

**8.2 ZONES AND USES TABLE**

<p><b>P = PRINCIPALLY PERMITTED USES:</b> Uses listed and other uses (not otherwise listed in table) substantially similar to those listed are deemed permitted.</p> <p><b>C = CONDITIONALLY PERMITTED USES:</b> Uses which are permitted only with Board of Adjustment approval.</p> <p><b>A = ACCESSORY USES:</b> Uses and structures permitted which are customarily accessory, clearly incidental and subordinate to permitted uses.</p>	<p><b>NOTE:</b> Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone; all uses which lack substantial similarity to permitted uses in each zone are deemed <b>prohibited</b> (as per Article 3 of this Zoning Ordinance).</p> <p><b>Numbers</b> following the "P", "C" or "A" in the table refer to special conditions, additional information, or detailed use listings which follow in numerical order in Section 8.4.</p> <p><b>Note:</b> For all properties zoned B-2 within the Downtown Overlay District boundary, please refer to the Schedule of Uses in Article 21 of the Zoning Ordinance. Special requirements are also applicable to properties located within Downtown Overlay District relative to use, site development, and design standards. See Article 21 for specific requirements and Downtown Overlay District Regulating Plan.</p>
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ZONES													USES
A-R A-U	R-1A R-1B R-1C	R-1T	R-2MF	R-3MF	R-4DT	P-1	B-1	B-2 <sup>4</sup>	B-3 B-4	B-5	I-1	I-2	
													<b>H Agriculture:</b>
A													1 Agricultural structures, stables
P													2 Dairying and stock-raising
P	P	P	P	P	P								3 Farming
										P/32	P/32	P/32	4 Farm equipment dealer
P										C/33	C/33	C/33	5 Forestry
C													6 Grain drying
C/33a									C/33a	P	P	P	7 Livestock sales and auction
C													8 Landscaping services
C/58													9 Agri-tourism
													10 Agriculture, Horticulture or Silviculture Industries
													<b>I Animal related:</b>
C/34													1 Animal burial grounds
C/50													1A Animal race tracks
									P/35	P/35	P/35	P/35	2 Animal hospital or clinic
							P/51	P/51	P	P	A	A	2A Pet grooming
							P/51	P/51	P	P	A	A	2B Pet training
P													3 Hunting, fishing, trapping, game preserves
C							P	P	P	P			3A Taxidermy
P/35									P/35	P/35	P/35	P/35	4 Kennel, commercial
A	A	A	A	A	A				P/35	P/35	P/35	P/35	5 Kennel, non-commercial
													6 Veterinarian office
													<b>J Personal service:</b>
C				C					C	C	C	C	1 Cemetery, mausoleum, columbarium, crematory
C						C		P	P	P			2 Funeral home, with or without crematory
							P/36	P/36	P/36	P/36	P/36	P/36	3 Laundry, clothes cleaning
						P	P	P	P	P	P	P	3A Dry cleaning or laundry drop off and pick up stations with or without drive-through windows, where no cleaning of garments occurs on site
						A	P	P	P	P			4 Pharmaceuticals and medical supplies, sale of
						A/37	P	P	P	P	A/37	A/37	5 Retail sales or personal services
													<b>K Public and semi-public:</b>
C/38													1 Airport
C/39													2 Land fill
P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	P/40	3 Municipal, county, state, public school or federal buildings and uses
C	C	C	C	C	C	C	C	C	C	C	C	C	4 Public utility facilities not otherwise permitted within this table and not excepted by Article 3 herein
								C	C	C			5 Bus terminals
C													6 Radio or TV transmitting or relay facilities including line of sight relays
P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	P/59	7 Level 1 Solar Energy System (SES)
P/59	P/59	P/59	P/59	P/59	P/59	C/59	C/59	C/59	C/59	C/59	C/59	C/59	7a Level 2 Solar Energy System (SES)
C/59											C/59	C/59	7b Level 3 Solar Energy System (SES)
C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	C/42	8 Recreational uses, major outdoor
A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	A/43	9 Recreational uses, accessory outdoor

<sup>4</sup> Shall only apply to B-2 Zones outside the boundaries of the Downtown Overlay District.

**/56.** Indoor individual storage uses may be conditionally permitted in the B-3 and B-4 zones. Indoor individual storage uses are principally permitted in B-5, I-1 and I-2 zones.

The storage of items within any indoor individual storage structure shall conform to the limitations contained in the definition of "indoor individual storage" in Article 14 of this Zoning Ordinance.

