

## ARTICLE 4 USE REGULATIONS & STANDARDS

---

### Contents:

#### 4.01 Establishment of a Table of Uses

#### 4.02 Determination of Use Category

#### 4.03 Multiple Principal Uses Permitted

#### 4.04 Table of Uses

#### 4.05 Use-Specific Standards

### 4.01 Establishment of a Table of Uses

---

The uses permitted in the zoning districts established in Article 3, Zoning Districts of this Ordinance are set forth in Section 4.04, Table of Uses.

### 4.02 Determination of Use Category

---

The Zoning Administrator shall make determinations as to whether any proposed use is permitted within the City of Independence zoning district based on the uses listed in Section 4.04, Table of Uses. When it is not clear whether a proposed use is or is not permitted, the Zoning Administrator shall consult the purpose statement for each district and the latest version of the North American Industrial Classification System (NAICS) to help decide. Any use not specifically listed in Section 4.04, Table of Uses and any proposed use not substantially similar to a listed use as determined by the Zoning Administrator after consultation shall be deemed to be prohibited.

### 4.03 Multiple Principal Uses Permitted

---

In all zones, more than one principal use is permitted per lot, provided that each use is:

- A. A Permitted Use or a Conditional Use in that district,
- B. A Conditional Use Permit has been obtained by the Board of Adjustment if applicable, and
- C. Use-specific standards applicable to each use are met, and
- D. The development complies with all applicable density, dimensional, development, and performance standards.

### 4.05, L4.04 Table of Uses

---

- A. **General.** The following table lists permitted and conditional uses in each base zoning district. Additional use restrictions may be contained in Section 4.05, Use-Specific Standards, or as part of an Overlay District.
- B. **Districts.** Table 4.1, Permitted and Conditional Uses lists uses for each standard district within the City of Independence's zoning jurisdiction. Planned Unit Development and Overlay Districts are not listed in the table. Uses within a Planned Unit Development District are approved through the Development Plan approval process. Uses permitted within an Overlay District are generally regulated by the underlying base district.
- C. **Symbols.**
  1. Where the symbol "P" is shown, the use to which it refers is permitted as a "use by right" in the indicated district, provided it complies fully with all applicable Use-Specific Standards included in Section 4.05, Use-Specific Standards.
  2. Where the symbol "C" is shown, the use to which it refers is a conditional use which must be approved by the Board of Adjustment and is subject to any Use-Specific Standards included in Section 4.05, Use-Specific Standards. The Board of Adjustment may also impose additional conditions as part of the conditional use approval per KRS 100.237.
  3. Where the symbol "-" is shown, the use to which it refers is prohibited in the indicated district.
  4. All uses will be hyperlinked to their corresponding definition in Article 14, Definitions.

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential							Commercial			Employment				Other		Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	RC	NC	CC	BP	FI	SI	GI	CO	INST	
<b>AGRICULTURE</b>																	
<u>Agriculture, Exempt</u>	P	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	<a href="#">4.05, A.1.</a>
<u>Agriculture, Non-Exempt</u>	C	C	C	-	-	-	-	-	-	-	-	-	-	-	P	-	<a href="#">4.05, A.2.</a>
<u>On-farm sales (farm markets, roadside stands)</u>	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	<a href="#">4.05, A.3.</a>
<u>Agritourism</u>	C	-	-	-	-	-	-	P	-	-	-	-	-	-	P	-	<a href="#">4.05, A.4.</a>
<b>RESIDENTIAL</b>																	
<u>Accessory Dwelling Unit</u>	P	P	P	C	C	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.1.</a>
<u>Cottage Court</u>	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.2.</a>
<u>Live/Work Unit</u>	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-	-	<a href="#">4.05, B.3.</a>
<u>Manufactured Home, Qualified</u>	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.4.</a>
<u>Manufactured Home</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.5.</a>
<u>Mobile Home</u>	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.6.</a>
<u>Multi-family</u>	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.7.</a>
<u>Single-Family, attached</u>	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.8.</a>
<u>Single-Family, detached</u>	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	
<u>Upper Floor Housing</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.9.</a>
<u>Two-Family</u>	-	-	C	C	P	P	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.10.</a>
<u>Three/Four-Family</u>	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, B.11.</a>
<b>COMMERCIAL</b>																	
<u>Agriculture Equipment / Chemical Sales, Distribution, Storage</u>	-	-	-	-	-	-	-	P	-	-	-	P	P	P	-	-	<a href="#">4.05, C.1.</a>
<u>Animal Care - enclosed</u>	C	C	-	-	-	-	-	P	P	P	-	P	-	-	-	-	<a href="#">4.05, C.2.</a>
<u>Animal Care – outdoor activity</u>	C	C	-	-	-	-	-	P	-	-	-	P	-	-	-	-	<a href="#">4.05, C.3.</a>
<u>Assembly, Commercial</u>	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	<a href="#">4.05, C.4.</a>
<u>Bar Or Drinking Place</u>	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	<a href="#">4.05, C.5.</a>
<u>Brewery, Distillery, Winery</u>	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	<a href="#">4.05, C.6.</a>
<u>Building Material Sales</u>	-	-	-	-	-	-	-	P	-	P	-	P	P	P	-	-	<a href="#">4.05, C.7.</a>
<u>Car Wash</u>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	<a href="#">4.05, C.8.</a>
<u>Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments</u>	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	<a href="#">4.05, C.9.</a>
<u>Check Cashing and Title Loan Business</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, C.10.</a>

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential							Commercial			Employment				Other		Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	RC	NC	CC	BP	FI	SI	GI	CO	INST	
<b>Commercial Printing</b>	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	-	
<b>Coin-Operated Laundries and Dry Cleaners</b>	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
<b>Conversions</b>	-	-	-	-	C	-	-	P	P	P	-	-	-	-	-	-	4.05, C.11.
<b>Family Child Care Homes</b>	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	4.05, C.12.a.
<b>Day Care Or Adult Or Child Care Center, Type II</b>	C	C	C	C	C	C	P	P	P	P	P	-	-	-	-	-	4.05, C.12.b.
<b>Day Care Or Adult Or Child Care Center, Type I</b>	C	C	C	C	C	C	P	P	P	P	P	-	-	-	-	-	4.05, C.12.c.
<b>Dry Cleaner</b>	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	4.05, C.13.
<b>Equipment Sales, Rental, Repair</b>	-	-	-	-	-	-	-	P	-	C	C	P	-	-	-	-	
<b>Farmer's Market</b>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	4.05, C.14.
<b>Financial Services</b>	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	
<b>Funeral Home, Mortuary</b>	C	C	C	C	C	C	-	P	P	P	P	-	-	-	-	P	4.05, C.15.
<b>Gas Station</b>	-	-	-	-	-	-	-	P	C	P	-	-	-	-	-	-	4.05, C.16.
<b>Liquor Store</b>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	4.05, C.17.
<b>Medical Office</b>	-	C	C	C	C	C	-	-	P	P	P	P	P	P	-	-	
<b>Motor Vehicle Sales and Rental</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.05, C.18.
<b>Motor Vehicle Service, Major</b>	-	-	-	-	-	-	-	P	-	-	-	-	P	P	-	-	4.05, C.19.
<b>Motor Vehicle Service, Minor</b>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	4.05, C.20.
<b>Nursery / Garden Supply</b>	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	4.05, C.21.
<b>Office</b>	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	
<b>Off-Street Parking Lot, Non-Accessory</b>	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	4.05, C.22.
<b>Personal Services</b>	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	4.05, C.23.
<b>Restaurant with drive-in or drive-through</b>	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	4.05, C.24.
<b>Restaurant without drive-in or drive-through</b>	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	4.05, C.24.
<b>Retail Store</b>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	
<b>Sexually-Oriented Business</b>	See <a href="#">Article 9</a>																
<b>Studios for Work or Teaching</b>	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
<b>Tattoo Or Body Art Services</b>	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	4.05, C.25.
<b>INSTITUTIONAL</b>																	
<b>Assembly, Institutional and Civic</b>	C	C	C	C	C	C	P	P	C	C	C	-	-	-	-	P	4.05, D.1.
<b>Cemeteries and Crematories</b>	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	P	4.05, D.2.

