

## ARTICLE X

### ZONES

#### SECTION 10.0 CO (CONSERVATION) ZONE

##### A. PERMITTED USES

1. Agricultural uses
2. Private recreational uses, other than those publicly owned and/or operated such as golf courses, country clubs, and camping areas
3. Publicly owned and/or operated parks and/or recreation areas

##### B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Signs, as regulated by Article XIV

##### C. CONDITIONAL USES: The following uses and their customary accessory buildings or uses subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Golf driving ranges
2. Riding academies and stables

##### D. AREA AND HEIGHT REGULATIONS

1. Minimum lot area - One (1) acre
2. Maximum building height - Twenty-five (25) feet

##### E. OTHER DEVELOPMENT CONTROLS

1. All "uses permitted" and "conditional uses" permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type of and manner of construction to be built (insuring that such construction shall not cause soil erosion, adverse changes in natural drainage courses, or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate officer or board, as required herein, at time of request.
2. Dwelling units are not permitted in this zone, except where the unit is a part of a permitted agricultural use.
3. Off-street parking and loading and/or unloading shall be provided in accordance with Article XI and XII of this ordinance.

4. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
5. No private lighting shall be permitted which would glare from this zone onto any street or into any residential zone.
6. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
7. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

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**SECTION 10.1 R-RE (RESIDENTIAL RURAL ESTATE) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Agricultural uses
3. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer than one hundred (100) feet from the front of a street, road, highway, or right-of-way line, or not nearer than fifty (50) feet from a side lot line
5. Stables and riding academies, both public and private
6. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, regulated in Section 9.11
4. Signs, as regulated by Article XIV

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Fire and police stations
3. Institutions for higher education
4. Nursery schools
5. Public and parochial schools
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
7. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

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

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.

**SECTION 10.2 R-1B (RESIDENTIAL ONE-B) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, as regulated by Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV
5. Quarters for live in domestic help to include such accessory uses as caretakers, gardeners, maids, and nursing care, where said quarters are clearly accessory to and located within the principle use

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Publicly owned and/or operated parks, playgrounds, tennis courts, and golf courses
2. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs, with accessory functions such as swimming pools, tennis courts, and similar uses

**D. 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 - Total both sides: Twenty-five (25) feet; One side: Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

**E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.3 R-1BB (RESIDENTIAL ONE-BB) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Two-family residential dwellings
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, as regulated by Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV
5. Quarters for live in domestic help to include such accessory uses as caretakers, gardeners, maids, and nursing care, where said quarters are clearly accessory to and located within the principle use

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Publicly owned and/or operated parks, playgrounds, tennis courts, and golf courses
2. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs, with accessory functions such as swimming pools, tennis courts, and similar uses

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area -
  - a. Single-family - One-half (1/2) acre
  - b. Two-family - Three-fourths (3/4) 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 - Total: Twenty-five (25) feet; One side: Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.



**SECTION 10.4 R-1C (RESIDENTIAL ONE-C) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Fire and police stations
3. Institutions for higher education
4. Nursery schools
5. Public and parochial schools
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
7. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools

**D. 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-five (35) feet
4. Minimum side yard width - Total both sides: Twenty (20) feet; One side: Seven (7) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.5 R-1D (RESIDENTIAL ONE-D) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools

**D. 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 - Total both sides: Eighteen (18) feet; One side: Six (6) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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**SECTION 10.6 R-1E (RESIDENTIAL ONE-E) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total both sides: Fifteen (15) feet; One side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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**SECTION 10.7 R-1EE (RESIDENTIAL ONE-EE) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Two-family residential dwellings
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools (semi-public)

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area -
  - a. Single-family - Seven thousand five hundred (7,500) square feet
  - b. Two-family - Eleven thousand five hundred (11,500) square feet
2. Minimum lot width at building setback line -

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- a. Single-family - Sixty (60) feet
    - b. Two-family - Eighty (80) feet
  3. Minimum front yard depth - Thirty (30) feet
  4. Minimum side yard width -
    - a. Single-family - Total both sides: Fifteen (15) feet; One side: Five (5) feet
    - b. Two-family - Total both sides: Twenty (20) feet; One side: Seven (7) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet
- E. 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 (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.



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**SECTION 10.8 R-1F (RESIDENTIAL ONE-F) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Semi-public swimming pools

**D. 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 on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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**SECTION 10.9 R-1G (RESIDENTIAL ONE-G) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area - Five thousand (5,000) 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 on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

**SECTION 10.10 R-2C (RESIDENTIAL TWO-C) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (attached)
2. Single-family residential dwellings (detached)
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

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

**C. 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 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 9.14 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Semi-public swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

Single-Family residential dwellings (attached) -

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - 7.9 dwelling units per net acre

3. Per attached building –

- a. Maximum number of dwelling units - Four (4) units
- b. Maximum distance between detached buildings - Thirty (30) feet
- c. Minimum setback from perimeter of site - Thirty (30) feet
- d. Maximum building height - Thirty (30) feet

Single-Family residential dwellings (detached) -

1. Minimum lot area - Five thousand (5,000) 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 on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditionally permitted 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Two and one-half (2-1/2) stories, not to exceed thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. In the case of development within this zone, more than one principal building, as defined herein, may be permitted on a lot, provided that said development is in compliance with Section 9.21 of this ordinance.
5. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
6. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

