

ORDINANCE NO. 18-10

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING THE CITY’S DEVELOPMENT ORDINANCE RELATING TO DIMENSIONAL RESTRICTIONS IN THE CITY’S RESIDENTIAL, BUSINESS, AND PUBLIC/SEMI-PUBLIC ZONING DISTRICTS AND THE BUILDING SITE SIZE AND SETBACKS IN THE CITY’S INDUSTRIAL ZONES

WHEREAS, the City’s existing development ordinance contains restrictions governing the allowable height of buildings in various zoning districts; and

WHEREAS, the City’s Planning and Zoning Commission has recommended that the term “building” in those restrictions should be amended to instead use the term “structure” so as to govern allowable heights for all possible structures and not merely buildings; and

WHEREAS, the Planning and Zoning Commission has also recommended that building site and setback requirements applicable to the City’s industrial zoning districts should be modified to provide greater flexibility for development in those zoning districts; and

WHEREAS, the Board of Commissioners finds it to be in the public interest that the recommendations of the Planning and Zoning Commission in these regards be enacted;

NOW, THEREFORE, BE IT ORDAINED that the City’s development ordinance be, and hereby is, modified in the particulars noted on the attachments to this Ordinance, and same are incorporated in this Ordinance as though here set forth in full.

406.4 DIMENSIONAL REQUIREMENTS

Residential District	R-1A	R-1B	R-1C	R-2	R-3	R-E	MP	PUD
Minimum building site area (sq. ft.)	12000	9500	8500	8500	6500*	1 ac	4000	30ac/
Minimum building site width at front R-O-W line	75	60	50	60	50	50	30	*****
Minimum front yard setback***	25	25	25	25	25	25	25	*****
Minimum side yard setback	10	7	5	5	5	10	15	*****
Minimum rear yard setback****	35	20	15	20	20	25	15	*****
Maximum building Structure height ft.	35	35	35	35	65	40	25	*****

* 6500 is the minimum area for first unit; each additional unit requires an additional 2800 square feet.

* Accessory structures are limited to size and placement where structural failure cannot impact adjoining property or Right-of-Way.

*** In older established residential areas, any new residential structure shall be set back from the street a distance similar to that of existing structures in order to maintain overall neighborhood appearance.

**** All corner lots shall be twenty-five percent (25%) larger due to the increased easement areas.

***** All P.U.D. regulations shall fall under Appendix I.

Business District	B-1	B-2	B-3	NH	B-4 C	R	P-1
Minimum building site area (sq. ft.)	10000	-	10000	5 ac	15 ac	35ac	10000
Minimum building site width at front R-O-W line	50	25	50	200	500	1000	50
Minimum front yard setback	25	0	25	35	100	100	25
Minimum side yard setback	10	0	10	25	25	50	25
Minimum rear yard setback	15	0	15	25	35	50	25
Maximum building Structure height	35	100	100	35	65	100	65

* In older established business areas, any new business structure shall be set back from the street a distance similar to that of existing structures in order to maintain overall neighborhood appearance.

* Accessory structures are limited to size and placement where structural failure cannot impact adjoining property or Right-of-Way.

Public/Semi-Public District	PSP
Minimum building site area (sq. ft.)	10000
Minimum building site width at front R-O-W line	100
Minimum front yard setback	25
Minimum side yard setback	15
Minimum rear yard setback	25
Maximum building Structure height	60

* Accessory structures are limited to size and placement where structural failure cannot impact adjoining property or Right-of-Way.

