

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**

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

	Primary Street	Secondary Street
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.