

ARTICLE X

ZONES

SECTION 10.1 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;

D. AREA AND HEIGHT REGULATIONS

1. Minimum lot area - Three (3) acres
2. Minimum lot width - Three hundred (300) 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 9.24.
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 10.2 R-1B (RESIDENTIAL ONE-B) ZONE**A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

B. ACCESSORY USES

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street, or abut a street which intersects an arterial street and is within one (1) block of the intersecting arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - One-half (1/2) acre
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width - 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.
5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

SECTION 10.3 R-1C (RESIDENTIAL ONE-C) ZONE

This zone is intended to provide the option of developing subdivisions that preserve open space through the reduction of lot size requirements when certain development standards are met. The intent of this regulation is to preserve open space by allowing flexibility in design that will allow no more than a twenty-five (25) percent increase in density.

A. PERMITTED USES

1. Single-family residential dwellings (detached) with open space
2. Single-family residential dwellings (detached)
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools;
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:

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

- 11. Child-care center, adjacent to an arterial or collector street
- 12. Family child-care home
- 13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES WITH OPEN SPACE CONSIDERATIONS

- 1. Minimum lot area – Eight thousand five hundred (8,500) square feet
- 2. Minimum lot width at building setback line – Seventy (70) feet
- 3. Minimum front yard depth – Thirty (30) feet
- 4. Minimum side yard width – 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 PERMITTED USES WITHOUT OPEN SPACE CONSIDERATIONS

- 1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
- 2. Minimum lot width at building setback line - Eighty (80) feet
- 3. Minimum front yard depth - Thirty-five (35) feet
- 4. Minimum side yard width - Total: Twenty (20) feet; One Side: Seven (7) feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet

F. 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

G. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
- 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. 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.
5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.
7. To utilize single-family residential dwellings (detached) with open space, the following criteria shall be met:
 - a. Priorities for open space shall include evaluation of wetlands, floodplains, slopes, significant wildlife habitats, woodlands, farmlands, and historical features on the land.
 - b. At least twenty (20) percent of the total acreage of the proposed development shall be retained as common open space/recreation area.
 - c. The city of Erlanger shall approve the areas identified by the developer to be conserved as open space.
 - d. Open space shall be controlled, through ownership or easement, by a governmental entity to be approved by the city of Erlanger.
 - e. The density of the development shall not be increased by more than twenty-five (25) percent of the density permitted under the typical residential single-family development under this zone without open space.
 - f. Each residential dwelling unit should have a view of functional open space from the front, rear, or side of the unit.
 - g. The open space character shall be maintained from the existing main roadway, via the preservation or introduction of landscaping.
 - h. All residential dwellings within the development shall have adequate access to open space areas. This will be accomplished, to the extent possible, by providing pedestrian walkways within each block or cul-de-sac.
 - i. Wet stormwater retention areas may qualify for open space for the purposes of density calculation if properly designed to accommodate public recreation.

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

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Eighteen (18) feet; One Side: Six (6) 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.
5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

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

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

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.
5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

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

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Six thousand five hundred (6,500) square feet
2. Minimum lot width at building setback line - 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.
5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

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

1. Single-family residential dwellings (detached)
2. Housing for the elderly, provided they are served by more than one street. The maximum site for development shall be one acre; the maximum density shall not exceed 55 dwelling units per net acre; the building height should not exceed three stories
3. Qualified manufactured homes, subject to the compatibility standards established in Section 9.34 of this ordinance

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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental services
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs

- c. Swimming pools
- d. Campground

- 11. Child-care center, adjacent to an arterial or collector street
- 12. Family child-care home
- 13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

- 1. Minimum lot area - Six thousand five hundred (6,500) square feet
- 2. Minimum lot width at building setback line - Fifty (50) feet
- 3. Minimum front yard depth - Thirty (30) feet
- 4. Minimum side yard width on each side of lot - Five (5) feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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.
- 5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit.
- 6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

SECTION 10.8 R-1M (P) (RESIDENTIAL - MOBILE HOME PARK (PHASED) ZONE)

- A. PURPOSE: To accommodate mobile homes and provide such an area that will be so designated and constructed that it will be for the health, safety, and welfare of the people.
- B. PERMITTED USES
1. Mobile homes
- C. PERMITTED ACCESSORY USES AND STRUCTURES
1. Customary accessory uses and structures as related to mobile home parks including recreational and washing facilities, but shall not include any commercial operations.
- D. SPACE, HEIGHT, AND OTHER STANDARDS
1. Required area and minimum width of mobile home park - There shall be required a minimum of ten (10) acres for each mobile home park and the width of said park shall have a minimum of two hundred fifty (250) feet as measured along a dedicated and accepted right-of-way.
 2. Required lot area and lot widths - There shall be required a minimum lot area of six thousand (6,000) square feet for each mobile home lot widths at the building lot line, as set forth as the minimum of fifty (50) feet and shall abut an accepted and dedicated right-of-way.
 3. Required access to lots - Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.
 4. Building height - No building or structure shall exceed twenty-five (25) feet in height.
 5. Required setback of all buildings at the exterior boundary lines of all mobile home parks - All buildings within the mobile home park shall be set back a minimum of fifty (50) feet from any street, lot, highway, dedicated right-of-way, or property line which is the exterior boundary line of said mobile home park.
 6. Front yard - For every mobile home lot there shall be a minimum front yard of twenty (20) feet from its respective lot line.
 7. Side yard

- a. For each mobile home lot there shall be a minimum side yard on the non-entrance side of fifteen (15) feet and on the entrance side of twenty (20) feet. This shall provide at least thirty-five (35) feet between all mobile homes.
 - b. Any side yard abutting any street, lot, highway, or dedicated right-of-way, shall have a minimum requirement of twenty (20) feet.
8. Rear yard - For each mobile home lot there shall be a minimum rear yard of twenty (20) feet.
9. Patio required - A patio slab of at least one hundred eighty (180) square feet shall be provided on each mobile home lot and conveniently located at the entrance of the mobile home. The patio slab shall be constructed of an all-weather type material and said patio slab shall meet the approval of the building inspector.
10. Sidewalks - Sidewalks shall be provided in the street right-of-way as set forth in the Kenton County Subdivision Regulations.
11. Each mobile home park and each mobile home shall be served with water, sewer facilities, and electric service in conformity with the regulations of the City of Erlanger.
12. Streets - All streets shall be dedicated public right-of-way and constructed to the required Kenton County specifications for subdivisions.
13. Recreation area - There shall be required that not less than five (5) percent of the gross area of the mobile home park to be set aside, appropriately designed, constructed, and equipped as a playground area. A minimum of one-half (1/2) acre per recreation site shall be provided.

SECTION 10.9 R-2 (RESIDENTIAL TWO) ZONE**A. PERMITTED USES**

1. Two-family residential dwellings
2. Attached single-family residential dwellings
3. Housing for the elderly (not limited to attached single-family)

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, as regulated 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, providing they are located adjacent to an arterial or collector street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum site for development - Five (5) acres, except that development of a smaller area is permitted if the proposed development conforms to and extends an existing five (5) acre (or greater) development.
 2. Maximum density -
 - a. Two-family and attached single-family - Ten (10) dwelling units per acre
 - b. Housing for the elderly - Fifty-five (55) dwelling units per acre
 3. Per individual building (e.g., one attached group of townhouses)
 - a. Maximum number of dwelling units - Attached single-family building - Eight (8) units
 - b. Minimum setback from boundaries of R-2 Zone under one ownership - Thirty (30) feet; which shall remain an open area not including swimming pools, playground equipment, or parking facilities, but a street may be located within this area if approved by the legislative body in the conceptual plan
 - c. Maximum building height - Five (5) stories - housing for the elderly; three (3) stories - attached single-family and two-family
 4. More than one principal building, as defined herein, may be permitted on the minimum site for development
 5. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling, attached or detached garage parking shall be required, except for housing for the elderly
- 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 private lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. No construction or development shall occur in the R-2 Zone until a conceptual plan has been approved by the zoning administrator pursuant to Section 9.32.
5. A site plan, in accordance with the requirements of Section 9.19, shall be approved by the zoning administrator, prior to the construction of any public improvements or the issuance of any zoning or building permits. The site plan may be approved for individual sections within the minimum site for development, or plan may be submitted for the entire minimum site for development.
6. 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.
7. All utilities must be underground in a new subdivision when transmission lines have to be extended.

