
ARTICLE X

ZONES

SECTION 10.0 CO (CONSERVATION) ZONE

A. PERMITTED USES

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

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

1. Single-family residential dwellings (detached)

B. ACCESSORY USES

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

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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, 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

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) feet
4. Minimum side yard width - Total: Twenty-five (25) feet; One Side: Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet

6. Maximum building height - Thirty-five (35) feet

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. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

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

1. Single-family residential dwellings (detached)

B. ACCESSORY USES

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

C. CONDITIONAL USES: 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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, 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

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: Fifteen (15) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet

6. Maximum building height - Thirty-five (35) feet

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. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

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

1. Single-family residential dwellings (detached)

B. ACCESSORY USES

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

C. CONDITIONAL USES: 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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Six thousand (6,000) 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 - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet

6. Maximum building height - Thirty-five (35) feet

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. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.4 R-1FF (RESIDENTIAL ONE-FF) ZONE

A. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Two-family residential dwellings existing as of September 27, 2005

B. ACCESSORY USES

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

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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
10. Two-family residential dwellings

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area -
Single-Family: Six thousand (6,000) square feet
Two-family: Nine thousand (9,000) square feet

2. Minimum lot width at building setback line –

Single-Family: Fifty (50) feet

Two-Family: Sixty (60) feet

3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

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
5. Two-family residential dwellings
 - a. Minimum lot area - Nine thousand (9,000) square feet
 - b. Minimum lot width at building setback line – Sixty (60) feet
 - c. Minimum front yard depth - Twenty-five (25) feet
 - d. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
 - e. Minimum rear yard depth - Twenty-five (25) feet
 - f. 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. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

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

1. Single-family residential dwellings (detached)
2. Two-family residential dwellings existing as of September 27, 2005

B. ACCESSORY USES

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

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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Nursery schools
7. Public and parochial schools
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
9. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
10. Two-family residential dwellings

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area -
Single-Family: Five thousand (5,000) square feet
Two-Family: Seven thousand five hundred (7,500) square feet

2. Minimum lot width at building setback line -
Single-Family: Fifty (50) feet
Two-Family: Sixty (60) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

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
5. Two-family residential dwellings
 - a. Minimum lot area - Seven thousand five hundred (7,500) square feet
 - b. Minimum lot width at building setback line - Sixty (60) feet
 - c. Minimum front yard depth - Twenty-five (25) feet
 - d. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
 - e. Minimum rear yard depth - Twenty-five (25) feet
 - f. 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. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.6 R-2 (RESIDENTIAL TWO) ZONE**A. PERMITTED USES**

1. Two-family residential dwellings
2. Multi-family residential dwellings

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, 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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Twenty thousand (20,000) square feet for the first four (4) dwelling units or less; four thousand (4,000) square feet shall be provided for every dwelling unit thereafter. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
2. Minimum lot width at 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 - Thirty (30) feet
6. Maximum building height - Forty (40) feet

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 - Forty (40) feet

F. 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. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.7 R-3 (RESIDENTIAL THREE) ZONE**A. PERMITTED USES**

1. Two-family residential dwellings
2. Multi-family residential dwellings

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, 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
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. Nursery schools
8. Public and parochial schools
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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Twelve thousand five hundred (12,500) square feet for the first four (4) dwelling units or less; two thousand (2,000) square feet shall be provided for every dwelling unit thereafter. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
2. Minimum lot width at 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 - Thirty (30) feet
6. Maximum building height - Forty (40) feet

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 - Forty (40) 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. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Planned Unit Development regulations, as regulated by Section 10.8 of this ordinance.

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 (R) 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 waived, where applicable, and the requirements of section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted 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, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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

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. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Open space/recreation areas
 7. Schools (nursery, elementary, and secondary);
- G. **AREA REQUIREMENTS:** No PUD Overlay Zone shall be permitted on less than twenty-five (25) 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 minor adjustments which may be permitted 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 that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the 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 legislative body of a particular section; 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.

