

ARTICLE X

ZONES

SECTION 10.0 R-RE RESIDENTIAL RURAL ESTATE ZONE

- A. PURPOSE: This zone is established to provide a residential environment to be used as a transition between urban and non-urban areas.
- B. PERMITTED USES
1. Single-family residential dwellings (detached)
 2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance
- C. ACCESSORY USES
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Home occupations, as regulated by Section 9.9 of this ordinance
 4. Signs, as regulated by Article XIV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Governmental buildings
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 8. Libraries
 9. Nursery school
 10. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 11. Parochial, private, and public schools, providing they are located adjacent to an arterial street

12. Professional offices within a structure: (a) which is at least one hundred fifty (150) years old; and (b) is recognized as a Kentucky Landmark by the Kentucky Heritage Council, and providing the site is adjacent to an arterial or collector street.

E. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND 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 Width - Seventy-five (75) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any conditionally permitted use in this zone abuts property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.15 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.1 R-1C RESIDENTIAL ONE-C ZONE

- A. **PURPOSE:** This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. **PERMITTED USES**
1. Single-family residential dwellings (detached)
 2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Home occupations, as regulated by Section 9.9 of this ordinance
- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Governmental buildings
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 8. Libraries
 9. Nursery school
 10. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 11. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - Twelve thousand five hundred (12,500) square feet
 2. Minimum Lot Width At Building Setback Line - Eighty (80) feet
 3. Minimum Front Yard Depth - Thirty (30) feet

4. Minimum Side Yard Width - Ten (10) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building Setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths - Fifty (50) feet
4. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.2 R-1D RESIDENTIAL ONE-D ZONE

- A. **PURPOSE:** This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. **PERMITTED USES**
1. Single-family residential dwellings (detached)
 2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Home occupations, as regulated by Section 9.9 of this ordinance
- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Governmental buildings
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 8. Libraries
 9. Nursery school
 10. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 11. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - Nine thousand (9,000) feet
 2. Minimum Lot Width At Building Setback Line - Seventy (70) feet
 3. Minimum Front Yard Depth - Thirty (30) feet

4. Minimum Side Yard Width - Ten (10) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building Setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths - Fifty (50) feet
4. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.3 R-1DD RESIDENTIAL ONE-DD ZONE

- A. **PURPOSE:** This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. **PERMITTED USES**
1. Single-family residential dwellings (detached)
 2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Home occupations, as regulated by Section 9.9 of this ordinance
- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Governmental buildings
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 8. Libraries
 9. Nursery school
 10. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 11. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - Nine thousand (9,000) square feet
 2. Minimum Lot Width At Building Setback Line -Seventy (70) feet
 3. Minimum Front Yard Depth - Thirty (30) feet

4. Minimum Side Yard Width - No less than five (5) feet on one side - Total of fifteen (15) both sides
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot Width At Building setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths - Fifty (50) feet
4. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.4 R-1F RESIDENTIAL ONE-F ZONE

- A. **PURPOSE:** This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. **PERMITTED USES**
1. Single family residential dwellings (detached)
 2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Home occupations, as regulated by Section 9.9 of this ordinance
- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Governmental buildings
 6. Institutions for higher education, providing they are located adjacent to an arterial street
 7. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 8. Libraries
 9. Nursery school
 10. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 11. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - Six thousand (6,000) square feet
 2. Minimum Lot Width At Building Setback Line - Fifty (50) feet
 3. Minimum Front Yard Depth - Twenty-five (25) feet

4. Minimum Side Yard Width - Five (5) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Thirty-five (35) feet

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building Setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths - Fifty (50) feet
4. Maximum Building Height - Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.5 R-2 RESIDENTIAL TWO ZONE

- A. **PURPOSE:** This zone is established to provide a planned and coordinated residential environment of attached dwelling units whose densities are typical of an urban character.
- B. **PERMITTED USES**
1. Single-family residential dwellings (attached)
 2. Two-family residential dwellings
 3. Multi-family residential dwellings
- C. **ACCESSORY USES**
1. Customary accessory structures or uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
- D. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses, subject to the approval by the Board of Adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Funeral homes, providing they are located adjacent to an arterial street
 6. Governmental buildings
 7. Institutions for higher education, providing they are located adjacent to an arterial street
 8. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 9. Libraries
 10. Nursery school
 11. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 12. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - One-half (1/2) acre
 2. Minimum Lot Width At Building Setback Line - One hundred (100) feet

3. Minimum Front Yard Depth - Forty (40) feet
4. Minimum Side Yard Width - Fifteen (15) feet
5. Minimum Rear Yard Depth - Thirty (30) feet
6. Maximum Building Height - Forty (40) feet
7. Maximum Density - Eight (8) dwelling units per net acre
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths - Fifty (50) feet
4. Maximum Building Height - Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.6 R-3 RESIDENTIAL THREE ZONE