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential							Commercial			Employment				Other		Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	RC	NC	CC	BP	FI	SI	GI	CO	INST	
<u>College or University</u>	-	C	C	C	C	C	-	-	-	-	-	-	P	P	-	P	<a href="#">4.05, D.3.</a>
<u>Community Center, Civic Center</u>	C	C	C	C	-	-	P	-	P	P	-	-	-	-	-	P	<a href="#">4.05, D.4.</a>
<u>Emergency Medical Facility/Urgent Care/Surgery Center</u>	-	C	C	C	C	C	-	-	-	P	P	-	-	-	-	P	
<u>Hospital</u>	-	C	C	C	C	C	-	-	-	C	-	-	-	-	-	P	
<u>Library</u>	C	C	C	C	C	C	-	P	P	P	-	-	-	-	-	P	
<u>Meeting, Banquet, or Conference Facility</u>	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	<a href="#">4.05, D.5.</a>
<u>Museum</u>	-	C	C	C	C	C	-	P	P	P	-	-	-	-	-	P	
<u>Park</u>	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	
<u>School, primary or secondary</u>	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	P	<a href="#">4.05, D.6.</a>
<b>INDUSTRIAL</b>																	
<u>Fabrication, light</u>	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	<a href="#">4.05, E.1.</a>
<u>Manufacturing, heavy</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	<a href="#">4.05, E.2.</a>
<u>Navigational Services to Shipping</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<u>Mini-warehouse, personal storage</u>	-	-	-	-	-	-	-	P	-	-	-	-	P	-	-	-	<a href="#">4.05, E.3.</a>
<u>Mining, quarrying and crude petroleum and natural gas production</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	<a href="#">4.05, E.4.</a>
<u>Outdoor storage</u>	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	<a href="#">4.05, E.5.</a>
<u>Research and Development</u>	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	
<u>Warehouse and Logistics</u>	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-	-	<a href="#">4.05, E.6.</a>
<u>Junk, Scrap, or Salvage Yards</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, E.7.</a>
<b>LODGING</b>																	
<u>Bed and Breakfast</u>	P	C	C	C	P	C	-	-	P	-	-	-	-	-	-	-	<a href="#">4.05, F.1.</a>
<u>Short Term Rentals, Owner Occupied</u>	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, F.2.</a>
<u>Short Term Rentals, Non-Owner Occupied</u>	-	-	-	-	C	C	-	P	P	-	-	-	-	-	-	-	<a href="#">4.05, F.2.</a>
<u>Convalescent homes, nursing homes, assisted living facilities</u>	C	C	C	C	C	C	C	-	-	C	-	-	-	-	-	P	<a href="#">4.05, F.3.</a>
<u>Hotel, Motel</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, F.4.</a>
<u>Residential Care Facility</u>	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	<a href="#">4.05, F.5.a</a>
<u>Rehabilitation Home Facility</u>	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, F.5.b</a>
<b>RECREATION</b>																	

**TABLE 4.1 PERMITTED AND CONDITIONAL USES**

Use	Residential							Commercial			Employment				Other		Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	RC	NC	CC	BP	FI	SI	GI	CO	INST	
<u>Athletic Fields</u>	C	C	C	C	C	C	P	-	-	-	-	-	-	-	P	P	<a href="#">4.05, G.1.</a>
<u>Indoor Commercial Recreation</u>	C	C	C	C	C	C	-	-	P	P	-	-	P	P	-	-	<a href="#">4.05, G.2.</a>
<u>Golf Course, Country Club</u>	C	C	C	C	C	C	-	-	-	-	-	-	-	-	P	-	<a href="#">4.05, G.3.</a>
<u>Outdoor Commercial Recreation</u>	C	C	C	C	C	C	-	-	C	-	-	-	-	-	-	-	<a href="#">4.05, G.4.</a>
<u>Shooting Range or Archery</u>	C	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	<a href="#">4.05, G.5.</a>
<u>Stadium</u>	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	<a href="#">4.05, G.6.</a>
<b>TRANSPORTATION</b>																	
<u>Airport</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, H.1.</a>
<u>Inland Water Freight Transportation</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	
<u>Boat Harbor, Marina</u>	-	-	-	-	-	-	-	-	-	-	-	C	P	P	C	-	<a href="#">4.05, H.2.</a>
<u>Heliport, Not Associated with Emergency Medical Services</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.05, H.3.</a>
<u>Railroad Facilities</u>	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	
<u>Truck Terminals</u>	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	<a href="#">4.05, H.4.</a>
<b>ACCESSORY</b> (must have a permitted use on the same lot)																	
<u>Accessory Structures or Uses, Customary</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">4.05, J.1.</a>
<u>Collection Boxes</u>	-	-	-	-	-	-	-	P	-	P	-	P	P	P		P	<a href="#">4.05, J.4.</a>
<u>Drive Up or Drive Through Facilities</u>	-	-	C	-	-	-	-	C	-	C	-	-	-	-	-	-	<a href="#">10.21</a>
<u>Home Occupation</u>	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	<a href="#">4.05, J.5.</a>
<u>Individual Service (ATM, Redbox)</u>	-	-	C	-	-	-	-	P	P	P	P	P	P	P	-	-	<a href="#">4.05, J.8.</a>
<u>Outdoor Display and Sales, On-going</u>	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	<a href="#">4.05, J.9.</a>
<b>TEMPORARY USES</b>																	
<u>Construction Trailer or Sales Office</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">4.05, K.2.</a>
<u>Mobile Food Sales</u>	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	P	<a href="#">4.05, K.3.</a>
<u>Outdoor Display and Sales, Temporary</u>	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	<a href="#">4.05, K.4.</a>
<b>MEDICAL CANNABIS</b>																	
<u>Cultivation</u>	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	<a href="#">4.05, L.</a>
<u>Processing</u>	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	<a href="#">4.05, L.</a>
<u>Producing</u>	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	<a href="#">4.05, L.</a>
<u>Dispensary</u>	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	<a href="#">4.05, L.</a>
<u>Safety Compliance Facility</u>	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	<a href="#">4.05, L.</a>

■ KRS 218B and associated administrative regulations established by the Cabinet for Health and Family Services regulate these uses

[Ord. No. [2022-O-02](#), Removing mini-warehouses and personal storage as a conditional use in the CC Zone, 04/12/2022; Ord. No. [2023-O-05](#), Adding Coin-Operated Laundries and Dry Cleaners as a permitted use within the CC (Community Commercial) Zone, 03/06/2023; Ord. No. [2023-O-17](#), Adding SI Zone uses, 12/13/2023; Ord. No. [2024-O-13](#), Adding Medical Cannabis Uses to the Use Table, 11/11/2024]

Effective on: 11/11/2024

## 4.05 Use-Specific Standards

---

### 4.05, A Use-Specific Standards

---

#### A. Agriculture

##### 1. Agriculture, Exempt

- a. The Zoning Administrator will recognize an agricultural use exemption from the zoning regulations only for those properties that:
  1. Meet the KRS definition of agricultural use ([KRS 100.111](#)); and
  2. Are located within a zoning district that permits agricultural uses; or
  3. Are a legal non-conforming use within a zoning district that does not permit agricultural uses.
- b. If the above criteria are met, there shall be no regulations except:
  1. Setbacks from existing or proposed streets;
  2. Floodplain regulations, and specifically including agricultural lagoons, liquid waste applications, concentrated animal feeding operations, and storage, distribution, handling, mixing, or cleaning of fertilizers, pesticides, or petroleum products or related equipment shall comply with Section [8.03](#), E, Water Quality Buffer; and
  3. Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy.
  4. Signs unrelated to the agricultural use shall be regulated by [Article 11, Signs](#).
- c. Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the dimensional requirements of this Ordinance.