SECTION 10.9 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development (RCD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R-1) 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 RCD Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the RCD application.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to RCD 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 RCD Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development 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 RCD 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 RCD 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 requirements for Stage II plan and record plat.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the existing residential zone (e.g., RCD-R-1B, RCD-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 waived, where applicable, and the requirements of section 9.20 B. and C. shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted 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, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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:** Attached and detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the plan and shall be limited to one or more of-the following uses:
 1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Open space/recreation areas
 7. Schools (nursery, elementary, and secondary);
- F. **AREA REQUIREMENTS:** No RCD Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing RCD 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.
- G. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- H. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- I. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

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- J. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- K. **COMMON OPEN SPACE/RECREATION AREA:** At least twenty percent (20%) of the total acreage of the proposed RCD 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 RCD. 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.
- L. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted 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.
- M. **EXPIRATION:** Any amendment to the RCD 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 RCD 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 that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the 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 legislative body of a particular section; 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.

SECTION 10.10 MHP (MOBILE HOME PARK) OVERLAY ZONE:

- A. GENERAL: A Mobile Home Park (MHP) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) 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 MHP Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the MHP application.
- B. APPLICATION AND PROCESSING: Applications for Mobile Home Park Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to MHP 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 MHP Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development 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 MHP 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 MHP 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.

- c. Zoning Map Amendment - Upon approval of the MHP Overlay Zone, the official zoning map shall be amended by adding the prefix "MHP" to the existing residential (R-1) zone (e.g., MHP-R-1B, MHP-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 waived, where applicable, and the requirements of Section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted 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, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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.

- C. **USES AND DENSITIES:** Mobile homes including customary accessory buildings and uses may be permitted within a MHP Overlay Zone. The density of dwelling units in a MHP shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the MHP Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the Mobile Home Park (excluding, however, any commercial uses), are also permitted:
1. Community centers
 2. Laundry facilities
 3. Rental or sales offices for lots and/or mobile homes in the Mobile Home Park;
- D. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the MHP. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
 2. Open space/recreation areas
 3. Schools (nursery or day care, elementary and secondary)
- E. **AREA REQUIREMENTS:** No MHP Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing MHP 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.
- F. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- 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 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. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed MHP 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 MHP. 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.
- K. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted 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.
- L. EXPIRATION: Any amendment to the MHP 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 MHP 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 MHP Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the 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.

SECTION 10.11 NC (NEIGHBORHOOD COMMERCIAL) ZONE**A. USES PERMITTED:** The following retail sales and service businesses:

1. Advertising agencies
2. Antique shop
3. Apparel shop
4. Art supplies
5. Automobile parts and accessory store, new
6. Automotive service and repair, providing all business activities are conducted within a completely enclosed building
7. Automotive and truck rentals
8. Bakery and bakery goods store provided the products are sold exclusively on the premises
9. Banks and other financial institutions including savings, loan and finance companies with drive-in windows
10. Barber shop
11. Beauty shop
12. Boat and marina sales and service, new and used
13. Book, stationery or gift shop
14. Bowling alley
15. Business and professional college
16. Camera and photographic supplies
17. Candy, soda fountain, ice cream stores (excluding drive-ins)
18. Carpet and rug store
19. Clinics – medical, dental, and veterinary
20. Clubs (including businessmen, YMCA - YWCA)
21. Delicatessen store
22. Department store
23. Drug store
24. Dry cleaning and laundry pickup stations
25. Drying and cleaning work
26. Eating and drinking places (excluding drive-ins)
27. Employment agencies (excluding pick-up and drop-off of temporary employees)
28. Florist shop
29. Food store and supermarket
30. Funeral home
31. Furniture store and furniture repair
32. Garden supplies
33. Glass, china or pottery store
34. Glass replacement and repair service
35. Haberdashery
36. Hardware store
37. Health clinics and health spas