- A. **PURPOSE:** This zone is established to provide a planned and coordinated residential environment of multiple dwelling units whose densities are typical of an urban character.
- B. **PERMITTED USES**
1. Multi-family residential dwellings
- C. **ACCESSORY USES**
1. Customary accessory structures or uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance.
- D. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval by the Board of Adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
1. Cemeteries
 2. Child care centers
 3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
 4. Fire and police stations, providing they are located adjacent to an arterial street
 5. Funeral homes, providing they are located adjacent to an arterial street
 6. Governmental offices
 7. Institutions for higher education, providing they are located adjacent to an arterial street
 8. Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
 9. Libraries
 10. Nursery schools
 11. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 12. Parochial, private, and public schools, providing they are located adjacent to an arterial street
- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**
1. Minimum Lot Area - Twenty thousand (20,000) square feet
 2. Minimum Lot Width At Building Setback Line - One hundred (100) feet
 3. Minimum Front Yard Depth - Forty (40) feet
 4. Minimum Side Yard Width - Fifteen (15) feet

5. Minimum Rear Yard Depth - Thirty (30) feet
6. Maximum Building Height- Forty (40) feet
7. Maximum Density - Fourteen (14) dwelling units per net acre
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building Setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yard Depths -Fifty (50) feet
4. Maximum Building Height - Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.7 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between the location and types of uses and structures; promote the advantages of modern 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 a harmonious fashion; provide for more usable and suitably located recreation facilities, and other 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. **GENERAL:** A Planned Unit Development (PUD) 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 PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for Planned Unit Development Overlay zone shall be processed as follows:
1. Stage I -- Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area PUD shall be accompanied by a development plan, as regulated by Section 9.18, 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 PUD, the submission of the Stage I Development Plan, for review by the planning commission and the 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 PUD 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 PUD 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 PUD 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 Development Plan and Record Plat.

Upon approval of the PUD Overlay Zone, the Official Zoning Map shall be amended by adding the prefix "PUD" to the residential zone (e.g., PUD-R-1B, PUD-R-1C, etc.).

2. Stage II -- Development Plan And Record Plat - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.18, 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 9.18 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 9.18, B. of this ordinance, other applicable elements of this ordinance and 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), 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.

- b. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.18 of this ordinance, the applicable requirements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.

Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the County Clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units may be permitted within a PUD Overlay Zone, including but not limited to, single-family, two-family, and multi-family residential units. The density of dwelling units in a PUD shall be determined by the density (dwelling units per net acre) as calculated from the residential (R) zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).
- E. **COMMERCIAL USES:** Commercial uses, intended primarily for the service and convenience of residents of the PUD, may be permitted within the project area, provided a market analysis is made justifying the need for said uses.

Commercial uses shall be grouped in complexes delineated on the Stage I Development Plan, and may include the following uses:

- 1. Bakery shop
- 2. Banks
- 3. Beauty or barber shops
- 4. Business or professional office

5. Clothing store
 6. Delicatessen
 7. Drug store
 8. Food store and supermarket
 9. Fruit and/or vegetable market
 10. Hardware stores
 11. Laundry/dry cleaning pick-up stations, or self-service facilities
 12. Restaurants
 13. Shoe repair shops
- F. ACCESSORY USES: Accessory uses shall be as specified within the zone being overlaid.
- G. CONDITIONAL USES: Conditional uses, including any 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 Sections 9.12 and 18.7 of this ordinance.
- H. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the Stage I Development Plan and may include the following:
1. Child care centers
 2. Churches
 3. Community centers
 4. Country clubs
 5. Fire or police stations
 6. Libraries
 7. Nursery school
 8. Open space/recreation areas
 9. Parochial, private, and public schools
- I. AREA REQUIREMENTS
1. No PUD Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned PUD, provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned PUD.
 2. The minimum area for submission of a Stage I Development Plan, within an existing PUD Zone, shall be not less than five (5) acres. However, a Stage I Development Plan may be submitted for an area of 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 PUD Zone.

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- J. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved on the Stage I Development Plan.
- K. 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 and XII of this ordinance.
- L. 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.
- M. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.
- N. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed PUD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the PUD. Common open space and recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, single-family residential lots, commercial areas, and access drives.
- O. SCREENING: Shall be as approved in the plan.
- P. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Cold Spring Comprehensive Plan and where applicable, any Officially adopted Neighborhood Concept Plan by the planning commission or the legislative body, or other adopted plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the PUD 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 of 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 in the Stage I Development Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with 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 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.
- Q. 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 C., subject to the same limitations and requirements as those under which such plans were originally approved.
- R. UTILITIES: All utilities in a PUD Overlay Zone shall be underground.
- S. EXPIRATION: Development plan within the PUD 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 PUD 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 date 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 its 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. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

SECTION 10.8 RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in any Residential 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 usable and suitably located recreation facilities and open space than 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 Residential Cluster Development (RCD) 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 RCD Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the RCD application.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows:
1. **Stage I -** Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area RCD shall be accompanied by a development plan, as regulated by Section 9.18, A., of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection O., below. If an area, however, is currently zoned RCD, the submission of the Stage I Development Plan, for review by the planning commission and the 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 RCD 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 RCD 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 RCD 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 requirements for Stage II Development Plan and Record Plat.

Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the residential zone (e.g., RCD-R-1B, RCD-R-1C, RCD-R-2, etc.).

