

ARTICLE VII

SPECIAL DEVELOPMENT ZONES

SECTION 7.0 GENERAL: The Special Development Zones of this article are zoning classifications that deal with fairly unique situations or help accomplish special zoning goals.

SECTION 7.1 A-1 (AGRICULTURAL-ONE) ZONE

A. **PURPOSE:** This zone is established to preserve the rural character of the Non-Urban Service Area by promoting agricultural and related uses, and by discouraging all forms of urban development. It is also the intent of this zoning district to allow low-density residential development while maintaining and preserving agricultural/open space areas.

B. **PERMITTED USES:**

Residential Use Group - Household Living

1. Single-family residential dwellings (detached)
2. Manufactured homes
3. Mobile homes
4. Qualified manufactured homes

Commercial Use Group

1. Lodging - Bed and Breakfast, per Section 9.12

Other Use Group

1. Agriculture

C. **ACCESSORY USES:**

1. Customary accessory structures and uses
2. Fences and walls, as regulated by Article XII of this ordinance
3. Home occupations, as regulated by Section 9.9 of this ordinance
4. Signs, as regulated by Article XIII of this ordinance
5. Accessory Dwelling Units, as regulated by Section 9.6 of this ordinance

D. **CONDITIONAL USES:** The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustments, as set forth in Article XIX of this ordinance:

Public and Civic Use Group

1. Cultural exhibits and libraries

2. Day care or day care center
 - a. Family day care home
 - b. Day care type 2
 - c. Day care type 1
3. Recreation and open space
 - a. High intensity
 - b. Low intensity
4. Religious assembly
5. Safety services
6. Schools

Commercial Use Group

1. Animal services
 - a. Sales and grooming
 - b. Veterinary hospitals
 - c. Kennels and shelters
2. Funeral and internment services
 - a. Cemetery/mausoleum/columbarium
 - b. Undertaking

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: Except as provided for in Subsection H., the following area and height regulations shall be followed:

1. Minimum lot area - Five (5) acres
2. Minimum lot width at building setback line - Two hundred fifty (250) feet
3. Minimum front yard depth - Seventy-five (75) feet
4. Minimum side yard width - One hundred (100) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Three (3) acres
2. Minimum lot width at building setback line - Three hundred (300) feet
3. Minimum front yard depth - Seventy-five (75) feet
4. Minimum side yard depth - Seventy-five (75) feet
5. Minimum rear yard depth - Seventy-five (75) feet
6. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Article XI of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property
3. The sale of products that are raised, produced, and processed on the premises is permitted, provided that no roadside stands shall be permitted within fifty (50) feet from any road or highway.
4. Where any yard of any conditionally permitted use in this zone abuts a property in a residential zone, a minimum ten (10) foot wide screening area as regulated by Section 10.5 of this ordinance, shall be provided.
5. The following shall apply to bed and breakfast establishments:
 - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
 - b. Food service may be provided for resident guests only.
 - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
 - d. Interior alterations should maintain the unique characteristics of the structure, if applicable.
 - e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
 - f. A site plan, as regulated by Section 14.5 of this ordinance, shall be required.
6. New street construction within this zone shall utilize the Rural Street Cross Section contained within the Kenton County Subdivision Regulations.

H. ALTERNATIVE DEVELOPMENT CRITERIA: As an alternative to the minimum area and height regulations established in Subsection E., as part of any preliminary plat submittal, the following regulations may be followed:

1. Agricultural/Open Space Preservation - A minimum of fifty (50) percent of the proposed development shall be retained as perpetual open space. This area shall only be used for agricultural uses, recreational uses, open space uses, or for package treatment plants/septic tanks/leach systems.
2. Minimum Lot Area - For building lots to be used for residential purposes, the minimum lot area shall be one (1) acre. For all other building lots, the minimum lot area shall be three (3) acres.
3. Minimum Setbacks - There shall be a minimum front, side, and rear yard setback of fifty (50) feet.
4. Maximum Building Height - Thirty-five (35) feet

5. Permanent Easement - A permanent open space/conservation easement document pertaining to the use of the agricultural/open space preservation area shall be included in on the plat and in each owner's deed.
6. Access - Each building lot shall front on an internal street, which shall meet the minimum requirements of the subdivision regulations.
7. Maintenance - A homeowner's association, or other entity, shall be established to maintain private roads (if applicable), common water and sewer facilities, and agricultural/open space preservation areas.
8. Buffer - No building lot shall be located closer than one hundred (100) feet to the boundary of the proposed development.

SECTION 7.2 INST (INSTITUTIONAL) ZONE

- A. **PURPOSE:** The purposes of the Institutional (INST) Zone are to: provide for public, semi-public, medical, educational, and related type uses; promote flexibility in design and permit planned diversification in the relationships between the location and types of uses and structures; promote the advantages of large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation, public, and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within an INST Zone shall be processed as follows:
 1. Applications for a map amendment to zone an area INST shall follow the procedures set forth in Article XIV of this ordinance. In addition to the regulations set forth in Article XIV, the application shall be accompanied by a development plan, as regulated by Section 14.5, A., for the entire area under single ownership.
 2. When a site is proposed to be developed within an area which is currently zoned INST, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 14.5, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
 - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the INST Zone, the required elements of the Stage I Development Plan, applicable requirements of this

section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.

- b. The legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 1., a., of this section.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

3. Stage II Development Plan - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 14.5, B. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 14.5, B. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 14.5, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance.

Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Upon approval of the Stage II Development Plan, by the planning commission, or its duly authorized representative, a copy of said plan shall

be forwarded to the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations as may be required by this ordinance.

C. PERMITTED USES:

Public and Civic Use Group

1. Colleges and Universities
2. Cultural Exhibits and Libraries
3. Day care or day care center
 - a. Day care type 2
 - b. Day care type 1
4. Hospital
5. Recreation and open space
 - a. High intensity
 - b. Low intensity
6. Religious assembly
7. Safety services
8. Schools
9. Social service agency

Commercial Use Group

1. Business support services
2. Medical Service
3. Office

D. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Uses as listed below, provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:
 - a. Book store
 - b. Florist
 - c. Gift shop
 - d. Medical and educational supply store
 - e. Pharmacy
 - f. Restaurant or cafeteria

E. AREA REGULATIONS:

1. No INST Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be zoned INST, provided it is adjacent to an area currently zoned INST, with an existing approved Stage I Development Plan.
 2. The minimum area for submission of a Stage I Development Plan, within an area currently zoned INST, shall be not less than one (1) acre.
- F. **HEIGHT, YARD, AND SETBACK REQUIREMENTS:** Except as specified herein, requirements shall be as approved in the Stage I Development Plan.
1. Where any yard of any use permitted in this zone abuts a single-family residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 10.5 of this ordinance. This 50 foot area shall remain open and not permit off-street parking and loading and/or unloading. In the event that such screening area contains an earthen berm or mound at least six (6) feet in height, the fifty (50) foot screening area shall be reduced to thirty (30) feet.
 2. Where any yard of any use permitted in this zone abuts a residential zone, other than a single - family residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 10.5 of this ordinance. This fifteen (15) foot area shall remain open and not permit off-street parking and loading and/or unloading.
 3. Where any lot abuts a county road, the height of any structure on that lot that is built within three hundred (300) feet of the county road is limited to thirty-five (35) feet.
- G. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI of this ordinance.
- H. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as approved in the Stage I Development Plan.
- I. **NATURAL RESOURCE PROTECTION REGULATIONS:** Natural resource protection regulations shall be planned and applied in accordance with Article X of this ordinance.
- J. **SCREENING:** Shall be as approved in the Stage I Development Plan.
- K. **OTHER DEVELOPMENT CONTROLS:**
1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such areas shall be screened from view.
 2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.

3. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of outdoor exercise and recreation facilities, off - street parking, and loading and/or unloading areas.
5. The property owner shall be required to maintain all landscaping, screening, mounding, and open spaces. Additionally, for a period of one year from the date of installation, the applicant shall be required to replace any plant material which dies.
6. New street construction within this zone may utilize either the Urban or Suburban Street Cross Sections contained within the Kenton County Subdivision Regulations.

L. CRITERIA: Evaluation of the proposed Institutional - One INST Zone and/or development plan shall be based upon the following criteria:

1. Design
 - a. Agreement with the various elements of the Area-Wide Comprehensive Plan, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the INST Zone.
 - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
 - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
 - f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
 - g. Extent to which the scale of each building relates to the natural environment.
 - h. The primary activity area of a building should be oriented toward a natural site amenity.
 - i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
 - j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
 - k. The heights of structures should be higher on the interior of the zoning district and lower on the perimeter of the zoning district, creating a terraced effect.

1. The heights of structures should take into account the final elevation of the site and be designed so as not to become strong visual elements from areas outside the general vicinity of the zoning district.
2. Circulation
 - a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 - b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
 - c. The circulation system should follow the natural terrain of the site.
 - d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
 - e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
 - f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.
3. Open Space
 - a. A minimum of ten (10) percent of the total acreage of each site for a permitted use shall be set aside for open space, exclusive of streets, parking areas, and buildings.
 - b. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
 - c. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
 - d. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
 - e. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
 - f. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.
4. Utilities
 - a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

M. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

N. **EXPIRATION:** Development plans within the INST Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the applicant shall be required to resubmit the development plan for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100. Following submittal by the applicant, a public hearing shall be initiated if either of the following conditions apply:

- a. Stage II Development Plan has not been approved by the city's chief administrative official, or his duly authorized representative, within a period of five years from the date of the approved Stage I Development Plan; provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
- b. Substantial construction has not been initiated within a period of two years from the date of approval of the Stage II Development Plan by the city's chief administrative official, or his duly authorized representative, provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean placing of footers and/or foundation.

SECTION 7.3 ECP (ECO COMMERCE PARK) ZONE

A. **PURPOSE:** The purpose of the Eco Commerce Park (ECP) Zone is to allow for a variety of light industrial uses such as manufacturing, warehousing, professional office, and

research within a planned, coordinated development. The zone is appropriate in areas with environmentally sensitive features where development is appropriate if built in harmony with the character of the natural surrounding environment.

B. APPLICATION AND PROCESSING: Applications for development within an Eco Commerce Park (ECP) Zone shall be processed as follows:

1. Pre-application meeting: Prior to filing for development plan review, the developer, petitioner, applicant or property owner shall attend a pre-application meeting with staff to discuss the development review process, the Eco Commerce Park Zone requirements, and the legislative body's zoning ordinance requirements. The pre-application meeting will also serve as the pre-study meeting which is required prior to starting a Traffic Impact Study in accordance with Section 4.5., F of this ordinance.
2. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. This meeting is intended to review the development plan and identify any issues in applying the regulations of the Eco Commerce Park.
3. Zoning Map Amendment: All map amendment requests shall follow the provisions set forth in Article XIV of this ordinance.
4. Stage II Development Plan Review: A Stage II Development Plan for the area proposed to be developed, shall be submitted for review in accordance with all sections of this ordinance to the planning commission's duly authorized representative.
5. Public Comment Period: After the submission of the Stage II Development Plan:
 - a. The applicant shall notify all property owners who own property adjacent to the site where development is proposed at least seven days prior to the public comment period.
 - b. A minimum of five business days shall be set aside for public comment period.
6. The planning commission or its duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this ordinance and its conformity with the items discussed at the pre-application meeting.
 - a. Following review of the submitted Stage II Development Plan, the planning commission or its duly authorized representative, shall make one of the following recommendations: approval, approval with conditions, or disapproval.