38. Hobby shop
39. Household appliance store (including incidental repair)
40. Interior decorating studio
41. Jewelry store (including repair)
42. Laboratories - medical and dental
43. Laundromats - self service washing and drying
44. Leather goods and luggage store
45. Library
46. Locksmith shop
47. Music, musical instruments and records shop
48. Newspaper office, including printing
49. Office
50. Office appliances and supply
51. Off-street parking lots and/or garages
52. Opticians and optical supply
53. Package liquor and wine store
54. Paint and wallpaper store
55. Pet shop and grooming, excluding boarding and outside runs
56. Plumbing sales and repair
57. Police and fire stations
58. Post office and telegraph offices
59. Printing establishments
60. Electronics and telecommunications sales and service
61. Shoe store and shoe repair
62. Sporting goods
63. Studios for professional work or teaching of any form of fine arts, photography, music, drama and dance
64. Tailor shop
65. Taxi terminal
66. Theaters (excluding drive-in theaters)
67. Travel bureau
68. Variety stores, including notions and "Five and Ten" store
69. Gyms and Fitness Entities

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 and their customary accessory buildings or uses subject to the approval of the board of adjustment, as set forth in Section 9.14 and 18.7 of this ordinance:

1. Body-Art Services

2. Automotive and truck rental (as an accessory use)
 3. Tobacco or electronic cigarette shop
 4. Outdoor dining
 5. Nursery schools
- 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 - Forty (40) feet
 7. In the case of this zone, more than one principal building, as herein defined, 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. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
 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, outdoor dining, and outdoor play areas associated with a nursery school.
 7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.12 IP-1 (INDUSTRIAL PARK ONE) 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:
 - a. Animated and/or illuminated billboards and other commercial advertising structures
 - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, and excluding poultry and animal slaughtering and dressing;
 - c. Cigars and cigarettes
 - d. Cosmetics, pharmaceuticals, and toiletries
 - e. Electric appliances, television sets, phonographs, household appliances
 - f. Electrical machinery, equipment, and supplies
 - g. Fountain and beverage dispensing equipment
 - h. Furniture
 - i. Instruments for professional, scientific, photographic, and optical use
 - j. Machine tools
 - k. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges
 - l. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - m. Office equipment
 - n. Plastic products, but not the primary manufacture of plastics
 - o. Pottery and figurines
 - p. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
 - q. Textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Contractor's offices
 4. Crating services
 5. Fire stations
 6. Freight terminals
 7. Industrial engineering and consultant offices

8. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
9. Machine shops
10. Offices
11. Printing, engraving, and related reproduction processes
12. Publishing and distribution of books, newspapers, and other printed materials
13. Railroad facilities, exclusive of marshaling yards, maintenance, and fueling facilities
14. Schools for industrial or business training
15. Self storage facilities
16. Trades
17. Warehousing or wholesaling
18. Restoration of antique and collector automobiles, including sales and display

B. ACCESSORY USES

1. Customary accessory building and uses, including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Fences and walls as regulated by Article XIII of this ordinance
3. Signs - only business and identification signs pertaining to the identification, use or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone
4. Uses, as listed below, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten (ten) 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

C. CONDITIONAL USES

1. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged
2. Dog boarding, kennels, pet hotels

D. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial 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 -
 - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
 - b. On internal roads - Fifty (50) feet
5. Minimum side yard width -
 - a. In internal parts of the park - Twenty-five (25) feet
 - b. Where the side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
6. Minimum rear yard depth - Twenty-five (25) feet; if adjacent to areas zoned for residential use the minimum rear yard shall be fifty (50) feet. No rear yard is required where a rail spur line forms the rear property line
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as herein defined, 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. Outdoor storage of material (usable or waste) shall be permitted in side and rear yards only in this zone, but must be adequately screened from adjacent development in accordance with Section 9.17.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
3. Where any yard of any permitted use in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.

