

# ARTICLE 5 USE REGULATIONS

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## SEC. 5.1 USE TABLE

The table on the following pages lists the uses allowed within zoning districts.

### 5.1.1 Use Categories

All of the use categories listed in the following table are explained in Sec. 5.2, Use Categories. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation contained in Sec. 5.2, the provisions of Sec. 5.2 shall control.

### 5.1.2 **P** Uses Permitted By-Right

A “P” indicates that a use category is allowed by-right in the respective zoning district. These permitted uses are subject to all other applicable regulations of this Zoning Ordinance.

### 5.1.3 **C** Conditional Uses

A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the conditional use permit procedures of Sec. 3.9, Conditional Use Permit. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance.

### 5.1.4 **P\*** or **C\*** Uses Subject to Specific Conditions

A “P” or a “C” that is accompanied by the symbol “\*” indicates that the listed use type is subject to use-specific conditions. The standards are listed in each category in Sec. 5.2.

### 5.1.5 **■** Uses Not Allowed

A blank or empty cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance. Any use not allowed is deemed prohibited.

### 5.1.6 New or Unlisted Uses

If an application is submitted for a use type that is not listed in the use table, the Zoning Administrator shall be authorized to make a similar use interpretation based on the use category descriptions of Sec. 5.2, Use Categories, and the similar use interpretation criteria of Sec. 5.2.1.B.

If the Executive Director determines that the proposed use does not fit any of the use category descriptions of Sec. 5.2, no similar use interpretation shall be made. The Executive Director shall make a determination as to the use category for the application which has been made.

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Use Category / Definition Excerpt (See Sec. 5.2)	Specific Use Type	A G	RR and RE	R S 1	R M 2	R M 3	R M 4	M H P	P	N B	G B	C B	H B	O P R	O P C	L I	H I	
<b>P = Permitted Use C = Conditional Use * = Specific Use Standards Apply</b>																		
<b>RESIDENTIAL (See Section 5.2.2)</b>																		
<b>Household Living</b> (pg. 5-7) Residential occupancy of a dwelling unit by a “household.”  See Sec. 4.3, 4.4 ,4.5 and 4.6 for permitted structure types	Single Family	P	P	P	P	P	P	P*		P	P			P				
	Multi-Family				P	P	P				P							
	Home Office (5-8)	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*		P*	P*			
	Home Occupation (5-8)	C*	C*	C*	C*	C*	C*	C*		C*	C*	C*		C*	C*			
	Accessory Apartment	P	P	P						P	P	P		P	P	P		
	Within Mixed-Use Development										P	P	P	P	P	P		
<b>Group Living</b> (pg. 5-9) Residential occupancy of a structure by a group of people who do not meet the definition of “Household Living.”	University District Uses (5-9)					P*	P*		P*	P*	P*		P*					
	All Other Group Living Uses					C*	C*		P*		P*	P*	P*	C*	C*			
<b>INSTITUTIONAL (See Section 5.2.3)</b>																		
<b>College</b> (pg. 5-9) Colleges and institutions of higher learning										P		P	P	P		P	P	
<b>Community Services</b> (pg. 5-10) Public, nonprofit or charitable uses, generally providing a local service to the community							C		P	C	P	P	P	C	C			
<b>Day Care</b> (pg. 5-10) Care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day		C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	C*		
<b>Detention Facility</b> (pg. 5-11) Facilities for the detention or incarceration of people									P									
<b>Health Care Facility</b> (pg. 5-12) Facilities providing health care or assistance to patients.	Medical or Surgical Care to Patients, With Overnight Care								P		P		P		P	P		
	Nursing Home, Convalescent Home or Assisted Living Facility						C*		P*	C*	P*	P*	P*	C*	P*			
<b>Parks and Open Areas</b> (pg. 5-12) Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
<b>Religious Institution</b> (pg. 5-13) Meeting area for religious activities		C*	C*	C*	C*	C*	C*	C*	P*	C*	P*	P*	P*	C*	P*	C*		
<b>Safety Services</b> (pg. 5-13) Public safety and emergency response services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>School</b> (pg. 5-13) Schools at the primary, elementary, middle, junior high or high school level		C*	C*	C*	C*	C*	C*		P*	C*	C*	C*	C*	C*	C*			

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Use Category / Definition Excerpt (See Sec. 5.2)	Specific Use Type	A G	RR and RE	R S 1	R M 2	R M 3	R M 4	M H P	P	N B	G B	C B	H B	O P R	O P C	L I	H I	
<b>P = Permitted Use C = Conditional Use * = Specific Use Standards Apply</b>																		
<b>Utilities, Basic</b> (pg. 5-14) Infrastructure services that need to be located in or near the area where the service is provided	Utilities, Basic (5-14)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Merchant Electric Generating Facility (5-14)	P*														p*	p*	
<b>Commercial (See Section 5.2.4)</b>																		
<b>Eating Establishment</b> (pg. 5-16) Establishments that sell food for on- or off-premises consumption	No Drive-Through (5-16)										P	P	P	P			P	
	With Drive-Through (5-17)										P*	P*	P*				p*	
	Bar/Lounge (<50% income from food sales) (5-16)									C*	P*	P*	P*				p*	
	Craft Beverage Production (5-17)	C*									C*	P*	P*	P*			p*	p*
<b>Office</b> (pg. 5-17) Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services										P	P	P	P	P	P	P	P	
<b>Off-Premise Advertising Sign</b> Consolidated Shopping Center, Campus-Style Signage & Billboard Signs	See Section 4.6.8.F.9, 10 & 11												P			P	P	
<b>Overnight Accommodation</b> (pg. 5-18) Dwelling units arranged for stays of less than 30 days	Bed and Breakfast (5-18)	C*	C*	C*	C*	C*	C*			P	P	P	P	C*				
	Hotel, Motel, Inn, Extended Stay Facility (5-18)										P*	P	P					
	Recreational Vehicle Park (5-19)	C*							P*				P*					
<b>Parking, Commercial</b> (pg. 5-21) Parking that is not accessory to a specific use - fees may or may not be charged									P		P	P	P		P	P	P	
<b>Recreation and Entertainment</b> (pg. 5-21) Large, generally commercial uses that provide continuous indoor or outdoor recreation or entertainment- oriented activities, including adult entertainment	Indoor (5-22)								P		P*	P	P				P	
	Active Outdoor (5-22)	C							P		C		P				P	
	Passive Outdoor (riding stable, fishing lake) (5-21)	P							P*		P		P					
	Sportsmen’s Farms, Firearm Ranges (5-22)	C*							P*				P*				p*	p*
	Major Entertainment Event/Venue (5-23)								P			C*	C*					
	Campground (5-23)	C*							P*				P*					
<b>Retail Sales and Service</b> (pg. 5-23) Firms involved in the sale, lease or rental of new or used products to the general public...they may also provide personal services or entertainment or provide product repair or services for consumer and business goods	Animal Hospital, Commercial Kennel or Veterinarian (5-24)	C*									C*		P*				p*	
	Adult Entertainment (5-24)																	p*
	Commercial Greenhouse or Nursery (5-25)	C*							P*		P*	P*	P*				p*	p*

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<b>P = Permitted Use C = Conditional Use * = Specific Use Standards Apply</b>																		
<b>Retail Sales and Service (Continued)</b>	Retail Up to 4,000 s.f. (5-25)						C*			P	P	P	P			P		
	Retail 4,001 s.f. to 10,000 s.f.										P	P	P			P		
	Retail Greater Than 10,000 s.f.											P	P			P		
	Live Animal or Poultry Sales	P															P	
	Vehicle Sales (Class 1-5) and Small Equipment Sales (up to 2,500 pounds) (5-26)											P*		P*			P*	P*
	Retail with Drive-Through or Pick-Up Window (5-25)											P*	P*	P*			P*	
<b>Self-Service Storage</b> (pg. 5-26) Uses providing separate storage areas for individual or business uses													P*			P*	P*	
<b>Vehicle Repair</b> (pg. 5-27) Service to passenger vehicles (Class 1-5); generally, the customer does not wait at the site while the service or repair is being performed											C		P			P	P	
<b>Vehicle Service, Limited</b> (pg. 5-27) Direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed	Fuel stations or Sales (5-27)										P*	P*	P*	P*		P*		
	Other Limited Vehicle Service (5-27)										P	C	P			P		
<b>INDUSTRIAL (See Section 5.2.5)</b>																		
<b>Industrial Service</b> (pg. 5-28) Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products.	Light (5-28)															P	P	
	Heavy (5-28)																P	
<b>Manufacturing and Production</b> (pg. 5-29) Firms involved in the manufacturing, processing, fabrication, packaging or assembly of goods	Light (5-29)															P	P	
	Heavy (5-30)																P	
	Concrete and Asphalt Batch Plant																C	
<b>Above Ground Storage Tanks</b> (pg. 5-30) For storage of hazardous or flammable materials		P*														P*	P*	
<b>Warehouse and Freight Movement</b> (pg. 5-30) Firms involved in the storage or movement of goods	Storage or Movement of Goods															P*	P*	
	Storage of Explosives, Ammunition, Etc. (5-31)																C*	
<b>Waste-Related Use</b> (pg. 5-31)	Uses That Receive Solid or Liquid Wastes From Others for Disposal on the Site (5-31)																C	
	Transfer station (5-31)																C*	
	C & D Debris Landfill (5-31)	C*															C*	