SECTION 10.10 R-3 (RESIDENTIAL THREE) ZONE**A. PERMITTED USES**

1. Multi-family residential dwellings

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. Home occupations, as regulated 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, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public and parochial schools;
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools
11. Social service centers, provided they are located adjacent to an arterial street
12. Child-care center, adjacent to an arterial or collector street
13. Family child-care home

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:

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 (1) principal building, as defined herein, may be permitted on one (1) lot
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Fifty (50) feet, except housing for the elderly which shall be forty (40) feet
4. Minimum side yard width on each side of lot - Fifteen (15) feet. Multi-family dwellings in addition to the above requirement, no off-street parking or access drive may be located closer than twenty-five (25) feet to a single-family residential zone or properties of separate ownership within the same zone. Off-street parking and access drive may extend to the property line when the adjoining property is in the same ownership. Common parking areas and access drives may be permitted when adjoining property is not in the same ownership provided agreements relative to use are provided
5. Minimum rear yard depth - Fifty (50) feet
6. maximum building height - Forty-five (45) feet
7. Maximum density - Conventional multi-family -- Twenty (20) dwelling units per net acre; Housing for the elderly -- Sixty (60) dwelling units per net acre
8. Off-street parking shall be prohibited within the required minimum front yard and the required minimum rear yards for multi-family dwellings
9. A minimum of one attached or detached garage shall be required for each dwelling unit that receives a zoning permit after September 24, 1986 for initial construction of that dwelling unit, except housing for the elderly

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 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.
6. All utilities must be underground in a new subdivision when transmission lines have to be extended.

SECTION 10.11 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 and the Business Park – One (BP-1) Zone, 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, or its duly authorized representative, prior to approval or disapproval by the city 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. shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Plan with regard to its compliance with the required elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. The city zoning administrator, 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 completion of the review by the planning commission, or its duly authorized representative, of the Stage II Plan, a copy of said plan shall be forwarded to the zoning administrator, permits shall be issued 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 - carry-out
- 7. Drug store
- 8. Eating and drinking establishments - carry-out
- 9. Hardware stores
- 10. Laundry/dry cleaning pick-up stations, or self-service facilities
- 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 Stage I plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots,

commercial areas, and other non-open space and non-recreationally oriented facilities.

- M. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the zoning administrator, 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 approval 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.
- O. UTILITIES: All utilities in a PUD Overlay Zone shall be underground.

SECTION 10.12 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 any Residential 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 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) 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 submitted to the planning commission with a copy to the city engineer. The application 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, RCD-R-2, 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, or its duly authorized representative, prior to approval or disapproval by the city 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. shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Plan with regard to its compliance with the required elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. The city zoning administrator, 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 completion of the review by the planning commission, or its duly authorized representative, of the Stage II Plan, a copy of said plan shall be

forwarded to the zoning administrator, permits shall be issued 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) 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 three (3) 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.

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- 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 Stage I plan.
- 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 zoning administrator, 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 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 approval 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.

- N. UTILITIES: All utilities in a RCD Overlay Zone shall be underground.

SECTION 10.13 PO (PROFESSIONAL OFFICE BUILDING) ZONE**A. PERMITTED USES**

1. Banks and other financial institutions, including loan, savings and finance companies with drive - in windows
2. Bed and breakfast establishments
3. Clinics - medical or dental
4. Coffeehouse, which may include a drive-thru window, and abuts an arterial street
5. Off - street parking lots and/or garages
6. Offices
7. Police and fire stations
8. Post offices

B. ACCESSORY USES

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

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

1. Minimum Lot Area - Twenty two thousand five hundred (22,500) square feet, except for Bed and Breakfast Establishments which shall have a minimum lot area of ten thousand (10,000) square feet.
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet, except for Bed and Breakfast Establishments which shall have a minimum lot width at building setback line of ninety (90) feet.
3. Minimum Front Yard Depth - Forty (40) feet.

4. Minimum Side Yard Width - Fifteen (15) feet.
5. Minimum Rear Yard Depth - Forty - five (45) feet.
6. Maximum Building Height - Fifty (50) 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.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. 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. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off - street parking and loading and/or unloading areas.
8. All utilities must be underground when new development occurs.

SECTION 10.13 A PO-1 (PROFESSIONAL OFFICE - ONE) ZONE

- A. **PURPOSE:** To allow appropriate non-residential uses to integrate with single-family dwellings, while preserving the residential character of the buildings in the zone, and not interfering with existing dwellings in adjacent zones.
- B. **PERMITTED USES**
1. Bed and breakfast establishments
 2. Police and fire stations
 3. Professional offices
 4. Single-family dwellings
- C. **ACCESSORY USES**
1. Customary accessory buildings and uses
 2. Fences and walls, as regulated by Article XIII of this ordinance
 3. Signs, as regulated by Article XIV of this ordinance
- D. **AREA AND HEIGHT REGULATIONS:** No buildings shall be structurally altered or demolished hereafter, in such way that as observed by a reasonable person, it would contrast or conflict with the residential architectural style and accessory uses that now exist in this zone, however, all approved alterations shall be in accord with the following requirements:
1. Minimum Lot Area - Six thousand five hundred (6,500) square feet, except for bed and breakfast establishments which shall have a minimum lot area of ten thousand (10,000) square feet.
 2. Minimum Lot Width At Building Setback Line - Fifty (50) feet, except for bed and breakfast establishments which shall have a minimum lot width at building setback line of ninety (90) 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 - Fifty (50) feet.
 6. Maximum Building Height - Thirty-five (35) feet.
 7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.
- E. **OTHER DEVELOPMENT CONTROLS**
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance. Parking may be permitted on street, provided a study is prepared by the owner or operator

in compliance with Section 11.2, H., and it is determined that the on street parking will not over burden the area.

2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street or into any adjacent property.
4. Screening and landscaping shall be in compliance with 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. No use producing objectionable odors, noise, or dust shall be permitted within this zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
8. All utilities shall be underground when new development occurs.

SECTION 10.14 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE**A. PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber shops
6. Beauty shops
7. Billiard or pool hall, bowling lanes
8. Book, stationery, or gift shop
9. Camera and photographic supplies
10. Candy store, soda fountain, ice cream store, excluding drive-ins
11. Child-care center
12. Delicatessen
13. Drug store
14. Dry cleaning and laundry pick-up station
15. Eating places - carry-out
16. Florist shop
17. Food store and supermarkets - no consumption of food or beverages on premises
18. Furniture store
19. Garden supplies
20. Glass, china, or pottery store
21. Haberdashery
22. Hardware store
23. Health spas
24. Hobby shop
25. Household and electrical appliance store, including incidental repair
26. Interior decorating studio
27. Jewelry store, including repair
28. Laundromats and self-service washing and drying
29. Leather goods and luggage store
30. Library
31. Locksmith shop
32. Music, musical instruments, and records, including incidental repair
33. Off-street parking lots and/or garages
34. Offices
35. Opticians and optical goods
36. Package liquor and wine store
37. Paint and wallpaper store
38. Pet shop, excluding boarding and outside runs

39. Police and fire stations
40. Pools
41. Post office
42. Radio and television store, including repair
43. Shoe store and shoe repair
44. Skating rinks
45. Small printing establishments
46. Sporting goods
47. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
48. Tailor shop
49. Tennis courts
50. Theater, indoor
51. Toy store
52. Variety store, including notions and "five and ten" stores

B. ACCESSORY USES

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

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

1. Taverns, provided the conditional use is not within one thousand (1,000) feet of another tavern, a structure used for a public or parochial school, or a church; and complies with all other federal, state, and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.
2. Outdoor Dining, provided that such area meets the following requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor seating area, which shall not include any drive-thru facility.
 - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor seating area.
 - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor seating areas.
 - d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard except where a variance has been approved by the Board of Adjustments. If the outdoor seating areas are to be located within 340 feet of any residence, then the seating areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) o'clock p.m. on Friday and Saturday.

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

1. Minimum building site area - Four (4) acres and shall abut a deeded right-of-way. In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area
2. Minimum yard requirements - Fifty (50) feet for each front, side (on each side of the building site), and rear yards, except where the lot abuts an arterial street, as identified in the adopted comprehensive plan, then there shall be a minimum yard requirement of one hundred (100) feet
3. 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. 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 a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
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, loading and/or unloading areas, and outdoor play areas associated with a child-care center.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationships of uses within the shopping center.
8. All utilities must be underground when a new development occurs.