7. A developer of a project containing open space, park, or recreational areas, common parking courts, and pedestrian walkways, shall provide to the satisfaction of the city, for the establishment of a community association, or other responsible entity, which shall be obligated and empowered to own, operate, and maintain such areas and the facilities constructed thereon, and shall be empowered to assess and collect against the owners of the dwelling units by prior contractual or deed covenant agreement between the parties, the pro-rated charges and costs of such ownership, operation, and maintenance. Such entity may be further empowered to perform under agreement with dwelling unit owners such exterior maintenance services as painting, structural repairs, roof repairs, and sheet metal replacements, and maintenance of yards and grounds, and in the absence of responsible public agencies willing to undertake the duty to operate, repair, and maintain streets, sidewalks, sanitary and storm sewers, street lighting, and other public facilities and services.
8. When development in this zone constitutes a subdivision, the planning commission may waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way, provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained accessway to a dedicated right-of-way. All such accessways shall be maintained and owned in accordance with section 10.10, F., 7.

**SECTION 10.11 R-2 (RESIDENTIAL TWO) ZONE****A. PERMITTED USES**

1. Multi-family residential dwellings

**B. ACCESSORY USES**

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

**C. 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 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 9.14 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Semi-public swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:** No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - 15.0 dwelling units per net acre
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Forty (40) feet
5. Minimum side yard width on each side of lot - Fifteen (15) feet
6. Minimum rear yard depth - Thirty (30) feet
7. Maximum building height - Forty (40) feet



- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditionally permitted 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 (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Forty (40) feet or three (3) stories
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
  5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.12 R-3 (RESIDENTIAL THREE) ZONE****A. PERMITTED USES**

1. Two-family residential dwellings
2. Multi-family residential dwellings

**B. ACCESSORY USES**

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

**C. 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 9.14 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Fire and police stations
4. Institutions for higher education
5. Nursery schools
6. Public and parochial schools
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
8. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Semi-public swimming pools

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - 20.0 dwelling units per net acre
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Forty (40) feet
5. Minimum side yard width on each side of lot - Fifteen (15) feet
6. Minimum rear yard depth - Thirty (30) feet
7. Maximum building height - Forty (40) feet

**E. 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 (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Forty (40) feet or three (3) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.13 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 the Residential (R-1) 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 R-1 residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development (RCD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R-1) 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 in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan requirements.
    - 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 forty-five (45) 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 Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirements for Stage II plan and record plat.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the existing residential zone (e.g., RCD-R-1B, RCD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. Stage II -- Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission 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 9.20 B. and C. 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 Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II Plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: 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 affect other applicable requirements of this ordinance.

Upon planning commission approval of the Stage II Plan, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations as may be required by this ordinance.

- b. Upon approval of the Stage II Plan, the planning commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20, C., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan.

Upon planning commission approval of the record plat, 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:** Attached and detached single-family 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 existing residential (R-1) 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. **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 plan and shall be limited to one or more of the following uses:
  - 1. Churches
  - 2. Community centers, including day care facilities
  - 3. Country clubs
  - 4. Fire or police stations
  - 5. Libraries
  - 6. Open space/recreation areas
  - 7. Schools (nursery, elementary, and secondary);
- F. **AREA REQUIREMENTS:** No RCD Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- G. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- H. **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.
- I. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

- J. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- K. **COMMON OPEN SPACE/RECREATION AREA:** At least fifteen (15) 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 residents of the RCD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- L. **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.
- M. **EXPIRATION:** Any amendment to 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 Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan and overlay zone amendment by the legislative body; 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 prevailing conditions have not changed appreciably to render the Stage I approved 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 Plan by the planning commission; 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 Stage I approved plan obsolete. The amount of construction constituting initiating

substantial construction shall be as approved in the Stage II approved plan.



**SECTION 10.14 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 location of 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, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, 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 a Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. **Stage I -- Development Plan and Zoning Map Amendment -** Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
    - 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 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 Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) 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 Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirement for Stage II plan and record plat

Zoning Map Amendment - Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential zone (e.g., PUD-R-1B, PUD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission 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 9.20, B. and C., 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 Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

Upon planning commission approval of the Stage II plan, a copy of said plan shall be forwarded to the zoning administrator, who shall

grant permits only in accordance with the Stage II approved plan and other regulations as may be required by this ordinance.

- b. Upon approval of the Stage II Plan, the planning commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20, C., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan.

Following planning commission approval of the record plat, 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 (attached or detached) 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 existing 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. These commercial uses shall be grouped in complexes clearly delineated on the Stage I Plan, and may include one or more of the following uses:
  - 1. Bakery shop
  - 2. Banks
  - 3. Beauty or barber shops
  - 4. Business or professional office
  - 5. Clothing store
  - 6. Delicatessen, grocery, meat, fruit, or vegetable market
  - 7. Drug store
  - 8. Laundry/dry cleaning pick-up stations, or self-service facilities
  - 9. Restaurants, excluding drive-ins
  - 10. Shoe repair shops

Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.

