

ZONING ORDINANCE

(Note: Text underlined is an addition, while text ~~dashed-through~~ is a deletion to the current Zoning Ordinance.)

Article 1: General Provisions and Definitions

1. MODIFY THE FOLLOWING CURRENT DEFINITIONS in ARTICLE 1-11:

~~**BOARDING HOUSE**—A residential building, or part thereof, with sleeping rooms available for hire with or without meals to five (5) or more persons, primarily not transients. Where kitchen facilities, cooking equipment or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit.~~

~~**LODGING HOUSE**—A residence for adults living together, not as a family, but in a congregate living arrangement, characterized by one or more of the following:~~

- ~~(a) meals and food costs are not shared,~~
- ~~(b) residents do not have unrestricted access to all parts of the residence,~~
- ~~(c) bedrooms comprise sixty percent (60%) or more of the space within the residence,~~
- ~~(d) bedroom doors have keyed locks or deadbolt locks, and~~
- ~~(e) rent is pooled by the residents and paid to the owner or owner’s agent. (The owner or owner’s agent may or may not be one of the residents.)~~

BOARDING OR LODGING HOUSE - A residential building or part thereof for five (5) or more adults living together, not as a family or housekeeping unit. In identifying this use, the following factors shall be considered:

- (a) meals and/or food costs are typically not shared;
- (b) rent is established by leases to individuals or rents are based on charges assessed to each individual;
- (c) individual mailboxes are provided;
- (d) multiple utility meters or connections are present.

DWELLING, SINGLE FAMILY - A building occupied exclusively for residential purposes by one family or one housekeeping unit. This definition also includes a building occupied by five (5) or more unrelated individuals at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as a rental dwelling has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,
 - (2) unless approved by the BOA as a conditional use after January 1, 2010.

DWELLING, TWO-FAMILY - A building occupied exclusively for residential purposes by two families or two housekeeping units commonly known as a duplex. Townhouses are not included in this definition. This definition also includes a building occupied by five (5) or more unrelated individuals in a unit at any time within five (5) years prior to January 1, 2010 subject to the following:

- (a) the occupancy of each unit is restricted to six (6) or less unrelated individuals;
- (b) the use of the building as rental dwellings has not been abandoned;
- (c) the building shall not be enlarged or expanded beyond the existing square footage as of January 1, 2010:
 - (1) by more than twenty-five percent (25%) unless the building has been expanded by twenty-five percent (25%) or more under a building permit issued on or after January 1, 2005, in which case, then by no more than five percent (5%); or,

- (2) unless approved by the BOA as a conditional use after January 1, 2010.
- (d) the limitation on enlargement of the building set forth in (c) above shall not apply in the case of the addition of a second unit in a two-family (R-2) zone provided that both units thereafter conform to the limitation of four (4) unrelated persons per dwelling unit.

~~**FAMILY** – A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common kitchen facilities, but not including a group occupying a hotel; club; boarding, lodging, fraternity or sorority house; nursing home; rest home; orphanage; community residence; rehabilitation home or other similar building.~~

FAMILY or HOUSEKEEPING UNIT - A person living alone, or any of the following groups living together and sharing common living and kitchen facilities:

- (a) Any number of persons related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- (b) Four (4) or fewer unrelated persons;
- (c) Two (2) unrelated persons and any children related to either of them or under their care through a duly authorized custodial relationship;
- (d) Not more than eight (8) persons who are:
- (1) Residents of a “home-like” residence as defined in KRS 216B.450
- (2) “Handicapped” as defined in the Fair Housing Act, 42 U.S.C. Section 3602(h). This definition does not include those currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 802(6).
- (e) Not more than six (6) unrelated individuals when in compliance with the provisions of the definitions of “dwelling, single family” or “dwelling, two-family” as contained in this Article.
- (f) A functional family as defined and regulated herein.

2. ADD THE FOLLOWING NEW TERMS AND DEFINITIONS to ARTICLE 1-11:

FAMILY, FUNCTIONAL - A group of five (5) or more persons not otherwise meeting the definition of “family” who desire to live as a stable and permanent single housekeeping unit and who have received a conditional use permit from the Board of Adjustment. “Functional family” does not include:

- (a) residents of a boarding or lodging house;
- (b) fraternity, sorority or dormitory;
- (c) any lodge, combine, federation, coterie or like organization;
- (d) any group of individuals whose association is temporary or seasonal in nature;
- (e) any group of individuals who are in a group living arrangement as a result of criminal offenses.

FRATERNITY OR SORORITY HOUSE - A building used as a living and/or gathering quarters for students of a college, university, or seminary (not living in a “dormitory” as defined herein) who are members of a fraternity or sorority that has been or is seeking to be officially recognized by the college, university or seminary; or their guests. In identifying such use, the following factors shall be among those considered regardless of number of occupants:

- (a) signage or other indications that the building is used by a fraternity or sorority;
- (b) fraternity or sorority sponsored social activities such as meetings, parties, dances, or other gatherings;
and,
- (c) events to which fraternity or sorority alumni or prospective members are invited.

A “Family or Housekeeping Unit” or “Boarding or Lodging House” as defined herein are excluded unless the use demonstrates specific characteristics of use as set forth above.

Article 7: Board of Adjustment

ADD A NEW SECTION PERTAINING TO THE BOARD OF ADJUSTMENT (ARTICLE 7-6(a)(8)):

- (8) The granting of a conditional use permit for a “functional family” shall be based upon application of the following considerations by the Board:
- (a) Members of the functional family will share a strong bond or commitment to a single purpose (e.g., religious orders);
 - (b) Members of the functional family are not legally dependent on others not part of the functional family;
 - (c) Members can establish a legal domicile as defined by Kentucky law;
 - (d) Members share a single household budget;
 - (e) Members prepare food and eat together regularly;
 - (f) Members share in the work to maintain the premises;
 - (g) Members legally share in the ownership or possession of the premises;
 - (h) Members demonstrate stability in the arrangement as opposed to transient living arrangements.

Article 8: Schedule of Zones

ELIMINATE “THE KEEPING OF ROOMERS OR BOARDERS” BY A RESIDENT FAMILY AS A PERMITTED ACCESSORY USE IN THE SINGLE FAMILY AND TWO-FAMILY ZONES (REVISE ARTICLE 8-5(c)):

8-5(c) Accessory Uses (Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses.)

1. Private garages, storage sheds, and parking areas.
2. Living quarters, without cooking facilities and not rented, for guests and employees of the premises.
3. Swimming pools and tennis courts.
- ~~4. Keeping of not more than two roomers or boarders by a resident family, except where a bed and breakfast facility is provided; then no roomers or boarders shall be permitted.~~
- ~~5.~~ 4. Agricultural uses, excluding commercial stock raising.
- ~~6.~~ 5. Private, non-commercial parks and open space.
- ~~7.~~ 6. Home office.
- ~~8.~~ 7. A ground mounted satellite dish antenna, as regulated by Article 15-8.
- ~~9.~~ 8. Family child care for up to six (6) children, provided that the total number of children living or being cared for on the premises shall not exceed six (6).