.~~

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(j) *Special Provisions.*

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1. At least 25% of the net developable acreage of any development within an ED zone shall be open space. Such open space may be clustered across multiple lots or tracts to facilitate the common use of the land.
  2. No structures other than sidewalks, transparent fences, or stone fences shall be located within five (5) feet of any public street right-of-way.
  3. No more than half of the ~~provided~~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 Section 18-3(a)(1).
  6. All principal uses, other than supportive 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.
  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 loudspeakers shall be permitted.
  10. No portion of a regional medical campus shall be located within one thousand (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).
  12. Supportive uses shall be principal permitted uses, regulated subject to the following requirements:
    - a. Supportive uses shall not exceed a maximum of eighteen percent (18%) of the otherwise permitted floor area within a development, as identified on the associated final development plan. Mixed Use buildings shall count toward the maximum permitted floor area of supportive uses herein, but not count toward the residential use maximum identified below in Article 23A-10(j)(12)(b). Structures dedicated solely to residential use shall not count toward the supportive use maximum because they will be limited by Article 23A-10(j)(12)(b) and (d).
    - b. Residential land uses shall not exceed eight and one-half percent (8.5%) of the gross land area within a development, as identified on the associated final development plan.
    - c. A maximum of twenty percent (20%) of all supportive uses may be constructed prior to construction of other principal permitted uses listed in Article 23A-10(b). The allowable floor area for supportive uses shall be calculated based upon the total number of gross acres within the boundary of the final development plan and the permitted maximum Floor Area Ratio established in Article 23A-10(g).

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- d. The maximum density for townhouses (3 or more units attached) shall be 12 dwelling units per gross acre, not to exceed 360 total townhouses. The maximum density of multi-family dwellings shall be 24 dwelling units per gross acre, not to exceed 360 total multi-family dwellings.

(Code 1983, § 23A-10; Ord. No. 196-96, § 1, 10-3-1996; Ord. No. 353-2000, § 1, 11-16-2000; Ord. No. 6-2007, § 1, 1-25-2007; Ord. No. 60-2009, §§ 25, 26, 5-7-2009; Ord. No. 99-2011, § 14, 8-25-2011; Ord. No. 89-2013, § 2, 8-15-2013; Ord. No. 91-2013, § 2, 8-29-2013; Ord. No. 22-2017, § 5(23A-10), 3-2-2017; ; Ord. No. 73-2017, § 1, 5-25-2017; Ord. No. 166-2017, § 11(23A-10), 11-16-2017; Ord. No. 013-2021, § 1, 3-11-2021)

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## Article 28 MIXED USE ZONING CATEGORIES

### Sec. 28-1. Intent.

The intent of this Article is to permit the development of zoning categories which promote the proper locations and regulation of development which inherently permits the mixing of residential and nonresidential uses. Such mixing of uses in appropriate location and subject to appropriate restrictions can create a combination of functions compatible with abutting residential neighborhoods. This Article is intended to provide neighborhood-based employment opportunities; provide support services that enhance livability of neighborhoods; enhance the use of public transit and alternative modes of transportation; revitalize established neighborhood commercial centers; and promote quality infill and redevelopment potential in accordance with the adopted Comprehensive Plan.

(Code 1983, § 28-1; Ord. No. 307-2002 , § 1, 12-5-2002)

### Sec. 28-2. Creation of zones.

This Article hereby creates zoning categories Mixed use 1 (MU-1), Mixed use 2 (MU-2), and Mixed use 3 (MU-3) as specifically regulated hereinbelow.

(Code 1983, § 28-2; Ord. No. 307-2002 , § 1, 12-5-2002)

### Sec. 28-3. Mixed use 1: Neighborhood Node Zone (MU-1).

Mixed use 1: "Neighborhood Node Zone (MU-1)" is hereby created and regulated as follows:

- (a) *Location Criteria.* MU-1 shall only be permitted on parcels which meet all of the following criteria:
1. The parcel must contain a combined total frontage of at least one hundred (100) feet of the intersection of two (2) streets, one (1) of which has the functional classification of arterial or collector, and must be located inside the Urban Service Area boundary.
  2. The parcel must contain at least five thousand (5,000) square feet and may not exceed a maximum of one-half (½) acre.
  3. The parcel must be designated in a Medium, High, or Very High Density Residential, or Commercial Land Use Category in the Comprehensive Plan or currently zoned for commercial use.
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-1 zone:
1. Dwelling units.