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

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
5. Barber shops
6. Beauty shops
7. Billiard or pool hall, bowling lanes
8. Book, stationery, or gift shop
9. Camera and photographic supplies
10. Candy store, soda fountain, ice cream store, excluding drive-ins
11. Child-care center
12. Delicatessen
13. Drug store
14. Dry cleaning and laundry pick-up station
15. Eating places, excluding drive-ins
16. Florist shop
17. Food store and supermarkets - no consumption of food or beverages
18. Furniture store
19. Garden supplies
20. Glass, china, or pottery store
21. Haberdashery
22. Hardware store
23. Health spas
24. Hobby shop
25. Household and electrical appliance store, including incidental repair
26. Interior decorating studio
27. Jewelry store, including repair
28. Laundromats and self-service washing and drying
29. Leather goods and luggage store
30. Library
31. Locksmith shop
32. Music, musical instruments, and records, including incidental repair
33. Off-street parking lots and/or garages
34. Offices
35. Opticians and optical goods
36. Package liquor and wine store
37. Paint and wallpaper store
38. Pet shop, excluding boarding and outside runs
39. Police and fire stations

40. Pools
41. Post office
42. Radio and television store, including repair
43. Shoe store and shoe repair
44. Skating rinks
45. Small printing establishments
46. Sporting goods
47. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
48. Tailor shop
49. Tennis courts
50. Theater, indoor
51. Toy store
52. Variety store, including notions and "five and ten" stores

B. ACCESSORY USES

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

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

1. Taverns, provided the conditional use is not within one thousand (1,000) feet of another tavern, a structure used for a public or parochial school, or a church; and complies with all other federal, state, and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.
2. Outdoor Dining, provided that such area meets the following requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor seating area, which shall not include any drive-thru facility.
 - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor seating area.
 - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor seating areas.
 - d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard except where a variance has been approved by the Board of Adjustments. If the outdoor seating areas are to be located within 340 feet of any residence, then the seating areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) o'clock p.m. on Friday and Saturday.

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

1. Minimum building site area - Four (4) acres and shall abut a deeded right-of-way. In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area
2. Minimum yard requirements - Fifty (50) feet for each front, side (on each side of the building site), and rear yards, except where the lot abuts an arterial street, as identified in the adopted comprehensive plan, then there shall be a minimum yard requirement of one hundred (100) feet
3. 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. 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 a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas and the outdoor play areas of child day care centers.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationships of uses within the shopping center.
8. All utilities must be underground when a new development occurs.

SECTION 10.16 NC (NEIGHBORHOOD COMMERCIAL) ZONE**A. PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Automobile laundry, provided it has a minimum of 150 feet of lot frontage on each of two (2) public streets
4. Automotive parts and accessories store
5. Bakery and bakery goods store, provided the products are sold exclusively on the premises
6. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
7. Barber and beauty shops
8. Batting cages, provided they are in a completely enclosed building
9. Book, stationery, or gift shop
10. Camera and photographic supplies
11. Candy store, soda fountain, ice cream store, excluding drive-ins
12. Child-care center
13. Convenient store, provided it is located on a lot with at least 200 feet of lot frontage and the primary building is set back a minimum of 100 feet from the front property line
14. Delicatessen
15. Drug store
16. Eating places, excluding drive-ins
17. Florist shop
18. Food store and supermarkets
19. Fuel dispensing facilities when incidental to and operated as a part of and located within 1,000 feet of a grocery store containing at least 60,000 gross square feet
20. Funeral parlors
21. Furniture store
22. Glass, china, or pottery store
23. Haberdashery
24. Hardware store
25. Health spas
26. Hobby shop
27. Household and electrical appliance store, including incidental repair
28. Interior decorating studio
29. Jewelry store, including repair
30. Laundromats and self-service washing and drying
31. Leather goods and luggage store
32. Library
33. Locksmith shop
34. Music, musical instruments, and records, including incidental repair

35. Nursery school
36. Off-street parking lots and/or garages
37. Offices
38. Opticians and optical goods
39. Paint and wallpaper store
40. Pet shop, excluding boarding and outside runs
41. Police and fire stations
42. Post office
43. Radio and television store, including repair
44. Retail laundry and dry cleaning
45. Shoe store and shoe repair
46. Small printing establishments
47. Sporting goods
48. Sports facilities
49. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
50. Tailor shop
51. Toy store
52. Variety stores

B. ACCESSORY USES

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

C. Conditional Uses: The following uses or any accessory buildings or uses, subject to the approval of the board of adjustments, as set forth in Sections 9.14 and 18.0 of this ordinance:

1. Auto repair shops, provided that:
 - a. All repair, except that of a minor nature – e.g., change of fan belt, minor carburetor adjustment, tire removal, etc. – is conducted wholly within a completely enclosed building.
 - b. It is located adjacent to an arterial street, as identified in the adopted Comprehensive Plan.
 - c. It has a minimum of 125 feet of lot frontage on each of two (2) public streets.
2. Outdoor Dining provided that such area meets the following requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor seating area, which shall not include any drive-thru facility.

- b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor seating area.
- c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor seating areas.
- d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard except where a variance has been approved by the Board of Adjustments. If the outdoor seating areas are to be located within 340 feet of any residence, then the seating areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) o'clock p.m. on Friday and Saturday.

- 3. Pet Hotel
- 4. Tattoo Parlor

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; except when rail spur forms rear property line, no rear yard setback is required
- 6. Maximum building height - Forty (40) feet
- 7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot

E. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
- 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- 3. No lighting shall be permitted which would glare from this zone onto any street, or into any 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 and the outdoor play areas of nursery schools.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
8. All utilities must be underground when any new development occurs.
9. Retail laundry and dry cleaning establishments shall comply with the following requirements: (1) the dry cleaning shall be performed using a single machine process; (2) machines used for dry cleaning shall not have direct ventilation of outside air; and (3) waste material generated by dry cleaning machines shall not be discharged into the public sanitary sewer system.

SECTION 10.17 NC-2 (NEIGHBORHOOD COMMERCIAL-TWO) ZONE**A. PERMITTED USES**

1. Apparel shop
2. Art supplies
3. Auto laundry
4. Automotive parts and accessories store
5. Automotive service and repairs, provided that all repair shall be conducted wholly within a completely enclosed building, and providing further that all vehicles, awaiting repair, be screened from view from adjacent property, and be located adjacent to an arterial or collector street, as identified in the Adopted Comprehensive Plan.
6. Bakery and bakery goods store, provided the products are sold exclusively on the premises
7. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
8. Barber and beauty shops
9. Book, stationery, or gift shop
10. Camera and photographic supplies
11. Candy store, soda fountain, ice cream store, excluding drive-ins
12. Convenient store, provided it is located on a lot with at least 200 feet of lot frontage and the primary building is set back a minimum of 100 feet from the front property line
13. Delicatessen
14. Drug store
15. Eating places, excluding drive-ins
16. Florist shop
17. Food store and supermarkets, with no gas pumps
18. Funeral Parlors
19. Furniture store
20. Glass, china, or pottery store
21. Haberdashery
22. Hardware store
23. Health spas
24. Hobby shop
25. Household and electrical appliance store, including incidental repair
26. Interior decorating studio
27. Jewelry store, including repair
28. Laundromats and self-service washing and drying
29. Leather goods and luggage store
30. Library
31. Locksmith shop
32. Music, musical instruments and records, including incidental repair
33. Off-street parking lots and/or garages

34. Offices
35. Opticians and optical goods
36. Package liquor and wine store
37. Paint and wallpaper store
38. Pet shop, excluding boarding and outside runs
39. Police and fire stations
40. Post office
41. Radio and television store (including repair)
42. Retail laundry and dry cleaning
43. Service Stations, including auto repairing, provided all repair, except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal, etc. -- is conducted wholly within a completely enclosed building and provided further that such service is located adjacent to an arterial street, as identified in the Adopted Comprehensive Plan.
44. Shoe store and shoe repair
45. Small printing establishments
46. Sporting goods store
47. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
48. Tailor shop
49. Tool rental, provided all rental equipment is stored inside
50. Toy shop

B. ACCESSORY USES

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

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses, subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.0 of this ordinance:

1. Outdoor Dining, provided that such area meets the following requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor seating area, which shall not include any drive-thru facility.
 - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor seating area.
 - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor seating areas.
 - d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard except where a variance has been approved by the Board of Adjustments. If the outdoor seating areas are to be located within 340 feet of any residence, then the

seating areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) o'clock p.m. on Friday and Saturday.

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 defined herein, may be constructed on one lot

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. 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.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

8. New construction or renovation shall be compatible with the architectural style (i.e., building materials, design elements) of other commercial structures recently developed in the area.