- F. 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 plan and shall be limited to one or more of the following uses:
1. Churches
  2. Community centers, including day care facilities
  3. Country clubs
  4. Fire or police stations
  5. Libraries
  6. Open space/recreation areas
  7. Schools (nursery, elementary, and secondary);
- G. AREA REQUIREMENTS No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.
- I. 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.
- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. COMMON OPEN SPACE/RECREATION AREA: At least fifteen (15) percent of the total acreage of the proposed PUD 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 residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- M. AMENDMENTS: Any amendments to plans, except for 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: Any amendment to 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 Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan and overlay zone amendment by the legislative body; 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 prevailing conditions have not changed appreciably to render the Stage I approved 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 Plan by the planning commission; 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 Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

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**SECTION 10.15 NC (NEIGHBORHOOD COMMERCIAL) ZONE****A. PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Auto parts store
4. Bakery and bakery goods store, provided the products are sold exclusively on the premises
5. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
6. Barber and 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. Delicatessen
11. Drug store
12. Dry cleaning and laundry pick-up station
13. Eating and drinking places, excluding drive-ins
14. Electro-mechanical games center
15. Florist shop
16. Food store and supermarkets
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, including incidental repair
32. Off-street parking lots and/or garages
33. Offices
34. Opticians and optical goods
35. Package liquor and wine store, excluding drive-ins
36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post office

40. Radio and television store, including repair
41. Service station
42. Shoe store and shoe repair
43. Sporting goods
44. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
45. Tailor shop
46. Toy store
47. Variety store, including notions and "five and ten" stores

**B. ACCESSORY USES**

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

**C. AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following 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, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. 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 or three (3) stories
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

**D. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading 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 private lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

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.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.



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**SECTION 10.16 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE****A. 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 with drive-in windows
5. Barber and beauty shops
6. Book, stationery, or gift shop
7. Camera and photographic supplies
8. Candy store, soda fountain, ice cream store, excluding drive-ins
9. Delicatessen
10. Drug store
11. Dry cleaning and laundry pick-up station
12. Eating and drinking places, excluding drive-ins
13. Florist shop
14. Food store and supermarkets
15. Furniture store
16. Garden supplies
17. Glass, china, or pottery store
18. Haberdashery
19. Hardware store
20. Health spas
21. Hobby shop
22. Household and electrical appliance store, including incidental repair
23. Interior decorating studio
24. Jewelry store, including repair
25. Laundromats and self-service washing and drying
26. Leather goods and luggage store
27. Library
28. Locksmith shop
29. Music, musical instruments, and records, including incidental repair
30. Off-street parking lots and/or garages
31. Offices
32. Opticians and optical goods
33. Package liquor and wine store, excluding drive-ins
34. Paint and wallpaper store
35. Pet shop, excluding boarding and outside runs
36. Police and fire stations
37. Post office
38. Radio and television store, including repair
39. Shoe store and shoe repair

40. Sporting goods
41. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
42. Tailor shop
43. Toy store

**B. ACCESSORY USES**

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

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

1. Minimum lot area - Five (5) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing development site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
2. Minimum building site area - One (1) acre and shall abut a deeded right-of-way. In the case of this zone, more than one principal building, as defined herein, may be constructed within the minimum building site area.
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
6. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Forty (40) feet or three (3) stories

**D. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading 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 private lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be

required to exceed the minimum setback requirement established for this zone.

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.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

**SECTION 10.17 LHS (LIMITED HIGHWAY SERVICE) ZONE****A. PERMITTED USES**

1. Automobile laundry
2. Banks and other financial institutions
3. Hotels and motels
4. Office and product display area
5. Offices
6. Package liquor and wine store
7. Restaurants
8. Service stations

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Swimming pools, indoor or outdoor, in connection with hotels or motels
5. Uses as listed below, included within and entered from within, any hotel or motel building, as a convenience to the occupants thereof, and their customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses 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
6. Convenience food sales, provided in conjunction with a service station and serving primarily as a convenience to the customers thereof. The area utilized for the sale of food items and the required off-street parking facilities shall be subordinate in area to the service station. The area for the service station, for comparative purposes, shall be limited to gas pumps, required parking facilities, and storage and circulation areas.
7. Electro-mechanical games, provided in conjunction with a restaurant and serving primarily as a convenience to the customers thereof. The area utilized for such purpose shall not exceed ten (10) percent of the gross floor area of the restaurant and no exterior advertising displays for such use shall be visible from outside the building.

**C. AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following 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 on each side of lot - No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. 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 or three (3) stories
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading 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 private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
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. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
7. Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone, provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway, or right - of - way line or boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this ordinance.
8. Permitted uses within the Limited Highway Service Zone may supply off-street parking within three hundred (300) feet from such lot served, providing that such off-street parking facilities Are unable to be provided on the same lot or contiguous to the same lot as the building being served and is limited to employee parking. In addition, said off-street parking shall be located in the same zone as the use being served.
9. Restaurants located in the LHS Zone which derive more than sixty percent (60%) of their gross sales revenue from sales from a drive-thru facility in the restaurant, shall be considered carry out restaurants under Article XI,

Off-Street parking and Access Control Regulations, for purposes of calculating the required number of parking spaces for such restaurants.

**SECTION 10.18 PO (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES:**

1. Banks and other financial institutions, including loan, savings and finance companies with drive - in windows
2. Clinics and laboratories - medical or dental
3. Free standing churches, synagogues, temples, and other places for religious worship, provided they are adjacent to an arterial street
4. Laboratories and other facilities for research
5. Libraries
6. Offices
7. Off-street parking lots and/or garages
8. Police and fire stations or other governmental offices
9. Post offices
10. Schools for industrial or business training

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses
2. Fences and 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 of the accessory uses shall be visible from outside the building.
  - a. Barber shops
  - b. Beauty shops
  - c. Coffee shops or refreshment stands
  - d. Drug stores
  - e. Medical and dental laboratories
  - f. News and confectionery stands
  - g. Restaurants, excluding drive-in type

**C. AREA AND HEIGHT REGULATIONS:** No building 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 (100) feet
3. Minimum front yard depth - Thirty (30) feet

4. Minimum side yard width - Total both sides: Twenty (20) feet; One side: Seven (7) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Forty (40) feet.

