

WINCHESTER / CLARK COUNTY

ZONING ORDINANCE



REVISED 2014

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***Editor's note:** The zoning ordinance, as enacted in March, 1971, is printed in this appendix as adopted. The original arrangement, article numbers and headings, and section and subsection numbering, lettering and catch lines, have been retained. Amendments have been worked into their proper places and are indicated by history notes appearing in parentheses following the amended sections or subsections. The original zoning ordinance, all amendments and maps are on file in the office of the city clerk.

Cross references: Buildings and building regulations, Ch. 5; planning, Ch. 12.

State law references: Planning and zoning generally, KRS Ch. 100.

ARTICLE 1. GENERAL PROVISIONS

1.1 Adoption

WHEREAS the City of Winchester and Clark County, Kentucky, have been engaged in a joint planning effort to provide for the orderly development of the city and county, and WHEREAS providing for such development requires the adoption of various types of land use regulations, and WHEREAS it is desirable to revise the existing zoning order in order that it will conform to the existing Kentucky Revised Statutes with respect to planning and zoning, NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Winchester and ordered by the Fiscal Court of Clark County.

1.2 Title

This order is entitled "Revised Zoning Ordinance, City of Winchester and Revised Zoning Order, Clark County, Kentucky," and may be referred to as the "Zoning Order." The zoning maps referred to herein are entitled "Zoning Map, City of Winchester," and "Zoning Map, Clark County, Kentucky" and may together be referred to as the "Zoning Map." The Zoning Map is hereby made a part of the Zoning Order, and a certified copy of this zoning order is on file with the Clark County Clerk.

1.3 Purpose

The purpose of the Zoning Order is to promote the general welfare by establishing and regulating zoning districts throughout Winchester and Clark County for the specific purposes detailed in the Kentucky Revised Statutes. In establishing the zoning districts, this order seeks the general welfare by designating sufficient space for all necessary uses of the land, by protecting the permitted uses in each district from the undesirable effects of conflicting uses, and by ensuring the stable value of all permitted development. This order further seeks the general welfare by protecting the efficiency and encouraging the improvement of traffic circulation and access to the land in all districts in order that daily travel and commerce may increase in safety and may be carried forth with a minimum of delay for the benefit of all activities and persons in Winchester and Clark County.

1.4 Conflict with Other Instruments

In case of conflict between the Zoning Order or any part thereof and the whole or part of any existing or future ordinance of the City of Winchester or order of Clark County or the whole or part of any existing or future private covenants or deeds, the most restrictive in each case shall apply.

1.5 Separability

If any clause, sentence, subdivision, paragraph, section or part of this Zoning Order be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

1.6 Repeal of Conflicting Law

Upon adoption, this Zoning Order shall supersede and take precedence over the ordinance entitled "Zoning Ordinance" for the City of Winchester, Kentucky adopted on October 1, 1965, together with all amendments thereto, the zoning order adopted by the fiscal court of Clark County on July 29, 1965, and all zoning regulations previously adopted by the City of Winchester or Clark County, but shall not be retroactive in force and effect except as otherwise provided in this zoning order.

1.7 Application of Regulations

All existing and future structures and uses of premises within the City of Winchester and the unincorporated area of Clark County shall conform to all applicable provisions of the Zoning Order. Each zoning district is established to permit only those uses specifically listed as permitted, except as provided under the nonconforming provisions, and is intended for the protection of those uses. No other uses are permitted except as provided elsewhere in this Zoning Order.

1.8 Agricultural Land Use Exceptions

Notwithstanding any other provision of this Zoning Order, land which is used solely for agricultural, farming, dairying, stock-raising, or similar purposes shall have no regulations imposed as to building permits, certificates of occupancy, height, yard, location or courts requirements for agricultural buildings except that setback may be required for the protection of existing and proposed streets and highways and that all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters may be fully regulated.

1.9 Effective Date

The Zoning Order shall be in full force and effect at the date of its adoption by the legislative bodies of Clark County and the City of Winchester within their respective areas of jurisdiction.

ARTICLE 2. ZONING MAP

2.1 Adoption of Zoning Maps

The City of Winchester and the unincorporated area of Clark County are hereby divided into zones and districts as provided and described herein, and as shown on the Zoning Map which is hereby adopted by reference and declared to be a part of this Zoning Order.

2.2 Maintenance of Zoning Maps and Amendment Records

A complete and accurate copy of each of the official Zoning Maps shall be filed and available for public inspection in the office of the Planning Commission or the Zoning Enforcement Officer. A copy of each of the official Zoning Maps as originally adopted shall also be filed and available for public inspection in the office of the Clark County Court Clerk and the City Clerk of the City of Winchester. All amendments to the Zoning Maps shall be posted on the appropriate map within thirty (30) days after final approval of such amendment by the City of Winchester or the Fiscal Court of Clark County.

The enforcement officer shall also maintain an accurate record of all zoning map amendments, indicating the name of the applicant, the location and area of the zoning map amendment, the date of final action by the planning commission and the date of approval by the legislative body involved. A report of all zoning map amendments containing the aforementioned information shall be submitted

annually and within the first sixty (60) days of the following year. This report shall be submitted to the planning commission and made a part of their minute record. One copy of said annual report shall be filed in the office of the Clark County Court Clerk.

2.3 Interpretation of Zoning District Boundaries

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the Zoning Map.

- A. Where a zoning district boundary follows an alley, a street or railroad, the center line of the alley, street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. In any case where the exact location of a boundary is not clear, the Board of Zoning Adjustment shall use these rules to determine the exact location upon application by the enforcement officer for an original interpretation.

ARTICLE 3. ADMINISTRATION

3.1 Enforcement Officer

The planning commission shall designate and appoint one or more enforcement officers or zoning administrators who may be members of the commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the planning commission and to issue zoning permits and certificates of occupancy. The enforcement officers, in the performance of their duties and functions, may enter upon any land and make examination and surveys that do not occasion damage or injury to private property.

3.2 Zoning Permits

3.21 Required Prior to Construction or Alteration

It shall be unlawful to commence construction or alteration of any structure until the enforcement officer has issued a zoning permit authorizing such work, except as specified elsewhere in this Zoning Order. The planning commission may establish a schedule of reasonable fees to be charged for the issuance of zoning permits, which schedule must be approved by the city and county legislative bodies. An accounting procedure shall be established by the planning commission and an annual report of all such fees received by the planning commission shall be submitted.

3.22 Exceptions

No zoning permit or certificate of occupancy shall be required in the following cases:

- A. Recurring maintenance work regardless of cost.
- B. Construction or alteration of agricultural structures which conform to all setback requirements with respect to existing and proposed streets and highways.

- C. Installation of required improvements according to an approved preliminary subdivision plat or planned development plat.
- D. Those structures and uses specifically exempted by the terms of this order.

3.23 Procedure

- A. **Application:** In applying to the enforcement officer for a zoning permit, the applicant shall provide the enforcement officer with information indicating the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of all structures, yard depths, and any other information necessary for determining conformance with the Zoning Order. The County Health Officer's certificate approving proposed water and sewage facilities must accompany applications whenever such certificate is required by the terms of this Zoning Order or such a requirement is established by the Planning Commission. Other application requirements and procedures may also be established by the Planning Commission.
- B. **Permanent file:** The enforcement officer shall keep a permanent file of all applications with accompanying plans and all permits issued.
- C. **Issuance:** If the proposed construction or alteration conforms with all applicable provisions of the Zoning Order and all other applicable orders, regulations, and codes, the enforcement officer shall issue a zoning permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the enforcement officer shall refuse to issue a zoning permit and shall deliver written notice to the applicant stating the reasons for the refusal. The enforcement officer shall act upon applications for zoning permits within one week from the date of their submission.
- D. **Validity:** The issuance of a zoning permit by the enforcement officer shall not waive any provision of the Zoning Order.
- E. **Duration:** A zoning permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A zoning permit may be reviewed without fee upon review by the enforcement officer before it becomes void.

3.3 Certificates of Occupancy

3.31 Required Prior to Occupancy, Change of Use, and Under Other Conditions

It shall be unlawful to use any newly erected or altered structure or to change the use of any premises even though no structure was erected or altered until the enforcement officer has issued a certificate of occupancy authorizing such use except as specified elsewhere in this Zoning Order. The Planning Commission may establish a schedule of reasonable fees to be charged for the issuance of certificates of occupancy.

3.32 Procedure

- A. **Application:** In applying to the enforcement officer for a certificate of occupancy, the applicant shall notify the enforcement officer in writing of the date on which the use of any new or altered structures or the new use of any premises will be ready to commence. The County Health

Officer's certificate must accompany applications according to the requirements of this Zoning Order.

- B. **Permanent File:** The enforcement officer shall keep a permanent file of all applications and all certificates issued.
- C. **Issuance:** If the newly erected or altered structure and the new use of premises conform to all applicable orders, regulations, and codes, the enforcement officer shall issue a certificate of occupancy authorizing the use thereof. If the structure or use fails to conform, the enforcement officer shall refuse to issue a certificate of occupancy and shall deliver written notice to the applicant stating the reasons for the refusal. The enforcement officer shall inspect a new structure or the premises for which a new use is proposed and shall issue or refuse a certificate of occupancy within five days after the date on which the new use is ready to commence.
- D. **Validity:** The issuance of a certificate of occupancy by the enforcement officer shall not waive any provision of the Zoning Order.

ARTICLE 4. NONCONFORMING STRUCTURES AND USES

4.1 Nonconforming Structures

Nonconforming structures may remain subject to the following regulations:

- A. **Alterations**—A nonconforming structure shall not be enlarged, replaced or structurally altered except in conformance with the Zoning Order. Any structure, however, may be restored to a safe condition if declared unsafe by the enforcement officer or other public official with jurisdiction.
- B. **Reserved.**
- C. **Construction**—Proposed structures for which building and/or zoning permits have been issued prior to their designation as nonconforming by virtue of the adoption or amendment of the Zoning Order may be completed as originally intended and as indicated on said permits, provided that such structures are completed within one (1) year after the date on which the building permit was issued.

(Ord. No. 30-83, § 1, 1-11-84)

4.2 Nonconforming Uses

Nonconforming uses may be continued subject to the following regulations:

- A. **Extension**—a nonconforming use shall not be extended beyond the scope and area of its operation at the time of the adoption of the regulation which makes such use nonconforming.
- B. **Discontinuance**—whenever a nonconforming use of any structure or premises has been discontinued for a period of twelve months, except when government action or structural damage prevents such use, said structure or premises must thereafter be used in conformance with the Zoning Order.
- C. **Change**—the nonconforming use of premises may be changed to another nonconforming use, provided such new nonconforming use is permitted within the same or a more restrictive zoning district.
- D. **Restoration**—Whenever the nonconforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Zoning Order and the

nonconforming use resumed, provided that such nonconforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition.

- E. **Exception**—Cemeteries existing prior to the adoption of the Zoning Ordinance shall be permitted to expand or extend their boundaries to adjoining properties, provided that such expansion or extension shall only be permitted as a conditional use, subject to the requirements, conditions and procedures contained in Article 5 of the Zoning Ordinance.

(Ord. No. 21-2001, 12-18-01)

4.3 Nonconforming Lots

In any case where a lot of official record or a lot which has received final plat approval by the Planning Commission, at the date of the adoption or amendment of this Zoning Order does not conform to the width, depth or area requirements of this Zoning Order with respect to such lots, it shall be considered a legal nonconforming lot.

Any such lot which has received preliminary plat approval by the Planning Commission shall be reviewed by the Planning Commission and may be considered a legal nonconforming lot if it is found that such lot may reasonably be used as a building site for any structure or use permitted within the zoning district involved without requiring a dimensional variance.

Any subdivision or tract of land which has been previously rezoned to a residential classification may be developed in accordance with the lot area requirements for said zoning district rather than the area requirements contained in this Zoning Order, provided that all requirements of the subdivision regulations are observed.

4.4 Repairs and Maintenance

On any nonconforming structure or portion of structure and on any structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing or other parts, provided that the cubic content of the nonconforming structure or portion shall not be increased. Nothing in this Zoning Order shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or a part thereof.

ARTICLE 5. BOARD OF ZONING ADJUSTMENT

5.1 Appointment and Organization

The Board of Adjustment as constituted at the time of the adoption of this Zoning Order shall continue to operate in the manner hereinafter prescribed.

5.2 Powers and Duties

The Board shall have the following powers and duties:

- A. **Bylaws:** The Board shall adopt bylaws for its own government and shall keep minutes and records of all proceedings.
- B. **Administrative Review:** The Board shall hear and decide upon appeals from decisions of the enforcement officer. The Board shall decide on questions involving literal interpretations of the Zoning Order, shall interpret the exact location of zoning district boundaries, and shall

make only those other interpretations and decisions specifically delegated to it by the provisions of the Zoning Order.

- C. **Conditional Uses:** The Board shall have the authority to approve or disapprove applications for only those conditional uses upon which it has been specifically delegated to act by the provisions of the Zoning Order. The Board may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit. The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing and other applicable regulations.
- D. **Variance:** The Board shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the zoning regulation or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but no population density) of the zoning regulation would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.

Before any dimensional variance is granted, the Board must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

- 1. The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.
 - 2. The manner in which the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.
 - 3. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation.
 - 4. Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.
- E. **Other Variances:** The Board is also empowered to approve, disapprove or approve conditionally applications for the following:
 - 1. Variances from the requirements for noise level emission from industrial uses upon finding that bringing the source of the sound or activity for which the variance is sought into compliance would constitute an unreasonable hardship on the applicant, on the community, or on other persons. A separate application shall be filed for each source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application.

2. Variances from screening requirements of Articles 6.153 and 6.163. The Board shall utilize appropriate sections of the Landscape and Land Use Buffer Guidelines of the Clark County Conservation District as the minimum standards for any such variance.
- F. The Planning Commission shall also have authority to grant variances and issue conditional use permits only in the following circumstances:
1. In conjunction with approval of subdivision plans: In conjunction with the review and approval of subdivision plans, the planning commission is authorized to grant dimensional variances upon finding that:
 - a. The variance is a result of customary design standards or innovative design which, in the commission's opinion, still achieve the basic objectives of the zoning laws and subdivision regulations; or
 - b. Strict compliance with the regulations would create an undue hardship because of exceptional and unique topographic or other physical conditions encountered upon the particular land, and the resulting variance may be granted without detriment to the public good.
 2. In conjunction with the zoning map amendment:
 - a. At the time of the filing of an application for a map amendment, the applicant may request to have one or more variances and/or one or more conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment.
 - b. When so requested by the applicant, the Planning Commission shall hear and decide applications for variances or conditional use permits; and in such case, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustments pursuant to KRS 100.231, 100.233, 100.2327, 100.241, 100.243, 100.247 and 100.251. The decision of the Planning Commission shall be final.
 - c. Nothing in this section shall be deemed to prohibit the applicant from electing to have applications for variances or conditional use permits heard by the Board of Adjustments as otherwise provided in KRS 100 and this Zoning Ordinance.

(Ord. No. 20-82, § 3, 9-28-82; Ord. No. 18-95, § I, 5, 7-5-95)

5.3 Procedure

An application to the Board for an original interpretation or decision or an appeal from a decision of the enforcement officer shall be made in writing on forms prescribed by the Board and which provide sufficient information for administrative purposes. Additional statements or information with respect to the case involved may also be submitted by the applicant for review by the Board. An appeal must be filed within thirty (30) days after the enforcement officer has refused a zoning permit or certificate of occupancy or the right to appeal shall be waived. The enforcement officer shall transmit to the Board the complete record of the decision appealed.

The board shall hold a hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the Board shall make

their decision within 30 days after the hearing. The following rules shall govern all decisions made by the Board:

- A. **Limits of Authority:** The Board shall act only within the strict limits of its authority as defined in the Zoning Order. The Board has no authority to vary the use regulations or other regulations not specifically delegated to it. The Board shall not hold hearings on applications or appeals seeking decisions that the Board is not authorized to make.
- B. **Special Conditions:** The Board may attach special conditions to any decision it is authorized to make in order to ensure that the intent of the Zoning Order will be carried out.
- C. **Majority Vote Required:** The concurring vote of a majority of the entire membership of the Board shall be necessary in making any decision.
- D. **Additional Powers:** In exercising the above powers, the Board shall have all the powers of the enforcement officer in addition to its other powers and duties.

(Ord. No. 9-98, § 20, 6-2-98)

ARTICLE 6. ZONING DISTRICTS

6.1 Agricultural District (A-1)

6.11 Principal Uses Permitted

Agricultural, farming, dairying, stock-raising, horticulture, forestry, and related activities.

Single-family dwellings.

Class B and Class C manufactured homes.

Animal husbandry services, including veterinarians and animal hospitals.

(Ord. No. 29-83, § 2, 12-27-83; Ord. No. 17-88, § 1, 7-26-88;

Ord. No. 9- 98, § 1, 6-2-98)

6.12 Accessory Uses Permitted

Accessory uses customarily associated with the permitted uses listed above.

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms provided that three sleeping rooms are the maximum that shall be rented in any residence.

Signs identifying the agricultural activity on the same premises.

Tenant houses, including Class A, B, and C Manufactured homes, provided that only one such tenant house is permitted for each increment of fifty acres in excess of the minimum lot size required for the principal dwelling.

Sales of agricultural products produced on the premises.

Temporary structures used in the sale of agricultural products produced on the premises.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 29-83, § 3, 12-27-83; Ord. No. 42- 90, 11-27-90; Ord. No. 9-98, § 2, 6-2-98)

6.13 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Section 12, Definitions.

On a parcel of not less than fifteen (15) acres, one Class A, B, or C mobile home in addition to the principal dwelling, when occupied by a member of the immediate family of the owner of the principal dwelling.

(Ord. No. 22-81, § 1, 10-22-81; Ord. No. 29-83, § 4, 12-27-83; Ord. No. 1-2000, § 1, 2-1-00)

Privately owned outdoor recreational facilities such as golf courses, country clubs, riding stables, campgrounds, fishing lakes, and sportsman's clubs.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the Board of Adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within one mile of the property being considered for such use.

Churches, Sunday schools, parish houses and cemeteries.

Private schools and colleges for academic instruction.

