

## ARTICLE 7

### RESIDENTIAL BUSINESS DISTRICT - RB-1

#### STATEMENT OF INTENT

This district is intended to promote and preserve the urban mixed use residential neighborhood character of the area by permitting a mix of small businesses, services, and a variety of residential dwelling types. It is intended to encourage an interesting urban environment serving as a transition between the central business district and residential areas. An overriding objective of the district is to preserve historic and architectural scale of development which affords the district its special character.

#### SECTION 7-1. USE REGULATIONS.

Structures to be erected and land to be used shall be for the following uses:

- 7-1-1 Single-family detached dwellings.
- 7-1-2 Two-family dwellings.
- 7-1-3 Townhouses, in accordance with Section 9-9 of this Ordinance.
- 7-1-4 Multi-family dwellings.
- 7-1-5 Home occupations, as defined in this Ordinance.
- 7-1-6 Accessory uses, as defined in this Ordinance.
- 7-1-7 Branch Banks and financial institutions, not including short-term loan establishment, as defined in Article 1. (4/3/10, Case TA-10-21, Ord. No. 2010-06)
- 7-1-8 Churches and places of worship, but not including rescue missions or temporary revival tents.
- 7-1-9 Convenience service establishments such as, but not limited to, barber shops, beauty parlors, tailors, automatic self-service laundries.
- 7-1-10 Offices, businesses and professional (except medical offices) not exceeding 2,000 gross square feet per floor up to total 6,000 gross square feet in a single structure.
- 7-1-11 Public utilities such as poles, lines, distribution transformers, pipes, meters, water and sewer lines, booster or relay stations, and transmission lines.

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- 7-1-12 Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, and other home appliances, shoes, toys, typewriters, watches and clocks, provided that no equipment over five (5) horsepower shall be used and that floor area for such use shall not exceed 2,500 gross square feet.
- 7-1-13 Restaurants not exceeding 2,000 gross square feet of gross floor area.
- 7-1-14 Retail stores and shops not exceeding 2,500 gross square feet of floor area.
- 7-1-15 Fire and rescue squad stations.
- 7-1-16 Libraries.
- 7-1-17 Public schools, elementary, middle, and high; and private schools having the same curricula that is ordinarily given in public schools.
- 7-1-18 Public parks, community gardens, playgrounds and play fields. (10/12/10, Case TA-10-418, Ord. No. 2010-51)
- 7-1-19 Outdoor storage of materials and supplies and display of merchandise for sale or rent incidental to the conduct of any permitted uses on the lot as provided for in Section 18-20 of this Ordinance. (10/17/95, Case TA-95-04, Ord. No. 053-95)
- 7-1-20 Off-street parking and loading areas for permitted and conditional uses in accordance with Section 18-6 of this Ordinance, but not including more than 20 off-street parking spaces.
- 7-1-21 Signs in accordance with Section 18-8 of this Ordinance.
- 7-1-22 Commercial Records Center, as defined, provided that, when situated within the HW District, such uses shall be contained entirely within structures existing at the time of the adoption of this Ordinance. (4/12/94, Case TA-94-03, Ord. No 011-94; 10/17/95, Case TA-95-05, Ord. No. 052-95)
- 7-1-23 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)
- 7-1-24 Physical fitness or martial arts establishments not exceeding 2,500 gross square feet of floor area. (10/14/97, Case TA-97-09, Ord. No. 027-97)
- 7-1-25 Cottage housing development, as per the design standards found in Article 13.1 of this Ordinance. (8/9/11, Case TA-11-125, Ord. No. 2011-36)

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### SECTION 7-2. USES REQUIRING A CONDITIONAL USE PERMIT.

In addition to the provisions contained in Article 18-2 of this Ordinance, the intent of the RB-1 District to create a harmonious mixture of uses while preserving the residential character and preserving valuable buildings shall be considered when considering a Conditional Use Permit request. In particular, the following shall be considered:

- Alteration or removal of structures which have been judged worthy of preservation by the Board of Architectural Review.
- The location of the structure and its scale with respect to other adjacent or nearby structures.
- The number of people to be employed.
- The means employed to promote harmony between structures or uses of different kinds, including architectural treatment, location of parking areas and open space, screening and landscaping.

7-2-1 Repealed (2/11/97, Case TA-96-09, Ord. No. 005-97)

7-2-2 Government Offices.

7-2-3 Halfway Houses. (2/11/97, Case TA-96-09, Ord. No. 005-97)

7-2-4 Museums and public art galleries.

7-2-5 Philanthropic and charitable institutions.

7-2-6 Day nurseries or day care centers.

7-2-7 Medical and dentists' offices and clinics.

7-2-8 Nursing homes and rest homes.

7-2-9 Offices, business and professional exceeding 2,000 gross square feet per floor and/or a total of 6,000 gross square feet of floor area.

7-2-10 Off-street parking containing more than 20 spaces.

7-2-11 Private clubs and lodges.

7-2-12 Retail stores and shops with gross floor area greater than 2,500 gross square feet.

7-2-13 Tourist homes.