D. OTHER DEVELOPMENT CONTROLS:

1. Off - street parking and loading and/or unloading 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 private lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
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.



**SECTION 10.19 IP-1 (INDUSTRIAL PARK ONE) ZONE**

A. PERMITTED USES: The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:

1. Automobile and/or motorcycle sales and service, new or used, including the retail sale of parts and accessories. However, this use shall not include salvage yards or junkyards
2. Industrial engineering consultant offices
3. Contractor yard
4. Crating services
5. Electric supply company
6. Equipment rental establishments
7. Laboratories and other facilities for research
8. Major automobile and/or motorcycle repair, including body work
9. Pest or insect control business
10. Police and fire stations
11. Printing, engraving and related reproduction processes
12. Schools for industrial or business training
13. Warehousing or wholesaling

B. ACCESSORY USES

1. Customary accessory buildings 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, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten percent (10%) 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
3. Fences and/or walls, as regulated by Article XIII of this ordinance
4. Signs - only business and identification signs pertaining to the identification, use, or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.
5. Outdoor self-storage units and outdoor storage of boats, recreational vehicles, trailers, and similar items, are permitted as an accessory use to

a warehousing and wholesaling establishment, provided that it meets the following requirements:

- a. The outdoor storage area shall not exceed 50% of the gross floor area of the principal building.
- b. The outdoor self-storage units and outdoor storage spaces shall be underneath a roof.
- c. The outdoor self-storage units shall not be transferred off-site to be utilized by a customer.
- d. The outdoor self-storage units shall not be stacked.

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

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
2. Minimum lot area - One (1) acre
3. Minimum lot width at building setback line - One hundred fifty (150) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width - Twenty-five (25) feet
6. Minimum rear yard depth - Twenty-five (25) feet
7. Maximum building height - Forty (40) feet or three (3) stories

D. **OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No sales, service, or storage of automobiles and/or motorcycles shall be permitted within this zone, except within a fully enclosed building.
3. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers, excluding outdoor self-storage units and outdoor storage of boats, recreational vehicles, trailers, and similar items that are an accessory use to a warehousing and wholesaling establishment.
4. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
5. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
6. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

**SECTION 10.20 IP-2 (INDUSTRIAL PARK TWO) ZONE**

- A. **PERMITTED USES:** The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:
1. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
    - a. Animated and/or illuminated billboards and other commercial advertising structures
    - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, excluding poultry and animal slaughtering and dressing
    - c. Cigars and cigarettes
    - d. Cosmetics, pharmaceuticals, and toiletries
    - e. Electric appliances, television sets, phonographs, household appliances
    - f. Electrical machinery, equipment, and supplies
    - g. Fountain and beverage dispensing equipment
    - h. Furniture
    - i. Instruments of professional, scientific, photographic, and optical use
    - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
    - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - l. Office equipment
    - m. Pottery and figurines
    - n. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
    - 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 and police stations
  5. Indoor softball, volleyball, and batting cages
  6. Industrial engineering consultant offices
  7. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, any industrial organization or concern, whether public or private
  8. Machine shops

9. Printing, engraving and related reproduction processes
10. Publishing and distribution of books, newspapers, and other printed material
11. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
12. School for industrial or business training
13. Tennis and racquetball
14. Warehousing or wholesaling

**B. ACCESSORY USES**

1. Customary accessory buildings 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, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten percent (10%) 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 - only business and identification signs pertaining to the identification, use, or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

**C. CONDITIONAL USES:** The following uses and their customary accessory buildings or uses subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Sexually oriented business, as defined in Section 7.0 of this ordinance, provided the application meets the following standards:
  - a. The property shall abut an arterial street
  - b. The property shall not be located closer than five hundred (500) feet from any church or school
  - c. If the property abuts a residential zone, the hours of operation shall be limited to 12:00 noon to 11:00 pm, except that there shall be no operation at any time on Sunday

- d. Security personnel shall be required inside the premises and outside in the off-street parking area at all times the premises are open, and for one (1) hour after closing
- e. All employees must undergo police background checks as required by the Kenton County Fiscal Court regulations relating to sexually oriented businesses.
- f. The Kenton County Fiscal Court regulations relating to sexually oriented businesses are hereby adopted by reference, and are applicable in the city of Crescent Springs, except where the above standards, and definitions contained in Section 7.0 of this ordinance, are more stringent, in which case the standards and definitions herein shall apply.

#### D. AREA AND HEIGHT REGULATIONS

- 1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a small tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
- 2. Minimum lot area within minimum tract - One (1) acre
- 3. Minimum lot width at building setback line - One hundred fifty (150) feet
- 4. Minimum front yard depth -
  - a. When abutting a major arterial (as defined 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 a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
- 6. Minimum rear yard depth - In internal parts of the park - 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 or three (3) stories

#### E. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading and/or unloading 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 private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

**SECTION 10.21 MLU (MIXED LAND USE) ZONE**

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, hotels and motels, retail and service uses, and residential uses within a planned development. Such development is designed to provide for an internally oriented group of activities which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of 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, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities 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 Mixed Land Use Zone may be permitted 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 MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for a Mixed Land Use Zone shall be processed as follows in two stages:
1. Stage I - Applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan Requirements, provided for within Section 9.20, A., of this ordinance. If an area, however, is currently zoned MLU, the submission of a 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.
    - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the MLU 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 Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said MLU 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 MLU Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing, in accordance with the requirements for Stage II Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the MLU Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

2. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission and the legislative body 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 9.20, B. and C., 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 Section 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not 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 (e.g., parking requirements). The planning commission, upon completion of its review of the proposed Stage II Development Plan, 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 II Development Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance; and (2) the planning commission.