##### 2. Agriculture, Non-Exempt

- a. All agricultural uses not otherwise exempt are subject to the requirements of this code.
- b. Animal Feeding Operations (AFO) and Concentrated Animal Feeding Operations (CAFO), as defined by [KAR 401, Chapter 5.002](#), are not permitted on any tract of land less than five (5) acres.
- c. When an agriculture use includes stables and animal pens but does not meet the definition of an AFO or CAFO, any structures, pens or corrals housing animals shall be 200 feet from an adjoining property line.
- d. Any agricultural lagoons, liquid waste application, or and storage, distribution, handling, mixing, or cleaning of fertilizers, pesticides, or petroleum products or related equipment shall comply with Section [8.03](#), E, Water Quality Buffer.

##### 3. On-farm Sales (farm markets, roadside stands)

- a. At least 51 percent of the total on-farm retail sales shall be from the sale of agricultural products produced on the property and value-added agricultural products produced using products grown on the property.

##### 4. Agritourism

- a. Agritourism uses that do not meet the definition of agriculture are not exempt from the requirements of this ordinance.
- b. Agritourism uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site, or to convert agricultural lands to a non-agricultural use.
- c. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded in accordance with Section [7.05, Site Lighting](#).

## B. Residential, Except Accessory Dwellings

### 1. Accessory Dwellings (see Subsection [4.05, J. Accessory Uses and Buildings](#))

#### 2. Cottage Court

- a. No more than 10 units may front the same court.
- b. Each unit must be oriented with a front entry to the court or a public street.
- c. Dwelling units shall be no more than two stories.
- d. Dwelling units shall be separated by a minimum of ten feet.
- e. Each dwelling shall have a front porch at least six feet in depth and 100 square feet in area.
- f. Detached garages shall be architecturally compatible with the primary dwellings.
- g. If off-street surface parking spaces are to be used to meet parking requirements, they shall be accessed from an alley or private drive. The off-street parking area shall not abut the court.
- h. At least 20 percent of the total acreage of the proposed cottage court development shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

#### 3. Live/Work Unit

- a. No more than four people may be engaged in the making, servicing, or selling of goods and services within the non-residential space.
- b. At least one person associated with the non-residential activity shall reside in the dwelling portion of the unit.
- c. The dwelling portion of the unit shall be above or behind the non-residential space.
- d. The non-residential space shall not exceed 50 percent of the gross floor area of the unit.
- e. Live/work units must have a common access for both the residential and non-residential space and be designed in such a way as to prevent separate lease of spaces.
- f. Any residential dwelling unit using septic tanks shall comply with Section [8.03](#), E, Water Quality Buffer.

#### 4. Manufactured Home, Qualified

- a. Must meet the KRS definition for “Qualified manufactured home” ([KRS 100.348 \(2\)\(d\)](#)).
- b. Is compatible, in terms of assessed value, with existing housing located within 1/8 mile radius of the proposed location of the qualified manufacture home immediately adjacent to:
  1. Either side of the proposed site within the same block front; or
  2. Adjacent to the rear; or
  3. Within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.
- c. In order to determine if a qualified manufactured home is compatible with the existing housing located within 1/8 mile radius of the proposed location of the qualified manufacture home, it must be demonstrated that the qualified manufacture home is consistent with:
  1. Floor living space and setbacks;
  2. Siding and exterior materials;
  3. Roof pitches;
  4. Square footage;
  5. Foundations
- d. Any residential and building manufacturing, and residential dwelling units using septic tanks shall comply with Section [8.03](#), E., Water Quality Buffer.

#### 5. Manufactured Home

- a. Must meet the KRS definition of “Manufactured home” ([KRS 100.348 \(2\)\(c\)](#)).

- b. Any residential and building manufacturing, and residential dwelling units using septic tanks shall comply with Section [8.03](#), E., Water Quality Buffer.
- c. A patio slab of at least 180 square feet conveniently located at the entrance of the manufactured home is required on each lot. The patio slab shall be constructed of an all-weather type material.

#### 6. Mobile Home

- a. Must have been manufactured prior to June 15, 1976.
- b. Must be transportable in one or more sections.
- c. Must be eight feet or more in width, 40 feet or more in length, or when erected on site, 320 square feet or greater in area.
- d. Must be built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- e. Mobile homes must be installed in accordance with [KRS 227.570](#) by a Kentucky certified installer.
- f. Any residential and building manufacturing, and residential dwelling units using septic tanks shall comply with Section [8.03](#), E, Water Quality Buffer.
- g. A patio slab of at least 180 square feet conveniently located at the entrance is required on each lot. The patio slab shall be constructed of an all-weather type material.

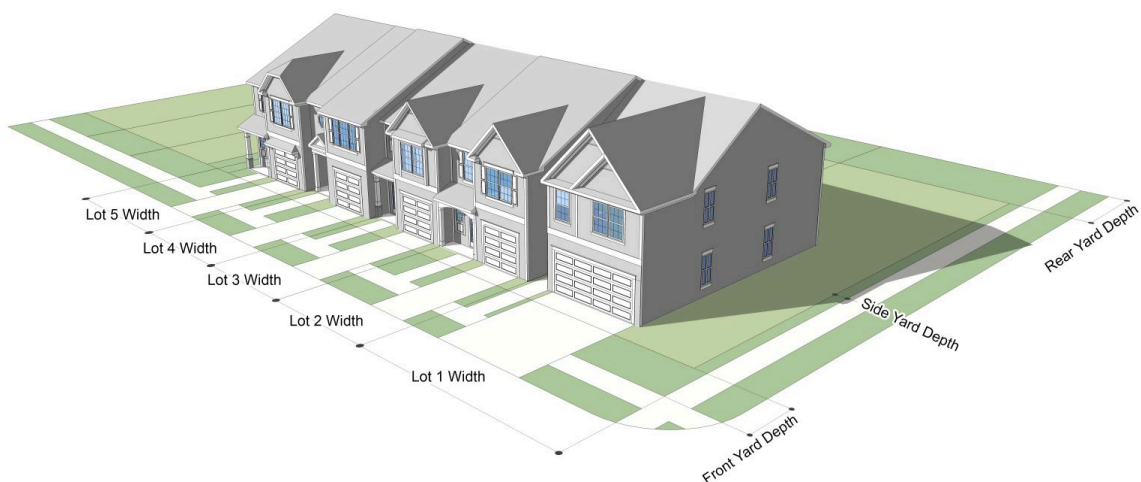
#### 7. Multi-Family

- a. If a property owner puts locks on each bedroom door in a single-family home with the intention of subleasing bedrooms as units, that single-family home shall be considered a multi-family residence.
- b. All primary structures shall be oriented to a public or private street, a common open space, or plaza, not a parking lot.
- c. The location of detached garages, carports, and surface parking lots shall comply with Section [10.02](#), Location of Parking.
- d. Parking garages containing more than 50 spaces shall comply with Section [7.07](#), 2., d., Parking Garages - Landscaping.
- e. A building shall not be located closer than 20 feet to any other building.
- f. Walkways shall connect all buildings to each other, parking areas, amenity areas, and existing public sidewalks adjacent to the development.
- g. All sides of a building shall display a similar level of architectural features and materials.
- h. Garages shall be:
  - 1. Made of the same material as the primary structure.
  - 2. Similar in architectural style to the primary structure (roof pitch, gables, etc.).
  - 3. Sited in a way that avoids long, monotonous rows of garage doors and building walls.
  - 4. Oriented so that they do not visually dominate the building façade or the streetscape.