2. Stage II -- Plan and Record Plat - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.18, B. and C. 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 9.18, B. and C. 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 9.18, 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.

- b. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.18, C. of this ordinance, the applicable requirements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.

Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** Attached and detached single-family residential dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the residential zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. **ACCESSORY USES:** Accessory uses shall be as specified within the zone being overlaid.
- F. **CONDITIONAL USES:** Conditional uses, including any 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 Sections 9.12 and 18.7 of this ordinance.
- G. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the Stage I Development Plan and may include the following:
 - 1. Child care centers
 - 2. Churches

3. Community centers
4. Country clubs
5. Fire or police stations
6. Libraries
7. Open space/recreation areas

H. AREA REQUIREMENTS

1. No RCD Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned RCD, 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 RCD Zone, shall be not less than three (3) acres. However, a Stage I Development Plan may be submitted for an area of 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 RCD 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 Articles XI and XII 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. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.
- M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed RCD 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 activities within the RCD. 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 Cold Spring Comprehensive Plan and where applicable, any officially adopted Neighborhood Concept Plan by the planning commission or the legislative body, or other adopted plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the RCD 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 of adjacent uses, etc.).
 4. Nature and extent of the proposed commercial types, proposed 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 in the Stage I Development Plan, is compatible with development contiguous to the site. Compatibility shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area; 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 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 the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
 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 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 C., subject to the same limitations and requirements as those under which such plans were originally approved.

- Q. UTILITIES: All utilities in a RCD shall be underground.
- R. EXPIRATION: Development plans within the RCD 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 RCD 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 date 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 its 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 I Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

SECTION 10.9 HC HIGHWAY COMMERCIAL ZONE

- A. **PURPOSE:** This zone is established to primarily provide for limited retail, service, and other uses which are oriented towards serving the needs of the traveling public or which require immediate access to the regional transportation system.
- B. **PERMITTED USES**
1. Automobile, motorcycle, and truck sales, new or used
 2. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
 3. Banks and other financial institutions, including savings, loan, and finance companies, with drive through facilities
 4. Boat and other marine equipment sales and service, new and used
 5. Bowling alleys
 6. Car wash
 7. Eating and drinking places, including drive-ins
 8. Hotels and motels
 9. Mobile home and trailer sales, rental and service (new and used)
 10. Off-street parking lots and garages
 11. Police and fire stations
 12. Skating rinks, golf driving ranges, miniature and par-3 golf courses
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Uses as listed below, included within and entered from within, any motel or hotel, as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building;
 - a. barber shops
 - b. beauty shops
 - c. news and confectionery stands
 - d. eating and drinking places
 5. Child care centers for the use of employees of the business operating and work at business located within this zone. The operator of the day care center shall maintain a log book referencing the employee and employer and child's name.

D. AREA AND HEIGHT REGULATIONS

1. Minimum Lot Area - Ten thousand (10,000) square feet
2. Minimum Lot Width At Building Setback Line - Seventy (70) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum Rear Yard Depth - Fifteen (15) feet
6. Maximum Building Height - Forty (40) feet
7. In the case of this zone, more than one principal structure, as herein defined, may be constructed on one lot

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
8. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any permitted use in this zone.

SECTION 10.10 NC NEIGHBORHOOD COMMERCIAL ZONE

- A. **PURPOSE:** This zone is established to provide individual and coordinated development of convenience retail, service, and other uses which are oriented towards serving the daily needs of area residents.
- B. **PERMITTED USES**
1. Apparel shop
 2. Art supplies
 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 4. Banks and other financial institutions, including savings, loan and finance companies
 5. Barber and beauty shop
 6. Book, stationery, or gift shop
 7. Camera and photographic supplies
 8. Candy store, soda fountain, ice cream store, excluding drive-ins
 9. Child care center
 10. Convenient food store, without gasoline pumps
 11. Delicatessen
 12. Drug store
 13. Dry cleaning and laundry pick-up station
 14. Eating and drinking places, excluding drive-ins
 15. Florist shop
 16. Garden supplies
 17. Glass, china, or pottery store
 18. Hardware store
 19. Hobby shop
 20. Interior decorating studio
 21. Jewelry store, including repair
 22. Library
 23. Locksmith shop
 24. Offices
 25. Off-street parking lots and/or garages
 26. Opticians and optical goods
 27. Paint and wallpaper store
 28. Pet shop, excluding boarding and outside runs
 29. Photocopy establishment
 30. Radio and television store (including repair)
 31. Shoe store and shoe repair
 32. Sporting goods
 33. Tailor shop
 34. Toy store
 35. Variety store, including notions and "five and ten" stores

36. Video tape sales and rental

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

D. AREA AND HEIGHT REGULATIONS

1. Minimum lot area - Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - No restrictions except when adjacent to a street, road, highway, or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Forty (40) feet
7. In the case of this zone, more than one principal structure, as defined herein, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any residential zone.
4. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas and the outdoor play areas of child care centers.
8. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.11 NSC NEIGHBORHOOD SHOPPING CENTER ZONE

A. **PURPOSE:** This zone is established to provide for convenience and comparative retail, service, and other uses, within a planned and coordinated development. Such a development should consist of at least three businesses.