**In the B-3 and B-4 zones,** conditionally permitted indoor individual storage uses also shall be subject to the following restrictions:

- a.** Indoor individual storage shall be limited to the adaptive reuse of an existing retail storefront of not less than 10,000 square feet in size.
- b.** Structures to be used as indoor individual storage units shall be fully conditioned and enclosed.
- c.** Screening and landscaping shall be required as per Article 17 of this Zoning Ordinance.
- d.** Outdoor storage shall be prohibited on the same property as the indoor individual storage structure(s). This shall include vehicles, boats, personal items, etc.
- e.** All uses other than indoor individual storage shall be prohibited within structures while those structures are being used for individual storage, except for those accessory uses that are clearly incidental to and would also be permitted in a B-4 zone.
- f.** The Owner of the indoor individual storage structure(s) shall be responsible for policing the material and/or items being stored. The Owner shall notify the Zoning Administrator upon discovering any storage not meeting the requirements set forth herein, providing the name, address and phone number of the renter whose storage is in question

**/57.** Storage of distilled spirits shall be conditionally permitted in the A-R zone only on tracts of at least one hundred (100) acres in size.

Prior to the approval of a conditional use permit hereunder, the OMBA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments.

**In the A-R zone,** conditionally permitted storage of distilled spirits also shall be subject to the following restrictions:

- a.** The construction type shall be limited to rack supported structures or pallet storage structures constructed in accordance with the requirements of the current edition of the Kentucky Building Code.
- b.** The size, height and separation of any single structure shall be in accordance with the requirements of the current edition of the Kentucky Building Code.
- c.** The structures shall be used for the storage of distilled spirits only; any change in the product/material stored shall deem the conditional use permit null and void.
- d.** All structures shall be set back at least 200 feet from all property boundaries.
- e.** All structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that he/she is agreeable to the waiver.

**f.** At least twenty five (25) percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or left as open/natural space.

**g.** The perimeter of the subject property shall be screened with a single row of pine trees planted 20 feet on center unless a waiver is requested by the applicant and granted by the OMBA.

**h.** As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

**/58.** Agriculture, Horticulture and Silviculture Industries shall be Conditionally Permitted in A-R and A-U zones located outside of the Urban Service area on parcels of at least twenty five (25) acres in size but not to exceed fifty (50) acres in size. This type of use shall not be considered as altering the agriculture or residential character of its particular area and shall not be justification for zoning map amendments. Conditionally permitted agriculture, horticulture and silviculture industries shall be subject to the following restrictions:

- a.** Any structure associated with the use shall not exceed ten thousand (10,000) square feet in size.
- b.** The operation must not employ more than 5 persons.
- c.** The operation shall be limited to agriculture, horticulture or silviculture activities and their related accessory uses.
- d.** The applicant must submit a full scope of work along with the conditional use permit application showing the operation is limited in size and scope as to not cause a negative impact or nuisance to neighboring properties. If at any time that scope of work changes or any conditions set forth with the approved conditional use permit are not met, the conditional use permit shall be revoked and the operation shall cease.
- e.** All applicable building codes for commercial/industrial structures shall be followed. The OMPC Building, Electrical, HVAC department shall be contacted regarding any required permits or inspections prior to any construction activity taking place.

**/59.** Solar Energy Systems (SES) shall comply with the following criteria:

- a.** The height of any ground mounted SES shall not exceed twenty (20) feet as measured from the highest natural grade below each solar panel (excludes utility poles and antennas constructed for the project)
- b.** Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.
- c.** Setback requirements for Level 3 SES shall be as follows: (1) All equipment shall be at least fifty (50) feet from the perimeter property lines of the project area; (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties, and; (3) All equipment shall be located at least one hundred (100) feet from any residential structure.

d. All Level 3 SES shall be screened with an 8' tall fence and a double row of staggered pines planted 15' on center from any public right-of-way or adjacent residential use. The pine trees shall be located outside of the fence. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential or MHP zones

e. There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by a federal, state or local agency. Such signs shall not exceed 5 square feet in area.

f. Lighting shall be prohibited except that required by federal or state regulations.

g. Decommissioning of Level 3 SES shall be as follows:

1. The developer shall post a Surety Bond for the abandonment of the site and in the event the Commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The surety bond shall be one and one quarter (1.25) percent of the total cost of the installed SES.

2. A decommissioning plan shall be submitted at the time of application by the party responsible for decommissioning and the land owner and must include the following: (1) Defined conditions upon which the decommissioning will be initiated. i.e. there has been no power production for 12 months, the land lease has ended, or succession of use of abandoned facility, etc.; (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations; (3) Restoration of the property to its original condition prior to development of the SES; (4) The time frame for completion of decommissioning activities; (5) the party currently responsible for decommissioning, and; (6) Plans for updating the decommissioning plan.