#### 8. Single-Family, attached

- a. Each dwelling unit shall be located on its own lot or established as a condominium created under [KRS Chapter 381](#).





- b. No more than two adjacent dwelling units may have the same front facade setback. Variations in front façade setback shall be a minimum of three feet.
- c. No more than eight dwelling units may be attached in one structure.
- d. Any residential dwelling units using septic tanks shall comply with Section [8.03](#), E., Water Quality Buffers.

#### 9. Upper Floor Housing

- a. Outside staircases to units on upper floors are permitted provided they are not visible from a public street. This does not apply to emergency fire escapes required by the building code.
- b. Any residential dwelling units using septic tanks shall comply with Section [8.03](#), E., Water Quality Buffers.

#### 10. Two-Family

- a. Each unit shall have an entrance oriented to a public street frontage or share a common entry oriented to a public street frontage.
- b. Each dwelling in a duplex, located on a corner or double frontage lot, shall front a separate street whenever practicable, except where access is restricted or where the City determines that access to an adjacent street is not desirable.



- c. Outside staircases to units on upper floors are permitted provided they are not visible from the public street. This does not apply to emergency fire escapes required by the building code.
- d. Any residential dwelling units using septic tanks shall comply with Section [8.03](#), E., Water Quality Buffers.

#### 11. Three/Four-Family

- a. The primary entrance of each dwelling unit shall be oriented to a public street frontage. Individual units may share a common entry oriented to a public street frontage.
- b. Outside staircases to units on upper floors are permitted provided they are not visible from a public street. This does not apply to emergency fire escapes required by the building code.

### C. Commercial

#### 1. Agriculture Equipment / Chemical Sales, Distribution, Storage

- a. Chemical sales, distribution, or storage is not permitted in Special Flood Hazard Areas.
- b. Agriculture Equipment / Chemical Sales, Distribution, Storage uses shall have access to an arterial or collector street.
- c. Any chemical or petroleum processing or storage shall comply with Section [8.03](#), E., Water Quality Buffers.

#### 2. Animal Care – Enclosed

- a. No overnight outdoor activity associated with the care of animals. Overnight is defined as the hours between 11 pm and 7 am.
- b. Outdoor activity, limited to walking and bathing of animals, is permitted during the day, provided that no more than four animals are engaged in outdoor activity at a time. “During the day” constitutes the hours between 7am and 11 pm.
- c. When collocated with other uses, pet waste stations shall safely and conveniently located within parking areas.

#### 3. Animal Care – Outdoor Activity

- a. Outdoor animal areas must be a minimum of 250 feet from residential uses within any jurisdiction, except if the property owner or operator lives on the premises.
- b. When collocated with other uses, pet waste stations shall safely and conveniently located within parking areas.
- c. All exterior exercise areas and runs must be fenced for the safe confinement of animals per Section [7.06](#), [Fences and Walls](#).

- d. In accordance with Table 7.2, Fences and Walls, must be established along any exterior areas used to exercise, walk, or keep animals that abut a residential use.
- e. In all districts, except the Rural Commercial and Flex Industrial, animal care shall be limited to no more than 5 outdoor runs.
- f. In the Rural Commercial and Flex Industrial, animal care shall be limited to no more than 20 outdoor runs.

#### **4. Assembly, Commercial**

- a. Places of assembly are subject to a traffic impact study per Section [10.19, Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Places of assembly seating more than 600 people may only be permitted on a collector or arterial roadway and then only if demonstrated through a traffic impact study that the roadway can accommodate the use.
- b. Pedestrian and bicycle access is encouraged and will be required whenever a public sidewalks, transit routes or trails abut the property.
- c. For assembly uses that include accessory daycare or school facilities, the daycare or school shall require conditional use approval when not identified as a permitted use in that district.
- d. A buffer yard, as prescribed in Section [7.07, M.](#), Buffer Yard Requirements shall be established along any side of the property abutting a residential use.

#### **5. Bar or Drinking Place**

- a. Electronically amplified sound using loud speakers or similar devices shall not be permitted outdoors unless it is within ambient noise levels at the property line.

#### **6. Brewery, Distillery, Winery**

- a. Breweries, distilleries, or wineries which include a restaurant are subject to the conditions of Section [4.05, C., 22.](#), Restaurant, with or without Drive-in or Drive-Through.
- b. Breweries, distilleries, or wineries with event facilities are subject to the conditions of Section [4.05, D., 5.](#), Meeting, Banquet, or Conference Facility.

#### **7. Building Material Sales**

- a. All material storage areas shall be screened along the side and rear yards by placing the materials in a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge.

#### **8. Car Wash**

- a. Car washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district within any jurisdiction or lot containing a legal, conforming residential use within any jurisdiction. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district within any jurisdiction, or lot containing a legal, conforming residential use within any jurisdiction.
- b. Car washes accessory to a principal use shall be in the side or rear yard only.
- c. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

#### **9. Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments**

- a. All materials shall be stored within an enclosed building.
- b. Any furniture repair or manufacturing shall comply with Section [8.03, E.](#), Water Quality Buffer.

#### **10. Check Cashing and Title Loan Businesses**

- a. Check cashing and title loan businesses are not permitted within 500 feet of each other, measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.

#### **11. Conversions**

- a. In residential districts where non-residential uses are permitted, residential structures can be converted to non-residential uses provided the exterior residential character of the building is preserved.
- b. Parking shall be located on the side or behind the structure.

#### **12. Day Care Or Adult Or Child Care Centers and Family Child Care Homes**

a. Family Child Care Homes

1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.

b. Day Care Or Adult Or Child Care Center, Type II

1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.

2. The child care operation must be clearly incidental and secondary to the occupied residential use of the building.

3. No physical changes to the residential structure, not otherwise customary to residential use, shall be permitted.

4. Signage must meet requirements for residential uses.

5. Care shall be provided by persons residing on the premises although one additional care giver not residing on the premises may also be employed.

6. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.

c. Day Care Or Adult Or Child Care Center, Type I

1. On-site care services provided to employees of an industrial or other employment use are allowed as an accessory use in commercial and industrial zones.

2. The care center must be located on a dedicated lot of one acre or more in size or must be integrated into a mixed-use building.

3. Outdoor areas must be in a side or rear yard screened to a height of six feet from adjacent residential properties located in residential zoning districts within any jurisdiction. Outdoor activity is limited to between the hours of 8 a.m. and 9 p.m.

4. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.

5. When located at the periphery of residential neighborhoods, primary access to the care center may not be from local roads serving the neighborhood.

13. **Dry Cleaner**

a. If a dry-cleaning establishment includes on-site laundering or cleaning activities, it is not permitted in Special Flood Hazard Areas.

14. **Farmers' Market**

a. Farmers' markets must be operated by one or more farmers/producers, a nonprofit organization, or a local government agency.

b. At least 70 percent of vendors must be farmers and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies, that have been grown or produced within the states of Kentucky, Ohio, or Indiana.

c. Adequate trash and recycling containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

15. **Funeral Home, Mortuary, Crematorium**

a. Funeral homes, mortuaries, and crematoriums shall have access to an arterial or collector street.