- b. Upon approval of the Stage II Development Plan by the planning commission or its duly authorized representative, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

C. PERMITTED USES:

1. Agriculture
2. Manufacturing, Production, and Industrial Service, Limited and General
3. Warehouse, Wholesaling and Freight Movement
4. Research and development facilities

D. PROHIBITED USES:

1. Packaging or rendering plants, or slaughterhouses for the processing of animals and animal by-products
2. Foundries for the casting of aluminum
3. Manufacture, processing or bulk storage of feed, fertilizer, grain or soil conditioners
4. Manufacture, milling, mixing, processing, or bulk storage of asphalt, brick, cement, gravel, lumber, rock, sand, and similar construction materials.
5. Manufacture, processing, refining or bulk storage for off-premises delivery of coal, coke, compressed gases, liquefied petroleum gases or other fuels
6. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants and facilities for explosives related equipment, materials or products

E. ACCESSORY USES:

1. Customary accessory structures and uses, including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use.
2. Food and beverage service operations entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten percent of the gross floor area of the permitted uses in the building. No exterior advertising displays shall be visible from outside the building.
3. Tank farms, with a maximum height of 60 feet are permitted provided they are located such that the principal structure is located between the tank farm and the residential zone. These uses shall be screened using earth berms or landscaping.
4. Fences and/or walls, as regulated by Article XII of this ordinance.
5. Signs, as regulated by Article XIII of this ordinance.

F. AREA AND HEIGHT REGULATIONS:

1. Minimum Tract for Development - 25 acres; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site had been a part of the originally approved site plan layout.
2. Minimum Lot Area Within Minimum Tract - five acres.
3. Minimum Lot Width at Building Setback Line - 150 feet.
4. Maximum Building Height - 40 feet.
5. Maximum Impervious Surface Ratio - 60 percent. Pervious pavement and green roofs do not count towards the maximum impervious surface ratio.
6. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.

G. SETBACK REGULATIONS: When adjacent to a residential zone, the minimum required setback shall be 100 feet and in all other cases the minimum required setback shall be 50 feet. If these provisions conflict with other requirements of this ordinance, the more restrictive provision will apply.

H. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 10.6 of this ordinance.

I. PERFORMANCE STANDARDS FOR BUILDING DESIGN:

1. Variations in building façade using elements such as color, building materials or offset variations in roofline shall be used. No metal buildings shall be permitted except expansion walls.
2. All sides of a building that are visible from the public access areas of neighboring properties or the public right of way shall include a combination of architectural design elements.
3. Within developments of multiple buildings, building heights shall be varied to avoid the appearance of an elongated building mass.
4. Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials may be drawn from the range of color shades found in earth tones or developments in the immediate area.
5. Mechanical equipment if located on the building roof shall be screened by using elements of the building's roof.

- J. **TRAFFIC IMPACT STUDY:** A Traffic Impact Study shall be provided per the specifications provided in Section 4.5 of this ordinance.
- K. **LIGHTING:** Lighting shall be provided per the requirements of Section 4.6 of this ordinance.
- L. **OTHER DEVELOPMENT CONTROLS:**
1. Development shall be consistent with all conceptual development plans/studies adopted/approved by the legislative body.
 2. Off - street parking and loading and/or unloading areas shall be provided in accordance with Article XI of this ordinance.
 3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
 4. Screening and landscaping shall be provided, as regulated by Section 10.5 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
 5. All business activities permitted within this zone shall be conducted within a completely enclosed building.
 6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
 7. New street construction within this zone may utilize either the Urban, Suburban or Rural Street Cross Sections contained within the Kenton County Subdivision Regulations.
- M. **HILLSIDE PROTECTION:** Hillside protection measures shall be planned and applied in accordance with Section 10.2 of this ordinance.
- E. **RIPARIAN PROTECTION:** It is the intent of this sub-section to establish riparian buffer areas adjacent to all perennial streams and rivers in Kenton County to: Protect public and private water supplies; trap sediment and other pollutants in surface runoff; promote bank stabilization; protect riparian wetlands; minimize the impacts of flooding; prevent decreases in base flow; protect wildlife habitat; and maintain water quality.
1. **Establishment of Riparian Buffer Areas**

The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.

The following shall apply to the riparian buffer:

 - a. The minimum riparian buffer shall include and interpreted from the LINK-GIS blueline stream layer, plus an additional 50 feet for residential uses and 75 feet for non-residential uses on either side of the stream.

- b. Where the 100-year floodplain is wider than the riparian buffer on either or both sides of the stream, the riparian buffer shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain width shall be reflective of and interpreted from the Federal Insurance Administration's Flood Insurance Study floodplain boundaries, and regulated per Section 9.25 of this Ordinance.
- c. The following adjustment for steep slopes shall be integrated into the riparian buffer calculation for width determination to account for the influence of gradient on the stream:

Average percent slope within the riparian buffer	Additional buffer requirements
= >15% and < 25%	Add 25 feet
> 25%	Add 50 feet

- d. The applicant shall be responsible for delineating the riparian buffer and identifying this setback on all subdivision plats, development plans, and/or zoning permit applications. No approvals or permits shall be granted prior to the determination of the riparian buffer in conformance with these regulations.
 - e. Prior to any land disturbance activity, the riparian buffer shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.
2. Permitted Uses: All land within the riparian buffer shall be subject to the following standards and regulations. Except as otherwise provided in these regulations, the riparian buffer shall remain in a natural condition, or, if in a disturbed condition, including agricultural activities, at the time of the adoption of this ordinance, may be restored to a natural condition.
- a. Existing land uses, except:
 - (1) when the existing land use, or any building or structure involved in that use is enlarged, increased or extended to occupy a greater area of land; or
 - (2) when the existing land use, or any building or structure is involved in that use is moved (in whole or in part) to another portion of the property; or
 - (3) when the existing land use ceases for a period of more than one year; or
 - (4) when the existing land use involves agricultural production and management, in which case it shall be consistent with all state and federal laws, all regulations within the Kentucky Agriculture

Water Quality Act and best management practices established by the Kentucky Division of Conservation.

- b. Open space uses that are primarily passive in character shall be permitted to extend into the riparian buffer provided the vegetation and remaining area of buffer is maintained. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and game farms.
- c. Multiple use recreation trails provided they are located at least 20 feet from the stream and constructed of pervious materials.
- d. Fences for which a permit has been issued by the Zoning administrator provided they are not located within the floodway boundary.
- e. Timber cutting when accomplished under the advice and guidance of an appropriate government agency and necessary to preserve the forest from pest infestation, disease infestation or fire threat. Removal of individual trees that are in danger of falling and causing damage to structures or causing blockage to the stream flow.
- f. Stream crossings when designed and constructed according to Kentucky Division of Water standards. All roadway crossings shall mitigate and remediate any necessary disturbance to the riparian buffer.
- g. Revegetation and/or reforestation of the riparian buffer. Information pertaining to species of shrubs and vines recommended for stabilizing flood prone areas along streams may be obtained at the Kenton County Conservation District.
- h. Stream bank stabilization or erosion control when accomplished according to best management practices and permitted uses by local, state and federal government regulations that emphasize the use of native plant species where practical and available. Stream bank stabilization/erosion control practices shall only be undertaken with approval from Sanitation District No.1.
- i. Structures which by their nature must be located within the riparian buffer. These include docks, boat launches, public water supply intake structures, facilities for water quality treatment and purification, utility transmission lines, and public wastewater treatment plant sewer lines and outfalls.

F. **VIEWSHED PROTECTION:** The purpose of these regulations is to protect and enhance the aesthetic character of areas that are highly visible from arterials and collectors, and to ensure the protection of natural resources such as hillsides and streams. These natural resources have a significant impact on the views along public rights of way.

- 1 For the purposes of these regulations, areas located 400 feet on either side of an existing arterial and 200 feet on either side of an existing collector street, measured from the edge of the right of way, shall be considered viewshed protection areas.

If the applicant can demonstrate that the boundaries of the viewshed protection area are inappropriate due to topographic conditions, the applicant shall submit a

proposed viewshed protection area and include the justification for the proposed change.

- 2 For new developments proposed in viewshed protection areas, the following measures either individually or in combination may be used to meet the purposes of these regulations:

- a. Existing vegetation on the site along the arterial or collector street shall be preserved for a minimum depth of 75 feet as measured perpendicular to the right of way. If the existing vegetation is less than 75 feet in depth or is insufficient to serve as a visual buffer, then a combination of at least one other technique shall be used. These areas may count towards any open space or riparian buffer requirement.

All areas with existing vegetation proposed to be protected shall be clearly identified on Stage II Development Plans; photographs may be submitted to show that the areas proposed for protection meet the intent of this ordinance.

The applicant shall submit a tree protection/planting plan that identifies areas with trees for preservation and describes protection methods to be used during construction. This plan may be a part of the required landscape plan and shall include the following information:

- (1) Location of trees to be preserved;
 - (2) Contour lines; and
 - (3) Limits of clearing, trenching, access routes for heavy equipment, etc. that may be dangerous to the tree(s).
- b. A landscaped earth berm with a maximum slope of three to one, rising at least four feet above the existing grade shall be provided. The earth berm shall be landscaped with evergreen trees, deciduous understory trees, and evergreen shrubs. A difference in elevation between areas requiring screening does not constitute an earth mound.
- c. A minimum setback of 150 feet shall be provided from the edge of the right of way to the closest structure. These areas may count towards any open space requirements.
- d. Landscaping or reforestation techniques shall be used when none of the other listed viewshed protection options is feasible. A minimum planting strip of 75 feet shall be provided with 1 tree per 35 feet of linear boundary, or fraction thereof, from either List A (shade trees) or List B (flowering and non-flowering trees), plus a single row hedge from either List D (deciduous shrubs) or List E (evergreen/broadleaf shrubs) from the Planting Manual and Landscape Regulations Guidelines.

Alternatively, a reforestation program may be established for a minimum area 75 feet in depth as measured perpendicular to the right-of-way. A

detailed description with plans shall be submitted along with the Stage II Development Plan. The reforestation program shall be prepared by a licensed forester or a licensed landscape architect.

N. CRITERIA: Evaluation of the proposed Eco Commerce Park (ECP) Zone and/or development plan shall be based upon the following criteria:

1. Design

- a. Agreement with the various elements of the most recent Area-Wide Comprehensive Plan and where applicable, any plan officially adopted by the legislative body for the subject area.
- b. Extent to which the proposed development plan is consistent with the purpose of the Eco Commerce Park (ECP) Zone.
- c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Extent to which the design of the proposed development responds to the natural and man-made features of the site.
- e. Building locations planned to accomplish a desirable transition with open spaces, pedestrian areas, and off-street parking areas.
- f. Building and site designs that are visually appealing.
- g. Structure heights that are compatible with those of existing structures adjacent to the site.

2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle it. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. Extent to which the circulation system follows the natural terrain of the site.
- d. Extent to which the circulation system provides for the continuation of existing streets and provides for the connection of proposed streets to adjoining properties.
- e. Extent to which the separation of pedestrian and vehicular circulation systems is achieved.
- f. Extent to which pedestrian street crossings provide for safe crossings at locations with good sight distance or at a grade-separated crossing.

3. Landscaping

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off-street parking areas to soften the impact of hard-surfaced areas on adjacent sites.