SECTION 10.13 IP-2 (INDUSTRIAL PARK TWO) 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. Automobile repair shop
2. Boat and marines sales/service, new/used
3. Camper sales
4. City maintenance garage
5. Furnace repair shop
6. Oil sales, storage and distribution
7. New motorcycle sales
8. Rewinding and rebuilding of electric and other types of motors and engines
9. Sign shop, including truck and car lettering, plastic, wood and metal sign painting and lighted sign construction repair
10. Taxi terminal
11. Waterworks parts and supply, sales and distribution
12. Wholesale auto parts

B. ACCESSORY USES:

1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
2. Uses, as listed below, including within 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 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 XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

C. AREA AND HEIGHT REGULATIONS:

1. Minimum Lot Area Within Minimum Tract - 12,500 square feet.
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.
3. Minimum Front Yard Depth - Fifteen (15) feet.
4. Minimum Side Yard Width - Total: Fifteen (15) feet; One Side: Five (5) feet.
5. Minimum Rear Yard Depth - Thirty (30) feet.
6. Maximum Building Height - Forty (40) feet.

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance, except such facilities shall be permitted only within the side or rear yards.
2. Outdoor storage of material shall be permitted in this zone, if adequately screened from adjacent development.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. Required screening may be placed upon the adjacent property, to provide for more effective screening if agreed upon by the two property owners. Such an agreement shall be submitted in writing to the zoning administrator prior to the construction of such screening facilities.

SECTION 10.14 IP-3 (INDUSTRIAL PARK THREE) 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. All permitted uses of the IP-1 (Industrial Park - One) Zone.
 2. The wholesale manufacture, distribution, and assembly of fabricated wood products, including containers, building components, structural members, but excluding the primary manufacture of wood and wood products.
 3. The wholesale manufacture, distribution, and assembly of soaps and other detergents.
 4. Educational and governmental institutions.
 5. Laundering, dry cleaning, and dyeing services, including rugs, linen supply, and industrial laundry services.
 6. Window cleaning, disinfecting, exterminating, and other dwelling and building services.
 7. Mini - warehousing.
 8. Detective and protective services.
 9. Photo finishing and other photographic laboratories.
 10. Electric repair and armature rewinding services.
 11. Reupholstery and furniture repairing and refinishing services.
 12. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electric, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing, sheet metal and other special construction trade offices, supply, storage and related activities.
 13. Postal services.
 14. Agricultural contract sorting, grading, and packaging services of fruits and vegetables.
 15. Motor freight terminals, public warehousing, freight garaging and equipment maintenance.
 16. Freight forwarding, packing, and crating services.
 17. Blueprinting and photocopying services, stenographic services, and other duplicating, mailing, and delivery services.
 18. Equipment rental and leasing services including automobiles and trucks.
 19. Manufacture of plastic products but not the primary manufacture of plastics.
 20. Welding shops.
 21. Recycling centers.
 22. Nursery and child care centers.
 23. Gasoline service stations.
 24. Banking and credit union services including drive - thru facilities.
 25. General office uses.

B. ACCESSORY USES:

1. Customary accessory buildings and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.
2. Uses, as listed below, including within and entered from within any permitted use 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 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 XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

C. CONDITIONAL USES

1. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged

D. AREA AND HEIGHT REGULATIONS:

1. Minimum Lot Area - One (1) acre.
2. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.
3. Minimum Front Yard Depth:
 - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy - five (75) feet.
 - b. On all other roads and streets - Fifty (50) feet.
4. Minimum Side Yard Width - Twenty - five (25) feet.
 - a. Twenty - five (25) feet except if adjacent to areas zoned for residential use, the minimum side yard shall be fifty (50) feet including a minimum 15 foot landscaped screening area, as regulated by Section 9.17, shall be planted and maintained along the entire length of the common zoning line.