16. **Gas Station**

a. The sale of convenience food items, incidental automobile supplies, or accessories may be provided as an accessory use to a gas station.

b. A one-bay car wash may be provided as an accessory use to a gas station meeting the requirements of Section 4.05, C., 8., Car Wash.

- c. Outdoor display and sales areas are permitted subject to the conditions of Section [4.05, J., 9.](#), Accessory Buildings and Structures - Outdoor Display and Sales, On-Going.
- d. The minimum distance between the canopy and the right-of-way shall be 12 feet. The minimum distance between the canopy and an interior lot line shall be 20 feet. Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- e. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- f. Minor motor vehicle service is permitted as part of a gas station use.
- g. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- h. Lights should not be mounted on the top or sides (fascias) of the canopy.
- i. Outdoor waste and recycling receptacles for customer use shall be provided, conveniently located, regularly serviced, and maintained.
- j. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet 9 inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar.
- k. The overall height of canopy fascia should not exceed one foot. The fascia shall be designed to block the direct view of the light sources and lenses from the property line.
- l. Any automobile body and repair shops, gas stations and petroleum storage facilities shall comply with Section [8.03, E.](#), Water Quality Buffer.

#### 17. Liquor Store

- a. Liquor stores shall not be located within 500 feet, measured in any direction, from the exterior wall to the exterior wall of any primary or secondary school, public library, park, child day care, or indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21 years of age.

#### 18. Motor Vehicle Sales and Rental

- a. Vehicles for sale, lease, or rental may be displayed in the front yard provided that no vehicle shall be displayed within 15 feet of the street right-of-way.
- b. Display areas must be shown on the site plan.
- c. All new display areas shall be paved with an all-weather, hard-surfaced material, such as concrete, asphalt, paver, or comparable material.

#### 19. Motor Vehicle Service, Major

- a. All servicing, motor repair, or body repair shall be conducted within an enclosed building.
- b. Vehicles to be stored on premise longer than 14 days (long-term) must be screened from view from adjacent public streets and abutting properties. Vehicles to be serviced immediately or within 14 days may be stored in parking lots with required landscaping per Section [7.07, L.](#), Parking Lot Landscaping.
- c. Public streets and alleys shall not be used for the storage of inoperable vehicles, or for storage of any vehicles awaiting service or work by the establishment.
- d. Long term vehicle storage areas are exempt from the interior landscaping requirements for parking lots.
- e. Any automobile body and repair shops shall comply with Section [8.03, E.](#), Water Quality Buffer.

#### 20. Motor Vehicle Service, Minor

- a. All servicing shall be conducted within an enclosed building.
- b. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work.
- c. No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- d. Any automobile body and repair shops shall comply with Section [8.03, E.](#), Water Quality Buffer.

#### 21. Nursery / Garden Supply

- a. Outdoor storage shall be located in an enclosed building or screened from view of adjacent properties by providing a six-foot solid evergreen hedge. No storage may exceed the height of the screening. This does not

include outdoor display and sales associated with buying, displaying, and selling containerized and non-containerized nursery stock. Outdoor displays shall not conflict with or interfere with sidewalks, walkways, off-street parking areas or required landscaping yards.

- b. One single-family dwelling occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as part of this use.

## **22. Off-Street Parking Lot, Non-Accessory**

- a. All off-street parking lots shall meet all of the interior, perimeter, parking lot, buffer yard, site element, and street tree landscaping requirements per Section [7.07](#), L., Parking Lot Landscaping.
- b. The required setbacks are determined by the width of the required landscaping.
- c. Any gate or pay station at the entrance or exit must allow for the stacking of one vehicle off of the street.

## **23. Personal Services**

- a. Within the FI and GI Zones:

1. Uses located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten percent of the gross floor area of the permitted uses in the building.
2. No exterior advertising displays shall be visible from the outside of the building.

## **24. Restaurant, with or without Drive-in or Drive-Through**

- a. Any restaurants with drive in or drive through shall comply with Section [10.21](#), Parking and Loading Standards - Drive-In or Drive-Through Lanes and Stacking Spaces.
- b. Bars are permitted in restaurants provided they are less than 50 percent of the serving area. If the bar portion of the restaurant occupies greater than 50 percent of the serving area, the use shall be considered a Bar Or Drinking Place and shall be subject to the conditions of Section [4.05](#), C., 5., Bar or Drinking Place.
- c. Restaurants with outdoor seating or dining adjacent to residential districts shall meet the following criteria:
1. Outdoor areas are not permitted within 100 feet of the nearest portion of a R-RE, R-LLS, R-CVS, and R-CPS zoning districts.
  2. Outdoor seating shall end by 10:00 p.m., except 11:00 p.m. on Friday and Saturday.
  3. Outdoor dining shall not exceed 25 percent of the maximum seating capacity of the indoor dining area, except for restaurants with less than 1,000 square feet gross floor area which can have 100 percent outdoor dining.
  4. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating or dining area and residential and public right-of-way in accordance with Sections [7.06](#), [Fences and Walls](#) and [7.07](#), [Landscaping, Screening, and Buffers](#).
  5. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.
  6. If a pedestrian walkway is provided around an outdoor dining area, then it must be a minimum of five-feet wide to allow pedestrians unobstructed passage around the outdoor seating or dining area.
  7. Amplified sound is permitted between 7:00 a.m. and 10:00 p.m. Sunday through Thursday, and 7:00 a.m. and 11:00 p.m. Friday and Saturday. Unamplified sound is permitted.
  8. Outdoor dining must be calculated into the off-street parking requirements in the manner prescribed in Table 10.1, Required Off-Street Parking.
- d. Restaurants with outdoor seating or dining adjacent to non-residential shall meet the requirements of “c” above, except for the following criteria:
1. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:00 am on Friday and Saturday.
  2. Outdoor dining areas shall not be located within any required setback.
- e. Within the FI and GI Zones, in addition to the above:



1. Uses located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten percent of the gross floor area of the permitted uses in the building.
2. No exterior advertising displays shall be visible from the outside of the building.

## 25. Tattoo or Body Art Services

- a. Tattoo or body art services are not permitted within 500 feet of another tattoo or body art service use (even if it is located within another jurisdiction), measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.

## D. Institutional

### 1. Assembly, Institutional and Civic

- a. Places of assembly are subject to a traffic impact study per Section [10.19, Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Places of assembly seating more than 600 people may only be permitted on a collector or arterial roadway and then only if demonstrated through a traffic impact study that the roadway can accommodate the use.
- b. Pedestrian and bicycle access is encouraged and will be required whenever a public sidewalks, transit routes or trails abut the property.
- c. Spires, belfries, cupolas, or similar architectural elements cannot exceed twice the height of the building height.
- d. For assembly uses that include associated daycare or school facilities, the daycare or school shall require conditional use approval when not identified as a permitted use in that district.
- e. Except as noted in Section [4.05, J.](#), Accessory Uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.
- f. A buffer yard, as prescribed in Section [7.07, M.](#), Buffer Yard Requirements, shall be established along any side of the property abutting a residential use.

### 2. Cemeteries and Crematories

- a. Offices, indoor or outdoor areas of assembly, tombstones, crypts, monuments and mausoleums must be located at least 50 feet from any street right-of-way line and at least 20 feet from any side or rear property line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
- b. A minimum of three acres shall be needed for any cemetery being developed as a principal use.
- c. Offices and areas of assembly need to meet the corresponding off-street parking requirement for those uses.

### 3. College or University

- a. Facilities normally associated with a college, such as residence halls, administrative buildings, cafeterias, auditoriums, gymnasiums, classrooms, and sports facilities shall be permitted as accessory uses.
- b. All Colleges or Universities shall have primary access to an arterial or collector street, secondary access may be from local streets.
- c. Any recreational uses must meet the applicable standards of subsection "G Recreation" below.