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<b>P = Permitted Use C = Conditional Use * = Specific Use Standards Apply</b>																	
<b>Waste-Related Use (Continued)</b>	Recycling Operations (5-31)																C*
	Mulch/Wood Operations (5-32)	C*															p*
<b>Wholesale Sales</b> (pg. 5-33) The sale, lease or rental of products primarily intended for industrial, institutional or commercial businesses																P	P
<b>Vehicle and Equipment Sales</b> (pg. 5-33) The sale, lease or rental of vehicles or equipment	Vehicle Sales (Class 6 and above) and Large Equipment Sales (greater than 2,500 pounds)															p*	p*
<b>Manufactured and Mobile Home Sales</b> (pg. 5-34)	Manufactured & Mobile Home Sales															p*	p*
<b>OTHER (See Sec. 5.2.6)</b>																	
<b>Agriculture</b> (pg. 5-34) Raising, producing or keeping plants or animals	Confined Animal Feeding Operation, Livestock Auction (5-34)	P*															p*
	Roadside Stand (5-35)	P*	P*														
	Farming/Crop Production	P	P														
	Limited Meat Processing (5-35)	C*															
	Agritourism Uses Permitted Under KRS 247.800 (5-35)	C*															
<b>Transportation-Related Uses</b> (pg. 5-37) Passenger terminals for aircraft, regional bus service and regional rail service	Light Aviation	C*							p*				p*			p*	p*
	Commercial Aviation								p*								p*
	Ground Transportation								p				p			p	p
<b>Burial-Related Use</b> (pg. 5-37)	Cemetery, Mausoleum or Columbarium	C*							p*	C*	C*		p*				
	Crematory	C*							C*		C*		C*				p*
<b>Mining</b> (pg. 5-38) Mining or extraction of mineral or aggregate resources from the ground for off-site use	Mine, Quarry, Borrow Pit (5-38)	C*															C*
	Oil or Gas Production, Storage & Distribution (5-38)	C*														C*	C*
<b>Telecommunications Facilities</b> (pg. 5-39) Devices and supporting elements necessary to produce non-ionizing electromagnetic radiation...operating	Telecommunications Support Structure (5-39)	p*							p*		p*	p*	p*	p*	p*	p*	p*
	Attached Telecommunications Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>TEMPORARY USES (See Sec. 5.3)</b>																	
<b>Temporary Use</b> (pg. 5-40) Uses allowed for limited periods of time		p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*

SEC. 5.2 USE CATEGORIES

5.2.1 Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

**A. Principal Uses.** Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

1. **Developments with Multiple Principal Uses.** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.
2. **Accessory Uses.** Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.
3. **Use of Examples.** The "Examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

**B. Similar Use Interpretation Criteria.** The following considerations may be used in making similar use interpretations.

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity (retail or wholesale);
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. How the use advertises itself;
11. Parking needs;
12. Noise level, odor, dust, vibrations, or smoke generated; and
13. Utility use.

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**5.2.2 Residential Use Categories**

**A. Household Living**

1. **Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging (see the Overnight Accommodations and Community Service categories).
2. **Accessory Uses.** Accessory uses commonly associated with Household Living are recreational activities, raising of pets (including non-commercial kennels), hobbies, parking of the occupants' vehicles, certain home occupations and accessory apartments as defined in Article 4 of this ordinance.
3. **Examples.** Uses include living in houses, duplexes, triplexes, fourplexes, other multi-dwelling structures and rooming/boarded houses.
4. **Exceptions.**
  - a. Short-term rentals where tenancy is arranged for periods of less than 30 days is considered to be an Overnight Accommodation use.
5. **Specific Use Standards.**
  - a. For the keeping of any livestock (weighing 500 pounds or less), located in the AG (less than 2 acres), RR or R-E zoning classification, a minimum of one half (1/2) acre of livestock containment area is required.
  - b. For the keeping of any livestock (weighing over 500 pounds), located in the AG (less than 2 acres), RR or R-E zoning classification, a minimum of one (1) acre of livestock containment area is required.
  - c. For the keeping of any domestic pets such as a dog or cat, an outdoor pet containment area shall be required in the following areas:
    - (1) In subdivisions, located in the unincorporated area of Warren County, in the PUD, MHP, R-E, RS-1A, 1B, 1C or 1D zoning classification.
    - (2) Cities of Woodburn and Plum Springs in all zoning districts,

For the purposes of sections a, b and c above, livestock containment area and outdoor pet containment area shall mean animals shall remain on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead, leash, harness, appropriate animal carrier or other reasonable method and under the control of a responsible person.

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B. **Home Office.** Home Offices meeting the following standards are permitted as accessory uses by right in residential districts:

- (1) No signage
- (2) No additional parking
- (3) Must be clearly incidental to the principal use of the residence.
- (4) Operated by and employs only residents of the property.
- (5) No on-premise merchandise storage.
- (6) No customer/clientele/public visits to the home office.
- (7) Must maintain residential character.

C. **Home Occupation.** Home Occupations permitted only after first obtaining a conditional use permit include:

- (1) Academic tutoring
- (2) Music lessons
- (3) Catering
- (4) Child care (3 to 6 children)
- (5) Sewing/Alterations
- (6) Hair salon, nail salon, cosmetologist and massage therapy.
- (7) Limited hobby-making such as: art studio, photography studio, woodworking and craft-making.

Home Occupations in Commercial Zoning Districts (NB, GB, CB, OP-R and OP-C) conducted within a standalone single family residence, containing only one dwelling unit, are a permitted use, by right, and do not require a Conditional Use Permit.

#### 1. Specific Use Standards.

a. Home Occupations. Home occupations listed in 5.2.2.C. shall meet the following standards:

- (1) No person other than members of the family residing on the premises shall be engaged in such home occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (3) No more than one home occupation permit shall be granted per dwelling unit.
- (4) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation. Signage shall be limited to 6 sq. ft., monument or wall sign only.
- (5) No traffic shall be generated by such home occupation in greater volumes than would be expected in a residential neighborhood.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interferences.
- (7) Additional parking may be required as a condition of the permit granted by the Board of Adjustment.

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#### D. Group Living.

1. **Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training or treatment, as long as the care givers also reside at the site.
2. **Accessory Uses.** Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.
3. **Examples.** Examples of Group Living include; fraternities and sororities; group homes for the physically or mentally disabled; some residential programs for drug and alcohol treatment; and alternative or post-incarceration facilities.
4. **Exceptions.**
  - a. Short-term rentals where tenancy is arranged for periods of less than 30 days is classified as an Overnight Accommodation.
  - b. Facilities for people who are under judicial detainment and under the supervision of sworn officers are included in the Detention Facilities category.
5. **Specific Use Standards.**
  - a. Fraternities/Sororities are allowed only in the University District and must comply with all requirements of that District.
  - b. Fraternities/Sororities that are located in the P (Public) District, are only permitted on property under ownership by an agency or entity receiving or utilizing public funding.

#### 5.2.3 Institutional and Civic Use Categories

##### A. Colleges and Institutions of Higher Learning.

1. **Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks.
2. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and supporting commercial operations.
3. **Examples.** Examples include universities, liberal arts colleges, community colleges, public vocational-technical schools, nursing and medical schools not accessory to health care facilities and seminaries.
4. **Exceptions.** Personal service oriented instruction (martial arts, dance, music) are classified as Retail Sales and Service.

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#### B. Community Services.

1. **Characteristics.** Community Services are uses of a public, nonprofit or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education or training of a public, nonprofit or charitable nature.
2. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.
3. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly-owned swimming pools, youth club facilities, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities,
4. **Exceptions.**
  - a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Sales and Service.
  - b. Commercial museums are classified as Retail Sales and Service.
  - c. Parks are classified as Parks and Open Areas.

#### C. Day Care.

1. **Characteristics.** Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Eligible facilities shall have proper license from the Kentucky Cabinet for Families and Children.
2. **Accessory Uses.** Accessory uses include offices, recreation areas and parking.
3. **Examples.** Examples include preschools, child care centers, nursery schools, latch key programs and adult day care programs.
4. **Exceptions.** Day Care does not include public or private schools or facilities operated in connection with shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.
5. **Specific Use Standards.** Child care centers, nurseries, day care centers, kindergartens or any facility or operation providing adult or child care, guidance or supervision for which a license is required from the Kentucky Cabinet for Families and Children, with the exception of religious organizations providing child care, guidance or supervision while religious services are being conducted or to kindergarten programs operated as a part of a public educational system require compliance with the following requirements.
  - a. The lot shall contain minimum open space area as required by the Kentucky Cabinet for Health and Family Services.

