

## ARTICLE 3

### LOW DENSITY RESIDENTIAL DISTRICT - LR

#### STATEMENT OF INTENT

This district is intended as a single family residential area with low population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children. To these ends, development is limited to a relatively low concentration and permitted uses are limited basically to providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

#### SECTION 3-1. USE REGULATIONS.

Structure to be erected or land to be used shall be for one (1) of the following uses. Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in this district.

- 3-1-1 Single family detached dwellings.
- 3-1-2 Public parks, community gardens, playgrounds, and play fields. (10/12/10, Case TA-10-418, Ord. No. 2010-51)
- 3-1-3 Public schools, elementary, middle, and high; and private schools having the same curricula that is ordinarily given in public schools.
- 3-1-4 Churches and other places of worship, but not including rescue missions or temporary revival tents.
- 3-1-5 Fire and rescue squad stations and Police substations. (6/10/97, Case TA-97-01, Ord. No. 013-97)
- 3-1-6 Public utilities, such as poles, lines, distribution transformers, meters, water and sewer lines, booster or relay stations, transformer substations, transmission lines and towers.
- 3-1-7 Home occupations in accord with Section 18-19 of this Ordinance.
- 3-1-8 Accessory uses, as defined.
- 3-1-9 Off street parking and loading areas for permitted and conditional uses in accordance with Section 18-6 of this Ordinance. (02/14/89 Case TA-88-17 Ord. No. 006-89)
- 3-1-10 Signs in accordance with Section 18-8 of this Ordinance.

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3-1-11 Group Home and assisted living facility in which no more than eight (8) persons reside as residential occupancy by a single family. (10/9/07 Case TA-07-02, Ord. No. 2007-41; 9/14/10, Case TA-10-333, Ord. No. 2010-38)

3-1-11.1 Repealed. (10/9/07 Case TA-07-02, Ord. No. 2007-41)

### **SECTION 3-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

3-2-1 Repealed. (9/14/10, Case TA-10-337, Ord. No. 2010-40)

3-2-2 Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Section 18-2-1.2 of this Ordinance. (2/13/96, Case TA-95-07, Ord. No. 002-96)

3-2-3 Museums and art galleries operated in conjunction with buildings designated by the City Council as Historic Landmarks, subject to the following provisions: (2/11/97, Case TA-96-07, Ord. No. 004-97)

- a. All uses shall be within existing buildings or within proposed buildings which are not visible from the public street(s). New construction shall not exceed twenty-five (25) percent of the total building area existing on the parcel at the time of adoption of this Ordinance. (2/11/97, Case TA-96-07, Ord. No. 004-97)
- b. New buildings shall not each exceed four thousand (4,000) square feet in area. No new buildings shall be situated within seventy-five (75) feet of any side or rear lot line. (2/11/97, Case TA-96-07, Ord. No. 004-97)

3-2-4 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)

3-2-5 Market gardens, including the sale of food and/or non-food crops produced on the site. (10/12/10, Case TA-10-418, Ord. No. 2010-51)

3-2-6 Accessory structure, used and occupied as a subordinate dwelling unit by a domestic employee, as defined; and, provided that such conditional use is recorded on the corresponding chain of title for the subject property in the office of the Winchester Circuit Court Clerk. Any such conditional use permit shall expire immediately upon change of ownership or change of occupancy of the main structure, so as to prevent undue density and overcrowding of land, which could adversely impact public health, safety, and welfare. (6/14/11, Case TA-11-06, Ord. No. 2011-14)

3-2-7 Home occupations in accordance with Section 18-19-2.6. (1/14/14, Case TA-13-493, Ord. No. 2013-41)

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### SECTION 3-3. AREA REGULATIONS.

The minimum lot area for permitted uses in this district shall be as follows:

- 3-3-1 Single family detached dwellings - 12,000 square feet. (2/14/89 Case TA-88-17 Ord. No. 006-89)
- 3-3-2 Other permitted uses - 24,000 square feet. (2/14/89 Case TA-88-17 Ord. No. 006-89)

### SECTION 3-4. LOT WIDTH REGULATIONS.

The minimum lot width for uses in this district shall be as follows:

- 3-4-1 Single family detached dwellings - 75 feet. (2/14/89 Case TA-88-17 Ord. No. 006-89)
- 3-4-2 Other permitted uses and conditional uses - 150 feet. (2/14/89 Case TA-88-17 Ord. No. 006-89)

### SECTION 3-5. SETBACK REGULATIONS.

- 3-5-1 Main buildings: Thirty-five (35) feet. (3/8/94, Case TA-93-08, Ord. No. 004-94)

### SECTION 3-6. YARD REGULATIONS.

- 3-6-1 Side setbacks for uses in this district shall be as follows:
  - 3-6-1.1 Single family detached dwellings - 10 feet except per Section 3-8 of this Ordinance.
  - 3-6-1.2 Main structure for other permitted and conditional uses - 15 feet except as per Section 3-8 of this Ordinance.
- 3-6-2 Rear setbacks for all uses in this district - 25 feet.

### SECTION 3-7. HEIGHT REGULATIONS.

Buildings may be erected up to thirty-five (35) feet from grade except that:

- 3-7-1 A public or semipublic building such as a school or church may be erected up to forty-five (45) feet provided that each side yard is fifteen (15) feet plus one (1) foot for each additional foot of building height over thirty-five (35) feet;
- 3-7-2 Church spires, belfries, cupolas, chimneys, flues, flag poles, television antennas, and radio aerials are exempt.

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**SECTION 3-8. CORNER SIDE YARD REGULATIONS.** (8/13/02, Case TA-02-06, Ord. N. 021-2002; 9/13/05, Case TA-05-04, Ord. No. 027-2005)

3-8-1 For single family dwellings: twenty-five (25) feet or more. (9/11/01, Case TA-01-03, Ord. No. 028-2001)

3-8-2 For all other uses: thirty (30) feet or more. (9/11/01, Case TA-01-03, Ord. No. 028-2001)