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**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.