- c. Upon approval of the Stage II Development Plan, the planning commission shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., for Record Plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan. Upon approval of the Record Plat, by the planning commission, 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. **PERMITTED USES:** One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II Plans:

- 1. Convention center and related activities
- 2. Hotels and motels
- 3. Medical uses:
  - a. Chiropractic
  - b. Dental office
  - c. Laser therapy

- d. Outpatient dialysis
- e. Urgent care clinic
- 4. Professional Offices
- 5. Residential - including single-family attached and detached, two-family, and multi-family; residential development shall not occupy a cumulative total of more than twenty-five (25) percent of the surface area within the MLU. Residential uses which are located above nonresidential uses shall not be considered to be a part of this cumulative total
- 6. Restaurants, eating and drinking places, including entertainment facilities, excluding drive-ins and drive-thrus
- 7. Retail and service uses, excluding drive-ins:
  - a. Apparel shop, clothing store, and tailor shop
  - b. Art and art supplies
  - c. Bakery and bakery goods store, provided the products are sold exclusively on the premises
  - d. Banks and other financial institutions, including savings, loan, and finance companies
  - e. Barber or beauty shop
  - f. Book, stationery, or gift shop
  - g. Camera and photographic supplies
  - h. Candy store, soda fountain, ice cream store, excluding drive-ins
  - i. Delicatessen
  - j. Drug store
  - k. Dry cleaning and laundry pick-up station
  - l. Fitness Center, health club or gym
  - m. Florist shop
  - n. Food store and supermarket
  - o. Furniture store
  - p. Garden supplies
  - q. Glass, china, or pottery store
  - r. Hardware store
  - s. Health spa, skin care
  - t. Hobby shop
  - u. Home Improvement Center
  - v. Household and electrical appliances, radio and television store, including repair
  - w. Interior decorating studio, paint and wallpaper store
  - x. Jewelry store, including repair
  - y. Leather goods and luggage store
  - z. Music, musical instruments, and records, tapes, compact discs, and the like, including incidental repair
  - aa. Nail salon
  - bb. Opticians, optometrists, and optical goods
  - cc. Package liquor and wine store

- dd. Shoe store, with incidental repair
- ee. Sporting goods
- ff. Studio for professional work or teaching of any form of fine arts, photography, music, drama, or dance
- gg. Tanning salon
- hh. Toy store
- ii. Retail sales and service businesses not listed above, but which are determined by the zoning administrator to be of a similar use or activity in relation to the above permitted uses

E. ACCESSORY USES:

- 1. Customary accessory buildings and uses

F. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

- 1. Outdoor dining, in connection with a restaurant, provided that such area meets the following requirements:
  - a. Such area shall be designated to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility and shall not remove or otherwise preclude use of required parking spaces.
  - b. Such area shall meet all building setback requirements for the district.
  - c. Such area shall not exceed twenty five percent of the maximum seating capacity of the indoor dining area.
  - d. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
  - e. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday.

G. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the MLU Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

- 1. Churches
- 2. Community centers, including day care facilities
- 3. Country clubs
- 4. Fire and police stations
- 5. Governmental offices, including post office branch
- 6. Libraries
- 7. Open space/recreation areas

8. Schools (nursery, elementary, and secondary)

H. AREA REQUIREMENTS:

1. No MLU Zone shall be permitted on less than twenty-five (25) acres of land. However, an area of less than twenty-five (25) acres may be zoned MLU, provided it is adjacent to an area within an existing approved Stage I Development Plan and is currently zoned MLU.
2. The minimum area for submission of a Stage I Development Plan, within an existing MLU Zone, shall be not less than ten (10) acres. However, a Stage I Development Plan may be submitted for an area of less than ten (10) 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 Mixed Land Use Zone.

- I. ACCESS REGULATIONS: Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.

- J. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the 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 generally be in accordance with Articles XIII and XIV of this ordinance and as approved in the plan.

- M. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

- N. RECREATION AND OPEN SPACE: At least twenty (20) percent of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of buildings, parking areas, access drives and streets. At such time as the Stage II Development Plan for a particular development is submitted to the planning commission, or its duly authorized representative, notwithstanding Subsection C., 2., a., open space requirements of less than

twenty (20) percent may be considered for the development if unique topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or are adjacent to the site.

- O. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Kenton County Comprehensive Plan, and where applicable, any officially adopted Neighborhood Concept Plan by the planning commission or the city of Crescent Springs legislative body, or other adopted plan.
  2. Extent to which the proposed development plan is consistent with the purpose of the MLU 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 (e.g., 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 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 street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
  7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
  8. Extent to which all necessary public utilities and facilities are available to service the development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

- P. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by Subsection C., of this section.
- Q. EXPIRATION: Development plans within the MLU 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 the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition apply:
1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development 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 Stage I approved 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 Plan by the planning commission; 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 Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

**SECTION 10.22 R-1A (RESIDENTIAL ONE-A) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.30 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs, as regulated by Article XIV of this ordinance

**C. CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, providing they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanatoriums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including public swimming pools, and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Country clubs
  - b. Golf courses
  - c. Semi-public swimming pools

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - One (1) 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 - Total: Thirty-eight (38) feet; One side: Twelve (12) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet
- E. 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 (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  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 this zone onto any street, or into any adjacent property.
  4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.



