

ARTICLE X

ZONES

SECTION 10.0 CO (CONSERVATION) ZONE

A. PERMITTED USES

1. Agricultural uses, but not including the feeding of garbage to animals
2. Publicly owned and/or operated parks and/or recreation areas, including public swimming pools
3. Recreational uses other than those publicly owned and/or operated such as golf courses and country clubs, including commercial swimming pools

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 such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 of this ordinance:

1. Golf driving ranges
2. Riding academies and stables

D. AREA, HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as determined and approved by the city.

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 flood hazard, 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.
3. Off-street parking and loading or unloading shall be provided in accordance with Articles 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
6. Where any yard of any use permitted abuts a residential zone, a minimum yard requirement of one hundred (100) feet for each side screening area and additional setback shall be provided in accordance with Section 9.17 of this ordinance and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
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.
9. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.1 R-1Bc (RESIDENTIAL ONE-Bc) ZONE**A. PERMITTED USES**

1. Detached single-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses (detached garages are prohibited)
2. Fences and walls, as regulated by Article XIII of this ordinance
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: 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 such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 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, provided they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. Golf courses;
 - b. Country clubs;
 - 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 - Fifteen thousand (15,000) square feet
 2. Minimum lot width at minimum building setback line - One hundred (100) feet
 3. Minimum front yard depth - Fifty (50) feet
 4. Minimum side yard width on each side of lot - Ten (10) feet
 5. Minimum rear yard depth - Fifty (50) feet
 6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories
- 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 or two and one-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
 4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance.
 5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

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

1. Detached single-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses (detached garages are prohibited)
2. Fences and walls, as regulated by Article XIII of this ordinance
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: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 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. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses;
 - b. Country clubs;
 - c. 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 - Twelve thousand five hundred (12,500) square feet
2. Minimum lot width at minimum building setback line - Eighty (80) feet
3. Minimum front yard depth - Forty-five (45) feet
4. Minimum side yard width on each side of lot - Eight (8) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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 minimum 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 or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

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

1. Detached single-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses (detached garages are prohibited)
2. Fences and walls, as regulated by Article XIII of this ordinance
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: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 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. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses;
 - b. Country clubs;
 - c. 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 - Nine thousand (9,000) square feet
2. Minimum lot width at minimum building setback line - Seventy (70) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width on each side of lot - Six (6) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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 minimum 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 or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

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

1. Detached single-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses (detached garages are prohibited)
2. Fences and walls, as regulated by Article XIII of this ordinance
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: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 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. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, including swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses;
 - b. Country clubs;
 - c. 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 - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at minimum building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width on each side of lot - Five (5) feet
5. Minimum rear yard depth - Thirty-five (35) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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 minimum 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 or two and one-half (2-1/2) stories

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance.
5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.5 R-2a (RESIDENTIAL TWO-a) ZONE**A. PERMITTED USES**

1. Two-family 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 customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 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. Convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
4. Nursery schools
5. Publicly owned and/or operated parks and playgrounds

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 - Twelve thousand five hundred (12,500) square feet for each two (2) dwelling unit building. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot
2. Minimum lot width at minimum building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width on each side of lot - Ten (10) feet
5. Minimum rear yard depth - Thirty (30) feet
6. Maximum building height - Two (2) stories or forty (40) 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:

Minimum Zoning Lot Requirements Building Requirements

Conditionally Permitted Uses	Lot Area	Front-age	Set-back	Side Yard	Rear Yard	Minimum Gross Floor Area	Maximum Height	Location Adjacent To Arterial Street Required
Cemeteries	-	-	100'	-	-	-	35'	No
Churches: Other Places Of Worship	1 acre	150'	100'	30'	50'	-	-	Yes
Convalescent Homes, Nursing Homes, and Homes For The Aged	1 acre	150'	100'	30'	50'	400 Sq. Ft. Per Unit	25'	Yes
Nursery Schools and Day Care Centers	110 Sq. Ft. Per Child	150'	50'	20'	50'	40 Sq. Ft. Per Child	35'	No
Public Parks and Playgrounds	-	-	-	-	-	-	-	Yes

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development regulations, as regulated by Section 10.7 of this ordinance.
6. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.6 R-2b (RESIDENTIAL TWO-b) ZONE

- A. **PURPOSE:** The purposes of this zone are to: promote flexibility in design and permit planned diversification in the relationships between the location and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, and other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the Planning Commission at an early opportunity, while the details of the plan remain flexible. Applications shall be processed as follows:
1. **Preliminary Development Plan** - Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area R-2b shall be accompanied by a Preliminary Development Plan, as regulated by Section 10.7, D., of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection M., below. If an area, however, is currently zoned R-2b, the submission of the Preliminary Development Plan, for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed. Development shall include the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
 - a. The planning commission shall hold a public hearing on the proposed 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 R-2b Zone, the required elements of the Preliminary 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 Preliminary Development Plan and the bases for their recommendation.

- b. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said 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., 1., a., above.

Approval of the R-2b Zone shall require that development be in conformance with the approved Preliminary Development Plan.

The legislative body shall forward a copy of the approved Preliminary Development Plan to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for Final Development Plan and Record Plat.

2. Final Development Plan and Record Plat - A Final Development Plan and Record Plat shall be developed in conformance with the approved Preliminary Development Plan and in accordance with the requirements of Section 10.7, F. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 10.7, F. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Final Development Plan with regard to its compliance with the required elements of Section 10.7, F. of this ordinance, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Preliminary Development Plan. Minor adjustments from the approved Preliminary Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

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

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

C. RESIDENTIAL USES AND DENSITIES:

1. All types of residential housing units may be permitted within a R-2b Zone, including but not limited to, single - family, two - family, and multi - family residential units.
2. The maximum density of the R-2b Zone shall be 6.0 dwelling units per net acre. This density shall be applied to the total project area excluding that land devoted to nonresidential uses and streets (public and private).

D. 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

E. PUBLIC AND SEMI - PUBLIC USES: Public and semi - public structures and uses may be permitted in the R-2b Zone. These uses shall be delineated on the Preliminary Development Plan and may include the following:

1. Child care centers
2. Community centers
3. Country clubs
4. Fire or police stations
5. Open space/recreation areas
6. Parochial, private, and public schools

F. AREA REQUIREMENTS

1. No R-2b 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 R-2b, provided it is adjacent to an area with an existing approved Preliminary Development Plan and is currently zoned R-2b.
2. The minimum area for submission of a Preliminary Development Plan, within an existing R-2b Zone, shall be not less than five (5) acres. However, a Preliminary Development Plan may be submitted for an area of less than five (5) acres, provided it is adjacent to an area with an existing approved Preliminary Development Plan and is in agreement with all other requirements of the R-2b Zone.

G. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements may be as approved in the plan and as otherwise allowed or required in this ordinance.

No residential buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum lot area - Fifteen thousand (15,000) square feet for single-family residences; five thousand (5,000) square feet shall be provided for every dwelling unit thereafter in the same building. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
2. Minimum lot width at minimum building setback line - One hundred (100) feet.
3. Minimum front yard depth - Forty (40) feet.
4. Minimum side yard width -

Detached single-family dwelling units: Total: Twenty (20) feet; One Side: Eight (8) feet.

All other dwelling units: Fifteen (15) feet.

5. Minimum rear yard depth - Thirty (30) feet.
6. Maximum building height - Three (3) stories or forty (40) feet.

No public or semi - public building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

Minimum Zoning Lot Requirements Building Requirements

Conditionally Permitted Uses	Lot Area	Front-age	Set-back	Side Yard	Rear Yard	Minimum Gross Floor Area	Maximum Height	Location Adjacent To Arterial Street Required
Child Care Centers	110 Sq. Ft. Per Child	150'	50'	20'	50'	70 Sq. Ft. Per Child	35'	No
Community Centers	1 acre	150'	50'	30'	50'	-	35'	No
Fire/Police Stations	1 acre	150'	100'	30'	50'	-	35'	Yes
Public, Private, or Parochial Schools	10 acres	150'	100'	75'	200'	80 Sq. Ft. Per Child	35'	No

- 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, may be as approved in the plan and as otherwise allowed or required in this ordinance.
- 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 twenty percent (20%) of the total acreage of the proposed R-2b Zone shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the zone. Common open space/recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, single - family residential lots, commercial areas, and access drives.
 - Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the City of Crestview Hills for use as a public park. The proper legal document necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the Crestview Hills City Council.

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- L. SCREENING: Shall be as approved in the plan.
- M. 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 legislative body, or other adopted plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the R-2b Zone.
 3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
 4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 5. Extent to which the proposed design, as indicated in the Preliminary Development Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
 6. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
 8. Extent to which all necessary public utilities and facilities are available to service the development including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.
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- N. AMENDMENTS: Any amendments to plans shall be made in accordance with the procedure required by Subsection B., subject to the same limitations and requirements as those under which such plans were originally approved.
- O. EXPIRATION: Development plans within the R-2b 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 R-2b Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Final Development Plan has not been approved by the planning commission, or its duly authorized representative, within a period of twenty-four (24) consecutive months from the date of the approved Preliminary Development Plan and map amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Preliminary Development Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Final Development Plan by the planning commission, or its duly authorized representative, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Final Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Final Development Plan.
- P. 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right - of - way or into any adjacent property.
 3. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.
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SECTION 10.7 R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ZONE

- A. **PURPOSE AND INTENT:** The R-PUD Residential PUD Zone is intended to provide alternative, voluntary zoning procedures for residential development and housing. The R-PUD Zone shall be used only when a relatively large land holding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary Development Plan and subsequent Final Development Plan(s) for each section of the total land holding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effect on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines, dwelling types, and "cluster" type site planning, whereby provisions for maximum overall "gross" density are established to encourage imaginative land planning and efficient use of the land and to permit creation of usable and suitably located common open space for a higher level of amenity within the PUD.
- B. **USES/DENSITIES PERMITTED, CONDITIONAL USES, AND REQUIRED OPEN SPACE:**
1. **Uses Permitted:**
 - a. Detached single-family dwellings
 - b. Multiple-family dwellings and attached single-family dwellings, provided that no more than twenty-five (25) percent of the total PUD land holding shall be utilized for this type of housing
 - c. Publicly owned and operated parks and playgrounds
 2. **Densities Permitted:** There shall be permitted a maximum gross density of 4.5 dwelling units per acre. The zoning lots for single-family dwellings shall not be less than seven thousand five hundred (7,500) square feet and the zoning lots for multiple-family dwellings shall be not less than sixteen thousand (16,000) square feet.
 3. **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 uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 of this ordinance:
 - a. Churches, other religious places of worship
 - b. Institutions for human medical care - convalescent homes, nursing homes, and homes for the aged
 - c. Municipal buildings
 - d. Nursery schools

- e. Public and parochial schools
- 4. Required Common Open Space: There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area ranging from fifteen (15) percent to twenty-five (25) percent of the entire tract depending upon the location and character of the land to be set aside as open space. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as: pedestrian walkways, park land, open areas, drainage ways, swimming pools, club houses, tennis courts, and other land of essentially open character, exclusive of off-street parking areas.

Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the city of Crestview Hills for use as a public park. The proper legal document necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the Crestview Hills City Council.

- 5. Accessory Uses Permitted
 - a. Fences and walls, as regulated by Article XIII
 - b. Home occupations, subject to the restrictions and limitations established in Section 9.11
 - c. Signs, as regulated by Article XIV
- C. APPLICATION AND PROCESSING: The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission at an early opportunity, while the details of the plan remain flexible and before the applicant has invested a large sum of money in the engineering and architectural services needed to provide the detail necessary for final plat and plan approval. Application for the Planned Unit development Zone shall be processed as follows:
 - 1. An application for approval of the Preliminary Development Plan for a R-PUD Area and an application for an R-PUD Zone change, where applicable, may only be filed by a person having an interest in the property to be included in the planned unit. The PUD applications shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the R-PUD application(s) may be filed by holder(s) of an equitable interest in such property.
 - 2. Preapplication Conference: The applicant shall be required to meet with the zoning administrator, planning commission, and the Crestview Hills

City Council prior to submitting the R-PUD Preliminary Development Plan for review and approval. The purpose of this preapplication conference shall be to familiarize the applicant with all the necessary steps, all applicable rules and regulations and to pre-review the applicant's thinking and concepts with the appropriate city officials. The applicant shall present a general outline of his approach to the R-PUD and the city officials shall give to the applicant an initial reaction which is not legally binding but which is advisory in character.

3. The planning commission shall hold a public hearing on the proposed application (preliminary 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 state purposes of the R-PUD Zone, the required elements of the Preliminary 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 city council: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Preliminary Development Plan and the bases for their recommendation.
4. The city council 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 R-PUD application (preliminary development plan, and where applicable, the zoning map amendment). Such action may incorporate any conditions imposed by the planning commission. However, should the city council 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., 3., above. Approval of the R-PUD Zone shall require that development be in conformance with the approved preliminary development plan.

The city council shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirements for the final development plan and record plat.

Zoning Map Amendment - Upon approval of the R-PUD Zone, where applicable, the official zoning map shall be amended for the area as shown on the approved preliminary development plan.

5. A final development plan and record plat shall be developed in conformance with the approved preliminary development plan and in accordance with the requirements of Section 10.7, F., 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 10.7, F. 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 final development plan with regard to its compliance with the required elements of Section 10.7, F. for final development plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the approved preliminary development plan. The planning commission, in approving the Final development Plan, may authorize minor adjustments from the approved preliminary development 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.
- b. Upon approval of the Final development Plan, the planning commission shall review the submitted record plat with regard to its compliance with the required elements of Section 10.7, F., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the approved Final development 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. **PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS:** A preliminary development plan shall be submitted, identifying and providing the following:

1. An aerial photograph of the subject property.
2. A plan(s) of the subject property, drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, showing:
 - a. The total area in the project.
 - b. The present zoning of the subject property and all adjacent properties.

- c. All public and private right-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
- d. Existing and proposed topography with a maximum of five (5) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, the plan shall show either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in all directions.
- e. The location and height of every existing and proposed building on the subject property, including existing and proposed residential uses by housing type, and commercial and public uses by type and function.
- f. All walks, malls, parking areas, water bodies, open areas, recreational areas, including swimming pools, golf courses, tennis courts, playgrounds, etc.
- g. Types of surfacing proposed on off-street parking and driveway areas.
- h. Location of all proposed streets, highways, and alleys, with approximate dimensions of pavement and right-of-way widths and relationship to the city's official thoroughfare plan.
- i. All existing and proposed utility lines indicating, where applicable, pipe sizes and types.
- j. Accessibility to essential public facilities and services, such as fire protection, schools, recreation.
- k. Identification of the soil types on the subject property, indicating soil problems and proposed methods of handling said soil problems.
- l. A preliminary schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit.
 - (2) Streets, utilities, and other public facility improvements, in order of priority.
 - (3) Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled.

- E. PRELIMINARY DEVELOPMENT PLAN CONDITIONS FOR APPROVAL AND ADMINISTRATIVE PROCEDURES: Upon receipt of the report of the planning commission, the city council shall study and review the proposed R-PUD application and Preliminary Development Plan on the basis of: (1) that all requirements have been satisfied; and (2) finding that the following specific conditions are fully met:

1. That the PUD Zone and/or the preliminary development plan is in conformance with the comprehensive plan for Crestview Hills, Kentucky.
2. That each individual stage or successive stage of development shall not exceed the maximum density allowed for the Planned Unit Development land holding as a whole, except that in construing the density of the development, each completed stage of development shall be considered.
3. That the use(s) proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zones.
4. That the areas proposed shall be used only for the permitted uses and the usual accessory uses such as garages, storage spaces, parks, recreation sites, open spaces, and community purposes, including churches and schools.
5. That the interval streets and major and minor thoroughfares that are proposed shall properly interconnect with the surrounding existing major and minor thoroughfares, as designated in the Official Thoroughfare Plan of Crestview Hills, Kentucky.
6. That, when applicable, the R-PUD proposed Zone shall be so located with respect to major highways and thoroughfares within the city as to provide direct access to said zone without creating excessive traffic volumes along minor streets in adjacent residential neighborhoods.
7. That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association, or has been dedicated to, and accepted by, the city of Crestview Hills, as herein provided.
8. That the Preliminary Development Plan is consistent with the intent and purpose of this ordinance, to promote public health, public safety, and general welfare of the residents of Crestview Hills.
9. Administrative Procedures: Approval of the preliminary development plan and, where applicable, the zoning map amendment, shall require a favorable vote of the majority of the membership of the city council. Approval of the preliminary development plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels, and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in the subsequent preparation of the final development plan(s). In taking action, the city council may deny the R-

PUD Preliminary Development Plan or may recommend approval of said plan, subject to specified modifications.

10. At the time of approving and R-PUD development, the city council shall make appropriate arrangements with the owner developer(s) which will ensure the accomplishment of the public improvements and reservation of common open space as shown on the approved preliminary development plan.
11. Time Limits and Extensions: After a period of two (2) years, the approval of a preliminary development plan is subject to another review by the planning commission unless a Subdivision Final Plat has been recorded in the office of the Kenton County Recorder within that two (2) year period.

F. FINAL DEVELOPMENT -- PLAN AND RECORD PLAT REQUIREMENTS: The Final Development Plan and Record Plat shall conform to the following requirements:

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

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

- (1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
- k. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit;
 - (2) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership; and
 - (4) Non-residential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the approved Final Development Plan. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission.
- G. **AREA REQUIREMENTS:** No R-PUD Zone shall be permitted on less than fifty (50) acres of land. However, development of a smaller tract adjacent to an existing R-PUD Zone, may be permitted, when approved by the planning commission, 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 REGULATIONS:** Requirements shall be as approved in the Final Development Plan, subject to the following:

1. No single-family residence shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
2. There shall be a minimum buffer area of thirty-five (35) feet where the R-PUD Zone is adjacent to any other "R" District. Setbacks for buildings shall be as designated on the Final development Plan(s).
 - a. Where setbacks for individual lots are not included in an approved Final Development Plan, the following standards shall apply as minimum:

(1) Single-Family structures -	lot width front yard side yard rear yard	Seventy (70) feet Thirty (30) feet Six (6) feet Fifty (50) feet
(2) Accessory buildings -	front yard side yard rear yard	Not Allowed Six (6) feet Ten (10) feet
3. No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the following regulations:

Minimum Zoning Lot Requirements Building Requirements

Conditionally Permitted Uses	Lot Area	Front-age	Set-back	Side Yard	Rear Yard	Minimum Gross Floor Area	Maximum Height	Location Adjacent To Arterial Street Required
Churches: Other Places of Worship	1 acre	150'	100'	30'	50'	-	35'	Yes
Convalescent Homes, Nursing Homes, and Homes For The Aged	1 acre	150'	100'	30'	50'	400 Sq. Ft. Per Unit	25'	Yes
Public and Parochial Schools	10 acres	150'	150'	75'	200'	80 Sq. Ft. Per Child	35'	No
Nursery Schools and Day Care Centers	110 Sq. Ft. Per Child	150'	50'	20'	50'	40 Sq. Ft. Per Child	35'	No
Municipal Building	1 acre	150'	100'	30'	50'	-	35'	Yes

- 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. AMENDMENTS: Any amendments to plans may 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.
- L. EXPIRATION: As a condition to the zone change, where applicable, substantial construction shall have been initiated within twelve (12) consecutive months following the date of approval of the final development plan, provided that an extension may be permitted upon approval of the city, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purposes of this ordinance, substantial construction shall be defined as the amount of construction to be completed as set forth in, and approved as part of, the phasing of the final development plan. At the expiration of said permit and extension, if any, a public hearing shall be initiated by the city, or its authorized representative, and held by the planning commission, according to the requirements of KRS 100, for the purpose of determining whether said zone change should revert to its original zoning designation.
- M. OTHER DEVELOPMENT CONTROLS:
 - 1. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.8 SC (SHOPPING CENTER) ZONE**A. USES PERMITTED:** The following retail and service businesses:

1. Advertising agencies
2. Antique shops
3. Apparel shop
4. Art supplies
5. Bakery and bakery goods store, provided the products are sold exclusively on the premises
6. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
7. Barber shops
8. Beauty shops
9. Book, stationery, or gift shop
10. Bus shelters
11. Business, secretarial, medical, and computer schools
12. Camera and photographic supplies
13. Candy store, soda fountain, ice cream store, excluding drive-ins
14. Carpet and rug stores
15. Clinics - medical or dental
16. Delicatessen
17. Department store, excluding discount department stores
18. Drug store
19. Dry cleaning store
20. Eating and drinking places, without drive-in or drive-thru facilities
21. Employment agencies
22. Florist shop
23. Food store and supermarkets
24. Furniture store
25. Garden supplies
26. Glass, china, or pottery store
27. Haberdashery
28. Hardware store
29. Health clinics and health spas
30. Hobby shop
31. Household and electrical appliance store, including incidental repair
32. Interior decorating studio
33. Jewelry store, including repair
34. Laboratories - medical and dental
35. Leather goods and luggage store
36. Library
37. Locksmith shop
38. Music, musical instruments, and records, including incidental repair
39. Office appliances and supplies

40. Off-street parking lots and/or garages
41. Offices
42. Opticians and optical goods
43. Package liquor and wine store, without drive-in or drive-thru facilities
44. Paint and wallpaper store
45. Pet shop, excluding boarding and outside runs
46. Police and fire stations
47. Post office
48. Radio and television store, including repair
49. Shoe store and shoe repair
50. Sporting goods
51. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
52. Tailor shop
53. Theaters, excluding drive-ins
54. Toy stores
55. Travel Bureaus
56. 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. The location, size, height, and type of all signs shall be in accordance with Article XIV of this ordinance or as approved in the development plan

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 uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.15 of this ordinance:

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

1. Minimum building site area - Five (5) acres (In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area)
2. Minimum front yard depth – Ninety (90) feet.
3. Minimum side and rear yard requirements - Thirty-five (35) feet.
4. Maximum building height - Thirty (30) feet. The maximum height for buildings may be increased up to forty-five (45) feet, provided that for each additional foot over thirty (30) feet, an additional foot shall be required for all side and rear yards, as required in Subsection D., 1., 3.

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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicular access) and functional relationship of uses within the shopping center.
5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.
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 requirements established for this zone.
7. Off-street parking is permitted as follows:
 - a. To a minimum of twenty (20) feet from property lines along major streets (collector and arterial).
 - b. To a minimum of ten (10) feet from property lines along interstate highways.
 - c. To a minimum of seventy (70) feet from property lines immediately adjacent to a residential zone.

SECTION 10.9 PO-1 (LOW RISE OFFICE PARK) ZONE

- A. **STATEMENT OF INTENT:** The intent of this office park district is to create an area that will accommodate a wide variety of office uses (administrative, business, professional) in a campus setting that is relatively open in character. This area should be compatible with the Thomas More College campus and should provide land area for certain offices related to the St. Elizabeth Medical Center and/or to Thomas More College, or for certain offices requiring good general accessibility to the region.
- B. **USES PERMITTED**
1. Administrative offices, including public and semi-public, civic, educational, religious, or charitable organizations
 2. Banks and other financial institutions, including savings, loan, and finance companies
 3. Business offices provided that no retail trade is conducted with the general public and no stock of goods is maintained on the premises for sale to customers
 4. Libraries and museums
 5. Medical and dental clinics
 6. Medical laboratories
 7. Professional offices including offices for doctors, dentists, optometrists, opticians, lawyers, accountants, architects, engineers, planners, landscape architects, surveyors, insurance agents, advertising agencies
 8. Radio and television broadcasting studios
 9. Regional and metropolitan area headquarters offices
 10. Research and development laboratories
 11. Substance abuse treatment facilities, outpatient
- C. **CONDITIONAL USES**
1. Substance abuse treatment facilities, inpatient
- D. **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, as a convenience to the occupants thereof, their patients, clients, or customers, providing that the accessory uses shall not exceed fifteen (15) percent of the gross floor area of the permitted uses in the building:
 - a. Barber shop

- b. Beauty shop
- c. Coffee shop or refreshment stand
- d. Eating and drinking places, excluding drive-ins
- e. Medical supplies establishments
- f. News and confectionery stands
- g. Prescription pharmacy

E. AREA AND HEIGHT REGULATIONS

- 1. Minimum building site area - Three (3) acres. (In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).
- 2. Minimum front yard depth - Fifty (50) feet.
- 3. Minimum side yard width - Thirty (30) feet.
- 4. Minimum rear yard depth - Forty (40) feet.
- 5. Maximum building height - Forty (40) feet or three (3) stories.
- 6. Maximum lot coverage - Thirty (30) percent of lot area.

F. OPEN SPACE AND LANDSCAPING

- 1. At least thirty (30) percent of the total building site shall be preserved in open space and not be used for building or parking purposes.
- 2. Any developed part of the office park land holding not used for structures, streets, parking and loading/unloading areas, shall be landscaped or otherwise approved, or if approved by the city, left in its natural state.

G. OTHER DEVELOPMENT CONTROLS

- 1. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
- 2. 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 requirements established for this zone.
- 3. A Conceptual Circulation Plan shall be required for any use permitted in this zone. Such Conceptual Circulation Plan shall include the layout of the entire area of the office park complex and shall take into consideration good design including internal and external pedestrian and vehicular access, and functional relationship of uses within the office park.
- 4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- 5. 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.

6. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
7. Off-street parking may be permitted to extend into the minimum side and rear yards except when adjacent to residential zones and in the case of corner lots which must maintain minimum setback lines along the street frontage.
8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
9. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.10 PO-2 (HIGH RISE OFFICE PARK) ZONE

- A. **STATEMENT OF INTENT:** The intent of this office park district is to create an area that will accommodate a wide variety of office uses (administrative, business, professional) in a campus setting that is relatively open in character. This area should be compatible with the Thomas More College campus and should provide land area for certain offices related to the St. Elizabeth Medical Center and/or to Thomas More College, or for certain offices requiring good general accessibility to the region.
- B. **USES PERMITTED**
1. Administrative offices, including public and semi-public, civic, educational, religious, or charitable organizations
 2. Banks and other financial institutions, including savings, loan, and finance companies
 3. Business offices provided that no retail trade is conducted with the general public and no stock of goods is maintained on the premises for sale to customers
 4. Libraries and museums
 5. Medical and dental clinics
 6. Medical laboratories
 7. Professional offices including offices for doctors, dentists, optometrists, opticians, lawyers, accountants, architects, engineers, planners, landscape architects, surveyors, insurance agents, advertising agencies
 8. Radio and television broadcasting studios
 9. Regional and metropolitan area headquarters offices
 10. Research and development laboratories
- C. **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, as a convenience to the occupants thereof, their patients, clients, or customers, providing that the accessory uses shall not exceed fifteen (15) percent of the gross floor area of the permitted uses in the building:
 - a. Barber shop
 - b. Beauty shop
 - c. Coffee shop or refreshment stand
 - d. Eating and drinking places, excluding drive-ins
 - e. Medical supplies establishments
 - f. News and confectionery stands

- g. Prescription pharmacy

D. AREA AND HEIGHT REGULATIONS

1. Minimum building site area - Three (3) acres. (In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).
2. Minimum front yard depth - Fifty (50) feet.
3. Minimum side yard width - Thirty (30) feet.
4. Minimum rear yard depth - Forty (40) feet.
5. Maximum building height - Eighty (80) feet or eight (8) stories.
6. Maximum lot coverage - Thirty (30) percent of lot area.

E. OPEN SPACE AND LANDSCAPING

1. At least thirty (30) percent of the total building site shall be preserved in open space and not be used for building or parking purposes.
2. Any developed part of the office park land holding not used for structures, streets, parking and loading/unloading areas, shall be landscaped or otherwise approved, or if approved by the city, left in its natural state.

F. OTHER DEVELOPMENT CONTROLS

1. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
2. 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 requirements established for this zone.
3. A Conceptual Circulation Plan shall be required for any use permitted in this zone. Such Conceptual Circulation Plan shall include the layout of the entire area of the office park complex and shall take into consideration good design including internal and external pedestrian and vehicular access, and functional relationship of uses within the office park.
4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. 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.
6. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
7. Off-street parking may be permitted to extend into the minimum side and rear yards except when adjacent to residential zones and in the case of corner lots which must maintain minimum setback lines along the street frontage.

8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
9. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.11 HLC (HISTORICAL COMMERCIAL) ZONE

- A. **PURPOSE:** The purpose of the Historical Commercial (HLC) Zone is to preserve a building(s) in the city which has an exceptional historical character and significance to the city; and to provide for a reasonable use of said building(s) which would help to preserve the building(s) and would not be detrimental to its historical character.
- B. **USES PERMITTED**
1. Branch bank, with drive-up windows
 2. Offices
 3. Residential condominiums
- C. **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
- D. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following nor shall any of the following uses be permitted until and unless the location of said uses shall have been approved by the Board of Adjustment, as set forth in Section 9.14 of this ordinance.
1. Studios for the following:
 - a. Art studio
 - b. Interior design showrooms
 2. Standards for studios: In order to provide compatible uses in the HLC district, the following standards are set forth:
 - a. No processes and/or equipment shall be used or goods sold which are objectionable by reason of odor, dust, smoke, fumes, noise, and vibration
 - b. Hours of operation shall be limited to 9 am to 9 pm
 - c. There shall be no warehousing of merchandise
 - d. Any use must preserve the historic characteristics of the district
- E. **AREA, BUILDING, AND HEIGHT REGULATIONS**
1. No HLC Zone shall be permitted on less than six (6) acres of land. The minimum building site shall also be six (6) acres.