Kennels, provided they are screened and fenced.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

Other appropriate uses as determined by the Board of Adjustments based on the Board's findings that the proposed use is of an agricultural character and a use that contributes to the agricultural economy; such as agritourism, agribusiness, value added agriculture activities or other alternative agriculture opportunities.

(Ord. No. 17-88, § 1, 7-26-88; Ord. No. 1-98, § 1, 1-20-98; Ord. No. 9-98, § 3, 6-2-98; Ord. No. 3-2008, § 1, 3-18-08)

6.14 Special Uses

6.141 Planned Development Project for a Rural Residential Cluster Development as regulated by Article 8, Section 8.7.

6.142 Family Farm Homesite as regulated by Article 8, Section 8.8.

6.143 Transfer of Development Rights as regulated by Article 8, Section 8.9.

(Ord. No. 30-83, § 1, 1-11-84; Ord. No. 3-99, § 1, 3-16-99)

6.15 Dimension and Area Requirements*

*Not applicable to agricultural structures as provided in KRS § 100-203(4) and Section 1.8 of the Zoning Ordinance.

Maximum Height:	35 feet
Minimum Lot Area:	43,560 sq. ft. (1 acre)
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	125 feet
Minimum Public Road Frontage:	250 feet**
Minimum Front Yard:	75 feet
Minimum Side Yard:	50 feet
Minimum Rear Yard:	50 feet

**Except as provided in Article 8, Section 8.7 and Section 8.8.
(Ord. No. 3-99, § 2, 3-16-99)

6.16 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.17 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.2 Single Family Residential (R-1A)

6.21 Principal Uses Permitted

Single Family dwellings.

6.22 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 4, 6-2-98)

6.23 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 42-90, 11-27-90; Ord. No. 1-98, § 3, 1-20-98; Ord. No. 9-98, § 5, 6-2-98)

6.23A Other Conditional Uses Permitted

Churches, libraries and country clubs are permitted conditional uses, subject, however, to the following special conditions:

1. Any other front and side yard limitations contained herein to the contrary notwithstanding, the minimum front and side yards permitted shall be the greater of:
 - a. [The principal structure at its highest point] (Exclusive of steeples, cupolas and the like multipliers by one and one-half (1 1/2);
 - b. The width of the principal structure divided by two (2);
2. The minimum lot area required shall be double that required for principal permitted uses.
3. In addition to the parking requirements contained in Article 10, no parking shall be permitted in the required side yards or required front yard.
4. As a minimum, the site shall be landscaped and buffered in accordance with the Landscape and Buffer Guidelines of the Clark County Conservation District, provided however, that the board of adjustment may, in its discretion, require such reasonable additional buffering as circumstances may require.
5. The site shall be located so as to provide ingress and egress directly onto a public street and so as not to create a traffic hazard.
6. Nothing herein shall be deemed to limit the power of the board of adjustment to attach other conditions, or to exercise any of the other powers granted to it under Article 5.

(Ord. No. 30-83, § 2, 1-11-84)

6.24 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.25 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with sanitary sewer:	18,000 sq. feet
Minimum Lot Area, without sanitary sewer:	43,560 sq. feet
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	125 feet
Minimum Front Yard:	50 feet
Minimum Side Yard:	20 feet
Minimum Rear Yard:	25 feet

6.26 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.27 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.3 Single Family Residential (R-1B)

6.31 Principal Uses Permitted

Single family dwellings.

6.32 Accessory Uses Permitted

Garage or other building not used as a dwelling accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 6, 6-2-98)

6.33 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 42-90, 11-27-90; Ord. No. 1-98, § 3, 1-20-98; Ord. No. 9-98, § 7, 6-2-98)

6.33A Other Conditional Uses Permitted

Churches, libraries and country clubs are conditional uses permitted, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 3, 1-11-84)

6.34 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.35 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with sanitary sewer:	14,000 sq. feet
Minimum Lot Area, without sanitary sewer:	43,560 sq. ft.
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	100 feet
Minimum Front Yard:	35 feet
Minimum Side Yard:	12 feet
Minimum Both Sides:	25 feet
Minimum Rear Yard:	25 feet

6.36 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.37 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.4 Single Family Residential (R-1C)

6.41 Principal Uses Permitted

Single family dwellings.

6.42 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms by a resident owner, provided that two sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 8, 6-2-98)

6.43 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Two family residences, provided that the property involved adjoins a district other than residential.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 42-90, 11-27-90; Ord. No. 1-98, § 4, 1-20-98; Ord. No. 9-98, § 9, 6-2-98)

6.43A Other Conditional Uses Permitted

Churches, libraries and country clubs are conditional uses permitted, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 4, 1-11-84)

6.44 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.45 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	9,000 sq. feet
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. feet
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	75 feet
Minimum Front Yard:	30 feet
Minimum Side Yard:	9 feet
Minimum Both Sides:	20 feet
Minimum Rear Yard:	25 feet

6.46 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.47 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.5 Single Family Residential (R-1D)

6.51 Principal Uses Permitted

Single family dwellings.

6.52 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms by a resident owner, provided that two sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 10, 6-2-98)

6.53 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Two family residences, provided that the property involved adjoins a district other than residential.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 42-90, 11-27-90; Ord. No. 1-98, § 5, 1-20-98; Ord. No. 9-98, § 11, 6-2-98)

6.53A Other Conditional Uses Permitted

Churches, libraries and country clubs, are conditional uses permitted, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 5, 1-11-84)

6.54 Reserved.

(Ord. No. 30-83, § 1, 1-11-84)

6.55 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	6,000 sq. feet
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. feet
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	60 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	7 feet
Minimum Both Sides:	16 feet
Minimum Rear Yard:	25 feet

6.56 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.57 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.5A Single-Family Residential (R-1E)

6.5A1 Principal Uses Permitted

Single-Family Detached Dwellings

6.5A2 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting or sleeping rooms by a resident owner, provided that two (2) sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

(Ord. No. 42-90, 11-27-90)

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

6.5A3 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Two family residences, provided that the property involved adjoins a district other than residential.

(Ord. No. 42-90, 11-27-90)

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the Board of Adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergarten, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

6.5A3A Other Conditional Uses Permitted

Churches, libraries and country clubs, are conditional uses permitted, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, Section 5, 1-11-84)

6.5A4 Reserved

(Ord. No. 30-83, Section 1, 1-11-84)

6.5A5 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area with Sanitary Sewer:	4,000
Maximum Lot Coverage:	65 per cent
Minimum Lot Width:	40 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	3 feet see note [§ 6.5A8] below
Minimum Rear Yard:	15 feet

6.5A6 Parking Requirements

Parking requirements are found in Article 10.

6.5A7 Sign Requirements

Sign requirements are found in Article 11.

6.5A8 Special Provisions

There shall be not less than six (6) feet at any point between the walls of each single-family residence. Side yards shall be determined as follows:

1. Where one wall of the structure is to be located on the side lot line, the yard on the opposite side shall be at least six (6) feet.
2. The final record plat shall designate the lots which are to have zero-lot-line structures under this provision.
3. A three (3) foot wall maintenance easement shall be provided on the lot adjacent to the zero-lot-line easement.
4. No wall, air conditioning unit, structure, or any other obstruction shall be located within the required side yard.
5. Any fence located in a required side yard must be entirely to the rear of the principal structure on the lot.

(Ord. No. 20-98, § 1, 12-1-98)

6.6 Two Family Residential (R-2)

6.61 Principal Uses Permitted

Single family residences.

Two family residences.

6.62 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms by a resident in a single family dwelling, provided that two sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 12, 6-2-98)

6.63 Conditional Uses Permitted

Home occupations in accordance with the standards set forth in Article 12, Definitions.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 42-90, 11-27-90; Ord. No. 1-98, § 6, 1-20-98; Ord. No. 9-98, § 13, 6-2-98)

6.63A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 6, 1-11- 84)

6.64 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.65 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	10,000 plus 3,000 sq. ft. for each unit over one
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. ft.
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	100 feet
Minimum Front Yard:	40 feet
Minimum Side Yard:	12 feet
Minimum Rear Yard:	25 feet

6.66 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.67 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.7 Multiple Family Residential (R-3)

6.71 Principal Uses Permitted

- Single family dwellings.
- Two family dwellings.
- Multi-family dwellings.

6.72 Accessory Uses Permitted

- Garage or other building not used as dwelling and accessory to the principal use.
- Private swimming pools, tennis courts and similar recreational facilities.
- Renting of sleeping rooms by a resident in a single family dwelling, provided that three sleeping rooms are the maximum that shall be rented in any residence.
- Home offices as defined in Article 12.
- Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 14, 6-2-98)

6.73 Conditional Uses Permitted

- Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.
- Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 1-98, § 7, 1-20-98; Ord. No. 9-98, § 15, 6-2-98)

6.73A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, and rest homes, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6. (Ord. No. 30-83, § 7, 1-11-84)

6.74 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.75 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	8,000 plus 2,500 sq. ft. for each unit over one
Minimum Lot Area, for without Sanitary Sewer:	43,560 sq. ft. each unit
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	70 feet
Minimum Front Yard:	35 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	25 feet

6.76 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.77 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.8 Multiple Family Residential (R-4)

6.81 Principal Uses Permitted

- Single family dwellings.
- Two family dwellings.
- Multi-family dwellings.

6.82 Accessory Uses Permitted

- Garage or other building not used as dwelling and accessory to the principal use.
- Private swimming pools, tennis courts and similar recreational facilities.
- Renting of sleeping rooms by a resident in a single family dwelling, provided that three sleeping rooms are the maximum that shall be rented in any residence.
- Home offices as defined in Article 12.
- Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90)

6.83 Conditional Uses Permitted

- Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.
- Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 1-98, § 8, 1-20-98; Ord. No. 9-98, § 17, 6-2-98)

6.83A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, and rest homes, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6. (Ord. No. 30-83, § 8, 1-11-84)

6.84 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.85 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	6,000 plus 2,500 sq. ft. for each unit over one
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. ft. for each unit [plus 10,000]
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	60 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	7 feet
Minimum Both Sides:	16 feet
Minimum Rear Yard:	25 feet
Open Space:	200 sq. ft. per dwelling unit

6.86 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.87 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.9 Residential (R-5)

6.91 Principal Uses Permitted

Multi-family dwellings.

6.92 Accessory Uses Permitted

Garage or other building not used as dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms by a resident of a single family dwelling, provided that three sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

(Ord. No. 42-90, 11-27-90; Ord. No. 9-98, § 18, 6-2-98)

6.93 Conditional Uses Permitted

Home occupations in single family residences only, in accordance with the standards set forth in Section 12, Definitions.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the board of adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery schools and child-care facilities for more than three (3) children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 1-98, § 9, 1-20-98; Ord. No. 9-98, § 19, 6-2-98)

6.93A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, and rest homes, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 9, 1-11-84)

6.94 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.95 Dimension and Area Requirements

Maximum Height:	none
Minimum Lot Area, with Sanitary Sewer:	6,000 plus 2,500. sq. ft. for each unit over one
Minimum Lot Area, without Sanitary Sewer	43,560 sq. ft. for each unit
Maximum Lot Coverage:	30 per cent
Minimum Lot Width:	60 feet
Minimum Front Yard:	25 feet
Minimum Side Yard:	7 feet
Minimum Both. Sides:	16 feet
Minimum Rear Yard:	25 feet
Open Space:	200 sq. ft. per dwelling unit

6.96 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.97 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.9A Residential Townhouse (R-6)

6.9A1 Principal Uses Permitted

Single-family attached dwellings, except that not more than six (6) units shall be attached.

Multi-family dwellings

6.9A2 Accessory Uses Permitted

Garage or other building not used as dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting or sleeping rooms by a resident of a single-family dwelling, provided that three (3) sleeping rooms are the maximum that shall be rented in any residence.

Home offices as defined in Article 12.

(Ord. No. 42-90, 11-27-90)

Child-care facilities for not more than three (3) children located within an owner-occupied residence.

6.9A3 Conditional Uses Permitted

Home occupations in a single family residence only, in accordance with the standards set forth in Section 12, Definitions.

Bed and breakfast home. The Board of Adjustments shall consider and make a finding that the number of rooms permitted shall not have an adverse effect on surrounding properties. In addition, the Board of Adjustments shall take into consideration the number of bed and breakfast homes, if any, within the general neighborhood, that is, within five hundred (500) feet of the property being considered for such use.

Kindergartens, nursery school and child-care facilities for more than three children when located in a permitted church, private school or owner-occupied residence. When located in a residence, enrollment shall be limited to twelve (12) children. Each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

6.9A3A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, and rest homes, subject, however, to the same conditions as set forth in subsection 6.23A of Section 6.2 of Article 6.

(Ord. No. 30-83, Section 9, 1-11-84).

6.9A4 Reserved

(Ord. No. 30-83, Section 1, 1-11-84).

6.9A5 Dimensional and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	1,500 sq. ft.
Maximum Lot Coverage:	unlimited
Minimum Lot Width:	16 feet
Minimum Front Yard:	10 feet
Minimum Side Yard:	7 feet
Minimum Rear Yard:	15 feet
Open Space:	10 per cent

6.9A6 Parking Regulations

Parking requirements are found in Article 10.

6.9A7 Sign Regulations

Sign regulations are found in Article 11.

6.9A8 Special Provisions

1. No more than two (2) 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. Not less than ten (10) per cent 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 the other private open space or common open space by planting, fences, or walls. The least dimension of the private open space shall be eight (8) feet.

3. Any development containing more than two (2) rows of townhouse units shall provide rear access via a public or private alley as provided for within the subdivision regulations.

(Ord. No. 20-98, § 2, 12-1-98)

6.10 Professional Office District (P-1)

6.101 Principal Uses Permitted

Single family dwellings.

Multi-family dwellings.

Professional, business and governmental offices.

Research, development or testing laboratories.

Studios for the production or teaching of fine arts, such as photography, music, dance and drama.

Ticket and travel agencies.

Medical and dental offices, laboratories and clinics.

Schools and colleges for academic, technical, vocational or professional instruction.

Bed and breakfast homes.

Hospitals.

Kindergartens, nursery schools and child-care facilities provided that each such facility shall have a fenced and screened play area containing not less than twenty-five (25) square feet per child.

(Ord. No. 1-98, § 10, 1-20-98; Ord. No. 9-98, § 21, 6-2-98)

6.102 Accessory Uses Permitted

Garage or other building not used as a dwelling and accessory to the principal use.

Private swimming pools, tennis courts and similar recreational facilities.

Renting of sleeping rooms by a resident family.

Three sleeping rooms are the maximum that shall be rented in any building.

Dwelling units occupying the same building as a principal use.

6.103 Conditional Uses

Drive-in type banks and business offices, provided that access to such establishments is approved by the city or county engineer or by any other appropriate official designated by the Board, and does not create a hazardous traffic situation.

Heliports, provided that all state and federal regulations are met.

Pet-grooming, provided that the pet-grooming activity shall take place entirely within the principal dwelling or other principal building; and that no overnight boarding, nor any outdoor facilities such as pens or dog runs shall be permitted.

(Ord. No. 9-98, § 21, 6-2-98; Ord. No. 21-2001, 12-18-01)

6.103A Other Conditional Uses Permitted

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, rest homes, mortuaries and funeral homes, subject, however, to the same conditions set forth in subsection 6.23A of section 6.2 of Article 6.

(Ord. No. 30-83, § 10, 1-11-84)

6.104 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.105 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	10,000 sq. ft.
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. ft.
Maximum Lot Coverage:	40 per cent
Minimum Lot Width:	60 feet
Minimum Front Yard:	30 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	25 feet

6.106 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.107 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.11 Neighborhood Business District (B-1)

6.111 Principal Uses Permitted

Those uses permitted and as regulated in the Professional Office District (P-1).
Retail sales establishments for the sale of food, food products and general merchandise.
Personal service establishments such as barber shops, beauty shops and shoe repair shops.
Restaurants.

6.112 Accessory Uses Permitted

Parking lots and structures.
Garage or other building not used as a dwelling and accessory to the principal use.
Only that wholesaling of merchandise which is clearly incidental and subordinate to the principal retail use on the premises.

6.113 Conditional Uses Permitted

Car wash establishments, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, rest homes, mortuaries, funeral homes, automobile service stations, drive-in banks and business offices.
(Ord. No. 30-83, § 11, 1-11- 84)

6.114 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.115 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewers:	
Minimum Lot Area, without Sanitary Sewers:	43,560 sq. ft.
Maximum Lot Coverage:	none
Minimum Lot Width:	50 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	none
Minimum Rear Yard:	none

6.116 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.117 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.12 Downtown Business (B-2)

6.121 Principal Uses Permitted

Those uses permitted and as regulated in the Neighborhood Business District (B-1).

Hotels, motels, motor hotels.

Theatres.

Billiard parlors, bowling alleys and similar indoor amusement enterprises.

Multi-family dwellings.

Newspaper plant, printing and publishing.

(Ord. No. 21-77, § 2, 12-12-77)

6.122 Accessory Uses Permitted

Parking lots and structures.

Garage or other building not used as a dwelling and accessory to the principal use.

Only that wholesaling of merchandise which is clearly incidental and subordinate to the principal retail use on the premises.

6.123 Conditional Uses Permitted

Microbreweries, microdistilleries, microwineries, and brewpubs.

(Ord. No. 4-2014, 5-6-2014)

Car wash establishments, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, rest homes, mortuaries, funeral homes, automobile service stations, drive-in banks and business offices.

(Ord. No. 30-83, § 12, 1-11-84)

6.124 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.125 Dimension and Area Requirements

None

6.126 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.127 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.13 Highway Business District (B-3)

6.131 Principal Uses Permitted

Those uses permitted and as regulated in the Downtown Business District (B-2).

(Ord. No. 8-79, § 1, 9-10-79)

Automobile service stations.

Restaurants.

Drive-in restaurants, provided that all outside food service areas are located at least 100 feet from any residence district.

Motel or hotel.

Indoor amusements, such as billiard or pool halls, dancing halls, skating rinks, theatres or bowling alleys.

Drive-in theatres.

Mobile home sales and service.

Automobile-truck sales and/or service.

Minor automobile and truck repair.

Boat and marine supplies.

Used car lots.

Veterinary offices, laboratories and clinics for the treatment and care of small animals only; provided, however, such animals shall be kept on the premises within confined kennels or buildings.