SECTION 10.18 HC (HIGHWAY COMMERCIAL) ZONE**A. PERMITTED USES**

1. Automobile, motorcycle, and truck sales, new or used
2. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
3. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows
4. Boat and other marine equipment sales and service, new and used
5. Bowling alley
6. Convenient stores
7. Eating establishments, including drive-ins
8. Hotels and motels
9. Off-street parking lots and garages
10. Offices
11. Package liquor and wine store
12. Police and fire stations
13. Service stations (including auto repairing, providing all repair work, except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building on a major arterial road)
14. Theaters
15. Hospitals (Human Care)

B. ACCESSORY USES

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

- C. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Taverns, provided the conditional use is not within one thousand (1,000) feet of another tavern, a structure used for a public or parochial school, or a church; and complies with all other federal, state, and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.
- D. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum site for a highway commercial zone - Twenty-two thousand five hundred (22,500) square feet
 2. Minimum front yard depth - Fifty (50) feet
 3. Minimum side yard width on each side of lot - Fifteen (15) feet
 4. Minimum rear yard depth - Fifteen (15) feet
 5. Maximum building height - Fifty (50) feet
 6. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.
- E. **OTHER DEVELOPMENT CONTROLS:**
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
 3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
 4. 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. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 7. All utilities must be underground when new development occurs.

SECTION 10.19 HC-2 (HIGHWAY COMMERCIAL TWO) ZONE

- A. **PURPOSE:** The purpose of the HC-2 Zone is to provide locally oriented services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. Such uses would serve to accommodate the service demands of an expanding local population. These types of uses are intended to serve the local population and the region. Such districts shall be located near or adjacent to interstate highways and/or along arterial roads whereby access and visibility are required to serve local and regional residents.
- B. **PERMITTED USES**
1. Apparel shop
 2. Art supplies
 3. Automobile, motorcycle and truck sales, new
 4. Automobile used car sales, provided the automobiles for sale are:
 - (a) predominantly not older than six (6) years with an unaltered odometer indication of no more than 60,000 miles
 - (b) without flood or frame damage, but this use shall not include any of the following uses, which are prohibited:
 - (1) the use of loudspeakers
 - (2) automobiles for sale displayed with open hoods
 - (3) the use of promotional gimmicks, like balloons, dirigibles and other inflatable's, streamers, shoe polish on windshields, flags other than one (1) United States, Kentucky and Erlanger flag
 5. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 6. Banks and other financial institutions, with drive-in windows
 7. Barber shops
 8. Beauty shops
 9. Book, stationary, or gift shop
 10. Camera and photographic supplies
 11. Candy store, soda fountain, ice cream store, excluding drive-ins
 12. Carpet store
 13. Clinics, medical or dental
 14. Convenient stores
 15. Daycare center
 16. Delicatessen
 17. Department stores or general merchandise stores
 18. Drug store

19. Dry cleaning
20. Eating and drinking establishments, including alcoholic beverages
21. Florist, excluding greenhouses
22. Food store and supermarkets
23. Furniture store
24. Garden and landscaping sales and supplies, excluding greenhouses
25. Hardware store
26. Hotels and motels, including convention facilities
27. Household and electrical appliance stores, including incidental repair
28. Institutions for higher education
29. Jewelry store, including repair
30. Music and musical instrument store
31. Nursing home
32. Off-street parking garages
33. Offices
34. Package liquor and wine stores
35. Paint and wallpaper store
36. Recreational centers, gyms, clubs and similar athletic uses
37. Sporting goods store
38. Theaters and amphitheaters
39. Toy store
40. Hospitals (Human Care)

C. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Swimming pools, indoor and outdoor, in connection with hotels and motels

D. AREA AND HEIGHT REGULATIONS:

1. Minimum lot area – One (1) acre. However, a small lot of fifteen thousand (15,000) square feet will be permitted provided it is an out lot of a larger development.
2. Minimum lot width at building setback line – One hundred (100) feet; Seventy (70) feet for an out lot
3. Minimum front yard depth – Thirty (30) feet
4. Minimum side yard width – Ten (10) feet
5. Minimum rear yard depth – Twenty (20) feet
6. Maximum height – Fifty (50) feet
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. 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, and the required screening, 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, loading and/or unloading areas, and the outside dining of the eating and drinking establishments.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
8. All utilities must be underground when new development occurs.

SECTION 10.20 HC-3 (HIGHWAY COMMERCIAL - THREE) ZONE**A. PERMITTED USES**

1. Automobile sales, new
2. Hotels
3. Offices
4. The sale of used automobiles, provided that the automobiles for sale are:
(i) predominantly not older than 6 years, with an unaltered odometer indication of no more than 60,000 miles and (ii) without flood or frame damage; but this use shall not include any of the following uses, which are prohibited:
 - a. The use of loudspeakers
 - b. Automobiles for sale displayed with hoods open
 - c. The use of promotional gimmicks, like balloons, dirigibles and other inflateables, streamers, shoe polish on windshields, and flags other than one United States, Kentucky, and Erlanger flag

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Swimming pools, indoor and outdoor, in connection with a hotel
5. Uses as listed below, included within and entered from within any hotel building, as a convenience to the occupants thereof, and their customers, providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
 - a. Barber shop
 - b. Beauty shop
 - c. News and confectionery stand
 - d. Liquor and wine store
6. Vehicle repair, provided all activities are conducted wholly within a completely enclosed building

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

1. Minimum lot area - Two (2) acres
2. Minimum front yard depth - One hundred (100) feet

3. Minimum side yard width on each side of lot - Twenty-five (25) feet
4. Minimum rear yard depth - Twenty-five (25) feet
5. Maximum building height - Eighty (80) feet
6. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

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.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided in accordance with 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. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All utilities shall be underground when new development occurs.

SECTION 10.21 INST (INSTITUTIONAL) ZONE

A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance:

1. Churches and other buildings for the purpose of religious worship
2. Colleges and universities, including those structures used by the college or university and used for directly related purposes, including recreation and the housing of students, guests, and the employees of the college or university. This includes administrative buildings, classrooms, lecture halls, laboratories, libraries, athletic facilities, dormitories, faculty and staff housing, student and faculty centers, and maintenance buildings
3. Hospitals, including those structures used by the hospital for directly related purposes, including recreation and housing of employees, guests, and students of the hospital. This includes administrative buildings, classrooms, lecture halls, laboratories, libraries, dormitories, faculty and staff housing, student and faculty centers, and maintenance buildings
4. public, parochial, and vocational schools
5. Nursing schools
6. Nursing homes, convalescent homes, rest homes, and homes for the aged
7. Child-care center
8. Municipal buildings and police and fire stations
9. publicly owned parks, playgrounds, and community recreation centers

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. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses as listed below, included within and entered from within any use permitted in this zone, as a convenience to the occupants thereof, and their customers, providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Book stores
 - d. Medical supply stores

C. AREA AND HEIGHT REGULATIONS

1. Minimum tract for institutional development - Six (6) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approval site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been part of the originally approved site plan layout
2. Minimum lot area within minimum tract - Three (3) acres
3. Minimum lot width at building setback line - Two hundred (200) feet
4. Minimum front yard depth - Sixty (60) feet
5. Minimum side yard width - Thirty (30) feet, except where side yard abuts a right-of-way, then the side yard shall be forty-five (45) feet
6. Minimum rear yard depth - Fifty (50) feet
7. Maximum building height - Sixty (60) feet
8. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

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.
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 use permitted 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.
5. No outdoor storage of any items, which are to be sold or any components, which will be manufactured, processed, packed or assembled to create an item to be sold or used, shall be permitted in this zone.