Industrial District	I-1	I-2
Minimum building site area (sq. ft.)	1 ac	50 ac (minimum of 5 consecutive tracts for park site) 1 ac (minimum building site)
Minimum building site width at front R-O-W line	100	200
Minimum front yard setback	25	100 25
Minimum side yard setback	25	25 0 when abutting an industrial zone 100 50 when abutting any other zone (25 feet required landscape/noise buffer)
Minimum rear yard setback	25	50 0 when abutting an industrial zone 100 50 when abutting any other zone (25 feet required landscape/noise buffer)
Maximum building Structure height	65	65 100 (Industrial Park covenants may be more restrictive)
<u>Maximum Accessory Structure Height (from ground) (Water Tower, Gravity Bins, Stacks, Ventilation, etc.)</u>		200 (Industrial Park covenants may be more restrictive)
Agricultural District	A	
Minimum building site area (sq. ft.)	1/5 ac*	
Minimum building site width at front R-O-W line	100	
Minimum front yard setback	50	
Minimum side yard setback	25	
Minimum rear yard setback	25	
Maximum Residential building height	35	

* Minimum building site for single-family dwelling is 1 acre; minimum site for a farm is 5 acres.

406.5 ALLOWABLE LAND USES

<u>RESIDENTIAL</u>	<u>R-1A</u>	<u>R1-B</u>	<u>R-1C</u>	<u>R-2</u>	<u>R-3</u>	<u>RE</u>	<u>MP/C</u>	<u>PUD</u>	<u>A</u>
Detached Single Family Dwellings*	P	P	P	P	P	P		P	P
Duplex Dwellings				P	P			P	
Town homes and Condominiums				P	P			P	
Multi-Family Dwellings					P			P	
Hotels and Motels					C				
Bed and Breakfast Inns	C	C	C	C	C	P		C	C
Residential Care Facilities	P	P	P	P	P			C	
Mobil/Manufactured Homes**							P		P
Mobil/Manufactured Home Parks/Communities**							P		
Beauty Salon / Barber Shop	C	C	C	C	C	C	C	C	C

* Includes modular homes

** Mobile/manufactured homes are allowed as permitted (P) uses in the A and MP/C districts in the City of Richmond. Mobile/manufactured home parks/communities are allowed in the MP/C district within the City.

<u>RESIDENTIAL</u>	<u>B-2</u>	<u>B-3</u>
Loft Apartment Single-family	C	C
Loft Apartment Multi-family	C	
Basement Apartment Single-family	C	
Basement Apartment Multi-family	C	

Conditions & Definitions for Loft & Basement Apartments

1. Loft and basement apartments must meet or exceed all current building codes.
2. Loft apartments in B-3 zones are only acceptable where the unit is used to serve the business for employed personnel for means of; night watchmen, maintenance personnel, or the like.
3. Parking requirement for B-2 zones in the “Downtown District” shall be resolved and set by the Board of Adjustments. Bicycle racks/storage shall be provided as part of new/redevelopment, or as applicable.
4. Loft apartment: A residential dwelling unit(s) located above the first floor of a building.*
5. Basement apartment: A residential dwelling unit(s) located below the first floor of a building.*

* For these purposes, the first floor shall be that floor which is located at street level and from which primary access to the building is located. If there is uncertainty as to what is the first floor or the building, that question shall be resolved by the Board of Adjustment.

<u>Public and Semi-Public</u>	<u>R-1A</u>	<u>R1-B</u>	<u>R-1C</u>	<u>R-2</u>	<u>R-3</u>	<u>RE</u>	<u>MP/C</u>	<u>P</u> <u>U</u> <u>D</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>	<u>P</u> <u>S</u> <u>P</u>	<u>A</u>
Schools	C	C	C	C	C				P	P	P		P		
Police and Fire Stations									P	P	P		P		
Governmental Offices									P	P	P	C***	P		
Parks and Playgrounds	C	C	C	C	C	C	P	P						P	P
Swimming Pools, Sport/Recreation Facilities									C	C	C			P	C
Utility Facilities*															
Cellular Antenna Towers**															
Libraries, Museums									P	P	P		P		
Churches	C	C	C	P	P				P	P	P	C***	P		P
Cemeteries														C	C
RV Park							P'								

* Public utilities operating under state authority shall not be required to receive Planning Commission approval for the location or relocation of any of their service facilities. However, the utility in question shall provide the Planning Commission with information on the proposed change (see KRS 100.324).