2. Development within the HLC Zone shall perpetuate and include the use of the existing historical building(s). Expansion of the historic building(s) and construction of additional buildings may be permitted, provided that said additional buildings reflect the architectural character of and are compatible with the existing historic building(s). All structural alterations and additional structures shall conform to the following:
 - a. Minimum depth from arterial streets, as defined herein, shall be ninety (90) feet from the right-of-way.
 - b. Minimum depth from collector and local streets, as defined herein, forty-five (45) feet.
 - c. Minimum depth from interstate highways, as defined herein, and ramps thereto, five (5) feet.
 - d. Maximum building height - Two (2) stories, not to exceed thirty-five (35) feet, measured to midpoint of gable.
 - e. Pavement for parking shall not be located closer than ten (10) feet of any right-of-way of an arterial street, collector street, or local street, as defined herein, and, irrespective of the foregoing, parking shall not be located in any area of the building site where prohibited by the legislative body.
 - f. Evaluation of a proposed development plan shall be based upon its agreement with the various elements of the Kenton County Comprehensive Plan.
3. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading or unloading shall be provided in accordance with Article XI and XII of this ordinance.
2. All parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a zone containing single-family residential buildings, by a landscaped earthen berm or by other means approved by the legislative body.
3. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
4. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

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5. Any part of the total building site not used for structures, streets, parking, and loading/unloading areas, shall be landscaped in accordance with Section 9.17 of this ordinance, or if approved by the city, left in its natural state.
 6. Fences and walls will be regulated by Article XIII of this ordinance.
 7. Signs will be regulated by Article XIV of this ordinance.
 8. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.
- G. DENSITY: Areas within an HLC Zone may be developed to a density that does not detract from or diminish the significance of the historic building(s), but in no event shall the density exceed that required to comply with the "open space" requirement of Section G., below.
- H. OPEN SPACE AND LANDSCAPING
1. At least forty (40) percent of the total building site of an HLC Zone shall be "open space". "Open space" is defined to exclude building structure, parking spaces, black top or concrete except sidewalks.
 2. Any part of the total building site not used for structures, streets, parking and loading/unloading areas, shall be landscaped as approved by the legislative body and in accordance with the landscaping shown on the approved development plans and in accordance with Section 9.17 of this ordinance.
 3. 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 requirements established for this zone.
- I. PROCEDURE
1. Before a parcel of land can be developed within an HLC Zone or rezoned to an HLC Zone, the developer must submit a Stage I Plan of the proposed development in accord with Paragraph I., below of this section.
 2. The Stage I Plan must be reviewed by the local planning commission (at this time, the Kenton County and Municipal Planning and Zoning Commission). The planning commission will approve, approve with conditions, or disapprove the Stage I Plan. The planning commission will transmit its decision to the legislative body. A majority of the entire membership of the legislative body shall be required to override the recommendation of disapproval by the planning commission.
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3. 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.
4. After receiving the recommendation of the planning unit, the legislative body will review the Stage I Plan and then vote to approve or disapprove the Stage I Plan.
5. Minor revisions to the Stage I Plan may be approved by the legislative body without prior review by the planning commission.
6. After approval of the Stage I Plan, the developer must submit a Stage II Plan to the legislative body for review. The Stage II Plan must be done in accord with Paragraph J., below of this section.
7. The Stage II Plan must conform to the concepts and general layout of the approved Stage I Plan and the requirements of this ordinance.
8. The Stage II Plan must include the total HLC Zone, or at least the minimum building site area of six (6) acres.
9. No site development work may be commenced until the legislative body has approved the Stage II Development Plan.
10. A developer may waive the requirements of submitting a Stage I Plan and elect to submit the Stage II Plan for review, so long as the Stage II Plan contains all the information required of both a Stage I and Stage II Plan.

J. PLAN REQUIREMENTS - STAGE I

STAGE I -- PLAN REQUIREMENTS: Stage I Plan shall identify and provide the following information:

1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project;
 - b. The present zoning of the subject property and all adjacent properties;
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;

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- d. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
 - e. Delineation of all existing and proposed buildings in the project with a statement indicating:
 - (1) The average density per acre of the total project, setbacks, and the height and exterior dimensions of each building;
 - (2) The number of stories, including basement area, and the gross floor area of each building;
 - (3) Open space -- The amount of area proposed for open space and identification of trees and unique natural features to be retained.
 - f. Delineation of all proposed waste receptacle sites.
 - g. Location of proposed pedestrian walkways, identifying approximate dimensions;
 - h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;
 - i. The location of landscape areas, screening, lighting, buffering, walls, fences, and signs;
 - j. Location of all existing and proposed electric and telephone lines, water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes;
 - k. The number and approximate location of parking spaces;
 - l. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems;
 - m. Other information that the legislative body may determine necessary for description and/or to insure proper integration of the proposed project into the surrounding area;
 - n. A schedule of development, including the staging and phasing of:

- (1) Streets, utilities, and other public facility improvements, in order of priority;
 - (2) Dedication of land to public use or set aside for common ownership; and
 - (3) Buildings and uses, in order of priority.
2. The Stage I Plan must include the following information in a narrative form that will be considered an integral part of the Stage I Plan:
 - a. A history of the historic building(s) on the site;
 - b. A description of the architectural features, both exterior and interior, of the historic building(s);
 - c. Statement of intended uses of the historic building(s) and the proposal for maintaining the historic integrity of the interior and exterior of the historic structure(s);
 - d. A description of the materials to be used in altering the historic building(s) and in constructing additional buildings in order to insure the compatibility of all renovation and construction of the existing historic building(s);
 - e. A description of all other measures that will be implemented by the owner/developer(s) to insure that the development will be compatible with the surrounding neighborhood; and
 - f. A description of the significant architectural and environmental features of the surrounding neighborhood.

K. PLAN REQUIREMENTS - STAGE II

The Stage II Plan shall conform to the following requirements:

Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:

- a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet.

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- b. Location, height, arrangement, and identification of all buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
 - c. Elevations of all sides of each building, identifying and delineating all exterior materials and architectural features. The legislative body may require that the renderings be made in color and shown in three dimensions.
 - d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified.
 - e. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.
 - f. Location of signs indicating their orientation, size, and height. Types and locations of all exterior lighting.
 - g. All utility lines and easements, including:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property;
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;

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- h. Location of all refuse receptacle sites, off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
 - i. Circulation System:
 - (1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
 - j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - k. A schedule of development, including the staging and phasing of:
 - (1) Streets, utilities, and other public facility improvements, in order of priority;
 - (3) Dedication of land to public use or set aside for common ownership; and
 - (4) Buildings and uses, in order of priority.
 - L. **PLAN REQUIREMENTS - AMENDMENTS:** Any amendments to plans must 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. **PLAN REQUIREMENTS - EXPIRATION:** As a condition to development within the HLC Zone, or to a zone change to HLC, substantial construction shall have been initiated within twelve (12) consecutive months following the date of approval of the final development plan, provided that an extension may be permitted upon approval of the city, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purposes of this ordinance, substantial construction shall be defined as the amount of construction to be completed as set forth in, and approved as part of, the phasing of the final development plan. At the expiration of said permit and extension, if any, a public hearing shall be initiated by the city, or its authorized representative, and held by the planning commission in
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accordance with the requirements of KRS 100, for the purpose of determining whether approval of the development plan ought to be withdrawn or whether the zoning should revert to the property's original zoning designation.

SECTION 10.12 IP (INDUSTRIAL PARK) ZONE

A. **USES PERMITTED:** 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. Business and industrial offices
2. Crating services
3. Electric supply company
4. Equipment rental establishments
5. Industrial engineering consultant offices
6. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
7. Labor union meeting halls
8. Mail order houses
9. Publishing and distribution of books, newspapers, and other printed material
10. Schools for industrial or business training
11. Storage and mini-storage buildings
12. Testing laboratories
13. Warehouses and associated office space which may have a maximum lot coverage of seventy-five (75) percent and a maximum floor area ratio of 0.75
14. Wholesale houses and storage facilities which may have a maximum lot coverage of seventy-five (75) percent and a maximum floor area ratio of 0.75

B. **ACCESSORY USES**

1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops
2. Fences and walls, as regulated by Article XIII of this ordinance
3. 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. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:

1. Minimum site for an industrial park zone - Forty (40) acres
2. Minimum lot area - One (1) acre (forty three thousand five hundred sixty (43,560) square feet)

3. Minimum lot width at minimum building setback line - One hundred fifty (150) feet
4. Minimum front yard depth - 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 residential zoning district - 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. Where the rear yard is adjacent to a residential zoning district - Seventy-five (75) feet
7. Maximum building height - Forty (40) feet or three (3) stories
8. Maximum lot coverage - Fifty (50) percent of lot area, except as provided herein
9. Maximum floor area ratio - 0.5, except as provided herein

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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, 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 requirements established for this zone.

SECTION 10.13 INST (INSTITUTIONAL) ZONE**A. PERMITTED USES**

1. Churches and other buildings for the purpose of religious worship.
2. Colleges and universities, including those structures used by the college or university and used for directly related purposes, including recreation and the housing of students, guests, and employees of the college or university. This includes administrative buildings, classrooms, lecture halls, laboratories, libraries, athletic facilities, dormitories, faculty and staff housing, student and faculty centers, and maintenance buildings.
3. Hospitals, including those structures used by the hospital and use for directly related purposes, including recreation and housing of employees, guests, and students of the hospital. This includes administrative buildings, classrooms, lecture halls, laboratories, libraries, dormitories, faculty and staff housing, student and faculty centers, and maintenance buildings.
4. Public, parochial, and vocational schools.
5. Nursing schools.
6. Nursing homes, convalescent homes, rest homes, and homes for the aged.
7. Day care centers.
8. Municipal building and fire house.
9. Publicly owned parks, playgrounds, and community recreation centers.

B. ACCESSORY USES

1. Fences, walls, and signs, as approved according to the site plan
3. Uses as listed below, provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:
 - a. book store
 - b. medical supply store
 - c. restaurant or cafeteria

C. AREA, HEIGHT, AND YARD REQUIREMENTS FOR PERMITTED USES:

	Minimum Zoning Lot Requirements				Building Requirements		
EACH PERMITTED USE	MINIMUM BUILDING SITE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MINIMUM BUILDING HEIGHT
Colleges and Universities	100 acres (1)	--	1,000 Ft. (2)	100 Ft.	100 Ft.	100 Ft.	50 Ft.
Hospitals	100 acres (1)	--	1,000 Ft. (2)	100 Ft.	100 Ft.	100 Ft.	50 Ft.
Nursing Homes, Convalescent Homes, Rest Homes, and Homes For The Aged	--	2 acres	150 Ft.	50 Ft.	25 Ft. (3)	35 Ft. (3)	35 Ft.
Public, Parochial, and Vocational Schools	--	15 acres	300 Ft.	100 Ft.	50 Ft.	50 Ft.	35 Ft.
Public Parks, Playgrounds, and Community Recreation Centers	--	--	--	--	--	--	--
All Other Permitted Uses	--	1 acre	150 Ft.	50 Ft.	20 Ft. (3)	30 Ft. (3)	35 Ft.

- (1) For purposes of computing the minimum building site, property located outside the city limits of Crestview Hills may be utilized, provided that all of the following conditions are met: (a) the property must be contiguous to the property located within the city and under the same ownership; (b) the property located outside the city must be developed for the same permitted use as the property located in the city; (c) the property outside the city must be zoned for institutional purposes (i.e., be zoned "Institutional" which zone must be generally compatible with Crestview Hills' Institutional Zone; or must be an approved "conditional use" in another zone).
- (2) One thousand (1,000) feet of frontage on a public street is required for the building site. No specific lot width requirements if building site is subdivided.
- (3) Fifty (50) feet when adjacent to a residential zone.

D. OTHER DEVELOPMENT CONTROLS

1. No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel of land in the Institutional Zone until a site

- plan layout has been submitted and approved in accordance with Section 9.19.
2. A conceptual circulation plan shall be required for any use permitted in this zone to show the relationship of said use to other institutional uses within this zone and to transportation systems (pedestrian and vehicular) in this zone.
 3. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
 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 requirements established for this zone.
 7. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

SECTION 10.14 RP-1 (RESEARCH PARK) ZONE

A. STATEMENT OF INTENT: The intent of this district is to create a planned/research office park that will accommodate a wide variety of research, office, training, and other business uses in a high quality campus environment compatible with Thomas More College and St. Elizabeth Medical Center.

B. USES PERMITTED

1. Corporate headquarters, regional and administrative offices
2. Professional, medical, and dental offices
3. Regional and metropolitan offices
4. Sales and marketing offices
5. Data and communication centers, including information processing facilities
6. Sales and service offices related to electronic equipment, computers, and similar office equipment
7. Research and development facilities
8. Medical clinics, medical supplies, and other related sales and services
9. Hotels and meeting facilities
10. Training, educational, and conference facilities
11. Printing and publishing facilities
12. Athletic and recreational facilities
13. Financial institutions and services
14. Retail and retail services in conjunction with an located within an office building, hotel, conference center, or athletic facility
15. Day care center
16. Colleges, technical, and business schools
17. Libraries and museums
18. Free standing sit-down restaurants, without drive-in or drive-thru facilities, and having seating capacity greater than one hundred fifty (150) seats

C. ACCESSORY USES

1. Storage in conjunction with the primary use and provided that said storage area does not exceed thirty (30) percent of the building area
2. Customary accessory buildings and uses
3. Fences and walls, as regulated by Article XIII of this ordinance
4. Signs, as regulated by Article XIV of this ordinance
5. Uses as listed below as a convenience to the occupants thereof, their patients, clients, or customers, providing that the accessory uses shall not exceed fifteen (15) percent of the gross area of the permitted use in the development (see item G., 4., below for possible alternative approach):
 - a. Barber shop

- b. Beauty shop
 - c. Coffee shop/refreshment stand
 - d. Copy/print center
 - e. Eating and drinking places, without drive-in or drive-thru facilities
 - f. Financial services (bank, credit union, S & L)
 - g. Florist
 - h. Medical supplies establishment
 - i. News stand
 - j. Office supply store
 - k. Pharmacy/card shop/convenience store
 - l. Retail and retail services in conjunction with an located within an office building, hotel, conference center, or athletic facility
 - m. Travel agency
6. A business services center which would be a separate facility housing accessory uses as outlined in C., 5., a., 1. Such a facility could also encompass general office space probably including the offices of the Park Management.

D. AREA AND HEIGHT REGULATIONS

- 1. Minimum building site area - One (1) acre. (In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area)
- 2. Minimum front yard depth - Fifty (50) feet
- 3. Minimum side yard width - Thirty (30) feet
- 4. Minimum rear yard depth - Forty (40) feet
- 5. Maximum building height - Eight (8) stories
- 6. Minimum area of research park (RP-1) zone - Fifty (50) acres
- 7. Minimum lot width - Two hundred (200) feet at building line

E. OPEN SPACE AND LANDSCAPING

- 1. At least thirty (30) percent of the total building site shall be preserved in open space and not be used for building or parking purposes.
- 2. Any developed part of the office park land holding not used for structures, streets, parking, and loading/unloading areas, shall be landscaped or otherwise improved; or if approved by the city, left in its natural state.

F. OTHER DEVELOPMENT CONTROLS

- 1. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

2. 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 requirements established for this zone.
3. A Conceptual Circulation Plan shall be required for any use permitted in this zone. Such Conceptual Circulation Plan shall include the layout of the entire area of the office park complex and shall take into consideration good design including internal and external pedestrian and vehicular access, and functional relationship of uses within the office park.
4. No use producing objectionable odors, noise, or dust shall be permitted in this zone.
5. 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.
6. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
7. Off-street parking exception to Section 9.10, F. Off-street parking is permitted as follows:
 - a. To a minimum of fifty (50) feet from the property line along major streets (collectors and arterials;
 - b. To a minimum of thirty (30) feet from the property line along other streets;
 - c. To a minimum of ten (10) feet from all other lot lines, except when adjacent to a residential zone, where required minimum yards shall be maintained.
8. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
9. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

G. PROCEDURE

Before a parcel of land can be rezoned to RP-1, or developed within an RP-1 Zone, the developer must submit a Stage I Plan of the proposed development, in accord with Article I of this section.

The Stage I Plan is to be used as a guideline for the development of the total research park.

The Stage I Plan must be reviewed by the city planning unit (at this time, the Kenton County and municipal Planning and Zoning Commission). The planning unit will approve, approve with conditions, or disapprove the Stage I Plan. The

planning unit will transmit their decision to the city council. The planning unit's decision is in the way of a recommendation and is not binding upon the city council.

After receiving the recommendation of the planning unit, city council will vote to approve or disapprove the Stage I Plan.

Minor revisions to the Stage I Plan may be approved by city council.

After approval of the Stage I Plan, the developer may submit a Stage II Plan to the city council for review. The Stage II Plan must be done in accord with Article J of this section.

The Stage II Plan must conform to the concepts and general layout of the approved Stage I Plan.

The Stage II Plan may include the total research park or any part of it.

No site development work may be done until the city has approved the Stage II Development Plan.

H. PLAN REQUIREMENTS -- STAGE I

STAGE I -- PLAN REQUIREMENTS: Stage I Plan shall identify and provide the following information:

1. Plan(s) of the subject property, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project;
 - b. The present zoning of the subject property and all adjacent properties;
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
 - d. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:

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- (1) detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
 - (2) Attached housing - location and description of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
- f. Delineation of all existing and proposed non-residential uses in the project:
- (1) Commercial uses - location and type of all uses including approximate number of acres, gross floor area, and heights of buildings.
 - (2) Open Space/Recreation - the approximate amount of area proposed for common open space, including the location of recreational facilities, and identification of unique natural features to be retained.
 - (3) Other public and semi-public uses - location and type of all uses, including approximate number of acreage, and height of buildings.
- g. Location of proposed pedestrian walkways, identifying approximate dimensions;
- h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;
- i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
- j. Certification from appropriate water and sewer agencies that services will be available.
- k. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems

- I. Other information that the legislative body may determine necessary for description and/or to insure proper integration of the proposed project in the area.
- m. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit.
 - (2) Streets, utilities, and other public facility improvements, in order of priority.
 - (3) Dedication of land to public use or set aside for common ownership.
 - (4) Non-residential buildings and uses, in order of priority.

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

I. STAGE II - PLAN REQUIREMENTS

The Stage II Plan shall conform to the following requirements:

Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:

- a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the planning commission.
- b. All housing units on the subject property:
 - (1) Detached housing - location, arrangement, and number of all lots, including lot dimensions and setbacks, and maximum height of buildings.
 - (2) Attached housing - location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location, arrangement, and dimensions of all lots.

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

- (1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;
- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
- k. A schedule of development, including the staging and phasing of:
 - (1) Residential area, in order of priority, by type of dwelling unit.
 - (2) Streets, utilities, and other public facility improvements, in order of priority.
 - (3) Dedication of land to public use or set aside for common ownership.
 - (4) Non-residential buildings and uses, in order of priority.

SECTION 10.15 R-1Bd (RESIDENTIAL ONE-Bd) ZONE**A. PERMITTED USES**

1. Detached single-family dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses (detached garages are prohibited)
2. Fences and walls, as regulated by Article XIII of this ordinance
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: 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 such use shall have been applied for and approved by the board of adjustment, as set forth in Section 9.14 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, provided they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. Golf courses;
 - b. Country clubs;
 - 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 - Fifteen thousand (15,000) square feet
 2. Minimum lot width at minimum building setback line - One hundred (100) feet
 3. Minimum front yard depth - Fifty (50) feet
 4. Minimum side yard width on each side of lot - Ten (10) feet
 5. Minimum rear yard depth - Thirty (30) feet
 6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories
- 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 or two and one-half (2-1/2) stories
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading 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 lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.
 4. Screening areas and additional setbacks shall be provided in accordance with Section 9.17 of this ordinance.
 5. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.

10.16.1.A. Intent

10.16.1. OVERVIEW

A. INTENT

The regulations of the mixed-use (MX) zones are intended to support appropriately scaled redevelopment in the two MX zones mapped to implement locations identified in the Kenton County comprehensive plan as ideal for mixed-use development. Further, these zones are intended to achieve the following:

1. Sense of Place

A sense of place defined by human-scaled development consisting of a variety of high-quality buildings and civic spaces with well-designed landscape and streetscapes.

2. Walkable Development

Walkable development that is comfortable, safe, and interesting for the pedestrian through the use of appropriately scaled blocks, an interconnected system of streets with multiple choices for routes, and prioritization of streets for pedestrians and vehicles.

3. Connected Development

Connected development that provides meaningful, safe, and walkable connections to adjacent neighborhoods and development to eventually provide connectivity throughout the community.

4. Mixed-Use

Vibrant places with a “live-work-play” atmosphere, accommodated through a required mix of uses that activate internal streets and civic spaces during the day and into the evenings, and multi-story development that define the public spaces and create “eyes on the street.”

B. ORGANIZATION OF CODE

1. Section 10.16.1: Overview

Section 10.16.1 provides the introductory provisions for the MX zones regulations, including such items as mapping and procedures.

2. Section 10.16.2: Master Developments

Section 10.16.2 provides requirements for the introduction of new streets and open space, and the use and layout of multiple building types on larger developments.

3. Section 10.16.3: Building Types & Uses

Section 10.16.3 outlines the permitted building forms and uses within the zones. Allowable building form is established by a series of building types that contain regulations for locating the buildings and parking on the site, the height of the buildings, the uses located within the building, and facade and roof requirements. Permitted uses within each building type are also defined in this section.

4. Section 10.16.4: General Building Design

Design requirements applicable to all building types are defined in Section 10.16.4. Building materials, balcony design, and window design are examples of regulations included in this section.

5. Section 10.16.5: General Site Design

Design requirements applicable to the site are included in section 10.16.5. Landscape requirements, parking lot design, and signs are examples of regulations established in this section.

6. Section 10.16.6: Definitions & Measuring

Definitions for Section 10.16 and methods for measuring requirements are included in Section 10.16.6.

C. ZONES ESTABLISHED

The following zones are established for the mixed-use areas of the City. The MX zones are available for properties designated in Figure 10.16.1-1 and Figure 10.16.1-2 and, once rezoning is approved per Section 10.16.1.D, will be designated on the City’s official zoning map.

1. MX-1

The MX-1 zone is intended for use in geographic Town Center, including shopping, limited residential, and limited office areas.

2. MX-2

The MX-2 zone is intended for use in office park locations, including office buildings, corner shops/restaurants, and limited residential areas.



Figure 10.16.1-1 The Town Center Site is available for rezoning with the MX-1 zone.

Outline designates required limits of the master development plan, even if the entire area is not rezoned.

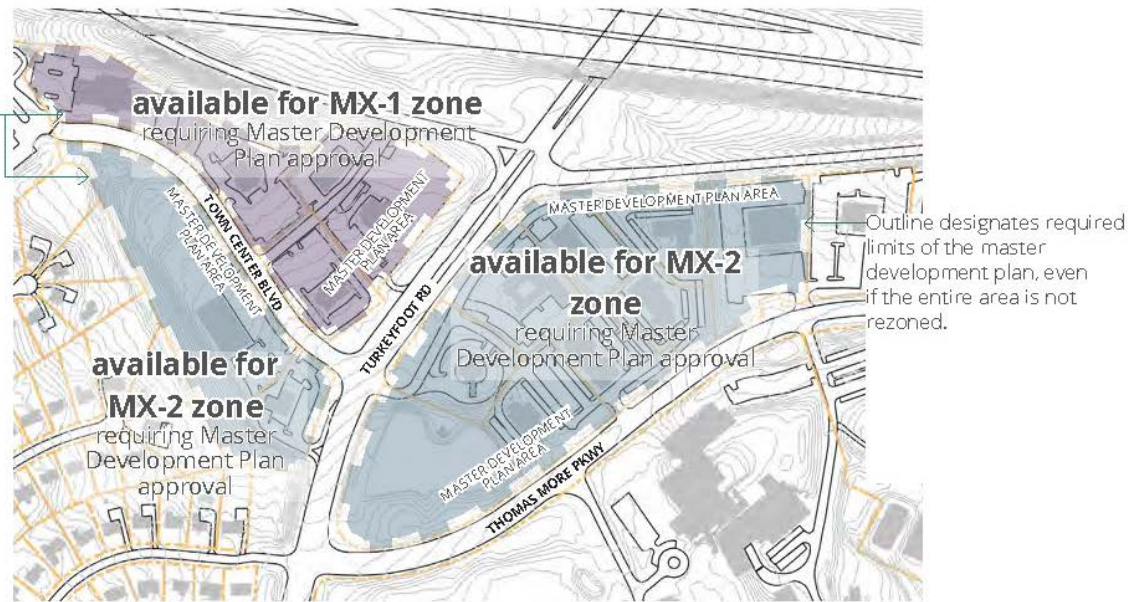


Figure 10.16.1-2 Properties along Turkeyfoot Road are available for rezoning as MX-1 or MX-2 zone as designated on the above map.

10.16.1.D. Development Approval Process

D. DEVELOPMENT APPROVAL PROCESS

The following establishes the process for rezoning and development approvals in the MX zones.

1. Pre-Submittal Meetings

A pre-submittal meeting is required with the zoning administrator and the City's designated zoning staff.

2. Master Development Plan Approval

An application shall be submitted for review and approval of the master development plan and rezoning. Refer to Figure 10.16.1-3 for a flow chart of the process.

- a. Applicable Area. The master development plan shall include all properties in the mapped outline per Figure 10.16.1-1 and Figure 10.16.1-2; however, project implementation may be phased.
- b. Zoning Staff Review. Following the formal submission of a complete application for a master development plan, the City's designated zoning staff will prepare a recommendation of approval, approval with conditions, or disapproval based upon the requirements of the MX zones.
- c. Economic Development and Zoning Committee. The City's Economic Development and Zoning Committee shall review the complete application and the zoning staff recommendation and will make a recommendation of approval, approval with conditions, or disapproval based upon the requirements of the MX zones.
- d. City Administrator Approval. The city administrator or his/her designee shall review and approve, approve with conditions, or disapprove the application. Approval with conditions requires a resubmittal of the master development plan for full approval.
- e. Master Development Plan Submittal Requirements. The following submittal requirements are required and shall illustrate compliance with Section 10.16.2 and other applicable requirements at this stage, as determined by the zoning administrator.
 - (1) Narrative Information. A project narrative shall be provided including the following:
 - (a) Total area in development project including legal description.
 - (b) Ownership and contact information.
 - (c) Intent of development.
 - (2) Project Phasing. Description and mapping of project timing and phasing, including all components (such as utilities, streets, parking, civic spaces, landscaping, uses, building types).
 - (3) Plans and Details. Refer to Table 10.16-1 for a list of submittal drawings required.
- f. Master Development Plan Components. The master development plan shall include the components defined in Section 10.16.2., including, but not limited to, the following:
 - (1) Streets and Blocks. All streets require boundaries located on the master development plan and designed per Section 10.16.2. Regulations for anticipated building types shall be considered when setting block depth and width to avoid the need for future variances or exceptions.
 - (2) Primary Street Designation. Primary streets shall be designated on the master development plan per Section 10.16.2.G. Primary streets will establish the location for fronts of buildings and driveways to parking and loading.
 - (3) Civic Space. Civic open space shall be located on the master development plan with boundaries and shall meet the requirements of Section 10.16.2.K.
 - (4) Landscape Buffers. Landscape buffers shall be located on the master development plan with boundaries and shall meet the requirements of Section 10.16.2.I.
 - (5) Building Types. The master development plan shall locate the boundaries for building types per Section 10.16.2.L and shall consider

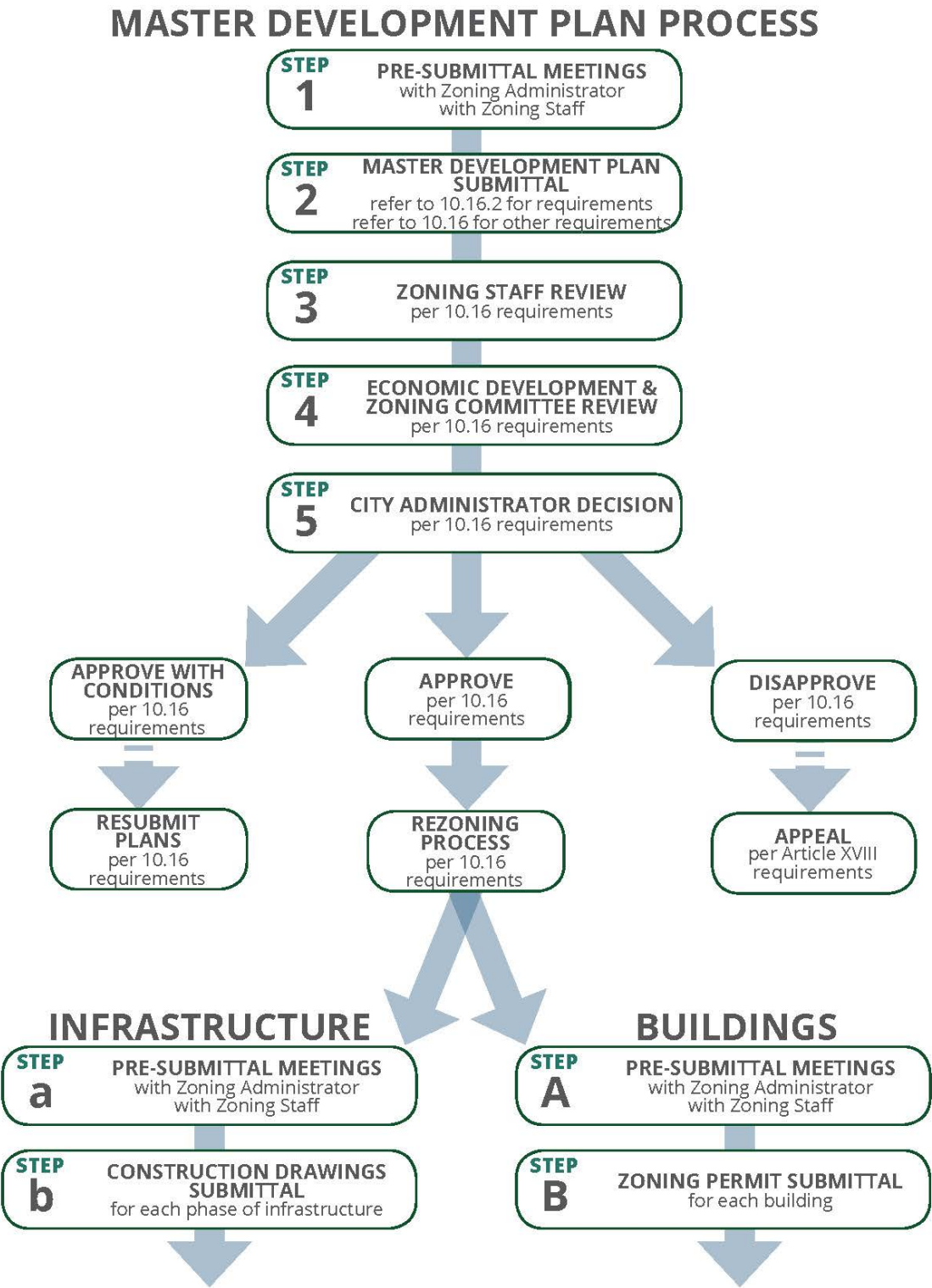


Figure 10.16.1-3 Master Development Plan Process Flow Chart

10.16.1.D. Development Approval Process

10.16.3 to ensure the areas designated can accommodate buildings meeting the regulations. Building plans are not required for the master development plan; however, building and parking footprints are encouraged.

