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## ARTICLE X

### ZONES

#### SECTION 10.0 CO (CONSERVATION) ZONE

A. PERMITTED USES

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

B. ACCESSORY USES

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

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

1. Riding academies and stables;
2. The following uses are permitted providing that the development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection. Such statements of approval or denial shall be submitted to the board of adjustment at the time of submittal for a conditional zoning certificate:

a. Boat harbors and marinas;

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina provided they are primarily intended to serve only persons using the boat harbor or marina:

- (1) Boat fueling, service, and repairs;
- (2) Sale of boat supplies;
- (3) Grocery store;
- (4) Restaurant;

- b. Boat landing, docking, and launching facilities;
- c. Off-street parking facilities including facilities for temporary parking of boat trailers.

D. AREA AND HEIGHT REGULATIONS

- 1. Minimum lot area - One (1) acre
- 2. Minimum lot width - One hundred fifty (150) feet
- 3. Minimum front yard depth - Fifty (50) feet
- 4. Minimum side yard width - Twenty-five (25) feet
- 5. Minimum rear yard depth - Fifty (50) feet
- 6. Maximum building height - Twenty-five (25) feet

E. OTHER DEVELOPMENT CONTROLS

- 1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any permitted use or conditional use in this zone.
- 2. Any activity that may be located in the floodplain of any water course shall be in accordance with the requirements of Section 9.25
- 3. Dwellings, including cabins, rooming houses, and mobile homes are not permitted in this zone.
- 4. Temporary camping units, tents, and recreational vehicles, as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year-round habitation.
- 5. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XI.
- 6. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- 7. No motor vehicle which is inoperable, or mobile home or trailer shall be stored or used for storage in this zone.
- 8. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

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

1. Single-family residential dwellings (detached)
2. Agricultural uses
3. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street.
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer than one hundred (100) feet from the front of a street, road, highway, or right-of-way line, or not nearer than fifty (50) feet from a side lot line.
5. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.
6. Stables and riding academies, both public and private.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Governmental offices
4. Nursery schools, provided they are located adjacent to an arterial
5. Police and fire stations, provided they are located adjacent to an arterial or collector street
6. Public and parochial schools, provided they are located adjacent to an arterial or collector street
7. Recreational centers, including public swimming pools and libraries
8. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs

- c. Swimming pools
- d. Tennis courts/clubs
- e. Fishing lakes and clubs
- f. Gun clubs and ranges

9. Funeral homes, provided they are located adjacent to an arterial street

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

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

E. OTHER DEVELOPMENT CONTROLS

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

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

1. Single-family residential dwellings (detached).
2. Farms, for crop production and raising of cattle and horses, including land used for horticultural purposes, provided said use occupies a minimum site of 10 contiguous acres, unserved by street, and further provided that land which is used for the raising of cattle and horses shall not exceed a ratio of one animal for each three (3) acres of land devoted to said use.
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Governmental offices
4. Police and fire stations, provided they are located adjacent to an arterial or collector street
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located adjacent to an arterial street and having a maximum capacity of five (5) beds.
7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses, other than those publicly owned and/or operated as follows:

- a. Golf courses
- b. Country clubs
- c. Swimming pools

11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - One-half (1/2) acre
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width on each side of lot - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
7. Maximum Density - Two (2) dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS

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

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

1. Single-family residential dwellings (detached)
2. Two-family and multi-family dwellings existing at the time of adoption of this ordinance (subject to Section 10.3, F)
3. Farms, for crop production and raising of cattle and horses, including land used for horticultural purposes, provided said use occupies a minimum site of 10 contiguous acres, unsevered by streets, and further provided that land which is used for the raising of cattle and horses shall not exceed a ratio of one animal for each three (3) acres of land devoted to said use. Land which is used for the raising of horses shall not exceed a ratio of one horse for each one acre of land devoted to said use, providing that such animals are maintained in such facilities contained in areas being utilized primarily for exercise purposes. Each horse must be stabled in a separate stall whose minimum dimensions shall be 10 feet by 10 feet.
4. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.
5. Conservation subdivision, subject to the requirements of section 9.35 of this ordinance.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Governmental offices
4. Police and fire stations, provided they are located adjacent to an arterial or collector street
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located

adjacent to an arterial street and having a maximum capacity of five (5) beds.

7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Funeral homes, provided they are located adjacent to an arterial street.

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

1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
2. Minimum lot width at building setback line - Eighty (80) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width - Total both sides: Twenty (20) feet; Minimum one side: Seven (7) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
7. Maximum density - 3.5 dwelling units per net acre

**E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:**

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

**F. SPACE AND HEIGHT REQUIREMENTS:** For two-family and multi-family dwellings existing at the time of adoption of this ordinance.