** Cellular antenna towers are permitted on existing structures in all districts except residential district.

*** Bearing in mind that the primary contemplated use of a property within a B-4 zoning district is retail-type businesses, the Board of Adjustment should consider, in addition to the factors to be taken into consideration in evaluating a request for a conditional use as set forth elsewhere in this zoning code, the question of the length of time that the area proposed to be occupied has been unoccupied at the time of the application for a conditional use.

<u>BUSINESS and PERSONAL SERVICES</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>	<u>PSP</u>
Private Recreation and Sport Centers		C	C	C		
Art Galleries, Exhibition Halls		P	P	P		P
Private Golf Courses			C	C		C
Arenas and Amphitheaters			C			P
Private Clubs and Lodges	C	P	P	P		C
Photography, Art	P	P	P	P		P
Barber and Beauty Shops	P	P	P	P		P
Health Centers, Weight Loss Facilities	C	P	P	P		
Tanning Salons	C	P	P	P		
Auto Repair, Auto Parking	C	P	P	C		
Auto Body Shops	C	P	P	C		
Miscellaneous Repairs	P	P	P	P		
Laundromats	C	P	P	P		
Tailors, Seamstresses, Upholstering		P	P	P		
Photo Developing	P	P	P	P		
Video Rental Shops	C	P	P	P		
Amusement and Recreation		P	P	P		
Pet Boarding Facilities			C*			

*In making a determination as to whether any given proposed site would be suitable for the location of a Pet Boarding Facility, the Board of Adjustments should take into consideration the following factors: (1) Larger lots or sites should be preferred over smaller lots or sites. An emphasis should be placed on separation between outdoor pet runs or pens from adjoining property. Greater distances from the outdoor runs or pens to adjoining property are preferable to lesser distances. (2) Outdoor pens or runs should be screened from neighboring residential uses by either landscaping or privacy fencing. (3) Except in unusual circumstances where pens or runs are isolated from surrounding property, all animals should be placed indoors before 8:00 p.m. (4) To the extent possible, outdoor run and pens should be located to the rear of any building. (5) The types and numbers of the animals to be boarded should be taken into consideration.

RETAIL TRADE	B-1	B-2	B-3	B-4	P-1	PSP	A	I-2
Food Store (NH/Convenient)	P	P	P	P				
Food Stores (Community)	C	P	P	P				
General Merchandise		P	P	P				
Auto Dealers		P	P					
Service Stations	C	P	P	C				
Apparel and Accessory Stores	C	P	P	P				
Furniture, Furnishings and Appliances		P	P	P				
Eating and Drinking Establishments	P	P	P	P				
Drug Stores / Pharmacies	P	P	P	P				
Office Supplies		P	P	P	P			
Toys and Sporting Goods	P	P	P	P				
Books, Records, Tapes	P	P	P	P				
Hardware and Related	C	P	P	P				
Gifts, Jewelry, Novelties	P	P	P	P				
Bicycles, Motorcycles		P	P	P				
Auto Parts and Supplies		P	P	P				
Package Liquor, Beer, Wine		P	P	P				
Pet Stores and Pet Grooming	P	P	P	C				
Farm Equipment / Supplies			P				P	
Feed, Seed, and Garden Supplies			P	P				
Computers, Electronics		P	P	P				
Miscellaneous Retail	C	C	C	C				
Manufactured Home Sales			P					
Hotel and Motels	C	P	P					
Microbrewery	C*	C*	C*	C*				
Micro-Winery	C*	C*	C*	C*				
Brewpub	C	P	C	C				
Fireworks (Permanent) Ord. 92-42								P
Fireworks (Seasonal) Ord. 92-42			P	P				

* The Board of Adjustments, in assessing whether a Microbrewery or a Micro-Winery is appropriate at any given proposed location, should take into consideration the size, scope, and appearance of the proposed Microbrewery or Micro-Winery contrasted with the nature and appearance of other businesses in the vicinity; the degree to which the operations and activities to be performed by the proposed facility will be consistent or inconsistent with the existing uses of other properties in the vicinity; together with such other considerations as are pertinent to the question of whether the proposed facility is appropriate at the particular proposed location. The Board shall have the right to require the applicant to submit to it all such information relating to the nature and appearance of the proposed structure and facilities and the operations and activities involved as the Board may deem necessary to its consideration of the requested Conditional Use Permit and, if the permit is to be granted, to impose such restrictions as it may deem necessary and appropriate.