B. **PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan and finance companies
5. Barber shops
6. Beauty shops
7. Book, stationery, or gift shop
8. Camera and photographic supplies
9. Candy store, soda fountain, ice cream store, excluding drive-ins
10. Child care centers
11. Delicatessen
12. Drug store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places, excluding drive-ins
15. Florist shop
16. Food store and supermarket
17. Furniture store
18. Garden supplies
19. Glass, china, or pottery store
20. Haberdashery
21. Hardware store
22. Health spas
23. Hobby shop
24. Household and electrical appliance store, including incidental repair
25. Interior decorating studio
26. Jewelry store, including repair
27. Laundromats and self-service washing and drying
28. Leather goods and luggage store
29. Library
30. Locksmith shop
31. Music, musical instruments and records store, including incidental repair
32. Offices
33. Off-street parking lots and/or garages
34. Opticians and optical goods
35. Package liquor and wine store

36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post offices
40. Radio and television stores, including repair
41. Shoe store and shoe repair
42. Sporting goods
43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy store
46. Variety store, including notions and "Five and Ten" stores

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XIII of this ordinance;
3. Signs, as regulated by Article XIV of this ordinance

D. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Sections 9.12 and 18.7 of this ordinance.

1. Self storage facility, including the outside storage of boats, recreational vehicles, and similar type equipment

E. AREA AND HEIGHT REGULATIONS

1. Minimum building site area - Five (5) acres
2. Maximum building site area - Ten (10) acres
3. Minimum lot area within minimum building site - One (1) acre
4. Minimum yard requirements - Fifty (50) feet for each front, side, and rear yards, except where the building site abuts an arterial street, as identified in the adopted Comprehensive Plan, then there shall be a minimum yard requirement of one hundred (100) feet
5. Maximum building height - Forty (40) feet
6. In the case of this zone more than one principal structure, as defined herein, may be constructed within the minimum building site area

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.

2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers and except as permitted by the Board of Adjustment as part of a self storage facility.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of:
 - a. off-street parking and loading and/or unloading areas
 - b. the outdoor play areas of child care centers
 - c. open air display area, subject to the following requirements:
 - (1) shall be located on the same lot as the primary permitted use
 - (2) no sales transactions shall be permitted
 - (3) such area shall be clearly identified on the development plan as "outside display area"
 - (4) shall be enclosed and/or surrounded by a building or group of buildings, be screened by a masonry wall or other screening material such as a fence, landscaping, or dense live plant material, or be completely located under a roof overhang. In all cases, a sufficient pedestrian walkway width shall be maintained
8. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration internal and external pedestrian and vehicular access and the functional relationship of uses within the shopping center.
9. To promote the continued use of commercial structures located adjacent to an arterial street in the NSC Zone on a lot of at least three (3) acres minimum, the existing structure(s) of a nonconforming commercial use shall be permitted to be enlarged for the continuation, but not any expansion of the current nonconforming use only. Any such enlargement shall strictly comply with all applicable planning and zoning or other regulations of the city; and shall only be permitted to meet any federal, state, or local health and/or safety rules, regulations, or guidelines.

SECTION 10.12 PO PROFESSIONAL OFFICE ZONE

- A. **PURPOSE:** This zone is established to provide for a low rise office environment accommodating individual office uses or small scale office developments.
- B. **PERMITTED USES**
1. Banks and other financial institutions, including loan, savings, and finance companies
 2. Clinics - animal, medical, dental, optical, chiropractic, physical therapy and massage therapy
 3. Offices
 4. Off-street parking lots and/or garages
 5. Police and fire stations
 6. Post offices
- C. **ACCESSORY USES**
1. Customary accessory structures and uses
 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
 4. Uses as listed below, included within and entered from within any office building as a convenience to the occupants thereof, their patients, clients, or customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
 - a. Barber shops
 - b. Beauty shops
 - c. Coffee shops or refreshment stands
 - d. Medical or dental laboratories
 - e. News and confectionery stands
 - f. Prescription pharmacies
 5. Child care centers for the use of employees of the business operating and work at the business located within this zone. The operator of the day care center shall maintain a log book referencing the employee and employer and Child's name
- D. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.12.

1. Farmer's market, provided they are located adjacent to an arterial street
2. Free standing churches, synagogues, temples and other places of religious assembly, and other buildings for the purpose of religious worship, provided they are adjacent to an arterial street

E. AREA AND HEIGHT REGULATIONS

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building Setback Line - One hundred (100) feet
3. Minimum front Yard depth - Thirty (30) feet
4. Minimum Side Yard Width - Fifteen (15) feet
5. Minimum Rear Yard Depth - Twenty-five (25) feet
6. Maximum Building Height - Forty (40) feet
7. In the case of this zone, more than one principal structure, as defined herein, may be constructed on one lot

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width At Building setback Line - One hundred fifty (150) feet
3. Minimum Front, Side, And Rear Yards - Fifty (50) feet
4. Maximum Building Height - Forty (40) feet or three (3) stories

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
5. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas, farmer's markets, and the outdoor play area of child care centers.