1. Maximum Height - Thirty (30) feet
2. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
3. Minimum Width - Sixty (60) feet
4. Minimum Yards -



- a. Front Yards - Thirty (30) feet
- b. Side Yard - Five (5) feet one side; Fifteen (15) feet two sides;
- c. Rear Yard - Thirty (30) feet

G. OTHER DEVELOPMENT CONTROLS

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

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

1. Single-family residential dwellings (detached)
2. Two-family dwellings existing at the time of adoption of this ordinance (subject to Section 10.4, F)
3. Farms, for crop production and raising of cattle and horses, including land used for horticultural purposes, provided said use occupies a minimum site of 10 contiguous acres, unsevered by streets, and further provided that land which is used for the raising of cattle and horses shall not exceed a ratio of one animal for each three (3) acres of land devoted to said use.
4. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Police and fire stations, provided they are located adjacent to an arterial or collector street
4. Governmental offices
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located adjacent to an arterial street and having a maximum capacity of five (5) beds.
7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total both sides 18 feet; Minimum one side 6 feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
7. Maximum density - 4.8 dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot) and rear yards - Fifty (50) feet.
4. Maximum building height - Thirty-five (35) feet

F. SPACE AND HEIGHT REQUIREMENTS: For two-family dwellings existing at the time of adoption of this ordinance.

1. Maximum Height - Thirty (30) feet
2. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
3. Minimum Width - Sixty (60) feet
4. Minimum Yards -
  - a. Front Yards - Thirty (30) feet
  - b. Side Yard - Five (5) feet one side; Fifteen (15) feet two sides;
  - c. Rear Yard - Thirty (30) feet

G. OTHER DEVELOPMENT CONTROLS

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

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

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

1. Single-family residential dwellings (detached)
2. Two-family residential dwellings
3. Two-family dwellings existing at the time of adoption of this ordinance (subject to Section 10.5, F)
4. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.

**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
4. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Police and fire stations, provided they are located adjacent to an arterial or collector street
4. Governmental offices
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located adjacent to an arterial street and having a maximum capacity of five (5) beds.
7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses

- b. Country clubs
- c. Swimming pools

11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

- 1. Minimum lot area -  
Single-family: Nine thousand (9,000) square feet  
Two-family: Thirteen thousand five hundred (13,500) square feet.
- 2. Minimum lot width at building setback line -  
Single-family: Seventy (70) feet  
Two-family: Eighty (80) feet
- 3. Minimum front yard depth - Thirty (30) feet
- 4. Minimum side yard width -  
Single-family: Total both sides 20 feet; Minimum one side 5 feet  
Two-family: Total both sides 24 feet; Minimum one side 10 feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet
- 7. Maximum Density - 4.8 to 6.7 dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

- 1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
- 2. Minimum lot width at building setback line - One hundred fifty (150) feet
- 3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
- 4. Maximum building height - Thirty-five (35) feet

F. SPACE AND HEIGHT REQUIREMENTS: For two-family dwellings existing at the time of adoption of this ordinance.

- 1. Maximum Height - Thirty (30) feet
- 2. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
- 3. Minimum Width - Sixty (60) feet
- 4. Minimum Yards -
  - a. Front Yards - Thirty (30) feet
  - b. Side Yard - Five (5) feet one side; Fifteen (15) feet two sides;
  - c. Rear Yard - Thirty (30) feet

G. OTHER DEVELOPMENT CONTROLS

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

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

1. Single-family residential dwellings (detached)
2. Two-family dwellings existing at the time of adoption of this ordinance (subject to Section 10.5, F)
3. Farms, for crop production and raising of cattle and horses, including land used for horticultural purposes, provided said use occupies a minimum site of 10 contiguous acres, unsevered by streets, and further provided that land which is used for the raising of cattle and horses shall not exceed a ratio of one animal for each three (3) acres of land devoted to said use.
4. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Police and fire stations, provided they are located adjacent to an arterial or collector street
4. Governmental offices
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located adjacent to an arterial street and having a maximum capacity of five (5) beds.
7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.



10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Funeral homes, provided they are located adjacent to an arterial street.
12. Day Care, In-home, subject to the following regulations:
  - a. All operations are conducted in conjunction with a residential use occurring on the property by the property owner or an authorized tenant claiming residence at the property in which the operations will occur.
  - b. In-home Day Care facilities shall be subject to the area and height regulations for permitted uses.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total both sides 15 feet; Minimum one side 5 feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
7. Maximum Density - 5.8 dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. SPACE AND HEIGHT REQUIREMENTS: For two-family dwellings existing at the time of adoption of this ordinance.