**SECTION 10.23 NM (NEIGHBORHOOD MARKET) ZONE****A. PERMITTED USES**

1. Bakery and bakery goods store, provided the products are sold exclusively on the premises
2. Beer and wine sales, excluding drive-ins
3. Candy store, soda fountain, ice cream and snow-cone store, excluding drive-ins
4. Delicatessen
5. Drug store
6. Eating and drinking places, excluding drive-ins
7. Florist shop
8. Food store, produce market, meat market, and specialty foods
9. Garden supplies, lawn care, and holiday decorations

**B. ACCESSORY USES**

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

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

1. Minimum lot area – Twenty-five thousand (25,000) square feet
2. Minimum lot width at building setback line – One hundred (100) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. 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 or three (3) stories
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

**D. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading 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 that Christmas trees and other decorations may be sold

during the holiday season (November 1 to January 31) and garden supplies along with yard and lawn care items, may be sold and displayed during the garden season (February 1 to October 31).

3. No private lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
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. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
7. No minimum size is required for an area to be zoned Neighborhood Market (NM) and the five (5) acre minimum requirement for zones under Section 17.0, F. shall not apply.

**SECTION 10.24 MLU-2 (MIXED LAND USE-TWO) ZONE**

- A. **PURPOSE:** The purpose of the MLU 2 zone is to provide for a walkable multi-use zone that will allow for substantial office, retail and multi-family residential uses.
- B. **APPLICATION AND PROCESSING:** Applications for a MLU-2 Zone shall be processed as follows in two stages:

1. **Pre-application meeting:** Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/NKAPC staff to discuss the development review process and the requirements of the zoning ordinance.

The pre-application meeting is intended to discuss the proposed development and identify any issues in applying the MLU-2 Zone. The applicant shall include a conceptual development plan encompassing the proposed use, building configuration and placement, parking accommodations, and landscaping. The applicant should also be prepared to discuss the proposed building façades and finish materials, the area, height and amount of proposed signage, as well as other design features, if applicable. Any plans brought to the pre-application meeting do not have to be engineered drawings, but should be clear enough to convey the nature and character of the proposed development.

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form

2. **Stage I – Development Plan and Zoning Map Amendment - Applications** for an amendment to (MLU-2) shall be accompanied by a development plan, in accordance with the Stage I Plan requirements, of Section 9.20, A., of this ordinance. If an area, however, is currently zoned MLU-2, the submission of a 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.
  - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with

regard to its compliance with the stated purpose of the MLU-2 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 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 MLU-2 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 B., 2, a., above. Approval of the MLU-2 Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing, in accordance with the requirements for Stage II Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the MLU-2 Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

3. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission and the legislative body 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 9.20, B. and C., 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 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I

approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not 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 (e.g., parking requirements). The planning commission, upon completion of its review of the proposed Stage II Development Plan, 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 II Development Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance; and (2) the planning commission.

- c. Upon approval of the Stage II Development Plan, the planning commission shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., for Record Plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan. Upon approval of the Record Plat, by the planning commission, 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.

C. PERMITTED USES:

1. Adult Day Care
2. Animal Clinics
3. Automotive Parts Retail

4. Bakeries (Retail)
5. Banks
6. Barber/Beauty Shops
7. Book Store
8. Camera/Photography Shop
9. Clothing Store
10. Convenience Store
11. Day Care Center
12. Dry Cleaning
13. Electronic Retail
14. Fitness Club
15. Florist Shops
16. General Merchandise Store
17. Grocery Store
18. Government Offices
19. Hardware Store
20. Health Club or Gymnasium
21. Hobby Store
22. Home Improvement Store
23. Hotel
24. Indoor Recreational Club (tennis, golf, etc.)
25. Media Production
26. Medical and Dental Offices
27. Multi-Family Residential
28. Music Stores
29. Nursing and Convalescent Homes
30. Office/Business Service Uses
31. Out Patient Surgery Centers
32. Pet Store
33. Pharmacy
34. Photography Studios
35. Professional Offices
36. Public Library
37. Research and Development Facilities
38. Senior Citizens Residential Community
39. Sit-down and Drive-thru (consistent with an approved development agreement and the walkability feature of the zone) Restaurants, including outdoor dining
40. Theatres
41. Urgent Care Facilities

D. ACCESSORY USES

1. Customary accessory uses
2. Food Kiosks

3. Fences and walls, as regulated by Article XIII
4. Signs, as regulated by Article XIV of this ordinance

E. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Artisan/Craft Product Workshop
2. Banquet Halls
3. Bars, Taverns
4. Car Wash
5. Funeral Home
6. Plant Nursery/Garden Supply
7. Religious Assembly
8. Residential Care Facility (group home)
9. School, Primary, Secondary
10. Shopping Center

F. **AREA AND HEIGHT REGULATIONS**

<b>Minimum Development Area</b>	2 acres
<b>Maximum residential density</b>	20 units per acre
<b>Maximum height (stories)</b>	3
<b>Maximum building footprint</b>	20,000 sq. ft.
<b>Front setback (feet)</b>	15, unless otherwise approved on the Development Plan or Development Agreement
<b>Minimum side setback (feet)</b>	
Abutting residential zone	10% of lot width
Abutting non-residential zone	None
<b>Minimum rear setback (feet)</b>	
Abutting residential zone	25% of lot depth or 25 feet, whichever is less
Abutting non-residential zone	None