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- b. A solid wall or adequate security fence not less than 6 feet high is maintained along all interior lot lines which separate play areas from adjacent properties and parking areas. Outdoor play areas shall be contiguous with the building so children can safely walk from the building to the play area. Outdoor play area which lies within or adjoins a residential district shall be buffered by landscaping or a solid privacy fence. The Board of Adjustments may set hours or otherwise limit outdoor play times for any facility located within a residential district or adjacent to a residential structure.
- c. A letter from the fire marshal and the Kentucky Cabinet for Families and Children, or their successor agency certifying to the Board of Adjustments that this use complies with the requirements of that agency. This documentation must be supplied to the Board of Adjustments prior to issuance of a Certificate of Occupancy. The Building Inspector shall not issue a Certificate of Occupancy until they have received written authorization from the Board of Adjustments.
- d. Adequate and safe on-site parking, loading and unloading areas and driveways providing for safe ingress and egress with backing into the street specifically prohibited.
- e. Where such use is permitted in a structure which has been used as a residence, the applicant shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time. If the proposed use will be located within any agriculture or residential district, then the structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).

#### D. Detention Facilities.

- 1. **Characteristics.** Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.
- 2. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.
- 3. **Examples.** Examples include prisons, jails, probation centers and juvenile detention homes.
- 4. **Exceptions.**
  - a. Programs that provide care and training or treatment for psychiatric, alcohol or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living.
  - b. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.
  - c. Home incarceration is considered Household Living.

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#### E. Health Care Facilities.

1. **Characteristics.** Health Care Facilities include uses providing medical or surgical care to patients, which may or may not offer overnight care.
2. **Accessory Uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
3. **Examples.** Examples include medical centers, hospitals outpatient surgery centers, nursing homes, convalescent homes, hospices, and assisted living facilities.
4. **Exceptions.**
  - a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol or drug problems, where patients are residents of the program, are classified in the Group Living category.
  - b. Medical clinics or offices that provide care where patients are generally not kept overnight are classified as Offices.
  - c. Urgent care treatment centers are classified as Retail Sales and Service, but must meet the parking requirements for outpatient surgery centers and urgent clinics as outlined in Article 4.
5. **Specific Use Standards.**
  - a. In NB (Neighborhood Business) and OP-R (Office/Professional - Residential), nursing homes, convalescent homes and assisted living uses are limited to a maximum of 9 beds per facility.

#### F. Parks and Open Areas.

1. **Characteristics.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens or public squares. Lands tend to have few structures.
2. **Accessory Uses.** Accessory uses may include play equipment, restrooms, trails and gardens.
3. **Examples.** Examples include parks, public squares, recreational trails, botanical gardens, and nature preserves.
4. **Exceptions.**
  - a. Golf courses are considered Outdoor Recreation and Entertainment.
  - b. Cemeteries, mausoleums, columbaria and similar uses are classified as a burial-related use.
  - c. Lighted outdoor and other active recreation uses are classified as Recreation/Entertainment.

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#### G. Religious Institutions.

1. **Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.
2. **Accessory Uses.** Accessory uses include Sunday School facilities, parking, cemetery (including columbaria, storage vaults and mausoleums), caretaker's housing, and residential living facilities such as a monastery, convent, abbey, or parsonage.
3. **Examples.** Examples include churches, temples, synagogues mosques, monasteries and convents.
4. **Exceptions.**
  - a. Preschools are classified as Day Care uses.
  - b. Schools are classified as Schools.
  - c. Lighted outdoor athletic fields are classified as Recreation/Entertainment.

#### H. Safety Services.

1. **Characteristics.** Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
2. **Accessory Uses.** Accessory uses include offices and parking.
3. **Examples.** Examples include fire stations, police stations and emergency medical and ambulance stations.
4. **Exceptions.**
  - a. Private security guards are classified as personal service oriented Retail Sales and Service.
  - b. Vehicle towing is classified as Vehicle Repair.

#### I. Schools.

1. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high or high school level that provide state-mandated basic education.
2. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, before- or after-school day care, and greenhouses.
3. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
4. **Exceptions.**
  - a. Preschools are classified as Day Care uses.
  - b. Business and trade schools are classified as Retail Sales and Service.
  - c. Personal service oriented instruction is classified as Retail Sales and Service.

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### Use Regulations

#### J. Utilities, Basic.

1. **Characteristics.** Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be public or privately provided.
2. **Accessory Uses.** Accessory uses may include parking and control, monitoring, data or transmission equipment.
3. **Examples.** Examples include water and sewage pump stations, electrical substations, water towers and reservoirs, storm water retention/detention facilities, radio transmission facilities, and telephone exchanges.
4. **Exceptions.**
  - a. Services where people are generally present are classified as Community Services, Offices or Safety Services.
  - b. Utility offices where employees or customers are generally present are classified as Offices.
  - c. Bus barns are classified as Warehouse and Freight Movement.
  - d. Telecommunications structures are classified as telecommunication facilities.
  - e. Utility storage facilities are classified as Warehouse and Freight Movement.

#### 5. Specific Use Standards

##### a. Merchant Electric Generating Facility

A merchant electric generating facility is one that is capable of operating at an aggregate capacity of at least 10 megawatts, and which sells the electricity it produces in the wholesale market at rates not regulated by the Public Service Commission (PSC). This term shall include wind and solar electricity-generating facilities. Merchant electric generating facilities, wind and solar electricity-generating facilities must be located at least 1,000 feet from the property boundary of any adjoining parcel and at least 2,000 feet from any residential neighborhood, school, hospital or nursing home.

- b. **Transmission Towers and Accessory Facilities** The intent of this section is to avoid potential damage to adjacent properties from transmission tower collapse and falling ice through engineering and careful locating of transmission tower structures, and to maximize use of any new transmission tower and to encourage the co-location and clustering of new transmission towers in order to reduce the number of towers and tower sites needed.

The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities in all zoning districts. Transmission towers and accessory facilities in legal existence on the effective date of this Zoning Ordinance that are not in conformity with this section may remain in place. Unless otherwise permitted by this Zoning Ordinance, no new transmission tower or accessory facility may be erected or constructed unless all provisions of this Section and the requirements of the Kentucky Public Service Commission are met.

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- (1) **Exceptions.** An antenna and supporting structure for the following uses are permitted in any district if accessory to a permitted use and if they comply with applicable regulations of the district in which situated and are otherwise permitted by law.
  - (a) Amateur radios.
  - (b) Citizen band radios.
  - (c) A telecommunication device that only receives radio frequency signals.
  - (d) Portable, hand held, and vehicular transmissions.
  - (e) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC.
  - (f) Transmission towers used for remote control of municipal or public facilities.
  - (g) Low power (100 watts or less) Transmission towers.
  
- (2) **Minimum Location Standards.** The following minimum standards shall be met in the approval of a conditional use or building permit.
  - (a) All self-supporting transmission towers will be set back from the property line on which it is located 60 percent of the overall height of the transmission tower.
  - (b) All guyed transmission towers will be set back from the property line on which it is located 60 percent of the overall height of the transmission tower.
  - (c) Transmission tower accessory facilities shall comply with the setback standard in the adjacent zoning district.
  - (d) At least two off-street parking spaces and one additional space for each on-site personnel will be provided.
  - (e) Existing on-site vegetation shall be preserved to the maximum extent practicable.
  - (f) Transmission towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority
  - (g) Transmission tower accessory facilities in an Agriculture District zone and other such districts where transmission towers are a conditional use, permitted accessory buildings and structures may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for wireless transmission equipment.
  - (h) The proposed use shall be consistent with applicable Federal and State regulations and shall have secured and submitted copies of compliance with these regulations.

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- (i) An application for approval of a new transmission tower shall include the following:
  - A site plan or plans drawn to scale and identifying the site boundary; towers; guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed or replaced; and
  - Uses, structures, and land use designations on the site and abutting parcels.
- (3) **Color of Towers.** Unless otherwise required by state or federal regulations, all transmission towers shall be white or light gray in color.
- (4) **Multiple Transmission Towers.** It is the intent of these regulations to encourage the co-location and clustering of multiple transmission towers and their antennas and accessory facilities and to discourage the use of individual transmission towers and accessory facility sites. Therefore, more than one transmission tower will be permitted under these regulations on a single tract of land notwithstanding any other provision of this Zoning Ordinance, provided they meet all of the required location standards.

