

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.

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.