Mini-warehouses, provided that no auctions, flea markets, bazaars, retail sales, or other similar commercial activity shall be conducted on the premises.

(Ord. No. 20-77, § 2, 11-22-77; Ord. No. 17-86, § 1(1), 7-24-86; Ord. No. 19-86, § 2, 9-15-86)

6.132 Accessory Uses Permitted

Parking lots and structures.

Dwelling units occupying the same building as the principal commercial use.

Garage or other building not used as a dwelling and accessory to the principal use.

Wholesale of merchandise or services which are clearly incidental and subordinate to the principal retail use on the premises.

6.133 Conditional Uses

Microbreweries, microdistilleries, microwineries, and brewpubs.

(Ord. No. 4-2014, 5-6-2014)

Car wash establishments provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.

Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, rest homes, mortuaries, funeral homes, automobile service stations, drive-in banks and business offices.

(Ord. No. 30-83, § 13, 1-11-84)

6.134 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.135 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	5,000 sq. ft.
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. ft.
Maximum Lot Coverage:	40 per cent
Minimum Lot Width:	50 feet
Minimum Front Yard:	50 feet
Minimum Side Yard:	none
Minimum Rear Yard:	none

6.136 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.137 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.14 General Business District (B-4)

6.141 Principal Uses Permitted

Those principal uses permitted in the Highway Business District (B-3), provided, however, that with respect to such uses the front yard requirements set forth in subsection 6.135 shall apply.

Wholesale business.

Laundry, cleaning and dyeing plants.

Mobile home and travel trailer sales and service.

Dairy or other food product bottling plants.

Tire retreading or recapping.

Truck terminals and freight yards.

Shops of special trade and general contractors such as electrical, plumbing, roofing, heating, carpentry, masonry, painting, plastering, metal work, printing, publishing, lithographing, engraving, sign painting, upholstering, tile mosaic and terrazzo work and electroplating.

Warehouses and storage facilities.

Sale of building materials.

Sale of feed, grain or agricultural supplies.

Greenhouses and plant nurseries.

Machine shops.

Automobile service stations.

Major or minor automobile and truck repair.

Establishments and lots for the display, rental, sale and repair of farm equipment, contractors' equipment and trucks.

Automobile and truck sales or service.

Used car lots.

Boat and marine supplies sales and service.

Billboards, subject to setback and other restrictions associated with principal permitted uses.

Restaurants.

Indoor theatres.

Retail sales establishments.

Personal service establishments, such as barbershops, beauty shops and shoe repair shops.

(Ord. No. 5-79, § 1, 6-12-79; Ord. No. 10-88, 5-24-88)

6.142 Accessory Uses Permitted

- Parking lots and structures.
- Dwelling units occupying the same building as the principal commercial use.
- Outdoor storage of materials.
- Garage or other building not used as a dwelling and accessory to the principal use.

6.143 Conditional Uses Permitted

- Car wash establishments, provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- Churches, libraries, country clubs, recreational and/or social clubs operated not for profit, nursing homes, convalescent or extended care facilities, rest homes, mortuaries, funeral homes, automobile service stations, drive-in banks and business offices.

(Ord. No. 30-83, § 14, 1-11- 84; Ord. No. 19-86, § 3, 9-15-86)

6.144 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

6.145 Dimension and Area Requirements

Maximum Height:	35 feet
Minimum Lot Area, with Sanitary Sewer:	5,000 sq. ft.
Minimum Lot Area, without Sanitary Sewer:	43,560 sq. ft.
Maximum Lot Coverage:	100 per cent
Minimum Lot Width:	50 feet
Minimum Front Yard:	none
Minimum Side Yard:	none
Minimum Rear Yard:	none

6.146 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

6.147 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

6.15 Light Industrial District (I-1)

The intent of this district is to provide manufacturing, industrial and related uses which are clean, quiet and free from objectionable nuisances such as noise, air pollution, odor, and vibration.

All operations must be conducted entirely within an enclosed structure and generate little industrial traffic (except employee traffic).

6.151 Noise Level Requirement

Noise levels emitted from any activities or operations within this district shall not at any receiving real property line exceed:

Receiving Land Use	7:00 a.m.--9:00 p.m.	9:00 p.m.--7:00 a.m.
Residential	55dB(a)	50dB(a)
Commercial	65dB(a)	65dB(a)
Industrial	70dB(a)	70dB(a)

as measured with a sound level meter conforming to ANSI type II specifications or better.

Air pollutant levels emitted from the activities or operations shall not exceed the guidelines set up by the Department of Natural Resources Environmental Protection.

6.152 Principal Uses Permitted

Those principal uses permitted in the General Business District (B-4) as set forth in Subsection 6.141.

Manufacturing, fabricating, casting, assembling, machining, packaging, processing or similar treatment of materials for the production of goods, parts, products or merchandise, including but not limited to furniture, tools, jewelry, wearing apparel, instruments, optical goods, food products, auto parts, pharmaceuticals, plastics, fiber, boxes and crates.

Retail sale of any product or commodity manufactured, fabricated or processed on the premises.

Building material sales yard and lumber yard, including the sale of rock, sand and gravel when incidental to the principal use.

Billboards and advertising signs, subject to setback and other restrictions associated with principal uses.

Union halls, including officers and recreational facilities when incidental to the principal use.

Personal service establishments.

(Ord. No. 1-80, § 1, 1-8-80; Ord. No. 22-80, § 1, 7-22-80; Ord. No. 20-82, § 1, 9-28-82; Ord. No. 17-90, 5-10-90; Ord. No. 8-2000, 6-20-00)

6.153 Accessory Uses Permitted

Parking lots and structures.

Garage or other building not used as a dwelling and accessory to the principal use.

Outside storage of goods incidental to the principal use provided that the storage is enclosed on all sides by a solid wall or fence at least (6) six feet in height or an alternate method of screening subject to the review by and approval of the Board of Adjustments.

(Ord. No. 20-82, § 1, 9-28-82; Ord. No. 19-86, § 3A, 9-15-86)

6.154 Conditional Uses Permitted

Commercial radio and television transmitting towers (except those regulated by the Public Service Commission) and housing for related equipment.

(Ord. No. 20-82, § 1, 9-28-82; Ord. No. 30-83, § 1, 1-11-84; Ord. No. 1- 2000, § 4, 2-1-00)

6.155 Dimension and Area Requirements

Minimum Lot Area with or without Sanitary Sewer	43,560 sq. ft.
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Minimum Lot Width	50 ft.
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(Ord. No. 20-82, § 1, 9-28-82; Ord. No. 8-2000, 6-20-00)

6.156 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

(Ord. No. 20-82, § 1, 9-28-82)

6.157 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.

(Ord. No. 20-82, § 1, 9-28-82)

6.16 Heavy Industrial District (I-2)

The intent of this district is to provide manufacturing, industrial and related uses which may potentially involve nuisance factors such as noise, air pollution, odor, vibration.

6.161 Noise Level Requirements

Noise levels emitted from any activities or operations within this district shall not at any receiving real property exceed:

Receiving Land Use	7:00 a.m.--9:00 p.m.	9:00 p.m.--7:00 a.m.
Residential	60dB(a)	55dB(a)
Commercial	65dB(a)	65dB(a)
Industrial	70dB(a)	70dB(a)

as measured with a sound level meter conforming to ANSI type II specifications or better.

Air pollutant levels emitted from the activities operation shall not exceed the guidelines set up by the Department of Natural Resources Environmental Protection.

(Ord. No. 20-82, § 2, 9-28-82)

6.161 Principal Uses Permitted

Any use permitted in the I-1 zone provided that all provisions outlined herein shall apply.

Manufacturing or industrial uses provided that any building or outside storage, loading or working areas except accessory parking areas shall be located at least three hundred (300) feet from any residential land use and one hundred (100) feet from any other use except I-1.

Manufacturing including but not limited to foundries, brick kilns, curing and tanning, glue manufacturers, fertilizer manufacturers, stockyard, slaughterhouses, rendering plants, junk or wrecking material yards, gasoline storage areas, refuse dumps, sanitary landfill areas, or automobile racetracks.

The manufacturer and/or sale of rock, sand or gravel when a principal use.

Contractor's equipment storage yard or plant.

Billboards and advertising signs.

(Ord. No. 20-82, § 2, 9-28-82)

6.163 Accessory Uses Permitted

Parking lots and structures.

Garage or other building not used as a dwelling and accessory to the principal use.

Outside storage of goods incidental to the principal use provided that the storage is enclosed on all sides by a solid wall or fence at least six (6) feet in height or an alternative method of screening subject to the review by and approval of the Board of Adjustments.

(Ord. No. 20-82, § 2, 9-28- 82)

6.164 Dimension and Area Requirements

None, except as provided in Articles 9.2 and 9.8.

(Ord. No. 20-82, § 2, 9- 28-82)

6.165 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

(Ord. No. 20-82, § 2, 9-2-82)

6.166 Sign Requirements

Sign requirements may be found in Article 11 of this Zoning Order.
(Ord. No. 20-82, § 2, 9-28-82)

ARTICLE 7 SPECIAL ZONING DISTRICTS

7.1 Mobile Home District

7.11 Principal Uses Permitted

Manufactured home parks, complexes and subdivisions containing manufactured homes of classes A, B, or C or any combination thereof.

7.12 Accessory Uses Permitted

Community open spaces, recreational areas, management or office headquarters, swimming pools, tennis courts and other uses clearly incidental to a manufactured home park.

7.13 Conditional Uses Permitted

Incidental retail uses such as barber and beauty shops, self-service laundries, news and novelty stands, snack bars, commissaries, and the like, operated solely for the convenience of the residents of the park;
Nursery schools, day nurseries, provided a fenced-in play area is provided;
Home occupations in accordance with the standards set forth in Article 12, Definitions.

7.14 Minimum Area for Park, Subdivision, or Complex

No manufactured home park, complex or subdivision shall be developed on a site of less than ten (10) acres in area. Development may be permitted in stages in accordance with an approved development plan, provided that at least ten (10) spaces are to be developed for use initially.

7.15 Density

The number of manufactured homes permitted in a park, subdivision or complex shall not exceed eight (8) per gross acre.

7.16 Dimension and Area Requirements for Individual Lots

Maximum height	35 feet
Minimum lot area with sanitary sewer	2,400 square feet
Minimum lot area without sanitary sewer	1 acre
Maximum lot coverage	30 per cent
Minimum lot width	35 feet
Minimum front yard	20 feet
Minimum rear yard	20 feet
Minimum side yard	10 feet

7.17 Procedure

Application for the creation or enlargement of a manufactured home park, complex or subdivision shall be made to the Winchester-Clark County Planning Commission. The application shall include a development plan. The application and development plan shall be in the form and contain such information as the planning commission may require. When the application and development plan shall have been approved, the project shall be developed in accordance with the plan approved, and no substantial change may be made without the prior approval of the planning commission. A zoning permit shall not be issued until a permit has been issued by the Commonwealth of Kentucky pursuant to the Kentucky Mobile Home and Recreation Vehicle Park Act, 1972, as amended from

time to time, or its successor. In addition to the zoning permit for the entire park, a building permit or certificate of occupancy is required for each individual lot.

7.18 Enlargement

Any enlargement or extension of an existing manufactured home park, complex or subdivision shall be in accordance with the requirements of this article and a zoning permit shall be obtained for such enlargement or extension in the same manner as for a new park complex or subdivision.

7.19 Streets

All manufactured home parks shall have access to an existing public street, and all lots within the park shall have access to a public street or to an interior street within the park. A manufactured home park may have either public or private interior streets, but in either instance, the streets shall be constructed in accordance with the requirements for public streets contained in the Land Subdivision Regulations of Winchester and Clark County.
(Ord. No. 29-83, §§ 1, 5, 12-27-83)

7.2 Planned Recreation District

7.21 Intent

The intent of this district is to provide for the timely and appropriate development of those areas of the county which, because of natural or manmade physical features such as forest or wilderness area, streams, lakes, unique topography or particular forms of development, are an asset which requires special consideration by the planning commission.

7.22 Principal Uses Permitted

Uses permitted and as regulated in the R-1 District.
Commercial campground or camping area.
Marina or boat dock, including the servicing and storage of boats.
Public parks and recreation areas.

7.23 Accessory Uses Permitted

Accessory uses permitted and as regulated in the R-1 District.

7.24 Conditional Uses Permitted

Retail uses such as self-service laundries, snack bars, commissaries and the sale of gasoline, oil and marine supplies when incidental and accessory to a permitted principal use.
Motels and recreational vehicle parks, private commercial recreational areas other than those permitted as principal use, and restaurants.
(Ord. No. 30-83, § 15, 1-11-84)

7.25 Reserved

(Ord. No. 30-83, § 1, 1-11-84)

7.26 Dimension and Area Requirements

The dimension and area requirements shall be the same as those associated with the district in which the use involved is first permitted, except that the requirements for residential uses shall be those associated with the R-1 District.

7.27 Parking Requirements

Parking requirements may be found in Article 10 of this Zoning Order.

7.28 Sign Requirements

The sign requirements shall be the same as those associated with the district in which the use involved is first permitted, except that the requirements for residential uses shall be those associated with the R-1 District.

7.3 Planned Development District

The purpose of the Planned Development District is to permit the combination of a variety of uses in a single planned project and thus encourage innovating design and economy of space for urban development. The dimension area requirements involved shall not be varied unless a planned development project is approved by the planning commission.

7.31 Principal Uses Permitted

- A. Agriculture and accessory agricultural structures.
- B. Farm Dwellings.

7.32 Special Uses Permitted

- A. Planned development project for residential, professional office, commercial, or light industrial uses. The procedure for planned development projects shall be followed.
- B. Residential or commercial subdivision.
- C. Planned development project for designated public uses.

7.33 Special Regulations

- A. The initial final plat of a planned development project or subdivision in a planned development district shall comprise at least five acres wholly within a planned development district and shall show the purposed design for development and use of that entire project area. Such a project may thereafter be expanded on adjacent land according to the planned development or subdivision procedure as applicable with no minimum acreage required provided the expansion is for the same principal use as the initial five-acre development and may be incorporated as an integral extension of the original plan. The effect of a planned development project on surrounding uses and the recommendations of all officially adopted plans shall be considered in determining the approval or disapproval of a project.
- B. The planning commission shall require the dedication or reservation of right-of-way, as authorized by the subdivision regulations to provide access to interior land in planned development districts.
All access to arterial streets serving planned development districts shall be approved according to the standards contained in the Zoning Order.
- C. When a tract of land under five acres in a planned development district is under one ownership and that owner has owned no adjoining land at any time since the effective date of the Zoning Order, such a tract may be platted as a planned development project or subdivision.

7.34 Dimension and Area Regulations

The dimension and area requirements for each use involved shall be those associated with the zoning district within the use is first permitted.

7.35 Amendment

An approved development plan may be amended only by the planning commission after a public hearing has been held on said proposed amendment. The procedure to be followed in amending a development plan shall be the same procedure as the procedure required for the original approval of said plan.

7.36 A copy of the approved development plan shall be filed in the office of the enforcement officer and shall be used thereafter as a basis for the issuance of all building permits and certificates of occupancy, and such building permits and certificates of occupancy shall be issued only in conformance with said development plan or any properly approved amendment to said plan.

7.4 Hazardous Development District

7.41 Intent

To protect persons and property from the hazards of development within areas which are subject to flooding or water inundation, landslides or unstable soil conditions, by limiting the uses permitted within such areas to those which do not involve human habitation and are generally not affected by the aforementioned hazardous conditions.

7.42 Principal Uses Permitted

Agriculture, including dairying and animal and poultry husbandry;

Public parks and recreation areas, open spaces;

Equipment and material storage yards and salvage yards, provided that they are enclosed on all sides by a solid fence or wall not less than six (6) feet high;

Private recreation areas, uses and facilities such as hunting and shooting clubs, excluding structures used for temporary or permanent human residency;

Parking areas.

7.43 Conditional Uses Permitted

Sanitary landfill area or dumps, mineral extraction, mines, quarries, gravel pits, airports, landing strips, and petroleum or inflammable liquid storage.

(Ord. No. 30-83, § 16, 1-11-84)

7.44 Prohibited Uses

Residential structures

7.5 Crossroads Community District

7.51 Purpose

The purpose of this district is to enable rural settlements to continue to exist and allow for limited residential growth and commercial expansion necessary to fulfill the daily need of the residents. This district is further intended to be a receiving area for development rights to permit increased density while creating less development in the farm oriented areas.

7.52 Uses Permitted

Those uses permitted and as regulated in the following districts: R1-A through R-1E, R-2 through R-6, P-1 and B-1. Dimension and area requirements as well as sign requirements shall be the same as those associated with the district in which the use is first permitted.

7.53 Minimum Area Requirement for New Development

Any parcel within an identified crossroad community is eligible for the crossroad community zoning classification. However, the minimum site for any new development shall be five (5) acres and may be under single or multiple ownership. Development may be permitted in stages and include a mixture of land uses.

7.54 Existing Parcels

Existing parcels containing less than five (5) acres shall also be eligible for crossroad community zoning classification in instances where a change in use is requested.

7.55 Minimum Area Requirement for Each Individual Use

Each individual use shall be located on a parcel of not less than one acre, unless density is increased by the use of Transferred Development Rights (TDRs).

7.56 Design Standards

Each crossroad community development shall include a plan to insure orderly growth, street interconnectivity and provisions for storm water runoff control. Adequate public facilities shall be available to provide fire protection and the treatment of sanitary sewer waste. Any single use on a parcel of one or more acres shall utilize a disposal system reviewed and approved by the Clark County Health Department. On those parcels where density is greater than one per acre and the disposal system is mechanical in nature this system must be accepted for maintenance by an approved agency. The location of the expanded residential and commercial uses shall fill in around the existing community by construction of connecting streets. The growth of the crossroads community shall be consistent with the small village character of the area.

7.57 Applicability

A Crossroads Community District shall be utilized only in areas designated by the Planning Commission after amending the Comprehensive Plan. Prior to this designation a committee of eight (8) shall be formed to receive comment from the residents and owners of the affected area to determine the appropriateness of a Crossroads Community designation. The committee shall be appointed jointly by the County Judge Executive and the Planning Commission Chairman and shall be composed of four (4) persons who either reside or own property within two (2) miles of the crossroads, one citizen at large, one member of the Clark County Fiscal Court, one Planning Commission Member and one member of the Comprehensive Plan Update Committee existing at the time of the appointment. The committee shall elect its own chairman. If a Crossroads Community is determined to be appropriate, then the committee shall determine the boundaries of the district.

