
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.

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:

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- (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

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.