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2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be considered accessory uses in the MU-1 zone:
1. The accessory uses permitted in the P-1 and B-1 zone except for drive-through facilities.
- (d) *Conditional Uses.* The following shall be conditional uses in the MU-1 zone:
1. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (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.
- (e) *Prohibited Uses.* The following uses shall be prohibited in an MU-1 zone:
1. The following principal uses in the B-1 zone: automobile service stations; parking lots and structures; outdoor miniature golf or putting courses; circuses and carnivals on a temporary basis; indoor theaters; arcades, including pinball and electronic games; pawnshops.
  2. The following accessory use in the B-1 zone: drive-through facilities, the rental of trucks (single rear axle, 28-foot maximum overall length), trailers and related items in conjunction with the operation of an automobile service station, provided the service station abuts a state or federal highway and does not abut a residential zone.
  3. All B-1 conditional uses.
  4. All uses listed as prohibited in the B-1 zone.
- (f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:
1. Floor Area Ratio: Maximum 1.0.
  2. Height: Thirty-five (35) feet Maximum.
  3. Front Yard: No limitation for first or second story; any third floor shall be set back at least fifteen (15) feet; also see Subsection (h)(5) of this section, below.
  4. Each Side Yard:
    - For one- and two-story structures, ten (10) feet.
    - For three-story structures, twenty (20) feet.
  5. Rear Yard: Ten (10) feet or thirty percent (30%) of lot depth, whichever is greater.
  6. Open Space: Ten percent (10%)
  7. Lot Coverage: No limitation.
- (g) *Parking Requirements.* ~~(See Article 16 and 18 for additional parking regulations.) Parking shall be required at the rate of 0.5 space per dwelling unit for residential uses, zero (0) space per mixed-income housing unit, and one (1) space per four hundred (400) square feet for nonresidential uses; except for restaurants, which shall provide the greater of one (1) space per two hundred (200) square feet or one (1) space per every four (4) indoor seats. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~
- No minimum requirements.
- Conditional Uses: The Board of Adjustment may establish additional requirements as needed.
- (h) *Special Provisions.* Special provisions shall be as follows:

1. No less than fifteen percent (15%), nor more than eighty-five percent (85%), of the floor area of any structure shall be required to be residential uses.
2. Only one (1) principal structure shall be permitted per MU-1 site.
3. All residential uses shall be required to be in the same structure as nonresidential uses.
- ~~4. When MU-1 zoning is applied to a site where an existing structure is adapted for mixed use, and sufficient parking does not exist, the level of non-conformity may be permitted to remain.~~
45. Within the Infill and Redevelopment Area, at least sixty percent (60%) of the front building wall shall be required to be built at the zero-foot setback line. When the Planning Commission requires additional sidewalk or pedestrian areas the edge of the pedestrian area shall be construed as the zero-foot setback. Where a sight distance triangle is required, the sight distance line shall be construed as the zero-foot setback; and for buildings facing on two (2) streets, only the longest front building face shall be subject to this requirement.
56. Signage shall be as permitted and restricted under Section 17-11(e) for a P-1 zone.