4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed development. These include police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage

- a. Extent to which signage is designed to protect and enhance the visual amenities of the site.
- b. Extent to which signage developed for the entire development forms an integral part of the total design of the site.
- c. Extent to which signs compliment scale and proportion to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

O. AMENDMENTS: Any amendments to plans shall be made in accordance with the procedure required by Subsection B.

P. EXPIRATION: A Stage II Development Plan within the Eco Commerce Park (ECP) Zone shall be determined void if substantial construction has not been initiated within a period of 12 consecutive months from the date of its approval. The planning commission's duly-authorized representative may provide a one-time extension to this requirement for a period not to exceed 12 months if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the construction of roads.

Q. UTILITIES: All utilities must be underground when any new development occurs.

SECTION 7.4 TOWN CENTER FORM DISTRICT (TCFD) ZONE

- A. **PURPOSE:** The purpose of the Town Center Form District is to represent a high quality commercial development area that is aesthetically pleasing, visually unified and has a balanced functionality between pedestrian and vehicular uses. The vision for this area is one with buildings scaled and massed appropriately together and set closer to the street and to each other, inviting pedestrians to walk from place to place, with mixed uses that will serve a multitude of purposes for both the resident and visitor, and always with the intention of furthering the public health, safety, and general welfare. The provisions of this section are intended to ensure that new development within the designated Town Center Form District is consistent with the desired pattern and characteristics of the district, promoting the following as applicable:
1. Safe access and that will facilitate traffic movement along major arterial roads;
 2. A circulation system that balances multi-modal uses;
 3. A mixture of moderately intense uses including civic, shopping, restaurants, offices and residences;
 4. An aesthetically pleasing appearance of building mass, placement and materials, lighting, landscaping, and vehicular areas;
 5. Coordinated development between adjacent properties including shared parking, vehicular and pedestrian movement and appearance;
- B. **APPLICATION AND PROCESSING:** Applications for development shall be processed as follows:
1. **Pre-application meeting:** Prior to filing for development plan review, the developer, petitioner, applicant or property owner shall attend a pre-application meeting with staff to discuss the development review process, the TCFD Zone requirements, and the legislative body's zoning ordinance requirements. The pre-application meeting will also serve as the pre-study meeting which is required prior to starting a Traffic Impact Study in accordance with Section 4.5., F of this ordinance.
 2. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. This meeting is intended to review the development plan and identify any issues in applying the regulations of the TCFD.
 3. **Zoning Map Amendment:** All map amendment requests shall follow the provisions set forth in Article XIV of this ordinance.
 4. **Stage II Development Plan Review:** A Stage II Development Plan for the area proposed to be developed, shall be submitted for review in accordance with all sections of this ordinance to the planning commission's duly authorized representative.

5. The planning commission or its duly authorized representative shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of this ordinance and its conformity with the items discussed at the pre-application meeting.
 - a. Following review of the submitted Stage II Development Plan, the planning commission or its duly authorized representative, shall make one of the following recommendations: approval, approval with conditions, or disapproval.
 - b. Upon approval of the Stage II Development Plan by the planning commission or its duly authorized representative, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.
6. Compliance with the Code - Compliance with the TCFD regulations shall be evaluated based on the intent of the regulations, how well the development conforms to the regulations and whether it is consistent with the Legislative Body's goals and plans to establish a Town Center Form District. Minor modifications shall be reviewed and discussed at the pre-application conference and shall be based on problems related to topography, or street grade, the location of streets, breaks and passages between buildings, signs, streetscape details, design issues related to the inclusion of existing buildings or mature trees as part of a development proposal.
7. Exceptions - Lots having less area than the five (5) acres required for development under the Town Center Form District and legally created prior to the adoption of these regulations may be occupied by one (1) single family dwelling unit.
8. Substantial Additions to Existing Developed Sites - The TCFD regulations shall be applied when substantial additions to existing buildings are made. Substantial building additions are defined per the criteria established in the table below. Developments that do not fall under this criteria must meet the minimum setback requirements as contained within Subsection G.1 (b) and (c). Developments that do meet these criteria must comply with the requirements listed in Table 1.

Where Existing Structure Is	Substantial Increase An Addition Of
0 – 1,000 sq. ft.	101% or greater
1,001 – 10,000 sq. ft.	40% or greater
10,001 – 25,000 sq. ft.	30% or greater
25,001 – 50,000 sq. ft.	20% or greater
50,001 sq. ft. and above	10% or greater

9. Permit Process - Zoning and Building Permits will not be issued for building activity until the Stage II Development Plan review process is completed and a determination is made by the Legislative Body or its duly authorized representative, that the proposal is consistent with the Town Center Form District regulations, per the approved plan.

DRAFT

Table 1 Development Review Criteria					
Applicable Design Standards	Construction or expansion of a single family residential dwelling (as per Table in Administration section)			Comments	
	Construction or expansion of a single family residential dwelling (as per Table in Administration section)	Construction of 10 or more off-street parking spaces, or reconfiguration or redesign of existing developed sites	Accessory structure - new or expansion of existing paved area	Where the property fronts onto a public street/ROW	
Building Envelope	X			Where the property fronts onto a public street/ROW	
Hillside Protection					
Riparian Protection					
Streetscape	X			Where the property fronts onto a public street/ROW	
Outdoor Amenities					
Recreation and Open Space					
Parking and Loading	X	X		Where the property fronts onto a public street/ROW	
Transportation	X	X		Where the property fronts onto a public street/ROW	
Architectural	X			Where the property fronts onto a public street/ROW	
Street Wall		X		Where the property fronts onto a public street/ROW	
Retaining Wall					
Colors	X		X	Where the property fronts onto a public street/ROW	
Accessory Structures	X		X	Section M.2 (b) does not apply	
Lighting	X	X		Where the property fronts onto a public street/ROW	
Signage	X				

10. Pre-Certificate of Occupancy Meeting - At least thirty (30) days prior to expected occupancy, the applicant shall notify NKAPC staff and arrange for a pre-Certificate of Occupancy meeting. The purpose of this meeting is to review and address outstanding items as per the approved development plan, as well as discuss the terms and conditions for securing performance bonds for any public improvements as part of the development.

C. PERMITTED USES:

Residential Use Group - Household Living

1. Single-family residential dwellings (detached)

Public and Civic Use Group

1. Cultural exhibits and libraries
2. Day care or day care center
 - a. Family day care home
 - b. Day care type 2
 - c. Day care type 1
3. Recreation and open space
 - a. High intensity
 - b. Low intensity
4. Religious assembly
5. Safety services
6. Schools

Commercial Use Group

1. Animal Services
 - a. Sales and Grooming
 - b. Veterinary Hospitals
2. Business Equipment Sales and Service
3. Business Support Services
4. Convention Center, Training Facility
5. Eating Drinking Establishment
 - a. Microbrewery
 - b. Restaurant, excluding drive-ins, drive-thrus
 - c. Tavern
6. Entertainment
 - a. Small
 - b. Medium
7. Financial Services
 - a. Tax Preparation
8. Food and Beverage Sales, Retail

9. Funeral and Internment Services
 - a. Undertaking
10. Lodging
 - a. Bed and Breakfast, per Section 9.12
11. Medical Service
12. Office''
13. Personal Improvement Service
14. Retail Sales and Service
 - a. Antique shop
 - b. Secondhand store

D. USE SPECIFICATIONS

1. Buildings which front onto a public street shall contain retail or office uses on the ground floor.
2. Movie and entertainment theaters may be exempt from the minimum story requirement and the maximum floor-to-floor story height requirements, but must have the appearance of at least a two-story building and meet all other requirements.
3. If a parking garage is incorporated into building design, two tiers of parking may be located above ground level without counting toward the measurement of building height. However, retail space must be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.

E. SPECIAL PERMITTED USES

1. The following uses existing and in conformance with this zoning ordinance at the time of adoption of these regulations are to be considered permitted uses and are subject to the review criteria in Table 1.
 - a. Single family residential (detached)
 - b. Convenience stores, with the dispensing of fuels
 - c. Eating and drinking establishments, including drive-ins

G. BUILDING ENVELOPE STANDARDS

1. Siting Specifications
 - a. Minimum Tract for Development
 - (1) Five (5) acres; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan

layout. Substantial additions to existing developed sites must meet the requirements contained in Section 7.4, B., 6.

- (2) Build to Line (Maximum) – 20 feet from the right of way, except in any of the following cases:
 - (a) Outdoor amenities are located between the right-of-way and the build-to line, in which case no more than 50 feet from the right of way.
 - (b) Development sites containing hillsides with slopes of 20% or greater may modify the build-to line to accommodate front parking, but only subject to the requirements of subsection K., 1., a.
- c. Side and rear yard setbacks
 - (1) No setback requirements, except when adjacent to a residential use above the first floor, then a minimum side yard of 5 feet shall be maintained.
 - (2) Where adjoining a residential zone outside of the form district a minimum 50 feet from the property line must be maintained.
- d. Use and Building Size Requirements
 - (1) Maximum building footprints are as follows:
 - (a) Single structure: 15,000 square feet, however, one building per development tract may have a maximum footprint of up to 30,000 square feet
 - (2) Maximum size of each individual tenant/occupant:
 - (a) In a single-use structure: 30,000 square feet, however, one building per development tract may contain up to 60,000 square feet.
 - (b) In a multi-use structure: Calculated by total number of stories
- e. Multiple Principal Structures
 - (1) Either multiple principal structures or common wall construction is permitted. Principal structures on the same or adjacent lots, constructed as detached buildings, shall maintain following minimum separations:
 - (a) Building wall with entrance or exit: 20 feet.
 - (b) Building wall with no entrance or exit: 10 feet

f. Building Frontage (See Figure 2 and 3)

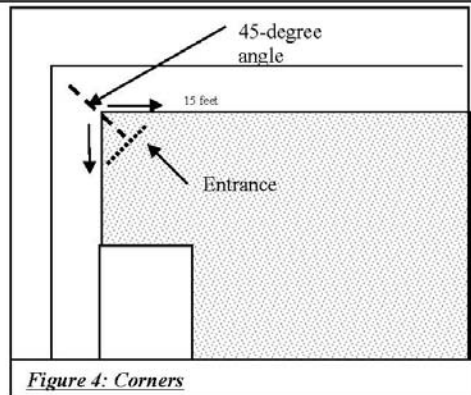
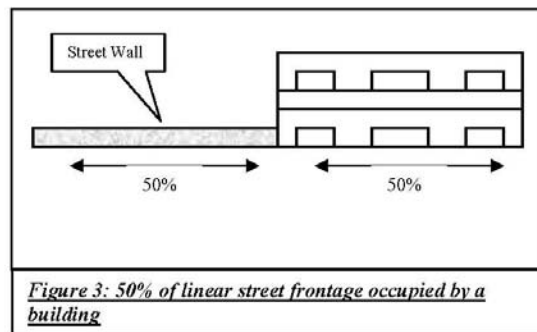
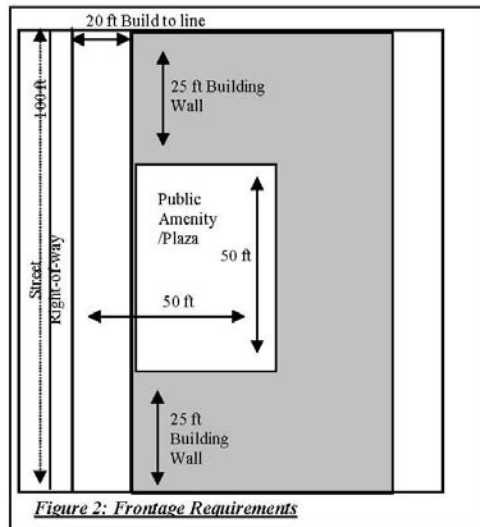
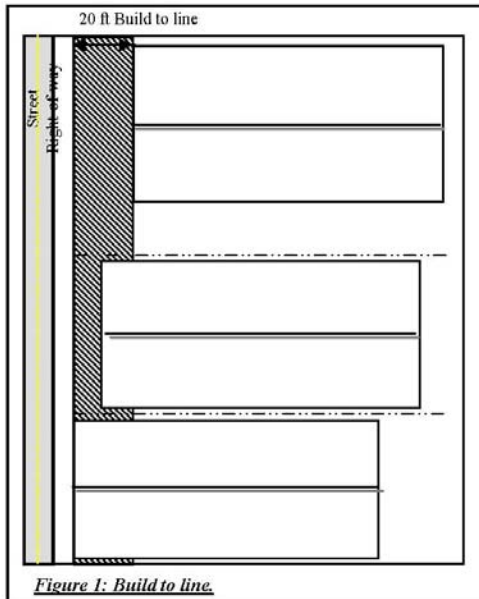
- (1) At least 50% of the linear street frontage of each lot shall be occupied by a building at the required setback/build to line.
- (2) Open unenclosed public seating or similar areas, fountains, and outdoor amenities are permitted to encroach beyond the build-to line as long as the corner requirements are met per Section 10.31, G., 1. h.