#### 5.2.4 Commercial Use Categories

##### A. Eating Establishments.

- 1. **Characteristics.** Establishments that sell food for on- or off-premises consumption.
- 2. **Accessory Uses.** Accessory uses may include decks and patios for outdoor seating, drive-thru facilities, customer and employee parking areas, and valet parking facilities.
- 3. **Examples.** Examples include restaurants, drive-ins, fast food establishments, yogurt or ice-cream shops, pizza delivery, catering, bars and lounges.
- 4. **Exceptions.** Nightclubs, dance halls, and dinner theaters are classified as Recreation and Entertainment.
- 5. **Specific Use Standards**
  - a. **Eating Establishments with Outdoor Areas.**
    - (1) Any bar or restaurant providing outdoor space, including outdoor dining areas sports-related activities, music or other entertainment areas shall be separated by a minimum of 250 feet from any residential district, structure or use. This distance may be reduced to 100 feet for outdoor dining areas that do not include sports-related activities, music or other forms of entertainment.
    - (2) Eating establishments with outdoor patios or dining areas deigned for year-round use must incorporate the additional square footage of such space when calculating the required parking.

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**b. Drive-Through and Drive-In Eating Establishments**

- (1) Must be located at least 100 feet from any residential district, structure or use. Such distance shall be measured from the speaker(s). This standard does not apply if no outdoor speaker system is used.
- (2) Must meet the vehicle stacking space requirements and parking standards in Sec. 4.6.8.E, Off-Street Parking and Loading.
- (3) Drive-Through Menu Boards. The text of the sign shall not be legible from the public right-of-way or adjacent residential district. Only one menu board per drive through lane is permitted. Each menu board shall not exceed 36 square feet in sign area. No more than one preview board per drive-through lane shall be permitted. No preview board shall exceed 6 square feet.
- (4) Drive-In Menu Boards-No single menu board shall exceed 6 square feet in area. Double-sided menu boards may be placed on both sides of a parking space.

**c. Craft Beverage Production.** Craft beverage production, including breweries, distilleries and wineries, is permitted as outlined in Section 5.1 of this Ordinance and is subject to the following Specific Use Standards:

- (1) Must adhere to all applicable local and state alcoholic beverage control license requirements;
- (2) The use and any associated use on the property shall only serve alcohol by the drink or sell packaged alcohol in accordance with the underlying zoning requirements;
- (3) Production activities and the area devoted to such activities may be in conjunction with a restaurant or an on-site tasting room;
- (4) Parking shall be provided in accordance with the requirements for a restaurant as outlined in Section 4.6.8.E.1 of this Ordinance;
- (5) All processing, production, manufacturing, distilling, brewing, bottling associated with such distillery shall be located within a fully enclosed building;
- (6) Outdoor storage of materials, equipment, or supplies associated with such use is not allowed, unless otherwise allowed by the underlying zoning;
- (7) All loading and unloading areas shall be oriented away from public streets;

**B. Office.**

1. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.
2. **Accessory Uses.** Accessory uses may include cafeterias, day care, health facilities, parking or other amenities primarily for the use of employees in the firm or building.
3. **Examples.** Examples include professional services such as lawyers, accountants, engineers or architects; financial businesses such as lenders, brokerage houses, bank headquarters or real estate agents; data processing and telemarketing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; counseling offices, sports and fitness/ diet clinics, and blood-collection facilities.

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**4. Exceptions.**

- a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
- b. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services or similar work is not carried on at the site.

**C. Overnight Accommodations**

- 1. **Characteristics.** Dwelling units arranged for short-term stays of less than 30 days for rent or lease. Also includes other arrangements for stays of less than 30 days such as recreational vehicle parks.
- 2. **Accessory Uses.** Accessory uses may include pools and other recreational facilities, gift shops, limited storage, laundry facilities, offices, meeting facilities comprising less than 25 percent of the total gross floor area, offices and business centers, restaurant, bar and lounge.
- 3. **Examples.** Examples include bed and breakfast establishments, hotels, motels, inns, extended stay facilities, and recreational vehicle parks.

**4. Specific Use Standards.**

**a. Hotel, Motel, Inn or Extended Stay Facility**

- (1) The number of occupant rooms shall be limited to a maximum of twenty (20) in the GB (General Business) zoning district.

**b. Bed and Breakfast Establishments**

- (1) The use shall not require external alteration of the dwelling except as may be required to meet fire and building codes.
- (2) Each room to be rented shall be designed and intended to accommodate no more than two persons.
- (3) Each room shall be rented for no longer than seven days. Any facility which rents rooms for more than seven days shall be regulated as a boarding house.
- (4) The use shall not adversely affect the uses permitted in the area and in the immediate neighborhood by excessive traffic generation, noise and light.
- (5) One off-street parking space shall be required for each guest room available for rent (except in the CB (Central Business) zone). All off-street parking areas shall be completely screened with landscaping.
- (6) The use shall be in compliance with all other applicable state and local laws, including the Barren River District Health Department Rules and Regulations.
- (7) Bed and Breakfast establishments permitted in the Agriculture district shall require a conditional use permit and shall be limited to the following number of guest rooms:

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- a. Bed and Breakfast Home – Maximum (5) guest rooms.
  - b. Bed and Breakfast Inn – Maximum nine (9) guest rooms.
  - c. Bed and Breakfast Farmstay – As defined in KRS 247.800.
- (8) Bed and Breakfast establishments in any Residential district shall be limited to not more than three (3) rooms for rent per property shall require a conditional use permit. The Board of Adjustments, in considering approval of required conditional use permit, shall make a finding that the number of rooms granted shall not have adverse effect on surrounding properties. In addition, in considering such a conditional use, the Board of Adjustment shall take into consideration the number of bed and breakfast facilities, if any, within the general neighborhood of the property being considered for such use.
- (9) Bed and Breakfast establishments, **do not** allow commercial uses such as meetings, seminars, tea/garden parties, weddings, receptions, or concerts.
- c. **Recreational Vehicle (RV) Park.** An RV Park may be established and maintained in accordance with the Use Table in Section 5.1, state regulations (KRS 219) and the following regulations:
- (1) Minimum Park Area. Ten acres.
  - (2) Location and access. No RV Park shall be located except with direct access to an arterial roadway as designated by the City-County Planning Commission and with a minimum of 50 feet of frontage thereon in order to permit appropriate design of entrances and exits. No entrance or exit from an RV Park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.
  - (3) Occupancy Permitted. Spaces in an RV Park may be used by recreational vehicles, travel trailers, equivalent facilities constructed in or on automotive vehicles or other short-term housing or shelter arrangements or devices. No mobile homes or permanent dwellings shall be permitted except for a single unit for the purpose of security/maintenance of the park.
  - (4) Length of Stay. Spaces shall be rented by the day only, and the occupant of such space shall not remain in the same RV Park more than 3 months.
  - (5) Accessory Uses. Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of an RV Park are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barber shops and other convenience establishments shall be permitted as accessory uses in an RV Park in zoning districts where such uses are not permitted as accessory uses, subject to the following restrictions:
    - (a) Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the area of the park.
    - (b) Such establishments shall be restricted in their use to occupants of the park.
    - (c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

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- (d) Toilets, showers, and other essential plumbing fixtures shall conform to appropriate Commonwealth of Kentucky Plumbing Code and Health Rules and Regulations for Recreational Areas.
- (6) Site Planning Objectives. Site planning and improvements shall provide for:
  - (a) Facilities and amenities appropriate to the needs of the occupants.
  - (b) Safe, comfortable, convenient, and sanitary uses by occupants under all weather conditions to be expected during periods of occupancy.
  - (c) Every application for the construction, operation, maintenance, and occupancy of an RV Park shall include a plot plan for review by the Planning Commission. This plot plan shall provide the same information as required for a site development plan in Sec. 3.12.5.
- (7) Relation of Spaces to Exterior Streets. In addition to yard requirements applying generally within districts, the following limitations shall apply with respect to an RV Park. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any street or thoroughfare or within 25 feet of any adjoining public or private property.
- (8) Design of Access to Park. Entrances and exits to RV Parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.
- (9) Off-street Parking, Loading, and Maneuvering Space. In connection with use of any RV Park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street or right-of-way or any public grounds or on any private grounds not part of the park. Each RV Park shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements.
- (10) Sign Control. Signs shall be erected and maintained in conformance with Sec. 4.6.8.F, Signs. Except in districts where signs are allowed, there shall be no more than one non-illuminated sign, not to exceed 30 sq. ft. in area, located at the major entrances.
- (11) Lighting. All site lighting shall be directed downward and inward to the site.
- (12) External Yard Requirements. A 50-foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way and private property boundaries.

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#### D. Parking, Commercial

1. **Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
2. **Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
3. **Examples.** Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
4. **Exceptions.**
  - a. Parking facilities that are required for use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
  - b. Parking facilities that are required for a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - d. Parking for vehicles with more than two axles and/or unhitched semi-trailers is shall be classified as freight movement or truck stop and shall only be located in industrial zones.