7. A school use may be permitted for grades kindergarten through 12th grade as an accessory use to the conditionally permitted use set forth in Subsection D., above.
8. A preschool program may be permitted as an accessory use to the conditionally permitted use set forth in Subsection D., above.
10. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any permitted use in this zone.

SECTION 10.13 SDA SPECIAL DEVELOPMENT AREA ZONE

- A. **PURPOSE:** The purposes of the Special Development Area (SDA) Zone are to: allow mixed land uses, within a planned and architecturally unified development, which will be compatible with the adjacent residential areas of the city; allow developments which will link the older residential areas of the city, city parks, the public library, schools, and municipal buildings, via pedestrian, bicycle, and vehicular access; create an area that is conducive to pedestrian and vehicular traffic movement; allow development at a small scale, with a town-like setting, which is pedestrian oriented; and provide for an area which supplements or serves adjacent areas without having an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Special Development Area (SDA) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area SDA shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Subsection C., herein, for the entire area under single ownership.
 2. When a site is proposed to be developed within an area which is currently zoned SDA, a Stage I Development Plan for the entire area under single ownership, as regulated by Subsection C., herein, 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 significant change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure. Development shall also not include the change of use within an existing structure where the change of use is between similar land use types (i.e. residential to residential, real estate office to insurance office, etc.) and where the change of use does not require building additions or additions in required off-street parking areas.
 - 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 Special Development Area (SDA) 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, within ninety (90) days after the completion of the public hearing, take action to approve, disapprove, or approve with conditions, the Stage I Development Plan.

3. Stage II - 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 Subsection D., herein, and submitted to the planning commission for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection D., herein, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Subsection D., herein, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Following review of the submitted Stage II Development Plan, the planning commission shall take action to approve, disapprove, or approve with conditions, the Stage II Development Plan. The planning commission, in approving the Stage II Development Plan, may authorize minor adjustments from the approved Stage I Development Plan, 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.
 - b. Upon planning commission approval of the Stage II Development Plan, 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. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information, where applicable:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project

- b. The present zoning of the subject property and all adjacent properties
- c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned
- d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet
- e. All existing and proposed housing units on the subject property:
 - (1) Detached housing - location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings
 - (2) Attached housing - location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable
- f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
- g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
- h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimension
- i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
- j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
- k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service

- l. Certification from appropriate water and sewer agencies that services will be available
- m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls
- n. Location of signs, indicating their orientation and approximate size and height
- o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems
- p. A schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit
 - (2) Streets, utilities, and other public facility improvements, in order of priority
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Non residential buildings and uses, in order of priority

The information required in items a through p, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

D. **STAGE II DEVELOPMENT PLAN REQUIREMENTS:** The Stage II Development Plan shall identify and provide the following information, where applicable:

- 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission
 - b. All housing units on the subject property:
 - (1) Detached housing - Location, arrangement and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings

- (2) Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions
- c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions
- d. All common open space areas, including identification of planting areas and the location and arrangement of all recreational facilities
- e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences
- f. Location of signs indicating their orientation and size and height
- g. All utility lines and easements:
 - (1) Water distribution system, including pipe sizes, width of easements, types of pipe, location of hydrants and valves, and other appurtenances
 - (2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces

- i. Circulation System:
 - (1) pedestrian walkways, including alignment, grades, type of surfacing and width
 - (2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections
- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
- k. The schedule of development staging and phasing in accordance with the requirement in Subsection B., 3., and as approved in the Stage I approved Development Plan

The information required in items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

E. PERMITTED USES

- 1. Offices For The Following Uses
 - a. Banks and other financial institutions, including savings, loan, and finance companies
 - b. General use or professional offices
 - c. Interior decorating studio
 - d. Studios for artists, designers, photographers, musicians, and sculptors including teaching of the fine arts and galleries for display of art items
 - e. Travel agency
- 2. Retail And Service Uses
 - a. Antique stores
 - b. Apparel shops
 - c. Art supplies
 - d. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - e. Barber and beauty shops
 - f. Bicycle shop

- g. Book, stationery, or gift shop
- h. Butcher shops
- i. Camera and photographic supplies
- j. Candy store, soda fountain, ice cream store, excluding drive-in facilities
- k. Carpet and flooring store
- l. Child day care center
- m. Computer store
- n. Delicatessen
- o. Drug store
- p. Dry cleaning store
- q. Eating and drinking places, excluding those with drive-through or drive-in facilities
- r. Fabric store
- s. Florist shop
- t. Furniture repair shop
- u. Glass or pottery shop
- v. Health and fitness facility
- w. Hobby shop
- x. Home improvement store, including sales and service
- y. Jewelry store
- z. Leather goods and luggage store
- aa. Locksmith shop
- ab. Music, musical instruments, and records, including incidental repair
- ac. Opticians and optical goods
- ad. Paint and wallpaper store
- ae. Photocopy establishment
- af. Printing establishment
- ag. Radio and television sales and service
- ah. Recreational facility
- ai. Shoe store and shoe repair
- aj. Sporting goods store
- ak. Tailor shop
- al. Video tape sales and rental
- am. Wine store

3. Public And Semi Public Uses

- a. Churches and other buildings for the purpose of religious worship.
- b. Fire stations
- c. Funeral home
- d. Police station
- e. Post office
- f. Public and parochial schools

4. Dwelling units

F. ACCESSORY USES

1. Customary accessory structures and uses.
2. Fences and/or walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.

G. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - One - half (1/2) acre
2. Minimum Lot Width At Building Setback Line - One hundred (100) feet
3. Maximum Impervious Surface Ratio - Seventy (70) percent
4. Maximum Building Height - Forty (40) feet
5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot

H. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, thirty (30) feet of which shall be maintained by a screening area, as regulated by Section 9.15 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading areas.