(Ord. No. 3-99, § 4, 3-16-99)

ARTICLE 8 GENERAL DEVELOPMENT REGULATIONS

8.1 Coordination with Subdivision Regulations

In all cases where land is to be subdivided, a subdivision for the purpose of eventual development of lots of any kind—residential, commercial, or industrial—the provisions of the Winchester-Clark County Subdivision Regulations shall apply in addition to the provisions of the Zoning Order.

It is desirable that access points to arterial streets serving all zoning districts shall be located no more frequently than once every eighth to quarter mile. Topography and traffic volumes shall determine the exact locations. Heavy arterial traffic volumes demand greater access spacing. Along any arterial street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Winchester-Clark County Planning Commission (hereinafter known as the planning commission) may approve the platting of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the approved permanent access points. Such requirements shall be listed as special conditions on the recorded final plat. Access points shall also meet federal and state standards where applicable.

8.2 Water Supply and Sewage Disposal

It shall be unlawful to construct any building or occupy any mobile home without water supply and sewage disposal facilities approved by the county health officer. Wherever water or sewer mains are accessible, buildings and mobile homes shall be connected to such mains. In every

other case, individual water supply and sewage disposal must meet the requirements established by the Clark County Health Department and the Kentucky Department of Health.

8.3 Regulation of Principal Building

Only one principal building and permitted accessory structures may be erected on any lot or parcel of land, unless a development plan has been approved by the commission pursuant to Article 8.6 allowing multiple principal structures. A billboard may be considered a principal structure if so designated in the zoning order. Temporary structures are permitted during construction only, and Class A, B, or C mobile homes may be utilized as temporary structures. Temporary occupancy shall not exceed one (1) year during construction of a residence nor two (2) years during construction of other projects, provided, however, that the enforcement officer may grant an extension of time for good cause shown. (Ord. No. 29-83, § 6, 12-27-83; Ord. No. 9-88, § 1, 5-24-88)

8.4 Planned Development Project Regulations

The planned development project regulation is intended to permit the development of land for a purpose permitted within the zoning district in which located, and to increase the flexibility of design and encourage innovation by providing for the waiving of dimensional requirements.

A planned development project may be permitted in those zoning districts where it is designated as a special use under the zoning district regulations or may be permitted in any district after an amendment to the Zoning Map. A planned development project may depart from literal conformance with individual lot dimension and area regulations. A planned development project may be under single or divided ownership. All planned development projects shall be subject to the following regulations:

8.41 Procedure: When a planned development project is proposed, the procedure for subdivision approval as set forth in the Winchester-Clark County Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the planning commission, shall be required for every planned development project. The planning commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to the requirements of this Zoning Order.

8.42 Uses and Densities: The uses of premises and development densities in a planned development project shall conform to the permitted uses and densities of the zoning district in which it is located when it is permitted as a special use. If a planned development project is proposed which includes uses or densities that are not permitted in the zoning district where it is proposed or not permitted in any zoning district, the project may be permitted after an amendment to the zoning district in conformance with the requirements of this Zoning Order. The amendment may be made after the conditional approval of the preliminary plat and shall be valid only for that project as approved.

8.43 Standards: In any planned development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no reduction in the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual lot development in the zoning district where it is located unless an amendment is made to permit a greater density according to the requirements of this Zoning Order.

8.44 Special Conditions: The planning commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Zoning Order. The planned development project shall conform to all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The planning commission may attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area. The planning commission may also attach any other reasonable special conditions.

1. It is desirable that access points to all arterial streets shall be located no more frequently than once every eighth or quarter mile. The planning commission may approve the plotting of temporary access points in conformance with the Subdivision Regulations.
2. Wherever there is an abrupt change in uses—i.e., residential to commercial—it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
3. Parking and other areas used at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

8.45 Amendment: An approved development plan may be amended only by the planning commission after a public hearing has been held on said proposed amendment. The procedure to be followed in amending a development plan shall be the same as the procedure required for the original approval of said plan.

8.5 Classification of Manufactured Homes

For the purposes of this ordinance, manufactured homes are divided into four (4) classes as follows:

8.51 Class A Manufactured Homes

A Class A manufactured home is one which:

- 8.511** Is certified by the Mobile Home Manufacturers Association and the Kentucky Department of Housing, Building and Construction as meeting all Federal and Kentucky Construction and Safety Standards, (herein called “construction and safety standards”);
- 8.512** Is installed in accordance with the following requirements (herein called “acceptable installation standards”);
 1. It shall be permanently attached and installed on a permanent foundation in accordance with the manufacturers installation specifications, which installation specification shall have been approved by the U.S. Department of Housing and Urban Development, and in accordance with the local building code applicable to single-family dwellings;
 2. All wheel, trailer-tongue and hitch assemblies shall be removed prior to installation;
 3. It shall be permanently connected to an approved water and sewer system and shall comply with all public health requirements governing plumbing installations; and
- 8.513** When installed, meets all of the following standards (herein called “acceptable appearance standards”) designed to achieve acceptable similarity in appearance between the manufactured home and the site-built home in this community:
 1. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, even if said wall is not structurally required by the manufacturer’s installation specifications;

2. The minimum width of the main body of the manufactured home as assembled on the site shall not be less than twenty-four (24) feet as measured across sixty-five (65) per cent of the total length of the home;
3. The roof shall have a pitch of not less than two and one-half (2 1/2) feet of rise for each twelve (12) feet of horizontal run, and eaves that shall overhang six (6) inches on the gable sides and twelve (12) inches on the eave sides, is constructed of roofing materials acceptable under, and installed in accordance with, the local code applicable to single-family dwellings.
4. All exterior walls shall be constructed of nonreflective siding materials which will have the appearance of wood or masonry, regardless of their actual composition, and shall be applied in accordance with the local building code applicable to residential construction.

8.52 Class B Manufactured Home

A Class B Manufactured Home is one which meets the “construction and safety standards” and the “acceptable installation standards”, but which fails to meet the “acceptable appearance standards”.

8.53 Class C Manufactured Home

A Class C Manufactured Home is one which fails to meet either the “construction and safety standards” or the “acceptable installation standards”, or both, but is nevertheless found on inspection to be safe and fit for residential occupancy.

[8.54 Class D Manufactured Home

A Class D Manufactured Home is one which fails to meet the “construction and safety standards” or the “acceptable installation standards,” or both and is found on inspection to be unfit for human occupancy.]

(Ord. No. 28-83, § 7, 12-27-83)

Editor’s note: Ord. No. 28-83, § 7, adopted Dec. 27, 1983, did not set out provisions relative to Class D, but the city advises that such provisions were intended to be included and designated as subsection 8.54.

8.6 Development Plan

8.61 Intent and Purpose

The purpose of this section is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This section 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.

8.62 Approval of Development Plan Before Building Permit

For any case where a development plan is required by this Zoning Ordinance, no building permits shall be issued until a final development plan is approved by the planning commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

8.63 Where Required

Development plans shall be required as follows:

- 8.63(a) *Development Plans Required in Conjunction with Zone Map Amendment Requests*—Development plans shall be required to accompany any zoning map amendment request.

- 8.63(a)(1) All applications for zoning map amendments shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property. The preliminary development plan shall be required to be submitted in conjunction with the zoning map amendment request.
- 8.63(a)(2) The commission in its discretion may waive the requirement for the submission and approval of a preliminary development plan, a final development plan, or both, if the commission finds that there will be minimal impact on the neighborhood or the subject property.
- 8.63(b) *Development Plans Required for Multiple Principle Structures As Permitted By Section 8.3*--Development plans required by section 8.3 to permit more than one principal structure and its accessory structures on a lot or a parcel of land shall be submitted to the commission, in accordance with the provisions of this article.

8.64 Development Plan Procedures

The following shall be the procedure for Planning Commission consideration of any development plan.

- 8.64(a) *Filing*—To formally request planning commission action on the development plan, the developer shall file three (3) completed copies of the plans required by the commission.
- 8.64(b) *Review*—The planning commission staff and concerned agencies shall review the development plan, and make recommendations to the commission's subdivision committee. The subdivision committee will review all recommendations, and then forward their recommendations to the commission.
- 8.64(c) *Commission Action*—No development plans shall be considered for action by the commission until they have been reviewed by the subdivision committee. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed for commission action. However, in case of a development plan filed in conjunction with a map amendment request, the planning commission may postpone action of the development plan until after the legislative body has made its decision on the map amendment request.
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 the Zoning Ordinance, and when applicable, the land subdivision regulations or if it finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property.

8.65 Types of Development Plans

There shall be a preliminary development plan and a final development plan, defined as follows:

8.65(a) Preliminary Development Plans—A preliminary development plan is a site plan by which, at the early stages of development design, the commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces, access points and any other site design features. No building permits can be issued based upon a preliminary development plan.

8.65(a)(1) Contents Of Preliminary Development Plan—A preliminary development plan shall contain the following information at a minimum:

1. A title block containing the plan name, development plan type, name and address of developer and plan preparer; and written scale,

2. The boundary of the subject property and the record plan name or owner's name of all adjoining property.
3. A vicinity sketch, oriented in the same direction as the design scheme.
4. Topography with contour intervals as shown on the available USGS sheets.
5. Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, points of ingress and egress, and other vehicular and pedestrian right-of-way.
6. Location of any proposed or existing streets within or abutting the subject property.
7. Screening, landscaping, buffering, recreational, and other open space areas.
8. Approximate size, location, height, floor area, area arrangement and use of proposed existing buildings and signs.
9. Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
10. Proposed and existing easements for utilities or other purposes.
11. Areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees.
12. A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.
13. An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as my (our) development plan for the property."
14. A commission's certification to be signed by the commission's secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the planning commission."

8.65(b) Final Development Plan—A development plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of building, parking areas, open spaces, access points and any other site design features that vary from those requirements for the uses permitted and regulated by the dimension and area requirements for that zoning classification.

8.65(b)(1) Contents of Final Development Plan—All information required for preliminary development plans as required under sections 8.65(a), numbers 1 through 14 above; and that the plan information shall be of an exact nature, rather than approximate or general.

8.66 Amendments to Development Plans

Amendments to approved development plans can be made only by official planning commission action. Content and format and procedures shall be as for the original submission. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the commission's staff without further action by the commission.

8.66(a) Minor Amendments Defined—Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments:(1) shall not decrease the overall land area in yards, or other open spaces; (2) shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units; (3) shall not increase the number or size of signs; (4) shall not change the location of any street and shall not increase the number, or change the location of street access points; except that shifts in the approved access location not exceeding twenty-five (25) feet may be approved as a minor amendment where the access point is not located on an arterial street.

8.67 Development Plans and Preliminary Subdivision Plan May be Combined. It is recognized that for certain development situations it can be advantageous to both the developer and the commission to combine the functions and requirements for development plans and preliminary subdivision plans in order to streamline the development approval process while not reducing the quality of the review.

8.68 Preliminary or Final Subdivision Plan May be Substituted for Development Plans Required in Conjunction with Map Amendment Request. It is recognized that in certain cases, a preliminary or final 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 placements 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 subdivision plans prior to receiving a zone change approval.

(Ord. No. 36-87, § 1, 12-10-87)

8.7 Rural Residential Cluster Development Regulations

8.71 The applicant must utilize the planned development application process, including a proposed development plan for a rural residential cluster development. The approval process will include a public hearing as required for a zone change.

8.72 The applicant must formally request a public hearing as required by KRS 100 by filing the appropriate application, three (3) copies of the proposed cluster development plan and paying the appropriate fees.

8.73 The development plan procedures outlined in section 8.6 shall be followed. In addition, the plan must disclose the following: lot coverage; height of buildings; maximum building height; construction type; deed restrictions; contiguous properties with road frontages for each property; and crossing points on the access road, if reserved by owner of set-aside.

8.74 The following minimum acreage and road frontage requirements shall apply:

1. Cluster development shall contain not less than sixty (60) acres in addition to the acreage contained in the cluster envelope.
2. For each house in the cluster development (excluding bonus sites), there must be at least one hundred twenty-five (125) feet of frontage on a road publicly maintained at the time of the adoption of this ordinance.
3. Exception to road frontage requirement: Cluster developments are permitted on farms with less than one hundred twenty-five (125) feet of public road frontage provided the following conditions are met:
 - A. At the date of the adoption of this ordinance, insufficient road frontage existed to comply with the following road frontage requirements;
 - B. All other cluster requirements are fully met; and
 - C. Owner shall have purchased or contracted to purchase sufficient development rights to meet the road frontage requirements.
4. The area of the cluster envelope shall not exceed an average of one and one-half (1.5) acres per house site, but there shall be no minimum lot size.

8.75 Set-aside Requirements

1. The owner shall be required to reserve or grant a conservation easement to or for the benefit of the planning commission barring further development or subdivision of the set-aside for a period of not less than twenty-five (25) years, after which the status of

the land may be reviewed as a part of the comprehensive planning process and a change in the classification of the property may be recommended if in agreement with the goals and objectives of the plan.

2. The set-aside shall contain not less than ten (10) acres per house site, including bonus sites.
3. Nothing herein shall be construed to limit the agricultural activities or practices which may be conducted on the set-aside; provided, however, that the owner of the set-aside may voluntarily enter into private covenants running with the land agreeing not to engage in certain agricultural activities or practices.

8.76 Location of Cluster Development

1. The set-aside must completely surround the cluster envelope.
2. There must be a minimum distance of one hundred twenty-five (125) feet between all points of the cluster envelope and the property line.
3. All points of the cluster envelope must be set back from the public road a minimum of five hundred (500) feet; provided, however, that the planning commission shall have discretion to grant exceptions to the minimum setback if the board finds that the viewshed is protected by topography, mature woodlands, or other natural features.

8.77 Number of House Sites Permitted

1. A maximum of twelve (12) house sites are permitted unless additional sites are permitted pursuant to the following provisions.
2. The number of house sites permitted may be increased by fifty (50) per cent up to a maximum of six (6) additional house sites by the use of transferred development rights (TDRs).
3. A maximum of four (4) additional "bonus sites" may be permitted in the discretion of the planning commission, for such features as underground utilities, creative or innovative design of the cluster or of the roads, or other creative or innovative design features.
4. Two (2) additional house sites shall be allowed for each additional two hundred fifty (250) feet the cluster envelope is set back from the public road over and above the 500-foot minimum setback.
5. If there is an existing or proposed house site on the parent tract the number of permitted house sites in the cluster shall be reduced by two (2).

8.78 Requirements Relating to Physical Improvements, Landscaping and Buffering

1. The minimum right-of-way for the access road shall be thirty (30) feet; and the minimum pavement width shall be twenty (20) feet.
2. Unless dedicated and accepted for maintenance by the county, roads shall be maintained by the owner of the parent tract or by a homeowners association as required by the deed restrictions.
3. The access road shall be of traditional road contours with minimum site disturbance, and shall have an entrance engineered for compliance with storm water runoff requirements and design standards.
4. Signs identifying the cluster shall not exceed thirty-two (32) square feet including the printed matter and any supporting or decorative features.
5. Each cluster development shall be permitted only a single access point to the existing public road.
6. Only one cluster development may be served by a single access road.
7. The maximum cul-de-sac length of five hundred (500) feet as provided in the Subdivision Regulations, Article VII, 710 B8 shall not apply to cluster developments.
8. The cluster envelope must be completely fenced off from the parent tract by a fence having the following minimum requirements: 9 gauge wire twelve-inch

stays, six-inch line posts set twelve (12) feet on center. The installation and maintenance of the fence shall be the responsibility of the owner of the set-aside unless otherwise provided in the deed restrictions.

9. Landscaping and/or buffering shall be required. The design must provide for maximum preservation of existing topography. If located in the set-aside, the owner of the set-aside shall be responsible for its maintenance.
10. All physical improvements, including fencing, utilities, landscaping and roadways shall be installed or a surety bond posted for the completion of the improvements prior to approval of the final plat.

8.79 Access Roads

Even though a cluster development access road may hereafter be dedicated and accepted for maintenance by the county or other governmental agency, frontage on such road shall not be considered public road frontage under section 6.1 of Article 6 so as to entitle the owner to develop or subdivide the property fronting on such access road.

(Ord. No. 3-99, § 4, 3-16-99)

8.8 Family Farm Homesite

Family farm homesites are permitted under the following requirements and conditions:

8.81 Qualifying Farm

The farm must have been owned by the owner/applicant for at least five (5) years and for each of the three (3) most recent calendar years (1) must have been income-producing and (2) must have been assessed for property taxes purposes, at its agricultural value.

8.82 Qualifying Grantee

The grantee of a family farm homesite must be an immediate family member of the grantor.

8.83 Size of Homesite

Each homesite shall contain not less than one acre.

8.84 Size and Economic Viability of Farm

1. On a qualifying farm of forty (40) acres or more, up to ten (10) homesites may be permitted. Permits shall be issued by the staff upon the filing of a proper application accompanied by satisfactory written proof that the farm has produced income for the three (3) most recent calendar years.
2. On a qualifying farm of less than forty (40) acres, the application shall be reviewed by the full planning commission and shall be approved if the commission finds as follows:
 - a. That the granting of the homesite will promote the economic viability of the farm, that is, that it will improve the efficiency of the farming operation conducted on the subject farm because of circumstances relating to the owner of the farm, the proposed grantee, or the farming operation itself; and
 - b. For the three (3) most recent calendar years the farm was income-producing, and the average income per acre for the three-year period was at least equal to seventy-five (75) per cent of the average income per acre for Kentucky agriculture, as shown by the most recent Census of Agriculture published every five (5) years by the United States Department of Agriculture, National Agricultural Statistics Service, and the Kentucky Agricultural Statistics Service Census Division. (At the time of the adoption of this provision, the most recent census was for the year 1997, the average per-acre yield was two hundred thirty dollars (\$230.00) and seventy-five (75) per cent of that amount is one hundred seventy-two dollars and fifty cents (\$172.50).)