#### E. Recreation and Entertainment

1. **Characteristics.** Generally public or private uses that provide recreation or entertainment-oriented activities. They may take place indoors or outdoors.
2. **Accessory Uses.** Accessory uses may include clubhouses, concessions, restaurants, parking, primitive camping, caretaker's quarters and maintenance facilities.
3. **Examples.**
  - a. **Active Outdoor.** These include amusement parks, theme parks, lighted golf courses, golf driving ranges, miniature golf facilities, zoos, campgrounds, soccer fields, baseball/softball fields, and go-cart or other motorized tracks and motorized riding trails.
  - b. **Passive Outdoor** Riding stables, non-motorized riding trails, fishing lakes, unlighted golf courses.
  - c. **Indoor.** Indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades, pool halls, dance halls, indoor firing ranges, theaters, membership clubs and go-cart tracks.
  - d. **Sportsmen's.** Sportsmen's farms, firearm ranges, shooting ranges, and paintball facilities.
  - e. **Major Entertainment Event/Venue.** Stadiums, sports arenas, coliseums, amphitheaters, auditoriums, exhibition and meeting areas, circus, carnival, and fairgrounds.

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**4. Exceptions.**

- a. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
- b. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
- c. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

**5. Specific Use Standards**

- a. **Active Outdoor.** When located adjacent to an incompatible use, a 250 foot open space buffer shall be provided for active outdoor facilities along each property line. No activity, including location of any structures, shall be permitted within such buffer.
- b. **Indoor.** Indoor recreation and entertainment facilities are limited to a maximum of 10,000 square feet of building area in the GB (General Business) zone.
- c. **Sportsmen's Farms and Firearm Ranges.** Sportsmen's farms and skeet, shotgun, rifle, pistol, air rifle, air pistol, or other firearm ranges and conformance with the following regulations:

1. Outdoor Facilities.

- a) Minimum lot size for any outdoor range facility shall be ten (10) acres.
- b) A 250 foot open space buffer shall be provided for outdoor range facilities along each property line. No outdoor range activities shall be permitted within such buffer.
- c) All buildings and structures shall be at least 100 feet from any property line.
- d) All roads and parking areas shall be surfaced with a hard and durable material and properly drained.
- e) All outdoor ranges shall be of sufficient length and be provided with an earthen back stop of sufficient height and thickness to safely stop all projectiles from the various types of weapons used.
- f) All outdoor ranges shall be enclosed by a fence at least six feet in height to prevent animals and people from entering the property. Warning signs shall be placed at intervals of 50 feet along all range fences.
- g) Any signage located on the property shall meet the requirements of the zone in which it is located.

2. Indoor Facilities.

- a) Indoor ranges shall have one warning sign at each entrance and at any windows, doors or other openings in the walls.
- b) Indoor ranges shall have sufficient sound proofing to prevent the sound of firearm discharge from being heard outside the walls of the range facilities.

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- c) Proof of adequate construction materials to be used, including the exterior walls and any air quality monitoring devices, shall be provided for new construction, as well as for existing sites/buildings that are repurposed for such use, and must be properly permitted through the applicable building agency.
  - d) Only indoor firing ranges are allowed in HB (Highway Business), LI (Light Industry) and HI (Heavy Industry).
  - e) Any signage located on the property shall meet the requirements of the zone in which it is located.
- d. **Major Entertainment Event/Venue.**
- 1. Any major entertainment event in the Highway Business district must be located a minimum of two hundred and fifty (250) feet from any residential district.
  - 2. Any major entertainment event must provide adequate on-site parking.
- e. **Campground.**
- 1. All buildings and structures shall be at least 50 feet from any property line.
  - 2. An open space buffer strip shall be maintained along all property lines in which campfires, or any other camping appurtenances shall not be located. The open space buffer strip shall be a minimum of 50 feet along all property lines.
  - 3. Each campsite or cabin site shall contain a minimum of two (2) off-street parking spaces.
  - 4. All driveways and off-street parking areas shall be surfaced with a hard and durable material and properly drained.
  - 5. There shall be no more than one freestanding sign, not to exceed 32 square feet in area, to be located at the major entrance to the site. Such signage shall be externally illuminated only.
  - 6. No property, camp or individual campsite shall be sold or leased for a longer period than 3 months.

**F. Retail Sales and Service**

- 1. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.
- 2. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.
- 3. **Examples.** Examples include uses from the following groups:
  - a. **Sales-Oriented:** Stores selling, leasing or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary and videos; food sales and sales or leasing of Class 1-5 vehicles, small equipment (up to 12,000 pounds) and manufactured and mobile homes.

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- b. **Personal Service-Oriented:** Branch banks; laundromats and dry cleaners (excluding laundry plants); urgent care treatment center; photographic studios; photocopy services; hair, tanning, massage, reflexology, and personal care services; health clubs and gyms, business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; funeral home, veterinarians; and animal grooming.
- c. **Repair-Oriented:** Repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry or dry-cleaner drop-off; tailor; locksmith; and non-vehicle upholsterer.

4. **Exceptions.**

- a. Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- b. Sales facilities that use greater than 50 percent of the gross floor area for storage are classified as Wholesale Sales.
- c. Repair and service of vehicles (Class 1-5) is classified as Vehicle Repair or Limited Vehicle Service. Repair and service of equipment and Class 6 or above vehicles is classified as Industrial Service.
- d. Sales, rental or leasing of vehicles (Class 6 and above) and equipment weighing more than 2,500 pounds is only permitted in industrial zones.

5. **Specific Use Standards.**

- a. **Animal Hospital, Commercial Kennel or Veterinary Clinic.** An animal hospital, kennel or veterinary clinic may be permitted in accordance with the Use Table in Sec. 5.1, provided that any building or area used for such purposes, including pens or exercise runways, shall be at least 500 feet from any residential district, use or structure.
- b. **Adult Entertainment Establishments.** Adult entertainment establishments may be permitted in accordance with use table in Section 5.1, provided that they meet the following standards:
  - (1) The public entrance to an adult entertainment establishment will not be located nearer than 750 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, mall, or park-like area of open space under the control of a governmental agency.
  - (2) The public entrance to an adult entertainment establishment will not be located nearer than 750 feet from any area zoned residential.
  - (3) The public entrance to an adult entertainment establishment will not be located nearer than 500 feet from the public entrance of another adult entertainment establishment.

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- (4) Such distance shall be measured along a straight line, without regard to intervening structures or objects, from the nearest property line of the real estate on which the building or park-like area, residential zone, or entrance to another adult entertainment establishment is located to the entrance of the adult entertainment establishment.
  - (5) A landscaping/ buffer strip/ screened area will be maintained along all property lines in view from any adjacent residential use.
  - (6) An adult entertainment establishment, except as otherwise provided by laws which may be more restrictive, may not have any on-premise sign which contains commercial advertising, lettering, wording, or pictorial or representational matter which is distinguished or characterized by an emphasis on depictions of adult/ sexual activities.
- c. **Retail Sales with Drive-Through or Pick-Up Window.** Any establishment (such as dry cleaners, pharmacy, bank, package liquor store, etc.) with a drive-through or pick-up window utilizing a speaker must be located at least 250 feet from any residential district, structure or use. Such separation distance shall be measured from the speaker. This required separation may be reduced to 100 feet if no outdoor speaker is used. Such separation distance shall be measured from the window.
- d. **Greenhouse or Nursery.**
- (1) Commercial greenhouses and plant nurseries may be permitted in accordance with the Use Table in Sec. 5.1, provided that no building or structure shall be located within 100 feet of a residential district, structure or use.
  - (2) Adequate and safe on-site parking, loading, and unloading areas and driveways shall be provided for safe ingress and egress, with backing into the street specifically prohibited.
- e. **Retail Sales and Service in the RM-4 (Multi-Family Residential) Zone.** Retail uses in the RM-4 zone are permitted only after first obtaining a Conditional Use Permit (CUP) and are limited to only the types of Commercial uses permitted in the NB (Neighborhood Business) zone. The following uses are prohibited in RM-4 and are not eligible for a CUP:
- (1) Adult entertainment; gambling-related facilities including bingo, sweepstakes establishments and facilities selling lottery tickets; tattoo parlor; bar or lounge; commercial parking; and fuel station or fuel sales).
  - (2) Total building footprint for any commercial use within the RM-4 zone shall not exceed 3,999 square feet.
  - (3) Maximum building height shall not exceed the height of any structure located on adjoining property or two stories, whichever is less.
  - (4) Hours of Operation. Hours of operation shall not be earlier than 6:00 a.m. or later than 10:00 p.m.