(Code 1983, § 258-3; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 134-2004, § 1, 6-24-2004; Ord. No. 59-2006, § 1, 3-9-2006; Ord. No. 129-2009, §§ 36—38, 7-2-2009; Ord. No. 99-2011, § 15, 8-25-2011; Ord. No. 015-2021, § 6, 3-18-2021)

#### **Sec. 28-4. Mixed use 2: Neighborhood Corridor Zone (MU-2).**

Mixed use 2: "Neighborhood Corridor Zone (MU-2)" is hereby created and regulated as follows:

- (a) *Location Criteria.* MU-2 shall only be permitted on parcels that meet all of the following criteria:
  1. The parcel must be located within the Urban Service Boundary and have at least one hundred sixty (160) feet of frontage on one (1) of the following streets: Tates Creek Road/High Street; Nicholasville Road/South Limestone; Southland Drive; South Broadway/Harrodsburg Road; Maxwell Street/Versailles Road; Old Frankfort Pike/Manchester Street; Midland Avenue/Winchester Road; Main Street/Richmond Road/Leestown Road; Georgetown Street; Georgetown Road; Newtown Pike; Russell Cave Road; Virginia Avenue; Bolivar Street; South Upper Street; Vine Street; Red Mile Road; North Broadway; Man O' War Boulevard; Citation Boulevard; or North Limestone Street.
  2. The parcel must contain at least one-half (½) acre and may not exceed a maximum area of four (4) acres.
  3. The parcel must be designated in a Medium, High, or Very High Density Residential or Commercial Land Use Category in the Comprehensive Plan or currently zoned for commercial use. If a property is recommended in the Comprehensive Plan for a Downtown Master Plan, Commercial Residential Mixed use, Industrial Mixed use, or Retail Trade/High Density Land Use Category, the parcel does not have to meet the street frontage criteria listed in Subsection (a)1 of this section, above.
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-2 zone:
  1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zone except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-2 zone:
  1. The accessory uses permitted in the P-1 and B-1 zones, except for drive-through facilities.

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- (d) *Conditional Uses:* The following shall be conditional uses in the MU-2 zone:
1. Drive-through facilities as an adjunct to a permitted use.
  2. Temporary structures designed for use or occupancy for sixty-one (61) to one hundred eighty (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.
- (e) *Prohibited Uses.* Prohibited uses shall be as for the MU-1 zone, except for drive-through facilities which are permitted as a conditional use.
- (f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:
1. Floor Area Ratio: Maximum 2.0.
  2. Maximum Building Height: Fifty-five (55) feet.
  3. Front Yard: No limitation for first or second story; any third and additional floors shall be set back at least fifteen (15) feet if located adjacent to a residential zone, including any that may be separated by a street right-of-way fifty (50) feet or less in width; also see Subsection (h)(3) of this section, below.
  4. Each Side Yard: For one- and two-story structures, ten (10) feet; for three-story structures and higher, ten (10) feet, unless adjacent to a residential zone; then a 1:1 height-to-yard ratio.
  5. Rear Yard: Ten (10) feet unless adjacent to a residential zone; then a 1:1 height-to-yard ratio.
  6. Open Space: Ten percent (10%).
  7. Lot Coverage: Maximum seventy-five percent (75%).
- (g) *Parking Requirements.* ~~(See Article 16 and 18 for additional parking regulations.) Off-street parking shall be required at the rate of three (3) spaces for every two (2) dwelling units, or 0.9 spaces per bedroom (whichever is greater) for residential uses, zero (0) spaces per mixed-income housing unit; one (1) space per three hundred (300) square feet. Fifty percent (50%) of the parking provided for nonresidential uses may be counted to satisfy residential parking requirements. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~
- ~~No minimum requirements.~~
- ~~Conditional Uses: The Board of Adjustment may establish additional requirements as needed.~~
- (h) *Special Provisions.* Special provisions shall be as follows:
1. No less than fifteen percent (15%), nor more than eighty-five percent (85%), of the floor area of any structure shall be required to be residential uses, except where multiple principal structures are involved. In such cases, mixing within a single structure shall not be required after the fifteen percent (15%) minimum mix of residential to nonresidential uses has been achieved in multiple-use structures. Once the MU-2 project has reached ten thousand (10,000) square feet of commercial use, additional commercial square footage will not be required.
  2. For any MU-2 project located on a site recommended for "Professional Services" in the Comprehensive Plan, uses first permitted in the P-1 zone shall be required on at least seventy-five percent (75%) of the nonresidential floor area of the project. For any MU-2 project located on a site recommended for MD, HD, or VHD in the Comprehensive Plan, the project shall meet at least the minimum required residential density and the maximum amount of commercial floor area shall be limited to a maximum of fifty percent (50%) instead of eighty-five percent (85%) as listed in Subsection (h)1 of this section, above.