1. Maximum Height - Thirty (30) feet
2. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
3. Minimum Width - Sixty (60) feet
4. Minimum Yards -

- a. Front Yards - Thirty (30) feet
- b. Side Yard - Five (5) feet one side; Fifteen (15) feet two sides;
- c. Rear Yard - Thirty (30) feet

G. OTHER DEVELOPMENT CONTROLS

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

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

1. Single-family residential dwellings (detached)
2. Two-family dwellings existing at the time of adoption of this ordinance (subject to Section 10.7, F)
3. Farms, for crop production and raising of cattle and horses, including land used for horticultural purposes, provided said use occupies a minimum site of 10 contiguous acres, unsevered by streets, and further provided that land which is used for the raising of cattle and horses shall not exceed a ratio of one animal for each three (3) acres of land devoted to said use.
4. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance.

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Police and fire stations, provided they are located adjacent to an arterial or collector street
4. Governmental offices
5. Institutions for higher education providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, convalescent homes, nursing home, and homes for the aged, providing they are located adjacent to an arterial street and having a maximum capacity of five (5) beds.
7. Nursery schools, provided they are located adjacent to an arterial street
8. Public and parochial schools, provided they are located adjacent to an arterial or collector street
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Funeral homes, provided they are located adjacent to an arterial street.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Six thousand five hundred (6,500) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet
7. Maximum Density - 7.3 dwelling units per net acre

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred fifty (150) feet
3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

F. SPACE AND HEIGHT REQUIREMENTS: For two-family dwellings existing at the time of adoption of this ordinance.

1. Maximum Height - Thirty (30) feet
2. Minimum Lot Area - Seven thousand five hundred (7,500) square feet
3. Minimum Width - Sixty (60) feet
4. Minimum Yards -
  - a. Front Yards - Thirty (30) feet
  - b. Side Yard - Five (5) feet one side; Fifteen (15) feet two sides;
  - c. Rear Yard - Thirty (30) feet

G. OTHER DEVELOPMENT CONTROLS

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

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

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**SECTION 10.8 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Planned Unit Development (PUD) Overlay Zone may only be permitted to be superimposed over any of the Residential Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for a Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. **Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.**
    - a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said

recommendations and take action to approve or disapprove said PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation in accordance with Subsection C., 1., a., above. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approved plan.

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

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

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

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

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

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

Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

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

These commercial uses shall be grouped in complexes clearly delineated on the Stage I Plan, and may include one or more of the following uses:

1. Delicatessen, grocery, meat, fruit, or vegetable market
2. Drug store
3. Bakery shop
4. Laundry/dry cleaning pick-up stations, or self-service facilities
5. Beauty or barber shops Clothing store
6. Shoe repair shops
7. Hardware stores
8. Business or professional office
9. Clothing store
10. Restaurants
11. Banks

Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will



not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.

- F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Schools (nursery, elementary, and secondary)
  2. Churches
  3. Community centers, including day care facilities
  4. Country clubs
  5. Libraries
  6. Fire or police stations
  7. Open space-recreation areas
- G. AREA REQUIREMENTS No PUD Overlay Zone shall be permitted on less than twenty (20) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

- M. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be approved by the planning commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- N. **EXPIRATION:** Any amendment to the PUD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan and Overlay Zone amendment by the legislative body, provided an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
  2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

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**SECTION 10.9 HC (HIGHWAY COMMERCIAL) ZONE****A. PERMITTED USES**

1. Automobile, motorcycle, and truck sales, new or used
2. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
3. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows
4. Boat and other marine equipment sales and service, new and used
5. Bowling alleys
6. Eating and drinking places
7. Hotels and motels
8. Mobile home and trailer sales, rental and service (new and used)
9. Off-street parking lots and garages
10. Police and fire stations
11. Skating rinks, golf driving ranges, miniature and par-3 golf courses

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Swimming pools, indoor and outdoor, in connection with motel or hotels
5. Uses as listed below, included within and entered from within, any motel or hotel building, as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building.
  - a. Barber shops
  - b. Beauty shops
  - c. News and confectionery stands
  - d. Restaurants

**C. CONDITIONAL USES:** The following uses subject to the approval of the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Service stations (including auto repairing, providing all repair work except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located on a major arterial).

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

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

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

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**SECTION 10.10 NC (NEIGHBORHOOD COMMERCIAL) ZONE****A. PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber and beauty shops
6. Book, stationery, or gift shop
7. Camera and photographic supplies
8. Candy store, soda fountain, ice cream store, excluding drive-ins
9. Delicatessen
10. Drug store
11. Eating and drinking places excluding drive-ins
12. Florist shop
13. Food store and supermarkets
14. Furniture store
15. Garden supplies
16. Glass, china, or pottery store
17. Haberdashery
18. Hardware store
19. Hobby shop
20. Household and electrical appliance store, including incidental repair
21. Interior decorating studio
22. Jewelry store, including repair
23. Leather goods and luggage store
24. Library
25. Locksmith shop
26. Music, musical instruments, and records, including incidental repair
27. Offices
28. Opticians and optical goods
29. Package liquor and wine store
30. Paint and wallpaper store
31. Pet shop, excluding boarding and outside runs
32. Police and fire stations
33. Post office
34. Radio and television store (including repair)
35. Shoe store and shoe repair
36. Sporting goods
37. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
38. Tailor shop