SECTION 10.22 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. Except for those that decompose or detonate, the manufacturing, compounding, processing, packaging, or assembling of the following materials:
 - 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 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 of professional, scientific, photographic, and optical use
 - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity
 - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Building materials, sales yards
 4. Contractors offices and accessory storage yards, including storage of general construction equipment and vehicles
 5. Corporate, regional, and administration offices
 6. Crating services
 7. Freight terminals

8. Governmentally owned and/or operated city, county, and state garages
9. Heliports, subject to the requirements of the applicable federal agencies
10. Indoor theaters
11. Industrial engineering consultant offices
12. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
13. Large truck and construction equipment sales and service
14. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
15. Machine shops
16. Printing, engraving and related reproduction processes
17. Professional, medical, and dental offices
18. Public utilities rights-of-way and pertinent structures
19. Publishing and distribution of books, newspapers, and other printed materials
20. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
21. School for industrial or business training
22. Studios for professional work or teaching any form of fine art, photography, music, drama, dance, or gymnastics
23. Warehousing or wholesaling
24. Indoor athletic and recreational facilities
25. Hospitals (Human Care)

B. ACCESSORY USES

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
 - a. Cafeterias.
 - b. Coffee shops or refreshment stands.
 - c. Soda or dairy bars.
3. Fences and/or walls, as regulated by Article XIII of this ordinance;
4. Signs, as regulated by Article XV 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. Recreational uses, other than those publicly owned and/or operated, provided the conditional use is located on a collector street and the access is provided by the collector street, as follows:
 - a. Country clubs
 - b. Golf courses
 - c. Swimming pools
 - d. Volleyball courts
2. Private schools, provided the conditional use is located on an arterial street and the access is provided by the arterial street
3. Pet hotels

D. **AREA AND HEIGHT REGULATIONS**

1. Minimum Tract for Development - Twenty - five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
2. Minimum Lot Area Within Minimum Tract - One (1) acre
3. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width on each side of lot - Twenty-five (25) feet
6. Minimum rear yard depth - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum Building Height - Fifty (50) feet or three (3) stories
8. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

E. **OTHER DEVELOPMENT CONTROLS**

1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
3. Where any yard of any use permitted 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.
5. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

SECTION 10.23 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. Corporate, regional, and administration offices
2. Crating services
3. Industrial engineering consultant offices
4. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
5. Pet hotel
6. Professional, medical, and dental offices
7. Public and semi-public recreational facilities
8. School for industrial or business training
9. Storage and mini-storage buildings
10. Studios for professional work or teaching any form of fine art, photography, music, drama, dance, or gymnastics
11. Testing laboratories
12. Warehouses and associated office space
13. Wholesale houses and storage facilities

B. ACCESSORY USES

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Fences and/or 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.

C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations (in the case of this zone, more than one principal building may be permitted to be constructed within the minimum lot area):

1. Minimum site for an IP-2 Zone - Ten (10) acres
2. Minimum lot area within minimum tract - One (1) acre
3. Minimum lot width at minimum building setback line - One hundred fifty (150) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width - Twenty-five (25) feet

6. Minimum rear yard depth - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum Building Height - Forty (40) feet or three (3) stories
8. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

D. OTHER DEVELOPMENT CONTROLS

1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. Where any yard of any use permitted 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.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
6. The industrial activity will be conducted wholly within a completely enclosed building.
7. All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.
6. Off-street parking, access drives, and loading areas may be located within the minimum front, side, and rear yards in this zone, provided that no off-street parking shall be closer than fifteen (15) feet to an adjacent street right-of-way line or the boundary line of any adjacent district. In no case shall the access drive, parking area, or loading area be closer than five (5) feet to the property line.

SECTION 10.24 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. Except for those that decompose or detonate, the manufacturing, compounding, processing, packaging, or assembling of the following materials:
 - 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 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 of professional, scientific, photographic, and optical use
 - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity
 - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Building materials, sales yards
 4. Contractors offices and accessory storage yards, including storage of general construction equipment and vehicles
 5. Corporate, regional, and administration offices
 6. Crating services
 7. Freight terminals

8. Governmentally owned and/or operated city, county, and state garages
9. Industrial engineering consultant offices
10. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
11. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
12. Machine shops
13. Printing, engraving and related reproduction processes
14. Professional, medical, and dental offices
15. Public utilities rights-of-way and pertinent structures
16. Publishing and distribution of books, newspapers, and other printed materials
17. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
18. School for industrial or business training
19. Storage and mini-storage buildings
20. Studios for professional work or teaching any form of fine art, photography, music, drama, dance, or gymnastics
21. Warehousing or wholesaling

B. ACCESSORY USES

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
 - a. Cafeterias.
 - b. Coffee shops or refreshment stands.
 - c. Soda or dairy bars.
3. Fences and/or walls, as regulated by Article XIII of this ordinance;
4. Signs, as regulated by Article XV of this ordinance.

C. AREA AND HEIGHT REGULATIONS

1. Minimum lot area - One-half (1/2) acre
2. Minimum lot width at minimum building setback line - One hundred (100) feet

3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width on each side of lot - Twenty-five (25) feet
5. Minimum rear yard depth - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
6. Maximum Building Height - Fifty (50) feet
7. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

D. OTHER DEVELOPMENT CONTROLS

1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
3. Where any yard of any use permitted 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 10.25 BP-1 (BUSINESS PARK ONE) ZONE

- A. **PURPOSE:** This zone is established to provide for traditional industrial uses (i.e., manufacturing, warehousing, and processing) along with other uses (i.e., retail, service, public, and semi-public and a residential component) which serve to supplement the needs of the area labor force.
- B. **PERMITTED USES:** The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.
1. Corporate, regional and administration offices
 2. Professional, medical and dental offices
 3. Sales and marketing offices
 4. Data, computer communication centers including information processing facilities
 5. Sales and service offices related to electronic equipment, computers and similar office equipment
 6. Research and development facilities
 7. Medical clinics, medical supplies and other related sales and services
 8. Hotels and meeting facilities
 9. Training, educational, retreat, conference facilities
 10. Printing and publishing facilities
 11. Athletic and recreational facilities
 12. Financial institutions and services including branch facilities
 13. Retail and retail services in conjunction with and located within an office building, hotel, conference center or athletic facility
 14. Child-care center
 15. Free - standing sit - down restaurants without drive - through
 16. Neighborhood retail service shopping centers
 17. The following uses are permitted unless any listed use involves: the storage of explosives or fireworks; gas or petroleum; bag cleaning; blast furnaces; cupolas; rolling mills; coke ovens; forging; foundering; refining or smelting; creosote treatment; distillation of bones, coal, or wood; enameling, japanning, or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; and the storage of chemicals:
 - a. Food and kindred products, including the manufacturing or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal of dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins

- b. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber
- c. Fabricated wood products, including containers, building components, structure members, but excluding the primary manufacture of wood or wood products
- d. Furniture and fixtures
- e. Paper products including envelopes, bags, boxes and containers
- f. Printing industries
- g. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations
- h. Soaps and other detergents
- i. Fabrication of metal products except firearms and accessories, large scale machinery and transportation vehicles
- j. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks
- k. Electric and electronic equipment
- l. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artistic materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities
- m. Other wholesale trade except non - containerized or bulk raw metals and minerals, petroleum products, scrap, waste material and used auto parts and accessories
- n. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services
- o. Window cleaning, disinfecting, exterminating and other dwelling and building services
- p. Refrigerated, household goods (mini - warehouses) and other general refrigerated warehousing and storage
- q. Photo finishing and other photographic laboratories
- r. Electrical repair and armature rewinding services
- s. Reupholstery and furniture repairing and refinishing services
- t. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentering, wood flooring, roofing and sheet metal, water - well drilling, septic and other special construction trade offices, supply, storage and related activities
- u. Postal services
- v. Agricultural contract sorting, grading and packaging services of fruits and vegetables
- w. Motor freight terminals, public warehousing, freight garaging and equipment maintenance
- x. Freight forwarding, packing and crating services

- y. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services
- z. Rental and leasing services of automobile and trucks
- aa. Manufacture of plastic products but not the primary manufacture of plastics
- bb. Welding shops for the repair of industrial machinery and heavy equipment
- 18. Multi-family residential dwellings within a Planned Unit Development Overlay only.
- 19. Hospitals (Human Care)

C. 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. Fences and walls as regulated by Article XIII of this ordinance
- 3. Signs, as regulated by Article XIV of this ordinance
- 4. Uses, as listed below, included within and entered from within any 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

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

- 1. Body piercing establishment
- 2. Massage parlor
- 3. Pawn shop
- 4. Sexually oriented business
- 5. Tattoo parlor
- 6. Vehicle Towing & Auto Repair, provided:
 - a. The use is located on a lot with a minimum size of 8.5 acres.
 - b. The lot has a minimum of 600 feet of road frontage.
 - c. The use does not have gasoline pumps.
 - d. All towed vehicles are stored indoors, except vehicles awaiting minor service, which may be stored outdoors temporarily.

- e. All vehicles awaiting repair are screened from view from any right-of-way or adjacent property.

E. 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 (100) feet
4. Minimum Front Yard Depth - Forty (40) feet
5. Minimum Side Yard Width - Fifteen (15) feet, except where side yard abuts a right - of - way, the side yard width shall be forty (40) feet
6. Minimum Rear Yard Depth - Forty - five (45) feet
7. Maximum Building Height - Eighty (80) feet
8. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.
9. Maximum density – Conventional multi-family – Twenty (20) dwelling units per net acre

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 lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
3. Where any yard of any use permitted 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.
5. No outdoor storage of any items, which are to be sold or any components which will be manufactured, processed, packed, or assembled to create an item to be sold or used, shall be permitted in this zone.
6. Multi-family dwellings shall be limited to a maximum of 10% of the total BP-1 acreage within the city boundary.