3. Within the Infill and Redevelopment Area at least forty percent (40%) of the front building wall(s) shall be required to be built at the zero-foot setback line. Where the Planning Commission requires additional sidewalk or pedestrian areas the edge of the pedestrian area shall be construed as the zero-foot setback. Where a sight distance triangle is required, the sight distance line shall be construed as the zero-foot setback; and for buildings facing on two (2) streets, only the longest front building face shall be subject to this requirement. However, the Planning Commission may increase the zero-foot setback line where it makes a finding that the strict application of the zero-foot setback would be inappropriate for the property, creating an environmental problem; vehicular, pedestrian or bike traffic problems; or a development incompatible with the surrounding neighborhood.
- ~~4. When MU-2 zoning is applied to a site where an existing structure is adapted for mixed use, and sufficient parking does not exist, the level of non-conformity may be permitted to remain.~~
45. Signage within the MU-2 zone shall be as permitted and restricted under Section 17-11(n) of this Zoning Ordinance.

(Code 1983, § 28-4; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 134-2004, § 1, 6-24-2004; Ord. No. 59-2006, § 2, 3-9-2006; Ord. No. 15-2009, § 1, 2-12-2009; Ord. No. 60-2009, § 29, 5-7-2009; Ord. No. 129-2009, §§ 39–42, 7-2-2009; Ord. No. 99-2011, § 16, 8-25-2011; Ord. No. 015-2021, § 7, 3-18-2021)

### Sec. 28-5. Mixed use 3: Mixed use Community Zone (MU-3).

Mixed use 3: "Mixed use Community Zone (MU-3)" is hereby created and regulated as follows:

- (a) *Location Criteria.* MU-3 shall only be permitted on parcels that meet all of the following criteria:
  1. The parcel must be located within the Urban Service Area and have at least one hundred sixty (160) feet of frontage on one (1) of the following streets: Tates Creek Road/High Street; Nicholasville Road/South Limestone; Southland Drive; South Broadway/Harrodsburg Road; Maxwell Street/Versailles Road; Old Frankfort Pike/Manchester Street; Midland Avenue/Winchester Road; Main Street/Richmond Road/Leestown Road; Georgetown Street; Georgetown Road; Newtown Pike; Russell Cave Road; Virginia Avenue; Bolivar Street; South Upper Street; Vine Street; Red Mile Road; North Broadway; Man O' War Boulevard; Citation Boulevard; or North Limestone Street.
  2. The parcel must contain at least three (3) acres.
  3. The parcel must be designated in a Medium, High, or Very High Density Residential or Commercial Land Use Category in the Comprehensive Plan or currently zoned for commercial use. If a property is recommended in the Comprehensive Plan for a Downtown Master Plan, Commercial Residential Mixed use, Industrial Mixed use, or Retail Trade/High Density Land Use Category, the parcel does not have to meet the street frontage criteria listed in Subsection (a)1 of this section, above.
- (b) *Principal Permitted Uses.* The following shall be principal permitted uses in the MU-3 zone:
  1. Dwelling units.
  2. The principal permitted uses of the P-1 and B-1 zones, except as specifically prohibited hereinbelow.
- (c) *Accessory Uses.* The following shall be accessory uses in the MU-3 zone:
  1. The accessory uses permitted in the P-1 and B-1 zones, including drive-through facilities, except as prohibited under Subsection (e) of this section, below.

(d) *Conditional Uses.* The conditional uses in the B-1 zone except as prohibited under Subsection (e) of this section, below.

(e) *Prohibited Uses.* The following uses shall be prohibited in an MU-3 zone:

1. The following principal uses in the B-1 zone: parking lots; outdoor miniature golf or putting courses; circuses and carnivals on a temporary basis.
2. The following accessory uses in the B-1 zone: the rental of trucks (single rear axle, 28-foot maximum overall length), trailers, and related items in conjunction with the operation of an automobile service station, provided the service station abut a residential zone.
3. The following B-1 conditional uses; self-service car washes; animal hospitals or clinics; the rental of trucks (single rear axle, 28-foot maximum overall length), trailers and related items in conjunction with the operation of an automobile service station; gasoline pumps available to the public without an employee on site.
4. All uses listed as prohibited in the B-1 zone, except as permitted herein.