- b. Seventy - five (75) feet when side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan).
5. Minimum Rear Yard - Twenty - five (25) feet, except if adjacent to areas zoned for residential use the minimum rear yard shall be fifty (50) feet including a minimum 15 foot landscaped screening area, as regulated by Section 9.17, shall be planted and maintained along the entire length of the common zoning line.
6. Maximum Building Height - Fifty (50) 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. Outdoor storage shall be permitted in this zone provided that all outdoor storage facilities and trash receptacles shall be enclosed by a fence, wall, and/or landscaping not less than five (5) feet high and shall be screened from residential zoned property and public rights - of - way, as regulated by Section 9.17 of this ordinance.
3. No lighting shall be permitted which would glare from this zone onto any public street or into any adjacent residential property.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. When any parking lot is located in any required front yard or any required side yard abutting a public right - of - way, there shall be planted and maintained a 15 foot wide landscaped screening area, as regulated by Section 9.17 of this ordinance, between the parking lot and the public right - of - way.
6. All ground areas not covered by structures shall be landscaped or surfaced with concrete, asphaltic concrete, asphalt oil, or other comparable dust free surfacing and shall be maintained in good condition free from weeds, dust, trash and other debris, and shall be properly drained and graded.
7. All signs shall conform to Section XIV of this ordinance.
8. Noise from any use shall not exceed the standard set forth in Section 15.2, C. and Tables 15-1 and 15-2.
9. Odors from any use shall not exceed the standards set forth in Section 15.2, D.
10. Humidity, heat, or glare from any site shall not exceed the standard set forth in Section 15.2, E.
11. Vibrations shall be measured at the nearest district boundary line and shall meet the standards set forth in Section 15.2, G.
12. A minimum 25 foot wide landscaped screening area, as regulated by Section 9.17 of this ordinance, shall be maintained between any storage,

service, parking or loading areas and the district boundary abutting any residential district.

13. Uses in this district are subject to any local, state, or federal law regulating nuisances and the environment of any condition as set forth by the local and state health boards.

SECTION 10.15 RP (RENAISSANCE PROTECTION) OVERLAY ZONE

- A. **PURPOSE:** The purpose of the Renaissance Protection Overlay Zone is to improve the economic viability of the designated areas within the city of Elsmere, while enhancing the visual quality of the environment and the quality of life.
- B. **GENERAL:** In order to accomplish the purpose and goals of the Renaissance Protection Overlay Zone, the city of Elsmere has adopted design guidelines applicable to public and private improvements. These guidelines are hereby adopted by reference. Any new development within the designated area shall be reviewed for compliance with the guidelines and obtain a certificate of appropriateness prior to any permits being issued for construction.
- C. **APPLICATION:** A Renaissance Protection (RP) Overlay Zone may be permitted to be superimposed over any zone within the city.
- D. **PERMITTED USES AND DENSITIES:** Permitted uses shall be as specified within the zone being overlaid. In the case where the underlying zone is a residential zone, the density of dwelling units in the RP Overlay Zone shall be determined by the density (dwelling units per net acre) as calculated from the existing residential zone being overlaid. This density shall be applied to the total project area excluding that land devoted to streets (public and/or private).
- E. **ACCESSORY USES:** Accessory uses shall be as specified within the zone being overlaid.
- F. **CONDITIONAL USES:** Conditional uses, including any customary accessory buildings and uses, shall be as specified within the zone being overlaid, subject to the approval of the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance.
- G. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as specified within the zone being overlaid. However, where any provisions conflict with the adopted design guidelines, the design guidelines shall prevail.
- H. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading facilities, shall be as specified within the zone being overlaid. However, where any provisions conflict with the adopted design guidelines, the design guidelines shall prevail.
- I. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as specified within the zone being overlaid. However, where any provisions conflict with the adopted design guidelines, the design guidelines shall prevail.

- J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance and the Kenton County Subdivision Regulations.
- K. OTHER DEVELOPMENT CONTROLS:
1. Shall be as specified in the zone being overlaid. However, where any provisions conflict with the adopted design guidelines, the design guidelines shall prevail.
 2. All alterations, remodeling, exterior work, painting, signs, additions, changes, or demolitions shall follow the procedures established by the Urban Design Review Board.