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- f. **Vehicle (Class 1 through 5) and Small Equipment Sales (up to 2,500 pounds).** The sale of all vehicles/equipment shall be subject to the following.
- (1) Location. Sales operations shall have direct access to at least a minor collector street.
  - (2) Paving. Sales operations shall be required to provide a paved display area with appropriate drainage.
  - (3) Lighting. Lighting on the property shall meet the requirements outlined in Section 4.6.8.1.1.
  - (4) Screening. All sales operations shall be screened from view from any adjacent residential use with a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.
  - (5) Outdoor Paging. Outdoor paging systems are not permitted unless located in industrial zones and must meet the requirements in Section 4.7.3.1.2.

**G. Self-Service Storage**

- 1. **Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- 2. **Accessory Uses.** Accessory uses may include living quarters for a resident manager or security and leasing offices; storage areas for sales, service and repair operations or manufacturing; and the rental of trucks or equipment.
- 3. **Examples.** Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- 4. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.
- 5. **Specific Use Standards.**
  - a. Screening. All self-service storage facilities shall be completely screened with a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.
  - b. Outdoor Storage. Any self-service storage facility with an outdoor storage component (boats, trailers, RVs, etc.) must be located in the LI (Light Industrial) or HI (Heavy Industrial) zone.

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**H. Vehicle Repair**

1. **Characteristics.** Vehicle Repair firms service or repair Class 1 through 5 vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
2. **Accessory Uses.** Accessory uses may include offices, sales of parts and vehicle storage.
3. **Examples.** Examples include vehicle repair, transmission or muffler shop, alignment shop, window tint shop, auto upholstery shop, auto detailing, vehicle body work (that does not include any outdoor storage of parts or vehicles) and tire sales and mounting.
4. **Exceptions.** Repair and service of industrial equipment and of Class 6 or above vehicles; and towing and vehicle storage are classified as Industrial Service; and vehicle wrecking and salvage are classified as a waste-related use.

**I. Limited Vehicle Service**

1. **Characteristics.** Limited Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
2. **Accessory Uses.** Accessory uses may include tire sales.
3. **Examples.** Examples include full-service, mini-service and self-service gas stations; car washes; and quick lubrication services.
4. **Exceptions.**
  - a. Truck stops are classified as Industrial Service.
  - b. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
5. **Specific Use Standards.**
  - a. **Fuel Station for Motor Vehicles.** Motor vehicle fuel stations or fuel sales (not including truck stops) may be permitted in accordance with the Use Table in Section 5.1 and the following standards and criteria.
    - (1) Any establishment with an outdoor speaker system must be located at least 100 feet from any residential district, use or structure..
    - (2) All parking and internal drive areas shall be paved.
    - (3) Drains from vehicle wash or cleanup stands shall be installed in accordance with the serving utility's specifications.
    - (4) The site shall front at least a major collector street.
    - (5) Pump islands for gasoline service stations shall have a minimum required setback of 20 feet from the right-of-way.
    - (6) In the Neighborhood Business and General Business districts, the number of pumps shall be limited to service for a maximum of eight vehicles at a time (4 pumps).

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**5.2.5 Industrial Use Categories**

**A. Industrial Service**

1. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Uses.** Accessory activities may include offices, parking, employee day care, and storage. Lounges, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
3. **Examples.**
  - a. **Light Industrial** - welding; machine shop; tool repair; electric motor repair; repair of scientific or professional instruments; towing/vehicle storage; Vehicle (Class 6 and above) service, repair and body work (that does not include outdoor storage of parts or vehicles); truck stop; general and other contractors; building, heating, plumbing or electrical contractors; exterminator; janitorial/business maintenance services; research/development laboratory.
  - b. **Heavy Industrial** - Sales, repair, or storage of heavy machinery, metal and building materials; auto and truck body shop; tire retreading or re-capping; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, or carpet cleaning plants.
4. **Exceptions.** Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site or are stored completely within the building, and fabrication or similar work is not carried on at the site.
5. **Specific Use Standards.**
  - a. **Fuel Stations for Vehicles (Class 6 and Above) -Truck Stop**
    - (1) Shall front at least minor arterial.
    - (2) Located a minimum 500 feet from any residential structure, use or district.
    - (3) Drains from vehicle wash or cleanup stands shall be installed in accordance with the serving utility's specifications.
    - (4) Landscape buffering requirement of 20 feet along the right-of-way and adjacent to other non-industrial land uses. If located adjacent to a residential use, such buffer shall include a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.

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b. **Industrial Services with Outdoor Components.** Industrial services containing an outdoor component related to the principal use of the property including towing operations; vehicle storage; vehicle repair; body work; and body shop are subject to the following specific use standards.

(1) Towing Operations/Vehicle Storage

- a. Storage of vehicles must be located outside public right-of-way and screened from view from public right-of-way or an incompatible use by a continuous planting, opaque fence, wall or earthen berm or combination thereof. The average height of the screening material shall be one foot more than the parts or vehicles to be screened. When plant material is utilized for screening, the plant material must be able to provide 100 percent screening within 3 years.
- b. Towing operations with a wrecking/salvage component are classified as a waste-related use and are subject to the requirements listed in Section 5.2.5.E.

(2) Vehicle (Class 6 and above) Repair, Body Work and Body Shop

- a. Outdoor storage of parts and vehicles is prohibited in the LI district.
- b. Outdoor storage of parts and vehicles is permitted in the HI district if located outside the public right-of-way and screened from view from public right-of-way or an incompatible use by a continuous planting, opaque fence, wall or earthen berm or combination thereof. The average height of the screening material shall be one foot more than the parts or vehicles to be screened. Maximum height of parts or vehicles to be screened shall be 10 feet. When plant material is utilized for screening, the plant material must be able to provide 100 percent screening within 3 years.

**B. Manufacturing and Production**

- 1. **Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- 2. **Accessory Uses.** Accessory activities may include offices, cafeterias, parking, employee day care, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
- 3. **Examples.**
  - a. **Light Industry.** Custom woodworking and cabinet making, printing, publishing, sign making, and other manufacturing, processing, fabrication, packaging or assembly of goods where processes and equipment employed and goods processed are limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

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- b. **Heavy Industry.** Processing of food and related products; slaughterhouses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills. and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; and production of prefabricated structures, including manufactured homes.

#### 4. Exceptions.

- a. Manufacturing of goods to be sold primarily on-site and to the general public, such as a candy shop, are classified as Retail Sales and Service.
- b. Manufacture and production of goods from composting organic material and mulch and wood operations are classified as Waste-Related uses.
- c. Printing, publishing and sign-making operations where there is no outdoor component or outdoor storage associated with such use are classified as retail sales and service and are permitted in the GB, and HB zones.

#### C. Above Ground Storage Tanks

1. **Characteristics.** All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances (liquid, gas, or solid) shall be included in this category.
2. **Examples.** Gasoline or diesel fuel tanks, crude oil barrels, propane tanks.
3. **Exceptions.** Tanks containing only water are exempt.
4. **Specific Use Standards.** Any above ground storage tank must be located a minimum of 1,000 feet from any residential district, structure or use.

#### D. Warehouse and Freight Movement

1. **Characteristics.** Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
2. **Accessory Uses.** Accessory uses may include offices, employee day care, truck fleet parking and maintenance areas.
3. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and train switch yards or freight yards.

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**4. Exceptions.**

- a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
- b. Mini-warehouses are classified as Self-Service Storage uses.

5. **Specific Use Standards.** A conditional use permit is required for storage facility for weapons, ammunition, explosives, or similar materials and any such facility must be located a minimum of 500 feet from any other structure and 1,500 feet from any residence.

**E. Waste-Related**

1. **Characteristics.** Characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material.

2. **Accessory Uses.** Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. **Examples.** Examples include sanitary landfills, waste composting, energy recovery plants, recycling operations (including collection centers), salvage and wrecking operations, mulch and wood operations, sewage treatment plants, hazardous-waste-collection sites, transfer station, construction and demolition debris landfill.

**4. Exceptions.**

- a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.

**5. Specific Use Standards.**

- a. Waste Land Spreading or Land Farming Operations

- (1) Must meet all applicable state and federal regulations, including 401KAR47.

- (2) Must obtain a conditional use permit.

- (3) May only be established in areas having a DRASTIC index of 160 or less.

- b. Any waste-related use must conform in all aspects with federal, state, and local regulations.