39. Taverns, provided they are located at least three hundred seventy-five (375) feet from any church, school, nursery school, or dwelling unit
40. Toy store
41. Variety store, including notions and "five and ten" stores

**B. ACCESSORY USES**

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

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

1. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).
2. Nursery schools, subject to the following conditions:
  - a. All areas used for parking, or for ingress to or egress from the nursery school shall be physically separated from adjacent areas in such a manner that vehicular access thereto from adjoining areas used for parking, or ingress or egress is prevented thereby;
  - b. Outdoor play areas required by state statutes or regulation shall be located in the rear of the nursery school and exclusive of areas used for parking, ingress or egress;
  - c. All ingress to and egress from the nursery school shall be restricted to collector or arterial streets; and
  - d. Screening shall be provided to separate the outdoor play areas of nursery schools to prevent visual and physical contact therewith from permitted and conditional uses outside the area of the nursery school.

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

1. Minimum lot area - Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet

4. Minimum side yard width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height - Thirty-five (35) feet
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

#### 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, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, and the outdoor play areas of nursery schools, and outdoor seating areas for taverns and restaurants, provided:
  - a. No amplified sound is provided to or from those areas;
  - b. No sound from those areas unreasonably interferes with the use and enjoyment of any property; and
  - c. Those areas within eight hundred seventy-five (875) feet of any dwelling unit are surrounded by a solid fence or wall at least six (6) feet high.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

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**SECTION 10.11 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE****A. PERMITTED USES**

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



40. Sporting goods
41. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
42. Tailor shop
43. Tavern
44. Toy store
45. Variety store, including notions and "five and ten" stores

**B. ACCESSORY USES**

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

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

1. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).

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

1. Minimum building site area - Five (5) acres and shall abut a deeded right-of-way. 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 yard requirements - Fifty (50) feet for each front, side (on each side of the building), and rear yards
3. Maximum building height - Thirty (35) feet

**E. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII 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, or into any adjacent property.

4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. 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 vehicle access) and functional relationships of uses within the shopping center.

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**SECTION 10.12 PO (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES**

1. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
2. Clinics - medical or dental
3. Offices
4. Off-street parking lots and/or garages
5. Police and fire stations
6. Post offices
7. Dental labs

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses as listed below, included within and entered from within, any office building, as a convenience to the occupants thereof, their patients, clients, or customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - a. Prescription pharmacies
  - b. Barber shops
  - c. Beauty shops
  - d. Coffee shops or refreshment stands
  - e. Medical or dental laboratories
  - f. News and confectionery stands
  - g. Eating and drinking places

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

1. Administrative and faculty offices, classrooms, and lecture halls associated with colleges and universities.

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet

2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Forty (40) feet

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 dedicated street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas and temporary mobile medical equipment that is properly licensed and permitted by the appropriate governmental health authorities to provide patient procedures, provided such equipment is not parked on the premises for more than forty-eight (48) consecutive hours.

**SECTION 10.13 IP (INDUSTRIAL PARK) ZONE**

- A. PERMITTED USES: The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:
1. The manufacturing, compounding, processing, packaging, or assembling of the following uses:
    - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils excluding poultry and animal slaughtering and dressing.
    - b. Cigars and cigarettes.
    - c. Cosmetics, pharmaceuticals, and toiletries.
    - d. Electric appliances, television sets, phonographs, household appliances.
    - e. Electrical machinery, equipment and supplies.
    - f. Fountain and beverage dispensing equipment.
    - g. Furniture.
    - h. Instruments of professional, scientific, photographic, and optical use.
    - i. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers.
    - j. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
    - k. Office equipment.
    - l. Pottery and figurines.
    - m. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi - precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.
    - n. Signs
    - o. Textile products including canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine.
  2. Bottling and canning works
  3. Contractor's offices, including associated sales services
  4. Crating services.
  5. Fire stations.
  6. Industrial engineering consultant offices.
  7. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private.
  8. Machine shops.
  9. Plumbing contractors, plumbers, and sales of plumbing equipment

10. Printing, engraving and related reproduction processes
11. Publishing and distribution of books, newspapers, and other printed material.
12. Railroad facilities, exclusive of marshaling yard, maintenance and fueling facilities
13. School for industrial or business training; or school for recreational pursuits with accompanying retail sales area not to exceed twenty (20) percent of the building's gross square footage
14. Studios for professional work or teaching any form of fine art, photography, music, drama, or dance
15. Warehousing or wholesaling

**B. ACCESSORY USES:**

1. Customary accessory structures 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, power plants, and machine shops;
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
  - a. Cafeterias.
  - b. Coffee shops or refreshment stands.
  - c. Soda or dairy bars.
3. Fences and/or walls, as regulated by Article XIII of this ordinance;
4. Signs - only business and identification signs pertaining to the identification, use, or occupation of the building, structure, or premises, as regulated by Article XV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

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

1. Self-storage units and warehousing businesses which are completely enclosed within a building. No outside storage or storage containers are permitted for these uses.