8.85 Access

1. Each home site shall front on a public road for at least two hundred fifty (250) feet, or shall be located on a deeded access easement at least twenty (20) feet in width providing access to a public road.
2. Agricultural parcels from which road frontage is conveyed after the effective date of this ordinance shall be limited to that number of house sites allowed based upon road frontage existing at the time of the application for a home site.
3. In instances where the road frontage is available but not utilized for home sites, further divisions shall be reduced in increments of two hundred fifty (250) feet per family home site conveyed.

(Ord. No. 3-99, § 6, 3-16-99)

8.9 Transfer of Development Rights (TDRs)

8.91 Purpose

The purpose of this section is to provide means by which the development rights may be transferred from sending parcels to receiving parcels.

8.92 A development right is calculated as being equal to an area of land having 250 feet of road frontage on an existing (at the date of adoption of this regulation) county road with a minimum depth of two hundred (200) feet within an A-1 zoning district; provided, however, that there are no transferable development rights in the urban planning area as set in the community’s comprehensive plan. In those instances where a parcel of land has no road frontage on an existing county road, but was on a recognized county road on Feb. 27, 1994 and was owned by an immediate family member on or before Dec. 31, 1966, development rights shall be calculated at the rate of one per ten (10) acres.

8.93 For the purpose of determining TDR multiples, the county is divided into four (4) areas as follows:

1. *Area #1:* Bordered on the west by Fayette County, the north by I64, the east by a CSX Rail Road line that runs from Winchester to Ford and on the south by Madison County.
2. *Area #2:* Bordered on the west by Fayette County, north by Bourbon County, the east by an overhead electric transmission line that runs from the Montgomery/Bourbon County line to the Mountain Parkway near Morris Rd. and bordered on the south by I-64 and the Mountain Parkway.
3. *Area #3:* Bordered on the west by an electric transmission line and Area #2, the north and east by Montgomery County and Powell County and on the south by the Mountain Parkway.
4. *Area #4:* Bordered on the north by the Mountain Parkway, the east by Powell County, the south by Estill and Madison County and the west by the CSX Railroad and Area #1.
5. *Note*—Not included in any of these areas is the portion of land designated as the urban planning area.

8.94 TDR Multiples

1. The following chart shall be used to determine TDR Multiples:

Location of Sending Parcel	Location of Receiving Parcel	TDR Multiple
Scenic corridor	Non-scenic corridor	2.0
Area #1	Area #2	1.5
Area #2	Area #3	1.5
Area #3	Area #4	1.5
Area #1	Area #3	2.0
Area #2	Area #4	2.0
Area #1	Area #4	2.5

2. A transfer from one property to another within the same area has a TDR multiple of 1.0.
3. Development rights may not be transferred from a higher numbered area to a lower numbered area.

8.95 Procedures

1. *Sending parcels.* The following procedure must be followed by the owner of the sending parcel.
 - a. The owner shall file with the planning commission a statement certified by a registered surveyor or engineer as to the length of the owner's frontage on the applicable public road, and may be required to furnish such other information as the commission may require in order to identify the property and determine the number of development rights attributable to the property.
 - b. Development rights may be transferred only by deed and the transfer shall be effective only if approved by the planning commission. The deed must state the total number of development rights contained in the sending parcel, the number of development rights transferred by the deed, and the number of development rights remaining in the sending parcel. A transfer of development rights shall be effective only upon recording of the deed transferring same, with planning commission approval endorsed thereon.
2. *Receiving parcels.* Prior to approval of the deed the planning commission must first approve the grantee's plan for incorporating the transferred development rights (TDRs).

8.95[6] Planning commission shall adopt subdivision regulations to permit TDRs to be used to increase densities use in crossroads community districts.
(Ord. No. 3-99, § 6, 3-16-99)

ARTICLE 9 GENERAL ZONING DISTRICT REGULATIONS

9.1 Application of Zone and District Regulations

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

9.11 No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zone and district in which it is located unless otherwise specifically permitted in this Zoning Order.

9.12 No building or other structure shall hereafter be erected or altered:

- a. To exceed the height, bulk or floor area ratio;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area; or
- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Zoning Order, except as provided in Article 5, Board of Adjustment.

9.13 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 Order, 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 Order.

9.14 No yard or lot existing at the time of adoption of this Zoning Order shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this Zoning Order shall meet at least the minimum requirements established by this Zoning Order.

9.15 There shall be no more than one principal structure and its accessory structures on any lot or parcel of land unless otherwise specifically permitted in this Zoning Order.

9.16 Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone or district.

9.17 No structure shall be erected on any lot or tract of land which does not adjoin and have direct access to a street or other public right-of-way for at least twenty (20) feet unless otherwise specifically permitted in this Zoning Order.

9.2 Yard Requirements Along Less Restricted Zone Boundary Line

Along any zone boundary line, any abutting side yard or rear yard on a lot adjoining such boundary line in the less restricted zone shall have a minimum width and depth equal to the required minimum width and depth of such yards in the more restricted zone.

9.3 Conversion of Dwellings

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this Zoning Order and only when the resulting occupancy will comply with the requirements governing new construction in such zone with respect to minimum lot size, floor area, dimensions of yards and other open spaces, and off-street parking. Each version shall be subject also to such further requirements as may be specified after applying to such zone. The aforesaid requirements with respect to yards and other open spaces shall not apply if the conversion will not involve any exterior structural changes.

9.4 Location and Height of Accessory Buildings

9.41 No accessory building shall be erected in any required court or in any yard other than a rear yard; provided, however, that an accessory building may be erected as a part of the principal building, or, if at least six (6) feet there from, may be connected thereto by a breezeway or similar structure, provided all yard and court requirements of this Zoning Order for a principal building are complied with; provided, further, however, that a temporary accessory structure may be permitted subject to the following conditions:

1. For any one business such structure may be permitted for not more than ten (10) consecutive days not more than twice in any calendar year.
2. Such structures shall be located so as not to interfere with the movement or safety of vehicle or pedestrian traffic, either on the public way or business premises.
3. A permit must be issued pursuant to the provisions of Article 3.2.

9.42 Accessory buildings shall not exceed one story in height, and shall be distant at least six (6) feet from alley lines and at least five and one-half feet from lot lines of adjoining lots in a Residence Zone provided, however, that an accessory building may be constructed on a side or rear lot line, not an alley lot line, by common consent of the adjoining property owners concerned.

9.43 Where a corner lot adjoins in the rear a lot in a Residence Zone, no part of an accessory building within twenty-five (25) feet of the common lot line in the rear shall be nearer a side street lot line than the least depth of any front yard existing or as required, whichever is less, along such side street for a principal building on such adjoining lot, and in no case shall any part

of such accessory building be closer to the side street lot line than the main building to which it is accessory.
(Ord. No. 9-98, § 24, 6-2-98)

9.5 Traffic Visibility Across Corner Lots

In any Residence Zone on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the intersection of the two street pavement edges.

9.6 Buildings in Rear of Principal Building

No existing building in the rear of a principal building on the same lot may be used for residential purposes unless such use is approved as a special exception by the Board of Zoning Adjustment which shall determine whether adequate vehicular access will be provided by a public street and that the criteria for group housing set forth in this zoning order are met.

9.7 Use and parking of recreational vehicles

No recreational vehicle shall be used for living, sleeping or housekeeping purposes on any lot in a residential zone; nor shall any recreational vehicle be parked or stored in or upon any public right-of-way in a residential zone, except for the purpose of loading or unloading same. For purposes of this section, the term "recreational vehicle" is defined to include boats, boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like.

(Ord. No. 2-93, §§ 1, 2, 1-26-93)

Editor's note: Ord. No. 2-93, §§ 1 and 2, adopted Jan 26, 1993, amended the Code by repealing provisions contained in App. A, § 9.7. Prior to inclusion of said ordinance, App. A., § 9.7 pertained to the storage of mobile homes and carried no history note.

9.8 Special Yard Provisions

1. Yards Generally

Except as otherwise specified herein, every lot shall have a front yard and a rear yard the least depths of which shall not be less than those specified for the respective zone and every lot shall have a side yard on each side, which shall not be less than the side yard as specified for the zoning district in which it is located.

2. Front Yards

A. Double frontage lots—Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both of the streets upon which they front.

B. Exceptions for Existing Alignment—In any zoning district except Business or Industrial zones, where any lot lies between and adjacent to two (2) lots with existing buildings, and all of the following conditions exist:

1. All three (3) of said lots lie within the same block;
2. The average depth of the front yards of the two (2) adjacent lots is less than the minimum permitted within the zoning district; and
3. At least one of the existing buildings lies within one hundred (100) feet of the side lot line of the subject lot;

then the minimum front yard permitted for such lot shall be the average of the front yards of the two (2) adjacent lots, but in no event less than ten (10) feet.

C. Yard on Street Side on Lot Adjoining or Facing Residential Zoning—On a lot in any nonresidential zone sharing the same block front with a lot in any Residential Zone the minimum front yard required shall equal in depth the front yard required for that Residential Zone.

D. Front yards on Through Lots—On any lot which runs through a block from street to street, a front yard as otherwise required in the zone shall be provided along each street lot line.

- E. Front Yards Which May be Varied—Where the front wall of a building is not parallel with the front lot line or is broken or otherwise irregular, the average depth of the front yard shall not be less than the otherwise required front yard; provided, however, that such front wall shall at all points be within five (5) feet of the otherwise required front yard depth.
3. Side Yards
- A. Reserved
 - B. Side Yards Decreased for Narrow Lot—For each foot by which an existing lot of record at the time of enactment of this zoning Ordinance is narrower than fifty (50) feet and where the owner of record does not own any adjoining property one and one-half (1 1/2) inches may be deducted from the required least width of any side yard for building not exceeding two and one-half (2 1/2) stories in height; provided, however, that no side yard shall be narrower at any point than three (3) feet in any case.
 - C. Side Yards Increased for Deep Buildings—In any zone where a side yard is required, the least width of each side yard shall be increased by one inch for each foot by which the side wall of a building adjacent to a side yard exceeds fifty (50) feet in depth.
 - D. Side Yard Exceptions for Row Dwellings—In the case of attached dwelling units, the entire structure shall be considered as a single building with respect to side yard requirements.
 - E. Side Yards Which May be Varied—Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required side yard nor narrower than three (3) feet in any case.
 - F. Side Yard For an Addition To An Existing Building—On any lot in a residential zone, where the principal structure does not meet the minimum required side yard for that zone, and the side yard is legally nonconforming, additions to the principal structure may be made which have the same side yard as the original structure. In no case shall the addition be closer than three (3) feet to the adjoining lot line.
4. Rear Yards
- Where the rear wall of a building is not parallel with the rear lot line or is broken to otherwise irregular, the average depth of the rear yard shall not be less than the otherwise required rear yard; provided, however, that such rear yard shall not be less than one-half the otherwise required rear yard at any point, or less than twenty (20) feet in any case.
5. Projections
- A. Covered porches, stairways, terraces or other similar features, the floor level of which is not over three (3) feet above the average finished grade and which do not extend above the level of the first floor of the building, when open and unclosed, may project into a required front, side or rear yard not more than eight (8) feet, provided that such covered porches, stairways, terraces, or other similar features conform to the provisions of subsection (D).
 - B. Outside stairways may extend not more than three (3) feet into any required side yard; nor more than five (5) feet into any required rear yard.
 - C. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, gutters and the like, may extend not more than twenty-four (24) inches into any required yard, provided they are at least three (3) feet from all lot lines.
 - D. Notwithstanding any other provision of this section no projection as listed above shall extend into any required side yard more than one-half the width of such yard nor within ten (10) feet of the front lot line nor five (5) feet of the rear lot line, nor within three (3) feet of accessory building, provided, however, that such limitations shall not apply to terraces and steps within required yards, or to a loading dock, or tailboard in connection with an industrial siding.

6. Front Yard Driveways in Residential Zones.

- A. On any lot containing a detached single-family dwelling, (1) where no enclosed garage is provided, and (2) where the width of the driveway exceed twenty-five (25) per cent of the width of the lot at the established building line, the driveway shall extend beyond the front wall of the residence into the side yard for a distance of at least twenty (20) feet.
- B. No front-facing garage may be located within twenty-five (25) feet of the public street or road right-of-way.
- C. In any case, the width of a front yard driveway shall not exceed forty (40) per cent of the width of the lot at the established building line.
- D. No front yard driveway shall have a finished grade slope greater than one (1) foot to eight (8) feet.

(Ord. No. 4-92, § 1, 3-11-92; Ord. No. 20-98, § 3, 11-17-98; Ord. No. 2-2002, 2-5-02; Ord. No. 22-2002, 2-27-02)

9.9 Reserved

Editors note -- Ord. No. 15-2007, § 1, adopted Dec. 4, 2007, repealed former § 9.9 in its entirety which pertained to garages in residential zones and derived from Ord. No. 25-2002, adopted Nov. 11, 2002.

9.10 Telecommunications Towers

Telecommunications towers shall be permitted in all zoning districts subject to the following standards:

- 1. Any legally permitted and constructed telecommunications towers, as of (the effective date of this section [Ord. No. 1-2000]) shall be exempt from these regulations; except when discontinued for a period of twelve (12) months in accordance with section 4.2 of this appendix. In such cases, the applicant or utility shall be required to follow the procedures listed herein.
- 2. All applications for telecommunications towers and related equipment shall be in accordance with KRS 100, KRS 278 and KAR 807.
- 3. All applicants for telecommunications tower approval shall file a development plan in accordance with section 8.62 for public hearing before the Planning Commission, except where co-location is proposed as hereinafter provided.
- 4. In residential districts, the following setbacks shall apply to telecommunications towers and related structures:
 - A. The minimum front, side and rear yards in the applicable district, or twenty-five (25) feet, whichever is greater.
 - B. For each two (2) feet of height the tower exceeds the maximum allowable building height within the district, one foot shall be added to the minimum setback.
 - C. The total height shall not exceed one hundred fifty (150) feet.
 - D. The tower shall be a monopole structure.
- 5. In agricultural districts, the minimum front, side and rear yard requirements shall be increased by one foot for each two (2) feet in height the tower exceeds the maximum allowable building height.
- 6. In all residential and agricultural districts, and wherever possible, all telecommunications towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental, or visual impacts. This may include the use of camouflage and/or additional screening techniques.
- 7. In commercial, industrial and professional office districts, the following requirements shall apply:
 - A. The minimum front, side and rear yard requirements shall be increased by one foot for each two (2) feet in height the tower exceeds fifty (50) feet.
 - B. Where adjacent to residential or agricultural district, the setback requirements for the adjacent district shall apply with respect to the property line adjacent to the residential or agricultural district.

- C. In those districts where no setbacks are required, the minimum front, side and rear yards shall be twenty-five (25) feet plus one foot for each two (2) feet of height the tower exceeds fifty (50) feet.
- 8. The following method shall be used to measure the height of the telecommunications towers: beginning at the base of the tower, at ground level and including any support structures, to the top of the main tower structure, excluding the antenna(e) assembly.
- 9. Co-location of antenna (e) on existing structures (i.e., telecommunications towers, buildings and water towers) is encouraged. Where co-location is proposed, the applicant must file with the application a written consent executed by the owner of the existing structure; and in such case, no development plan shall be required.
- 10. The Planning Commission shall review and approve or deny an application in accordance with KRS 100. Such review and approval or denial shall be made, in writing, within sixty (60) days of the date the application is submitted for Planning Commission review, unless the applicant or utility requests, in writing, an extension of time.
- 11. The following landscaping requirements shall apply:
 - A. All telecommunications towers shall have one or more rows of evergreen trees or shrubs capable of forming a continuous hedge six (6) feet in height. The hedge shall screen the base of the tower and related structures from public view. A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.
 - B. New or existing vegetation, earth berms, existing topographic features, wall opaque fences and features other than those listed may be used to meet these requirements upon finding by the Planning Commission that the same degree of screening required above is achieved by the proposed alternative.
 - C. No screening shall be required where explicitly prohibited by the Federal Communications Commission regulations. In such cases, the applicant or utility shall provide the Planning Commission with a written statement of the facts explaining the prohibition of locally required screening.

(Ord. No. 1-2000, § 3, 2-1-00; Ord. No. 25-2002, 11-19-02)

Editor's note: Formerly numbered as section 9.9.

9.11 Buildings containing 50,000 square feet or more

Construction of structure(s) contain(s) fifty thousand (50,000) square feet or more shall comply with the Winchester—Clark County Big Box Design Standards. (Separate document available in the office of the Winchester—Clark County Planning and Zoning Commission.)

(Ord. No. 20-2003, 12-2-03)

ARTICLE 10. OFF-STREET PARKING AND LOADING

10.1A Parking Requirements

In all districts except “B-2,” there shall be provided at the time any building or structure is erected or enlarged, off street parking spaces, either in garages or parking areas, conforming to the provisions of this section.