SECTION 10.27 AP (AREA PROTECTION) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Area Protection (AP) Overlay Zone are to: promote public and private redevelopment efforts; discourage redevelopment efforts on relatively small parcels of land; coordinate access via the limitation of curb cuts and the use of shared off-street parking facilities; discourage redevelopment efforts which would hinder other redevelopment efforts on nearby properties; protect those areas from developing in a manner inconsistent with the adopted Kenton County Comprehensive Plan or other plans which have been adopted by the legislative body; and promote flexibility in design while maintaining the relationships of adjacent uses and structures.
- B. **GENERAL:** An Area Protection (AP) Overlay Zone may be permitted to be superimposed over any zone within the city, 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 site and its proper integration with the surrounding area, are met.
- C. **APPLICATION AND PROCESSING:** Applications for an Area Protection (AP) Overlay Zone shall be processed as follows in two (2) stages:
1. Stage I -- Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area AP shall be accompanied by a development plan, in accordance with the Stage I Development Plan Requirements, provided for within Section 9.20, A. of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection O., below. If an area, however, is currently zoned AP, the submission of the Stage I Development Plan, for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed. Development shall include the demolition, erection, physical expansion, change of use, or outside remodeling 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 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 AP (Area Protection) 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 review said recommendations and take action to approve or disapprove said AP (Area Protection) Overlay Zone 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 AP (Area Protection) Overlay Zone shall require that development be in conformance with the approved Stage I Development Plan.
 - c. The legislative body shall forward a copy of the approved Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for Stage II Development Plan and Record Plat.
 - d. Upon approval of the AP (Area Protection) Overlay Zone, the official zoning map shall be amended by adding the suffix "AP" to the existing zones (e.g., AP-NC, AP-R-2, etc.).
2. Stage II - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C., of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review 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, 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, other applicable elements of this ordinance, and its conformity with the approved Stage I Development Plan. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not 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 (e.g., parking requirements, sign regulations, etc.). The planning commission, or its duly authorized representative, upon completion of its review of the proposed Stage II Development Plan, shall make one of the following recommendations to the legislative body, or its duly authorized representative: approval, approval with conditions, or disapproval. The planning commission, or its duly authorized representative, shall submit along with their recommendation, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The legislative body, or its duly authorized representative, shall review said recommendations of the planning commission, or its duly authorized representative, and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection C., 2., a., above.
- c. Upon approval of the Stage II Development Plan, by the legislative body, or its duly authorized representative, a copy of said plan shall be forwarded to: (1) the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations, as may be required by this ordinance; (2) the planning commission.
- d. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., of this ordinance, the applicable requirements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.
- e. Upon planning commission approval of the Record Plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

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 AP 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 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. AREA REQUIREMENTS
 - 1. No AP Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be overlain with an AP Zone, provided it is adjacent to an area within an existing approved Stage I Development Plan which is currently overlain with an AP Zone.
 - 2. The minimum area for submission of a Stage I Development Plan, within an area overlain with an existing AP (Area Protection) Overlay Zone, shall be not less than one (1) acre. However, a Stage I Development Plan may be submitted for an area of less than one (1) acre, provided it is adjacent to and extends the existing approved Stage I Development Plan and conforms to the requirements of this section of the ordinance.
- H. HEIGHT, YARD, AND SETBACK REGULATIONS: 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, and the Kenton County Subdivision Regulations.
- L. OPEN SPACE: Any part of the total building site not used for structures, streets, off-street parking, or off-street loading and/or unloading, shall be landscaped as approved in the approved development plan and in accordance with Section 9.17 of this ordinance. At least twenty percent (20%) of the total acreage of the

proposed AP development shall be retained as open space or recreation area. Such open space/recreation area shall be that part of the total project exclusive of buildings, off-street parking areas, access drives, and streets. At such time as the Stage II Development Plan for a particular development is submitted to the planning commission, or its duly authorized representative, notwithstanding Subsection C., 2., a., open space requirements of less than 20% may be considered for the development if: unusual topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or adjacent to the site.

M. OTHER DEVELOPMENT CONTROLS

1. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
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 off-street parking and loading and/or unloading areas and the outdoor play area of child care centers.
5. All utilities must be underground when redevelopment occurs.
6. A minimum of one attached or detached garage shall be required for each dwelling unit.
7. Access to the site shall meet the requirements of Section 11.3 of this ordinance.

N. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:

1. Agreement with the various elements of the Kenton County Comprehensive Plan.
2. Agreement with any KRS Chapter 99 approved Urban Renewal Development Plan
3. Agreement with any conceptual development plan/study which has been adopted/approved by the legislative body.
4. Extent to which the proposed development plan is consistent with the stated purposes of the AP (Area Protection) Overlay Zone.
5. 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 (based on topography, natural features, streets, relationship of adjacent uses, etc.).

6. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 7. Extent to which the proposed design, as indicated in the Stage I Development Plan, is compatible and coordinated with existing or proposed development contiguous to the site. Compatibility and coordination with existing or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provision of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
 8. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 9. 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.
 10. Extent to which all necessary public utilities and facilities are available to service the 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.
- O. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the legislative body, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection C., subject to the same limitations and requirements as those under which such plans were originally approved.
- P. EXPIRATION: Development plans within the AP 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 AP 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 Development Plan has not been approved by the legislative body, or its duly authorized representative, within a period of twelve (12) consecutive months from the date of approval of the Stage I Development

Plan by the legislative body, except as agreed upon for the phasing of development: 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 prevailing conditions have not changed appreciably to render the approved Stage I Development 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 development plan by the legislative body, or its duly authorized representative, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

SECTION 10.28 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 Erlanger, 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 Erlanger 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.

SECTION 10.29 IP-4 (INDUSTRIAL PARK-FOUR) 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. Except for those that decompose or detonate, the manufacturing, compounding, processing, packaging, or assembling of the following materials:
 - 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 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 of professional, scientific, photographic, and optical use
 - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity
 - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Building materials, sales yards
 4. Contractors offices and accessory storage yards, including storage of general construction equipment and vehicles
 5. Corporate, regional, and administration offices
 6. Crating services
 7. Freight terminals

8. Governmentally owned and/or operated city, county, and state garages
9. Heliports, subject to the requirements of the applicable federal agencies
10. Indoor theaters
11. Industrial engineering consultant offices
12. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
13. Large truck and construction equipment sales and service
14. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
15. Machine shops
16. Printing, engraving and related reproduction processes
17. Professional, medical, and dental offices
18. Public utilities rights-of-way and pertinent structures
19. Publishing and distribution of books, newspapers, and other printed materials
20. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
21. School for industrial or business training
22. Studios for professional work or teaching any form of fine art, photography, music, drama, dance, or gymnastics
23. Vehicle towing and storage – provided all vehicles towed and/or stored are stored on a gravel or paved surface and are screened from view from any adjacent property
24. Warehousing or wholesaling

B. ACCESSORY USES

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
 - a. Cafeterias.
 - b. Coffee shops or refreshment stands.
 - c. Soda or dairy bars.
3. Fences and/or walls, as regulated by Article XIII of this ordinance;
4. Signs, as regulated by Article XV 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. Recreational uses, other than those publicly owned and/or operated, provided the conditional use is located on a collector street and the access is provided by the collector street, as follows:
 - a. Country clubs
 - b. Golf courses
 - c. Swimming pools
 - d. Volleyball courts
2. Private schools, provided the conditional use is located on an arterial street and the access is provided by the arterial street

D. **AREA AND HEIGHT REGULATIONS**

1. Minimum Tract for Development - Five (5) acres
2. Minimum Lot Area Within Minimum Tract - One (1) acre
3. Minimum Lot Width at Building Setback Line - One hundred (100) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width on each side of lot - Twenty-five (25) feet
6. Minimum rear yard depth - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum Building Height - Fifty (50) feet or three (3) stories
8. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.