I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS: Off-street parking, and, when applicable, loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.

J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.

K. OTHER DEVELOPMENT CONTROLS

1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
2. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
3. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
4. No lighting shall be permitted which would unreasonably glare from any use located within this zone onto any street or into any adjacent property.

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5. All business activities permitted within this zone shall be conducted within a completely enclosed building, except for the following:
 - a. Off-street parking and loading and/or unloading areas
 - b. Outside play areas as part of child day care centers, churches, schools, and recreational facilities
 - c. Accessory seating area for eating establishments
 6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 7. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
 8. Flat and mansard roof construction shall not be permitted. All roofs shall have a minimum pitch of 3:12 (a 3 foot rise for every 12 feet of its base horizontal length).
 9. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 10. Sidewalks shall be required when any new development occurs.
 11. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
 12. Residential uses shall be developed either as detached single-family, attached single-family, or located on a floor other than the ground floor.
- L. CRITERIA: Evaluation of the proposed Special Development Area (SDA) Zone and/or development plan shall be based upon the following criteria:
1. Design
 - a. Agreement with the various elements of the Cold Spring Comprehensive Plan, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the Special Development Area (SDA) 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 and adjacent buildings.
- 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 orientation of buildings to provide access through rear entrances is encouraged.
- l. The relationship of width to height of new structures shall be consistent with the ration of the adjacent structures.

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.
- g. Extent to which off-street parking areas are screened from view at street level.

3. Open Space

- 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 areas.
- d. 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.
- e. 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, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

N. EXPIRATION: Development plans within the Special Development Area (SDA) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, 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: (1) whether said Special Development Area (SDA) Zone should revert to its original zoning designation; or (2) that the approved development plan should be voided. A public hearing may be initiated if the following condition applies:

1. Stage II Development Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of approval of the Stage I Development Plan, provided that an extension may be permitted upon approval of the planning commission if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
3. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the planning commission, provided that an extension may be permitted upon approval of the planning commission 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 placing of footers and/or foundation.

SECTION 10.14 IP INDUSTRIAL PARK ZONE

- A. **PURPOSE:** This zone is established to provide for manufacturing, warehousing, and related industrial uses, within a planned and coordinated development.
- B. **PERMITTED USES**
1. Except those that decompose by detonation, the manufacturing, compounding, processing, packaging, or assembling of the following uses:
 - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils excluding poultry and animal slaughtering and dressing
 - b. Cigars and cigarettes
 - c. Cosmetics, pharmaceuticals, and toiletries
 - d. Animated and/or illuminated billboards and other commercial advertising structures
 - e. Electric appliances, television sets, phonographs, house-hold appliances
 - f. Electrical machinery, equipment and supplies
 - g. Fountain and beverage dispensing equipment
 - h. Furniture
 - i. Instruments of professional, scientific, photographic, and optical
 - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines, using only previously pulverized kilns fired only with gas and electricity
 - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Crating services
 4. Fire stations
 5. Industrial engineering consultant offices
 6. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
 7. Machine shops

8. Police stations
9. Printing, engraving and related reproduction processes
10. Publishing and distribution of books, newspapers, and other printed material
11. School for industrial or business training
12. Warehousing or wholesaling

C. 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, such as maintenance shops, power plants, and machine shops
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Soda or dairy bars
3. Fences and/or walls, as regulated by Article XIII of this ordinance
4. Signs
5. Child care centers for the use of employees of the business operating and work at the business located within this zone. The operator or the day care center shall maintain a log book referencing the employee and child's name

D. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Section 9.12 of this ordinance.

1. Restaurants (sit-down only). Outdoor dining may be provides, subject to the following requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area;
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area;
 - c. Entertainment shall not be permitted within the outdoor dining area;

- d. Such area shall not be permitted to locate within any minimum required front, side, or rear yard, except where a variance has been approved by the Board of Adjustment.

E. AREA AND HEIGHT REGULATIONS

1. Minimum Building Site - Ten (10) acres
2. Minimum Lot Area Within Minimum Building Site - One (1) acre
3. Minimum Lot Width At Minimum Building Setback Line - One hundred fifty (150) feet
4. Minimum Front Yard Depth
 - a. When abutting an arterial, as identified in the adopted comprehensive plan - seventy-five (75) feet
 - b. On internal roads - fifty (50) feet
5. Minimum Side Yard Width
 - a. In internal parts of the park - Twenty-five (25) feet
 - b. Where the side yard is adjacent to an arterial, as identified in the adopted comprehensive plan - seventy-five (75) feet
6. Minimum Rear Yard Depth - Fifty (50) feet. No rear yard shall be required where a rail spur line forms the rear property line
7. Maximum Building Height - Forty (40) feet
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.15 of this ordinance.
4. A development plan, as regulated by Section 9.17 of this ordinance, shall be required for any permitted use in this zone.