- g. Master Development Plan Posting. The approved master development plan shall be posted on the City's website and available at City Hall for public viewing.

3. Rezoning

Rezoning of the parcel is required per the following:

- a. Rezoning may occur concurrently with the Master Development Plan approval process.
- b. Rezoning shall follow the processes defined Article XVII.
- c. Rezoning shall be contingent upon approval of the Master Development Plan and the Master Development Plan shall accompany the zoning. No parcel shall be rezoned to an MX zone without an approved, on-file Master Development Plan.

4. Subdivision Platting

Subdivision of the parcel is optional, but required with dedication of any rights-of-way, landscape buffers, civic spaces, or other spaces. The process established in Article 3 of the Kenton County subdivision regulations is required.

5. Infrastructure Implementation

The process for grading plan and approval of improvements is required per Section 3.6 of the Subdivision Regulations.

6. Zoning Permit Approvals

Upon master development plan and zoning approvals, each building development may be built as a matter of right when it meets all of the standards of the MX zones. In an MX zone, new buildings, additions to buildings, additions or renovation of site features, and changes to the exterior facade of any building require review and approval in accordance with the following procedures.

- a. Zoning Staff Review. Following the formal submission of a complete application for a zoning permit, the City's designated zoning staff

will prepare a recommendation of approval, approval with conditions, or disapproval based upon the requirements of the MX zones.

- b. Economic Development and Zoning Committee. The City's Economic Development and Zoning Committee shall review the complete application and the zoning staff recommendation and will make a recommendation of approval, approval with conditions, or disapproval based upon the requirements of the MX zones.
- c. City Administrator Approval. The city administrator or his/her designee shall review and approve or disapprove the application.
- d. Zoning Permit Submittal Materials. The following submittal requirements are required and shall illustrate compliance with Section 10.16 and other applicable requirements, as determined by the zoning administrator.
- e. Narrative Information. A project narrative shall be provided including the following:
- f. Total area in development project including legal description.
- g. Ownership and contact information.
- h. Intent of development.
- i. Plans and Details. Refer to Table 10.16-2 for a list of submittal drawings required.
- j. Conditional Uses. Conditional use permits shall follow the process defined in Section 18.7 of the zoning ordinance.

7. Appeals

Appeals shall follow the process defined in Article XVIII of the zoning ordinance.

10.16.1.D. Development Approval Process**TABLE 10.16-1. MASTER DEVELOPMENT SUBMITTAL REQUIREMENTS**

All drawings shall include the date of preparation, north arrow, and scale. The scale of all plan drawings shall be no smaller than 1 inch to 100 feet, unless otherwise stated. Larger scale drawings of specific details may be required per the zoning administrator.

EXISTING SITE INFORMATION	PROPOSED PLAN INFORMATION
Existing information shall illustrate the site characteristics as existing at the time of submittal based upon a site survey completed within 5 years of the submittal.	Proposed regulating plan shall illustrate compliance with Section 10.16, specifically Section 10.16.2 at the stage of the master development plan. All boundaries for all streets, civic spaces, buffers, and building types shall be scaled and located on the parcel using the existing site survey.
Existing information on and adjacent to the property shall include:	See Figure 10.16.2-13 and Figure 10.16.2-13 for example illustrations of plans)
1. Public and private rights-of-way and easement lines	1. Blocks, streets, and lot illustrating all new street boundaries, rights-of-way, and properties with dimensions
	2. Street plans and sections for all streets, keyed to plan. Include streetscape design, street tree planting and other landscape proposed
	3. Pedestrian ways (such as sidewalks, paseos, crosswalks, access to adjacent parcels) Pedestrian way design required with development of any abutting building
	4. Alley, lanes, service drives and other driveway locations to serve buildings with dimensions Boundaries for alleys, lanes, and service drives
2. Topography with a maximum of 2-foot contour intervals. Where existing ground is on a slope of less than 2 percent, either include 1-foot contours or spot elevations not more than 50 feet apart in both directions.	5. Civic space boundaries, locations and types, including conceptual design such as hardscape and landscape locations, other special features Delineate dimensions to illustrate the locations will meet distance requirements from future building entrances
3. Zones	6. Color code building type locations with delineated boundary lines (see Figure 10.16.2-13 and Figure 10.16.2-13 for example illustrations of plans) Illustrate build-to zones for each building site per Section 10.16.3 Building and parking footprints encouraged, but not required
4. Traffic counts and patterns adjacent to and through the site and parking locations	7. Primary street designations
5. Buildings	8. General parking location boundaries, especially shared lots
6. Trees and significant vegetation, including a delineation of all non-hardscape areas.	9. Landscape buffers location, boundaries, and design
	Additional plans required:
7. Utilities, including water, storm, sanitary, electrical, cable, other	10. Utility plan, including water, storm, sanitary, power (including any on-site energy generation), cable, other. Requirements for any substations, transformers, and other utility appurtenance.
8. Ground-mounted signs	11. Sign locations where the sign will serve the entire development. Proposed signs and sign elevations are not required at the master development plan stage

10.16.1.D. Development Approval Process**TABLE 10.16-2. ZONING PERMIT SUBMITTAL REQUIREMENTS**

The following drawing submittals are required with any zoning permit for development of a building, parking lot, or civic space on an approved master development plan site with MX zoning. Additional detail may be requested by the zoning administrator to facilitate review.

All drawings shall include the date of preparation, north arrow, and scale. Drawings shall illustrate all development within the boundaries of the building type defined on the master development plan. The scale of all plan drawings shall be no smaller than 1 inch to 40 feet, unless otherwise stated. Larger scale drawings of specific details may be required per the zoning administrator.

1. **Existing Conditions Plan.** Existing on-site and adjacent off-site structures, streets, utilities, easements, pavement noted either on an aerial photograph or site survey.
2. **Existing Natural Conditions Plan.** Existing topography, vegetation, drainageways, floodplain/way, or other unique features either on an aerial photograph or site survey. Include all on-site as well as within 100 feet of the site.
3. **Site Plan.** A site plan delineating all proposed structures and surfaces, including parking, pavement, decks, patios, landscape, and retaining walls, and compliance with Section 10.16.
4. **Building Plan(s).** Floor plans for all buildings illustrating compliance with the requirements of Section 10.16.3. and Section 10.16.4 at a scale no smaller than 1 inch to 4 feet.
5. **Declaration of Use.** A table of uses is required on the Building Plan delineating locations and gross square footages of categories of uses, conditional uses, and illustrating compliance with Sec. 10.16.3. Building Types & Uses.
6. **Building Elevations and Details.** Building elevations, at a scale no smaller than 1 inch to 8 feet, of all facades, rendered to illustrate compliance with the requirements of Sec. 10.16.3 Building Types & Uses and Sec. 10.16.4 General Building Design, including but not limited to such items as color, materials, depth of details on facades required to create a shadow line, glass locations, entrance locations, types of glass, window depth, and transitions of materials. Any details required to convey compliance.
7. **Landscape Plan.** Landscape plan, at a scale no smaller than 1 inch to 30 feet, illustrating compliance with the requirements of Section 10.16.5. General Site Design and any other landscape requirement. All ground plane vegetation, patio area design, parking lot design, and streetscape shall be illustrated. For sites with less than 10% landscape area, the landscape plan may be combined with the site plan, if the scale is greater than 1 inch to 30 feet. Any details required to convey compliance.
8. **Parking Plan.** Parking and loading layout/location plan with table of spaces keyed to plan, illustrating compliance with Articles XI and XII and Section 10.16.5. General Site Design. Driveways, shared parking arrangements, cooperative parking, and any other parking reductions shall be included and noted for compliance with Section 10.16.5. General Site Design.
9. **Sign Plan,** if signs are included. Sign location plan, and large scaled plan(s) and elevation(s) illustrating each sign in detail with dimensions, colors, and materials of all components in compliance with Article XIV and Section 10.16.5. General Site Design .

10.16.1.E. Minor Exceptions**E. MINOR EXCEPTIONS**

Minor exceptions to master development plans may be requested for approval by the zoning administrator, as follows:

1. Conditions

Exceptions, outlined below, are permitted under the following conditions:

- a. The exception fulfills the intent defined for this Section 10.16 of the zoning regulations.
- b. The resulting form is consistent or compatible with the surrounding context and the vision defined in the comprehensive plan and other planning documents approved by the City.

2. Permitted Minor Exceptions for Zoning Permits

The following are permitted minor exceptions, if the above conditions are met.

- a. The location of the building within up to 5 feet from any minimum yard requirement or build-to-zone width/location.
- b. Up to 10 percent increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage. (Compliance with stormwater regulations is required.)
- c. Up to 10 percent decrease in primary frontage coverage.
- d. Additional height of any story up to 2 feet, as long as the overall building height does not exceed the allowable height of all floors at their maximum permitted height.
- e. Up to 10 percent decrease in transparency or a 10 percent increase in blank wall limitation for corner side facades.
- f. Additional minor exceptions are noted throughout this Section 10.16.

3. Permitted Minor Exceptions for Master Development Plan

The following are permitted minor exceptions, if the above conditions are met.

- a. The dimension of any street component up to 2 feet in size.
- b. Other minor exceptions defined throughout this Section 10.16.

F. DESIGN EXCEPTIONS**1. Application**

An application for design exception shall accompany any Master Development Plan application or zoning permit submittal. The application shall define the requested exception, reference the applicable code section, and provide supporting material for approval, in the opinion of the applicant.

- a. Master Development Plan. design exceptions per Section 10.16.2 shall be reviewed and approved as part of the master development plan approval process.
- b. Building Type, Building Design, and Site Design. Design exceptions per Section 10.16.3, Section 10.16.4, Section 10.16.5, and this Section 10.16.1.F shall be reviewed and approved prior to approval of the zoning permit.

2. Approval

Approval of the design exception must be obtained by:

- a. Review by the zoning administrator with recommendation for consideration by the Architectural Review Board (ARB).
- b. Review by the Economic Development and Zoning Committee with recommendation for consideration by the ARB.
- c. The ARB shall consider recommendations provided by the zoning administrator and the Economic Development and Zoning Committee upon review of the application.
- d. The ARB may request additional information from the applicant, hear testimony of the applicant, and hear public comments.
- e. The ARB, acting on authority given by the zoning administrator, shall consider the application, the zoning ordinance, any testimony, and additional facts to approve, approve with conditions, or disapprove the design exception application.

3. Conditions

Design exceptions allowed by this Section 10.16 are permitted under the following conditions:

- a. The exception fulfills the intent defined for this Section 10.16 of the zoning regulations. Refer to Section 10.16.1.A. Intent.

10.16.1.F. Design Exceptions

- b. The resulting form is consistent or compatible with the surrounding context or the vision defined in the comprehensive plan and other planning documents approved by the City.

4. Appeals

Appeals are processed in accordance with Section 18.2 of the zoning ordinance.

- a. The Board of Adjustment shall only determine if the Architectural Review Board followed the procedures defined in this Section 10.16 in making its determination.
- b. The Board of Adjustment shall make its decision based on the facts considered by the ARB in making its decision by reviewing the record of the ARB decision, including the minutes, the zoning ordinance, and any facts or testimony presented as part of the design exception application. No additional testimony or new information may be considered.
- c. Should new information or testimony become available, the application is referred back through the approval process defined in Section 10.16.1.F.2.

5. Master Development Plan Exceptions

Design exceptions to the requirements are defined throughout Section 10.16.2. Other design exceptions defined by the applicant may be requested. Master development plan design exceptions shall be reviewed and approved as part of the master development plan approval process.

6. Building Type, Building Design, and Site Design Exceptions

Design exceptions to the requirements are defined throughout Section 10.16.3, Section 10.16.4, and Section 10.16.5. Additionally, the following apply:

- a. Existing Building Exceptions. The following exceptions are permitted when applied to the renovation of an existing building(s):
 - (1) For renovation of existing buildings, the maximum primary frontage coverage may be waived with an existing coverage of 60%; however, any expansion on the ground story shall contribute to the extension of the primary frontage coverage.

- (2) For renovation of existing buildings, the location of the building within up to 5 feet from any minimum yard requirement or build-to zone width/location.

- (3) For renovation of existing buildings, the minimum height of the ground story and upper story may be increased or decreased by up to two feet for existing stories.

- (4) For renovation of existing buildings, other required dimensions may be modified up to five feet or 10 percent, whichever is less, unless otherwise modified by this section.

- b. Alternative Building Materials. Alternative building materials may be exempted from the requirements of Section 10.16.4.C. and Section 10.16.4.D., unless expressly prohibited. For approval, the following shall be met:

- (1) The Applicant shall submit samples and local examples of the material a minimum of four weeks prior to the review, to allow site visits to the location.
- (2) The submitted application meets the intent of the materials requirements and the material will maintain its structure, color, and appearance for a minimum period of 15 years with little or no maintenance.

- c. General-Office Building Height. Refer to Section 10.16.3.E for the General building type. Additional building height for a General-Office building may be approved with a design exception, under the following conditions:

- (1) The building shall be located within an MX-2 zone.
- (2) The building shall be located a minimum of 350 feet from any single-family zone.
- (3) The building shall be no taller than 8 stories in height. The building shall meet the allowable floor-to-floor height for all stories per the building type.
- (4) The Applicant shall submit three-dimensional massing drawings illustrating the proposed building massing and the massing of all buildings, existing and/or proposed, within 600-foot radius. Multiple views are required

10.16.1.G. Nonconforming Structures

and different views may be requested by the ARB.

- (5) The drawings submitted shall illustrate that the design of the building fits well within the context of the surrounding area, including any proposed or potential buildings in the area.

street façade exists within the build-to zone, the Roof Type Requirements of the applicable building type (per Section 10.16.3. Building Types & Uses) shall be met.

G. NONCONFORMING STRUCTURES

All regulations apply to all new construction and renovation of existing structures. The following exceptions for nonconforming buildings in the MX zones is in addition to the requirements of Section 9.12.

1. General Building Design Requirements

For any expansion or exterior renovation, Section 10.16.4 General Building Design Requirements shall be met. A design exception may be requested per Section 10.16.1.F.

2. General Site Design Requirements

For any site renovations, Section 10.16.5 General Site Design Requirements shall be met. A design exception may be requested per Section 10.16.1.F.

3. General Renovations

Where any renovation includes an addition of more than 50 percent in gross building square footage within a 5-year period, all requirements of Section 10.16 shall be met. A design exception may be requested per Section 10.16.1.F.

4. Facade Renovations

If the building's façade exists or will exist within the required build-to zone of these regulations, the Facade Requirements of the applicable building type (per Section 10.16.3. Building Types & Uses) shall be met, if the renovation includes any one of the following:

- a. Expansion or change in location of 50 percent or more of the windows on any street façade of the building. Refer to Section 10.16.6.A for definition of street facade.
- b. Replacement of 50 percent or more of facade materials on any street facade of the building with a different facade material.

5. Roof Renovations

If the renovation of the shape or style of more than 50 percent of the roof occurs and 30 percent of the

10.16.2. MASTER DEVELOPMENTS

All master development plans shall meet the requirements of this Section 10.16.2.

A. INTENT

In addition to the intent defined for the MX district regulations (refer to Section 10.16.1.A), these regulations are intended to require larger parcels to provide a system of blocks and open space, and a mix of building types and uses within new, walkable districts.

B. MASTER DEVELOPMENT PLAN

A master development plan shall be submitted for approval to illustrate compliance with the regulations in this Section 10.16.2.2 and those sections referenced, and to provide guidance throughout all phases of the project.

C. BOUNDARY LINES

All streets, civic open space, landscape buffers, and building sites require measurable boundary lines delineated on the master development plan. These boundary lines provides the baseline for measuring the allowed location of buildings and other requirements.

1. Easement and Property Lines

If a component (street, civic space, building site) is dedicated or under separate ownership, the easement line, right-of-way or property line serves as the boundary line.

2. No Other Areas

All areas of a site within a master development plan shall be covered by one of the following: streets (per Section 10.16.2.E), alley or service drives (per Section 10.16.2.F), civic spaces (per Section 10.16.2.K), landscape buffers (per Section 10.16.2.I), and building sites (per Section 10.16.2.L).

D. BLOCKS

An interconnected system of streets and blocks is required for all development sites. Refer to Figure 10.16.2-4 and Figure 10.16.2-5 for illustrations of one example layout of these regulations. Note that other configurations that meet the regulations are possible.

1. Block Size

Block length shall be no more than 600 feet, with a maximum perimeter of 1800 feet. Deviations from these dimensions for sites with natural or existing

constraints may be approved with a minor exception per Section 10.16.1.E.

2. Access Points

A minimum of two access points shall be provided for each development, with a minimum of one per every 1,500 feet of boundary. An access point is a new street connecting to an existing street. Deviations from these requirements for sites with natural or existing constraints may be approved with a minor exception per Section 10.16.1.E

3. Extend Existing Street

Streets shall connect and continue existing streets from adjoining areas. Future connections shall be considered and temporary dead end streets may be supplied for future extension.

4. Shape of Blocks

The shape of a block shall be generally rectangular in order to accommodate typically rectilinear buildings, but may vary due to natural features or site constraints.

5. Lots and Building Sites Configuration

All lots or building sites shall have frontage along a street per the building type requirements, unless otherwise specified. Refer to Section 10.16.3.3.

- a. With the exception of blocks containing open space, blocks shall typically be fronted with lots or buildings on at least two block faces, preferably on the longest streets.
- b. The configuration of the blocks shall consider alley and service drive inclusion per Section 10.16.2.F.
- c. Blocks may be established including already existing lots and those lots may retain their existing district designation.

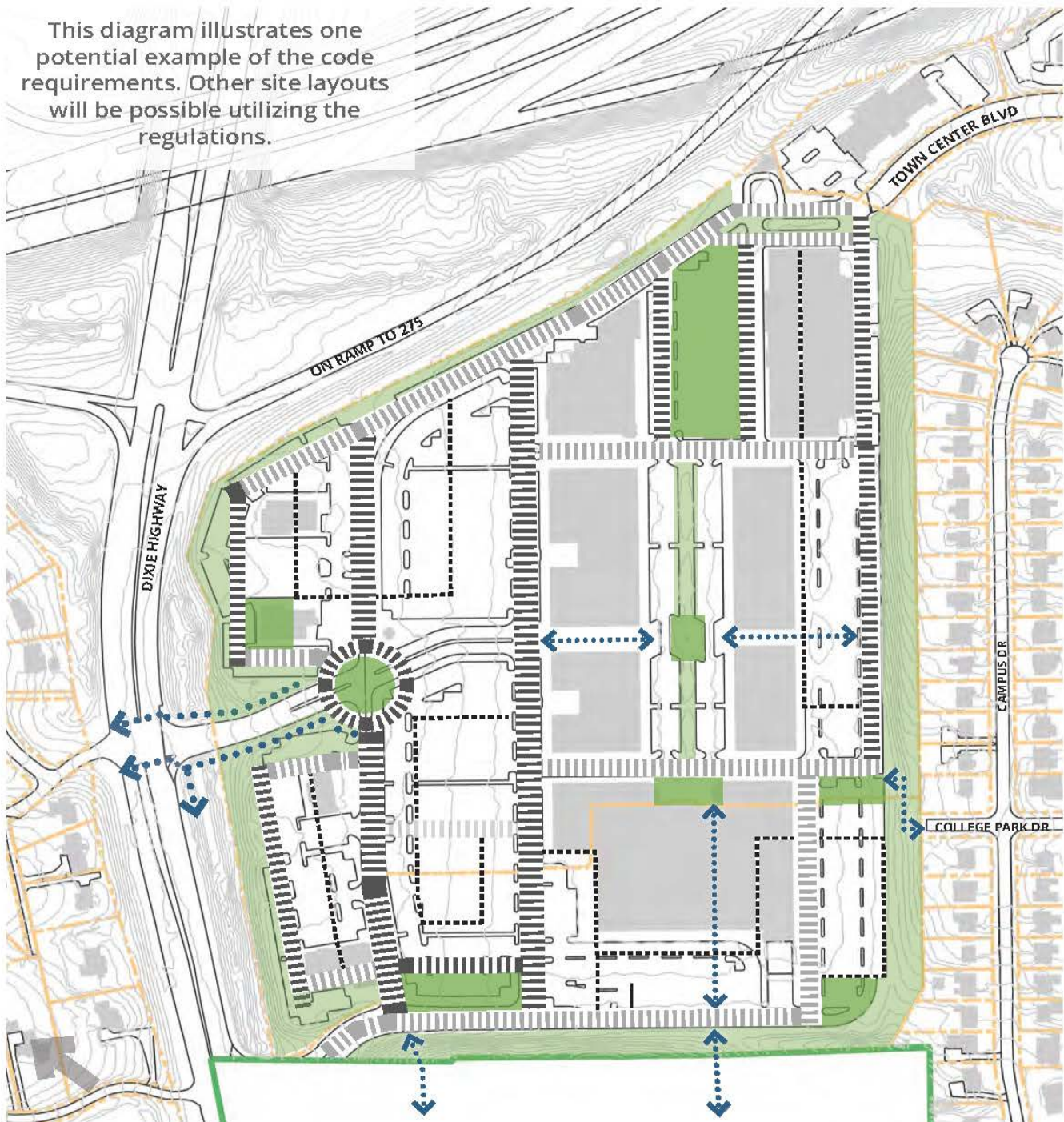


Figure 10.16.2-4 Example Regulating Plans for Mixed-Use Sites illustrating code requirements



KEY

- CIVIC SPACE TYPES: PLAZAS, GREENS, POCKET PARKS
- LANDSCAPE BUFFER AREA
- NEW PRIMARY STREET
- NEW NON-PRIMARY STREET
- NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
- PEDESTRIAN CONNECTIONS: SIDEWALKS, PASEOS THROUGH BLOCKS/BUILDINGS, ACCESS FROM NEIGHBORHOODS, CROSSINGS

Figure 10.16.2-5 Example Regulating Plans for Mixed-Use Sites illustrating code requirements

10.16.2.E. Streets

energy efficiency, depending on the building type. For example, block orientation along an east-west longitudinal axis will encourage development of long mixed-use buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

E. STREETS

Complete streets provide for multiple modes of access throughout the city. Refer to Figure 10.16.2-4 and Figure 10.16.2-5 for illustrations of these regulations.

1. Cul-de-Sacs and Dead-End Streets.

Cul-de-sac and temporary dead-end streets require a design exception and are permitted only when necessitated by natural features or site constraints, including but not limited to waterways, or highways. If allowed, pedestrian connections and landscape plantings may be required.

2. Civic Space

Refer to Section 10.16.2.K for civic open space requirements, including street frontage requirements. Open space, existing and new, shall be fronted with streets to provide more visibility and access.

3. Base Street Requirements

The base street type is illustrated in Figure 10.16.2-6. The zoning administrator may require additional street width or configuration based on existing context and circulation needs. The base street defines the minimum components of any new street on the interior of the development and includes the following:

- a. **On-Street Parking.** On-street parallel parking shall be provided on both sides of all new streets through MX districts. Back-in or head-in, angled parking is acceptable in lieu of parallel parking, but may require additional street space. On-street parking on one side of the street may be approved as a minor exception by the zoning administrator, though parking on both sides is encouraged.
- b. **Streetscape**
 - (1) The minimum dimension required for streetscapes along non-residential ground stories is 14 feet, with a clear sidewalk width of at least 6 feet and an

8-foot street tree and furnishings district.

- (2) Along residential ground stories, the minimum is 13 feet with a clear sidewalk of at least 5 feet and an 8-foot landscape district (parkway).
 - (3) See Section 10.16.5.A in landscape for streetscape requirements.
 - (4) A minor exception may be approved by the zoning administrator for up to 2 feet less of any dimension per Section 10.16.1.E.
- c. **Maximum Pavement Width.** The maximum pavement width for all streets internal to the development is 38 feet. Pavement widths wider must include a median in the middle to provide pedestrian refuge and/or bulb-outs to reduce the crossing widths to less than 38 feet.
 - d. **Medians.** Landscape medians are optional and permitted up to a maximum of 15 feet in width. Medians shall accommodate pedestrian crossings. Note that wider spaces within street configurations may be permitted by utilizing a civic space type per Section 10.16.2.K
 - e. **Reduced Minimum Pavement.** When only one lane of on-street parking is approved, the minimum pavement width for a two-way street is 28 feet and the minimum right-of-way width is 54 feet.
 - f. **Exceptions.** A design exception may be approved for other street configurations per Section 10.16.1.F.

4. Bicycle Accommodations

New streets within the development shall accommodate bicycle access per the City's most recent bicycle policy. Bicycle accommodations shall be included on through streets and higher activity streets. On non-commercial and lower activity streets, bicycles may share vehicular lanes.

10.16.2.E. Streets

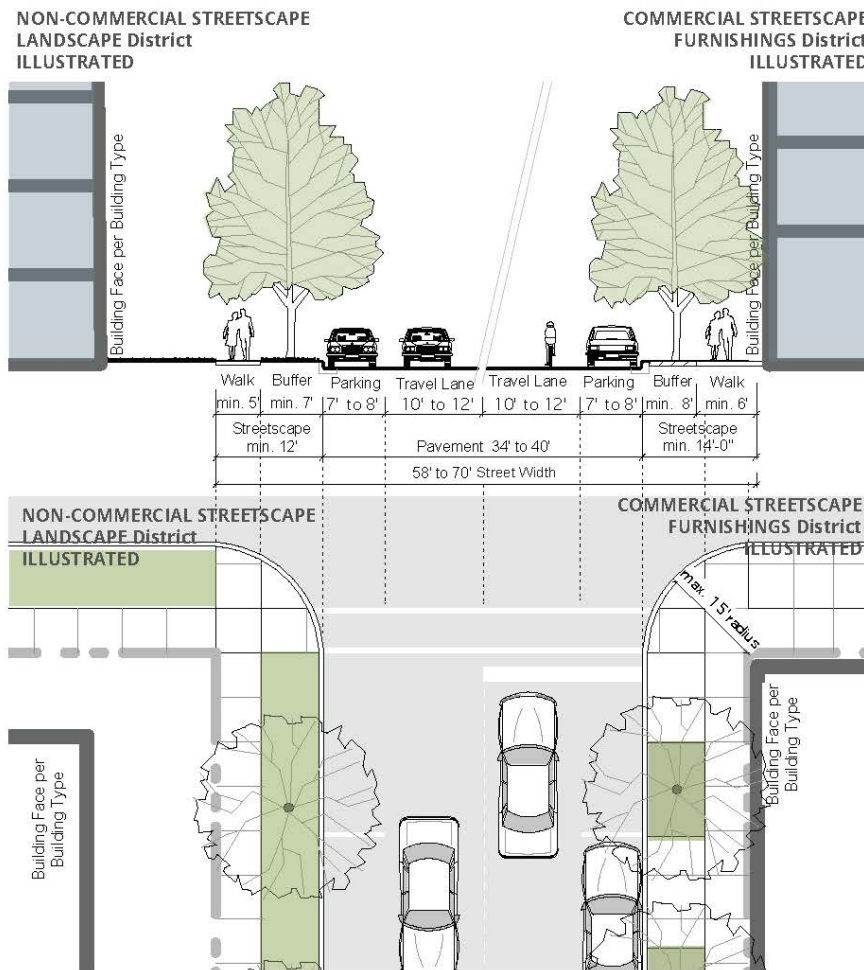


Figure 10.16.2-6 Typical Base Street

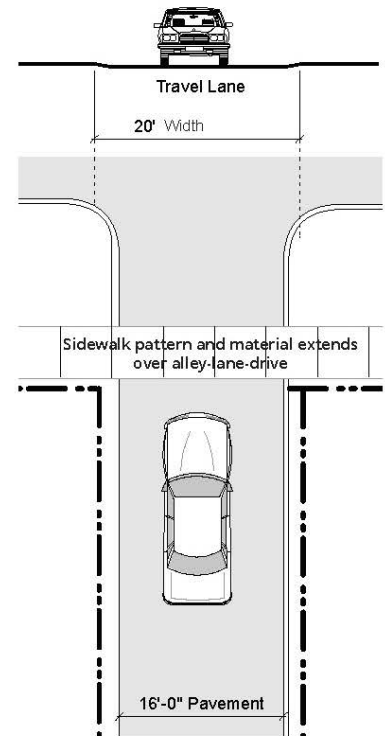


Figure 10.16.2-7 Typical Alley, Lane, or Service Drive

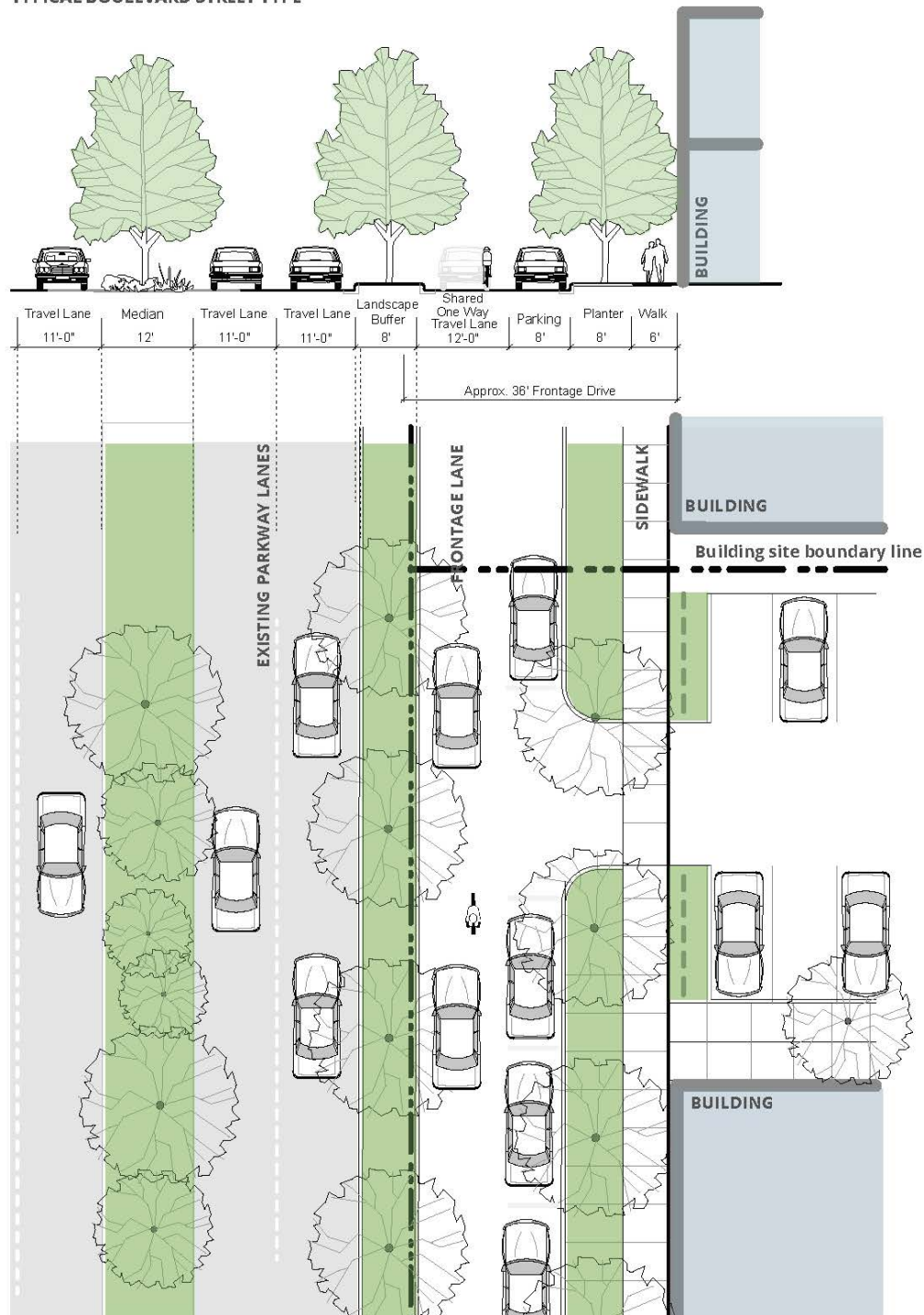
TYPICAL BOULEVARD STREET TYPE

Figure 10.16.2-8 Frontage Street

10.16.2.F. Alleys, Lanes, or Service Drives

F. ALLEYS, LANES, OR SERVICE DRIVES

Alleys, lanes, or service drives (see Figure 10.16.2-7) shall be provided through all blocks to provide vehicular access to all lots, except as follows:

1. Parking Drives

Parking drives and parking structure drives may serve as alleys/lanes if the drive is continuous through the block with at least 2 access points and serves all lots on the block.