g. Building Entrances

- (1) Buildings shall have at least one public entrance on all façades facing the street and at least one where parking is located.
- (2) Buildings shall have one public entrance oriented toward the required Riparian Buffer or toward any required Outdoor Amenity or Open Space (see Section 10., I., 2., and 10., I., 3). No service entrances are permitted to be oriented towards the required Riparian Buffer or toward any required Outdoor Amenity or Open Space.
- (3) On corner lots, entrances may be on the front façade or at the corner of the building.
- (4) There shall be functioning entry door(s) along the street façade spaced at a distance of no less than 60 feet per structure (including those with common wall construction).
- (5) Garage entries shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 100 feet of the block corner or another garage entry on the same block. Garage entry portals may be set back up to 24 inches behind the surrounding façade, but may not project beyond the building facade.

h. Corners (See Figure 4)

- (1) Buildings on corner lots shall be constructed at the build to line along both sides of the street for a minimum of 15 linear feet.
- (2) If a principal building or tenant entrance is at the corner, the entrance may be recessed within the 15 feet at a 45-degree (45°) angle to both streets.



2. Height Specifications (See Figure 6)

a. Building Height

- (1) Each building shall have a minimum of two (2) stories and shall not exceed sixty-five (65) feet in height.
- (2) If a parking garage is incorporated into building design, two tiers of parking may be located above ground level without counting toward the measurement of building height. However, retail space must be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.
- (3) Maximum height of building with only residential uses above the first floor is 90 feet.

Commentary: Retail helps to make the street active and interesting.

b. Floor Height

- (1) Maximum floor-to-floor story height limit for stories other than the ground story is 14 feet.
- (2) All upper stories shall each have a minimum of 9 feet 4 inches clear (floor to ceiling height) and shall be useable floor space, unless otherwise regulated by Section 10.31, D., 2.

Commentary: Buildings overseeing the street and public areas with active fronts, contribute to a vital and safe public space. Enliven facades of retail or commercial space by providing visibility into building interiors or merchandising display windows.

3. Building Element Specifications (See Figure 7 and 8)

a. Ground Story Fenestration

- (1) No blank/uninterrupted walls shall be facing streets, access drives, sidewalks, outdoor amenities, recreational areas or other public uses.
- (2) Ground story façades shall have between 50 and 90 percent fenestration (measured as a percentage of the façade that is between 2 and 10 feet above the fronting streets, sidewalks, outdoor amenities or recreational areas) with a combination of two or more of the following animating features:
 - (a) Transparent doorways and entry areas;

- (b) Display windows at least 50% open to the business interior with a minimum height of 8 feet and having a maximum sill height of 3 feet;
 - (c) Arcades; with a minimum clear height of 11 feet (signage or lighting may encroach) at the sidewalk (street), and a minimum clear width (from frontage or build to line to inside column face) of 10 feet. The area within an arcade shall be open to all public access. Supporting Column/Pier shall be located no more than 20 inches from the back of the curb (minimum 60 inches public access easement/sidewalk within the arcades' clear width). (See Figure 9)
 - (d) Projections and windows.
 - (3) Awnings and overhangs in increments of 15 feet widths or less are permitted with the following requirements:
 - (a) Minimum 10 feet clear height above sidewalk, minimum 6 feet depth out from the building façade (Maximum to curb or tree-planting strip/furniture zone, whichever is closer).
 - (b) Canvas cloth or equivalent (no shiny or reflective materials), metal or glass.
 - (c) No internal illumination through the awning/overhang.
 - (d) Lettering on awning limited to five (5) inches tall on vertically hanging fabric at curb side of awning.
 - (e) No one-quarter cylinder configurations.
 - (4) Other features, such as public art are permitted.
- b. Upper Stories – Fenestration
- (1) Walls facing streets, sidewalks, outdoor amenities, recreational areas, off street parking areas or other public uses shall have between 50 and 70 percent fenestration (see Figure 5).



Figure 5: Fenestration on upper stories is required. Two contrasting examples are shown above.

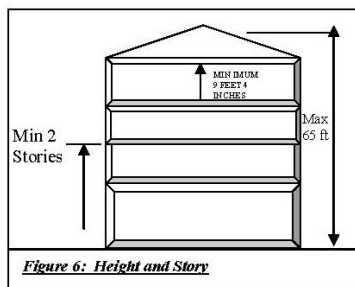


Figure 6: Height and Story

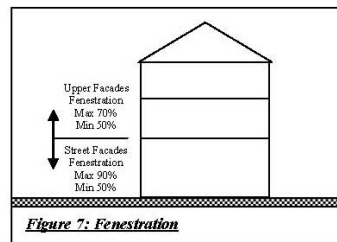


Figure 7: Fenestration

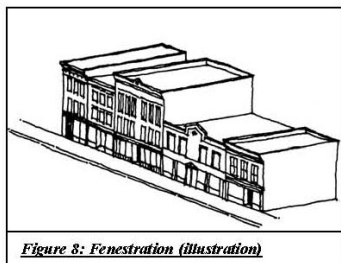


Figure 8: Fenestration (illustration)



Figure 9: Arcades

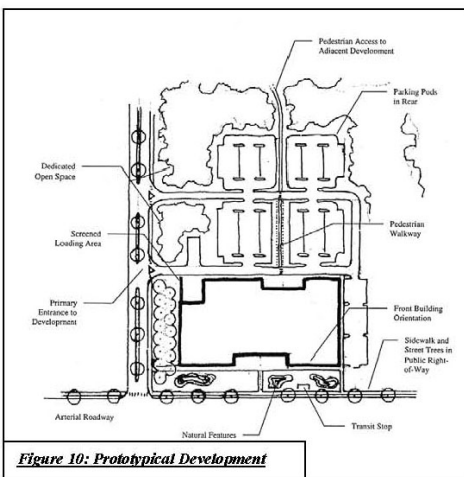


Figure 10: Prototypical Development

Commentary: Designs are encouraged that create a unique and attractive image for each business while respecting the design parameters of neighboring facades. Facades should relate to their surroundings and provide a sense of cohesiveness in the district without strict uniformity. Facades should present a visually balanced composition. High design standards and creativity are encouraged.

H. HILLSIDE PROTECTION

1. The requirements contained within Section 10.2 of this ordinance shall be met in addition to the following:

- a. Slope Setbacks

Proposed structures shall be set back from either the toe or top of the slope to a structure, whichever applies, a minimum of 10 feet, unless otherwise required by a geotechnical investigation or retaining walls are used. These setbacks do not supercede the minimum setbacks required by the Kentucky Building Code. Setbacks shall be measured as shown in Figure 11.

Commentary: It is recommended that when development is proposed in hillside areas, that consideration be given to fitting the proposed development to the natural configurations of an existing landscape.

2. Areas containing slopes of 35% or more shall not be disturbed.

3. Grading and Drainage

- a. All excavations on slopes greater than fifteen percent (15%) shall be made to approximate grade or subgrade elevations consistent with approved plans. Applications for grading permits must include an approved Land Disturbance Permit from Sanitation District No.1. Grading plans must be based on adequate surveys and soil investigations. The Kenton County Subdivision Regulations refer to general soil conditions that exist in the area.

Commentary: It is necessary to minimize problems associated with water runoff and soil erosion incurred in grading these slopes while preserving unique scenic resources and wildlife habitat.

- b. Excavation, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control. Section 10.1 of this ordinance shall apply in addition to the following:
 - (1) Within the allowable disturbance area, finished cut and fill slopes shall be constructed to a maximum 3:1 (33.3%) slope or flatter (unless retaining walls are used) and revegetated.
 - (2) Remove good topsoil from areas to be graded or filled, and preserve it for use in finishing the grading of all slopes greater than twenty percent (20%).

- (3) Stabilize all graded areas with native vegetation or erosion control blankets as soon as grading is completed or work is interrupted for 30 days or more.
- (4) Use mulch to stabilize areas temporarily where final grading must be delayed.
- (5) Roughen the surface of all slopes during construction to retain water, increase infiltration and facilitate vegetation.

5. Slope Restoration

- a. Cuts and fills shall be restored to a maximum 3:1 (33.3%) slope or flatter and re-vegetated. Slope breaks, such as benches, may be used to reduce the length of cut and fill slopes to limit sheet and rill erosion and prevent gullying (see Figure 12). The required spacing between benches shall be in accordance with the Kentucky Department of Highways Geotechnical Manual. Other methods, such as geotextiles, may be used, however, they must be installed by a qualified geotechnical engineer.
- b. Cuts and fills that are controlled by retaining walls must meet the requirements of this ordinance (see Section 10.31, O).
- c. Re-vegetated slopes shall include both native trees and shrubs, as per the recommended Plant lists contained within the Planting Manual and Landscape Regulation Guidelines within the text of this ordinance.

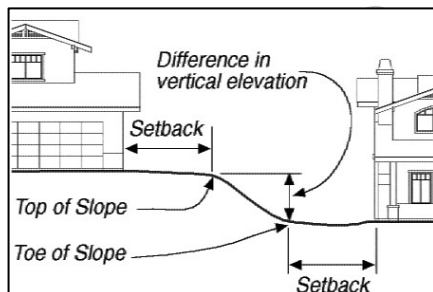


Figure 11: Slope Setbacks

Cuts and fills shall not be placed so close as to endanger adjoining property.