### 4. Community Center, Civic Center

- a. Community centers are subject to a traffic impact study (TIS) per Section [10.19, Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Centers with a seating more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.

### 5. Meeting, Banquet, or Conference Facility

- a. Facilities are subject to a TIS per Section [10.19, Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Facilities with a seating more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.

### 6. School, Primary or Secondary

- a. Schools are subject to a TIS per Section [10.19, Traffic Impact Studies](#). If the TIS concludes that there will be an adverse impact on the capacity or safety of the local streets, then these uses may not be permitted on local streets. Facilities with an enrollment of more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.
- b. All schools shall provide drop-off and pick-up areas that accommodate sufficient [stacking space](#) to prevent [obstruction of public streets](#).
- c. Any recreational uses must meet the applicable standards of subsection “G. Recreation” below.

## E. Industrial

### 1. [Fabrication, Light](#)

- a. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or in side and rear yards only and shall meet all other standards Section [4.05, E., 5., Outdoor Storage](#), below.
- b. Accessory retail sales may occupy up to 20 percent of the gross floor area of the primary structure.
- c. Any electrical or electronic fabrication, residential and building manufacturing, machine shops, metal plating, finishing, or fabrication, photo processing and printing, or plastics or synthetics production shall comply with Section [8.03, E., Water Quality Buffer](#).

### 2. [Manufacturing, Heavy](#)

- a. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or only located in side and rear yards and shall meet all other standards for Section [4.05, E., 5., Outdoor Storage](#), below.
- b. Accessory retail sales may occupy up to 20 percent of the gross floor area of the primary structure.
- c. Any electrical or electronic fabrication, residential and building manufacturing, machine shops, metal plating, finishing, or fabrication, photo processing and printing, plastics or synthetics production, or storage, distribution, handling, mixing, or cleaning of fertilizers, pesticides, or petroleum products or related equipment shall comply with Section [8.03, E., Water Quality Buffer](#).

### 3. [Mini-Warehouse, Personal Storage](#)

- a. The following standards apply to all mini-warehouse uses:
  1. No retail, repair, or other commercial use shall be conducted out of individual rental storage units.
  2. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment on the premises is prohibited.
  3. No storage of hazardous materials is permitted. This restriction shall be posted at a conspicuous location within the front of each rental unit.
  4. [Driveway aisles](#) between structures shall be a minimum of 24 feet wide.
  5. Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps”, attractive posts, or similar measures.

### 4. [Mining, Quarrying and Crude Petroleum and Natural Gas Production](#)

- a. All methods of operation, [construction of roads](#), [back-filling](#), [grading](#), [blasting](#), [water impoundments](#), [treatment facilities](#), and [reclamation](#) must be in conformance with the regulations adopted by the Energy and Environment Cabinet Department for Natural Resources, Division of Mine Reclamation and Enforcement. Any [excavation](#) or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

### 5. [Outdoor Storage \(where permitted as a primary or accessory use\)](#)

- a. Where outdoor storage is permitted, the following standards apply:
  1. Outdoor storage shall be located behind required front setbacks or buffer areas.
  2. All outdoor storage facilities for manufacturing equipment, fuel, raw materials, sub-assemblies, finished goods and defective or repairable goods shall be enclosed by an opaque fence with a maximum height of



eight feet, a berm, or a wall with a maximum height of eight feet in combination with landscaping that completely conceals the view of those materials.

3. Outdoor storage not visible to the street or adjoining properties may not require screening, but will be evaluated by the Zoning Administrator for potential impacts on surrounding areas on a case-by-case basis.
4. Construction materials stored outside at an active construction site with a valid building permit are excluded from this use.
5. Must be located on a paved surface or compacted gravel or crushed stone.

#### **6. Warehouse and Logistics**

- a. Any operations, servicing or processing, except storage and off-street loading, shall be conducted within completely enclosed buildings.
- b. The use shall not locate storage areas, truck loading areas, or vehicle circulation routes within a required setback or perimeter buffer.
- c. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or in side and rear yards only and shall meet all other standards for Section 4.05, E., 5., Outdoor Storage, above.
- d. The use shall be designed to ensure proper functioning of the site including vehicle stacking, circulation, and turning movements.
- e. The use shall have direct access onto an arterial or collector street. Access to a local street may be substituted when such local street is within an industrial subdivision which accesses an arterial or collector street.

#### **7. Junk, Scrap, or Salvage Yards**

- a. Storage areas shall be fully enclosed and screened from view on all sides to a minimum height of seven feet. Anything being stored cannot exceed the height of enclosure.

[Ord. No. 2022-O-02, Deleting the use specific standards for mini-warehouse, personal storage in the CC Zone, 04/12/2022]

Effective on: 4/12/2022

### **F. Lodging**

#### **1. Bed and Breakfast**

- a. The Bed and Breakfast owner shall reside on site as their primary residence.
- b. The use shall be in a primary building with at least 1,500 sq. ft. of gross floor area.
- c. Guest stays shall be limited to a maximum of 29 consecutive days.
- d. Food service shall be limited to residents and overnight guests in districts where restaurants are not permitted as a primary use.
- e. There shall be no cooking facilities for use by the occupants of the bed and breakfast within sleeping rooms.
- f. If located in a residential district:
  1. The use shall outwardly appear to be residential in character, giving no appearance of a business use other than allowed signs.
  2. Only guests shall be permitted to dine in a bed and breakfast; or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved design capacity of the facility.
  3. The use shall have no more than six guest bedrooms.

#### **2. Short Term Rentals, Owner Occupied, and Non-Owner Occupied**

- a. The maximum length of each stay shall be 29 days.
- b. No lease shall be rented less than one night's stay.
- c. There shall be no external evidence of a short-term rental. The street address must clearly be visible from the right-of-way.
- d. Short-term rentals shall not adversely affect the character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her

property.

- e. Short-term rentals are permitted in the primary structure and one accessory dwelling unit (where permitted). Owner-occupied short-term rentals shall be clearly incidental to the primary residential use.
- f. Short-term rentals shall not be located in mobile homes, recreational vehicles, travel trailers, tents, campgrounds, sheds, garages, or barns or any other structure typically not used as a residence.

### **3. Convalescent Homes, Nursing Homes, and Assisted Living Facilities**

- a. Convalescent homes, nursing homes, and assisted living facilities shall comply with, and maintain any required local, state, and federal permits.
- b. Uses in residential districts shall be designed to be residential in character.
- c. Uses shall be designed with appropriate access and maneuverability for emergency vehicles.

### **4. Hotel and Motel**

- a. All sleeping accommodations must be accessible from the interior of the building.
- b. Guests must pass through a lobby which must be staffed 24 hours a day.
- c. Must provide a covered entryway for the purposes of loading and/or unloading of vehicles.
- d. Must include a business facility, gym, or workout facility, and one of the following;
  1. restaurant or lounge which includes breakfast service
  2. indoor pool
  3. additional amenities as approved by the Zoning Administrator
- e. Automobile rental shall be permitted as an accessory use only in accordance with the following requirements:
  1. No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and
  2. No more than ten automobiles, which are not currently leased to customers, shall be parked on the same property as the hotel or motel.
- f. Truck and trailer rental is not permitted.

### **5. Residential Care Facilities and Rehabilitation Homes**

#### **a. Residential Care Facility**

1. These facilities must adhere to the regulations in 902 KAR 20:078.
2. These facilities are subject to KRS 100.982 through KRS 100.984.
3. Uses shall maintain all applicable local, state, and federal permits and licenses.