<u>Professional Services</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>
Architects, Engineers	P	P	P	P	P
Accountants	P	P	P	P	P
Banks, Investment Services	P	P	P	P	P
Business Consultants	P	P	P	P	P
Real Estate	P	P	P	P	P
Tax Service	P	P	P	P	P
Attorneys	P	P	P	P	P
Advertising / Public Relations		P	P	P	P

<u>Health Services</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>	<u>PSP</u>
Hospitals		P	P			P
Physical Therapy	C	P	P	P	P	
Assisted Care Facilities	C	C	P	P		
Doctor / Dentist Offices	P	P	P	P	P	
Hospices	C	C	P	P		
Veterinary Offices			C			
Pain Clinics			C		C	
Massage Therapist			P		P	

<u>Educational and Social Services</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>	<u>PSP</u>	<u>I-1</u>
Child Care Facilities	C	C	C	C	C	C	C
Counseling Services		P	P		P		
Social Service Organizations		P	P	P			
Business / Technical Training		P	P	C	P	P	

<u>Warehousing and Storage</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>P-1</u>	<u>PSP</u>
Warehouse		C	C			
Mini-Warehouses	C	C	P			
Moving and Storage		P	P			
Truck Freight Terminals		P	C			
Food Lockers		P	P			
Wholesale Distributors		P	P			

Manufacturing	I-1	I-2
Food and Related	C	P
Apparel and Finished Goods	C	P
Lumber and Wood Products	C	P
Paper and Related		P
Printing / Publishing	P	P
Chemicals / Petroleum	C	P
Rubber / Plastics	C	P
Leather Products		P
Stone, Clay, Concrete, Glass	P	P
Primary Metals	P	P
Industrial Equipment	P	P
Transportation Equipment	C	P
Electronics	P	P
Distribution Center	P	P
Commercial & Industrial Warehousing (not mini-warehouses)	P	P
Truck Freight Terminals	C	P
Other uses which, in the opinion of the Board of Adjustment, are deemed to be compatible and consistent with the permitted uses in this zone	C	C
Adult (sexually explicit) Entertainment		P
Massage Parlor		C
Brewery	P	P
Winery	P	P
Distillery	P	P
Microbrewery	P	P
Micro-Winery	P	P

<u>Agriculture*</u>	<u>A</u>	<u>B1</u>	<u>B2</u>	<u>B3</u>
Crop Production	P			
Pastures	P			
Timber	P			
Orchard fruits / Vineyards	P			
Horticulture	P			
Livestock Production**	P / C			
Poultry Production**	P / C			
Farm Machinery Repair / Servicing	P			
Aquaculture	P			
Agricultural Products Retail Outlet ***	P	C	C	P
Commercial Nursery ***	P			C

*See the definition of agricultural uses in Article VI. a five acre or larger lot the principal use of which is for a single-family dwelling is not considered as an agricultural use.

**High density livestock activity such as cattle / hog feed lots, and similar intensive feeding operations are prohibited.

*** See Appendix J

This Ordinance shall become effective immediately upon enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING:	May 22, 2018
MOTION BY:	Commissioner Blythe
SECONDED BY:	Commissioner Newby
VOTE	YES NO
Commissioner Blythe	x
Commissioner Eaves	absent
Commissioner Morgan	x
Commissioner Newby	x
Mayor Barnes	x

DATE OF SECOND READING:	June 12, 2018
MOTION BY:	Commissioner Morgan
SECONDED BY:	Commissioner Eaves

VOTE

Commissioner Blythe
Commissioner Eaves
Commissioner Morgan
Commissioner Newby
Mayor Barnes

YES

x
x
x
x
x

NO



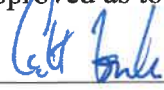
Mayor Barnes

ATTEST:



City Clerk

Approved as to form:



City Attorney, Garrett Fowles