2. Exception

A design exception per Section 10.16.1.F may be approved per block with one of the following conditions:

- a. A single point of access is all that is required and a non-primary street is available for access.
- b. Natural or existing constraints limit the block depth and no more than 2 vehicular access points are required for the lots on the block.

G. PRIMARY STREET DESIGNATION

The orientation and location of buildings on lots is determined by the primary street designation. Some building type requirements are specific to the primary street frontage. Primary street frontages prioritize the street frontages for locating the front facade of the building and limit vehicular access to parking off these streets.

1. Minimum Designation

A minimum of 50 percent of a combination of the new streets in the development and existing streets fronting the development shall be designated as primary streets. A design exception may be approved for up to a 20 percent reduction in the minimum requirement for streets treated as primary. Refer to Section 10.16.1.F for the design exception process.

2. Building Frontage

Primary streets shall be designated so that all building lots or sites front at least one primary street, except for up to 20 percent of the lots or building sites may front a non-primary street.

3. Civic Space Frontage

Where practicable, streets along civic space or other open space shall be designated as primary streets to

ensure buildings front the open space. Refer to Section 10.16.2.K for civic space regulations.

4. Driveways and Alleys/Lanes

Driveways and alleys/lanes to building sites or lots shall not be located off a primary street, except when the lot/site is fronted by more than two primary streets and/or there is no other alternative access.

5. Major Streets

When the development abuts a major street, including Dixie Highway, Turkeyfoot Road, or Thomas More Parkway, one of the following layouts shall be utilized to create slower, more accessible, and more walkable streets for fronting commercial or mixed-use buildings than the major street would provide:

- a. Perpendicular. New primary streets shall be located generally perpendicular to existing major streets.
- b. Frontage Street. A new primary street shall be provided essentially parallel to the major street with a landscape buffer island separating the streets of at least 8 feet. Refer to Figure 10.16.2-8 for Typical Frontage Layout.

H. PEDESTRIAN ACCESS

Connections to the MX districts from surrounding sites and neighborhoods and within the site is encouraged. Refer to Figure 10.16.2-4 and Figure 10.16.2-5 for key locations where pedestrian connections may be required, when practicable, in addition to sidewalks along streets. Connections may include the following:

1. Mid-Block Pedestrian Paths within Development

Mid-block pedestrian paths may be located on blocks within the development that are longer than the maximum block sizes, approved by the zoning administrator during the Master Development Approval process. Refer to Figure 10.16.2-9 for illustrative images.

- a. Mid-Block Pedestrian Paths to Adjacent Sites. Mid-block pedestrian paths may also be located to provide a connection between the development and adjacent neighborhood sidewalks.
- b. Where approved by the property owner, the neighborhood, and the municipality, paths shall be located in a public easement.

10.16.2.I. Landscape Buffers

- c. Pedestrian paths to adjacent sites shall be a minimum of 5 feet in width and located in a minimum 12-foot easement.
- d. Landscaping and other amenities may be required by the neighborhood, property owner, or municipality.
- e. Where the path is located on the applicant's property, shade trees shall be provided at an average minimum of 40 feet on center along the path. Refer to Section 9.17 for landscape regulations.

2. Pedestrian Tunnels

Where pedestrian tunnels under larger streets are planned for access adjacent to the applicant's property, the applicant shall provide clearance for appropriately sloped access to the tunnel. A dedicated easement may be required per the zoning administrator.

3. Street Crosswalks

Crossings at all street intersections shall include a clear pedestrian path across streets (crosswalks) with accessibility ramps at curbs, demarcated by paint, stamped patterns, or pavers. Raised crosswalks are encouraged. Refer to Figure 10.16.2-10 for illustrative images.

I. LANDSCAPE BUFFERS

- 1. A landscape buffer, minimum 45 feet in depth, is required where any MX district or new street abuts any existing single-family district. Refer to Section 10.16.5.C.2 for planting requirements.
- 2. Landscape buffers do not count towards civic space requirements per Section 10.16.5.K, unless the buffer is treated as a greenway.

J. VISTAS

Views down streets shall be considered when laying out streets and locating open space, parking, and buildings. See Figure 10.16.2-11 for illustrative images of appropriately terminated vistas.

1. Rears of Buildings

The location of open space and streets shall not create views of the rear of buildings or parking behind buildings.

2. Street Termini

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

- a. Open Space. If the parcel is open space, any civic space type shall be utilized and a

vertical element shall terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.

- b. Building. If the parcel is not utilized as an open space, the facade of a building, whether fronting a primary street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard.
- c. Parking. In no case, shall a parking structure or a surface parking lot terminate a vista.



Figure 10.16.2-11 Examples of Terminated Views at buildings and civic open space.

10.16.2.J. **Vistas**



Figure 10.16.2-10 Examples of Crosswalks, Bulb-outs, and Medians.

Figure 10.16.2-9 Examples of pedestrianways through developments.

10.16.2.K. **Civic Space****K. CIVIC SPACE**

All developments where a master development plan is required shall provide the following open space.

1. Required Amount

The following minimum amount of open space shall be provided:

- a. A minimum of 10% of the total development site shall be provided as one of the civic space types, and
- b. One type of civic space is required within a 500-foot distance, as measured continuously along a sidewalk, from the principal entrance of all residential and live-work units, and all other buildings. The intent is to provide usable open space within a short walkable distance for all occupants and visitors.

2. Types of Civic Space

The following types of civic space are permitted. A mix of types is required, with not more than 3 of any one type utilized. Refer to Figure 10.16.2-12 for example images.

- a. **Plaza.** A plaza is a generally hardscaped area (minimum 60 percent coverage), minimum 1/8 acre in size, with either street, pedestrianway, or building frontage on all sides and at least one side the equivalent of 25 percent of the perimeter fronting a primary street. A single plaza may not fulfill the minimum open space requirements; if a plaza is utilized to meet the distance requirement, another open space shall be incorporated in another location on the site.
- b. **Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.
- c. **Green.** A green is a generally landscaped space (minimum 70 percent), minimum 1/2 acre with street frontage on at least 50 percent of the perimeter.
- d. **Greenway.** A greenway is a linear landscape space, minimum 2 acres in total with minimum 30 feet wide and minimum average 60 feet wide, and with street frontage on at least 30 percent of the perimeter.

- e. **Park.** A park is a larger, generally landscaped space, a minimum of 2 acres in size, with at least 25 percent of the perimeter on street frontage.

3. Existing Open Space

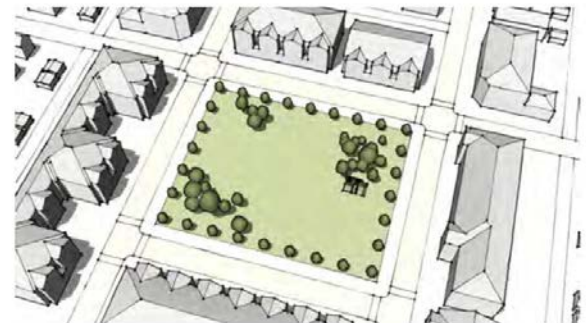
With approval of the zoning administrator, existing usable open space, more than 1/4 of an acre and meeting one of the types defined above, may fulfill the requirements. Landscape area and buffer area does not count towards the civic space requirement.

4. Trails

Refer to any City open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.



EXAMPLE OF A PLAZA



EXAMPLE OF A GREEN



EXAMPLE OF A GREENWAY

Figure 10.16.2-12 Examples of Civic Space Types

10.16.2.L. Layout & Location of Building Type Sites

L. LAYOUT & LOCATION OF BUILDING TYPE SITES

The master development plan shall define locations of building types to meet the following requirements. Refer to Figure 10.16.2-13 and Figure 10.16.2-14 for illustrations of one site layout fulfilling these regulations.

1. Permitted Building Types

Refer to Section Table 10.6.2-A. for permitted building types by district. Refer to Section 10.16.3.3 for description and regulations for permitted building types.

2. Master Development Plan

The general location of all building type sites proposed shall be located within boundary lines on the master development plan and shall fulfill the requirements of this Section 10.16.2.L.

3. General Layout of Building Type

The following general layout requirements apply:

- a. The same building types shall generally face each other across streets, including existing buildings.

TABLE 10.6.2-A. BUILDING TYPES BY DISTRICTS		
	DISTRICTS	
	MX-1: MIXED-USE TOWN CENTER	MX-2: MIXED-USE OFFICE PARK
BUILDING TYPES	STOREFRONT BUILDING	● ○
	GENERAL-OFFICE BUILDING	○ ●
	GENERAL-RESIDENTIAL BUILDING	○ ○
	ROW-OFFICE BUILDING	○ —
	ROW-RESIDENTIAL BUILDING	○ —
	CIVIC BUILDING	○ ○

- = Minimums required within district
 ○ = Limited within district per Section 10.16.2.L.
 — = Not permitted within district

- b. More intense buildings and uses located on blocks with less intense buildings and uses should be located on block ends.

- c. Changes in building type shall generally occur at a rear boundary line, at an alley, or at corner parcels.
- d. A design exception per Section 10.16.1.F may be requested for changes to the general layout of building types.

4. Location of Storefront Buildings

The following layout requirements are applicable to any Storefront buildings applied to a site.

- a. Storefront building sites shall begin within 500 feet of any major street and may extend, generally continuously, into the site any distance.
- b. Storefront building sites should be clustered into areas of at least 10,000 square feet of net lot area or located linearly along a corridor.
- c. Storefront building sites shall be uninterrupted and continuous. Permitted General-Office and Row-Office buildings may be located between Storefront buildings and General-Residential and Row-Residential buildings.
- d. Storefront building sites shall not be located closer than 150 feet from any single-family Crestview Hills district.

5. MX-1 District

The following minimum requirements apply to the master development plan for MX-1 districts. Refer to Figure 10.16.2-13 for illustrations of one site layout fulfilling these regulations.

- a. Minimum Number of Building Types. At least 2 different building types are required in MX-1 districts.
- b. Storefront Buildings. A minimum of 300,000 square feet of land area shall be designated as Storefront building sites. Refer to Section 10.16.1.L. 4, above, for location and layout.
- c. General-Office and Row-Office Buildings. General-Office and Row-Office buildings are permitted, but shall not be located within 200 feet of an existing single-family Crestview Hills district.
- d. General-Residential and Row-Residential Buildings.

10.16.2.L. Layout & Location of Building Type Sites

layout regulations in Section 10.16.1.L. 4, above.

- (1) Maximum Residential Buildings. A maximum of 15 percent of the MX-1 site may be designated for General-Residential and Row-Residential buildings.
- (2) Minimum Required Residential Mix. With more than 2.5 gross acres of General-Residential and/or Row-Residential buildings, at least 2 building types permitted in the MX-1 district are required.
- (3) Maximum Area of General-Residential Building. No more than 7.5 percent of the site may be designated for the General-Residential building.
- (4) Location of Residential. General-Residential and Row-Residential buildings shall be located a minimum of 500 feet from Dixie Highway.
- e. Civic Buildings. Civic buildings require a design exception for use in the MX-1 district.

KEY

	STOREFRONT BUILDING
	GENERAL-OFFICE BUILDING
	ROW-OFFICE BUILDING (LIVE-WORK UNITS)
	GENERAL-RESIDENTIAL BUILDING
	ROW-RESIDENTIAL BUILDING (TOWNHOUSES)
	PARKING LOCATIONS (DESIGNATED WITH ADJACENT BUILDING TYPE)
	CIVIC SPACE TYPES: PLAZAS, GREENS, POCKET PARKS
	LANDSCAPE AREA
	EXISTING PRIMARY STREET
	NEW PRIMARY STREET
	NEW NON-PRIMARY STREET
	NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
	PEDESTRIAN CONNECTIONS: SIDEWALKS, PASEOS THROUGH BLOCKS/BUILDINGS, ACCESS FROM NEIGHBORHOODS, CROSSINGS

6. MX-2 District

The following minimum requirements apply to the master development plan for MX-2 districts. Refer to Figure 10.16.2-14 for illustrations of one site layout fulfilling these regulations.

- a. General-Office Buildings. A minimum of 120,000 square feet of area shall be designated for General-Office buildings.
- b. Storefront Buildings. One node located in the area east of Turkeyfoot Road and one node located in the area west of Turkeyfoot Road may be designated for Storefront building sites as follows:
 - (1) The eastside node shall be located at the intersection of two streets and shall be no more than 40,000 square feet of land area or 10 percent of the total land area, whichever is greater.
 - (2) The westside node shall be located on Town Center Boulevard and shall be no more than 80,000 square feet of land area or 35 percent of the total land area, whichever is greater.
 - (3) For these nodes, the Storefront building site(s) may be located on one corner, an exception to the general location and

10.16.2.L. Layout & Location of Building Type Sites

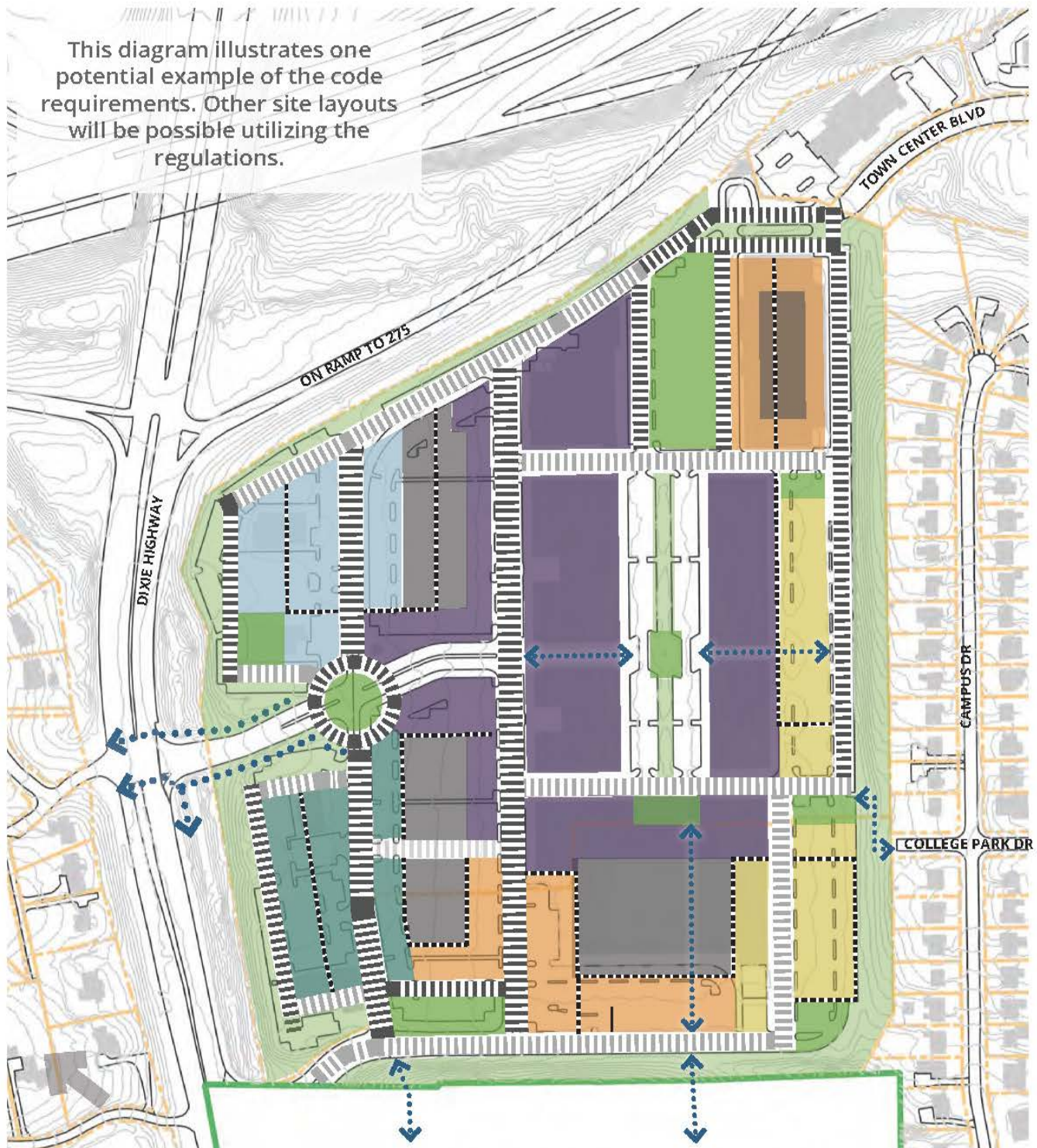


Figure 10.16.2-13 Example Regulating Plans for Mixed-Use Sites illustrating code requirements







10.16.2.L. Layout & Location of Building Type Sites



Figure 10.16.2-14 Example Regulating Plans for Mixed-Use Sites illustrating code requirements

KEY

	STOREFRONT BUILDING
	GENERAL-OFFICE BUILDING
	ROW-OFFICE BUILDING (LIVE-WORK UNITS)
	GENERAL-RESIDENTIAL BUILDING
	ROW-RESIDENTIAL BUILDING (TOWNHOUSES)
	PARKING LOCATIONS (DESIGNATED WITH ADJACENT BUILDING TYPE)
	CIVIC SPACE TYPES: PLAZAS, GREENS, POCKET PARKS

	LANDSCAPE AREA
	EXISTING PRIMARY STREET
	NEW PRIMARY STREET
	NEW NON-PRIMARY STREET
	NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
	PEDESTRIAN CONNECTIONS: SIDEWALKS, PASEOS THROUGH BLOCKS/BUILDINGS, ACCESS FROM NEIGHBORHOODS, CROSSINGS

10.16.3. BUILDING TYPES & USES

A. INTRODUCTION

1. Applicability

This section establishes the building form and use regulations for new buildings, additions, and exterior renovations within the MX districts defined in [Sec. 10.16.1.C](#).

2. Building Types Permitted

Each building type shall be constructed only within its designated location as defined by the master development plan.

- a. No Other Building Types. All principal buildings constructed shall meet the standards of the permitted building types.
- b. Multiple Principal Buildings on One Lot. For all building types, multiple principal buildings are permitted on all lots; however, each building must meet the requirements of the building type, unless otherwise noted.
- c. Permanent Structures. All buildings constructed shall be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

3. Uses by Building Type

Refer to [Sec. 10.16.3.I](#) for uses permitted per building type. Building types may have additional standards on permitted uses.

B. DESCRIPTION AND INTENT OF BUILDING TYPES

The following defines the intent behind each building type. Regulations for each building type are established on the following pages.

1. Storefront Building Type

The Storefront building type is a highly pedestrian-oriented, mixed-use building. Ground story storefront is required along all primary streets with retail sales, eating and drinking establishments, and a variety of service uses to provide activity. Upper story uses are flexible. Parking is located in the rear, screened from the primary street by the building.

2. General Building Type

The General building type is a basic building that can accommodate a wide range of uses, from residential as apartment and/or condominium buildings to offices. The General building type does not call for groundfloor storefront glass, requiring the same minimum level of transparency on the ground and upper stories. Additionally, unlike the Storefront building type, the ground story may be elevated above the sidewalk level.

3. Row Building Type

The Row building type is similar to the General building, but is smaller in scale and divided into a series of vertical units each with separate entrances. Townhouses, rowhouses, or live-work units exemplify this building type.

4. Civic Building Type

The Civic building type is the most flexible building, meant to allow for singular, more iconic designs or buildings set back with landscape surrounding. This building type, however, is limited to civic and institutional uses.

C. GENERAL BUILDING TYPE REQUIREMENTS

The following applies to all building types.

1. General Design Requirements

Refer to [Section 10.16.4.4](#) for General Building Design requirements and [Section 10.16.5.5](#) for General Site Design requirements.

2. Build to the Corner

The intersections of two build-to districts at a corner shall be occupied by building. Refer to [Figure 10.16.3-15 Build-to Corner and Build-to Districts](#).

3. Primary and Non-Primary Street Frontages

A hierarchy of frontages is established for the MX districts by the definition of primary streets on the master development plan. Refer to [Sec. 10.16.2.G](#) for information on the location of primary and non-primary streets.

- a. Arterial Primary Streets. Unless otherwise determined by the master development plan, Dixie Highway, Town Center Boulevard, Turkeyfoot Road, and Thomas More Parkway shall be treated as primary streets.
- b. Frontages along Civic or Open Space. Building sites containing or abutting civic

10.16.3.C. General Building Type Requirements

spaces or public ways shall treat facades abutting that space as primary frontage facades, unless a design exception is approved per [Sec. 10.16.1.F](#).

- c. Corners. At all intersections of primary and non-primary streets, primary frontage facade treatments shall extend along the facade of the non-primary street from the corner a minimum of 30 feet along the facade. Refer to [Figure 10.16.3-16](#) for an example of this regulation.
- d. Non-Primary Frontages. Non-primary frontages allow for a lower level of facade treatment as well as permit locations for garage and parking lot driveways entrances. Non-primary frontages may always be treated at the higher level of a primary frontage.
- e. Two Primary Streets. When multiple primary streets abut a parcel, the zoning administrator shall determine which frontages shall serve as the primary, unless otherwise specified. A minimum of 50 percent of boundary or lot frontage is recommended to be treated as primary frontage.
- f. No Primary Streets. When no primary streets abut a parcel, the zoning administrator shall determine which frontages shall serve as the primary, unless otherwise specified. A minimum of 50 percent of boundary or lot frontage is recommended to be treated as primary frontage.

4. Landscape and Hardscape Areas

The following establishes the required landscape and hardscape treatments permitted for the site other than building locations:

- a. Landscape Areas. All street yards, build-to districts, side yards, and rear yards not covered by buildings, parking, or driveway shall contain either landscape, patio space, or sidewalk space. Maximum impervious and semi-pervious site requirements for each building type apply, unless otherwise stated.
 - (1) Landscape includes trees and ground plane vegetation per [Section 10.16.5.C](#).

- (2) Patio space is outdoor living space that includes seating, outdoor eating, or outdoor display.
- (3) Sidewalk is any walking surface serving as a path between points of interest or access.

- b. Permitted Parking and Driveway Locations. Parking areas and driveway locations are permitted in specific locations by building type regulations. Generally, parking is not permitted in street yards, unless specifically noted.
- c. Build-to Districts and Setbacks. Parking and driveways are not permitted in build-to districts or setbacks except as follows:
 - (1) Where driveway access is permitted off streets, driveways may cross perpendicularly through the build-to district or setback with a maximum width of 22 feet for two way driveways and 12 feet for one way and single-family residential driveways.

5. Driveways and Vehicular Access

Parking locations on a lot or building site are defined by building type. Driveway and vehicular access for all building types, unless otherwise defined, is allowed as follows:

- a. Alleys, Lanes, and Service Drives. Alleys, lanes, and service drive locations are established by the master development plan. Refer to [Sec. 10.16.2.F](#).
- b. Driveways off Streets. If no alley is planned, one driveway or garage entrance is permitted off non-primary street or facade.
- c. Row Building Alley Access off Streets. If no alley exists or is required per the master development plan, a private alley is required with access off a non-primary street for row buildings. One access point is permitted off a non-primary street for every 150 feet of street frontage.
- d. Visibility of Garage Doors. Row building type units shall be configured so that garage doors are fully screened from the primary street by the building.

6. Accessory Structures

Use of accessory structures other than parking structures requires a design exception. Drive-

10.16.3.C. General **Building Type Requirements**

through structures are expressly prohibited per [Sec. 10.16.2.I](#).

7. Utility Structures

Minor utility structures not located within buildings and permitted in the MX districts are exempted from the building type standards, but are subject to all other standards. Refer to 9.17 for landscape screening requirements.

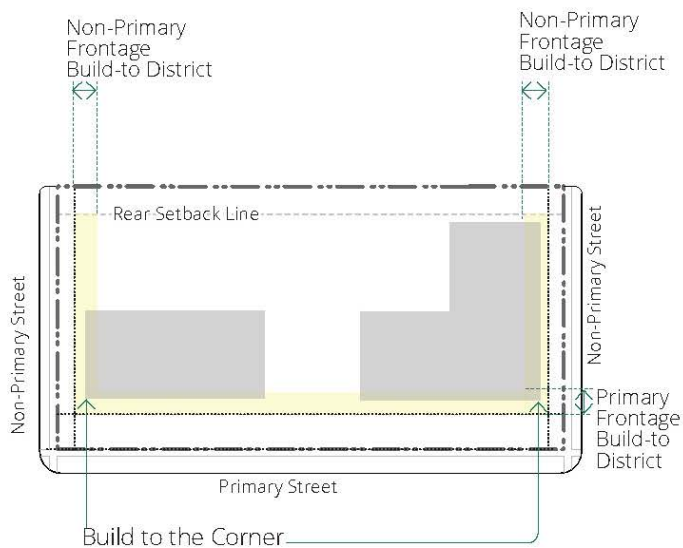


Figure 10.16.3-15 Build-to Corner and Build-to Districts



Figure 10.16.3-16 Example of Primary Frontage Treatment Turning Street Corner

D. STOREFRONT BUILDING TYPE

The following defines the requirements specific to this building type. Refer to [Sec. 10.16.3.A](#) through [Sec. 10.16.3.B](#) for requirements applicable to all building types and [Section 10.16.4.4](#) for general building design applicable to all building types.

BUILDING SITING Refer to Figure 10.16.3-17 .		
q	Minimum Primary Frontage Coverage	95% required; one courtyard permitted Refer to Sec. 10.16.6.B.1 for measuring and courtyards.
w	Primary Frontage Build-to Zone	0' to 10'; 0- 25' for a maximum of 15% of frontage Refer to Sec. 10.16.6.B.2 for definition of build-to zone and measuring.
e	Non-Primary Frontage Build-to Zone	0' to 20' Refer to Sec. 10.16.3.B.3 for explanation of primary and non-primary frontages.
r	Minimum Side Setback	0'; or minimum 5' if abutting other building type Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.
t	Minimum Rear Setback	10'; minimum 20' if abutting a zone permitting single-family residential; 0' if abutting an alley Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.
y	Maximum Site Impervious Coverage Additional Semi-Pervious Coverage	90% 10% Refer to Sec. 10.16.6.B.4 for definitions of impervious and semi-pervious, and explanation of measuring.
u	Surface or Accessory Parking	Rear yard only Refer to Sec. 10.16.6.A for definition of yards.
i	Refuse & Recycling, Utilities, & Loading Location	Rear yard only Refer to Sec. 10.16.6.A for definition of yards. Refer to Section 9.17.G for screening requirements.
o	Permitted Driveway Access Locations Permitted Garage Entrance Location	Alley only Rear facade or non-primary frontage facade Refer to Sec. 10.16.3.5 for driveway access exception where there is no alley.
HEIGHT Refer to Figure 10.16.3-18 .		
1)	Overall: Minimum Height Maximum Height	2 stories 4 stories Refer to Sec. 10.16.6.B.6 for explanation of measurement.
1!	Ground Story: Minimum Height Maximum Height	14' 18' Stories are measured floor to floor. Refer to Sec. 10.16.6.B.7 for explanation of measurement.
1	Upper Stories: Minimum Height Maximum Height	10' 12'
@		
USES Refer to Figure 10.16.3-18 .		
1	Primary Frontage Ground Story	All uses permitted on the ground floor per TABLE 10.16.3.A. Permitted Uses . Refer to Sec. 10.16.3.I . Uses for use definitions. Note residential unit sizes in Sec. 10.16.3.I.6 .
#		
1	Non-Primary Frontage, All Upper Stories, & Basement	All permitted uses per TABLE 10.16.3.A. Permitted Uses .
\$		
1	Parking within Building	Permitted fully in any basement and in rear of all other stories Refer to Occupied Building Space requirement below.
%		
1	Required Occupied Building Space	Minimum 20' deep on all full height floors from any primary street facade; not required in any basement Refer to Sec. 10.16.6.A . for definition for Occupied Building Space.
^		
FACADE & CAP REQUIREMENTS Refer to Figure 10.16.3-19 .		
1	Transparency: Ground Story Primary Frontage Facade	Minimum 70% measured between 2 and 8 feet above average grade of adjacent sidewalk. Blank wall limitations apply. Note that Sec. 10.16.3.B.3 requires primary frontage treatment to turn corners. Refer to Sec. 10.16.6.B.8 for definition of transparency and explanation of measurement. Blank wall limitations apply per Sec. 10.16.6.B.8 .
&		
1	Transparency: All Street Facades & Facades Visible from the Street	Minimum 15%, measured per story of all stories. Blank wall limitations apply to primary facades only.
*		
1(Entrance Location & Number	Principal entrances required on primary frontage facade a minimum of one per every 60' of facade Refer to Sec. 10.16.4.K . for Principal Entryway requirements.
2)	Entryway Configuration	Recessed between 3' and 8', maximum 8' wide Refer to Sec. 10.16.6.B.9 for explanation of measurement.