- c. Waste-Related Uses including any place of business where junk motor vehicles, machines or other similar scrap or salvage materials are parked or otherwise located including salvaged automobile parts, heavy equipment, steel or metal; wholesale or retail material recycler; wrecking service or operator; salvaged office or household equipment:

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- (1) If located within the City of Bowling Green, waste-related uses shall meet the requirements outlined in Section 27-3.01 of the City of Bowling Green, Kentucky Code of Ordinances.
- (2) If located outside the City of Bowling Green, waste-related uses shall adhere to the following:
  - a. Shall be located outside the public right-of-way;
  - b. Shall be screened from view from any public right-of-way or residential zoning district, use or structure within 1,000 feet from the outer perimeter of the establishment;
  - c. Areas utilized for such operation shall meet the setback requirements for the zone in which it is located, including additional setbacks adjacent to a residential use;
  - d. Required screening shall consist of a continuous planting, opaque fence, wall or earthen berm or combination thereof, so as to completely block the view of what is enclosed. The average height of the screening material shall be one foot more than the parts or vehicles to be screened or eight (8) feet, whichever is greater. When plant material is utilized for screening, the plant material must be able to provide 100 percent opacity within 3 years.
  - e. If fencing is utilized for screening requirements, such fencing must be constructed of a neutral color and blend in with the surrounding area.
  - f. Storage of recyclable materials that are located completely indoor and complies with all other local codes are exempt from the screening requirements of this section.
- d. Mulch and Wood Operations. Mulch and wood operations involve the process of collecting wood debris and transporting such debris to a particular site where it may be deposited, burned or transformed through the composting process into mulch or other wood products for wholesale sales or sale to the general public. Use of property which only involves the sale of mulch or other wood products, where no manufacturing of such product takes place on-site, is classified as retail sales and is not subject to the requirements of this section.
  - (1) Any portion of the property utilized for the production of mulch or burning of wood debris must be located a minimum of 750 feet from the nearest residential district, use or structure.
  - (2) Burning of wood debris shall require a permit from the applicable fire department.
  - (3) Maximum height on the property for anything associated with such use shall be 20 feet, including mounds of compost, mulch or other debris.
  - (4) Any activity associated with such operation shall be set back a minimum of 100 feet from all property lines.

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**F. Wholesale Sales**

1. **Characteristics.** Wholesale Sales firms are involved in the sale, lease or rent of products primarily intended for industrial, institutional or commercial businesses. At least 50 percent of the gross area of the structure is devoted to the storage of materials. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
2. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
3. **Examples.** Examples include sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; agriculture sales such as fertilizer, and wholesalers of food, clothing, auto parts, building hardware.
4. **Exceptions.**
  - a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
  - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

**G. Vehicle (Class 6 and above) and Large Equipment Sales (over 2,500 pounds)**

The sale of all vehicles /equipment shall be subject to the following:

1. **Location.** Sales operations shall have direct access to at least a minor collector street.
2. **Paving.** Sales operations shall be required to provide a paved display area with appropriate drainage. Vehicle (Class 6 and above) and large equipment (over 2,500 pounds) display areas located in the industrial zoning districts may utilize the alternative parking surface as outlined in Section 4.7.3.E.4.
3. **Lighting.** Lighting on the property shall meet the requirements outlined in Section 4.6.8.I.1.
4. **Screening.** All sales operations shall be screened from view from any adjacent residential use with a minimum 6-foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of 5 feet high upon planting and can be expected to be 8 feet high within two years of planting.
5. **Outdoor Paging.** Outdoor paging systems must comply with the requirements in Section 4.7.3.F.2.

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**H. Manufactured/Mobile/Model Home Sales Lot.** Home sales lots shall be subject to the following:

1. **Location.** All sales operations shall have direct access to at least a minor collector street.
2. **Paving.** All sales operations shall be required to provide a paved area, with appropriate drainage, for the storage of units. Homes that are displayed in a semi-permanent state with skirting and landscaping installed are not required to be placed on pavement and may be placed in grassy areas.
3. **Lighting.** Lighting on the property shall meet the requirements outlined in Section 4.6.8.I.1.
4. **Screening.** All sales operations shall be screened in accordance with the landscaping provisions of 4.6.8.D.
5. **Outdoor Paving.** Outdoor paving systems shall meet the standards outlined in Section 4.7.3.I.2.

**5.2.6 Other Use Categories**

**A. Agriculture**

1. **Characteristics.** Agriculture includes activities that primarily involve raising, producing or keeping plants or animals.
2. **Accessory Uses.** Accessory uses include accessory apartments (see Sec.4.3.4D).
3. **Examples.** Examples include breeding, raising, or limited processing of fowl or other animals; dairy farms; livestock auctions; confined animal feeding operation; stables; riding academies; commercial kennels and other animal boarding places (as permitted by Section 5.1. of the Ordinance); farming, truck gardening, forestry, tree farming; wholesale greenhouse and plant nurseries; and agritourism uses permitted under KRS 247.800. A single family dwelling is permitted in the Agricultural District.
4. **Exceptions.**
  - a. Uses involved in the processing of animal or plant products, except limited meat/poultry processing, are classified as Manufacturing and Production.
  - b. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
5. **Specific Use Standards.**
  - a. **Confined Animal Feeding Operation and Consignment Livestock Auctions**
    - (1) Separation Standards.
      - (a) No confined animal feeding operation (including livestock barn, poultry house, lagoon or land application area) or consignment livestock auction facility shall be located within 750 feet of the boundary of any residential district, use or structure.

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- (b) No confined animal feeding operation (including livestock barn, poultry house, lagoon or land application area) or consignment livestock auction facility shall be located within 1,500 feet of an existing residence, school, park or place of worship for which a building permit was issued prior to the effective date of this Ordinance.
  - (c) A reduced separation standard may be permitted provided that the consent of any neighboring landowner located within the required separation area is provided in writing.
- (2) Measurements. The separation distances established in this Section shall be measured from the perimeter of the animal holding pin feedlot, brooder house or animal waste area lagoon to the nearest referenced boundary or exterior wall of the principal structure containing the referenced use.
  - (3) State Permit. All confined animal feeding operations shall acquire and maintain a valid permit from the Commonwealth of Kentucky.
- b. **Roadside Stands.** Roadside stands offering for sale only agricultural products produced on the premises, or on premises owned by the same person. Such stands shall be located at least 10 feet from the established right-of-way.
  - c. **Limited Meat/Poultry Processing.**
    - (1) Limited processing/slaughter of fowl or livestock is permitted in the Agriculture District by first obtaining a Conditional Use Permit. Limited processing shall be defined as the slaughter, processing, or storage of not more than 50,000 small fowl (including quail, rabbits, and covies) or 1,000 large fowl or livestock (including ostrich, beef cattle, deer, and hogs) per year.
    - (2) Any limited processing operation must obtain approval from all applicable federal, state, and local agencies, including, but not limited to the Health Department, Fire Department, Kentucky Division of Water, and U.S. Department of Agriculture.
  - d. **Agritourism Uses permitted under KRS 247.800.**
    - (1) Agritourism uses permitted under KRS 247.800 are permitted in the Agriculture District only after obtaining a Conditional Use Permit from the Board of Adjustments, as well as certification as an agritourism business through the Kentucky Department of Agriculture. Agritourism uses are defined as any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or operation.
    - (2) Applications for a Conditional Use Permit for any agritourism use must include the following:

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- (a) An exhibit showing the location of all existing and proposed buildings, structures and parking areas, as well as the location of any outdoor activity area and all other uses associated with the agritourism business.
  - (b) Days and hours of operation for the proposed use
  - (c) A list of all uses to be conducted on the property
- (3) All agritourism uses permitted under KRS 247.800 are subject to the following regulations:
- (a) An application for a building permit shall be submitted to and approved by the building inspector of the appropriate jurisdiction for all buildings and structures associated with any agritourism use prior to utilizing the property for such use.
  - (b) All buildings or structures associated with any agritourism use (excluding those utilized for livestock, poultry, farm machinery, grain, hay, crop storage or wine production) shall meet any and all applicable commercial building regulations, as directed by the building inspector, prior to utilizing the property for such use.
  - (c) All buildings and structures associated with any agritourism use shall be at least 50 feet from any property line when located adjacent to any residential district, use or structure.
  - (d) All travelways and parking areas shall be surfaced with a hard and durable material and properly drained.
  - (e) Any entrance and/or driveway to an agritourism use, accessed from public right-of-way, shall be a minimum of 18 feet in width. Design and location of such entrance shall be reviewed and approved by the appropriate agency.
  - (f) Signage shall be limited to one (1) freestanding sign, not to exceed 5 feet in height and 32 square feet in sign face area. No sign shall be internally illuminated.
  - (g) Any outdoor area(s) used for music, bands or other similar noise-generating activity shall be located a minimum of 250 feet from any residential district, use or structure.
  - (h) All agritourism uses must receive approval through the Barren River District Health Department for all sanitary provisions to be located on the property prior to the installation of any on-site restroom or kitchen facility.
  - (i) Agritourism uses may be subject to the Traffic Impact Study requirements as outlined in Section 3.1.4 of this Ordinance.
  - (j) Agritourism uses may be subject to the Site Development Plan requirements as outlined in Section 3.12.5 of this Ordinance.