E. **OTHER DEVELOPMENT CONTROLS**

1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
3. Where any yard of any use permitted 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 10.30 REC (RECREATIONAL) ZONE**A. PERMITTED USES**

1. Private recreational uses, other than those publicly owned and/or operated:
 - a. Indoor and outdoor pools
 - b. Country clubs
 - c. Indoor skating rinks
 - d. Amphitheaters, indoor motion picture theaters and playhouses
 - e. Auditoriums, exhibition halls and meeting rooms
 - f. Indoor and outdoor sports and athletic facilities
 - g. Hiking trails and other passive recreational uses
 - h. Studios for professional work or teaching of any form of the arts, photography, music, drama, dance, cooking, karate, computer use, yoga and other similar uses
 - i. Playgrounds and/or tot lots
 - j. Health spas
2. Publicly owned and/or operated parks and/or recreation areas
3. Museums
4. Libraries

B. ACCESSORY USES

1. Customary accessory buildings and uses, such as:
 - a. Concession/Restaurant facilities
 - b. Day Care/Nursery School facilities
 - c. Game rooms
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

C. 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 – Fifty (50) feet
7. In case of this zone, more than one (1) principal building, as defined herein, may be constructed on one (1) lot

D. OTHER DEVELOPMENT CONTROLS

1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any permitted 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 9.24
3. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XI
4. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers
5. No motor vehicle, which is inoperative, or mobile home or trailer shall be stored or used for storage in this zone
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone
7. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone
8. Where any yard or 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, then ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance, except if the permitted use and/or building abuts a publicly owned and/or operated parking and/or recreation area

SECTION 10.26

COMMONWEALTH STATION

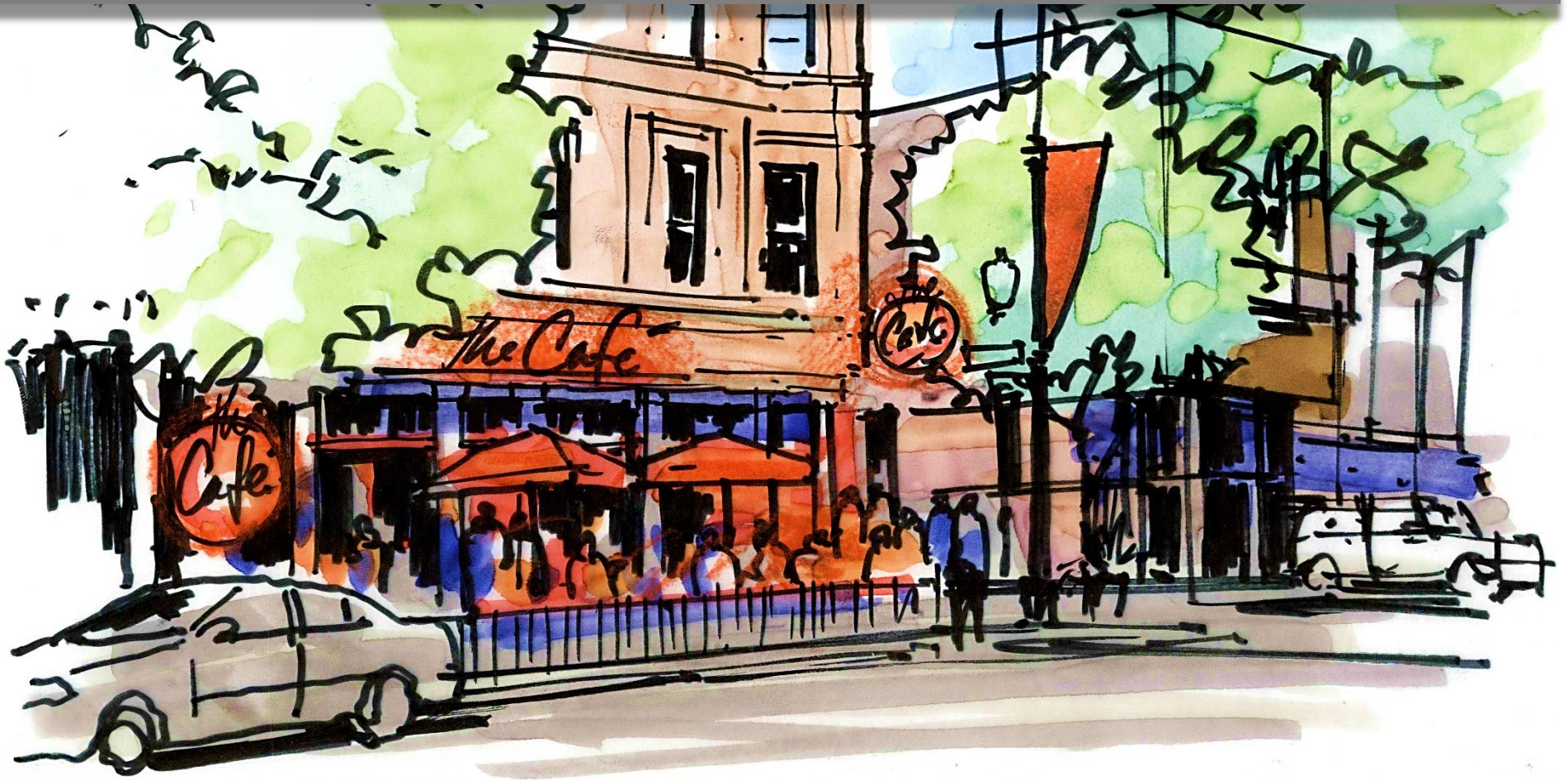


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SECTION 10.26, A.

LEGAL AND APPLICATION PROVISIONS

- 1. Purpose Statement**
- 2. Severability**
- 3. Conflict**
- 4. Applicability**
- 5. Application and Processing**
- 6. Variances and Modifications**

1. Purpose Statement

The purpose of the CS (Commonwealth Station) Zone is to enable the implementation of the community vision established through the public charrette as described in Appendix C.

The regulations contained within this section are meant to foster redevelopment adjacent to the I-71/75 and Commonwealth Avenue interchange by allowing expanded uses, increased density, smaller setbacks, and architectural consistency. Together these requirements are intended to enhance the pedestrian and consumer experience within the area.

The CS Zone provides the specific means to guide the implementation of the citizen and city endorsed vision for redevelopment in area. The CS Zone regulates land development by setting careful and coherent controls on building form, while employing more flexible parameters relative to building use and density. The focus on physical form is intended to produce safe and attractive places.

2. Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause.

3. Conflict

In any case where the standards of the CS Zone conflict with other provisions to the Erlanger Zoning Ordinance, the standards of the CS Zone shall apply.

Illustrations in the CS Zone are intended to illustrate building forms and to demonstrate how measurements are made. They do not illustrate the full range of possible building forms or outcomes allowed within the standards.

4. Applicability

Each development shall, in themselves, comply with the regulations, but shall not require the retrofitting of the existing elements to comply with the code. For instance, an addition to the rear of a building would not require the front of said building to be retrofitted to meet the transparency, entry features, etc. if the front of the building is not being improved. For existing buildings and structures, these regulations shall only apply to the immediate scope of any improvement or project made to said structures or building.

The requirements of this section shall not apply to existing single-family homes that are used exclusively for residential purposes within any subdistrict. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements contained within the R-1G Zone. Existing single-family homes that are partially or fully destroyed may be rebuilt as a matter of right.

The architectural standards in Section 10.26, E., shall not apply to new or existing single-family residential homes in the any subdistrict.

The architectural standards in Section 10.26, E., shall not apply to existing commercial buildings in any subdistrict as it pertains to normal repairs, maintenance, interior alterations, or restoration to a safe condition of the existing structure. For the purposes of this section, “normal repairs and maintenance” shall include: painting; replacing a roof; replacing a driveway, interior sidewalk or patio; replacing gutters and down spouts; replacement of trim and siding; interior alterations; sealing of wood or masonry; repointing of brick; the addition of a customer entrance or fire exits; and any other work that is necessary to maintain and correct a damaged or deteriorating structure. Any façade changes less than 25% of the total façade area shall be considered normal repairs and maintenance.

Compliance with the regulations CS Zone shall be required according to the following:

- Level 1: Any change of use or expansion of use within an existing building
 - Permitted uses
 - Off-street parking (only if more is required)
- Level 2: Any change of a sign
 - Signage
- Level 3: Façade changes that involve any area greater than 25% of the total façade area of the entire building, including any increase in windows, entry features, or material changes
 - Transparency
 - Materials
 - Public entry articulation
- Level 4: An addition of 25% or less of the square footage of the existing building; or an addition of less than 10 off-street parking spaces
 - Footprint
 - Height
 - Setbacks
 - Off-street parking
 - Use
 - Transparency
- Materials
- Public entry articulation
- Roof shapes
- Level 5: An addition of more than 25% of the square footage of the existing building or 1,000 square feet, whichever is greater; redevelopment after the demolition or destruction of more than 25% and less than 50% of the existing building; or the addition of 10 or more off-street parking spaces
 - Footprint
 - Height
 - Setbacks
 - Off-street parking
 - Use
 - Transparency
 - Materials
 - Public entry articulation
 - Roof shapes
 - Sidewalks, when located within the build-to zone in the CO-1 Regulating Plan
- Level 6: Redevelopment after the intentional demolition or removal of more than 50% of the existing building
 - All standards of the CS Zone
- Level 7: New construction
 - All standards of the CS Zone

5. Application and Processing

Developments within the CS Zone require review and approval in accordance with the following procedures:

- a. Level 1, level 2, level 3, and level 4 projects may be reviewed and approved pursuant to Section 9.19 of this ordinance.