<u>Use</u>	<u>Unit of Measurement</u>	<u>Parking Area or Parking Spaces Required Per Unit of Measurement</u>
One-family dwellings	Each dwelling unit	Two (2)
Two-family dwellings	Each dwelling unit	Two (2)
Multiple-family dwellings	Each dwelling unit	Two (2)
Rooming & Boarding Houses	Each four (4) beds	One (1), but not less than two (2) in any case
Bed and Breakfast Home	Each room available for rent	One (1), in addition to any other required parking
Hotels	Each four (4) bedrooms, and Each four (4) employees	One (1) One (1)
Motels, Tourist Courts, Tourist Homes	Each living unit or guest bedroom	One (1)
Private Clubs or Lodges	Each four (4) members	One (1)
Hospitals, Sanitariums, Convalescent Homes, Asylums, Orphanages, Convents, and Homes for the Aged	Each two (2) beds, and Each two (2) employees, and Each Staff member	One (1) One (1) One (1)
Medical or Dental Clinics	200 sq. ft. of floor area	One (1)
Professional Offices	400 sq. ft. of floor area	One (1)
Churches, Theatres, Stadiums, Sports Arenas, or Auditoriums other than incidental to a school	Each four (4) seats	One (1)
Senior High Schools, Business Schools, Trade Schools, Colleges and Universities Universities	Each two (2) staff members, and Each four (4) classroom seats	One (1) One (1)
Kindergartens, nursery schools and child-care facilities except when located in permitted church or private school	Number of children enrolled	Three (3) spaces for the first twelve (12) and one for each additional ten (10) or fraction thereof, in addition to any other required off-street parking
Bowling Alleys	Each alley	Five (5)
Funeral Homes or Mortuaries	Each four (4) seats available under maximum occupancy, and Each funeral vehicle and Each dwelling unit and Each two (2) employees	One (1) One (1) One (1) One (1) One (1)
Laundromat, self-service dryers, and dry-cleaning machines	Each two (2) washing machines	One (1)

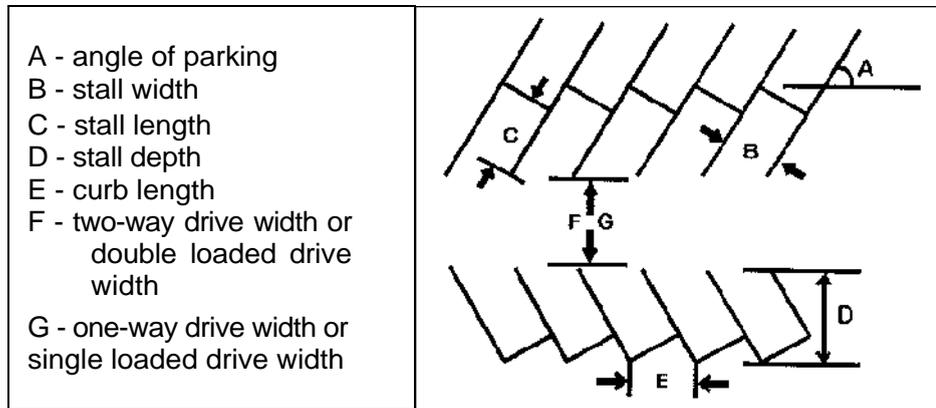
<u>Use</u>	<u>Unit of Measurement</u>	<u>Parking Area or Parking Spaces Required Per Unit of Measurement</u>
Restaurants, Taverns And Night Clubs	Each four (4) seats at maximum capacity or 200 sq. ft. of floor area (whichever is greater)	One (1)
Retail Stores, including discount stores, except as otherwise specified herein:		
For the 1st 2,500 sq. ft. of floor space	Each 100 sq. ft. of such area	One (1) but not less than five (5) in any case
For the next 2,500 sq. ft. of floor space	Each 125 sq. ft. of such area	One (1)
For the next 2,500 sq. ft. of floor space	Each 150 sq. ft. of such area	One (1)
For the next 2,500 sq. ft. of floor space	Each 175 sq. ft. of such area	One (1)
For all such floor space in excess of 10,000 sq. ft.	Each 200 sq. ft. of such area	One (1)
Retail stores having a low volume of customer parking such as furniture and appliance stores, motor vehicle and machinery sales, floor and wall covering establishments, and paint stores	Same as for other retail stores	50 percent less than required for other retail stores, but not less than five in any case
Manufacturing or Industrial Uses	Each two (2) employees at maximum employment on a single shift, and Each vehicle operated by the firm involved	One (1) One (1)

(Ord. No. 1-98, § 12, 1-20-98; Ord. No. 9-98, § 25, 6-2-98; Ord. No. 16-2003, 9-2-03)

10.1B Parking Area Dimensions

Parking Area Dimensions

A	B	C	D	E	F	G
0°	8	23	8	23	20	12
30°	9	18	17	18	20	15
45°	9	18	19	12.67	20	15
60°	9	18	20.17	10.33	24	20
75°	9	18	19.67	9.33	24	20
90°	9	18	18	9	24	20



Dimensions in feet

Stall width (B) may be reduced by one foot for low turnover uses excluding parallel parking.

Stall length (C) may be reduced by 2.5 feet when a clear overhang of 2.5 feet is provided.

Interior parking radii shall be a minimum 5 feet

10.2 Existing Parking Space

Existing off-street parking provided for any building or use at the time of adoption of the Zoning Order shall not thereafter be reduced unless it exceeds the requirements of this order. Any existing building or use not provided with conforming parking space shall be provided with off-street parking space in conformance with this order at the time of any structural alteration of the building or expansion of the use.

10.3 Required Off-Street Parking Space

When any building is built or any use of premises is initiated, they shall be provided with sufficient off-street parking space on the premises so that they will generate no automobile parking on any street as a result of their normal activity. If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity and additional off-street parking shall be provided. The Board of Zoning Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the enforcement officer is unable

to apply the following standards literally or when he determines a parking space deficiency according to the standard above. In either case he shall apply to the Board for an original interpretation.

10.4 Additional Parking Standards

The Board of Zoning Adjustment may raise the standards listed in Section 10.1 when necessary to conform with paragraph 10.3 above and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed in Section 10.1.

ARTICLE 11. SIGN REGULATIONS*

***Editor's note:** Ord. No. 19-86, § 1, adopted September 15, 1986, repealed former App. A, Art. 11, §§ 11.1--11.5, relative to sign requirements, and § 5 of said Ord. No. 19-86, enacted a new Art. 11, pertaining to sign regulations to read as herein set out in §§ 11.1-- 11.14. The provisions of former Article 11 derived unamended from the zoning ordinance of the city, Ord. No. 874, adopted in March 1971. Ord. No. 7-14 adopted 3-17-2014 repealed previous ordinance and enacted a new Article 11 pertaining to sign regulations to read as herein set out in §§ 11.1--11.15.

11.1 Intent

This article provides sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:
Do not unduly detract from the overall aesthetics of the community,
Reduce intrusions and protect property values,
Minimize undue distractions to the motoring public,
Protect the tourist industry by promoting a pleasing community image, and
Enhance and strengthen Winchester/Clark County's economic stability.

11.2 Scope

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within Winchester and Clark County.

11.3 Exempt signs

The following signs are exempt from the provisions of this Article:

- A. Signs not visible beyond the boundaries of the property upon which they are located.
- B. Government signs that:
 1. Are posted by governmental officers in the performance of their duties.
 2. Control traffic or are used for other regulatory purpose.
 3. Identify streets.
 4. Warn of danger.
- C. Flags, pennants, or insignias of any:
 1. Nation, organization of nations, state, county or city.
 2. Religion, civic or fraternal organization.
 3. Educational institutions except when such signs are used in connection with a commercial promotion or as an advertising device.
- D. Works of fine art that in no way advertise a product or business.
- E. Temporary decorations or displays, which are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday/celebration/community event.
- F. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
- G. Window displays.
- H. Vehicle Signage when painted directly on a vehicle or attached magnetically.

- I. Political signs when placed no earlier than 30 days prior to an election or primary and removed within 5 days after an election or primary.
- J. Temporary signs announcing a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
- K. Real estate signs.
- L. Window signage.

11.4 Permit requirements

- A. No sign regulated by this ordinance (except those specifically exempted in Section 11.4.1 below) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Department of Planning and Community Development. Applicants shall submit an application form to the department before any permit may be issued.
- B. Property owner shall obtain a Certificate of Appropriateness from the Historical Preservation Commission (HPC) for signage proposed within the Historic District Overlay (HDO). Applications are available in the Planning and Community Development office and online at the HPC website.
- C. Signs shall only be erected or constructed in compliance with the approved permit.
- D. Freestanding and monument signs require a building permit for the footer. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum of twenty-four hour notice to the city's building inspector and/or state electrical inspector.
- E. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

11.4.1 Signs exempt from permit requirements

The following signs do not require a permit:

- A. Name plates.
- B. Incidental signs.
- C. Historic markers.
- D. Change of copy on any sign where the framework or other structural elements are not altered.

11.5 Nonconforming signs

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition. These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

- A. Changed to another nonconforming sign except where only the face or copy is changed,
- B. Structurally altered so as to increase the degree of nonconformity of the sign,
- C. Expanded or enlarged,
- D. Re-established after its removal, or
- E. Moved to a new location on the building or lot.

11.6 Illegal signs

All illegal signs are subject to immediate enforcement action as outlined in Article 15 of the Winchester/Clark County Zoning Ordinance.

11.7 General requirements

All signs in all zones shall meet the following requirements:

- A. Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
- B. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

- C. No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
- D. Projecting signs must have at least 7' of clearance above a road or sidewalk.
- E. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a "halo" effect, or where it is used indirectly. Neon lighting may not be used to outline buildings, structures, or ornamental features.
- F. No sign, except for government signs, may be located within the sight triangle of any intersection. Refer to Article VII Design Standards of the Subdivision Regulations of Winchester/Clark County.
- G. No sign may be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
- H. Freestanding, monument, and projecting face sign area shall be computed as follows:
 - 1. Double-faced signs shall have only one face counted in calculating the area.
 - 2. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
 - 3. The area enclosing the perimeter of each cabinet shall be calculated to determine the area. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
 - 4. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign's base.
- I. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

11.8 Prohibited signs in all zones

The following signs and/or sign features shall be prohibited in all zones:

- A. Mobile signs,
- B. Roof signs that extend higher than the top of the roof,
- C. Rotating or moving signs,
- D. Abandoned signs,
- E. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign,
- F. Any sign which emits any noise or odor,
- G. Freestanding signs which overhang any part of a building,
- H. Flashing or blinking signs,
 - I. Billboards with an electronic message display system,
- J. Signs in a public right-of-way, and
- K. Handbills.

11.9 Signs requiring a conditional use permit in all zones:

- A. Signs painted directly on a building.
- B. Off-site directional signs. The off-site directional signage must conform to the signage requirements of the property on which it is located.
- C. Only the Board of Zoning Adjustments shall have the authority to approve sign variances or conditional use permits for signs unless the request is made to the Planning Commission in conjunction with a Development Plan. Applications for these signs shall be submitted and processed as outlined in Article 5 of the Winchester/Clark County Zoning Ordinance.

11.10 Signs permitted in all zones

- A. Construction signs, not exceeding sixty-four (64) square feet in area, non-illuminated, and to be removed prior to issuance to of occupancy permit for the structure to which the sign pertains.
- B. Tract signs, not exceeding sixty-four (64) square feet in area, non-illuminated, and set back from any street as required for a principal structure within the zone. Each subdivision shall be permitted one (1) tract sign per arterial or collector street.

- C. Incidental signs.
- D. Historic markers.

11.11 Signs permitted by specific zone

Any sign not specifically permitted shall be prohibited.

11.11.1 Agricultural zone (A-1)

- A. **Residence** - One nameplate not exceeding one (1) square foot in area.
- B. **Home Occupation** - One wall sign not exceeding twelve (12) square feet in area.
- C. **Farm**
 - 1. Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Signs shall not exceed thirty-two (32) square feet in area each.
 - 2. Directional signs that provide information on the particular farm activity served by each point of access. The directional signs shall not exceed twelve (12) square feet in area or eight (8) feet in height.
 - 3. Incidental signs (do not require sign permits).
- D. **Church/school**
 - 1. One freestanding sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height.
 - 2. One bulletin board, not exceeding twelve (12) square feet in area and eight (8) feet in height.
 - 3. One wall sign per building not exceeding thirty-two (32) square feet in area.
 - 4. Incidental signs (do not require sign permits).
- E. **All other conditional uses:**
 - 1. One freestanding sign for any other permitted or conditional use not noted herein; signage shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
 - 2. Incidental signs (do not require sign permits).

11.11.2 Mobile Home (MH) Zone

- A. One freestanding sign per park entrance. Sign shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a minimum setback of twenty (20) feet from any street.
- B. One nameplate per mobile home that shall not exceed one (1) square foot in area.

11.11.3 Low Density Residential Zones (R-1A, R-1B, R-1C, R-1D and R-1E)

- A. **Residence** - One nameplate not exceeding one (1) square foot in area.
- B. **Home occupation** - One wall sign not exceeding six (6) square feet in area.
- C. **Subdivision** - One freestanding sign per entrance into the subdivision not to exceed thirty-two (32) square feet in area and eight (8) feet in height.
- D. **Church/school:**
 - 1. One freestanding sign - shall not exceed thirty-two (32) square feet in area and eight (8) feet in height,
 - 2. One wall sign - shall not to exceed twelve (12) square feet in area,
 - 3. One bulletin board - shall not exceed twelve (12) square feet in area and eight (8) feet in height, and
 - 4. Incidental signs (do not require sign permits).
- E. **All other conditional uses:**
 - 1. One freestanding sign - shall not exceed thirty-two (32) square feet in area and eight (8) feet in height,
 - 2. One wall sign - shall not to exceed twelve (12) square feet in area, and
 - 3. Incidental signs - (do not require sign permits).

11.11.4 High Density Residential Zones (R-2, R-3, R-4, R-5, and R-6)

- A. All **single family homes** within these zones shall comply with the signage regulations for low density residential zones regulated under paragraph 11.11.3 above.
- B. **Multi-family** residential buildings and conditional uses may have:
 - 1. One freestanding sign - shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a front yard setback of twenty (20) feet,
 - 2. One wall sign per building - shall not exceed twelve (12) square feet in area, and
 - 3. Incidental signs (do not require sign permits).
- C. **Church/school:**
 - 1. One freestanding sign - shall not exceed thirty-two (32) square feet in area and eight (8) feet in height,
 - 2. One wall sign per building - shall not to exceed twelve (12) square feet in area,
 - 3. One bulletin board - shall not exceed twelve (12) square feet in area and eight (8) feet in height, and
 - 4. Incidental signs (do not require sign permits).

11.11.5 Standard signage permitted in all professional, commercial and industrial zones (P-1, B-1, B-2, B-3, B-4, I-1, and I-2)

- A. One **freestanding or monument sign** per street frontage with a maximum of two (2) signs per lot. Freestanding signs shall not exceed seventy-five (75) square feet in area, twenty-five (25) feet in height, and shall have a minimum setback of ten (10) feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed one hundred and ten (110) square feet in area. For buildings with more than one occupying business, this freestanding sign may list all businesses within the building. Monument signs shall not exceed sixty (60) square feet in area, eight (8) feet in height, and shall have a minimum setback of ten (10) feet.
- B. One **wall sign, canopy sign or awning sign** per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is thirty-two (32) square feet or fifteen percent (15%) of the wall area to which the sign, canopy or awning is attached (whichever is greater). Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.
- C. One **nameplate** per tenant or lessee not exceeding two (2) square feet in area.
- D. **Informational signs** not exceeding twenty (20) square feet in area. Informational signs may be freestanding only when included as part of a permitted freestanding sign as described in §11.11.5 A.
- E. Two **directional signs** per entrance not exceeding three (3) square feet in area each and four (4) feet in height.
- F. One **attraction board** either attached to the wall or attached to the permitted freestanding sign not to exceed thirty-two (32) square feet in area and eight (8) feet in height.
- G. One **menu board** per drive-through lane or drive-up curbside. Menu boards shall not exceed fifty-five (55) square feet in area and shall have a maximum height of eight (8) feet.

- H. **Temporary signs** that advertise special events; these include banners, flags, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:
 1. Shall not exceed fifty (50) square feet per sign where non-rigid materials are used.
 2. Shall not exceed thirty-two square feet per sign where rigid materials such as wallboard or plywood are used.
 3. Shall comply with the applicable regulations for the zone in which they are located.
 4. Shall not remain in place for a period of more than fourteen (14) continuous days.
 5. Shall not be displayed for more than a total of eight (8) times in any calendar year.
 6. Shall not be placed within the public right-of-way or the sight triangle at intersections.
- I. One **marquee** per theatre. A marquee shall not exceed thirty-two (32) square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet. In addition, one attraction board for each movie currently playing and a maximum of three attraction boards for "coming attractions".
- J. **Incidental signs** (do not require sign permits).
- K. **Church/school** - In addition to signage permitted above, one bulletin board, not exceeding thirty two (32) square feet in area and eight (8) feet in height.
- L. Signs with **electronic message display systems** are prohibited in the P-1 (Professional Office), B-1 (Neighborhood Business) and B-2 (Downtown Business) districts. Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within the B-3, B-4, I-1, and I-2 zones.

11.11.6 Additional signage permitted in specific commercial and industrial zones

A. Downtown Business Zone (B-2)

In addition to the signage permitted in 11.11.5 above, the following signs shall be permitted:

1. **Permanent sidewalk sign** - Where a building is located adjacent to the public right-of-way; one non-illuminated, freestanding sign may be permanently placed on the public sidewalk with the following restrictions:
 - a. Sign shall not exceed five and one-half (5.5) square feet in area.
 - b. The edge of the sign shall not extend beyond the curb line.
 - c. The maximum dimensions of the support frame shall not exceed eight (8) square feet in area (maximum forty-eight (48) inches wide or thirty-six (36) inches high).
 - d. The bottom of such support shall be seven (7) feet above the sidewalk and the vertical support shall be twenty-four inches from the curb.
2. **Portable sign** - One may be permitted for each business entrance subject to the following restrictions:
 - a. Maximum surface area of the sign shall be six (6) square feet per face, maximum height of sign shall be three (3) feet, and maximum width of the sign shall be two (2) feet.
 - b. A minimum thirty-six (36) inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face to advertise daily specials and shall be removed from the public sidewalk when the business is closed.