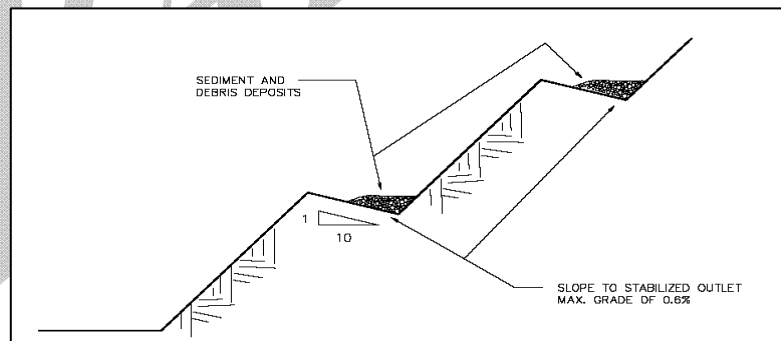


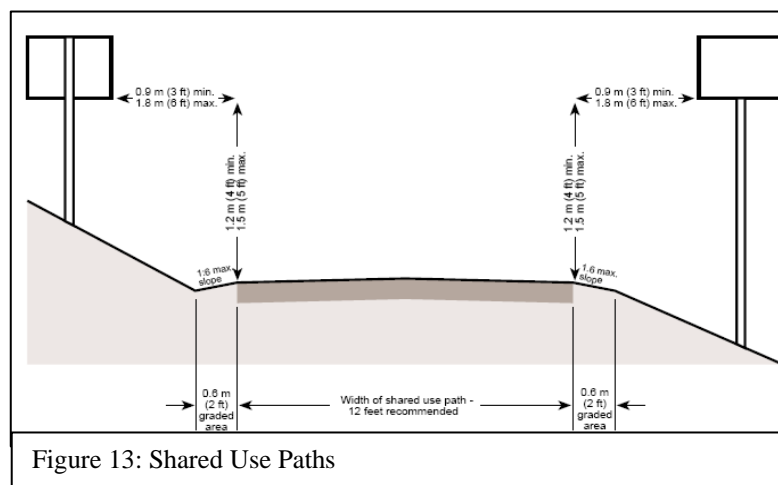
Figure 12: Benching

Benching is a variation on sloping, and consists of cutting the sides of the excavation to form one or more horizontal levels or steps, usually with vertical or near-vertical surfaces between levels. Soil type and local conditions determine the max horizontal and vertical dimensions of a benched excavation. Often a combination of benching and sloping is used.

I. RIPARIAN PROTECTION, OPEN SPACE AND OUTDOOR AMENITIES

1. Riparian Buffer Requirements

- a. The minimum Riparian Buffer width shall be reflective of and interpreted from the Federal Insurance Administration's Flood Insurance Study floodway boundaries, plus an additional 50 feet, however, no less than fifty (50) feet in total width (measured from outline of the creek, as defined within LINK GIS drain layer).
- b. If the applicant can demonstrate that the floodway boundaries in their location are inaccurate, boundary revisions may be made, in agreement with the Legislative Body.
- c. Building facades must include additional entrances when oriented toward the Riparian Buffer.
- d. The minimum required Riparian Buffer width shall remain undisturbed and restricted in use for flood control and restoration, as regulated in Section 10.3, of this zoning ordinance.
- e. An applicant has the option to obtain additional open space credits by applying a conservation easement to the entire area comprising the Riparian Buffer within the parcel. In such cases, a pedestrian and bicycle trail may be developed within the Riparian Buffer, at least ten (10) feet in width (See Figure 13), in cooperation with the recipient entity. A conservation easement shall count towards:
 - (1) An additional fifty percent (50%) of the required Open Space within the proposed development (See Section I., 2), and
 - (2) A ten percent (10%) reduction in the required off-street parking landscaping requirements.
 - (3) A copy of a recorded conservation easement assuring the permanent protection, preservation and maintenance of the Riparian Buffer within the proposed development shall be submitted by the developer and recipient entity (i.e. the Legislative Body) prior to the recording of a plat or the issuance of a clearing/grading or zoning/building permit, whichever occurs first.



2. Open Space and Outdoor Amenities Requirements

- a. Definitions: For the purposes of the regulations within this section of the ordinance, the following definitions shall apply:

Open Space: Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Outdoor Amenity: Improvements within the developed area that encourage outdoor activities and public interaction.

- b. The amount of open space and outdoor amenities required shall be calculated as follows:

Table 3: Open Space and Outdoor Amenity Requirement

Total area of development	Open Space*	Outdoor amenity*
5 acres or larger	15%	10%
Less than 5 acres adjacent to existing approved site	-	15%

* Percentage of buildable area (calculated as the area of the lot within which buildings and parking will sit)

- c. Table 4 describes which uses may be credited toward each of the required open space and outdoor amenity requirement.
- d. Additional requirements for Outdoor Amenities are as follows:
- (1) All outdoor amenity areas (except for sidewalks, and multi use paths) shall be accessible by sidewalks connecting with all surrounding buildings and a clear view through the public space must be maintained for public safety and urban design purposes
 - (2) All outdoor amenity areas other than planting beds and interior parking lot landscaping shall have seating at a rate of not less than 1 seat per 400 square feet (lineal feet in the case of multi use paths) of space and located within the outdoor space. Seating may be formal or informal and may include benches, planters, ledges, or similar seating features, and shall be a minimum of 12 inches in depth, 30 inches in width and 15 inches in height.

- (3) Required outdoor amenities areas may not be counted as open space area.

e. Additional requirements for Open Space are as follows:

- (1) If additional development on an existing approved site is proposed, then the total open space needs may be recalculated and credits may be shared, provided the open spaces are adjacent and accessible to both developments. An agreement from the property owners of the development sites involved must be submitted with the application.
- (2) When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the Legislative Body or other responsible entity as approved by the Legislative Body.
- (3) When an area is to be preserved as public open space, determination must be made by the Legislative Body if the space is accessible by and a benefit to the general public. Prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer shall permanently dedicate the open space to public use in a manner acceptable to the recipient entity and submit documentation that the property will be accepted by the Legislative Body or other responsible entity as approved by the Legislative Body.

Table 4: Permitted uses within Open Space and Outdoor Amenity Requirement

Open Space	Outdoor Amenity
Applying a conservation easement to the entire area comprising the Riparian Buffer within the parcel shall count toward an additional 50% of the required Open Space.	Pedestrian and bicycle facilities 10 feet or greater in width.
Landscaped internal or frontage roadway medians (those not along KY 17) at least 10 feet in width that add to the community's improved visual appearance. For properties located along KY 17, up to 10% of the required open space area may be satisfied with a landscaped non-traversable median	Outdoor dining open to the public: (1) Outdoor dining shall be used in conjunction with, and under the same management and exclusive control of, a restaurant, bar, tavern or nightclub located on the same or contiguous property; (2) The outdoor seating capacity shall not exceed twenty-five percent (25%) of the total restaurant, bar, tavern or nightclub seating capacity and shall not be enclosed.
Green roofs (i.e. vegetated roof covers for stormwater mitigation).	Water features, public gardens and public art. Interactive Amenities, including but not limited to dance steps, art walks / experiences, backgammon and chess tables, mini amphitheaters.
Storm water detention and retention basins.	Rooftop gardens/plazas, seating areas.
Nationally or locally designated or recognized cultural, historic or archaeological sites.	Planting beds no less than 100 square feet and adjacent to a façade with a public entrance.
Undisturbed hillsides greater than a 15% slope and required Riparian Buffer areas.	Civic greens, and squares, no length and width dimension shall be less than 25 feet. (1) In civic greens minimum sixty percent (60%) pervious surface area (turf, groundcover, soil or mulch) and in squares minimum thirty percent (30%) pervious surface area.
Woodlands managed for forestry production, or forestry protection, areas for endangered species protection, meadows, wetlands, agricultural lands and activities.	(2) Of the remaining balance at least seventy percent (70%) must be pervious pavement (maximum thirty percent (30%) impervious paved).
Outdoor sports fields, golf courses, parks, community gardens and playgrounds.	Parks and playgrounds, which are required to be at least 50 feet from any street right of way.
Total of 20% of the required parking spaces are pervious.	Interior parking lot landscaping areas above minimum landscaping requirement and shall not be credited unless larger than 200 square feet.

J. TRANSPORTATION STANDARDS

1. Transportation connections are to be multi modal and useable by the public.
2. Vehicular
 - a. Direct vehicular connections are required between all uses, existing and future.
 - b. Developments that create public and private streets shall connect with and provide for future extension of the street network.
 - c. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary.
 - d. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
3. Pedestrian
 - a. Direct pedestrian connections are required between all uses, existing and future.
 - b. Developments that create public and private streets shall connect with and provide for future extension of pedestrian access.
 - c. All uses within the form district shall provide pedestrian connections with adjacent uses outside the form district.
 - d. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
 - e. All development shall provide clearly defined safe pedestrian access to the public right of way, to the building entrances¹, to bus stops, and connecting to or including installation of the bicycle and pedestrian multi-use trail within the required Riparian Buffer.
 - f. With KYTC approval, pedestrian access is required to be located within abutting rights-of-way and across driveways with striping or contrasting pavements, or raised surfaces, that meet Kenton County Subdivision Regulations.
 - g. Sidewalks and trails must connect with any presently adjacent sidewalks and shall be a minimum of five (5) unobstructed feet in width. Sidewalks and trail connections are required to be constructed and completed at the time of street construction.
 - h. Construction of the bicycle and pedestrian multiuse trail shall in no case be less than ten (10) feet in width, with vertical grades no steeper than three percent (3%), and designed as shown in Figure 13.

¹ See Parking Lot Standards for pedestrian access requirements

4. Bicycle

- a. Direct bicycle connections are required between all uses, existing and future.
- b. Developments that create public and private streets shall connect with and provide for future extension of bicycle access. Bicycle lanes, shared use paths, paved and marked shoulders, or wider outside lanes designated for bicycles and with signage shall be installed on both sides of all streets with the following standards.
 - (1) Shared Use Paths – See Figure 13
 - (2) Bicycle Lanes – see Figure 15
 - (3) Paved Shoulders shall be minimum 4 feet in width.
 - (4) Wide outside lanes must be at least 14 feet in width.
- c. Connections are required to be constructed and completed at the time of street construction.
- d. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
- e. Construction of the bicycle and pedestrian shared use trail shall in no case be less than ten (10) feet in width, with grades no steeper than three percent, and designed as shown in Figure 13.