(f) *Lot, Yard, and Height Requirements.* Lot, yard, and height requirements shall be as follows:

1. Floor Area Ratio: Maximum 2.0.
2. Maximum Building Height: Eighty (80) feet if a building is located at the intersection of a street classified as an arterial with another arterial or collector street: seventy (70) feet for all other buildings.
3. Front Yard: No limitation for first or second story; any third and additional floors shall be set back at least fifteen (15) feet if located adjacent to a residential zone, including any that may be separated by a street right-of-way fifty (50) feet or less in width; see also Subsection (h)(3) of this section, below.
4. Each Side Yard: For one- and two-story structures, ten (10) feet; for three-story structures and higher, ten (10) feet, unless adjacent to a residential zone; then a 1:1 height-to-yard ratio.
5. Rear Yard: Ten (10) feet unless adjacent to a residential zone; then a 1:1 height-to-yard ratio.
6. Open Space: Fifteen percent (15%).
7. Lot Coverage: Maximum fifty percent (50%).

(g) *Parking Requirements.* ~~(See Article 16 and 18 for additional parking regulations.) Off-street parking shall be required at the rate of three (3) spaces for every two (2) dwellings, or 0.9 spaces per bedroom (whichever is greater) for residential uses; zero (0) parking spaces per mixed income housing unit; one (1) space per three hundred (300) square feet for other nonresidential uses. Fifty percent (50%) of the parking provided for nonresidential uses may be counted to satisfy residential parking requirements. Parking provided shall not exceed the minimum required number of spaces, plus fifty percent (50%) of the minimum.~~

No minimum requirements.

Conditional Uses: The Board of Adjustment may establish additional requirements as needed.

(h) *Special Provisions.* Special provisions shall be as follows:

1. No less than fifteen percent (15%), nor more than eighty-five percent (85%), of the floor area of any structure shall be required to be residential uses, except where multiple principal structures are involved. In such cases, mixing within a single structure shall not be required after the fifteen

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percent (15%) minimum mix of residential to nonresidential uses has been achieved in multiple-use structures. Once the MU-3 project has reached fifteen thousand (15,000) square feet of commercial use, additional commercial square footage will not be required.

2. For any MU-3 project located on a site recommended for "Professional Services" in the Comprehensive Plan, uses first permitted in the P-1 zone shall be required on at least seventy-five percent (75%) of the nonresidential floor area of the project. For any MU-3 project located on a site recommended for MD, HD, or VHD in the Comprehensive Plan, the project shall meet at least the minimum required residential density and the maximum amount of commercial floor area shall be limited to a maximum of fifty percent (50%) instead of eighty-five percent (85%) as listed in Subsection (h)1 of this section, above.
3. Within the Infill and Redevelopment Area at least forty percent (40%) of the front building wall(s) shall be required to be built at the zero-foot setback line. Where the Planning Commission requires additional sidewalk or pedestrian areas, the edge of the pedestrian area shall be construed as the zero-foot setback. Where a sight distance triangle is required, the sight distance line shall be construed as the zero-foot setback; and for buildings facing on two (2) streets, only the longest front building face shall be subject to this requirement. However, the Planning Commission may increase the zero-foot setback line where it makes a finding that the strict application of the zero-foot setback would be inappropriate for the property, creating an environmental problem; vehicular, pedestrian or bike traffic problems; or a development incompatible with the surrounding neighborhood.
- ~~4. When the MU-3 zoning is applied to a site where an existing structure is adapted for mixed use, and sufficient parking does not exist, the level of non-conformity may be permitted to remain.~~
- ~~45.~~ Signage within the MU-3 zone shall be as permitted and restricted under Section 17-11(o) of this Zoning Ordinance.
- ~~56.~~ An Entertainment Mixed use Project may be permitted by the Planning Commission for a tract of land with a minimum of ten (10) acres, and recommended by the adopted Comprehensive Plan for mixed use or a nonresidential land use, upon the approval of a preliminary development plan and a final development plan as provided in Article 21 herein. In its approval of such a development plan, the Commission shall find that the location is both appropriate for the use, and compatible with neighboring land uses. The parcel shall be subject to the MU-3 zone regulations above and the following requirements:
  - (a) Subdivision of land in an Entertainment Mixed use Project is permitted, subject to the following regulations:
    1. 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.
    2. 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.
  - (b) At least twenty-five percent (25%) of the combined floor area of all buildings constructed within an Entertainment Mixed use Project shall be located on the second or higher floor.
  - (c) Where multiple principal structures are proposed within an Entertainment Mixed use Project:

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1. Mixing within a single structure shall not be required within the first forty percent (40%) of floor area for commercial use, or after the fifteen percent (15%) minimum mix of residential to nonresidential uses has been achieved in multiple-use structures. Once the project has reached fifteen thousand (15,000) square feet of commercial use, additional commercial square footage will not be required.
  2. The front building wall of at least fifteen percent (15%) of all buildings shall be required to be built at the zero-foot setback line.
- (d) Buildings within an Entertainment Mixed use Project may be a maximum of eighty (80) feet in height, regardless of location, provided a 1:1 height-to-yard ratio is maintained from any residential zone.
- (e) In addition to the uses otherwise permitted above in the MU-3 zone, the following uses shall also be permitted in an approved Entertainment Mixed use Project:
1. As Principal Permitted Uses:
    - a. Restaurants, cocktail lounges and nightclubs, with entertainment, dancing, and/or sale of malt beverages, wine or alcoholic beverages.
    - b. Motels, hotels and extended-stay hotels.
    - c. Indoor amusements, such as billiards or pool halls, skating rinks, theaters, or bowling alleys.
    - d. Athletic club facilities.
    - e. Drive-in restaurants, provided that all outside food service shall be at least one hundred (100) feet from any residential zone.
    - f. Animal hospitals or clinics, including offices of veterinarians, provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
    - g. Grandstands associated with horse race tracks with allotted race meets, including simulcast facilities, accessory restaurants and/or the serving of alcoholic beverages provided that such structures or uses, not including accessory parking areas, shall be at least one hundred (100) feet from any residential zone.
  2. As Accessory (clearly incidental and subordinate) Uses:
    - a. Outdoor patios, when accessory to any permitted restaurant.
    - b. Conference centers, banquet facilities and convention facilities, when accessory to a hotel or motel.
  3. As Conditional Uses:
    - a. Self-service car washes.
    - b. Gasoline pumps available to the public without an employee on site.

~~4. Off Street Parking shall be provided for the uses listed below:~~

~~Cocktail Lounges, Night Clubs, Conference Facilities, Banquet Facilities, Convention Facilities or Restaurants with live entertainment or dancing: One (1) space for every one hundred fifty (150) square feet of floor area.~~

~~Conditional Uses: The Board of Adjustment may establish additional requirements as needed.~~

~~Drive-in Restaurants, with or without fixed seats: One (1) space for every three hundred (300) square feet of floor area, or one (1) space for every four (4) fixed seats, whichever is greater.~~

~~Extended Stay Hotels: One (1) space for every dwelling unit.~~

~~Grandstands for Horse Race Tracks: One (1) space per five (5) seats.~~

~~Hotels and Motels: One (1) space per guest suite.~~

(Code 1983, § 28-5; Ord. No. 307-2002, § 1, 12-5-2002; Ord. No. 134-2004, § 1, 6-24-2004; Ord. No. 59-2006, § 3, 3-9-2006; Ord. No. 15-2009, § 2, 2-12-2009; Ord. No. 60-2009, § 30, 5-7-2009; Ord. No. 129-2009, §§ 43—46, 7-2-2009; Ord. No. 227-2009, §§ 3—6, 11-5-2009; Ord. No. 015-2021, § 8, 3-18-2021)