#### **b. Rehabilitation Home**

1. These facilities must adhere to the regulations in 908 KAR 1:370.
2. No rehabilitation home shall be located on a lot within 1,000 feet, measured by a straight line in any direction, from the lot line of another rehabilitation home within any jurisdiction.
3. The number of residents is limited by applicable state laws and building codes, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten.
4. Rehabilitation homes in residential districts shall be designed to be residential in character.
5. Uses shall maintain all applicable local, state, and federal permits and licenses.
6. A rehabilitation home must be for youth under the age of 18 or adults over the age of 18. There shall not be a mixed-age rehabilitation home.

## **G. Recreation**

### **1. Athletic Fields**

- a. Fences around athletic fields and sport courts must meet the requirements of Section 7.06, Fences and Walls.
- b. If lighted, the use requires conditional use approval.

### **2. Indoor Commercial Recreation**

- a. Indoor commercial recreation facilities may include accessory retail, restaurants, snack bars, and other incidental food and beverage services to patrons.

- b. Sound associated with any indoor recreation facility shall not be audible outside of the building in which the activity is occurring.

### **3. Golf Course, Country Club**

- a. The center line of any fairway shall be setback 200 feet from the adjacent property or lot lines.
- b. Tees shall have a setback of 100 feet from adjacent property or lot lines.
- c. Greens shall have a setback of 100 feet from adjacent property or lot lines.
- d. A landscape plan shall be required for vegetative screen along the perimeter of the course. The vegetative screen may have vista breaks that do not compromise the safety of the adjacent lots. Existing vegetation can be used to satisfy this requirement.
- e. Driving ranges shall be located 300 feet from any property line or right-of-way unless perpendicular to and hitting away from said lines.
- f. The provision of accessory retail sales, food, refreshment and entertainment shall be permitted in connection with any Golf Course or Country Club. Such facilities shall not be open to the general public unless it is commercially zoned.

### **4. Outdoor Commercial Recreation**

- a. Outdoor commercial recreation facilities may include restaurants, snack bars, and other incidental food and beverage services to patrons
- b. Outdoor commercial recreation facilities must be at least 300 feet from residential districts within any jurisdiction and 300 feet from existing residences in nonresidential districts within any jurisdiction.

### **5. Shooting Range or Archery**

- a. Outdoor shooting and archery ranges must meet the following:
  1. Facilities shall be designed to minimize safety concerns for nearby properties and must contain all of the bullets, shot, arrows, or any other debris on the range facility.
  2. All shooting stations shall be located at least 1,000 feet from any existing residential structure within any jurisdiction.
  3. All shooting stations shall be at least 200 feet from any property line.
  4. Warning signs identifying the presence of the shooting range shall be posted at one hundred-foot intervals along the entire perimeter of the shooting range facility property boundary.

### **6. Stadium**

- a. If lighted, the use requires conditional use approval.
- b. The use shall have direct access onto an arterial or collector street.

## **H. Transportation**

### **1. Airport**

- a. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a zoning permit.
- b. Design standards for an airport and airfield shall be in accordance with Federal Aviation Administration requirements.
- c. The owner shall maintain the airfield with a surface that minimizes dust.
- d. The area shall be fenced to prevent trespassing by animals or unauthorized persons.
- e. Except in areas properly zoned for such uses, there shall be no business, repair or advertisement, except for the sale of gasoline to the planes based at the field.
- f. Any airport maintenance, aircraft construction and aircraft fueling areas must comply with Section [8.03](#), E., Water Quality Buffer.

### **2. Boat Harbor, Marina**

- a. The development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection.

b. The following uses shall be permitted as accessory uses in connection with any boat harbor or marina provided, they are primarily intended to serve only persons using the boat harbor or marina:

1. Boat fueling, service, and repairs
2. Sale of boat supplies
3. Grocery store
4. Restaurant
5. Boat landing, docking, and launching facilities
6. Off-street parking facilities including facilities for temporary parking of boat trailers
7. Outdoor or indoor storage of boats

c. Any boat services including repair or refinishing shall comply with Section 8.03, E., Water Quality Buffer.

### 3. Heliport, Not associated with Emergency Medical Services

- a. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.
- b. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a zoning permit.
- c. The facility must be designed and placed to minimize noise and safety impacts to adjoining properties and to properties within a 1,000-foot radius of the heliport site as measured from the center of the final approach and takeoff area.
- d. The applicant for a heliport conditional use permit shall notify by first class mail all property owners within a 1,000-foot radius of the center of the proposed final approach and takeoff area. This notice shall be mailed at least 30 days prior to the date of the hearing on the request. This notice shall contain the same information as the notice required by Section 13.01, E., Public Hearing and Notices.

### 4. Fleet, Truck, or Bus Terminals

- a. Any fleet, truck or bus terminals shall comply with Section 8.03, E., Water Quality Buffer.

## I. Utility

### 1. Public or Quasi-public Utilities and Related Facilities

- a. New utility facilities are subject to a public facility review per KRS 100.324.

## J. Accessory Structures or Uses, Customary

### 1. Accessory Uses

- a. All accessory uses must be located on the same lot as the principal use, and shall not be separated from the principal use by a lot line or a public street. Accessory uses on separate lots from the principal use or on a site separated from the principal use by a public street shall be considered principal uses and will be regulated as such.
- b. Customary accessory uses shall not be construed to authorize a use not otherwise permitted in the district where located.

### 2. Accessory Dwellings

- a. See Section 7.04, Character Standards for additional standards.
- b. Accessory dwellings are included in the cumulative floor area limitations established in Subsection 3 below.
- c. Where permitted, only one accessory dwelling unit may be established per single-family or two-family lot.
- d. Where permitted, accessory dwelling units may only be established on lots with a size equal to or greater than 5,000 square feet.
- e. Accessory dwelling units are exempt from the lot area per unit and maximum density standards of Section 3.04, Zoning District.
- f. Accessory dwelling units may be attached to or detached from the primary dwelling unit.
- g. For attached accessory dwelling units:
  1. Only one entrance is permitted on the front of the primary dwelling unit. An additional entrance is permitted on the side or rear of the primary structure.

2. The accessory dwelling unit shall conform to the setbacks required for primary structures.
- h. Setbacks for detached accessory dwelling units shall conform to setbacks for other accessory structures.
- i. The maximum size of an accessory dwelling unit is 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less.
- j. The accessory dwelling unit shall not exceed the height of the primary structure.
- k. The property owner shall occupy either the primary dwelling unit or the accessory dwelling unit.
- l. Where short term rentals are permitted, accessory dwelling units may be used as short-term rentals subject to the provisions of Section [4.05, F., 2.](#), Short Term Rentals.
- m. Any residential dwelling unit using septic tanks shall comply with Section [8.03, E.](#), Water Quality Buffers.

### **3. Accessory Structures Except Accessory Dwellings**

#### **a. Accessory structures in all districts:**

1. Cumulative floor area as used in this section includes all accessory buildings and accessory dwellings.
2. No accessory structure shall be in any front yard or required minimum side yard (on each side of the lot) in any district. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all districts, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and required minimum side yard clearances are maintained.
3. See [Article 7](#) for additional standards for garages and carports.

#### **b. Accessory structures in the Residential Rural Estate, Residential Large Lot Subdivision, and Conservation districts:**

1. Shall meet all setback requirements. See Section [5.08](#) for exceptions for small buildings.
2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 50 percent of the rear yard area.
3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 50 percent of the side yard area .