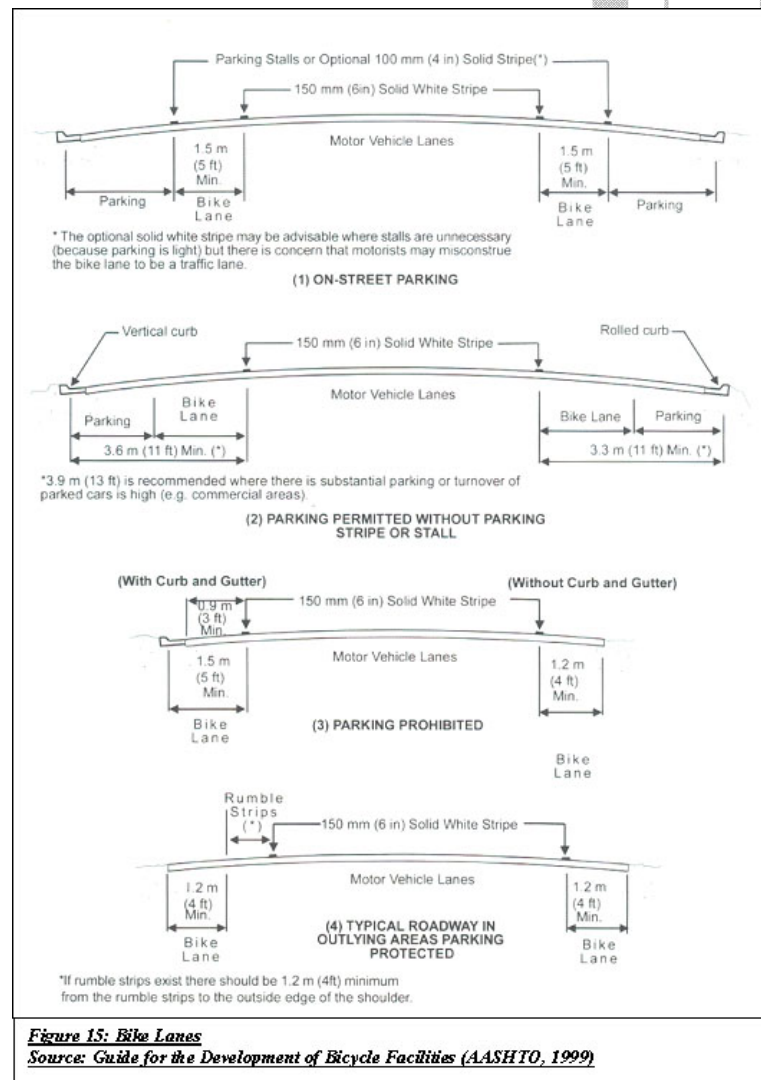
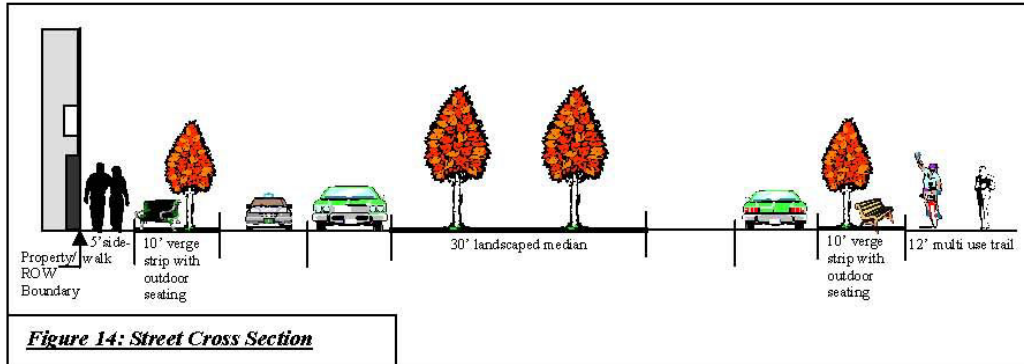
5. Transit

- a. Prior to plan submittal the Transit Authority of Northern Kentucky (TANK) shall be consulted on the appropriate location, number, and design of bus stops. Documentation from TANK must be submitted with application.

6. Access Management

- a. Sites with multiple buildings shall have joint access.
- b. Properties on arterial or collector streets shall provide access drives (joint use driveways and/or cross access easement) or access roads, including pedestrian access to allow circulation for commercial-to-commercial, office, industrial or multi-family. Access roads or drives may be in front of the property or in the rear or side. If planned as a public or private road the design shall conform to all applicable regulations of the Kenton County Subdivision Regulations.
- c. Spacing of access points along the cross access drive or frontage road shall be a minimum of 100 feet or as otherwise approved by the Legislative Body.

- d. Access drives shall be at least twenty-two (22) feet in width and with stub outs for future development.
- e. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.



K. PARKING, LOADING AND UNLOADING**1. Location of parking**

- a. Parking shall not be permitted between the property line and the build-to-line, except in the following cases:

- (1) Development sites containing hillsides with slopes of 20% or greater are permitted a maximum of two (2) rows of parking, not exceeding 20% of the total allowable parking for the site, but only when it can be demonstrated that slope conditions make provisions for adequate parking economically unreasonable. Where clearly visible from the street, this parking area must be screened with earth berms, landscaping and/or a street wall.

2. Number of Parking Spaces

- a. Section 11.2 of this ordinance applies with the following conditions:
 - (1) A 10% minimum reduction in the number of required spaces is required and a maximum allowable reduction of 50% shall be permitted.
- b. All parking spaces may be located off site but must be connected by pedestrian access (see pedestrian connection requirements) and must be located within 500 feet of the building. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces. This instrument shall be drawn to the satisfaction of the Legislative Body and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site and shall be recorded by the Legislative Body.
- c. Twenty percent (20%) of required parking may be pervious surface and may be counted as open space credits.
- d. No maximum number of spaces if parking structures are utilized.
- e. Underground parking shall count towards the total number of allowable parking spaces.

3. Connections between parking lots

- a. Vehicular and pedestrian connections are required between parking lots in adjacent developments.

4. Pedestrian circulation

- a. Clearly defined safe access must be provided from parking facilities, adjacent public rights of way and activity areas to building entrances.
- b. Parking lots must have walkways minimum five feet in width.

- c. Walkways must be lighted and must connect parking areas with building entrances. Walkways must be differentiated by means of landscaping, alternative paving materials or change in grade.
- d. Walkways adjacent to parking spaces must be 5 feet wide with separation by curbing, bollards, bumper blocks, elevation 4 inches high, or landscaping.
- e. Walkways that cross drive aisles must be defined by stripes, contrasting pavement materials, elevated pavement or combination.
- f. Walkways shall not pass behind a row of parking spaces.
- g. All developments must provide for future pedestrian circulation connecting parking lots or alleys, by hard surface walkways or similar.

5. Street wall requirement

- a. Any side yard parking areas shall have a street wall along the lot frontage, minimum height of 4 feet and a maximum height of 6 feet, with a required rail or fence to be anodized aluminum or steel.
- b. Street wall heights are measured relative to the adjacent sidewalk or to the ground elevation when not fronting a sidewalk.
- c. Street walls may be set back (or forward) not more than 8 inches from the build to line or adjacent building façade.
- d. A vehicle entry gate (opaque, maximum 18 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both allowed within any required street wall length.

6. Landscaping

- a. See Section 10.5 of this Ordinance.

7. Bicycle parking

- a. For non-single-family residential uses, two bicycle parking spaces are required plus one additional space per 25,000 square feet GFA (Gross Floor Area) of building area.
- b. The parking spaces must be a minimum of 2 feet from a parallel wall and 2.5 feet from a perpendicular wall (See Figure 16).
- c. If located on or next to a sidewalk, a minimum of 5 feet of clear sidewalk must remain when bicycles are parked at the device.
- d. If the device is installed at a transit stop, its location cannot impede transit boarding.



Figure 16: Bicycle parking stalls

- e. If the installation is near a curb cut on a street with motor vehicle parking, at least three feet of space must remain between a bicycle parked at the rack and the curb.
 - f. Whenever the device will be placed in the public right-of-way, the appropriate jurisdiction must approve the locations.
8. Loading/Unloading areas
- a. Shall be screened with same materials as main building so as not to be visible front adjacent public streets and residential uses.
 - b. Front loading docks are not permitted.

L. STREETSCAPE STANDARDS

1. Street trees
- a. Street trees shall be required. The minimum planting strip for street trees shall be four (4) feet, with plant material of one of the following:
 - (1) 1 tree every 60 feet on center (maximum) from List A (shade trees)*
 - (2) 1 tree every 60 feet on center (maximum) from List F (street trees)*
 - (3) 1 tree every 60 feet on center (maximum) from List B (flowering and non-flowering trees)*
- *Plant lists can be found in the “Planting Manual and Landscape Regulation Guidelines” within the text of this zoning ordinance.
- b. Facades with customer entrance or visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses: One tree planted within 15 feet of the building, for each 50 ft of façade length.
 - c. Streetscape elements such as brick pavers, benches, waste bins, planters, and window boxes are encouraged and should be coordinated with the Legislative Body to ensure compatibility (see Figure 17).



Figure 17: Streetscape elements

2. Verge/Planting Strips

- a. Along state-owned rights of way, a minimum verge strip of 10 feet shall be maintained with planting types that meet the requirements of the existing landscape regulations. This may be located within the right-of-way per the approval of an encroachment permit from the Kentucky Transportation Cabinet.
- b. Clustering of trees may be permitted as long as the same numbers of trees are planted. Trees must be spaced properly to accommodate tree size at maturity.
- c. All landscaping must be set back a minimum of 3 feet from the edge of pavement or per the approval of Kentucky Transportation Cabinet encroachment permit, whichever is greater.

3. Utility Installation

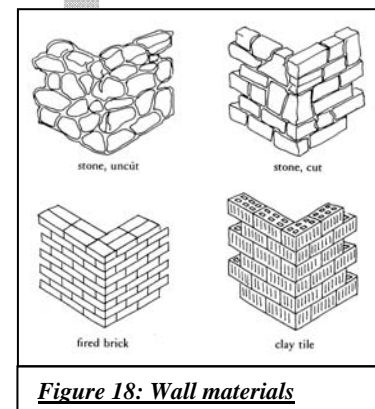
- a. All utilities shall be underground.

M. ARCHITECTURAL STANDARDS

1. Standards for building walls - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.

- a. Materials - The following materials are permitted (See Figure 18):

- (1) Brick and tile masonry
- (2) Stucco (cementitious finish)
- (3) Native stone (or synthetic equivalent)
- (4) Pre-cast masonry (for trim and cornice elements only)
- (5) Gypsum reinforced fiber concrete (GFRC – for trim elements only)
- (6) Exterior Insulation Finish System fascias, with moderate finish texture



- b. Configurations and Techniques

- (1) Walls
 - (a) Wall openings shall be taller than they are wide except as otherwise permitted for atriums and arcades.
 - (b) Wall openings shall not span vertically more than one story except as otherwise permitted for atriums and arcades.
 - (c) Wall materials shall be consistent horizontally (i.e. joints between different materials must be horizontal and

continue around corners) except for towers, chimneys and piers.

c. Stucco (cementitious finish)

- (1) Smooth or sand finish only, no “cake icing” finish.

2. Standards for roofs and parapets - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.

a. Materials: The following materials are permitted:

- (1) Clay or concrete (faux clay)
- (2) Tile (barrel or flat roman)
- (3) Slate (Equivalent synthetic or better)
- (4) Metal (Standing seam 5-v crimp, equivalent or better)
- (5) Shingle

b. Only the following configurations and techniques are permitted (See Figure 19 and 20):

(1) Roof shapes

- (a) Side gabled
- (b) Front gabled
- (c) Cross gabled
- (d) Simple hipped
- (e) Pyramidal hipped
- (f) Cross hipped
- (g) Gable-on-hipped
- (h) Flat with parapet

(2) Pitched roofs (exclusive of roofs behind parapet walls):

- (a) The primary ridge beam shall run parallel to the street.
- (b) Simple hip and gable roofs shall be symmetrically pitched between 25 and 50 percent.
- (c) Mechanical equipment must be screened from view from the ground from all public use areas, adjacent to the site in question.
- (d) Sloping roofs with a vertical rise that exceeds one-half the average height of supporting walls as measured along each facade are not permitted.

(3) Overhang (See Figure 21)

- (a) Eaves must overhang at least 24 inches on primary structures.
- (b) Rakes (gable end) must overhang at least 18 inches.
- (c) Balconies must be minimum of four (4) feet of platform and be accessible from the interior.