10.16.3.D. Storefront **Building Type**

2!	<u>Entrance/Ground Story Elevation</u>	<u>80% of the ground story shall be within 1.5' of adjacent sidewalk grade</u>	
2 @	<u>Ground Story Vertical Facade Divisions</u>	<u>One 2" deep shadow line per every 30' of facade width</u>	Refer to Sec. 10.16.6.A. for definition of shadow line. Refer to Sec. 10.16.4.L for building articulation, including building variety.
2 #	<u>Horizontal Facade Divisions</u>	<u>2" deep shadow line within 3' of the top of the ground story</u>	
2 \$	<u>Permitted Cap Types</u>	<u>Parapet, flat; tower permitted</u>	Refer to Sec. 10.16.3.H. for definition of Cap Types and exception for other cap types.

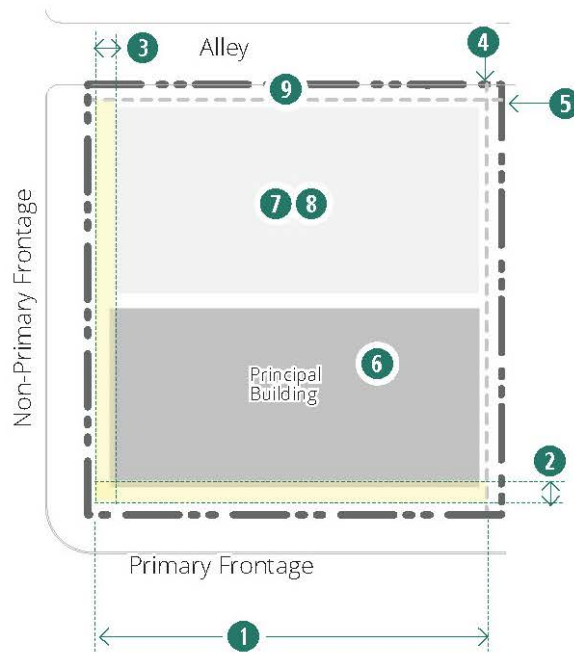


Figure 10.16.3-17 Storefront Building: Building Siting

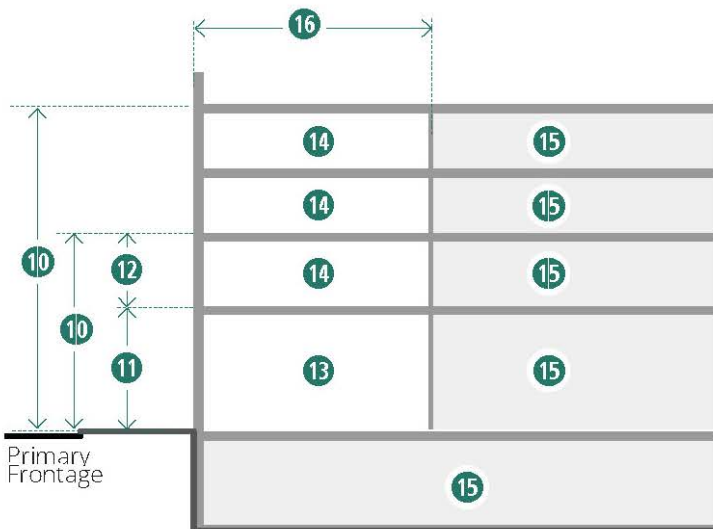


Figure 10.16.3-18 Storefront Building Section: Height & Use Requirements

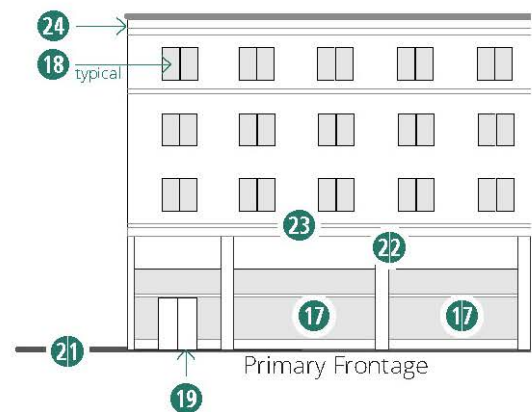


Figure 10.16.3-19 Storefront Building Elevation: Facade Design Requirements

10.16.3.E. General Building Type

E. GENERAL BUILDING TYPE

The following defines the requirements specific to this building type. Refer to [Sec. 10.16.3.A](#) through [Sec. 10.16.3.B](#) for requirements applicable to all building types and [Section 10.16.4.4](#) for general building design applicable to all building types.

			REFERENCES/ADDITIONAL REQUIREMENTS	
BUILDING SITING Refer to Figure 10.16.3-20 .				
q	<u>Minimum Primary Frontage Coverage</u>	80% required; one courtyard permitted	75% required; one courtyard permitted	Refer to Sec. 10.16.6.B.1 for measuring and courtyards.
w	<u>Primary Frontage Build-to Zone</u>	5' to 20'	10' to 20'	Refer to Sec. 10.16.6.B.2 for definition of build-to zone and measuring. Refer to Sec. 10.16.3.B.3 for explanation of primary and non-primary frontages.
e	<u>Non-Primary Frontage Build-to Zone</u>	5' to 15'	5' to 20'	
r	<u>Minimum Side Setback</u>	5'; or minimum 10' if abutting another building type		Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.
t	<u>Minimum Rear Setback</u>	10'; minimum 20' if abutting a zone permitting residential on ground story		Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.
y	<u>Maximum Site Impervious Coverage</u> <u>Additional Semi-Pervious Coverage</u>	75% 10%	60% 20%	Refer to Sec. 10.16.6.B.4 for definitions of impervious and semi-pervious, and explanation of measuring.
u	<u>Surface or Accessory Parking</u>	Rear, limited side yard parking	Rear yard only	Refer to Sec. 10.16.6.A for definition of yards.
i	<u>Refuse & Recycling, Utilities, & Loading Location</u>	Rear yard only		Refer to Sec. 10.16.6.A for definition of yards. Refer to Section 9.17.G for screening requirements.
o	<u>Permitted Driveway Access Locations</u> <u>Permitted Garage Entrance Location</u>	Alley only Rear or side facade		Refer to Sec. 10.16.3.5 for driveway access exception where there is no alley.
HEIGHT Refer to Figure 10.16.3-21 .				
1)	<u>Overall: Minimum Height</u> <u>Maximum Height</u>	2 stories 4.5 stories; 5.5 stories when located minimum 350 feet from any single-family zone	2 stories 4.5 stories	Refer to Sec. 10.16.6.B.6 for explanation of measurement and definition of half story. For General-Office, a design exception for additional height may be approved in MX-2 only per Sec. 10.16.1.F .
1!	<u>All Stories: Minimum Height</u> <u>Maximum Height</u>	9' 12'	9' 12'	Stories are measured floor to floor. Refer to Sec. 10.16.6.B.7 for explanation of measurement.
USES Refer to Figure 10.16.3-21 .				
1 @	<u>All Frontages & Stories</u>	All permitted uses per TABLE 10.16.3.A. Permitted Uses .		Refer to Sec. 10.16.3.1 . Uses for use definitions. Note residential unit sizes in Sec. 10.16.3.1.6 .
1 #	<u>Parking within Building</u>	Permitted fully in any basement and in rear of all other stories		Refer to Occupied Building Space requirement below.
1 \$	<u>Required Occupied Building Space</u>	Minimum 20' deep on all full height floors from any primary street facade; not required in any basement		Refer to Sec. 10.16.6.A for definition for Occupied Building Space.
FACADE & CAP REQUIREMENTS Refer to Figure 10.16.3-22 .				
1 %	<u>Required Transparency Street Facades & Facades Visible from the Street</u>	Minimum 15%, measured per story of all stories. Blank wall limitations apply to primary facades only.		Note that Sec. 10.16.3.B.3 requires primary frontage treatment to turn corners. Refer to Sec. 10.16.6.B.8 for definition of transparency and explanation of measurement. Blank wall limitations apply per Sec. 10.16.6.B.8 .
1 ^ —	<u>Entrance Location & Number</u>	Principal entrance required on primary frontage facade; entrances required a minimum of one per every 90' of building facade		Refer to Sec. 10.16.4.K for Principal Entryway requirements. Refer to Sec. 10.16.6.B.9 for explanation of measurement. Refer to Sec. 10.16.6.A for definition of stoop.
1 &	<u>Entryway Configuration</u>	Entry doors shall be off a stoop, minimum 6' wide and 3' deep		
1	<u>Entrance/Ground Story Elevation</u>	80% of entrances and the ground story shall be within 30" of adjacent street sidewalk average elevation OR between 30" and 5' with visible basement (transparency required)		Refer to Sec. 10.16.6.B.6 for definition of visible basement and explanation of measurement.

* —			
1(<u>Ground Story Vertical Facade Divisions</u>	<u>One minimum 2" deep shadow line per every 100' of facade width</u>	<u>One minimum 2" deep shadow line per every 60' of facade width</u>	Refer to Sec. 10.16.6.A. for definition of shadow line. Refer to Sec. 10.16.4.L for building articulation, including building variety.
2) <u>Horizontal Facade Divisions</u>	<u>One minimum 2" deep shadow line within 3' of the top of the ground story</u>		
2! <u>Permitted Cap Types</u>	<u>Parapet, flat; tower permitted; pitched with approved design exception</u>		Refer to Sec. 10.16.3.H. for definition of Cap Types and exception for other cap types.

10.16.3.E. General **Building Type**

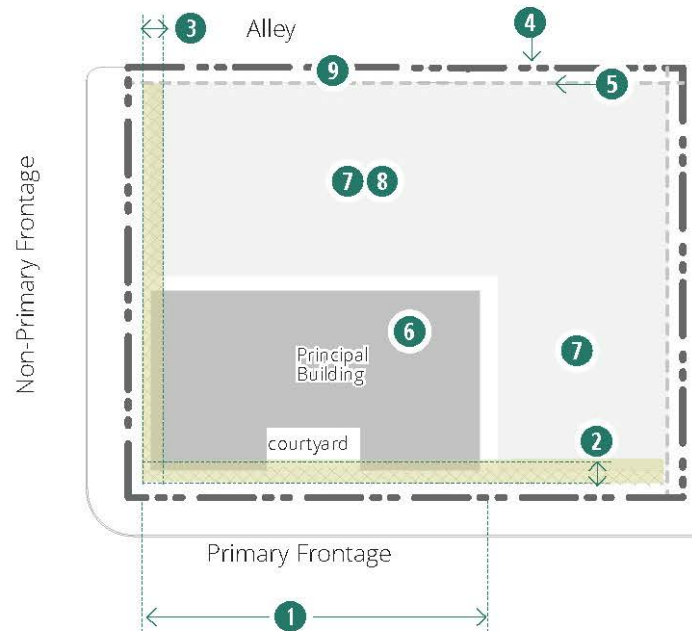


Figure 10.16.3-20 General Building: Building Siting

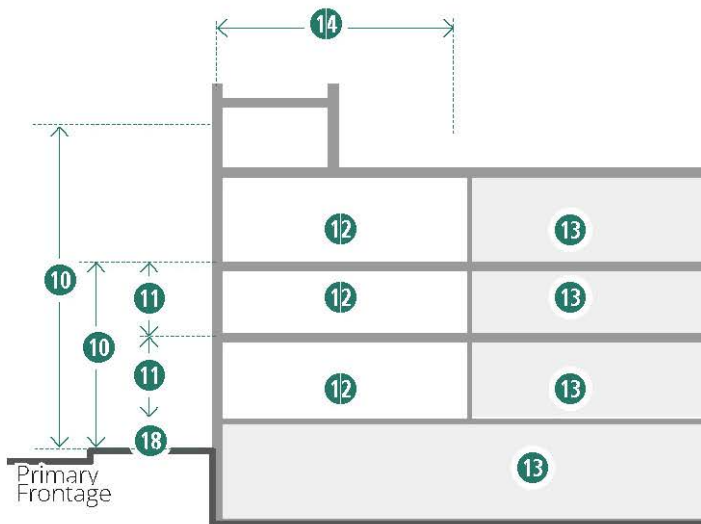


Figure 10.16.3-21 General Building: Height & Use Requirements

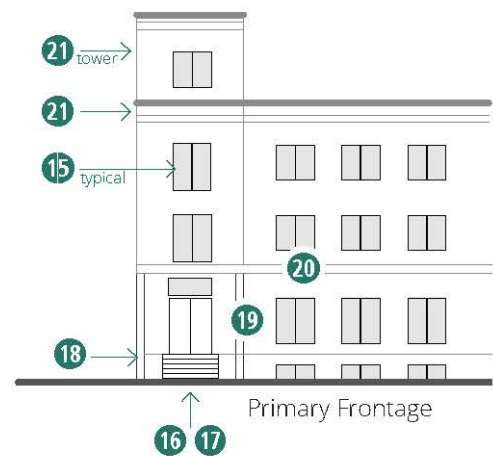


Figure 10.16.3-22 General Building: Facade Design Requirements

F. ROW BUILDING TYPE

The following defines the requirements specific to this building type. Refer to [Sec. 10.16.3.A](#) through [Sec. 10.16.3.B](#) for requirements applicable to all building types and [Section 10.16.4.4](#) for general building design applicable to all building types.

			ROW-RESIDENTIAL	REFERENCES/ADDITIONAL REQUIREMENTS	
BUILDING SITING Refer to Figure 10.16.3-23 .					
For the purposes of the Row building type, a building consists of multiple units.			For every 3 units fronting a street, 1 unit may front a courtyard or civic space. Refer to Sec. 10.16.6.B.1 for measuring and courtyards. For units fronting courtyards or civic space, the build-to zone is measured from the edge of the courtyard or boundary line of the civic space. Refer to Sec. 10.16.6.B.2 for measuring of build-to zone and Sec. 10.16.3.B.3 for explanation of primary and non-primary frontages. Refer to Sec. 10.16.3.B.3 for definition of setback and measuring. Refer to Sec. 10.16.3.B.3 for definition of setback and measuring. Building length is measured along street facades. Unit width is the narrowest dimension of each unit. Refer to Sec. 10.16.6.B.4 for definitions of impervious and semi-pervious, and explanation of measuring. Refer to Sec. 10.16.6.A for definition of yards. Refer to Section 9.17.G for screening requirements. Refer to Sec. 10.16.3.5 for driveway access exception where there is no alley. Refer to Sec. 10.16.4.M for garage door requirements.		
g	Minimum Primary Frontage Coverage	80% required; courtyards permitted			70% required; courtyards permitted
w	Primary Frontage Build-to Zone	5' to 20'			10' to 15'
e	Non-Primary Frontage Build-to Zone	5' to 15'			5' to 15'
r	Minimum Side Setback	5'	10'	Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.	
t	Minimum Space between Buildings	10'	15'		
t	Minimum Rear Setback	15'; 5' adjacent to alley	15'; 5' adjacent to alley	Refer to Sec. 10.16.3.B.3 for definition of setback and measuring.	
y	Building Length per Street Facade	Maximum 8 units or 160', whichever is less		Building length is measured along street facades.	
u	Minimum Unit Width	18'		Unit width is the narrowest dimension of each unit.	
i	Maximum Site Impervious Coverage	75%	70%	Refer to Sec. 10.16.6.B.4 for definitions of impervious and semi-pervious, and explanation of measuring.	
	Additional Semi-Pervious Coverage	20%	15%		
o	Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location	Rear yard only		Refer to Sec. 10.16.6.A for definition of yards. Refer to Section 9.17.G for screening requirements.	
1)	Permitted Driveway Access Locations	Alley only		Refer to Sec. 10.16.3.5 for driveway access exception where there is no alley. Refer to Sec. 10.16.4.M for garage door requirements.	
	Permitted Garage Entrance Location	Rear facade only of principal building			
HEIGHT Refer to Figure 10.16.3-24 .					
1!	Overall: Minimum Height	2 stories	2 stories	Refer to Sec. 10.16.6.B.6 for explanation of measurement and definition of half story.	
	Maximum Height	3.5 stories	3 stories		
1	All Stories: Minimum Height	9'		Stories are measured floor to floor. Refer to Sec. 10.16.6.B.7 for explanation of measurement.	
@	Maximum Height	14'			
USES Refer to Figure 10.16.3-24 .					
1	All Stories	Office and residential uses only.	Residential only	Refer to Sec. 10.16.3.I . Uses for use definitions. Note residential unit sizes in Sec. 10.16.3.I.6 .	
#					
1	Parking within Building	Permitted fully in any basement and in rear of ground story		Refer to Occupied Building Space requirement below.	
\$					
1	Required Occupied Building Space	Minimum 20' deep on all full height floors from any primary street facade. Not required in any basement.		Refer to Sec. 10.16.6.A . for definition for Occupied Building Space.	
%					
FACADE & CAP REQUIREMENTS Refer to Figure 10.16.3-25 .					
1	Transparency: Street Facades & Facades Visible from the Street	Minimum 15%, measured per story of all stories. Blank wall limitations apply to primary street facades.		Refer to Sec. 10.16.6.B.8 for definition of transparency and explanation of measurement. Blank wall limitations apply per Sec. 10.16.6.B.8 .	
^					
1	Entrance Location & Number	Each unit requires one principal entrance on a street, courtyard, or open space facade. Minimum of one principal entrance required per 30' of primary street facade.		Refer to Sec. 10.16.4.K . for Principal Entryway requirements. Refer to Sec. 10.16.6.B.9 for explanation of measurement. Refer to Sec. 10.16.6.A . for definition of stoop and porch.	
&					
1	Entrance Configuration	Entry doors shall be off a stoop, minimum 4' wide and 3' deep, OR a porch, minimum 8' wide & 5' deep.	Entry doors shall be off a porch, minimum 8' wide & 5' deep.		
*					

10.16.3.F. Row **Building Type**

	No more than 2 entry doors may be located off each stoop or porch.	
1(<u>Entrance/Ground Story Elevation on Primary Frontage Facade</u>	80% of entrances and the ground story shall be within 30" of adjacent street sidewalk average elevation OR between 30" and 5' with a visible basement (transparency required)	Refer to Sec. 10.16.6.B.6 for definition of visible basement and explanation of measurement.
2) <u>Ground Story Vertical Facade Divisions</u>	One 2" deep shadow line per every 60' of facade width or every 2 units, whichever is less	Refer to Sec. 10.16.6.A. for definition of shadow line. Refer to Sec. 10.16.4.L for building articulation, including building variety.
2! <u>Horizontal Facade Divisions</u>	One 2" deep shadow line within 3' of any visible basement	
2 <u>Permitted Cap Types</u>	Parapet, pitched, flat; one tower is permitted per building	Refer to Sec. 10.16.3.H. for definition of Cap Types and exception for other cap types..
@		



Figure 10.16.3-23 Row Building: Building Siting

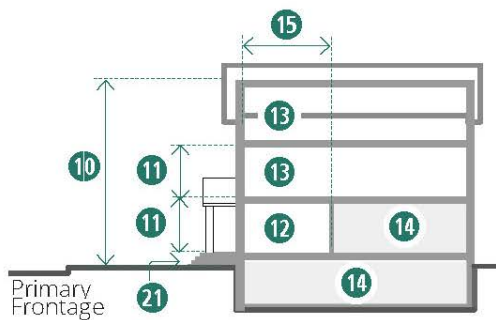


Figure 10.16.3-24 Row Building: Height & Use Requirements



Figure 10.16.3-25 Row Building: Facade Design Requirements

10.16.3.G. Civic Building Type

G. CIVIC BUILDING TYPE

The following defines the requirements specific to this building type. Refer to [Sec. 10.16.3.A](#) through [Sec. 10.16.3.B](#) for requirements applicable to all building types and [Section 10.16.4.4](#) for general building design applicable to all building types. In all districts where permitted, development of this building type requires approval of a design exception per [Sec. 10.16.1.F](#).

	CIVIC	REFERENCES/ ADDITIONAL REQUIREMENTS
BUILDING SITING Refer to Figure 10.16.3-26 .		
q <u>Minimum Primary Frontage Coverage</u>	none required	
w <u>Primary Frontage Minimum Setback</u>	15'	Refer to Sec. 10.16.3.B.3 for explanation of primary and non-primary frontages. Refer to Sec. 10.16.6.B.3 for definition of setback and measuring.
e <u>Non-Primary Frontage Minimum Setback</u>	10'	
r <u>Minimum Side Setback</u>	15'	
t <u>Minimum Rear Setback</u>	15'	
y <u>Maximum Building Length</u>	None required	
u <u>Maximum Site Impervious Coverage</u> <u>Additional Semi-Pervious Coverage</u>	50% 30%	Refer to Sec. 10.16.6.B.4 for definitions of impervious and semi-pervious, and explanation of measuring.
i <u>Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location</u>	Rear yard, limited side yard	Refer to Sec. 10.16.6.A for definition of yards. Refer to Section 9.17.G for screening requirements.
o <u>Permitted Driveway Access Locations</u> <u>Permitted Garage Entrance Location</u>	Alley only Rear or side facade	Refer to Sec. 10.16.3.5 for driveway access exception where there is no alley.
2. HEIGHT Refer to Figure 10.16.3-27 .		
1) <u>Overall: Minimum Height</u> <u>Maximum Height</u>	1 stories 3.5 stories	Refer to Sec. 10.16.6.B.6 for explanation of measurement. Refer to Sec. 10.16.6.A for definition of half story.
1! <u>All Stories: Minimum Height</u> <u>Maximum Height</u>	9'; 15' for single story building 18'; 24' on single story building	Stories are measured floor to floor. Refer to Sec. 10.16.6.B.7 for explanation of measurement.
USES Refer to Figure 10.16.3-27 .		
1 <u>All Frontages & Stories</u>	Limited to Civic and Institutional categories of uses per TABLE 10.16.3.A. Permitted Uses .	Refer to Sec. 10.16.3.I . Uses for permitted uses per zone.
@		
1 <u>Parking within Building</u>	Permitted fully in any basement and in rear of all other stories	Refer to Occupied Building Space requirement below.
#		
1 <u>Required Occupied Building Space</u>	Minimum 20' deep on all full height floors from any street facade. Not required in any basement.	Refer to Sec. 10.16.6.A for definition for Occupied Building Space.
\$		
FACADE & CAP REQUIREMENTS Refer to Figure 10.16.3-28 .		
1 <u>Transparency: Street Facades & Facades Visible from the Street</u>	Minimum 12%, measured per story of all stories	Refer to Sec. 10.16.6.B.8 for definition of transparency and explanation of measurement. Blank wall limitations apply to primary street facade per Sec. 10.16.6.B.8 .
%		
1 <u>Entrance Location & Number</u>	Principal entrance required on primary frontage facade	Refer to Sec. 10.16.4.K for Principal Entryway requirements. Refer to Sec. 10.16.6.B.9 for explanation of measurement. Refer to Sec. 10.16.6.A for definition of stoop.
1 <u>Entrance Configuration</u>	No requirement other than principal entryway design requirements	
&		
1 <u>Entrance/Ground Story Elevation</u>	Principal entrance and 80% of the ground story shall be within 30" of adjacent street sidewalk average elevation OR between 30" and 5' with visible basement (transparency required)	Refer to Sec. 10.16.6.B.6 for definition of visible basement and explanation of measurement.
*		
—		

10.16 Mixed-Use (MX) Zones
10.16.3.G. Civic Building Type

1 <u>Ground Story Vertical Facade Divisions</u>	No requirement; one 2" deep shadow line recommended per every 60' of facade width, whichever is less	Refer to Sec. 10.16.6.A. for definition of shadow line. Refer to Sec. 10.16.4.L for building articulation, including building variety.
2 <u>Horizontal Facade Divisions</u>	No requirement; one 2" deep shadow line recommended within 3' of any visible basement	
2! <u>Permitted Cap Types</u>	Parapet, pitched, flat, other with design exception per Sec. 10.16.1.F; tower permitted	Refer to Sec. 10.16.3.H. for definition of Cap Types and exception for other cap types..

10.16.3.G. Civic **Building Type**

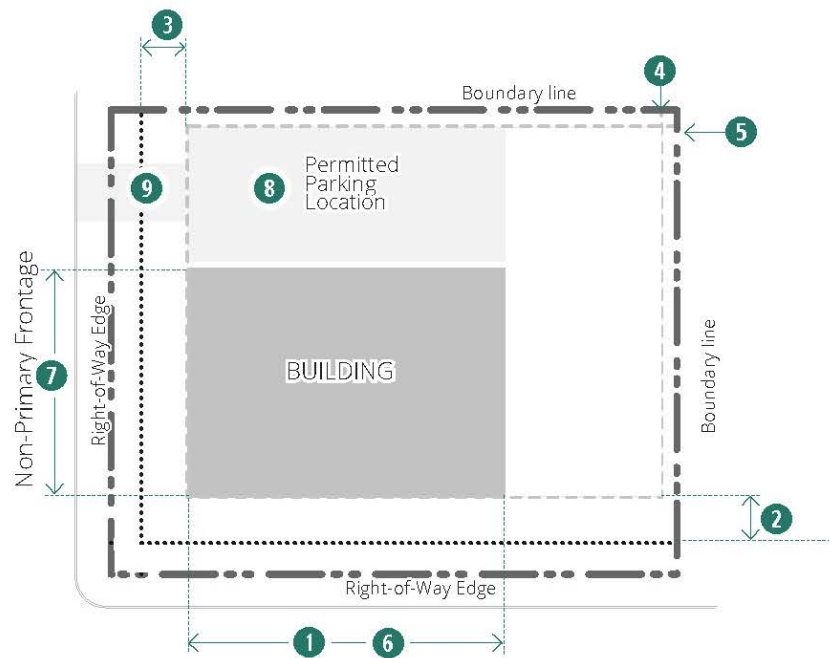


Figure 10.16.3-26 Civic Building: Building Siting

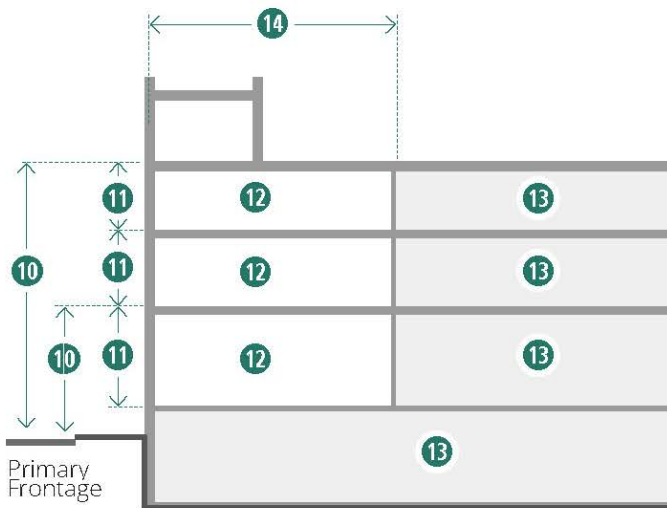


Figure 10.16.3-27 Civic Building: Height & Use Requirements

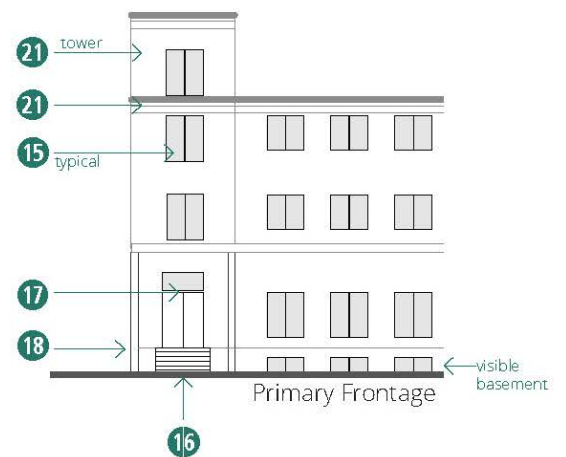


Figure 10.16.3-28 Civic Building: Facade Design Requirements

10.16.3.H. Cap Types

H. CAP TYPES

The major components of any roof shall meet the requirements of one of the cap types permitted per building type. Roofs for bay or bow windows and dormers are not required to meet a cap type.

1. Parapet Cap Type

(Refer to [Figure 10.16.3-29 Example of a Parapet Cap Type](#)). A parapet is a low wall projecting above a building's roof along the perimeter of the building.

- a. Parapet Height. Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet. Horizontal shadow lines. An shadow line shall define the parapet from the upper stories of the building and shall also define the top of the cap. Refer to [Sec. 10.16.6.A](#) for definition of shadow line.
- b. Occupied Building Space. Occupied building space shall not be incorporated behind this cap type.
- c. Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located towards the rear or interior of the parapet roof. The parapet shall screen the mechanicals from the elevation of the sidewalk across the street

2. Flat Cap Type

(Refer to [Figure 10.16.3-30 Example of a Flat Cap Type](#)). This cap type is a visibly flat roof with overhanging eaves.

- a. Configuration. The roof shall have no visible slope from the street and eaves are required

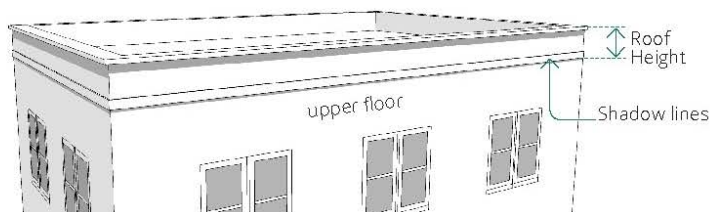


Figure 10.16.3-29 Example of a Parapet Cap Type

- on all primary and non-primary frontage facades.
- b. Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.
- c. Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of 6 inches thick.
- d. Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - (1) No more than one-third of the front facade may consist of an interrupting vertical wall.
 - (2) Vertical walls shall extend no more than 8 feet above the top of the eave.
- e. Occupied Building Space. Occupied building space shall not be incorporated behind this cap type.
- f. Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be located behind the interrupting vertical wall with no visibility on any street elevation drawing.

3. Pitched Cap Type

(Refer to [Figure 10.16.3-31 Examples of Pitched Cap Type](#)). This cap type is a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

- a. Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12.

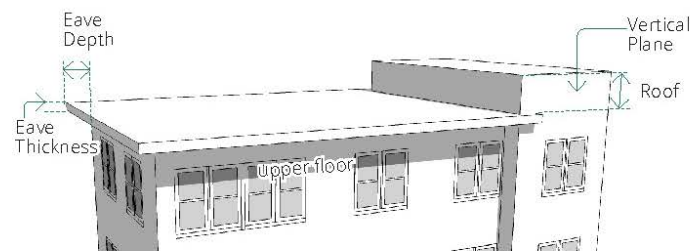


Figure 10.16.3-30 Example of a Flat Cap Type

10.16.3.H. Cap Types

Slopes less than 4:12 are permitted to occur on second story or higher roofs.

b. Configurations.