## Sec. 28-6. Provisions applicable to all mixed use zones.

Provisions applicable to all mixed use zones shall be as follows:

- (a) *Development Plan Required.* All applications for a zone map amendment shall require the accompanying submission of a preliminary development plan. No development or occupancy of any existing structure for mixed use shall occur until a final development plan has been approved and certified. In addition to all requirements for development plans contained in Article 21, the Planning Commission shall consider the following plan features in its review. Approval of a development plan for any mixed use zone shall require a finding that the development plan complies with the provisions of Subsections (b) through (g) of this section, below.
- (b) *Pedestrian Accommodation.* Pedestrian accommodation shall be as follows:
  - (1) At least one (1) primary street level entrance to a building that faces any public street shall be oriented toward the public street.
  - (2) For at least one (1) location adjoining the street, a pedestrian entryway, including landscaping elements, has been provided to the site.
  - (3) Where two (2) or more buildings are proposed, they shall be arranged in a manner that provides an open space area, such as a plaza, courtyard or similar feature.
  - (4) Convenient and well-defined pedestrian access has been provided to the site, any abutting public transit stops, adjoining neighborhoods, between multiple buildings, open space areas and parking areas.
  - (5) A six-foot minimum unobstructed pedestrian walkway shall be provided to accommodate landscaping, street trees, street furniture, sidewalk cafes or other obstacles. Additional sidewalk width shall also be provided where high pedestrian traffic is anticipated.
  - (6) For any development within the Downtown Streetscape Master Plan Area, the development shall adhere to the provisions of that plan.
- (c) *Building Features.* Shall be as follows:
  - (1) For every primary wall plane:
    - a. A change of at least five (5) feet in depth and eight (8) feet in length shall be made for every eighty (80) feet of length or fraction thereof; or



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- b. Implementation of a minimum of three (3) of the following for every sixty (60) feet of length or fraction thereof:
    1. A change of at least one (1) foot in depth for at least one (1) story;
    2. A change in wall height of at least two (2) feet;
    3. A change in exterior material type, style, or finish for at least one (1) story;
    4. A minimum of twenty percent (20%) of the ground floor building face shall be transparent glass, including windows and doors.
  - (2) For every side or rear wall plane:
    - a. A change of at least eight (8) feet in length and five (5) feet in depth shall be made for every one hundred (100) feet in length; or
    - b. Implementation of a minimum of three (3) of the following for every eighty (80) feet of length or fraction thereof:
      1. A change of at least one (1) foot in depth for at least one (1) story;
      2. A change in wall height of at least two (2) feet;
      3. A change in exterior material type, style, or finish for at least one (1) story;
      4. A minimum of twenty percent (20%) of the ground floor building face shall be transparent glass, including windows and doors.
  - (3) The primary wall plane shall provide at least one (1) of the following features at ground level:
    - a. A balcony at least four (4) feet by five (5) feet.
    - b. A bay window with at least a one-foot offset, containing a minimum of twenty (20) square feet.
    - c. A covered entrance at least three (3) feet by three (3) feet.
    - d. A porch at least four (4) feet by six (6) feet, with a floor at least twelve (12) inches above grade.
    - e. A recessed entrance at least three (3) feet by five (5) feet.
  - (4) At least ten percent (10%) of any building face shall be transparent glass, including windows and doors.
  - (d) *Location and Assignment of ~~Provid~~Required Off-Street Parking.* At least fifty percent (50%) of provided parking spaces shall be located so as to not project between any front building face and any adjoining street, except an alley. The Planning Commission may require designation of certain spaces for use of residents only on the development plan.
  - (e) *Accessory Structures.* Shall be regulated as follows:
    1. The sides of any parking structure shall include one (1) or more of the following features:
      - a. First floor retail or office uses.
      - b. Murals or public art on at least fifteen percent (15%) of the building face.
      - c. Display cases on at least ten percent (10%) of the building face.
      - d. Landscaping in an area of at least five (5) feet in width, with plantings as specified in Article 18 for edges of vehicular use areas.