SECTION 10.15 MUPD - MIXED USE PLANNED DEVELOPMENT ZONE

- A. **PURPOSE:** This zone is established to provide for the development of a variety of office, commercial, residential and related uses which are planned and designed as a total and comprehensive development to create a quality, successful planned environment. Guided by an overall master plan, the Stage I Development Plan, the mixed use development should include integrated design elements including building materials and design, landscaping, open space, signage, lighting and circulation. These design elements should unify the various uses within the development into a single community. Where appropriate, uses shall take advantage of high-tech telecommunication infrastructure.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Mixed Use Planned Development (MUPD) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area MUPD shall follow the procedure set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII of this ordinance, the application shall be accompanied by a development plan, as regulated by Subsection C., herein, for the entire area under single ownership or the control of a single entity.
 2. When a site is proposed to be developed within an area which is currently zoned MUPD, a Stage I Development Plan for the entire area under single ownership, as regulated by Subsection C., herein, 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 significant change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure. Development shall also not include the change of use within an existing structure where the change of use is between similar land use types (i.e., residential to residential, real estate office to insurance office, etc.) and where the change of use does not require building additions or additions in required off-street parking areas.
 - 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 purposes of the MUPD Zone, the required elements of the Stage I Development Plan, other applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall, within ninety (90) days after the completion of the public hearing, take

action to approve, disapprove, or approve with conditions, the Stage I Development Plan.

3. Stage II - 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 Subsection D., herein, and submitted to the planning commission for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection D., herein, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Subsection D., herein, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Following review of the submitted Stage II Development Plan, the planning commission shall take action to approve, disapprove, or approve with conditions, the Stage II Development Plan. The planning commission, in approving the Stage II Development Plan, may authorize minor adjustments from the approved Stage I Development Plan, provided that the adjustments do not significantly change the approved Stage I Development Plan with respect to 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.
 - b. Upon planning commission approval of the Stage II Development Plan, 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. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information, where applicable:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project

- b. The present zoning of the subject property and all adjacent properties
- c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned
- d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet
- e. All existing and proposed housing units on the subject property:
 - (1) Attached housing - location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable
- f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
- g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
- h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimension
- i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
- j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
- k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service
- l. Certification from appropriate water and sewer agencies that services will be available
- m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls

- n. Location of signs, indicating their orientation and approximate size and height
- o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems
- p. A schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit
 - (2) Streets, utilities, and other public facility improvements, in order of priority
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Non residential buildings and uses, in order of priority

The information required in items a through p, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

D. STAGE II DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan shall identify and provide the following information, where applicable:

- 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission
 - b. All housing units on the subject property:
 - (1) Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions
 - c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions

- d. All design elements, including building materials and design
- e. All common open space areas, including identification of planting areas and the location and arrangement of all recreational facilities
- f. Landscaping features, including identification of planting areas and the location, type and height of walls and fences
- g. Location of signs indicating their orientation and size and height
- h. All utility lines and easements:
 - (1) Water distribution system, including pipe sizes, width of easements, types of pipe, location of hydrants and valves, and other appurtenances
 - (2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements
- i. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces
- j. Circulation System:
 - (1) pedestrian walkways, including alignment, grades, type of surfacing and width

- (2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections
- k. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
- l. The schedule of development staging and phasing in accordance with the requirement in Subsection B., 3., and as approved in the Stage I approved Development Plan

The information required in items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

E. PERMITTED USES:

- 1. Residential Uses: Only attached single-family and multi-family residential uses are permitted in the MUPD Zone, and shall be grouped in areas as delineated on the Stage I Development Plan.
- 2. Office and Related Uses: Professional Office, Research Training and other related uses shall be contained in designated areas as delineated on the Stage I Development Plan and may include the following uses:
 - a. Care centers for children and/or adults
 - b. Corporate headquarters, regional and administrative offices
 - c. Professional, medical, and dental offices
 - d. Regional and metropolitan offices
 - e. Sales and marketing offices
 - f. Data and communication centers, including information processing facilities
 - g. Sales and service offices related to electronic equipment, computers, and similar office equipment
 - h. Research and development facilities
 - i. Hotels and meeting facilities
 - j. Training, educational and conference facilities
 - k. Printing and publishing facilities
 - l. Athletic and recreational facilities
 - m. Financial institutions and services
 - n. Retail and retail services in conjunction with and located within an office building, hotel, conference center, or athletic facility