**D. AREA AND HEIGHT REGULATIONS:**

1. Minimum Tract for Development - Twenty - five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
2. Minimum Lot Area Within Minimum Tract - One (1) acre.
3. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.
4. Minimum Front Yard Depth - Fifty (50) feet.
5. Minimum Side Yard Width - Twenty-five (25) feet
6. Minimum Rear Yard Depth - Fifty (50) feet. No rear yard shall be required where a rail spur line forms the rear property line.
7. Maximum Building Height - Thirty-five (35) feet.

E. OTHER DEVELOPMENT CONTROLS:

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

**SECTION 10.14 INSTITUTIONAL - ONE (INST-1) ZONE**

- A. **PURPOSE:** The purposes of the Institutional - One (INST-1) Zone are to: provide for public, semi - public, medical, educational, and related type uses; promote flexibility in design and permit planned diversification in the relationships between the location and types of uses and structures; promote the advantages of 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, 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:** Applications for development within an Institutional - One (INST-1) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area INST-1 shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned INST-1, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or 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 Stage I Development Plan in accordance with the requirements of KRS Chapter 424, including written notification to adjacent property owners, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Institutional - One (INST-1) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative: approval, approval with conditions, or disapproval. The planning



commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission makes its recommendation, approve, approve with conditions, or disapprove the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 2., a., of this section.

If the city's chief administrative official, or his duly authorized representative, takes no action within the ninety (90) day period, the submitted development plan shall be deemed to be disapproved.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with: the approved Stage I Development Plan; with the applicable requirements of this section of the ordinance and other applicable sections of this ordinance; and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission, in writing, shall conform with the subdivision regulations.
  - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance.

Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance. The determination of whether an adjustment is major or minor shall be made by the city's chief administrative official, or his duly authorized representative.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, approve, approve with conditions, or disapprove the proposed Stage II Development Plan. Action to approve the Stage II Development Plan may incorporate any conditions imposed by the planning commission. However, should the action 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., 3., a., of this section.

If the city's chief administrative official, or his duly authorized representative, takes no action within the ninety (90) day period, the submitted development plan shall be deemed to be disapproved.

Upon approval of the Stage II Development Plan, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

C. 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 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. Day care centers.
4. Educational and medical research facilities.
5. Fraternity and sorority houses, when associated with a permitted use located in this zone.
6. Governmental buildings.
7. Health care laundry.
8. Institutions for human medical care - clinics, congregate housing, and hospitals.
9. Libraries.
10. Medical and professional offices.
11. Museums and art galleries.
12. Public, private, and parochial schools with attendant recreational uses.
13. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, and swimming pools.
14. Recreational uses other than publicly owned and/or operated, as follows: golf courses, swimming pools, tennis courts.
15. Police and fire stations.
16. Social service agencies.
17. Vocational, trade schools, or other specialized educational facilities.

D. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. 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. Florist
  - c. Gift shop
  - d. Medical and educational supply store
  - e. Pharmacy
  - f. Restaurant or cafeteria

E. AREA REGULATIONS

1. No Institutional - One (INST-1) Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be

zoned INST-1, provided it is adjacent to an area currently zoned INST-1, with an existing approved Stage I Development Plan.

2. The minimum area for submission of a Stage I Development Plan, within an area currently zoned INST-1, shall be not less than one (1) acre.
- F. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Except as specified herein, requirements shall be as approved in the Stage I Development Plan.
1. Where any yard of any use permitted in this zone abuts a single - family residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This 50 foot area shall remain open and not permit off - street parking and loading and/or unloading. In the event that such screening area contains an earthen berm or mound at least six (6) feet in height, the fifty (50) foot screening area shall be reduced to thirty (30) feet.
  2. Where any yard of any use permitted in this zone abuts a residential zone, other than a single - family residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This fifteen (15) foot area shall remain open and not permit off - street parking and loading and/or unloading.
  3. Where any lot abuts a county road, the height of any structure on that lot that is built within three hundred (300) feet of the county road is limited to thirty - five (35) feet.
- G. OFF - STREET PARKING AND LOADING AND/OR UNLOADING: Off - street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- H. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the Stage I Development Plan.
- I. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- J. SCREENING: Shall be as approved in the Stage I Development Plan.
- K. OTHER DEVELOPMENT CONTROLS:

1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such areas shall be screened from view.
  2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
  3. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of outdoor exercise and recreation facilities, off - street parking, and loading and/or unloading areas.
  5. The property owner shall be required to maintain all landscaping, screening, mounding, and open spaces. Additionally, for a period of one year from the date of installation, the applicant shall be required to replace any plant material which dies.
- L. CRITERIA: Evaluation of the proposed Institutional - One (INST-1) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Institutional - One (INST-1) Zone.
    - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
    - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
    - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
    - f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
    - g. Extent to which the scale of each building relates to the natural environment.

- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. The heights of structures should be higher on the interior of the zoning district and lower on the perimeter of the zoning district, creating a terraced effect.
- l. The heights of structures should take into account the final elevation of the site and be designed so as not to become strong visual elements from areas outside the general vicinity of the zoning district.

## 2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

## 3. Open Space

- a. A minimum of twenty (20) percent of the total acreage of each site for a permitted use shall be set aside for open space, exclusive of streets, parking areas, and buildings.
- b. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- c. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.

- d. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- e. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- f. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

#### 4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

#### 5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

T. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection B.,2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

U. EXPIRATION: Development plans within the Institutional One (INST-1) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the applicant shall be required to resubmit the development plan for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100. Following submittal by the applicant, a public hearing shall be initiated if either of the following conditions apply:

- a. Stage II Development Plan has not been approved by the city's chief administrative official, or his duly authorized representative, within a period of five years from the date of the approved Stage I Development Plan; provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
  
- b. Substantial construction has not been initiated within a period of two years from the date of approval of the Stage II Development Plan by the city's chief administrative official, or his duly authorized representative, provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean placing of footers and/or foundation.



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**SECTION 10.15 SC (SHOPPING CENTER) ZONE****A. PERMITTED USES**

1. Advertising agencies
2. Antique shops
3. Apparel shops
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 and beauty shops
8. Books, stationery, or gift shops
9. Business or professional colleges
10. Camera and photographic supplies
11. Candy store, soda fountain, ice cream stores, excluding drive-ins
12. Carpet and rug stores
13. Clinics - medical or dental
14. Delicatessen
15. Department stores
16. Drug stores
17. Dry cleaning and laundry pick-up station
18. Eating and drinking places, excluding drive-ins
19. Employment Agencies
20. Florist shops
21. Food stores and supermarkets
22. Furniture store
23. Garden supplies
24. Glass, china, or pottery store
25. Haberdashery
26. Hardware stores
27. Health clinics and health spas
28. Hobby shops
29. Household and electrical appliance store, including incidental repair
30. Interior decorating studio
31. Jewelry store, including repair
32. Laboratories - medical and dental
33. Laundromats - self-service washing and drying
34. Leather goods and luggage stores
35. Library
36. Locksmith shop
37. Music, musical instruments, and records, including incidental repair
38. Office appliances and supplies stores
39. Offices

40. Opticians and optical goods
41. Package liquor and wine store, excluding drive-ins
42. Paint and wallpaper stores
43. Pet shop, excluding boarding and outside runs
44. Police and fire stations
45. Post offices
46. Radio and television stores, including repair
47. Shoe stores - sales repair
48. Sporting goods stores
49. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
50. Tailor shops
51. Taverns
52. Toy stores
53. Travel bureaus
54. Variety stores, including notions and "five and ten" stores

**B. ACCESSORY USES**

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

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

1. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).

**D. AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter 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 yard requirements - Fifty (50) feet for each front, side (on each side of the building), and rear yards
3. Maximum building height - Forty (40) feet.

**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, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established by this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. 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 vehicle access) and functional relationships of uses within the shopping center.

**SECTION 10.16 INSTITUTIONAL - TWO (INST-2) ZONE**

- A. **PURPOSE:** The purposes of the Institutional - Two (INST-2) Zone are to: provide for a zoning district which would allow public, semi - public, medical, research, educational, office, and related type uses which could supplement or serve adjacent areas and not have an adverse impact on adjacent areas; and provide for a zoning district which could act as a transition between more intense/less intense land uses; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within an Institutional - Two (INST-2) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area INST-2 shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned INST-2, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or 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 Stage I Development Plan in accordance with the requirements of KRS Chapter 424, including written notification to adjacent property owners, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Institutional - Two (INST-2) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission makes its recommendation, approve, approve with conditions, or disapprove the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 2., a., of this section.