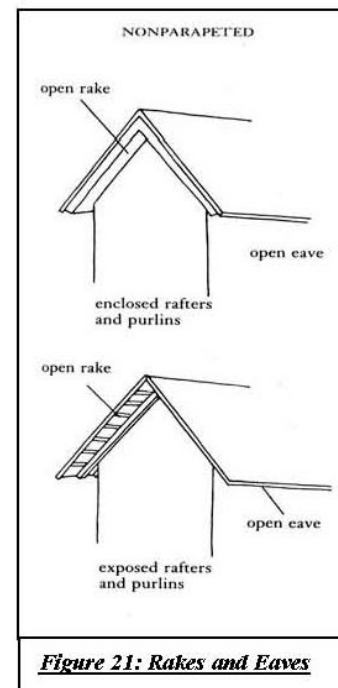
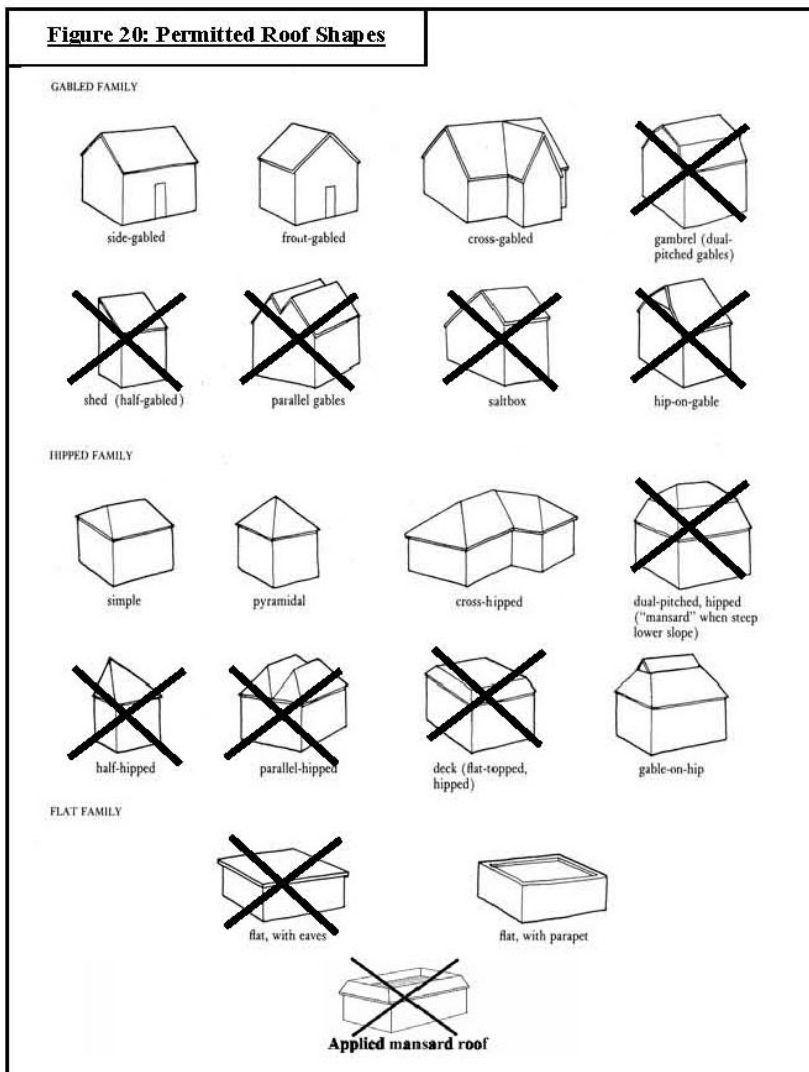
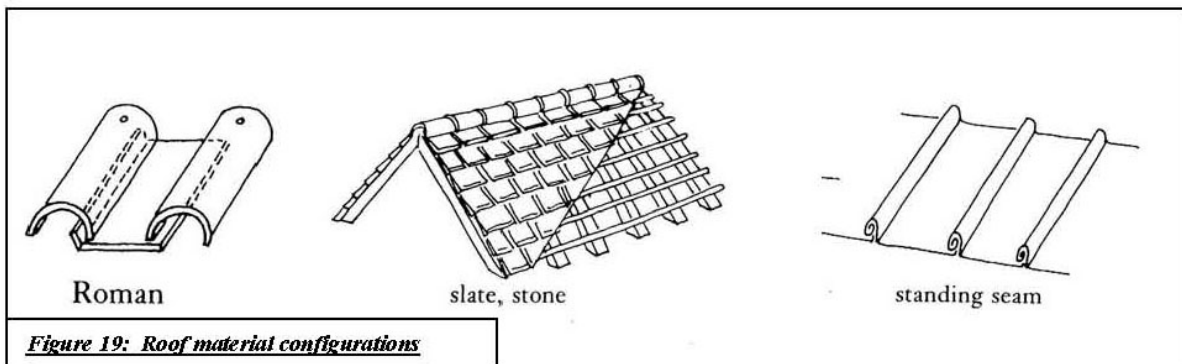
c. Parapet Roofs and Other Features (See Figure 22)

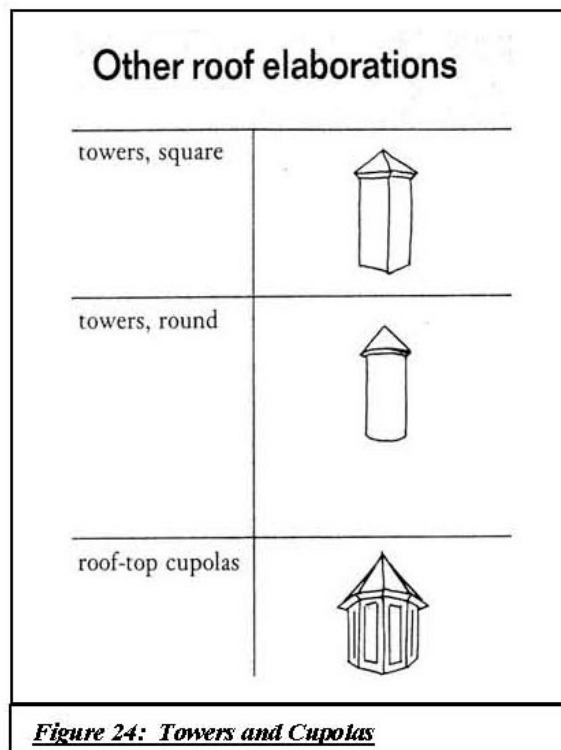
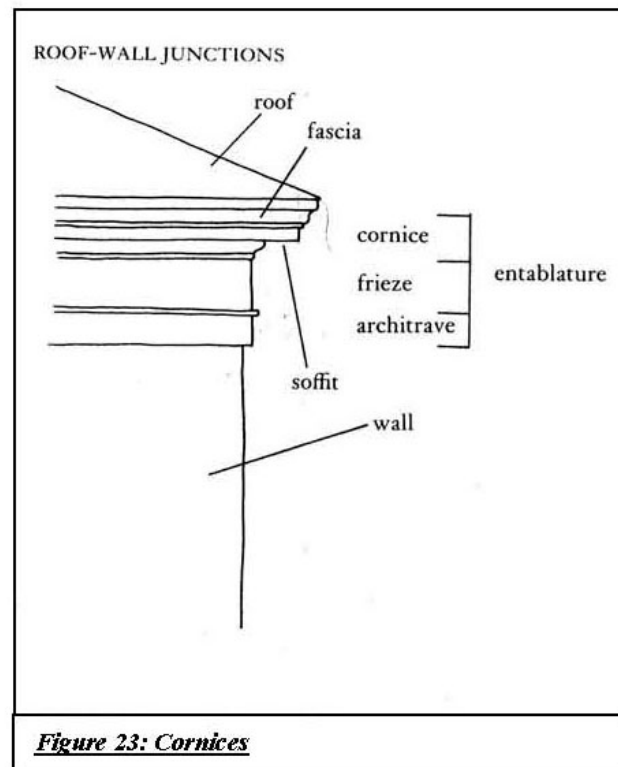
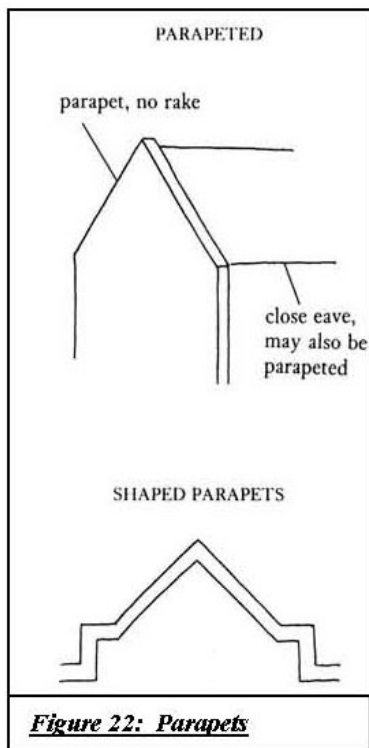
- (1) Parapets, towers, or cornices (See Figure 23 and 24), both incorporating a peaked or a flat-faced elevation shall be incorporated into each building design in the development.
- (2) Parapet walls sufficiently high enough to screen rooftop mechanical from viewing shall conceal roofs of building structures that are generally flat.
- (3) Parapet height shall be measured at the top of the Parapet, including any coping. An additional 3 feet in height by 12 feet in width (or 15 percent of the façade, whichever is greater) is permitted for a section of the Parapet emphasizing the building's main street entry or a corner. Any other variations regarding building heights must receive a variance.
- (4) Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet.

3. Standards for Windows and Doors - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses. (Exceptions include religious buildings.)

a. Materials: The following materials are permitted.

- (1) Windows of anodized aluminum, wood, clad wood, vinyl, or steel
- (2) Window glass must be clear, with light transmission at the ground story at least 90%, and at least 75% for the upper stories
- (3) Specialty windows may utilize stained or opalescent glass
- (4) Window screens shall be black or gray
- (5) Screen frames shall match window frame material or dark anodized
- (6) Doors of wood, clad wood, or metal

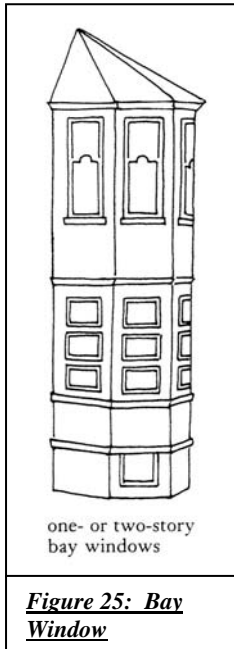




b. Configurations and Techniques

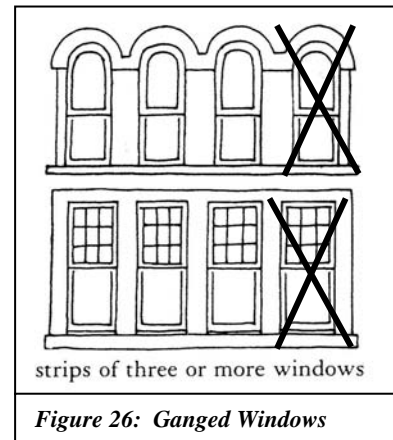
(1) The following requirements apply to all windows:

- (a) Openings for windows, windowpanes, and doors shall be taller than they are wide. Transom windows are not included in the measurements of this requirement.
- (b) Windows may be ganged horizontally (maximum 3 per group) if subdivided by a mullion, column, pier or wall section that is at least 7 inches wide.
- (c) Windows shall be no closer than 30 inches to building corners, excluding bay windows and where the building corner is also a block corner.
- (d) Bay windows shall have a minimum interior clear width at main wall of 4 feet; projection not greater than 36 inches beyond the build to line; walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary wall from which they project. Bay windows may not project into any adjacent right-of way or property line (see Figure 25).
- (e) Exterior shutters shall be sized and mounted appropriately for the window (1/2 the width), even if inoperable.



(2) The following requirements apply to all upper-story windows:

- (a) Windows shall be double-hung, single-hung, awning, or casement windows.
- (b) Fixed windows are permitted.
- (c) Egress windows may be installed according to the appropriate building code.