Hipped, gabled, and combination of hips and gables with or without dormers are permitted.

Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of 8 feet, inclusive of overhang.

(1) Gambrel and mansard roofs are not permitted.

c. Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the primary frontage. (Refer to [Figure 10.16.3-31 Examples of Pitched Cap Type](#)).

d. Roof Height. Roofs without occupied building space and/or dormers shall have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor to floor height utilized on the building.

e. Occupied Building Space. Occupied building space may be incorporated behind this cap type. If used, the space counts as a half story.

f. Rooftop Appurtenances. With the exception of solar panels, any rooftop appurtenances shall be recessed within the pitched roof with no visibility on any street elevation drawing.

exception during the design review process with the following requirements:

- The building shall warrant a separate status from the majority of buildings in the district, with a correspondence between the form of the cap and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, singular roof for a more distinctive city hall.
- The cap type shall not create additional occupiable space beyond that permitted by the building type.
- The scale and type of the cap type shall be consistent with the character of city and the area within which it is located.
- The shape of the roof shall be different from those defined in this section 10.16.3.H. Cap Types, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.

5. Towers

A tower is a vertical element, polygonal (simple), rectilinear or cylindrical in plan that shall be used with other cap types. Refer to [Figure 10.16.3-32 Example of a Tower](#).

4. Other Cap Types

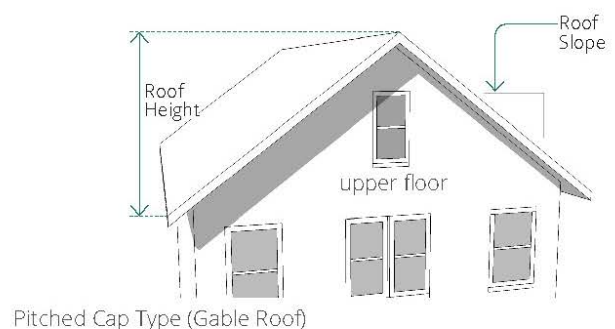
Special cap designs otherwise not defined in this section may be approved through an minor design



Low Pitched Roof Cap Type (Hip Roof)



Parallel Pitched



Pitched Cap Type (Gable Roof)

Figure 10.16.3-31 Examples of Pitched Cap Type

- a. Quantity. Unless otherwise defined in the building type tables ([Sec. 10.16.3.D](#) through [Sec. 10.16.3.G](#)), a maximum of 2 towers total are permitted within 15 feet of all street facades and 2 additional towers are permitted a minimum of 30 feet from a street facade. Tower locations are typically limited to allowing towers associated with the facade design and visible from the street, and those more functional towers located beyond the facade.
- b. Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower shaft not including the cap, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- c. Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.
- d. Tower Spacing. Towers shall be generally spaced from other towers a minimum of 60 feet and specifically by a minimum of 120 feet along a primary or non-primary frontage facade.
- e. Transparency. Towers that meet the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade shall meet the minimum transparency requirements of the building.
- f. Horizontal Shadow lines. A shadow line is required between the 4th and 5th stories of any tower and at the cap of the tower.
- g. Occupied Building Space. Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied, unless otherwise stated.
- h. Rooftop Appurtenances. No rooftop appurtenances are permitted on tower roofs.
- i. Tower Cap. The tower may be capped by the parapet, pitched, or flat roof cap types.

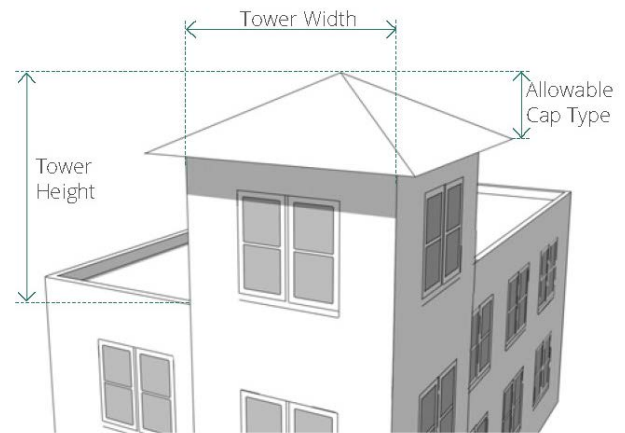


Figure 10.16.3-32 Example of a Tower

TABLE 10.16.3.A. PERMITTED USES

	STOREFRONT Building Sec. 10.16.3.D	GENERAL- OFFICE Building Sec. 10.16.3.E ROW-OFFICE Building Sec. 10.16.3.F	GENERAL- RESIDENTIAL Building Sec. 10.16.3.E ROW-RESIDENTIAL Building Sec. 10.16.3.F	CIVIC SPACE Sec. 10.16.2.K	REFERENCE
RESIDENTIAL CATEGORY					
Dwelling, Detached Single-Family	U	U	P	–	Sec. 10.16.3.I.1 and 6
Dwelling, Attached Single-Family	U	U	P	–	Sec. 10.16.3.I.1 and 6
Dwelling, Two-Family	U	U	P	–	Sec. 10.16.3.I.1 and 6
Dwelling, Multi-family	U	U	P	–	Sec. 10.16.3.I.1 and 6
Dwelling, Group House	–	–	C	–	Sec. 10.16.3.I.1 and 6
CIVIC AND INSTITUTIONAL CATEGORY					
Assembly, General	–	–	C	–	Sec. 10.16.3.I.7
College or University	U	P	–	–	Sec. 10.16.3.I.1
Governmental Office-Service	–	P	–	–	Sec. 10.16.3.I.8
Hospital	–	P	–	–	Sec. 10.16.3.I.1
Library, Museum	P	P	–	–	Sec. 10.16.3.I.9
Parks and Recreation	C	C	C	P	Sec. 10.16.3.I.10
Police, Fire Station	C	C	C	–	Sec. 10.16.3.I.11
School, Public, Private, Parochial	–	P	–	C	Sec. 10.16.3.I.12
Utilities and Public Service Facility: Minor	P	P	P	P	Sec. 10.16.3.I.1
RETAIL AND SERVICE CATEGORY					
Broadcast or Recording Studio	U	P	–	–	Sec. 10.16.3.I.1
General Service	P	L	–	–	Sec. 10.16.3.I.13
Animal Service (no outdoor kenneling)	P	–	–	–	Sec. 10.16.3.I.13
Child Care Center	P	P	–	–	Sec. 10.16.3.I.1
Eating and Drinking Establishments (no drive-through facilities)	P	L	–	–	Sec. 10.16.3.I.1
Entertainment					
Indoor	P	C	–	–	Sec. 10.16.3.I.14
Outdoor	–	–	–	–	Sec. 10.16.3.I.14
Financial Services, except as indicated below (no drive-through facilities)	P	P	–	–	Sec. 10.16.3.I.15
Personal credit establishment	–	–	–	–	Sec. 10.16.3.I.15
Hotel	P	C	C	–	Sec. 10.16.3.I.16
Retail Sales					
Artisan	P	–	–	–	Sec. 10.16.3.I.17
General retail	P	L	–	–	Sec. 10.16.3.I.17
Large-scale retail (no outdoor storage)	C	–	–	–	Sec. 10.16.3.I.17
Studio or Instructional Service	P	L	–	–	Sec. 10.16.3.I.18
OFFICE AND CLASSROOM CATEGORY					
Office					
Business or professional office	U	P	–	–	Sec. 10.16.3.I.19
Medical, dental or health practitioner office	P	P	–	–	Sec. 10.16.3.I.19
Research and Laboratories	U	P			Sec. 10.16.3.I.20
Trade School	U	P	–	–	Sec. 10.16.3.I.21
OTHER					
Parking Lot (Principal Use)	P	P	P	C	Sec. 10.16.3.I.22
KEY: P = Use permitted as of right U = Permitted in rear of ground story or upper stories only C = Requires conditional use approval L = Limited to a gross floor area of no more than 30% of the building footprint – = Prohibited use					

10.16.3.I. Uses**I. USES**

Uses are allowed in the MX districts in accordance with the following table. Uses may be further restricted by building type [Sec. 10.16.3.D](#) through [Sec. 10.16.3.G](#).

1. Definitions

Unless otherwise defined below, refer to Article VII for definitions of listed uses.

2. General Provisions

- a. A building or building site may contain more than one principal use, unless otherwise specified.
- b. Each of the principal uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- c. Each use shall be located indoors (within a permitted building type), unless otherwise expressly stated.

3. Table of Principal Uses

[Table 10.16.3-A](#) identifies the principal uses allowed in each district.

- a. Permitted Use ("P"). Uses designated with "P" are permitted by-right in the building types in which they are listed, in all locations within the building, unless otherwise noted. Use-specific standards may apply to the use per the definition. Further limitations may apply per the building type regulations in [Sec. 10.16.3.D](#) through [Sec. 10.16.3.G](#).
- b. Permitted in Limited Building Locations ("U"). Uses designated with "U" are permitted by-right in the building types in which they are listed, provided that the uses are located in the upper stories of the structure, in the ground story beyond a depth of at least 20 feet from the front facade, or within any basement. Further limitations may apply per the building type regulations in [Sec. 10.16.3.D](#) through [Sec. 10.16.3.G](#).
- c. Permitted with Limitations on Area ("L"). Uses designated with "L" are permitted by-right in the building types in which they are listed, however, the total gross square footage of all "L" uses on the lot is limited to no more than 30% of the total building footprint.

- d. Requires Conditional Use Permit ("C"). Uses designated with "C" require a conditional use permit per section 9.14 in order to occur in the building types in which they are listed. The use must meet any use-specific standards defined for the use in this section as well as meet any requirements of the conditional use approval. The use may occur anywhere in the building, unless otherwise specified.
- e. Prohibited Use ("–"). Uses designated with a "–" indicates that the use is prohibited in that building type.

4. Prohibited Uses

The following uses are expressly prohibited within the MX districts:

- a. Drive-through facilities, where goods or services are distributed to the consumer in their vehicle, for any use.
- b. Funeral home or mortuary service
- c. Personal credit establishment (see [Sec. 10.16.3.I.15 for definition](#))
- d. Vehicle sales and service uses, such as fueling stations, personal vehicle repair and maintenance, personal vehicle sales and rentals, vehicle body and paint finishing.

5. Accessory Uses

Customary accessory uses are permitted, unless otherwise stated.

- a. Outdoor Dining. Outdoor dining areas are permitted associated with eating and drinking establishments with the following conditions:
 - (1) The dining area may be located anywhere on the site; however, the building type requirements shall be met per 10.16.3.D through 10.16.3.G.
 - (2) Dining areas in a publicly dedicated right-of-way require an encroachment permit from the City. A minimum of 6 feet of clear sidewalk area is required.
 - (3) Dining areas in a privately held right-of-way do not require an encroachment permit; however, a minimum of 6 feet of clear sidewalk area is required.
 - (4) During the off-season, outdoor dining areas shall be completely removed from

10.16.3.I. Uses

any public or private street right-of-way sidewalk.

- b. Temporary Outdoor Display. Temporary outdoor display of retail merchandise for sidewalk sales is permitted with the following conditions:
 - (1) A permit is required from the zoning administrator.
 - (2) The display shall occur only on sidewalks and a minimum of 6 feet of clear sidewalk area shall be maintained.
 - (3) The occurrence is permitted for no more than 3 continuous days, no more than 10 times per year.
- c. Outdoor Display. Permanent outdoor display of goods is not permitted.
 - (1) A design exception may be approved for the permanent outdoor display of goods.
 - (2) The outdoor display shall not occur within a public or private street right-of-way.
 - (3) The display shall be consistent with the character of the area and with appropriate presentation and screening.
 - (4) The only goods permitted for display shall be consumer retail goods intended for outdoor use, such as gardening supplies or outdoor furniture.

6. Residential Unit Sizes

The following minimum requirements apply in the MX districts:

- a. Dwelling, Attached Single-Family. A minimum gross building square footage required of 1,400 square feet is required for all attached single-family dwellings.
- b. Dwellings, Multi-family. The following is required where multi-family dwellings are included in one building:
 - (1) A mix of unit sizes is required for each multi-family building utilizing the General-Residential building type.

- (2) No more than 20 percent of units in any building type may be studio apartments without a separate bedroom.
- (3) The minimum average square footage of all units in any building shall be 800 square feet.¹

- c. Design Exception. A design exception may be approved for a different mix of dwelling sizes and unit mixes.

7. Assembly, General

A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting, generally with little or no relationship to commerce. Includes places of worship, religious institutions, community centers, convention centers, performing arts venues.

8. Government Office-Services

Public community-serving facilities associated with government functions. Includes such uses as city hall and government offices.

9. Library, Museum

A facility open to the general public housing educational, cultural, artistic, or historic information, resources, and exhibits. May also include accessory food service and a gift shop.

10. Parks and Recreation

A use of land for active or passive, outdoor space available to the general public. Includes such uses as parks, plazas, greens, parklets, playfields, playgrounds, and tot lots for general recreation, athletics, and leisure. This use generally has little or no relationship to commerce. May include historic structures/monuments, ornamental gardens, or arboretums. May be associated with an assembly or school use. Park uses may also be utilized to host temporary private or community events, such as a farmer's market or art fair. Additional use-specific standards include:

- a. Parking. Parking lots are not permitted in parks in any district except by special use approval.

¹ In Cincinnati, average apartment sizes: 459 for studio, 686 for 1 bed, 953 for 2 bed. 20% studios +40% 1 bed +40% 2 beds = approx. 750 sf average. The average size of units in the

Rookwood Apartment building is 847 sf. Out of 130 units, only 5 are studios and the studios are 555 sf.

- b. Stormwater Accommodations. Parks that incorporate stormwater management on a site or district scale are encouraged.
- c. Stormwater facilities shall be designed to accommodate additional uses, such as an amphitheater or a sports field.
- d. Stormwater facilities shall be designed not to be fenced and shall not impede public use of the land they occupy.

11. Police/Fire Station

A facility providing public safety and emergency services; training facilities, and locker rooms. Limited overnight accommodations may also be included. Fire/Police Stations are permitted in applicable districts with the following use-specific standards include:

- a. Garage doors are permitted on the front facade.
- b. Exempt from maximum driveway widths.

12. School, Public, Private, Parochial

A public or private education facility for pre-kindergarten through 12th grade with classrooms and offices, that may also include associated indoor facilities such as ball courts, gymnasium, theater, and food service. Parking facilities may be provided for faculty, administration, staff, and visitors, and students.

13. General Service

A category of uses that provides patrons services that occur indoors and limited retail products related to those services. Visibility and accessibility are important to these uses; walk-in customers and by-appointment clients are typically both accommodated. Includes such uses as, but not limited to, barber and beauty shops, spa facilities, tailors, consumer goods repair. Does not include Animal Service.

- a. Animal Service. A use that provides patrons animal care services and limited retail products related to those services, such as pet grooming services, veterinary services, Outdoor kenneling not permitted.

14. Entertainment.

- a. Indoor. An commercial indoor facility for gathering events for entertainment such as, but not limited to, movie theaters and indoor skating rinks.

- b. Outdoor. A large, outdoor facility for entertainment events and businesses, such as, but not limited to, putt-putt golf, driving ranges, batting cages, go-carts, swimming pools.

15. Financial Services

Chartered financial depository institutions, including such uses as banks, savings and loans. Does not include personal credit establishments. Drive-through facilities not permitted.

- a. Personal Credit Establishments. An establishment primarily engaged in the business of lending money on the security of pledged goods, left in pawn, on the condition that it may be redeemed or repurchased by the seller; of purchasing tangible personal property left in pawn; or of providing cash to patrons for payroll, personal, and bank checks.

16. Hotel

A facility offering short-term, temporary lodging to the general public with daily room cleaning services, and consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. The following use-specific standards apply:

- a. Temporary lodging is permitted for up to 30 days within a 6 month period.
- b. Rooms shall be accessed from the interior of the building.
- c. Exterior stairs to upper stories are not permitted on any street facade.
- d. Hotels shall not be located within 200 feet of any single-family district.

17. Retail Sales

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption.

- a. Artisan Studio/Retail. A use involving the creation of art works, custom goods, or small-scale production, assembly, and/or repair through the use of hand tools and small-scale equipment with little to no noxious by-products. Use must include a showroom or small retail outlet selling art and/or goods produced. Includes such uses as craft brewery, craft distillery, furniture

10.16.3.I. Uses

shop, glass blowers, jewelers, pottery and ceramic sales, upholsterers, woodworking shop. The following use-specific standards apply:

- (1) The maximum overall gross floor area is limited to 10,000 square feet, unless otherwise noted.
 - (2) A showroom, taproom, tasting room, or retail outlet shall be located in the front of the building and shall occupy a minimum of 25% of the gross floor area. The space shall be generally opened to the public during regular shopping hours and shall sell the products produced on-site.
 - (3) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to no more than 2 vans or small trucks. Distribution access shall be from the rear.
- b. General Retail. Uses involving the sale of goods to the consumer in a store open regular business hours.
- (1) This category includes such uses as apparel stores, convenience stores, drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, florists, department stores, appliance stores, electronics stores, bike shops, book stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores, antique shops, music stores, toy stores, sporting goods stores, variety stores, medical supplies, office supplies.
 - (2) Smoke shops, tobacco shops, vaping supply stores, and medical marijuana dispensaries are not permitted in this category.
- c. Large-Scale Retail. Uses involving the sale of goods to the consumer in a warehouse or large-scale store 35,000 square feet or larger and open regular business hours. Outdoor storage of goods is not allowed. Includes such uses as lumber stores, home improvement stores, furniture warehouse stores, recreational equipment stores (i.e. trampolines, play equipment).

18. Studios or Instructional Service

Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

19. Office

Uses that focus on providing executive, management, administrative, professional or medical services in an office setting. Examples of specific office use types include:

- a. Business and Professional Office. Office uses for companies and non-governmental organizations. Examples include corporate offices, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also included are insurance claims adjusters/estimators with no more than one vehicle inspection bay and no on-site repair facilities.
- b. Medical, Dental and Health Practitioner Office. Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, and chiropractors. Also includes practitioners of massage therapy, when performed solely by state-licensed professionals. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

20. Research and Laboratories

Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are

detectable beyond the building site of the subject property.

21. Trade School

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Does not include outdoor training or driving facilities.

22. Parking Lot

A surface or structured parking lots located on a lot as the principal use of the lot. Does not include on-street parking. In the MX districts, parking structures within the buildings with other uses are regulated by the building type. Additional use requirements are as follows:

- a. Location. Parking lots shall not be located on a primary street frontage. A design exception may be requested for temporary parking lots due to phased construction.
- b. Materials. Any portion of the parking lot fronting a non-primary street or visible from any street shall meet the materials and color requirements of general design requirements.
- c. Ramps. Drive ramps sloped more than 1:20 shall not be located on a street facade.
- d. Height. The height of the separate structure must be lower than any part of an abutting principal structure by a minimum of 6 feet.

10.16.4.A. Applicability

10.16.4. GENERAL BUILDING DESIGN

A. APPLICABILITY

The following design requirements apply to all building types unless otherwise stated.

B. INTENT

The following specific intent statements apply to these design requirements in addition to the general intent stated in 10.16.1.

1. General

The requirements of this Section 10.16.4.4, in conjunction with the requirements of Section 10.16.3.3 Building Types & Uses, are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect or establish the character of the city.

2. Durable, High Quality

The minimum design standards are intended to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve the quality of buildings in that they weather well, have a low

failure rate, require a low level of maintenance, have a longer life cycle and sense of permanence, and maintain higher long term value.

3. Simple, Well Organized Facades

The design requirements are intended to promote simpler, well organized facades that are easy to comprehend and have a clear hierarchy.

4. Human-Scaled Building Units

The design requirements are intended to yield building facade proportion that are comfortable to and in line with the scale of people. Additionally, a high level of detail relates facades to pedestrians and makes them more inviting.

C. MAJOR FACADE MATERIALS

A minimum of 70 percent of each street and non-street facade surface, not including window and door areas, shall be composed of major materials per Table 10.16-3.3.

1. Simplicity of Surface Materials

A minimum of 60 percent of each building or 60-foot or wider facade division, not including window and door areas, shall be faced of a single major material. See Figure 10.16.4-33.



Figure 10.16.4-33 Major and Minor Materials on a Facade

10.16.4.C. Major Facade Materials

TABLE 10.16-3. MAJOR AND MINOR STREET FACADE MATERIALS

		Major STREET Facade Materials minimum 70% of facade NOTE: Street Facade Materials shall extend around corners per 10.16.4.C.3			Major NON-Street Materials minimum 70% of facade	Minor Facade Materials maximum 30% of facade	
	MATERIAL (alphabetical)	STOREFRONT, GENERAL-OFFICE & ROW-OFFICE Building	GENERAL-RESIDENTIAL Building	ROW-RESIDENTIAL Building	All Building Types	STOREFRONT, GENERAL-OFFICE & ROW-OFFICE Building	GENERAL-RESIDENTIAL & ROW-RESIDENTIAL Building
A	Brick full dimensional, unit, face brick	4	4	4	4	4	4
	Brick economy size				4		
	Brick thin, veneer						
B	Concrete Masonry Units architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal)	4	4	4	4	4	4
C	Concrete Masonry Units architectural, minimum 3" depth, "stone" face, "hewn stone", rock cut					Limited to basement facades and bottom half of ground story	
	Concrete Masonry Units split-faced, burnished/ground face, glazed, or honed, minimum 3" depth				4	4	4
	Concrete Surfaces unfinished						
	Concrete Surfaces finished, stained, painted, treated					4	
D	Fiber Cement Board, Composite finished panels				4	4	4
E	Fiber Cement Board finished lap siding or shingles				4		4
F	Glass curtain wall system					4	4
G	Metal architectural panel system					4	
	Metal, Corten panels or panel systems, not ribbed or corrugated						
	Metal, Composite aluminum composite materials (ACM) or panels (ACP)						
	Stone natural, units	4	4	4	4	4	4
H	Stucco cement-based, 2- 3 layer hard coat				4	4	4
	Stucco synthetic or with elastomeric finishes					Limited to 3rd or higher stories only.	
	Terra Cotta or Ceramic tiles or panels					4	4

10.16.4.C. Major Facade Materials**6-3. MAJOR AND MINOR STREET FACADE MATERIALS**

		Major STREET Facade Materials minimum 70% of facade NOTE: Street Facade Materials shall extend around corners per 10.16.4.C.3			Major NON-Street Materials minimum 70% of facade	Minor Facade Materials maximum 30% of facade	
	MATERIAL (alphabetical)	STOREFRONT, GENERAL-OFFICE & ROW-OFFICE Building	GENERAL-RESIDENTIAL Building	ROW-RESIDENTIAL Building	All Building Types	STOREFRONT, GENERAL-OFFICE & ROW-OFFICE Building	GENERAL-RESIDENTIAL & ROW-RESIDENTIAL Building
I	Wood natural, aged lap siding, shingles, rainscreen system					4	4
	Wood painted, stained, or treated siding, shingles, rainscreen system					4	4
J	Wood, Composite rainscreen system				4	4	4

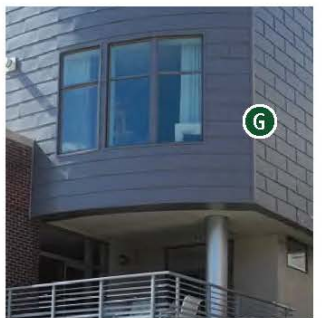
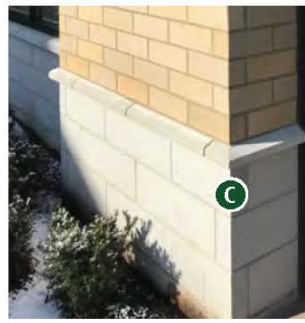
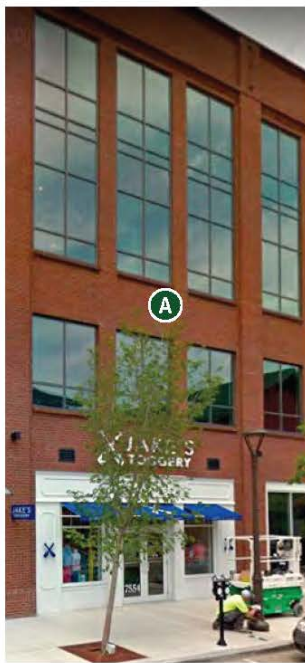


Figure 10.16.4-34 Allowed Facade Materials

10.16.4.C. Major Facade Materials**TABLE 10.16-4. ALLOWED DETAIL & ACCENT MATERIALS (all facades)**

All permitted major and minor facade materials may be used for details, trim, and accents.

K Concrete Details
precast stone ornamentation, lintels, sills, banding, columns, beams

Fiber Cement Details
trim, soffits

L Metal Details
trim, ornamentation, lintels, beams, columns

Wood and Wood Composite Details
painted/treated trim, soffits, other approved details

M Vinyl Details
limited to soffits, window trim; minimum .05 inches thick

**TABLE 10.16-5. PROHIBITED MATERIALS**

N Concrete, Unfinished
untreated, unstained, unpainted

Fiberglass and Acrylic Panels
all

O Glass Block

P Metal Panels
corrugated or ribbed panels

Q Plastic Panels
all, including high-density polyethylene and polycarbonate panels

R Stucco or Synthetic Stucco Mouldings
trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details

Vinyl Siding
all vinyl except detail materials noted in table

Wood
Unfinished, untreated plywood and wood panels



10.16.4.D. Minor Facade Materials

2. Building Type

Some materials are further limited by building type. See Section 10.16.3.3 .

3. Side and Rear Facades

Permitted Major Materials shall continue around the corner of a building from the street facade onto the side or rear facade for no less than 20 feet along the side or rear facade. Refer to 10.16.3.C.3 for building requirements on corners.

4. Other Materials

A design exception may be approved for materials not listed as permitted major materials, with the exception of those materials listed in Table 10.16-5.5 as prohibited materials. Refer to 10.16.1.F for design exceptions process.

D. MINOR FACADE MATERIALS

1. Maximum Minor Materials for Surface Areas

A maximum of 35 percent of each facade surface, not including window and door areas, may be composed of minor facade materials per Table 10.16-3.3.

2. Accents and Details

Additional materials are permitted for trim, accents, and details per Table 10.16-4.4, not included in the maximum surface area.

3. Other Materials

A design exception may be approved for materials not listed as permitted minor materials or accent and detail materials, with the exception of those materials listed in Table 10.16-5.5 as prohibited materials. Refer to 10.16.1.F for design exceptions process.

E. PITCHED ROOF MATERIALS

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or slate may be approved during the Stage II Development Approval process with an approved sample and documented examples of successful, high quality local installations.

F. MATERIALS INSTALLATION QUALITY

1. Intent

The intent of the materials installation quality requirements is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

2. Changes in Material

Changes in vertical surface materials for buildings shall meet the following standards:

- a. Changes in Surface Materials. Changes in surface materials, whether major materials or minor materials, shall occur only at concave corners, minimum 12" deep. Surface materials are materials intended to cover the facade surface (such as unit materials, siding, stucco, panels) and do not include detail materials, such as but not limited to cast stone for lintels or cornices, exposed metal beams, or any material used to create a shadow line. See Figure 10.16.4-35.
- b. Materials Hierarchy. Unit materials shall be elevated from the face of the building above less detailed, surface materials. For example, stucco, as a constant surface material, shall be recessed behind a bricked surface. See Figure 10.16.4-35 for an example, where Material A is brick, Material B metal panels, and Material C stucco.

3. Shadow Lines on Surfaces

Shadow lines shall be created at changes in materials with solid materials of a thickness that is greater than 2 inches, such as cast stone, masonry, or stone. For example, cast stone pieces may be offset to create a shadow, where the convex corner of the piece is used to create the corner of the detail.

4. Appropriate Grade of Materials

Except the Row building type, all doors, windows, and hardware shall be of commercial grade quality.

5. Applique Materials

Materials with thickness of less than 2.5 inches, including but not limited to stucco, shall not be used or formed to create shadow lines.

6. Stucco Installation

Any stucco construction shall be of the highest installation quality, meeting the following criteria:

- a. **Joining.** All stucco joints shall be aligned along the facade in the pattern shown on the elevations submitted for the site plan approval. Joints shall also align with the locations of windows and doors and other changes in material.
- b. **Construction.** The stucco wall assembly shall be indicated on the plans specifying stucco type and construction.

7. Exception

Modification to these material installation requirements may be approved through a design exception.

G. WINDOWS

Windows on street and public way facades of all buildings shall be constructed consistent with the following requirements:

1. Amount

Each building shall meet the transparency requirements applicable to the building type. See 10.16.3.

2. Recessed

All windows, with the exception of ground story storefront systems and glass curtain wall systems, shall be recessed with the glass a minimum of 2 inches back, measured from the facade surface material or adjacent trim.

3. Vertically Oriented

All windows shall be vertically oriented unless the following standards are met:

- a. **Flat Cap Type.** When the flat cap type is used, horizontally oriented windows may be used for up to 30 percent of the total transparency area of each upper story.

4. Visibility Through Glass

Reflective glass and glass block are prohibited on street and public way facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition (see Section 10.16.6.A).

5. Expressed Lintels

For masonry construction, the expression of lintels shall be included above all windows and doors by a change in brick coursing or by a separate detail or element. See Figure 10.16.4-36 for illustrations of expressed lintels.

H. SHUTTERS

When shutters, whether functional or not, are utilized on a street or public way facade of any building type, the shutters shall meet the following requirements. See Figure 10.16.4-37 for examples of shutters.

1. Size

All shutters shall be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.