#### **c. Accessory buildings in the Residential Conventional Subdivision, Residential Compact Subdivision, and Residential Mixed districts:**

1. Shall meet all setback requirements. See Section [5.08](#) for exceptions for small buildings.
2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 700 square feet or 20 percent of the rear yard, whichever is less.
3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 700 square feet or 20 percent of the side yard, whichever is less.
4. In all cases, the cumulative floor area of all accessory buildings shall not exceed the floor area of the primary structure.

#### **d. Accessory buildings in the Mobile Home Park district:**

1. Each dwelling site may have one carport and one additional accessory building which shall not exceed 25 percent of the dwelling or 200 square feet, whichever is less.

#### **e. Accessory buildings in the Residential Multi-Family and non-residential districts (excluding the Agriculture and Conservation districts):**

1. Shall meet all setback requirements.
2. In the Residential Multi-Family, Mixed-use, and all commercial districts, accessory structures shall use exterior materials and forms similar to the primary structure(s).
3. In all employment districts, accessory structures shall be compatible with the surrounding non-residential area.

### **4. Collection Boxes**

#### **a. All Collection Boxes**

1. Collection boxes must meet applicable setback standards for structures in the district in which they are located.

2. Collection boxes shall be placed on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material, shall have paved access to them, and shall not be placed within any required parking space.
3. Each collection box shall include the contact information for the collection operator clearly visible on the outside of the container. Contact information shall include at minimum the name of the collecting organization and a valid phone number.
4. All donations or collection items must be fully contained within a collection box. Collection boxes shall state on their exterior: "No items shall be left outside this box."

**b. Large Collection Boxes**

1. Collection boxes exceeding 3 feet in width or depth or exceeding 4 feet and 6 inches in height are considered large collection boxes.
2. Large collection boxes shall not exceed six feet deep by six feet wide, and eight feet in height.
3. Collection boxes must be located at least 100 feet from any residential district within any jurisdiction.
4. No more than one large collection box is permitted on a parcel.

**c. Small Collection Boxes**

1. Collection boxes less than 3 feet in width or depth and less than 4 feet and 6 inches in height are considered small collection boxes.
2. Small collection boxes do not require a zoning permit but are subject to the standards of this section.
3. No more than four small collection boxes are permitted per parcel.

**5. Home Occupation**

- a. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.
- b. The home occupation shall not create noise, dust, vibration, odor, glare, fire hazard, or any other nuisance or hazard that disturbs the typical character of the residential area.
- c. The home occupation shall employ no more than one person who is not a resident of the dwelling including volunteers.
- d. There shall be no outdoor storage or visible display relating to the home occupation, including materials, stock in trade, or equipment.
- e. There shall not be external evidence that advertises or alerts the presence of the home occupation excluding signs permitted by Article 11 or signs on the sides of vehicles which are regularly used in the operation of the business.
- f. Business activity shall be only conducted electronically or by appointment, except Family Child Care Homes.
- g. The home occupation shall not cause vehicular or pedestrian traffic greater than that traffic normally associated with the residential area in which the home occupation is located. Family Child Care Homes are exempt from this requirement.

**6. Decks and Patios**

- a. Except as permitted in Section 5.08, Permitted Encroachments, decks and patios may not encroach into a required yard.
- b. Decks and patios shall only be installed on the side or rear of the house. The term "decks and patios" does not include a Front Porch or stoop. This standard is not in any way intended to affect handicap ramps or the use of decking materials in the creation of a traditional front porch.

**7. Swimming Pools and Spas**

- a. Pools, spas and related equipment are only permitted in the rear yard and may not be located within any required setback.
- b. All pools and spas must meet enclosure and gate requirements of the Kentucky Building Code.

**8. Individual Services**

- a. Individual service structures, such as freestanding ATMs, movie rental kiosks, vending machines, and ice freezers, are only permitted as accessory structures to principal uses.



- b. The preferred location for such structures is inside the principal structure. When located outdoors, the individual service structure shall be located in a side or rear yard to minimize visibility from the street.
- c. Structures shall not be located in a manner that impedes pedestrian access, blocks parking areas, or creates any unsafe condition. Freestanding ATMs that are drive-up shall require a minimum of three stacking spaces.

#### **9. Outdoor Display and Sales, On-going**

- a. The use or structure must comply with all setback requirements for a primary building on the site.
- b. There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site.
- c. There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
- d. Outdoor display and sales areas shall be on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material.
- e. Outdoor display and sales areas shall be maintained in an orderly manner.
- f. Outdoor display and sales shall not be located in a front yard unless the display is located abutting a building exterior wall and is less than 8 feet in depth. Except, gas stations may have outdoor display and sales in the front yard if located within the canopy area. Outdoor display and sales located in the side or rear yard must be screened from view of any public right-of-way.

#### **K. Temporary Uses**

##### **1. All Temporary Uses**

- a. A Temporary Use Permit shall be required prior to the establishment of any Temporary Use.
- b. Sale of retail products shall be limited to those allowed for sale by permitted uses the zoning district in which the temporary use is located.
- c. Permission to operate a temporary use on public or private property must be obtained in writing from the property owner or their designee.
- d. Temporary uses may not be located in a required setback, landscaping, or buffer area.
- e. Temporary uses may not take up required parking spaces, obstruct traffic on public streets, or interfere with safe traffic movement within parking lots or driveways.
- f. No mobile vendor shall be left unattended or stored, parked, or left overnight on any street or sidewalk.
- g. No temporary use shall solicit or conduct business with persons in motor vehicles.
- h. No temporary use shall use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public, except for ice cream trucks.
- i. No mobile vendor shall engage in open-lot or outdoor display of products or merchandise.

##### **2. Construction Trailer or Sales Office**

- a. A construction trailer or sales office may be established and operated until the time of the Certificate of Occupancy, or completion of the sale of the lots or residences within the subdivision.
- b. Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.

##### **3. Mobile Food Sales**

- a. A mobile food establishment must be licensed by the Northern Kentucky Health Department, must obtain any required occupational license, and any required local right-of-way or business permits.
- b. Mobile food sales are not permitted within 150 feet of a residential district within any jurisdiction or 200 feet of an operating restaurant within any jurisdiction.
- c. The 150 feet restriction from residential districts does not apply to ice cream trucks.
- d. Drive-through service is not permitted.
- e. Exterior lighting must be hooded or shielded.
- f. A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

1. Must be secured and mounted flat against the mobile food establishment; and
  2. May not project more than six inches from the exterior of the mobile food establishment.
- g. A trash receptacle for use by customers shall be provided during hours of operation.

#### 4. **Outdoor Display and Sales, Temporary**

- a. Temporary outdoor display is allowed for less than 48 hours unless otherwise approved by the Administrator.
- b. Temporary outdoor display of goods shall be located immediately adjacent to the building and not in drive aisles, loading zones, fire lanes, or parking lots, except that areas in parking lots expressly shown and labeled on a site plan for temporary seasonal sales locations may be approved provided required parking for the primary use can still be met and the site doesn't interfere with safe pedestrian and vehicular circulation.
- c. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-quarter of the length of the building front, unless otherwise approved by the Administrator after considering aesthetic and safety concerns.
- d. The outdoor display area shall take place on a hard surface or pavement.
- e. No outdoor displays shall be allowed in required landscape areas.
- f. At least five feet shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to get around the display.

#### L. **Medical Cannabis**

##### 1. **Cultivator, Dispensary, Processor, Producer, and Safety compliance facility**

- a. These facilities must adhere to the regulations in KRS Chapter 218B;
- b. Uses shall maintain all applicable local and state permits and licenses.
- c. Medicinal cannabis facilities are not permitted within 500 feet of each other, measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.

[Ord. No. 2024-O-13, Adding use-specific standards for medical cannabis businesses, 11/11/2024]