G. **CHARACTER STANDARDS**

1. Unless otherwise approved on the Development Plan or Development Agreement, at least 60 percent of the building facade must be placed 15 feet from the front street right of way.
2. **Exceptions to Building Placement Requirements**  
Unless otherwise approved on the Development Plan or Development Agreement, the following exceptions to the building placement requirements of the MLU-2 Zone apply:

- a. Articulated Building Street Face: When a portion of the building is set back from the required building placement line in order to provide an articulated or modulated facade, the total area of the space created may not exceed one square foot for every linear foot of building frontage.
  - b. Outdoor Amenity: When an outdoor amenity is located on the street frontage, the building placement line may be adjusted, provided that the building is set back no more than 15 feet from the front or street side lot line or at least 40 percent of the façade complies with the building placement line. Outdoor amenities include outdoor dining areas, courtyards, and green infrastructure accommodations.
  - c. Modifications of building placement standards, other than the exceptions expressly allowed in this subsection may be approved only through the Board of Adjustment.
3. Convenient pedestrian connections shall be provided to adjoining residential and commercial developments, and other compatible land uses.
4. Internal streets shall have sidewalks in order to promote pedestrian activity within the development.
5. The existing neighborhood street network should be extended into the internal development circulation network
6. Internal streets should provide loop circulation whenever possible rather than dead end cul-de-sacs.
7. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
8. 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.

#### H. BUILDING DESIGN

1. Transparency: Ground level transparency must comprise a minimum percentage of the street-facing façade between 3 and 8 feet in height above grade. Materials such as opaque or darkly-tinted glass or glass block are not considered to be transparent. Display windows that do not provide visual access into the interior of the building count toward the minimum transparency percentage. Transparency requirements do not apply to residential uses.



The following minimum standards apply:

	<b>Primary Street</b>	<b>Secondary Street</b>
Ground level	50%	30%
Upper level	25%	25%

2. **Blank Walls:** The street-facing facades of commercial and mixed use buildings shall not have a blank, uninterrupted length greater than 40 feet without including a change in plane and one additional feature, such as changes in texture or pattern, projections, or recesses.
3. **Materials:** Acceptable exterior building materials includes brick, stone, split face CMU, scored CMU, and decorative pre-cast concrete,
4. **Main Building Entrance:** The main public entrance door shall be inviting and pronounced by utilizing one or more of the following; distinctive building materials; architectural elements such as transoms, columns, recesses, protrusions; or landscaping. Landscaping shall not block the view of the entrance. Entrances should be designed with attention to pedestrian use.
5. **Roofs:** Gambrel and mansard roofs are not allowed. The only material not allowed is corrugated metal. Metal standing seam roofs are permitted.
6. **Distinguishing different uses.** In the case of a building with different uses, the ground floor will be distinguished with a different building material and/or prominent moldings between the first and second floors.

#### I. MULTI-FAMILY RESIDENTIAL GUIDELINES

1. **Compatibility and Context**
  - a. Multifamily developments should be compatible with existing high quality buildings in the immediate area through the use of complementary building materials and landscaping.
  - b. Buildings should respect neighboring structures by respecting scale and privacy of adjacent properties.
  - c. Buildings should relate directly to the adjacent street, with the entryway the predominate feature of the front façade.
2. **Building Design**

- a. Break up long horizontal eaves and roof elements across the façade with gables, building projections, bays, and/or other articulation.
- b. Use façade articulation, of porches, projections, eaves, bay windows, and other architectural elements which provide residential scale and help break up the building mass.
- c. On corner lots, side facades shall maintain the architectural design quality consistent with the front façade.
- d. Carports, detached garages, and accessory structures should be designed as an integral part of the development's architecture. They should be similar in material, color, and detail to the main buildings of the development. Flat roofs should be avoided. Prefabricated metal carports are not permitted.

3. Parking

- a. Parking areas should be divided into a series of small parking courts with convenient access that relates to adjacent dwelling units.

J. OFF-STREET PARKING, ACCESS MANAGEMENT, LOADING, AND/OR UNLOADING: In addition to the requirements of Articles XI and XII, the following regulations shall apply:

1. The number and location of off-street parking spaces shall be approved on the Development Plan or Development Agreement.
2. Where feasible shared parking should be used. In addition to the requirements of Article XI, an agreement providing for the use of parking on another lot, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Parking privileges will continue in effect only as long as the agreement, binding all parties, remains in force.
3. If shared parking is not used or the shared parking credit does not result in a reduction in the number of off street parking spaces a 25% reduction in the required number of off-street parking spaces may be allowed.
4. Developments on arterial streets shall provide an access road to limit curb cuts and promote internal circulation. The design shall conform to all applicable regulations of the Kenton county Subdivision Regulations.