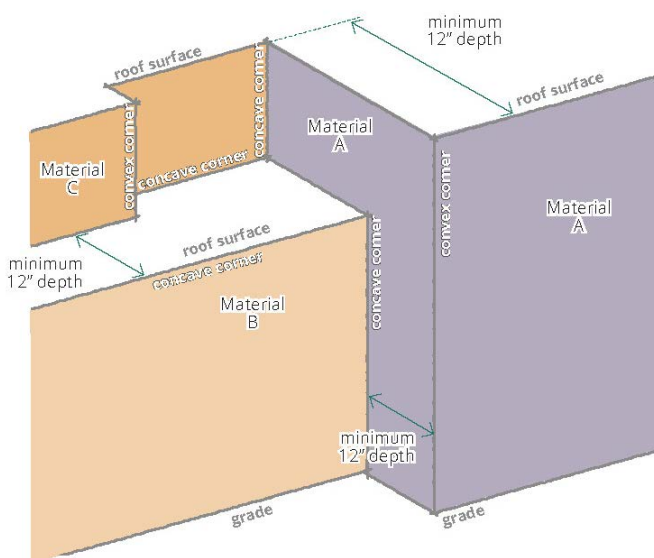


Figure 10.16.4-35 Diagram of Allowable Changes in Surface Materials

10.16.4.H. Shutters



Figure 10.16.4-36 Vertically Oriented Windows with Expressed Lintels



Inappropriately Scaled Shutters: **Not Permitted**



Appropriately Scaled Shutters: **Permitted**

Figure 10.16.4-37 Examples of Shutters

10.16.4.I. Awnings, Canopies, & Light Shelves**2. Materials**

Shutters shall be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved through a design exception provided that the applicant submits a sample and examples of high quality, local installations of the material.

I. AWNINGS, CANOPIES, & LIGHT SHELVES

Awnings, canopies, and light shelves on all buildings shall be constructed consistent with the requirements of this subsection. See Figure 10.16.4-38 for examples of awnings.



Metal Awning



Canvas Awning

Figure 10.16.4-38 Examples of Awnings

1. Encroachment

Awnings, canopies, and light shelves shall not extend into a right-of-way, easement, or street (as defined for the MX districts), except as otherwise approved by the City.

2. Attached Awnings & Canopies

Awnings and canopies that are attached to the building and could be removed shall meet the following standards:

- a. Material. All awnings and canopies shall be canvas or metal. Plastic awnings are prohibited. Other materials may be approved with a design exception.
- b. Shapes. Waterfall or convex, dome, and elongated dome awnings are permitted only with an approved design exception.
- c. Lighting. Backlit awnings are prohibited.
- d. Structures. Frames shall be metal and shall be wall mounted. Support poles from the ground are prohibited unless the awning is over 8 feet in depth and utilized for outdoor eating areas or entrances.
- e. Multiple Awnings on the Facade. When more than one awning is mounted on a facade, the awning types and colors shall be coordinated.

3. Canopies & Light Shelves

Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are permitted.

4. Clearance

All portions of any awning, canopy, or light shelf shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.

5. Signage

Refer to Article XIV for signs on awnings and canopies.

J. BALCONIES

Balconies on a facade facing any street, courtyard, open space, or public way shall be consistent with the requirements of this subsection. See Figure 10.16.4-39 for examples of balconies.

10.16.4.K. Principal Entryway

1. Definition

For the purpose of this subsection, balconies shall include any roofed or un-roofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include false balconies, Juliet balconies, or balconettes.

2. Balconettes

Sometimes referred to as Juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are permitted with an approved design exception.

3. Location

Balconies are not permitted on primary frontage facades on the Storefront building.

4. Size

Balconies shall be a minimum of 4 feet deep and 5 feet wide.

5. Integrated Design

Balconies are intended to be integrated with the design of the facade, avoiding tacking the balconies onto the facade after the elevation has been designed.

- a. A minimum of 50 percent of the perimeter of each balcony shall abut an exterior wall of the building, partially enclosing the balcony.
- b. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

6. Platform

The balcony platform shall be at least 3 inches thick and any underside of a balcony that is visible from any public way shall be finished.

7. Facade Coverage

A maximum of 25 percent of the public way frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.

8. Build-to District Requirement

The portion of the facade occupied by an upper story balcony is exempt from meeting the build-to district requirement.

9. Street Encroachment

Balconies shall not extend into any right-of-way, easements, or street (as defined for MX districts) except as otherwise approved by the City.

10. Exception

A design exception may be submitted for an alternate balcony design per Section 10.16.1.F.

K. PRINCIPAL ENTRYWAY

See Figure 10.16.4-40 for examples of defined principal entryways. Principal entrances to all buildings or units shall be clearly delineated through one or more of the following design features:

1. Roof or Canopy

The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

2. Porch

The entryway is through a porch.

3. Sidelights and Transom

Sidelights or transom windows are included around the entryway.

4. Extended Articulation

The entryway is included in a separate bay of the building that extends up at least 2 stories.

5. Other Design

A design that does not meet the above standards maybe approved with a design exception if it is determined that the design adds emphasis and draws attention to the entryway

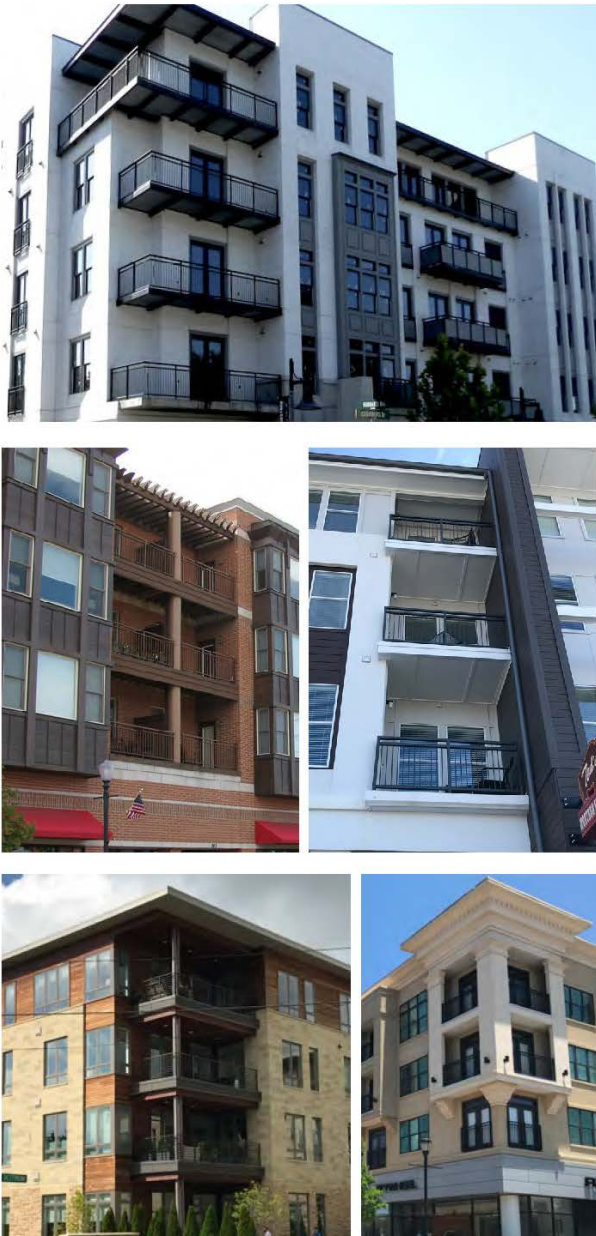


Figure 10.16.4-39 Examples of Balconies

10.16.4.L. Building Articulation



Figure 10.16.4-40 Examples of Defined Principal Entryways



Figure 10.16.4-41 Examples of Building Facade Variety and Articulation of Stories

L. BUILDING ARTICULATION

The following applies to all building types. See Figure 10.16.4-41 for examples of building facade variety and articulation of stories.

1. Building Facade Variety

Buildings 120 feet in length or greater, as measured along any street or public way frontage shall fulfill the following requirements:

- a. Increments. Each public way facade shall be varied in segments less than or equal to 90 feet.
- b. Requirements. Each facade segment shall vary by the type of dominant material or by color, scale, or orientation of that material, and by at least 2 of the following:
 - (1) The proportion of recesses and projections. within the build-to district.
 - (2) The location of the entrance and window placement, unless storefronts are utilized.
 - (3) Roof type, plane, or material, unless otherwise stated in the building type requirements.
 - (4) Building heights.
- c. Design Exception. A design exception may be approved for a facade design that does not meet requirements of this subsection if the applicant demonstrates that the proposed design achieves the intent of the building articulation requirements without meeting the building facade variety requirements. Refer to Section 10.16.1.F.

2. Articulation of Stories

Stories shall be articulated on street and public way facing facades.

- a. Fenestration. Fenestration or window placement on street facades shall be organized by stories.
- b. Shadow Lines. Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines required per building type.
- c. Mezzanines. Mezzanines that fall within the range of floor to floor heights of the building type shall be articulated on the

facade and require separate calculation for transparency per Section 10.16.6.8.f: Tall Stories.

- d. Taller Spaces. Spaces exceeding the allowable floor to floor heights of the building type shall be articulated as multiple stories on the street facade.

M. GARAGE DOORS

The following requirements apply to garage doors provided on any street facade.

1. Location.

- a. Primary Frontages. Garage doors are permitted on primary frontage facades only when utilized for patio access, open air dining, or display and not utilized for vehicular access.
- b. Non-Primary Frontages. Garage doors are permitted on non-primary frontage facades with direct access to the street.
- c. Interior Lot Facades. The preferred location is on interior lot facades.

2. Recessed from Facades

Garage doors located on street-facing facades shall be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.

3. Design

- a. Garage doors facing a non-primary street and intended to be closed during business hours shall be clad with materials consistent with the design of the building.
- b. Carriage-style, windows in the door, or upgraded architectural doors are required on the Row building type.

N. ARCADE DESIGN

See Figure 10.16.4-42 for an illustration of an arcade. The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story.

10.16.4.O. Ground Story at Sloping Facades

1. Depth

An open-air public walkway shall be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 15 feet.

2. Build-to District

When the arcade is utilized, the the outside face of the arcade shall be considered the front facade, located within the required build-to district.

3. Column Spacing

Columns shall be spaced between 10 feet and 12 feet on center.

4. Column Width

Columns shall be a minimum of 1 foot 8 inches and a maximum 2 foot 4 inches in width.

5. Arcade Openings

Openings shall not be flush with interior arcade ceiling and may be arched or straight.

6. Horizontal Facade Division

A horizontal shadow line shall define the ground story facade from the upper stories.

7. Visible Basement

A visible basement is not permitted.

8. Exception

A design exception may be submitted for approval of an alternate arcade design.

O. GROUND STORY AT SLOPING FACADES

See Figure 10.16.4-43 for examples of ground story treatments.

1. Storefronts

The following regulations apply to storefront facades along sloping streets:

- a. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
- b. The interior floor level shall step to match the exterior grade within 3 feet. With approval of a design exception, changes in grade may be accommodated by a storefront window display space.

- c. Knee wall and retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of facade length.
- d. If grade change is more than 9 feet along a single block face, entrance requirements may be increased to one entrance per 90 feet of building frontage.
- e. If grade change is more than 9 feet along a single block face, building entrances adjacent to the street shall be within 3 feet of the elevation of the adjacent sidewalk.

2. Non-Storefronts

The following regulations apply to all non-storefront facades along sloping streets:

- a. Grade transitions at the building along the sidewalk shall be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
- b. The interior floor level shall step to match the changes in exterior grade within a 3-foot range. With a design exception approval, deeper transition districts between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
- c. Changes can be accommodated by terraced planters and retaining walls. Retaining walls shall not exceed 30 inches in height except along a maximum 15-foot section of frontage.
- d. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations.

10.16.4.P. Mechanical Equipment & Appurtenances**P. MECHANICAL EQUIPMENT & APPURTENANCES****1. Intent**

Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of the standards of this section is to ensure that the visual impact of mechanical equipment and appurtenances is minimized.

2. Mechanical Equipment in Building

Mechanical equipment shall be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function.

3. Rooftop Mechanical Equipment

Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators, shall be located consistent with one of the following methods:

- a. Incorporate equipment into the roof design consistent with the applicable standards of Section 10.16.3.H. Cap Types. Refer to Figure 10.16.4-44 for an example of appropriately mounted rooftop equipment.
- b. Set the equipment back a minimum of 20 feet from any street or public way facade.
- c. To the extent practicable, all rooftop mechanical shall be painted to blend with the structural roof and limit its visibility.
- d. Rooftop mechanical equipment visible from adjacent highways shall be screened with materials consistent with the building design.
- e. Refer to Section 10.16.4.P.6 for solar panels and wind energy systems.

4. Mechanical Equipment and Utility Appurtenances on Facades

Mechanical equipment and utility appurtenances shall not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Refer to Figure 10.16.4-45 for an example images of equipment on facades. Any

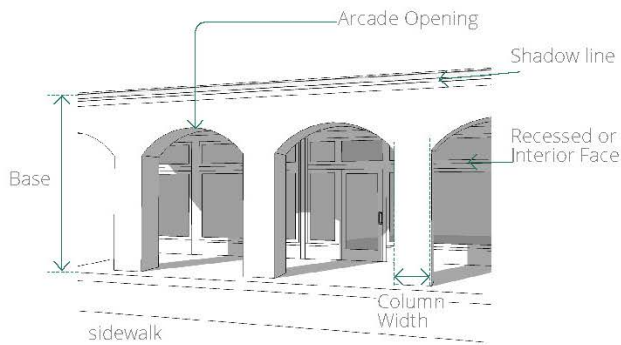


Figure 10.16.4-42 Illustration of Arcade



Figure 10.16.4-43 Examples of Ground Story Elevations along Slopes

10.16.4.P. Mechanical Equipment & Appurtenances

equipment or appurtenance approved on a facade, such as but not limited to dryer vents, gas meters, and air conditioners, shall be located consistent with the following standards:

- a. Facade. The mechanical equipment may be located on a primary facade only if the following requirements are met:
 - (1) The equipment is located on a surface perpendicular to any right-of-way;
 - (2) The equipment extends from the facade surface no more than 3 inches; and
 - (3) The equipment is screened from the sidewalk.
- b. Alignment. Multiple pieces of mechanical equipment shall be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.
- c. Material Coordination. To the extent practicable, facade-mounted mechanical appurtenances shall be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.

5. Mechanical Equipment and Utility

Appurtenances on Other Horizontal Surfaces

Mechanical equipment located on the ground, decks, or horizontal surfaces other than the roof, such as but not limited to electrical equipment and air conditioners, shall be located consistent with the following standards:

- a. No Encroachment. Mechanical equipment shall not extend into any right-of-way, easement, or street.
- b. Yard Location.
 - (1) No mechanical equipment shall be located in a street (primary or non-primary frontage) yard. A design exception may be approved for equipment in a non-primary frontage yard with approved screening. Refer to Figure 10.16.4-46 for examples of

inappropriately located equipment on primary streets.

- (2) Mechanical equipment may be located in a side yard provided the side yard does not contain or abut a public way or open space.
- c. Screening from Public Way.
 - (1) All equipment shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.
 - (2) Where landscaping only is employed, a single row of evergreen shrubs shall fully screen the equipment within 1 year of installation. The zoning administrator may require additional landscape materials. Refer to Section 9.17 for landscape requirements.
 - (3) Where landscaping is employed, the utility shall be located in a larger landscape area and the landscape screen shall be designed as part of the bed design.
- d. The zoning administrator may approve appurtenances located in a primary street yard only if the following conditions are met:
 - (1) The applicant demonstrates that the equipment cannot be located in a rear yard, non-primary street yard, or in a side yard.
 - (2) No utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
 - (3) The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See Figure 10.16.4-46 for

10.16.4.P. Mechanical Equipment & Appurtenances

examples of poorly located, unscreened equipment on primary streets.

- (4) The appurtenance is located a minimum of 35 feet from a street intersection.
- (5) The appurtenance does not impact the sight vision clearance at intersections per Section 9.17.

6. Solar Panels and Small Wind Energy Systems

Roof-mounted solar panels and roof-mounted small wind energy systems (maximum 3kW rated capacity) are allowed with approval of a design exception per Section 10.16.1.F.

- (1) The intent for the energy shall be generated for on-site use only, with the potential for selling excess energy back to the local energy provider.
- (2) The area of the solar panels may not extend beyond the perimeter of the roof surface.
- (3) The solar panels shall not extend more than 3 feet parallel above a pitched roof surface or 4 feet parallel above a flat roof surface
- (4) Small wind generators are limited to no more than 2 per 1500 feet of roof surface and may not extend more than 5 feet above the highest peak of a pitched roof and no more than 15 feet in overall height above the roof's surface.
- (5) The solar panels and small wind energy systems shall be integrated with the building design and shall not detract from the design and character of the area.
- (6) The solar panels and small wind energy systems shall not be visible from the pedestrian on the street, the windows of adjacent developments, nor any civic space type.

10.16.4.P. Mechanical Equipment & Appurtenances



Figure 10.16.4-44 Rooftop Utilities Screened from the Public Way by a Parapet

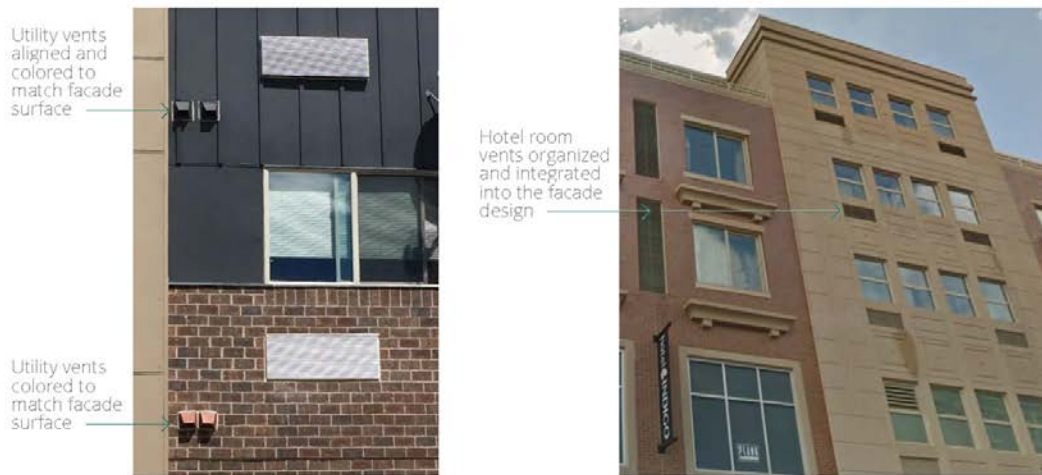


Figure 10.16.4-45 Utility Appurtenances located on Facades



Figure 10.16.4-46 Examples of Poorly Located Utility Appurtenances without Screening on Primary Streets: **NOT PERMITTED**

10.16.5. GENERAL SITE DESIGN

A. STREETScape

For all developments in MX districts, the following streetscape is required to be installed by the applicant, unless otherwise determined by the zoning administrator.

1. Streetscape Location

Streetscape occupies the full pedestrian area of any street and the street yards, from the back of curb to the building facade, of all developments per Section 10.16.5.A.2 and Section 10.16.5.A.3, below.

2. General, Row, & Civic Buildings

For all General, Row, and Civic buildings, the following minimum landscape is required on all street frontages.

- a. Parkway Planting. The parkway area between the back of curb and the sidewalk shall be planted with street trees and ground plane vegetation per Section 10.16.5.C.
 - (1) Stormwater accommodations and lighting may be located in the parkway area.
 - (2) Signs may be located in the parkway area per Section 10.16.5.B.
- b. Street Yards. The primary and non-primary frontage yards shall be planted with a minimum of 40 percent planting bed. The remaining area may be grass or patio area.

3. Storefront Buildings

For all Storefront buildings, the following streetscape and landscape is required along all street frontages.

- a. Streetscape Required. The entire area from building face to back of curb shall be designed as a combination of hardscape, tree wells, and/or planters.
- b. Standard Specifications. Streetscape shall meet any standards defined by the City for sidewalk, curb, access, and parkway construction, unless otherwise stated. The zoning administrator, at his/her discretion,

may request additional requirements or waive any requirements.

4. Streetscape Design Submittal

A streetscape design shall be submitted for approval for use throughout the entire or phases of the master development area. At a minimum, the streetscape design submittal shall include the following:

- a. Street Trees. Trees meeting the minimum requirements of Section 9.17 shall be included in the streetscape design with details related to tree pits, tree wells, tree accessories (grates, guards), and tree planting.
- b. Pavement Surface Design. Paving material pattern and design shall be defined for each street. Pavement design shall include the minimum sidewalk widths required (refer to Section 10.16.2.E for minimum street sections) and all other hardscape within the streetscape area.
- c. Street Furnishings. Street furnishings including such items as benches, seatwalls, planters, planter fences, tree grates, tree guards, and trash receptacles shall be specified and quantities and locations listed for each street. For each 300 linear feet of block face, a minimum of two benches and one trash receptacle is required.
- d. Bicycle Racks. Bicycle racks shall be supplied to meet the minimum bicycle parking requirements of the blockface uses per Section 10.16.5.E for required bicycle parking spaces. If rear bicycle parking is utilized, a minimum of 50% of the required ground floor use bicycle parking shall be supplied within the streetscape, coordinated with the zoning administrator.

10.16.5.A. Streetscape



Figure 10.16.5-47 Examples of Streetscape Elements: Street trees, planters, paving, benches, lighting, trash receptacles.

10.16.5.B. Signs

per Section 10.16.5.C shall be designated for any landscape bed areas, planter areas, and open tree wells.

- f. **Lighting.** Pedestrian and vehicular lighting shall be specified and locations and quantities noted. All lighting shall meet any requirements of the City. Cut sheets and samples shall be submitted upon request of the zoning administrator.

5. Streetscape Extension

The approved streetscape design for each street may be utilized by the City for the extension of any street outside the development to provide continuity, where appropriate.

B. SIGNS

Refer to Article XIV for general sign regulations. The following additional requirements apply to the MX districts and shall supercede any of the general sign regulations.

1. Master Signage Plan and Sign Permits

A master signage plan is required for all applicable sites per Section 14.14. Sign permits are required per Section 14.15.

2. Total Signage

The following total square feet of signage applies to all MX districts, unless otherwise stated.

- a. For Storefront and General-Office buildings developed on Dixie Highway, Turkeyfoot Road, and Thomas More Parkway, the total square feet of monument signage for each street frontage shall not exceed .5 (one half) square feet per linear feet of street frontage.
- b. For Storefront, General-Office, and Row-Office buildings developed on all streets, the total square feet of all signage, not including monument signs permitted in Section 10.16.5.B.2.a, above, shall not exceed 3 square feet per linear feet of building frontage, with a maximum of 200 square feet for any one sign, unless otherwise limited.
- c. For General-Residential and Row-Residential buildings, no more than 2 signs are permitted per building with a maximum of 200 square feet total.
- d. Additional sign area may be approved through the design exception process per Section 10.16.1.F.

Approximately 2-foot tall letters by about 25 feet wide = 50 square feet wall sign

Approximately 10 square foot window sign

TOTAL SIGNAGE FOR STOREFRONT

50 ft. wall sign
+ 10 ft. window sign
+ 16 ft. awning sign
+ 12 ft. projecting sign
= 88 square feet
Two-bay storefront = 176 square feet



Approximately 16 square foot awning sign

Approximately 6 square foot projecting sign time 2 sides = 12 square feet

Approximately 30-foot wide store bay
(this store is two bays wide with duplicate signage)

Figure 10.16.5-48 Example of Measuring Signage

10.16.5.B. Signs

3. Electronic and Changeable Copy Signs

Any type of electronic messaging or changeable copy signs are prohibited within the MX districts.

4. Sandwich Board Signs

Sandwich board signs are permitted per the following:

- a. Definition. A set of 2 signs hinged or connected at the top to form a triangular shape. I- or T-shaped configurations are not permitted.
- b. Location. Sandwich board signs may be located on sidewalks abutting Storefront and General-Office buildings for any retail and service category of use (per Section 10.16.3.I) under the following conditions:
 - (1) The sign is located within 15 feet of the entrance to the business;
 - (2) The sign is located in the furnishings (tree planting) district near the back of curb or within a pedestrianway with a clear sidewalk area of at least 5 feet; and
 - (3) The sign is located a minimum of 10 feet from an intersection or crosswalk.

- c. Master Signage Plan. A sandwich board protocol shall be included in the master signage plan to prevent the over burden of signs on sidewalks.
- d. Temporary. Sandwich board signs shall not be permanently attached to the sidewalk or any item within the street right-of-way (public or private).
- e. Display Time. Signs shall be displayed only during business hours and must be removed by close of business each day. Signs shall not be displayed when wind gusts are predicted to exceed 20 miles per hour.
- f. Size and Quantity. One sandwich board is permitted per business, maximum size 3 feet in height and no more than 6 square feet in area per sign face.
- g. Materials. Signs shall be constructed of wood, metal, or other durable materials to withstand the elements. Signs shall not be reflective or shall not have separate lighting.

5. Back-Lit Box Signs

Back-lit box signs are prohibited, whether projecting, wall, or freestanding signs. Back-lit box

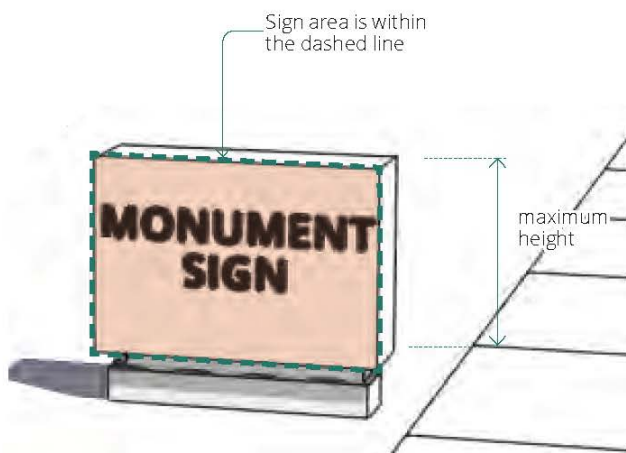


Figure 10.16.5-50 Example of Monument Sign

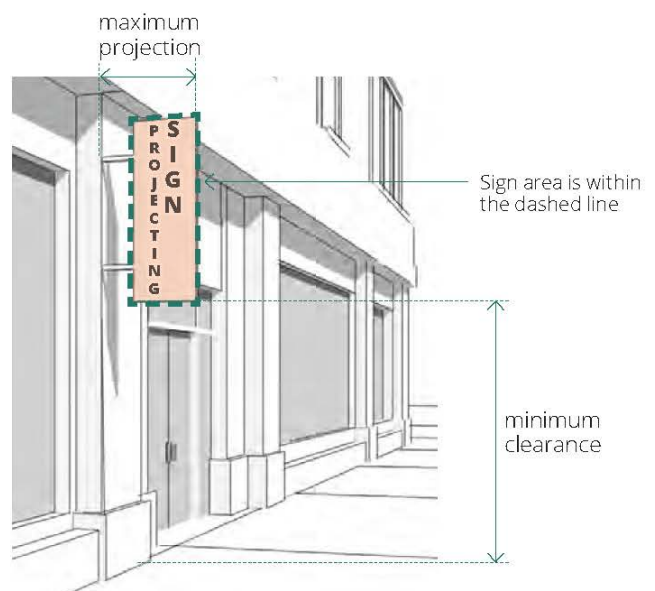


Figure 10.16.5-49 Example of Pedestrian-scaled Projecting Sign

10.16.5.C. Landscape Requirements

signs include any sign with a box configuration and lighting within the box, shining through the front panel, whether the panel is opaque or translucent.

6. Pole-Mounted Signs

Pole-mounted signs are prohibited on all streets in the MX districts.

7. Plastic

Plastic is permitted only to be utilized for separate alphanumeric characters or logos on any sign type. Translucent or plastic panels are prohibited for all sign types.

8. Monument Signs

A monument sign includes a base with a sign panel mounted directly upon the base. The base height shall be less than 30 percent of the overall sign height.

- a. Major Road Frontages.
 - (1) Development-Wide Signs. On Dixie Highway and Turkeyfoot Road, multi-tenant, development-wide monument signs are permitted with a maximum overall height of 12 feet, located a minimum of 10 feet from a sidewalk and 15 feet from any building. These signs have a separate total maximum amount established in Section 10.16.5.B.2.a
 - (2) Storefront, General and Civic Building Signs. On Dixie Highway, Turkeyfoot Road, and Thomas More Parkway, monument signs for single Storefront, General, and Civic buildings are permitted with a maximum overall height of 10 feet, located a minimum of 8 feet from any sidewalk and building.
- b. Other Street Frontages. The following applies to monument signs on any street other than the major road frontages defined above in Section 10.16.5.B.7.a
 - (1) Monument signs are not permitted on Storefront buildings on street frontages other than major road frontages.
 - (2) For buildings on any street other than major road frontages, monument signs are permitted with a maximum overall

height of 6 feet, located anywhere on the site.

- (3) A minor exception for Storefront monument signs may be requested for unique building locations with additional landscape area in front of the building.

9. Projecting Signs

Projecting signs in all MX districts shall be oriented to the pedestrian on the sidewalk.

- a. Projecting signs are limited to a maximum of 8 square feet for each sign face.
- b. Projecting signs may be mounted no higher than 16 feet from the sidewalk elevation.
- c. A maximum of one two-sided pedestrian-scaled projecting sign is permitted for every 30 feet of storefront facade.

10. Wall Signs

On any street except Dixie Highway, Turkeyfoot Road, and Thomas More Parkway, wall sign letters for all building types in the MX districts are limited to a maximum of 2.5 feet in height.

- a. In no case shall wall signs cover any architectural detail on the building.
- b. Separate letters, each pin-mounted, are preferred to panels.
- c. A minor exception up to 3.5' in wall sign height may be approved for one or more unique locations within the site, such as the top story on the corner of a 4 story or taller building, a prominent street terminus, or dominant, unique (only one on the site) use (i.e. cinema, theater, community center, city hall, grocery store).

C. LANDSCAPE REQUIREMENTS

Refer to the general landscape requirements of Section 9.17. The following establishes additional landscape requirements applicable to all building types in the MX districts.

1. Buffer Requirements

The buffer requirements in Section 9.17 do not apply between different building types within the MX districts.

10.16.5.C. Landscape Requirements

2. Single-Family District Buffer Required

A planting buffer of 45 feet is required where any MX district or new street abuts any existing single-family district. One of the following planting configurations shall be utilized. All lists are from the Planting Manual and Landscape Regulation Guidelines.

- a. Shade Trees and Hedge. One tree per 35 linear feet, or fraction thereof, from List A (shade trees) plus a double row hedge from List E (evergreen/broadleaf shrubs).
- b. Small Trees and Hedge. One tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees) plus a double row hedge from List E (evergreen/broadleaf shrubs).
- c. Trees, Hedge, and Fence. One tree per 40 linear feet, or fraction thereof, from List A or B plus a hedge from List D plus a 6-foot wall or fence.
- d. Double Row of Trees. A double row, staggered of trees from List C at the rear of Storefront, General-Office, and Civic buildings, or from List A, B, or C at the rear of General-Residential and Row buildings, at 15 feet on center.

3. Ground Plane Vegetation Requirements

All unpaved areas on the lot shall be covered by one of the following.