- o. Colleges, technical, and business schools
 - p. Libraries and museums
3. Commercial Uses: Areas designated for commercial and service uses may be included on the Stage I Development Plan to include the following uses:
- a. Antique stores
 - b. Apparel stores
 - c. Art supplies
 - d. Art gallery and framing services
 - e. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - f. Barber and beauty shops
 - g. Bicycle shop
 - h. Book, stationery, or gift store
 - i. Butcher shops
 - j. Camera and photographic supplies
 - k. Candy store, soda fountain, ice cream or yogurt store, excluding those with drive-in or drive-through facilities
 - l. Card and gift shop
 - m. Carpet and flooring store
 - n. Collectables store
 - o. Communications and postal service center
 - p. Computer store
 - q. Dance studio
 - r. Delicatessen and coffee shops
 - s. Drug store
 - t. Dry cleaning store
 - u. Eating and drinking places, excluding those with drive-in or drive-through facilities
 - v. Fabric store
 - w. Florist shop
 - x. Travel agency
 - y. Glass or pottery shop
 - z. Grocery or food stores
 - aa. Health and fitness facility
 - bb. Hobby and craft store
 - cc. Home furniture store
 - dd. Home improvement and garden stores, including sales and service
 - ee. Interior decorator services
 - ff. Jewelry store
 - gg. Leather goods and luggage store
 - hh. Locksmith shop
 - ii. Music store, including sale of instruments and recorded material

- jj. Office supply store
- kk. Opticians and optical goods
- ll. Paint and wallpaper store
- mm. Party supply and paper goods store
- nn. Pet store and grooming, excluding boarding of animals
- oo. Photocopy establishment
- pp. Radio, television and similar or related electronics and appliance sales and service
- qq. Shoe store and shoe repair
- rr. Sporting goods store
- ss. Tailor shop
- tt. Tanning salon
- uu. Toy store
- vv. Video tape and audio products sales and rental
- ww. Wine liquor store

F. ACCESSORY USES:

- 1. Customary accessory structures and uses.
- 2. Fences and/or walls, as regulated by Article XIII of this ordinance.
- 3. Signs, as regulated by Article XIV of this ordinance.

G. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Sections 9.12 and 18.7 of this ordinance.

- 1. Fuel dispensing facilities when incidental to and operated as a part of and located within 1,000 feet of a grocery store containing at least 40,000 gross square feet and when such facilities are not directly adjacent to or fronting on US 27/Alexandria Pike.

H. AREA REQUIREMENTS

- 1. No MUPD Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be zoned MUPD provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned MUPD.
- 2. The minimum area for submission of a Stage II Development Plan shall not be less than one (1) acre.

I. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved on the Stage I Development Plan.

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- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS: Off-street parking and, when applicable, loading and/or unloading areas shall be provided in accordance with Articles XI and XII 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 Stage I Development Plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.
- M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed MUPD shall be retained as common open space and/or recreation area, and dedicated to a public and/or private entity for operation and maintenance. Common open space and recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, residential lots, commercial areas, access drives, and incidental green/lawn strips along drives and parking lots.
- N. SCREENING: Shall be as approved in the Stage I Development Plan.
- O. OTHER DEVELOPMENT CONTROLS
1. Development shall be consistent with the Vision 2000 Initiative and any conceptual development plan/study which has been adopted/approved by the legislative body.
 2. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
 3. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
 4. No lighting shall be permitted which would unreasonably glare from any use located within this zone onto any street or into any adjacent property.
 5. All business activities permitted within this zone shall be conducted within a completely enclosed building, except for the following:
 - a. Off-street parking and loading and/or unloading areas
 - b. Outside play areas as part of child day care centers, churches, and schools
 - c. Accessory seating area for eating establishments
 - d. Open air display area, subject to the following requirements:
 - (1) shall be located on the same lot as the primary permitted use

- (2) no sales transactions shall be permitted
 - (3) such area shall be clearly identified on the development plan as "outside display area"
 - (4) shall be enclosed and/or surrounded by a building or group of buildings, be screened by a masonry wall or other screening material such as a fence, landscaping, or dense live plant material, or be completely located under a roof overhang. In all cases, a sufficient pedestrian walkway width shall be maintained
 - 6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 - 7. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
 - 8. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 - 9. Sidewalks shall be required when any new development occurs.
 - 10. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
- P. CRITERIA: Evaluation of the proposed MUPD Zone and/or development plan shall be based upon the following criteria:
- 1. Design
 - a. Agreement with the various elements of the Cold Spring Comprehensive Plan, the Vision 2000 Initiative, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the MUPD 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 and adjacent buildings.

- 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 overall character and scale of the development and, where applicable, should provide for a compatible height transition with directly adjacent uses.
- k. The orientation of buildings to provide access through rear entrances is encouraged.
- l. The relationship of width to height of new structures shall be consistent with the relationship of the adjacent structures within the development.

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.
- g. Extent to which off-street parking areas are screened from view at street level.

3. Open Space

- 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 areas.

- d. 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.
- e. 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.

Q. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

R. UTILITIES: All utilities in a MUPD Zone shall be underground.

S. EXPIRATION: Development plans within the MUPD Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, 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: (1) whether the MUPD Zone should revert to its original zoning designation; or (2) that the approved development plan should be voided. 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 within a period of twenty-four (24) consecutive months from the date of approval of the Stage I Development Plan, provided that an extension may be permitted upon approval of the planning commission 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 date of approval of the Stage II Development Plan by the planning commission, provided that an extension may be permitted upon approval of the planning commission 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 as identified on the Stage II Development Plan.