(3) Shopfront (ground floor) windows and doors:

- (a) Single panes of glass not larger than 8 feet in height by 4 feet wide.
- (b) Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the air conditioned space) and shall allow a minimum 50 percent of surface view into the building for a depth of at least 20 feet.

(4) Doors

- (a) Double-height entryways (those that span more than one story) are not allowed.
- (b) Entryways may be set at a 45-degree (45°) angle to the door and shall have a clear view of the interior as shown in Figure 27.



Figure 27: Recessed doorway with view into building

N. STREET WALL STANDARDS

1. Materials

- a. Native stone (carved with local and traditional techniques) and equivalent imitation stone
- b. Metal – Wrought iron, welded steel and/or aluminum (black) (chain link fence is not permitted).
- c. Brick
- d. Stucco on concrete block (or poured) only with brick or stone coping.
- e. A combination of materials; i.e. stone piers with brick infill panels.

2. Configurations and Techniques

- a. Stucco Street Walls shall have a hardy species of climbing vine planted along them.
- b. Metal work may additionally be treated to imitate a copper patina.
- c. All Street Wall facades shall be as carefully designed as the building façade, with the finished side out, i.e. the “better” side facing the street.

O. RETAINING WALL STANDARDS

1. Materials: When retaining walls are used, the following materials may be used:

- a. Native stone and equivalent cultured/imitation stone (carved with local and traditional techniques)
- b. Brick

2. Configurations

- a. Walls not designed and approved by a registered professional engineer may not exceed four (4) feet in height. Walls greater than six (6) feet in height must be screened in a planting bed of not less than 10 feet in width,

parallel to the exposed side of the retaining wall, with one of the following:

- (1) 1 tree per 35 linear feet, or fraction thereof, from List A (shade trees), plus double row hedge from List E (evergreen/broadleaf shrubs)*
- (2) 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)*

* Plant lists can be found in the Planting Manual and Landscape Regulation Guidelines within the text of this zoning ordinance.

- b. A series of smaller retaining walls is preferable to one large wall, provided that the series of walls can be built without excessive removal of vegetation during construction, and must be re-vegetated.

P. COLORS

1. Building Wall Colors

- a. Colors chosen for the building facades shall be of the same color palette/shade regardless of whether the structure is used as single or multi tenant space.
- b. Colors chosen for the building exteriors shall be taken from an earth tone color palette or substitute as acceptable by the Legislative Body. Colors may allow for national identity, with approval from the Legislative Body.
- c. Brick shall approximate the color of bricks made from regional clays.
- d. Primary colors shall not be used for building walls unless they are a muted tone.
- e. Neon colors are not allowed.

Commentary: Schemes with building walls of more than one color are discouraged except where materials are different, such as when a decorative stucco door surround is used. Where different wall materials allow two-tone schemes, similar colors and tones are recommended.

2. Roof Colors

- a. Natural colors or substitute as acceptable by the Legislative Body.

3. Trim Colors

- a. For windows, soffits, cornices, moldings, etc.: whites or dark saturated cool colors (greens, blues), bronze or substitute as acceptable by the

Legislative Body. Aluminum windows, screen frames, etc. shall be bronze anodized.

- b. Schemes may have no more than two trim colors.
- c. Entry doors are permitted a greater color latitude, subject to approval by the Legislative Body.
- d. Brick and stone shall be left their natural color.

Q. ACCESSORY STRUCTURES

- 1. Accessory structures shall have the same architectural detail, elements, materials and roof design as the principal structure.
- 2. Size, placement and screening of accessory structures:
 - a. Storage areas, refuse areas, mechanical equipment, and gas pumps with associated canopies, shall not be visible from the street.
 - b. Use of wing walls and other similar structures is required.
- 3. Drive through windows
 - a. Drive through, drive up, or drive in windows are not permitted.
- 4. Automated teller machines (ATMs)
 - a. ATMs are permitted only if incorporated into the primary building.
 - b. ATMs shall not be accessible via drive aisles or drive-thrus, must be walk up only.

R. LIGHTING STANDARDS

- 1. Plan Requirements
 - a. A lighting plan shall be submitted for review including details of, but not limited to, the number and location of all luminaries, height of poles, intensity, lighting patterns and details of lighting fixtures.
 - b. All lighting fixtures/poles shall be black tapered poles.
- 2. Specifications
 - a. No flashing, traveling, animated, neon or intermittent lighting shall be permitted whether such lighting is for temporary or for long-term duration. No fluorescent lights (except compact fluorescent bulbs that screw into standard sockets) may be used on the exterior of buildings.
 - b. Floodlights or directional lights (max. 75-watt bulbs) may be used to illuminate parking garages and maintenance areas, but must be shielded or

aimed away from the property line. Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting) or parking areas.

- c. All luminaries designed for entryways and decorative purposes on nonresidential and multifamily residential buildings and structures that exceed 2,000 lumens shall have fixtures that cut off light from direct view.

3. Street Lighting

a. Lighting along State Route 17



**Figure 28: Pendant mount
teardrop type lighting fixture**

- (1) Street lighting standards shall meet the IES (Illuminating Engineering Society of North America) illumination recommendations for Roadway Lighting by providing a uniformity ratio of 3:1 along arterial roadways, 4:1 along collector roadways and 6:1 along local roadways. The height and spacing of the lighting fixtures shall be designed to achieve the uniformity ratio specified in the IES standards.
- (2) All fixtures along State Route 17 in the district shall be of the Holophane (A company that manufactures and supplies lighting products), “revitalization series”. The fixture shall be black in color, be fitted with a high renaissance base type and a pendant mount teardrop type lighting fixture (see Figure 28).
- (3) No cobra or shoebox type lighting fixtures shall be permitted.
- (4) The fixtures shall be installed within the median.

b. Lighting interior streets/driveways within development

- (1) All lighting fixtures shall be fitted with metal halide or high-pressure sodium “Acorn” full cut-off or cut-off type luminaire.
- (2) The maximum permitted height of lighting fixtures shall be 12 feet.
- (3) The fixtures shall be located in the verge strip area between the sidewalk and the street.
- (4) When lighting fixtures are placed along mixed-use buildings with residential uses on top floors an attempt shall be made to place the fixtures in areas without fenestrations.

4. Lighting for Off Street Parking

- a. The limits of minimum illumination in the parking areas shall in no case be less than 0.2-foot candles, unless otherwise required by the Legislative Body where pedestrian security and site entrance issues arise.
- b. The following requirements for minimum and maximum illumination apply:

Table 5: Minimum and Maximum Illumination

Primary Use*	Maximum permitted illumination at property line (in foot candles)	Maximum permitted height of luminaries (in feet)	Minimum Maintained illumination at site (in foot candles)
Commercial	0.5 (0.2 where adjacent to residential areas)	20	0.2
Residential	0.2	12	-

* If the use is 60% or greater on the site.

- c. All outdoor lighting shall be reduced by 25% during non-operating hours in mixed-use areas.
- d. All luminaries utilized shall be designed to have full cutoff or cutoff type fixtures to shield light from the direct view of an observer at ground level at the property line.
- e. All lighting must be located on poles or at ground level and must be directed toward the property interior.

5. Lighting for Pedestrian Walkways/Bikeways

- a. Pedestrian walkways/bike lanes adjacent to roadways shall maintain a minimum average illuminance level based on the primary use (See Table 7).
- b. Pedestrian walkways and bikeways away from roadways shall be lit and shall maintain an average illuminance level no less than 0.5 foot-candles.
- c. The maximum lighting levels in any pedestrian area (excluding building entrances) shall not exceed a maintained level of 3 foot-candles.

Table 6: Average Illuminance

Primary Use	Minimum Average Illuminance Level In foot candle
Commercial	1
Mixed Use	0.5
Residential	0.2

- d. The uniformity ratio shall not exceed 4:1 except where increased pedestrian security is desired in which case the uniformity ratio shall not exceed 5:1.
- e. Luminaries shall have a low brightness with an internal shield and prismatic refractor such as a 50-watt metal halide lamp with Aromat electronic ballast or a 55-watt induction lamp. Their aesthetic character shall be appropriate for the surrounding buildings and landscape, as approved by the plan.

f. Civic greens, squares and pedestrian walkways shall include luminaries of a particular “period” or architectural style (except when adjacent to residential buildings) such that:

- (1) If the fixtures are not cut off luminaries, the maximum output shall not be more than 2,000 lumens (60 watts incandescent).
- (2) Maximum pole height of luminaires shall not exceed 12 feet.

g. Decorative bollard lighting may be used in place of pole-mounted fixtures to direct light towards walkways/bikeways within public open space or civic areas. The height of decorative bollards shall not exceed 4 feet.

6. Lighting For Recreational Fields

- a. All luminaries must have a cut off angle less than 90 degrees and shall be turned off when not in use.
- b. No illumination for the purposes of sports activity shall be permitted after 11:00 p.m. unless already in progress prior to 9:00 p.m, or otherwise approved by the Legislative Body.
- c. Luminaire specifications shall be determined based on the class of play for the athletic field in question based on the IESNA RP-6-01 (Recommended Practice for Sports and Recreational Area Lighting).

7. Lighting For Gas Stations

- a. Outdoor sales and gas station canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- b. The minimum average minimum illuminance levels for Exterior Service Canopies listed in Table 8 shall be maintained to meet the values set forth in IESNA RP-33-99, Table 8: Service Station or Gas Pump Area Average Illuminance Levels.
- c. The total under canopy initial bare lamp lumens used for illuminating Exterior Service Canopies shall have a maximum output limit not to exceed 25 lumens per square foot of canopy area. Lighting limit shall include all canopy-mounted luminaires, as well as any signage or illuminated panels below the canopy.

Table 7: Minimum Average Illuminance

Service Station Component	Minimum Average Illuminance (in footcandles)
Approach	2.0
Driveway	2.0
Pump Island Area	10.0
Building Façade	3.0
Service Areas	3.0
Landscape Highlights	2.0

S. SIGNAGE STANDARDS

1. Article XIII of this zoning ordinance applies with the following additional regulations:
 - a. Façade signs are permitted only within the area between the first story and the second story, but no higher than 25 feet, and no lower than 10 feet above the adjacent grade.
 - b. Non-illuminated names of buildings, dates of erection, monument statues, tablets when carved into stone, concrete, metal, or any other permanent type of construction and integral part of an allowed structure are permitted, not larger than five (5) square feet in size.
 - c. Pole signs and cabinet type façade signs are not permitted.
 - d. Flashing, traveling, animated or intermittent lighting are not permitted.
 - e. No illuminated signage is permitted which would glare into residential units within multi-use structures.
 - f. Pedestrian-oriented signs
 - (1) Pedestrian oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign, as they stand adjacent to the business (see Figure 29).
 - (2) One (1) pedestrian-oriented sign is permitted per business for facades facing the public street and the required riparian buffer area, if applicable.
 - (3) Signs of this type shall be erected on or attached to and not parallel to a building.
 - (4) Signs must not be placed lower than ten (10) foot above grade.



Figure 29: Pedestrian-oriented signs.

- (5) Signs must not exceed four (4) square feet in size and not extend beyond the building wall more than twenty-four (24) inches.

2. Finish Materials

- a. All exterior materials will be of high quality, durable, and easy to maintain, and provide for longevity of use. Permitted finish materials include:
- b. Masonry
- c. Wood; painted, stained or natural
- d. Metal
- e. Plastic, when used for individual letters and symbols only

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