- a. Planting Bed. Planting beds shall include shrubs, ornamental grasses, ground cover, vines, or perennials. A minimum of 60 percent of the bed area shall be covered in plant material. The remaining portion of the bed shall be covered with non-living permeable materials, such as naturally colored mulch or landscape aggregate.
- b. Grass. Seeded, plugged, or sodded grass shall be established within 90 days of planting or the area must be reseeded, replugged, or resodded.

10.16.5.C. Landscape Requirements**4. Frontage Buffer**

In lieu of any buffer required between vehicular use areas (VUAs) and a street, the frontage buffer is required in all locations in the MX districts. The frontage buffer is not required at alleys, unless adjacent to a residential district. Refer to Figure 10.16.5-51 Frontage Buffer and Table 10.16.5-A for Frontage Buffer Requirements.

TABLE 10.16.5-A. FRONTAGE BUFFER REQUIREMENTS**A. BUFFER DEPTH & LOCATION**

DEPTH	Minimum 7' from street facing boundary line for parking areas or minimum 7' from the sidewalk for other uses covered by this section.
DRIVEWAYS/ WALKWAYS	This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

B. BUFFER LANDSCAPE REQUIREMENTS

USES & MATERIALS	Uses and materials other than those indicated are prohibited in the buffer
TREES	Tree (List A, B, or C) required at least every 40', located on the street side of the fence. Spacing should alternate required or existing street trees.
HEDGE	Required continuous hedge (List D or E) on street side of fence, between shade trees & in front of vehicular areas
HEDGE COMPOSITION	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".
EXISTING VEGETATION	May be credited toward buffer area per zoning administrator

C. FENCE

LOCATION	2' from back of curb of vehicular area for parking areas or 3' from hedge trunk for other uses covered by this section.
MATERIALS	Black, gray, or dark green steel; stone; or masonry; or combination steel with masonry columns (maximum width 2'6") and/or base (maximum 18" height) permitted
MINIMUM HEIGHT	3'

TABLE 10.16.5-A. FRONTAGE BUFFER REQUIREMENTS

MAXIMUM HEIGHT	3.5'
GATE/ OPENING	One gate permitted per street frontage; opening width maximum 6'

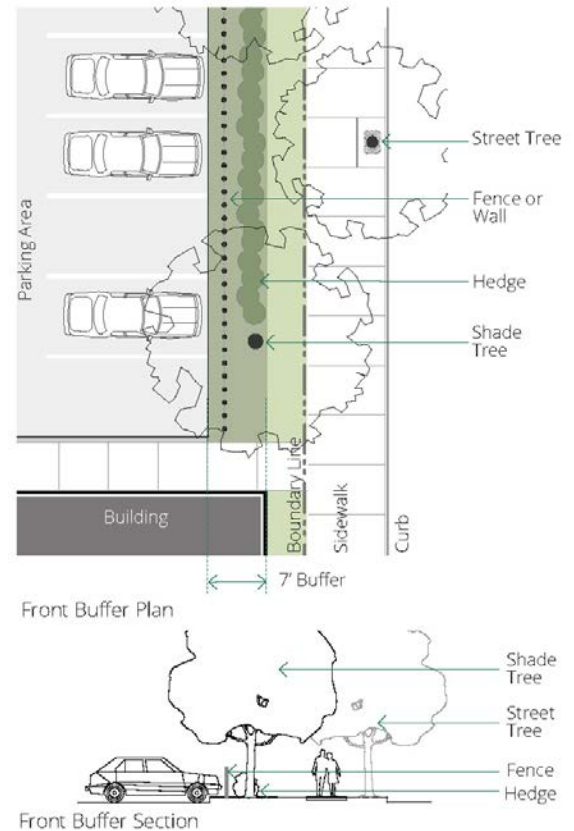


Figure 10.16.5-51 Frontage Buffer

10.16.5.D. Screening of Refuse & Recycling Areas

D. SCREENING OF REFUSE & RECYCLING AREAS

The intent of the following regulations is to reduce the visibility of open storage, refuse areas, loading, and utility appurtenances from public areas and adjacent properties. See Figure 10.16.5-52 Screening of Refuse Area.

1. Applicability

All dumpsters, loading areas, and other refuse/recycling areas in the MX districts.

2. Location on Site

The permitted yard location of refuse areas and loading are defined by building type in Section 10.16.3.3. Loading areas shall not terminate a street vista per Section 10.16.2.J

3. Concrete Pad

For all loading and refuse, a concrete pad is required.

4. Screen Wall

A masonry screen wall is required per the following:

- a. Material. The wall shall be constructed of an allowed major or minor material per Section 10.16.4.C and Section 10.16.4.D used on the building. For walls not visible from any street or public way, a minor exception may be approved for a different material; however, use of a wood or steel fence requires approval of a design exception.

- b. Enclosed. The wall shall enclose the area around at least 3 sides.
- c. Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of 6 feet. The zoning administrator may request additional height as needed for complete screening.
- d. Openings. Openings shall not be visible from any primary street. Openings visible from any non-primary street or any public area shall include steel gates with opaque screens.

5. Landscape

If the area is located within a larger paved area, such as a parking lot, the following applies:

- a. Landscape Area. A landscape buffer at least 3 feet in depth shall be located along all 3 sides.
- b. Shade Tree. One shade tree shall be provided within the landscape buffer. The shade tree shall be located within a landscape area that provides at least 240 square feet of permeable surface.
- c. Plantings. Ornamental grasses, shrubs, or similar landscape material per the City's Plant List D and/or E shall cover a minimum of 50% of the buffer area.

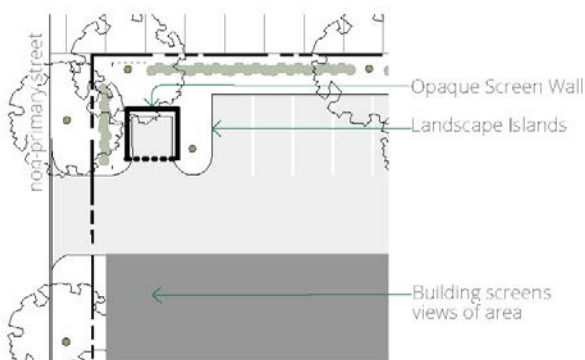


Figure 10.16.5-52 Screening of Refuse Area

10.16.5.E. Parking**E. PARKING**

Refer to Articles XI and XII for off-street parking and loading requirements. The following additional parking regulations apply to the MX districts.

1. Multiple Use Reduction

When 2 or more categories of non-single unit residential uses share a parking lot and are located on the same lot or proximate lots, a multiple use reduction may be approved in accordance with the following.

- For each applicable land use category, calculate the number of spaces required as if it were the only use.
- Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 10.16.5-B Parking Time Periods per Use. This table establishes 6 time periods per use.
- For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the 6 time periods.
- Select the time period with the highest total parking requirement and use that as the total number of parking spaces required and use that as the total number of parking spaces required for the site on a share parking basis.

2. Off-Site Parking Agreement

An agreement providing for shared use of off-site parking spaces or parking for different buildings on different lots, executed by the parties involved, shall be reviewed and may be approved by the zoning administrator during review of the development plan.

- Off-site cooperative parking allowance shall be permitted on the site only as long as the agreement remains in force.
- If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

3. Parking Lot Design

The following applies to any parking lot within a MX districts.

- Pavement Design.** Refer to Article XI for parking lot design requirements. Additionally, pavement areas shall consist only of necessary drives, walkway paths, and parking spaces; all other areas shall be landscaped. Excessive pavement shall be avoided.
- Pedestrian Access.** All parking lots with 2 or more double-loaded aisles shall provide internal pedestrian pathway(s) within the parking area and outside of the parking drive aisle.
 - Dimension.** The pathway shall be a minimum of 6 feet in width.
 - Quantity.** One pathway is required for every 2 double-loaded aisles.

TABLE 10.16.5-B. PARKING TIME PERIODS PER USE

Use Category	Weekdays			Weekends		
	10:00 pm-7:00 am	7:00 am-6:00 pm	6:00 pm-10:00 pm	10:00 pm-7:00 am	7:00 am-6:00 pm	6:00 pm-10:00 pm
Residential	100%	40%	80%	100%	80%	80%
Retail & Service	0%	100%	70%	0%	100%	70%
Hotel	100%	65%	100%	100%	65%	100%
Assembly	0%	30%	50%	0%	100%	75%
Eating & Drinking Establishments	0%	70%	100%	20%	80%	100%
Office	5%	100%	5%	5%	5%	5%
theater / Entertainment	5%	30%	100%	5%	80%	100%

10.16.5.E. Parking

- (3) Location. The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.
- (4) Pathways shall provide direct connections to the principal structure(s) entrances from the spaces furthest from the entrance.
- (5) Pathway Delineation. Pedestrian pathways should be clearly marked through the use of alternative materials, such as pavers.

4. Bicycle Parking

Minimum long-term and short-term bicycle parking spaces for specified land uses are set forth in Table 10.16.5-C. Bicycle Parking.

- a. Required Showers and Changing Facilities. For new office uses, hospital and hospital-related uses, colleges, and universities, one shower and changing facility shall be provided for one for 100 full-time occupants and, for more than 100 full-time occupants, 0.5 percent times the number of full-time occupants, rounded up to the nearest 1. For example, a site with 100 employees must provide one shower and changing facility; a site with 1,000 employees must provide 5 shower and changing facilities.
- b. Bicycle Parking Design

- (1) Location. Bicycle parking should be located within 50 feet of the entrance of the use on the same zoning lot as the use.
- (2) Short-term bicycle parking may be indoors or outdoors.
- (3) Long-term bicycle spaces must be located in a limited-access enclosure protecting bicycles from precipitation and theft, such as: enclosed indoor bicycle rooms, bicycle sheds, bicycle lockers, and weather-protected bicycle parking spaces that are monitored by an attendant or security system, such as bike boxes.
- (4) Aisle. An aisle a minimum of 5 feet wide shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- (5) Racks. Racks shall be installed a minimum of 2 feet from any wall or other obstruction, except for wall-mounted bicycle racks, which may be mounted directly on a wall.
- (6) Spaces located within individual dwelling units may not be counted toward bicycle parking requirements.
- (7) Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (8) Racks and Structures. Racks and structures shall be provided for each unprotected parking space and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at 2 points. Racks may be floor-mounted or wall-mounted, and they must be securely affixed or bolted to the floor or wall.

10.16.5.E. Parking

- c. Surface. The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that edging materials, so that the bicycle parking area is clearly demarcated and the rock material is contained.
- d. Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.

TABLE 10.16.5-C. BICYCLE PARKING

<u>Use</u>	<u>Minimum Long-Term Bicycle Spaces</u>	<u>Minimum Short-Term Bicycle Spaces</u>
<u>Residential Dwelling</u>	<u>No minimum requirement</u>	<u>No minimum requirement</u>
<u>Assembly</u>	<u>1 per every 500 seats</u>	<u>1 per every 50 seats</u>
<u>College or university, trade School</u>	<u>1 per every 15,000 square feet of building area</u>	<u>1 per every 5,000 square feet of building area</u>
<u>Parks & Recreation</u>	<u>1 per every 15,000 square feet, with 15 minimum</u>	<u>1 per every 15,000 square feet, with 15 minimum</u>
<u>All Other Civic & Institutional uses</u>	<u>1 per 15 employees</u>	<u>1 per every 10,000 square feet, with 10 minimum</u>
<u>Hotel</u>	<u>1 per every 60 sleeping rooms</u>	<u>1 per every 30 sleeping rooms, with 4 minimum</u>
<u>Retail & Service uses</u>	<u>No minimum requirement</u>	<u>1 per every 3,000 square feet</u>
<u>Office, Research & Laboratories</u>	<u>1 per 15 employees</u>	<u>1 per every 10,000 square feet</u>
<u>Commercial parking lots and garages</u>	<u>1 per every 30 automobile parking spaces</u>	<u>1 per every 15 automobile parking spaces</u>
<u>Principal use parking lots and garages</u>	<u>1 per every 30 automobile parking spaces</u>	<u>1 per every 15 automobile parking spaces</u>

10.16.6. DEFINITIONS & MEASURING

A. GENERAL DEFINITIONS.

For the purposes of the MX districts, the following terms shall have the following meanings:

1. Boundary Line

Boundary lines are delineations on the master development plan defining the limits of a street, civic space site, or building site.

2. Building Site

For the purposes of Section 200, a building site is defined by boundary lines on the master development plan and designated with a building type.

3. Courtyard.

An outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky. Refer to Figure 10.16.6-54 for an example of a courtyard.

4. Frontage

The yard and building facade abutting a public way or open space.

5. Occupied Space

Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking. Refer to Figure 10.16.6-61 for an example of occupied space on a primary frontage facade.

6. Pedestrianway

A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter. Refer to Figure 10.16.6-58 for examples of pedestrianways.

7. Porch

A roofed, open-air platform at the entrance to a building, with or without steps, usually with space for seating. Refer to Figure 10.16.6-56 for an illustration of a porch.

8. Primary Frontage

The building site or lot frontage abutting a primary street.

9. Primary Frontage, Non-

The building or lot frontage abutting a non-primary street.

10. Primary Frontage Façade

The exterior walls of a building exposed to public view from a primary street, including return walls as illustrated in Figure 10.16.6-54. Also referred to as a primary facade or more generally as a street facade.

11. Primary Frontage Facade, Non-

The exterior walls of a building exposed to public view from a non-primary street, including return walls as illustrated in Figure 10.16.6-54. Also referred to as a non-primary facade or more generally as a street facade.

12. Primary Street

A street that receives priority over other streets in terms of pedestrian orientation and setting fronts of buildings. Driveway entrances are not located off primary streets, unless no other option exists. Primary streets are delineated on the master development plan. Refer to Section 10.16.2.G for explanation of primary streets related to the master development plan and Section 10.16.3.B.3 for explanation of primary streets related to building types.

13. Public Way

Any street, lane, drive, pedestrianway, trails, or multi-use path, but not alley.

14. Shadow line

An architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented a minimum depth from the exterior facade of a building, typically utilized to delineate the top or bottom of floors or stories of a building, and intended to create a linear shadow. Examples may include cast stone cornices, pilasters, or stepped brick coursing. Refer to Figure 10.16.6-60 for examples of shadow lines.

15. Stoop

An open-air platform or flat, paved area at the entrance to a building, with or without steps and with or without a projecting canopy, typically unroofed. Refer to Figure 10.16.6-57 for an illustration of a stoop.

16. Street

For the purposes of Section 200, a street includes all of the components of a complete street as defined in Section 10.16.2.E.

17. Street Façade

Either a primary or non-primary frontage facade. Refer to the definition of a primary or non-primary street facade.

18. Transparency

The measurement of the percentage of a facade that has highly transparent, low reflectance windows. For example, mirrored glass would not fulfill transparency requirements. Refer to Section 10.16.6.B.8 for explanation of measuring transparency.

19. Yard

The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal building. Refer to Figure 10.16.1-4

frontage yard and rear boundary or lot line. Also referred to as a corner side or street yard.

- b. Yard, Primary Frontage Yard. For the MX districts, a yard extending from the primary frontage facade of the principal building along the full length of the primary frontage boundary line between the side boundary or lot lines, or side and any street boundary lines. Also referred to as a front or street yard.
- c. Yard, Rear. For the MX districts, a yard extending from the rear building facade along the rear boundary or lot line between the side yards or, on a corner building site, the street and side yards.
- d. Yard, Side. For the MX districts, a yard extending from the side building facade along a side boundary or lot line between the primary frontage yard and rear boundary line.

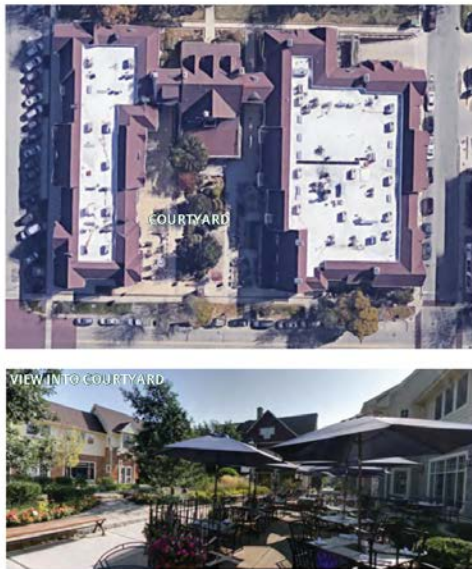


Figure 10.16.6-54 Example of Courtyard



Figure 10.16.6-55 Illustration of Facade Definition

Illustration of Yards. Note that the rear yard is fully screened from the street by the structure.

- a. Yard, Non-Primary Frontage. For the MX districts, a yard extending from the non-primary frontage building facade along a non-primary street boundary or lot line between the primary

10.16 Mixed-Use (MX) Zones

10.16.1.A. General Definitions.



Figure 10.16.6-56 Illustration of a Porch



Figure 10.16.6-58 Examples of Pedestrianways between Buildings



Figure 10.16.6-57 Illustration of a Stoop



Figure 10.16.6-61 Example of Occupied Space on Primary Frontage



Figure 10.16.6-60 Examples of Shadow Lines

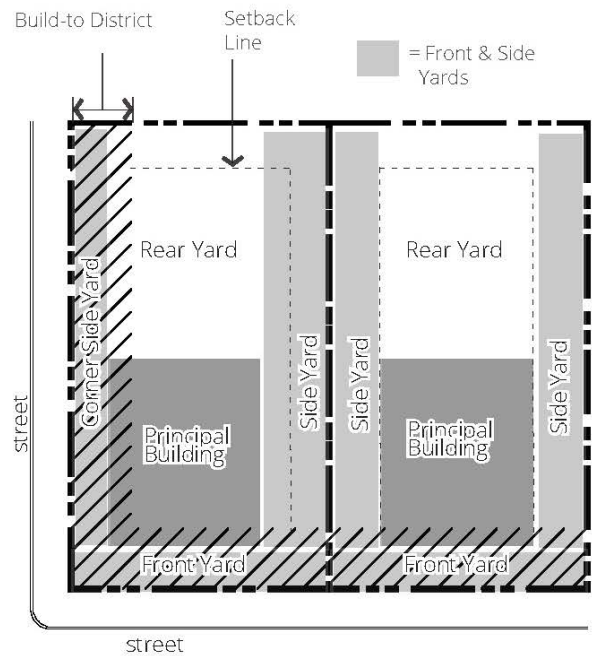


Figure 10.16.6-59 Illustration of Yards

B. MEASURING

The following explains the standards outlined on the tables in 10.16.3. Building Types & Uses, specific to each building type, refer to Section 10.16.3.D through Section 10.16.3.G.

1. Minimum Primary Frontage Coverage

The minimum percentage of building facade along the primary frontage of a lot is designated on each building type table.

- a. Measurement. The width of the principal structures (as measured within the build-to zone along the frontage edge) is divided by the length of the frontage parallel to the boundary line, right-of-way line, or property line following the street. Refer to Figure 10.16.6-62 Minimum Primary Frontage Coverage. A boundary line is designated on the master development plan to delineate the space of a street or building site.

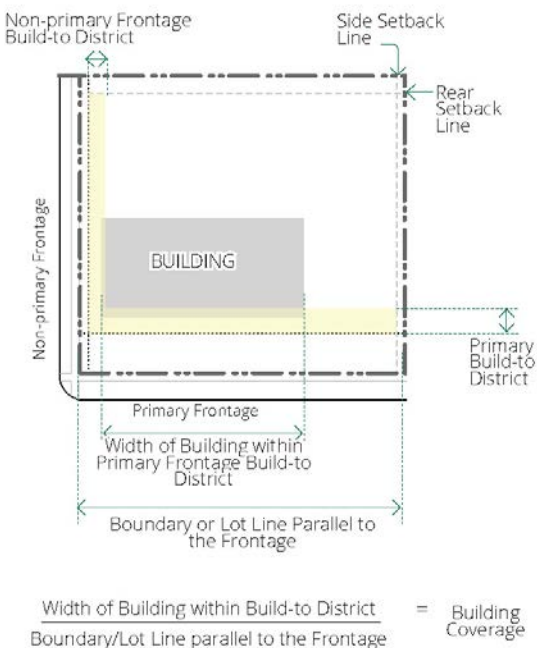


Figure 10.16.6-62 Minimum Primary Frontage Coverage

- b. Courtyards.

- (1) Definition. A courtyard is an outdoor area enclosed by a building or buildings on at least three sides for at least 75 percent of the length of each side, and open to the sky.
- (2) Applies to Coverage. Where noted by building type, courtyards maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage.
- c. Civic Space Type. Open spaces per civic space type requirements are exempt from minimum primary frontage coverage.

2. Build-to Zone

The build-to zone is designated separately for each frontage of the building types per the building type table regulations. Refer to Figure 10.16.6-63 Build-to zones.

- a. Definition. Build-to zone is an area in which the front or corner side facade of a building shall be placed; it may or may not be located directly abutting a boundary or lot line. The district dictates the minimum and maximum distance a structure may be placed from a boundary or lot line.

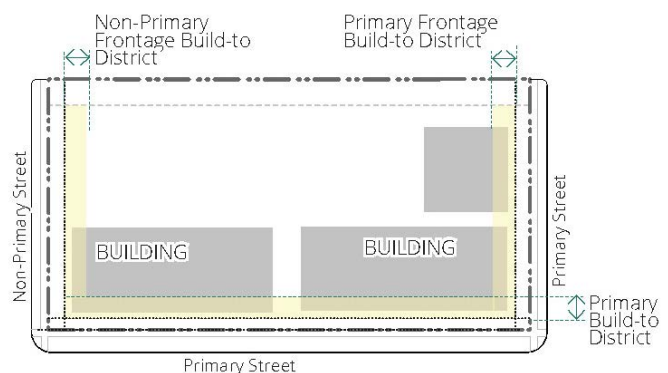


Figure 10.16.6-63 Build-to Districts

- b. Measurement. The build-to zone for all frontages is measured from the boundary or lot line

10.16.1.B. Measuring

parallel to the frontage, unless otherwise noted. When additional streetscape area is required beyond the street boundary line, the build-to zone is measured from the edge of the required streetscape onto the site.

- c. Height. All primary frontage facades must be located within the build-to zone.
- d. Encroachments. Awnings, balconies, and building mounted signage may extend up to 3 foot beyond the build-to zone into any yard area, but may not extend beyond a street boundary line or right-of-way unless otherwise expressly approved by the City.

3. Setbacks

Building setbacks are designated separately for each building type per the building type table regulations. Setbacks are typically defined to establish minimum interior side and rear yards, but in some cases, are utilized to establish minimum street yards along primary and non-primary frontages.

- a. Definition. Setback is the minimum horizontal distance from a boundary line, property line, or other building into the lot or building site, beyond which a building may be placed.
- b. Measurement. The setback is measured



Figure 10.16.6-64 Site Impervious and Semi-Pervious Coverage

perpendicularly from the boundary line, property line, or other building into the lot or building site.

4. Impervious and Semi-Pervious Site Coverage

Site impervious coverage and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 10.16.3-18.

a. Definitions.

- (1) Impervious Site Coverage. The percentage of a lot or building site developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.
- (2) Pervious Surface. Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material.
- (3) Semi-Pervious Surface. Also referred to as semi-pervious material. For the purposes of this Section 200, a material or surface that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt, permeable concrete, and gravel, and including vegetated or green roofs. Refer to the Kenton County Subdivision regulations for details for pervious paving.

b. Measurement.

- (1) Maximum Site Impervious Coverage. The

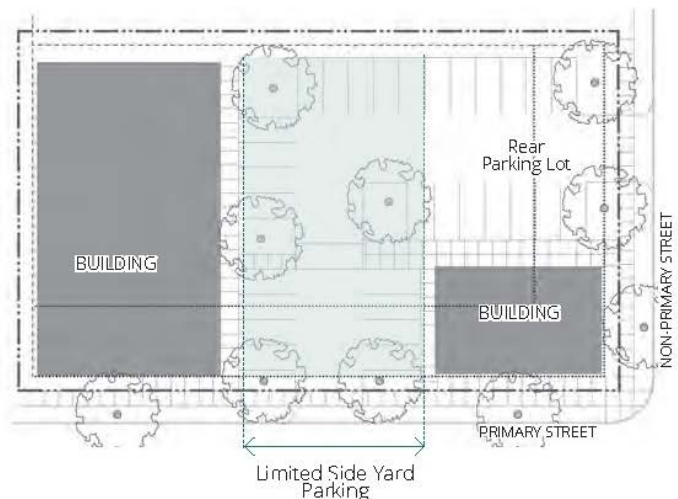


Figure 10.16.6-65 Illustration of Limited Side Yard Parking

maximum site impervious coverage is calculated as the maximum percentage of the area of a lot or building site covered by

structures, pavement, and other impervious surfaces.

- (2) Additional Semi-Pervious Coverage. In addition to the allowable impervious coverage on a site, a maximum percentage of the lot or building site of additional semi-pervious coverage is permitted.

5. **Limited Parking**

Limited side yard parking means one double or single loaded aisle, perpendicular to the street, maximum 65' in width as measured along the primary frontage boundary or lot line. Refer to Figure 10.16.6-65 for an illustration of limited side yard parking.

6. **Ground Story and Upper Stories, Minimum and Maximum Height**

(Refer to Figure 10.16.3-19 Measuring Stories with Floor-to-Floor Height).

a. Definitions.

- (1) Story, Ground. Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.
- (2) Story, Half. A story either in the base of the building, partially below grade and partially above grade ("basement"), or a story fully within the roof structure with transparency facing the street.
- (3) Story, Upper. Also referred to as upper floor. The floors located above the ground story of a building.
- (4) Visible Basement. A half story partially below grade and partially exposed above with required transparency on the street facade.

- b. Minimum Overall Height. Minimum heights require a minimum number of stories on the primary frontage facades of the building.

- (1) The building must meet the minimum required height for the first 30 feet of occupied building space measured from the primary frontage facade into the building.
- (2) False stories are not permitted.

- c. Maximum Overall Height. Maximum heights are specified both in number of stories and overall dimension. This requirement applies to the entire building.
- d. Towers. Where noted, towers may exceed the overall maximum height per 10.16.3.I Cap Types.
- e. Cap Type. Where noted, certain cap types may allow additional height.
- f. Two Half Stories. Refer to 10.16.6.B.6.a, above, for definition of a half story. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.

7. **Minimum & Maximum Height per Story**

Each story is measured with a range of permitted floor-to-floor heights. Refer to Figure 10.16.3-21 Measuring Minimum Facade Transparency.



Figure 10.16.6-66 Measuring Stories with Floor-to-Floor Height

- a. Measurement. Floor height is measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met on floors along facades, a minimum of 80 percent of each story.

10.16.1.B. Measuring

- b. **Single Story Buildings & Top Floor Measurement.**
For single story buildings and the uppermost story of a multiple story building, floor-to-floor height shall be one foot less than noted per building type and measured from the floor of the story to the ceiling.
- c. **Mezzanines.** Mezzanines may be included within the floor-to-floor height of any story, included in the calculation of stories. Mezzanines occupying more than 30 percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story, including articulation of the story per Section 10.16.4.L.
- d. **Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building are not permitted on primary frontage facades. These spaces are unlimited on interior lots and non-primary frontage facades, but shall be counted as the number of stories that would fit within their height.

8. Minimum Required Transparency

Per the requirements of each building type, a minimum amount of transparency is required on all stories of all facades.

- a. **Degree of Transparency.** Highly transparent, low reflectance windows means a minimum of 50 percent transmittance factor and a reflectance factor of not greater than 0.25.
- b. **Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately. Refer to Figure 10.16.3-21 Measuring Minimum Facade Transparency. Transparency, defined in 10.16.1.I. Definitions, includes windows and any glass in doors that is highly transparent with low reflectance. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.

- c. **Blank Wall Segments.** No more than a 15-foot wide section, measured horizontally, and no more than 30 percent of any story shall be without transparency.

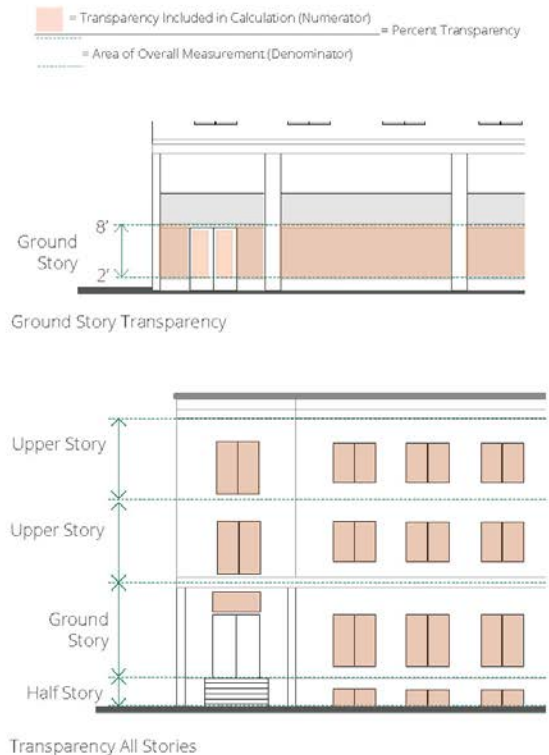


Figure 10.16.6-68 Measuring Minimum Facade Transparency

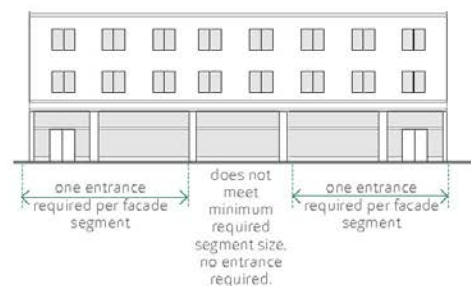


Figure 10.16.6-67 Number of Required Entrances

- d. **Exception.** When a facade of any story is located within 3 feet of a parallel building facade, no minimum transparency is required for that story.
- e. **Minimum Ground Story Transparency.** When required by the building type, ground story

transparency shall be measured between 2 feet and either 8 or 10 feet, as noted, from the average grade at the base of the facade.

Minimum ground story transparency supersedes the overall minimum transparency required for the building type.

- f. Tall Stories. Stories that are 18 feet or taller in height shall be counted as 2 stories for the purpose of calculating minimum facade transparency, with each horizontal half of the story calculated separately.
- g. Half Stories. All half stories located within roof structure and visible basements are required to meet the minimum transparency.

9. Minimum Number of Required Entrances

Entrances shall be provided consistent with the entrance location and number requirements established for the building type and consistent with Figure 10.16.3-20.