B. Highway Business Zone (B-3)

In addition to the signage permitted in 11.11.5, the following signs shall be permitted:

1. **Shopping Center Malls** larger than 100,000 sq. ft. may have one freestanding sign per street frontage with a maximum of 250 sq. ft. per sign face and a maximum height of 30' instead of a freestanding sign measuring 75 sq. ft. in area with a maximum height of 25'.
2. One **interstate sign** for those businesses which lie within a two thousand five hundred (2,500) foot radius of the center point of an interstate interchange overpass. This interstate sign takes the place of either the permitted freestanding or wall sign outlined in 11.11.5 above. That is, these businesses may have a combination of any two of these signs (interstate sign, freestanding sign, or wall sign). Interstate signs are subject to the

following restrictions:

- a. Shall not have an electronic message display system.
 - b. Individual signs shall not exceed two hundred fifty (250) square feet in area.
 - c. Height (from the base to the top of the sign) shall not exceed ninety (90) feet.
 - d. The sign's base shall be at least ninety (90) feet from any residential zoned property.
 - e. In addition to a sign permit, a building permit shall be obtained prior to installation.
- C. **General Business, Light Industrial, and Heavy Industrial Zones** (B-4, I-1, and I-2). In addition to the signage permitted in 11.11.5, the following signs shall be permitted:
1. **Shopping center malls** larger than 100,000 sq. ft. may have one freestanding sign per street frontage with a maximum of 250 sq. ft. per sign face and a maximum height of 30' instead of a freestanding sign measuring 75 sq. ft. in area with a maximum height of 25'.
 2. One **interstate sign** for those businesses which lie within a two thousand five hundred (2,500) foot radius of the center point of an interstate interchange overpass. This interstate sign takes the place of either the permitted freestanding or wall sign outlined 11.11.5 above. That is, these businesses may have a combination of any two of these signs (interstate sign, freestanding sign, or wall sign). Interstate signs are subject to the following restrictions:
 - a. Shall not have an electronic message display system.
 - b. Individual signs shall not exceed two hundred fifty (250) square feet in area.
 - c. Height (from the base to the top of the sign) shall not exceed ninety (90) feet.
 - d. The sign's base shall be at least ninety (90) feet from any residential zoned property.
 - e. In addition to a sign permit, a building permit shall be obtained prior to installation.
 3. One **billboard** may be permitted subject to the following restrictions:
 - a. The sign shall not have an electronic message display system.
 - b. The property on which the billboard is located shall abut a federal or state highway.
 - c. The sign shall be the principal use; there shall be no other buildings, freestanding signs, etc. on the lot.
 - d. Signage face shall not exceed seven hundred and twenty (720) square feet in area.
 - e. The sign shall be located no closer than three hundred (300) feet to any other structure.
 - f. The sign shall be at least one hundred fifty (150) feet away from any residential zone or residential use.
 - g. There shall be a 40' setback requirement from any right-of-way.
 - h. Maximum height shall be thirty-five (35) feet.

11.11.7 Planned Development (PD) Zone

A permitted sign's height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

11.12 Advertising on interstate highways

No billboard shall be permitted adjacent to interstate or limited access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Zoning Ordinance with respect to the zoning district involved. (Ord. No. 19-86, § 5, 9-15-86)

11.13 Maintenance standards

Every sign including these signs for which a permit is not required, shall be maintained in good condition at all times. (Ord. No. 19-86, § 5, 9-15-86)

11.14 Penalties for violation

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Article 14 for violation of this Zoning Ordinance. (Ord. No. 19-86, § 5, 9-15-86)

11.15 Definitions

The definitions contained in this section shall be applied in the interpretation of all sections within Article 11 of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

Abandoned Sign: Advertises products or services at a location where the building has been demolished or is in such disrepair that it would be unreasonable to expect a business to locate within it.

Attraction Board: Copy is changed manually or electronically to announce special activities on the property.

Awning Sign: Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

Banner Sign: Made of non-rigid material with no enclosing framework.

Billboard: Signage intended for lease to a variety of businesses. In such case, the sign itself is the income generator and the primary commercial use of the property.

Bulletin Board: Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings or similar events.

Canopy Sign: Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.

Construction Sign: Temporary and used to identify the project, architect, engineer, contractor, financing company, material supplier, leasing information, renderings, or others engaged in work on the site on which the sign is located.

Directional Sign: Noncommercial and instructional, such as "parking", "exit" or "entrance" and displayed solely for the convenience of the public.

Double-faced Sign: Two (2) faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) shall be considered two (2) separate signs.

Electronic Message Display System: Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs) or liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.

Farm: A tract of at least ten (10) contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops are defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards and wineries.

Flashing or Blinking: Intermittent or sequential illumination for the purpose of attracting attention to the sign.

Freestanding Sign: Attached to the ground by columns, poles, braces, or other means and not attached to any building,

Government Sign: Temporary or permanent, erected by a government body for traffic direction, designation or direction to a service, property or facility.

Handbill: Printed or written material, circular, leaflet, pamphlet, booklet designed for distribution on vehicles or other property (does not include postal distribution) which advertises merchandise, commodity, or services.

Historic Marker: Commemorates or identifies an event, ownership of property, or age of a building having historical significance.

Illegal Sign: Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.

Illuminated Sign: Emits or reflects artificial light from any source.

Directly illuminated: Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.

Indirectly illuminated: Light source projects light onto the exterior of the sign surface, or onto the building where the sign is located.

Internally illuminated: Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.

Incidental Sign: Limited to information and directions related to the use on the lot on which the sign is located, not exceeding two (2) square feet in area. Examples include "no parking", "no smoking", "restroom", "no solicitors", "no trespassing", "self-service", "vacancy", credit card acceptance, hours of business, and similar information.

Informational Sign: Gives only the time, temperature, and/or date and provides no advertising of any product or business activity.

Interstate Sign: Directs attention to an activity upon the premises where the sign is located and is designed to be seen from the interstate.

Marquee Sign: Used in conjunction with a theatre, attached to the building, and projects from the building.

Menu Board: Displays menu items/prices for placing orders at drive-through lanes.

Mobile Sign: Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind load stress requirements of the adopted building code; designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition.

Monument Sign: Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.

Nameplate: Gives only the name, address, and/or occupation of the occupants of the building on which it is located.

Non-conforming Sign: Legally erected but does not comply with the current regulations for the zone in which it is located.

Non-illuminated Sign: Does not emit or reflect artificial light from any source.

Off-Site Directional Sign: Identifies only a business and is located on another parcel where the primary ingress/egress to the business is located.

Political Sign: Temporary, relating to a candidate or issue on the ballot for an election or primary.

Portable Sign: Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.

Projecting Sign: Attached to a building, extends more than twenty-four (24) inches.

Real Estate Sign: Temporary sign indicating availability of property for sale or lease.

Roof Sign: Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys or other projections above the roofline.

Rotating or Moving Sign: Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

Sign: Any copy (including material used to differentiate the copy from the background) which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

Sign Clearance: The vertical distance between the lowest point of any sign and the grade at the base of the sign.

Sign Copy: Any word, figure, number, symbol, or emblem affixed to a sign.

Sign Height: The vertical distance measured from the highest point of the sign, including the frame and any embellishments to the bottom of the base of the sign.

Sign Setback: The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

Sign Surface: That part of the sign on which the message is displayed.

Square foot: A unit of area equal to one foot by one foot square.

Street Frontage: Property line that lies adjacent to street right of way.

Tract Sign: Temporary, advertising the original sale of property in a subdivision.

Temporary Sign: Advertising display intended to be displayed for not more than fourteen (14) continuous days or more than eight (8) times per calendar year.

Vehicle signage: Signage painted directly on a vehicle or attached magnetically.

Wall Sign: Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not projecting above the roofline.

Window Display: Merchandise or other objects placed inside a building to be viewed from outside the building.

Window Sign: Attached to or located within three (3) foot of the interior of a window and which can be seen through the window from the exterior of the structure.

ARTICLE 12. DEFINITIONS

The words defined are those which have special or limited meanings as used in the Zoning Order, which meanings might not otherwise be clear. Words whose meaning is self-evident as used in the Zoning Order are not defined here:

Accessory Structure or Use: Any structure or use, including outdoor display and/or tent for commercial purposes in conjunction with a principal permitted use, other than the principal structure or use, directly incident to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of the Zoning Order. A parked mobile home shall not be considered an accessory building unless specifically permitted by the provisions of the Zoning Order.

(Ord. No. 9-98, § 26, 6-2-98)

Agricultural Structure: Any structure or building accessory to the principal structural use of the land. Farm dwellings, however, are principal buildings.

Agriculture: The use of land only—minus agricultural structures—for cultivation of crops, raising of animals, or preservation in its natural state. Associated terms include:

- A. **Agribusiness** -- An enterprise that derives its revenue from sales of agricultural products or sales to agricultural producers
- B. **Agritourism business** -- An income producing commercial enterprise at a working farm for the purpose of providing public enjoyment education or active involvement in the activities of the farm or operation.
- C. **Agritourism** -- The act of visiting a working farm or any agricultural, horticultural, or agribusinesses.
- D. **Value-added Agricultural Activities** -- Any activity or process that allows farmers to retain ownership, but that alters the original farm produced agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, precutting, cooking, or chilling.
- E. **Agricultural Use**
 1. The use of:
 - a. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits,

vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use of the tract, but no including residential building development for sale or lease to the public.

- b. Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156.
- c. A tract of at least five (5) contiguous acres used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows Competitions, sporting events and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.
- d. A tract of land used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care;
 6. Shows Competitions, sporting events and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

(Ord. No. 3-2008, § I, 3-18-08)

Alteration: Any change or addition to the supporting members or foundation of a structure.

Automobile and Truck Repair, Major: Repair of vehicles including rebuilding or reconditioning of engines and transmissions, or major overhaul in which the engine, transmission, or other major components are removed entirely from the vehicle; collision services including body or frame straightening or repair, and/or automotive painting of any kind, (including the use of paint booths).
(Ord. No. 18- 95, § I.4, 7-5-95)

Automobile and Truck Repair, Minor: Incidental repair, adjustment to a vehicle's operational systems, including replacement of parts, motor service to passenger vehicles and trucks not exceeding one and one-half (1 1/2) ton, but not including any activity contained in the definition of "Automobile and truck repair, major," or any other similar activity, nor any repair requiring outside storage of a vehicle for more than ninety-six (96) hours.
(Ord. No. 18-95, § I.4, 7-5-95)

A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.
(Ord. No. 20-82, § 4, 9-28-82)

Bed and Breakfast Home: A use located in an existing structure originally a single family dwelling which provides short-term transient lodging, including serving only breakfast to overnight guests, for which a fee is paid and subject to the following conditions:

1. The use shall be secondary to the dwelling.
2. The use shall be carried out only by owners with at least a fifty-one (51) per cent ownership, and who reside on the premises.
3. The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes.
4. Each room to be rented shall have no cooking facilities and be designed and intended to accommodate no more than one family unit.
5. Each room shall be rented for no longer than seven (7) consecutive days to a guest.
6. The use shall not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation, noise, lights.
7. The owner-operator shall maintain a guest log and other records, which shall be subject to annual review and inspection.
8. The use shall not be conducted within any accessory building except for such an accessory building at least fifty (50) years old that was originally constructed in full or part as a dwelling.
9. The conditional use permit shall become null and void upon the sale or transfer of the property.
10. All off-street parking areas shall be screened from streets and adjacent property in accordance with Article 13 and not located in the required front or side yards.
11. The use shall be in compliance with all applicable state and local laws, including Health Department rules and regulations.
12. No sleeping rooms (as defined in Article 12) shall be permitted.

(Ord. No. 1-98, § 11, 1-20-98)

Brewpub: A restaurant that brews beer as an accessory use, either for consumption on-site or in sealed containers in quantities up to one-half barrel sold directly to the consumer. Production capacity is limited to 5,000 barrels of beverage (all beverages combined) per year. The area used for brewing, bottling, and kegging shall not exceed 30 percent of the total floor area of the commercial space. A barrel is equivalent to 31 gallons.

(Ord. No. 4-2014, 5-6-2014)

Building: Any structure which fully encloses space for the occupancy by persons or their activities. A mobile home is not a building, however.

Cellular Telecommunications Services: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

(Ord. No. 1-2000, § 2, 2-1-00)

Cluster Development: A type of design in an agricultural zone which allows a specific area to be utilized for the grouping of lots for residential development, while dedicating a specific area to remain undeveloped and used for farm land and/or open space. The cluster development includes the cluster envelope and the set-aside.

(Ord. No. 3-99, § 7, 3-16-99)

Cluster Envelope: The land area in a cluster development devoted to residential development, including residential lots, road rights-of-way, and other land devoted to uses or facilities necessary to support the residential development, excluding, however, right-of-way of the access road from the public road to the point where actual residential development begins.

(Ord. No. 3-99, § 7, 3-16-99)

Co-location: Location of two (2) or more transmission antennae or related equipment on the same telecommunications tower.
(Ord. No. 1-2000, § 2, 2-1- 00)

Commercial Floor Area: Floor area of buildings which is devoted to the storage and display of merchandise, the performance of consumer services or the circulation and accommodation of customers.

Conditional Use: A use which must receive special approval by the Board of Zoning Adjustment if delegated, in order to be permitted in a zoning district.

Consumer Services: Sale of any service to individual customers for their own personal benefit, enjoyment or convenience, and for fulfillment of their own personal needs. For example consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.

Decibel (Db): A unit for describing the loudness of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter). Zero (0) decibels is the threshold of human hearing. Ten (10) decibels is ten (10) times as loud as zero (0), twenty (20) decibels is one hundred (100) times as loud as zero (0), and one hundred thirty (130) decibels is the threshold of pain.
(Ord. No. 20-82, § 4, 9-28-82)

Development Plan: Written and/or graphic material depicting a development of land, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing man-made and natural conditions, for screening or buffering, utilities, existing man-made and natural conditions, and all other conditions agreed to by the applicant.
(Ord. No. 36-87, § 2, 12-10-87)

Development Right: A development right is a simple extension of the rights normally associated with land ownership. When legally established a development right has value separate from the land itself. It can be subject to reasonable regulation by local government under the police power. The development right can be transferred by the owner, by means of gift or sale, to another property. The landowner may sell the development rights and still retain the title to the land and the right to use the land, excluding the right of development.
(Ord. No. 3-99, § 7, 3-16-99)

Dwelling: A dwelling is a building providing shelter, sanitation and amenities for permanent habitation, including Class A Mobile Homes, but excluding manufactured homes of Class B, C, and D, and temporary lodging and sleeping rooms.
(Ord. No. 29-83, § 8, 12-27-83)

Dwelling Unit: A dwelling unit is a dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.
(Ord. No. 29-83, § 2, 12-27-83)

Height: The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

Home Occupations: Occupations involving personal and professional services, subject to the following conditions: (1) The use is clearly incidental and secondary to the principal residential use; (2) the use is conducted entirely within the dwelling and not in an accessory

building; (3) the use is carried on only by residents of the dwelling; (4) no products, commodities or merchandise shall be sold or stored on the premises; (5) the use does not require alteration of the exterior of the dwelling; (6) the use does not adversely affect the neighborhood by generating excessive traffic, atmospheric pollution, light flashes, glare, odors, noise, vibration, or truck or other heavy equipment traffic; (7) adequate off-street parking is provided.
(Ord. No. 42-90, 11-27-90)

Home Office: An office use conducted within a dwelling under the following conditions:

1. The office shall be clearly incidental and secondary to the residential use and shall occupy no more than twenty-five (25) per cent of the total area of the dwelling or five hundred (500) feet, whichever is less.
2. The use shall be limited to record keeping and administrative activities.
3. The office shall be located within the dwelling unit and not in an accessory building;
4. The office shall be operated by residents of the dwelling, and no nonresidents may be employed on the premises.
5. No sale of merchandise shall be conducted on the premises.
6. No commodities, products or merchandise shall be stored on the premises.
7. No signs identifying the office shall be displayed on the premises.
8. Residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance thereof.
9. No customer traffic shall be generated.
10. No commercial vehicles shall be parked on the premises.

(Ord. No. 42- 90, 11-27-90)

Immediate Family Member: Any person bearing the following relationship to grantor: parent, child, grandparent, grandchild, brother or sister.

(Ord. No. 3-99, § 7, 3-16-99)

Industry: The processing of products or raw materials; the two categories of industry are defined according to the following performance standards:

- a. *Heavy Industry*—Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.
- b. *Light Industry*—Those industries whose processing operations result in none of the above conditions.

Junkyard: The outdoor storage of inoperative machinery.

kennel: Facility for conducting the business of the sale and temporary boarding of more than three (3) household pets.

(Ord. No. 9-98, § 26, 6-2-98)

Lot: A parcel of land under one ownership devoted to a common use or occupied by a single principal building plus accessory structures.

Lot Area: The computed ground area inside the lot lines.

Lot, Corner: A lot which abuts on two intersecting streets at their intersection.

Lot Coverage: The computed ground area occupied by all buildings within a lot.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double-Frontage: Any lot other than a corner lot which abuts on two streets.

Lot Line: The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.

Lot of Record: A lot which is recorded in the office of the County Clerk.

Manufactured Home: A manufactured home is a building which is substantially constructed away from the building site, which is designed to be and is transported to such building site and permanently installed thereon for use as a dwelling. The term includes, but is not limited to, mobile home. It also includes housing built away from a building site in two (2) or more sections or modules, commonly known as a modular home.
(Ord. No. 29-83, § 8, 12-27-83)

Manufactured Home Complex: A manufactured home complex is a manufactured home park in which the land is owned by the developer and not by the individual occupants.
(Ord. No. 29-83, § 8, 12-27-83)

Manufactured Home Park: A manufactured home park is a parcel of land available to the public in which two (2) or more lots are occupied or intended for occupancy by manufactured homes and includes service buildings, structures, enclosures or other facilities used as a part of the park. A park may be a “complex” or a “subdivision” and the term is used interchangeably with both.
(Ord. No. 29-83, § 8, 12-27-83)

Manufactured Home Subdivision: A manufactured home subdivision is a manufactured home park designed and operated so that the lots are owned by the individual manufactured home owner.
(Ord. No. 29-83, § 8, 12-27-83)

Microbrewery/Microdistillery/Microwinery: Facility for brewing less than 15,000 barrels of alcoholic beverage per year. May include a tasting and retail space for the sale of the alcoholic beverage and related merchandise.
(Ord. No. 4-2014, 5-6-2014)

Mini-Warehouse: A building divided in cubicles or compartments which are rented or leased to the general public for the storage of goods.
(Ord. No. 17-86, § 1(2), 7-24-86)

Mobile Home: A mobile home is a transportable dwelling unit suitable for year-round occupancy, which is manufactured on a chassis or undercarriage as an integral part thereof, containing facilities for water, sewage, bath and electrical conveniences.
(Ord. No. 29-83, § 8, 12-27-83)

Mobile Home Park: A tract of land prepared and approved according to the procedures in the Zoning Order to accommodate ten or more mobile homes.

Noise: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
(Ord. No. 20-82, § 4, 9-28-82)

Nonconforming Structures or Uses: A structure or use of any premises which does not conform with all applicable provisions of the Zoning Order but which existed at the time of its designation as nonconforming by the adoption or amendment of the Zoning Order.

Nonretail Commercial: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes wholesaling, warehousing, truck terminals, and similar commercial enterprises.

Outdoor: Refers to that which is not within a building.

