

ARTICLE VIII

OVERLAY ZONES

SECTION 8.0 GENERAL

1. Overlay zones are tools for dealing with special situations or for accomplishing special planning and zoning goals. As the name implies, overlay zones are overlaid on base zone classifications to alter some or all of the underlying zone regulations. Overlay zones are shown on the official zoning map in parentheses following the base zone map symbol. Thus, an R-1C zoned parcel that is included in the Urban Commercial Corridor Overlay Zone would be shown on the zoning map as R-1C (UCC).
2. Overlay zone regulations apply in combination with underlying base zone regulations and all other applicable standards of this zoning ordinance. When overlay zone standards conflict with standards that otherwise apply in the underlying base zone, the regulations of the overlay zone always govern. All applicable regulations of the underlying base zone apply to property in an overlay zone unless otherwise expressly indicated.

SECTION 8.1 MHP (MANUFACTURED HOME PARK) OVERLAY ZONE

- A. **PURPOSE:** The purpose of the Manufactured Home Park (MHP) Zone are to: provide a means whereby manufactured homes may be constructed in the Residential (R) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more useable and suitably located recreation facilities and open space that would otherwise be provided under conventional residential land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Manufactured Home Park (MHP) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MHP Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the MHP application.
- C. **APPLICATION AND PROCESSING:** Applications for the MHP Overlay Zone shall be processed as follows:
 1. Stage I Development Plan - Except as provided for in Section 14.5 of this ordinance, applications for a map amendment to zone an area MHP shall be accompanied by a development plan, as regulated by Section 14.5, A., of this

ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection P., below. If an area, however, is currently zoned MHP, the submission of the Stage I Development Plan, for review by the planning commission and legislative body, shall not be required until the area is proposed to be developed. Development shall include the demolition, erection, physical expansion, change of use, or outside remodeling 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 application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MHP Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. 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 receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said MHP application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to 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 C., 1., a., above. Approval of the MHP Overlay Zone shall require that development be in conformance with the approved Stage I Development Plan.

The legislative body shall forward a copy of the approved Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing in accordance with the requirement for Stage II Plan and record plat.

Upon approval of the MHP Overlay Zone, the official zoning map shall be amended by adding the suffix "MHP" to the residential zone (e.g., R-1B (MHP), R-1C (MHP), etc.)

2. Stage II Development Plan - A Stage II Development Plan 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, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Stage I Development Plan. 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), or 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.

D. PERMITTED USES AND DENSITIES:

Residential Use Group - Household Living

1. Manufactured home

Public and Civic Use Group

1. Recreation and open space
 - a. High intensity
 - b. Low intensity

The density of dwelling units in a MHP shall be determined by the density (dwelling units per net acre) as calculated from the residential (R) zone superimposed by the MHP Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).

E. OTHER PERMITTED USES: The following structures and uses related to and for the exclusive use of the residents of the MHP (excluding, however, any commercial uses), are also permitted:

1. Community centers

2. Laundry facilities
 3. Rental or sales offices for lots and/or mobile homes in the Manufactured Home Park;
- F. **ACCESSORY USES:** Accessory uses shall be as specified within the zone being overlaid.
- G. **CONDITIONAL USES:** Conditional uses, including customary accessory structures and uses, shall be as specified within the zone being overlaid, subject to the approval of the Board of Adjustment, as set forth in Article XIV of this ordinance.
- H. **AREA REQUIREMENTS:**
1. No MHP Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned MHP, provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned RCD.
 2. The minimum area for submission of a Stage I Development Plan, within an existing MHP Zone, shall not be less than three (3) acres. However, a Stage I Development Plan may be submitted for an area less than five (5) acres, provided it is consistent with an officially adopted Neighborhood Concept Plan for the area in question, and said Stage I Development Plan is in agreement with all other requirements of the MHP Zone.
- I. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- J. **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 Article XI of this ordinance.
- K. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- L. **NATURAL RESOURCE PROTECTION REGULATIONS:** Natural resource protection regulations shall be planned and applied in accordance with Article XII of this ordinance.
- M. **COMMON OPEN SPACE/RECREATION AREA:** At least twenty (20) percent of the total acreage of the proposed MHP shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all the MHP. Common open space/recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, single-family residential lots, and access drives.

- N. SCREENING: Shall be as approved in the plan.
- O. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Kenton County Comprehensive Plan and where applicable, any officially adopted Neighborhood Concept Plan by the planning commission or legislative body, or other adopted plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the MHP Zone.
 3. 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 (based on topography, natural features, streets, relationship to adjacent uses, etc.).
 4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 5. Extent to which the proposed design, as indicated on the Stage I Development Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent land uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
 6. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 7. 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
 8. Extent to which all necessary public utilities and facilities are available to service the 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.

- P. **AMENDMENTS:** Any amendments to plans, except for those 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 C., subject to the same limitations and requirements as those under which such plans were originally approved.
- Q. **UTILITIES:** All utilities in a MHP shall be underground.
- R. **EXPIRATION:** Development Plans within the MHP Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said MHP Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Development Plan has not been approved by the planning commission, or its duly authorized representative, within a period of twenty-four (24) consecutive months from the date of the approved Stage I Development Plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their 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.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the of approval of the Stage II Development Plan by the planning commission, or its duly authorized representative, provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that construction was delayed due to circumstances beyond the applicants control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II Development Plan.