K. LIGHTING

1. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights, should be from the same family of fixtures to maintain continuity throughout the MLU-2 Zone.
  2. Off-Street Parking Areas and Pedestrian Lighting
    - a. Lighting should be used in combination with signage standards and other elements where possible.
    - b. Glare Reduction and Lighting Levels
      - i. All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
      - ii. Decorative pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
      - iii. When lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
      - iv. Lighting located on the building wall shall be fully shielded to direct the light downward.
- L. LANDSCAPING: All landscaping shall be provided per Section 9.17
- M. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved on the Development Plan or Development Agreement.
- N. 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 Subsection B., of this section.
- O. EXPIRATION: Development plans within the MLU-2 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 the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions applies:
1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I

approved plan, except as agreed upon for the phasing of development 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 Stage I approved 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 Plan by the planning commission; 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 Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

**SECTION 10.25 MC (MIXED COMMERCIAL) ZONE**

- A. **PURPOSE:** The purpose of the Mixed Commercial (MC) Zone is to promote new development and redevelopment of underutilized land by permitting a wide range of commercial retail, service, and office land uses which typically require convenient access to the interstate and regional transportation system.

Development and redevelopment within this zone is permitted to occur at densities and intensities ranging from small scale operations containing one tenant located in an individual building on an individual lot up to large scale operations featuring several tenants in a multi-story building containing a diverse range of land uses. These regulations are intended to promote development and redevelopment that is consistent and compatible with the character and form of existing land uses.

- B. **APPLICABILITY:** The requirements of this section shall not apply to existing single-family homes that are used exclusively for residential purposes within the MC Zone. Additions or renovations to such structures, along with customary accessory uses, are permitted subject to the zoning requirements of a residential use located within the R-1G Zone. Existing single-family homes that are partially or fully destroyed may be rebuilt as a matter of right.

- C. **PERMITTED USES:** One or more of the following uses may be permitted.

1. Clinics, Offices, and Laboratories – medical or dental
2. Offices
3. Restaurants, eating and drinking places, including entertainment facilities, including drive-ins and drive-thru's
4. Retail and service uses, including drive-ins and drive-thru's:
  - a. Apparel shop, clothing store, and tailor shop
  - b. Art and art supplies
  - c. Auto repair, light
  - d. Bakery and bakery goods store, provided the products are sold exclusively on the premises
  - e. Banks and other financial institutions, including savings, loan, and finance companies
  - f. Barber or beauty shop
  - g. Book, stationery, or gift shop
  - h. Camera and photographic supplies
  - i. Candy store, soda fountain, ice cream store, including drive-ins and drive-thru's
  - j. Daycare center
  - k. Delicatessen
  - l. Drug store

- m. Dry cleaning and laundry pick-up station
- n. Fitness Center, health club or gym
- o. Florist shop
- p. Food store and supermarket
- q. Furniture store
- r. Garden supplies
- s. Glass, china, or pottery store
- t. Hardware store
- u. Health spa, skin care
- v. Hobby shop
- w. Home improvement center
- x. Household and electrical appliances, radio and television store, including repair
- y. Interior decorating studio, paint and wallpaper store
- z. Jewelry store, including repair
- aa. Leather goods and luggage store
- bb. Music, musical instruments, and records, tapes, compact discs, and the like, including incidental repair
- cc. Nail salon
- dd. Opticians, optometrists, and optical goods
- ee. Package liquor and wine store
- ff. Service station
- gg. Shoe store, with incidental repair
- hh. Sporting goods
- ii. Studio for professional work or teaching of any form of fine arts, photography, music, drama, or dance
- jj. Tanning salon
- kk. Toy store
- ll. Retail sales and service businesses not listed above, but which are determined by the zoning administrator to be of a similar use or activity to the above permitted uses

D. **CONDITIONAL USES:** The following uses subject to the approval of the board of adjustment, as set forth in section 9.14 and 18.7 of this ordinance:

- 1. Churches and other buildings for the purpose of religious worship

E. **ACCESSORY USES:**

- 1. Customary accessory buildings and uses
- 2. Outdoor dining, used in connection with a restaurant, provided that such area meets the following requirements:
  - a. Such area shall be designated to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility

and shall not remove or otherwise preclude use of required parking spaces.

- b. Such area shall meet all building setback requirements for the district.
- c. Such area shall not exceed twenty five percent of the maximum seating capacity of the indoor dining area.
- d. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
- e. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday

F. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following 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 - Thirty (30) feet
- 4. Minimum side yard width on each side of lot - No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. 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 or three (3) stories
- 7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

G. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance. All uses within the MC Zone are permitted to utilize up to a 30% reduction from the minimum off-street parking requirements. Shared parking agreements per section 11.0, E., are encouraged to be used in this zone.

H. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be in accordance with Articles XIII and XIV of this ordinance.

I. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

J. LANDSCAPING: All landscaping shall be provided per Section 9.17. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.

K. OTHER DEVELOPMENT CONTROLS:

1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
2. No private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
3. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone, provided that no off-street parking areas shall be closer than five (5) feet to the street, road, highway, or right - of - way line or boundary line of any adjacent district. This five (5) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this ordinance.
6. Permitted uses within the MC Zone may supply off-street parking within three hundred (300) feet from such lot served, providing that such off-street parking facilities are unable to be provided on the same lot or contiguous to the same lot as the building being served and is limited to employee parking. In addition, said off-street parking shall be located in the same zone as the use being served.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of outdoor areas associated with a daycare facility, outdoor dining used in connection with a restaurant, drive-in and drive-thru operations, and off-street parking and loading and/or unloading areas.

L. DEVELOPMENT AGREEMENT:

The City reserves the right to require a development agreement with the City for any development greater than two (2) acres, or a development of a national or regional chain commercial use. If a development agreement is required, design concepts shall be submitted to the City and evaluated based on the design recommendations in the Crescent Springs Gateway Study.