Parking Area or Structure: An off-street area or structure for required parking or loading spaces including driveways, access ways, aisles, parking and maneuvering space, but excluding required front yard, or public right-of-way.

Pet-grooming: The business or practice of performing grooming services for pets or domestic animals, such as bathing, clipping, or combing for the purpose of enhancing their appearance and well-being and for which a fee is charged. Boarding, breeding or medical care is not to be permitted as a part of the pet-grooming service.

(Ord. No. 21-2001, 12-18-01)

Planned Development Project: A complex of structures and uses planned as an integral unit or community of development.

Premises: A lot or other tract of land under one ownership and all of the structures on it.

Private Recreation Area: An area devoted to uses such as picnic and parking areas, swimming pools, private clubhouses, tennis courts, refreshment stands, and similar or associated structures and uses.

Processing: Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures, however.

Property Line: An imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented, or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property division.

(Ord. No. 20-82, § 4, 9-28-82)

Public-Service Building: Any building necessary for the operation and maintenance of a utility.

Restaurant: An eating establishment where food is served and/or consumed only within the building.

Restaurant, Drive-In: An eating establishment where food is generally served by employees or by self-service on the premises outside the building and generally consumed on the premises outside the building or off of the premises.

Retail Sales: Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Road: A traffic-carrying way. As used in the Zoning Order a road may be privately owned.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural or other products grown or produced on the premises upon which such a stand is located.

Set-Aside: The land area surrounding the cluster envelope which is dedicated to use as farm land and/or open space. That portion of the access road from the public road to the point where residential development actually begins shall not be considered to be a portion of the set-aside. (Ord. No. 3-99, § 7, 3-16-99)

Single-Family Dwelling: A single-family dwelling is a dwelling designed for occupancy by a single-family. (Ord. No. 29-83, § 8, 12-27-83)

Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

Sound Level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument must be of type 2 or better, as specified in the American National Standards Institute Publication S1.4-1971, or its successor publications. (Ord. No. 20-82, § 4, 9-28-82)

Street: Any highway or other public traffic-carrying way, an arterial street is any federal, state or county highway unless otherwise designated by the Planning Commission.

Structure: Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.

TDR Multiple: A method of assigning relative values to development rights when transferred from one area to another. For instance, a TDR multiple of 1.5 means that when a single development right is transferred from one area to another it is given a value equivalent to one and one-half (1 1/2) development rights. As used herein, the word "value" is not intended to suggest monetary value. (Ord. No. 3-99, § 7, 3-16-99)

Telecommunications Tower: A structure constructed for the location of transmission antennae and/or related equipment to be used in the provision of cellular telecommunications services or personal communications services, as defined in 47 U.S.C. Section 332(c), but not including such structures when used for the broadcast of television, AM or FM radio station, citizens band or amateur radio use. (Ord. No. 1-2000, § 2, 2-1-00)

Usable Open Space: That portion of the outdoor of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access or landscaping, but not including off-street parking and loading, driveways or required front and street side yards unless separated from the street right-of-way by a fence or screen planting.

Use: Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

Utility: Any person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with; the transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation (KRS 278.010[3]) (Ord. No. 1-2000, § 2, 2-1-00)

Variance: A departure from the strict conformance with the dimension and area regulations of the Zoning Order which must first receive the approval of the Board of Zoning Adjustment.

Viewshed: The visual field presented by a particular parcel of real estate when viewed from the adjoining public road by a person of average height.
(Ord. No. 3- 99, § 7, 3-16-99)

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

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

Yard, Side: An open space between a building and a side lot line, unoccupied and unobstructed from the ground upward except as herein specified. The width of a side yard is the shortest distance, measured horizontally, between any part of a building exclusive of such parts herein excepted and the nearest side lot line.
(Ord. No. 19-86, § 4, 9-15-86; Ord. No. 4-92, § 2, 3-11-92)

ARTICLE 13. LANDSCAPE AND LAND USE BUFFERS*

13.1 Intent

The intent of these guidelines is to provide a conservation plan to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between non-compatible land uses; and to protect, preserve and promote the esthetic appeal, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, visual pollution, air temperature and artificial light glare.

13.2 Sites Affected

13.21 New Sites

No new site development, building, structure or vehicular use area should hereafter be created and used unless landscaping is provided as required by the provisions of these guidelines.

13.22 Existing Sites

No property lines should be altered nor should any building, structure, or vehicular use area be expanded, unless the minimum landscaping provided by the provisions of these guidelines is provided for the property to the extent of its alteration or expansion, and not for the entire property.

13.3 Where Landscape Materials are Required

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

13.31 Perimeter Landscape Requirements

Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty (50) percent winter opacity and seventy (70) percent 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 should be provided either in easements in certain zones (Section 13.311) or adjacent to vehicular use area (Section 13.312). A plant list shall be maintained by the planning department to provide more detailed information on the acceptable plant material.

***Editor's note:** Ord. No. 20A-94, § 3, added Art. 13 to the zoning ordinance. Amendments to this article will be indicated by a history following modified sections or subsections.

13.311 Property Perimeter Requirements

A.	B.	C.	D.
When the following	Adjoins the following	A minimum landscape easement Of this average width (with 3 feet as The least dimension) is required 3.....	Which will contain this material, to achieve opacity required.
1. Any residential zone except mobile home district.	Any mobile home district.	10 feet, adjacent or astride to all common boundaries, including street frontage.	1 tree/40 feet of lineal boundary. OFT ² , from Group A,B,C of plant List plus continuous six-foot high planting, hedge, fence, wall, or earth mound.
2. Any single-family residential zone except mobile home district.	Any multi-family residential.	10 feet, adjacent or astride to all common boundaries except street frontage.	Same as 1(D)
3. Any residential zone including mobile home district.	Any office zone.	6 feet, adjacent or astride to all common boundaries except street frontage.	1 tree/40 feet of lineal boundary, OFT ² , from Group A or B of plant list plus continuous six-foot high planting, hedge, fence, wall or earth mound.
4. Any residential zone including mobile home district.	Any business zone.	Same as 1 (C)	Same as 3(D)
A.	B.	C.	D.
When the following	Adjoins the following	A minimum landscape easement Of this average width (with 3 feet as The least dimension) is required ³	Which will contain this material, to achieve opacity required.
5. Any professional office zone.	Any business zone.	Same as 3 (C)	Same as 3 (D)
6. Any recreational zone.	Any zone except agricultural zones.	Same as 3 (C)	Same as 3 (D)

7. Any zone except agricultural zones.	A freeway or arterial street prohibiting driveways.	20 feet for residential zones including mobile home districts and 10 feet for all other zones, adjacent to freeway or arterial.	Same as 9 (D)
8. Railroads (except spur tracks).	Any zone except agricultural and industrial zones.	20 feet for residential zones including mobile home districts and 10 feet for all other zones, adjacent to railroad boundaries.	Same as 9 (D)
9. Any property including street rights-of-way.	Utility substation, junk yards, landfills, sewage plants, or similar uses.	15 feet adjacent to all boundaries, except only 5 feet for utility substations measured adjacent to the enclosure.	Same as 9 (D)

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

2 OFT means “or fraction thereof”. Trees do not have to be equally spaced, but may be grouped.

3 To determine required area of landscape easement, multiply required average width by length of common boundary. Using item 1C as an example, the ten-foot average required width times as assumed one hundred (100) feet of common boundary equals one thousand (1,000) square feet of required landscape area. Thus, if some sections of the easement are only three (3) feet in width, other sections will have to be greater than ten (10) feet in width in order to obtain the required one thousand (1,000) square feet of landscape area.

13.312 Vehicular Use Area Perimeter Requirements

A.	B.	C.	D.
When the following	Adjoins the following	A minimum landscape ¹ easement of this width is required.....	Which will contain this Material ³ to achieve opacity required.
1. Any residential office, educational, institutional, or business building (except in B-2 zones)	Any vehicular use area ² on any adjacent property.	4 feet min. to all trees from edge of paving where vehicles overhang, and a three-foot strip (that prohibits any overhang) for other areas, adjacent to property.	1 tree /40 feet of boundary of vehicular use area ² , OFT ⁴ , from Group A,B, or C, plus a three-foot Average height planting, hedge, Fence, wall, or earth mound.
2. Any public right-of-way (except freeways)	Any vehicular use area outside B-2 (except vehicular sales facilities or service stations) in any zone ² .	Same as 1.C. above except Applies to V.U. A. ² portion facing public or private street right-of-way.	1 tree/40 feet OFT ⁴ from Group A or B, plus a three-foot average height continuous planting, hedge, fence, wall, or earth mound.
3. Any public or private right-of-way (except freeways)	Any vehicular sales area or service station.	Same as 2 (C)	1 tree/50 feet, OFT from Group A or B, plus 1 low shrub/10 feet OFT (opacity requirements do not apply).
4. Any public or private right-of-way (except freeways).	Any vehicular use area (except loading and unloading areas) in B-2	Three-foot strip adjacent to the portion of a vehicular use area ² that faces a public or private street right-of-way.	Three-foot average height continuous planting, hedge, fence or wall.

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

2 OFT means “or fraction thereof”. Trees do not have to be equally spaced, but may be grouped.

3 To determine required area of landscape easement, multiply required average width by length of common boundary. Using item 1C as an example, the ten-foot average required width times as assumed one hundred (100) feet of common boundary equals one thousand (1,000) square feet of required landscape area. Thus, if some sections of the easement are only three (3) feet in width, other sections will have to be greater than ten (10) feet in width in order to obtain the required one thousand (1,000) square feet of landscape area.

13.313 Who Provides Easement—The landscape easement and material required adjacent to any street under Section 13.312 should be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right-of-way. When adjacent to other common boundaries the landscaping easement 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 should be placed on the activity listed under 13.311, B, and 13.312, B, when adjoining parcels having 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 building inspection office, as a public record; or (d) should be placed on the activity or parcel being processed when adjoining property is already developed with the except of 13.311, item 9.

13.314 Requirement Conflicts—Whenever a parcel or activity falls under two or more of the categories listed in the table of Section 13.311 or 13.312, only one category (that with the most stringent requirements) should be enforced.

13.315 Easement Conflicts—The required landscape easement may be combined with a utility or other easement as long as all of the landscape requirements can be fully met, otherwise, the landscape easement should be provided in addition to, and separate from, any other easement. Cars or other objects should not overhang or otherwise intrude upon the required landscape easement more than two and one-half (2 1/2) feet, through the use of wheel stops or curbs.

13.316 Existing Landscape Material—Existing landscape material should be shown on the 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 public approval authority such material meets the requirements and achieves the objectives of these guidelines.

13.317 Landscaping at Driveway and Street Intersections—To insure that landscape materials do not constitute a driving hazard, a “sight triangle” should be observed at all street intersections of driveways with streets. Within this sight triangle, no landscape material nor parked vehicles except for required grass or ground cover, should be permitted. Within the sight triangle, trees should be permitted as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic visibility hazard. The sight triangle is defined in the following sections.

13.3171 Driveway Intersection Sight Triangle—At intersections of driveways with streets, the sight triangle should be established by locating the intersection of the street curb with the driveway edge perpendicular to the curb.

13.3172 Street Intersection Sight Triangle—At street intersections, the sight triangle should be formed by measuring at least thirty-five (35) feet long curb lines and connecting these points.

13.32 Interior Landscaping for Vehicular Use Areas

Any open vehicular use area containing more than six thousand (6,000) square feet of area or twelve (12) or more vehicular parking spaces, shall provide "interior" landscaping in addition to the previously required "perimeter" landscaping.

13.321 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.

13.3211 Minimum Area—The minimum landscape area permitted shall be sixty-four (64) square feet, with at least dimension of eight (8) feet.

13.3212 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 eight (8) feet. Landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum.

13.322 Minimum Trees—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, and the remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

13.323 Vehicle Overhang—Parked vehicles may hang over the interior landscaped area no more than two and a half (2 1/2) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

13.4 Landscape Materials

The landscaping materials shall consist of the following and are described in more detail in the planting manual on file at the office of planning and community development.

13.41 Walls and Fences

Walls shall be constructed of natural stone, brick, or artificial materials arranged in a linear, serpentine or other alignment; while fences shall be constructed of wood. Chain link fencing will meet approval only if covered with wood strips or plant material. In industrial zones, there should be no height limitation on walls or fences; in all other zones, however, there should be a six-foot height restriction for walls or fences in front yards, an eight-foot height restriction in all other required yards. All walls or fences shall have a minimum opacity of eighty (80) percent.

13.42 Earth Mounds

Earth mounds shall be constructed with proper slopes and adequate plant material to prevent erosion.

13.43 Plants

All plant materials shall be living plants (artificial plants are not permitted) and shall meet the following requirements.

13.431 Quality—Plant materials used in conformance with provision of these guidelines shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

13.432 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 and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where an eight-foot clear wood requirement will control. Trees having an average 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-foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper) of at least one and three-fourths (1 3/4) 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 containing dimension shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

13.433 Evergreen Trees—Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half (1 1/2) inches and a minimum spread of three (3) feet immediately after planting.

13.434 Shrubs and Hedges—Shall be at least two (2) feet for Section 13.312 (and three (3) feet for Section 13.311) in average height or spread when planted and shall conform to the opacity and other requirements within four (4) years after planting.

13.435 Vines—Shall be at least twelve (12) or fifteen (15) inches high at planting, and are generally used in conjunction with walls or fences.

13.436 Grass or Ground Cover—Grass (of the fescue (Gramineae) or bluegrass (Poaceae) family) shall be planted in species normally grown as permanent lawns in Clark 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 placed in such a manner as to present a finished appearance. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar approved materials.

13.44 Maintenance and Installation

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted good construction and planting procedures. The person in charge or in contract of the properties whether as owner, lessee, tenant, occupant or otherwise shall be responsible for the continued proper maintenance, free from

refuse and debris, at all times. All unhealthy or dead plant material 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. Violation of these installation and maintenance provisions should be grounds for the building inspector to refuse a building occupancy permit or institute legal proceedings as set forth in other sections of the zoning regulations.

13.5 Plan Submission and Approval

Whenever any property is affected by these landscaping requirements, the property owner or developer should prepare two (2) copies of a landscape plan for submittal to, and approval by, the planning office. The building inspector shall follow the requirements of these guidelines in approving or disapproving any landscape plan required by these guidelines. Landscape plans also may be submitted as part of any development plan required by the planning commission.

13.51 Plan Content

The contents of the plan should include the following: (a) Site 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 height at planting time, average mature height, and on-center planting dimension for all plants); (b) Typical elevation and/cross sections as may be required; (c) Title box with the pertinent names and addresses, (property, owner, person drawing plan, and person installing landscape material), scale, date, north arrow and zoning district; and (d) A performance bond whenever required to insure proper installation of landscape materials, with complete cost of all work certified by landscape contractor, with the bond amount to include the accurate cost plus no more than twenty-five (25) percent and the bond should be released upon satisfactory completion of the work as determined by the public agency that holds the bond.

13.52 Building Permit

Where landscaping is required, no building permit should be issued until required landscaping plans has been submitted and approved; and no occupancy permit should be issued until the landscaping is completed, as certified by an on-site inspection by the representative of the planning office, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted.

ARTICLE 14. AMENDMENT PROCEDURE

In order to make any amendment to the Zoning Order, either to the text or to the map, the following procedure shall be followed. If any use or density is not permitted in a zoning district by the provisions of the Zoning Order, it may not be permitted by any agency unless the Zoning Order is amended according to the Amendment procedure.

- A. Review by Planning Commission:** No amendment shall be made without first being reviewed by the planning commission. The planning commission may refuse to review proposed amendments which have been proposed and rejected within the past year.
- B. Public Hearing:** The planning commission shall present every proposed amendment to the public at a public hearing. Public hearings on amendments to the Zoning Order shall be scheduled at the discretion of the planning commission. The planning commission shall publish notice once, not less than seven nor more than twenty days prior to said public hearing, in a newspaper having general circulation throughout the county, indicating the time and place of each public hearing on proposed amendments to the Zoning Order. The planning commission may establish a schedule of reasonable fees to be paid by the applicant for a zoning map or text amendment. The planning commission may also issue notification of the public hearings by such other means as it may determine.
- C. Special Public Hearing:** The planning commission may call a special public hearing at any time to consider a zoning amendment, shall conform with the notice requirements for such special meetings as set forth in KRS 100.163 and KRS, Chapter 424, and may establish a separate schedule of reasonable fees to be paid by the applicant for the zoning amendment, which fees shall cover the cost of adequate advertisement of the special hearing by such means as the planning commission determines to be necessary.
- D. Recommendation to the City Council or Fiscal Court:** The planning commission shall submit its recommendations to the city council or Fiscal Court within sixty days after the public hearing. The city council or the Fiscal Court may each act independently of the other to amend the Zoning Order within its respective area of jurisdiction. The planning commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to KRS 100.211. The planning commission, as well as the legislative bodies of the city and county, may also initiate proposed amendments.

ARTICLE 15. VIOLATIONS AND REMEDIES

15.1 Remedies

The enforcement officer shall issue notice to violators of all violations of the Zoning Order and shall order that such violations cease. In cases of possible violations where the enforcement officer cannot determine if there is a literal violation, he shall apply to the Board of Zoning Adjustment for an interpretation. If necessary, the City Attorney, County Attorney or any property owner or occupant who would be damaged by a violation may institute appropriate action in court to eliminate the threat or existence of any violation of the Zoning Order in accordance with the Kentucky Revised Statutes. A summons or citation may be obtained by the enforcement officer or by any other authorized individual. Injunctive relieve may also be sought by the enforcement officer, the City Attorney, the County Attorney, or any other aggrieved party.

(Ord. No. 9-98, § 28, 6-2-98)

15.2 Penalties

Violations of the provisions of this Zoning Order or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who so violates this Zoning Order or fails to comply with any of its requirements except as otherwise provided herein, shall, upon conviction thereof, be fined not less than \$10.00 but not more than \$500.00 for each such conviction. Each day of violation shall constitute a separate offense.

15.3 Appeals

Appeals from the actions of the Planning Commission and Board of Zoning Adjustment, as well as from the final actions of the city council or Fiscal Court with respect to zoning map or text amendments, shall be taken in the manner set forth in Chapter 100.347 of the Kentucky Revised Statutes.