7-2-14 Repealed (2/11/97, Case TA-96-09, Ord. No. 005-97)

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- 7-2-15 Repealed (2/11/97, Case TA-96-09, Ord. No. 005-97)
- 7-2-16 Mini-warehouses/mini-storage, as defined, provided that, when situated within the HW District, such uses shall be contained entirely within structures existing at the time of adoption of this Ordinance, subject to the following provisions. (9/10/91, Case TA-91-02, Ord. No. 037-91; 10/17/95, Case TA-95-05, Ord. No. 052-95)
- a. Repealed. (10/17/95, Case TA-95-04, Ord. No. 053-95)
  - b. No business activities other than rental of storage units and office for management of the facility shall be conducted on the premises or within the building. Specifically, no activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse/mini-storage shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.
  - c. When a mini-warehouse/mini-storage use is proposed adjacent to or within 100 feet of a lot in a residential district without an intervening street screening per Section 19-5-6.4d of this Ordinance shall be erected between the mini-warehouse/mini-storage and the residential lot. However, the screening shall not be required to extend into the front yard required on the lot on which it is located. (10/17/95, Case TA-95-05, Ord. No. 052-95)
  - d. Access to individual storage units shall be from an internal entrance except for already existing entrances. No new exterior entrances which directly access an individual storage unit shall be installed.
  - e. The maximum total storage area in a mini-warehouse/mini-storage building shall be seven thousand, five hundred (7,500) square feet.
- 7-2-17 Bed & Breakfast Homestays and Bed & Breakfast Inns within structures at least fifty (50) years old at the time of adoption of this ordinance (12/13/94, Case TA-94-09, Ord. No. 028-94; 1/9/01, Case TA-00-09, Ord. No. 002-2001)
- 7-2-18 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)
- 7-2-19 Physical fitness or martial arts establishments greater than 2,500 gross square feet of floor area. (10/14/97, Case TA-97-09, Ord. No. 027-97)
- 7-2-20 Private Community Centers, as defined, provided that such uses shall be contained entirely within structures existing at the time of adoption of this ordinance. (12/14/99, Case TA-99-06, Ord. No. 033-99)

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- 7-2-21 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)
- 7-2-22 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)
- 7-2-23 Cottage housing development, alternative design proposal inconsistent with the design standards found in Article 13.1 of this Ordinance. (8/9/11, Case TA-11-125, Ord. No. 2011-36)
- 7-2-24 Home occupations in accordance with Section 18-19-2.6. (1/14/14, Case TA-13-493, Ord. No. 2013-41)

### **SECTION 7-3. AREA REGULATIONS.**

- 7-3-1 The minimum Lot Area for uses in this district shall be as follows: (5/14/96, Case TA-96-01, Ord. No. 012-96)
- 7-3-1.1 Dwelling Units -- except as adjusted per Section 9-4-1.1b of this Ordinance for historic preservation impacts, or Section 9-4-1.1c for LEED® for Homes certification, if applicable: one (1) unit for each one thousand five hundred (1,500) square feet of Lot Area for the first two (2) units; one (1) unit for each two thousand (2,000) square feet for the third through sixth units; and one (1) unit for each two thousand five hundred (2,500) square feet for any additional units. (5/14/96, Case TA-96-01, Ord. No. 012-96; 3/11/09, TA-08-12, Ord. No. 2009-10)
- 7-3-1.2 Residential and lodging accommodations listed under Section 7-2 of this Ordinance -- one (1) bed per four hundred (400) square feet of lot area. (5/14/96, Case TA-96-01, Ord. No. 012-96; 1/9/01, Case TA-00-09, Ord. No. 002-2001)
- 7-3-1.3 Other uses -- None. (5/14/96, Case TA-96-01, Ord. No. 012-96)
- 7-3-2 The minimum average Floor Area per dwelling unit in each building used for this purpose shall be four hundred and fifty (450) square feet; and no dwelling unit shall have less than four hundred 400 square feet of floor area.

### **SECTION 7-4. LOT WIDTH REGULATIONS.**

- 7-4-1 20 foot minimum.

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### SECTION 7-5. SETBACK REGULATIONS.

7-5-1 None, except where a use is located partly in a residential district, in which case the setback regulations for said residential district shall prevail.

### SECTION 7-6. YARD REGULATIONS.

7-6-1 Side. None, except when a use other than single-family detached dwelling abuts a residential district, in which case there shall be a minimum side yard of five (5) feet.

7-6-2 Rear. 15, except when a use other than single-family detached dwelling abuts a residential district, there shall be a minimum rear yard of twenty five (25) feet.

### SECTION 7-7. HEIGHT REGULATIONS.

7-7-1 Buildings may be erected up to thirty-five (35) feet from grade, except that:

7-7-2 Church spires, belfries, cupolas, chimneys, flues, flag poles, television antennas, radio aerials, and equipment penthouses are exempt.

### SECTION 7-8. RESERVED.

### SECTION 7-9. SPECIAL PROVISIONS FOR TOWNHOUSES.

As per Section 9-9 of this Ordinance.