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#### B. Transportation-Related Uses

1. **Characteristics.** Transportation-Related Uses include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Transportation-related uses also include passenger terminals for aircraft, regional bus service and regional rail service, and taxi service facilities.
2. **Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.
3. **Examples.** Examples include airports, bus passenger terminals for regional bus service, taxi service facilities, railroad passenger stations for regional rail service and helicopter landing facilities.
4. **Exceptions.**
  - a. Bus and rail passenger stations for sub-regional service such as mass transit stops are classified as Basic Utilities.
  - b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.
  - c. Private landing strips which comply with FAA regulations and which contain at least 1,500 contiguous acres are exempted from the requirements of this Zoning Ordinance per Kentucky Revised Statutes.
5. **Specific Use Standards.** The location, size and plans for all aviation facilities and their operational features shall be approved by the Kentucky Airport Zoning Commission and the Federal Aviation Administration.

#### C. Burial-Related Use

1. **Characteristics.** Land used for the burial or cremation of the dead (both human and animal) including cemeteries, columbaria, storage vaults mausoleums and crematories.
2. **Accessory Uses.** Accessory uses may include mortuaries, crematories, chapels, offices, parking, monument sales and maintenance facilities.
3. **Exceptions.** Funeral homes are classified as retail sales and service.
4. **Specific Use Standards.**
  - a. Grave sites, storage vaults and any other structure associated with such use must be located a minimum of 10 feet from any property line.
  - b. Crematories must be located a minimum of 500 feet from any residential district, use or structure, unless occupied by the owner/operator of the crematory.
  - c. Burial-Related uses must be located outside the floodplain.

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**D. Mining**

1. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
2. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling or transfer off-site of the mined material.
3. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; oil, gas or geothermal drilling; stockpiling of sand, gravel and other aggregate materials.

4. **Specific Use Standards.**

**a. Oil or Gas Production, Storage or Distribution**

- (1) **Structure Location.** The drilling of oil wells and placing of well structures may be permitted except where such well or well structure or pipeline or related equipment connecting thereto would create hazardous conditions on the adjacent and abutting properties.
- (2) **Equipment on Site.** Only that equipment required for production shall remain on the premises.
- (3) **Storage Tanks and other Structures.** In the event production is obtained, the oil storage tank battery shall be erected within the confines of a concrete or earthen retention wall designed in such a manner that the area inside the retention wall would retain the total volume of the tanks located therein. The storage tank battery shall be completely enclosed by a suitable all-metal wire fence of a sufficiently strong and close-mesh construction that it will not be penetrable by domestic animals or small children. In no event shall such tank battery be located nearer than 1,500 feet from any residence dwelling or nearer than 500 feet from any combustible structure. This setback requirement shall also be required for any above-ground structures related to oil or gas production, storage or distribution.
- (4) Any oil or gas well site shall comply with the requirements of the Kentucky Cabinet for Natural Resources and Environmental Protection.

**b. Quarry or Gravel Pit or Mining Operation**

- (1) Quarries and gravel pits may be established in accordance with the Use Table in Section 5.1, provided that any building housing power or power-producing machinery or equipment shall conform to the building line setback requirements of Sec. 4.7.3.B, Property Development Standards, and when adjacent to a residential or agriculture zoning district, use or structure, shall be located so as to provide a minimum side and rear yard of 1000 feet. Streets or public rights-of-way 30 feet or more in width may be included as the side and rear yard requirement of this paragraph.
- (2) Any site must comply with the requirements of the Kentucky Cabinet for Natural Resources and Environmental Protection.
- (3) Any site must be enclosed by permanent security fencing at least 6 feet in height along the perimeter of the property.

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**E. Telecommunications Facilities**

1. **Characteristics.** Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce or provide wireless, over-the-air, or cellular telephone communications. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic or other landline transmission system.
2. **Accessory Uses.** Accessory uses may include transmitter facility buildings, and telecommunication shelters.
3. **Examples.** Examples include attached telecommunications facilities, telecommunications support towers, point-to-point microwave towers, and ground mounted switch boxes.
4. **Exceptions.**
  - a. Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.
  - b. Radio and television studios are classified in the Office category. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.
  - c. Ground-mounted telephone switch boxes not exceeding 2 feet in height are classified as Basic Utilities.
5. **Specific Use Standards.**
  - a. **Telecommunication Towers and Accessory Facilities.** The purpose and intent of this section are to avoid potential damage to adjacent properties from transmission tower collapse and falling ice through engineering and careful locating of transmission tower structures, and to maximize use of any new transmission tower and to encourage the co-location and clustering of new transmission towers in order to reduce the number of towers and tower sites needed.

The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities in all zoning districts. Unless otherwise permitted by this Zoning Ordinance, no new transmission tower or accessory facility may be erected or constructed unless all provisions of this Section and the requirements of the Kentucky Revised Statutes and the Kentucky Public Service Commission are met.

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- (1) **Minimum Location Standards.** The following minimum standards shall be met in the approval of a conditional use or building permit.
  - (a) All self-supporting and guyed telecommunication towers shall be set back from the property line a minimum of 60 percent of the overall height of the tower.
  - (b) All telecommunication towers shall be set back from any residential district, structure or use a minimum of 1,000 feet.
  - (c) Accessory facilities shall also comply with the setback standard of the district in which it is located as well as the adjacent zoning district.
  - (d) Existing on-site vegetation shall be preserved to the maximum extent practicable and the site shall otherwise comply with the landscaping provisions of sec. 4.6.8.D.
  - (e) Towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority.
  - (f) Accessory facilities in an Agriculture District and other such districts where transmission towers are a conditional use may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions.
  - (g) The proposed use shall be consistent with applicable Federal and State regulations and shall have secured and submitted copies of compliance with these regulations.
  - (h) An application for approval of a new telecommunication tower shall include all items required for a Uniform Application by the Kentucky Revised Statutes.
- (2) **Color of Towers.** Unless otherwise required by state or federal regulations, all telecommunication towers shall be white or light gray in color.
- (3) **Multiple Telecommunication Towers.** It is the intent of these regulations to encourage the co-location and clustering of multiple towers and their antennas and accessory facilities and to discourage the use of individual transmission towers and accessory facility sites. Therefore, more than one transmission tower and accessory structures will be permitted under these regulations on a single tract of land notwithstanding any other provision of this Zoning Ordinance, provided they meet all of the required location standards.

**SEC. 5.3 TEMPORARY USES**

**5.3.1 Temporary Construction Unit**

Temporary construction units may be permitted in accordance with the Use Table in Section 5.1 and the following requirements:

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- A. A temporary construction unit may be located within the districts shown on the Use Table following the issuance of a building permit for construction upon the parcel where the temporary construction unit is to be located.
- B. The temporary construction unit shall be removed from such parcel within 30 days of occupancy of the building or facility constructed pursuant to such building permit or within 30 days after the termination or expiration of such building permit, whichever shall first occur.

**5.3.2 Model Homes**

Residential units constructed and established for sales display in a residential subdivision may be temporarily used as an office for the subdivision developer, homebuilder, or other accessory sales purposes. The unit must revert to its intended residential use before or upon completion of units on 75 percent of the subdivision lots.

**5.3.3 Other Temporary Uses (Warren County Only)**

The following temporary uses, that involve no permanent structures, shall require a temporary use permit from the respective local legislative body.

- A. Festivals, sporting events, carnivals, circus or any other similar use as determined by the Building Inspector, which may be located on a property for no greater than seven (7) consecutive days, and shall not occur more than four (4) times per calendar year.
  - 1. Each temporary use permit shall be reviewed based on number of possible attendees, distance from residential structures or zoning districts, and the length of the proposed temporary use to impose any necessary and reasonable conditions on the temporary use permit.
- B. The sale of seasonal materials, including but not limited to, Christmas trees, Halloween costumes, fireworks and other similar seasonal materials shall also be required to be located within an appropriate zoning classification.

**5.3.4 Other Temporary Uses (Bowling Green Only)**

The following temporary uses, that do not involve the construction or installation of permanent structures, shall require a temporary use permit from the respective local jurisdiction.

- A. Festivals, sporting events, carnivals, circus or any other similar use as determined by the Building Inspector, which may be located on privately owned property, not properly zoned for such activity, for no greater than seven (7) consecutive days, and shall not occur more than four (4) times a calendar year.
  - 1. Each temporary uses permit shall be reviewed based on number of possible attendees, distance from residential structures or zoning districts, and the length of the proposed temporary use to impose any necessary and reasonable conditions on the temporary use permit.
  - 2. Temporary uses may also require application and approval for a noise variance through the Neighborhood and Community Services Department.
- B. The sale of seasonal materials, including but not limited to, Christmas trees, Halloween costumes, fireworks and other similar seasonal materials shall also be required to be located within an appropriate zoning classification.

**5.3.5 Parking.**

Parking for temporary uses shall utilize grassy areas or already existing parking areas, only. No gravel shall be installed for a temporary use.