If the city's chief administrative official, or his duly authorized representative, takes no action within the ninety (90) day period, the submitted development plan shall be deemed to be disapproved.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with: the approved Stage I Development Plan; with the applicable requirements of this section of the ordinance and other applicable sections of this ordinance; and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission, in writing, shall conform with the subdivision regulations.
  - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and

pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance. The determination of whether an adjustment is major or minor shall be made by the city's chief administrative official, or his duly authorized representative.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, approve, approve with conditions, or disapprove the proposed Stage II Development Plan. Action to approve the Stage II Development Plan may incorporate any conditions imposed by the planning commission. However, should the action 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., 3., a., of this section.

If the city's chief administrative official, or his duly authorized representative, takes no action within the ninety (90) day period, the submitted development plan shall be deemed to be disapproved.

Upon approval of the Stage II Development Plan, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

#### C. PERMITTED USES:

1. Branch banks and branch savings and loan offices which do not exceed one story in height.
2. Child day care centers.
3. Churches and other buildings for the purpose of religious worship.
4. Educational and medical research facilities.

5. Facilities for human medical care, including, without limitation, clinics, congregate housing, imaging centers, laboratories, health care laundries, and similar ancillary health care services.
6. Governmental buildings.
7. Libraries.
8. Medical and professional offices.
9. Museums and art galleries.
10. Public, private, and parochial schools.
11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, and swimming pools.
12. Recreational uses other than publicly owned and/or operated, as follows: golf courses, swimming pools, tennis courts.
13. Police and fire stations.
14. Social service agencies.
15. Vocational, trade schools, or other specialized educational facilities.

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, 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. Florist
  - c. Gift shop
  - d. Medical and educational supply store
  - e. Pharmacy
  - f. Restaurant or cafeteria

E. AREA REGULATIONS:

1. No Institutional - Two (INST-2) Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned INST-2, provided it is adjacent to an area currently zoned INST-2, with an existing approved Stage I Development Plan.
2. The minimum area for submission of a Stage I Development Plan, within an area currently zoned INST-2, shall be not less than one (1) acre.

F. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Except as specified herein, requirements shall be as approved in the Stage I Development Plan.

1. Minimum Lot Area - One (1) acre.
  2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.
  3. Minimum Front, Side, and Rear Yard Setbacks - Twenty - Five (25) feet, except as provided in the following:
    - a. Where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This 50 foot area shall remain open and not permit off - street parking and loading and/or unloading. In the event that such screening area contains an earthen berm or mound at least six (6) feet in height, the fifty (50) foot screening area shall be reduced to thirty (30) feet.
    - b. Where any front, side, or rear yard of any use permitted in this zone is adjacent to an arterial or collector street, as identified in the adopted comprehensive plan, a minimum yard requirement of sixty (60) feet shall be provided.
  4. Maximum Building Height - Thirty - five (35) feet. Using the elevation at ninety (90) feet from the centerline of Dudley Road as a Base, one (1) additional foot may be added to the height of the building for each one (1) foot drop in elevation from the Base elevation to a maximum building height of fifty - five (55) feet.
  5. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- G. OFF - STREET PARKING AND LOADING AND/OR UNLOADING: Off - street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- H. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- I. OPEN SPACE: At least twenty (20) percent of the total acreage identified on a Stage I Development Plan shall be retained as open space. Open space shall be that part of the total acreage exclusive of buildings, streets, parking areas, and access drives.
- J. SCREENING: Shall be as approved in the Stage I Development Plan.



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K. OTHER DEVELOPMENT CONTROLS:

1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such areas shall be screened from view.
2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
3. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of outdoor exercise and recreation facilities, off - street parking, and loading and/or unloading areas.
5. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
6. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
7. Flat roof construction shall not be permitted and mechanical equipment shall not be located or mounted on the roof.
8. Where any yard of any use in this zone abuts a residential zone, a minimum six foot high earthen berm shall be constructed as a buffer.
9. The property owner shall be required to maintain all landscaping , screening, mounding, and open spaces. Additionally, for a period of one year from the date of installation, the applicant shall be required to replace any plant material which dies.

L. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3, above, subject to the same limitations and requirements as those under which such plans were originally approved.

M. EXPIRATION: Development plans within the Institutional Two (INST-2) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the applicant shall be required to resubmit the development plan for a public hearing by the planning commission,

in accordance with the requirements of KRS Chapter 100. Following submittal by the applicant, a public hearing shall be initiated if either of the following conditions apply:

- a. Stage II Development Plan has not been approved by the city's chief administrative official, or his duly authorized representative, within a period of five years from the date of the approved Stage I Development Plan; provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
  - b. Substantial construction has not been initiated within a period of two years from the date of approval of the Stage II Development Plan by the city's chief administrative official, or his duly authorized representative, provided that an extension may be permitted upon approval of the city's chief administrative official, or his duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean placing of footers and/or foundation.
- N. CRITERIA: Evaluation of the proposed Institutional - Two (INST-2) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Institutional - Two (INST-2) Zone.
    - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
    - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
    - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.

- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. The heights of structures should be higher on the interior of the zoning district and lower on the perimeter of the zoning district, creating a terraced effect.
- l. The heights of structures should take into account the final elevation of the site and be designed so as not to become strong visual elements from areas outside the general vicinity of the zoning district.

## 2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

## 3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.

- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

#### 4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

#### 5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

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**SECTION 10.17 COMMUNITY COMMERCIAL (CC) ZONE**

- A. **PURPOSE:** The purposes of the Community Commercial (CC) Zone are to: provide for a zoning district which would allow businesses which provide convenient goods and services to a daytime work population as well as the residences of adjacent neighborhoods within a planned and architecturally unified development; provide for a zoning district which allows development at a small scale with a town - like setting; and provide for a zoning district which could supplement or serve adjacent areas and not have an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Community Commercial (CC) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area CC shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned CC, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or 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 Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Community Commercial (CC) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action 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., of this section.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his duly authorized representative:

approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, process the proposed Stage II Development Plan. Upon approval of the Stage II Development Plan, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

C. PERMITTED USES:

1. Apparel shops.
2. Art Supplies.
3. Bakery and bakery goods.
4. Banks and other financial institutions.
5. Barber and beauty shops.
6. Books, stationary, or gift shops.
7. Butcher shops.
8. Camera and photographic supplies.
9. Candy, pastry, and ice cream shops, excluding drive thrus.
10. Convenience stores with gasoline pumps, provided that there shall be not more than four gasoline pumps. In addition, this use may also have not more than one kerosene pump.
11. Delicatessens.
12. Drug stores.
13. Dry cleaning and laundry pick - up stations.
14. Florist shops.
15. Glass, crystal, or china stores.
16. Hobby shops.
17. Interior decorating studios.
18. Jewelry stores, retail sales only.
19. Locksmith shops.
20. Music and record stores.
21. Nursery/garden center.
22. Opticians and optical goods.
23. Paint and wallpaper store.
24. Restaurants, sit - down only
25. Small printing/photocopy establishments.
26. Studios for professional work or teaching any form of fine art, photography, music, drama, or dance.

27. Tailor shop.
28. Travel bureaus.
29. Video tape sales and rental.

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. AREA REGULATIONS:

1. No Community Commercial (CC) Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned CC, provided it is adjacent to an area currently zoned CC, with an existing approved Stage I Development Plan.
2. The minimum area for submission of a Stage I Development Plan, within an area currently zoned CC, shall be not less than one - half (1/2) acre.

F. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Except as specified herein, requirements shall be as approved in the Stage I Development Plan.

1. Minimum Lot Area - One - half (1/2) acre.
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.
3. Minimum Front, Side, and Rear Yard Setbacks - Twenty - Five (25) feet, except as provided in the following:
  - a. Where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off - street parking and loading and/or unloading. In the event that such screening area contains an earthen berm or mound at least six (6) feet in height, the fifty (50) foot screening area shall be reduced to thirty (30) feet.
4. Maximum Building Height - Thirty - five (35) feet. Using the elevation at ninety (90) feet from the centerline of Dudley Road as a Base, one (1) additional foot may be added to the height of the building for each one (1) foot drop in elevation from the Base elevation to a maximum building height of fifty - five (55) feet.



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5. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot.
- G. OFF - STREET PARKING AND LOADING AND/OR UNLOADING: Off - street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- H. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- I. OPEN SPACE: At least twenty - five (25) percent of the total acreage identified on a Stage I Development Plan shall be retained as open space. Open space shall be that part of the total acreage exclusive of buildings, streets, parking areas, and access drives.
- J. SCREENING: Shall be as approved in the Stage I Development Plan.
- K. OTHER DEVELOPMENT CONTROLS:
1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
  2. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
  3. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  4. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:
    - a. off - street parking and loading and/or unloading areas.
    - b. outdoor play areas of a child day care center.
    - c. outdoor seating area for restaurants, provided that the outdoor seating capacity does not exceed 25 percent of the indoor seating capacity.
  5. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.

6. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
  7. Flat roof construction shall not be permitted and mechanical equipment shall not be located or mounted on the roof.
- L. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.
- M. **EXPIRATION:** Development plans within the Community Commercial (CC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said Community Commercial (CC) Zone should revert to its original zoning designation. A public hearing may be initiated if the following condition applies:
1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.
- N. **CRITERIA:** Evaluation of the proposed Community Commercial (CC) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Community Commercial (CC) Zone.
    - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).

- d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
- e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. The heights of structures should be higher on the interior of the zoning district and lower on the perimeter of the zoning district, creating a terraced effect.
- l. The heights of structures should take into account the final elevation of the site and be designed so as not to become strong visual elements from areas outside the general vicinity of the zoning district.

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- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
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- a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

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