Any development that requires an administrative approval will need to submit an application, fees, a site plan as regulated by Section 9.19 of this ordinance, and any other information that is required by the City for zoning and/or building permits.

The City Administrator, or his or her designee, reserves the right to require Stage II Plan approval for developments whose scope is deemed to have an important location, an important significance to the City or region, or a significant impact on the corridor or surrounding areas.

- b. Level 5, level 6, and level 7 projects need to follow the following procedures:
 - i. Pre-application meeting
Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is

intended to be an informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/PDS staff to discuss the development review process and the requirements of the zoning ordinance.

The pre-application meeting is intended to discuss the proposed development and identify any issues in applying the CS Zone. The applicant shall include a conceptual development plan encompassing the proposed street and pedestrian networks and the proposed types of land uses. The applicant should also be prepared to discuss the proposed building façades and finish materials, the area, height and amount of proposed signage, as well as other design features, if applicable. Any plans brought to the pre-application meeting do not have to be engineered drawings, but should be clear enough to convey the nature and character of the proposed development.

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a

representation or implication that the proposal ultimately will be approved or rejected in any form

- ii. Stage II Development Plan Projects may be built as a matter of right when they meet all of the standards of the CS Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the City's Chief Administrative Official.
- iii. The City's Chief Administrative Official, or his/her duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, process the proposed Stage II Development Plan. Upon approval of the Stage II Development Plan by the city's chief administrative official, or his/her duly authorized representative, 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. Applications for a map amendment to the CS Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.

6. Variances and Modifications

- a. Variances
Any modification to the dimensional terms of the CS Zone pertaining to the height, width, or location of structures, and the size of yards and open spaces, must be heard and decided by the Erlanger Board of Adjustment, pursuant to Article XVIII and KRS 100.
- b. Minor Modifications
Based on site-specific issues, an applicant may seek modifications to the non-dimensional standards of the CS Zone, insofar as the intent of the standard is being met, the modification results is consistent with the type of environment intended by the zone, and the modification does not impede or burden existing or future development of adjacent properties.

The following minor modifications may be approved by the city's chief administrative official, or his/her duly authorized representative:

- i. For all buildings, the minimum front façade that must be within the allowable setback range may be reduced to 67.5%.
- ii. The minimum required reduction of off-street parking spaces in the CO-1 subdistrict may be modified to allow, but not exceed, the required number of off-street parking spaces as permitted in Section 11.2.
- iii. The minimum transparency required for flex-use and live-work buildings may be reduced as follows:

CO-1, CO-2, CO-3 – the ground floor may be reduced to a minimum of 20% transparency. The upper floor may be reduced to a minimum of 15% transparency.

UR-1 – the ground floor may be reduced to a minimum of 15% transparency
- iv. The maximum building width of live-work buildings, multi-family buildings, and attached single-family buildings can be increased up to 275 feet along the sidewalk.

In granting the above modifications, the city's chief administrative official, or

his/her duly authorized representative must find that the modification:

- i. will not adversely affect the health, safety, or welfare of the public;
- ii. will not alter the essential character of the general vicinity;
- iii. will not cause a hazard or nuisance to the public;
- iv. arises from special circumstances that do not generally apply to land in the general vicinity or within the zone;
- v. the strict application of the regulations would deprive the applicant of the reasonable use of the land; and
- vi. the circumstances are not a result of a willful violation of the zoning ordinance.

SECTION 10.26, B.

REGULATING PLAN

- 1. Regulating Plan**
 - Exhibit 1 Regulating Plan
 - Exhibit 2 CO-1 Regulating Plan
- 2. Subdistricts**

1. Regulating Plan

The Regulating Plan is the guiding map for the implementation of Commonwealth Station. The Regulating Plan graphically articulates four distinct development subdistricts (Core-1, Core-2, Core-3, Urban-1). Each subdistrict varies density and configuration, range of building forms, types of allowable uses, structured in such a way as to encourage maximum compatibility with adjoining property uses and zoning.

LEGEND





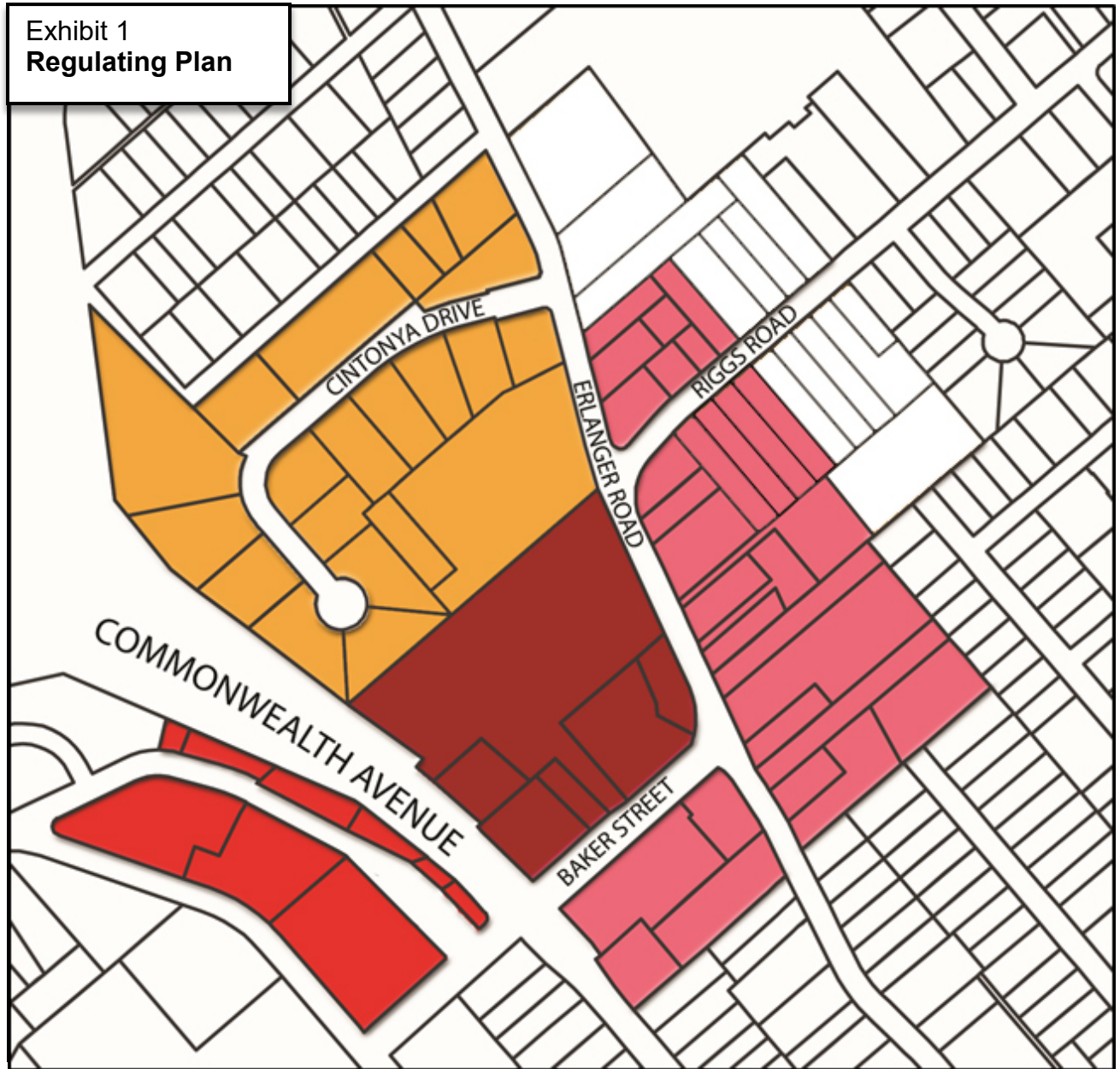
-  CORE ONE (CO-1)
-  CORE TWO (CO-2)
-  CORE THREE (CO-3)
-  URBAN ONE (UR-1)

Exhibit 1
Regulating Plan



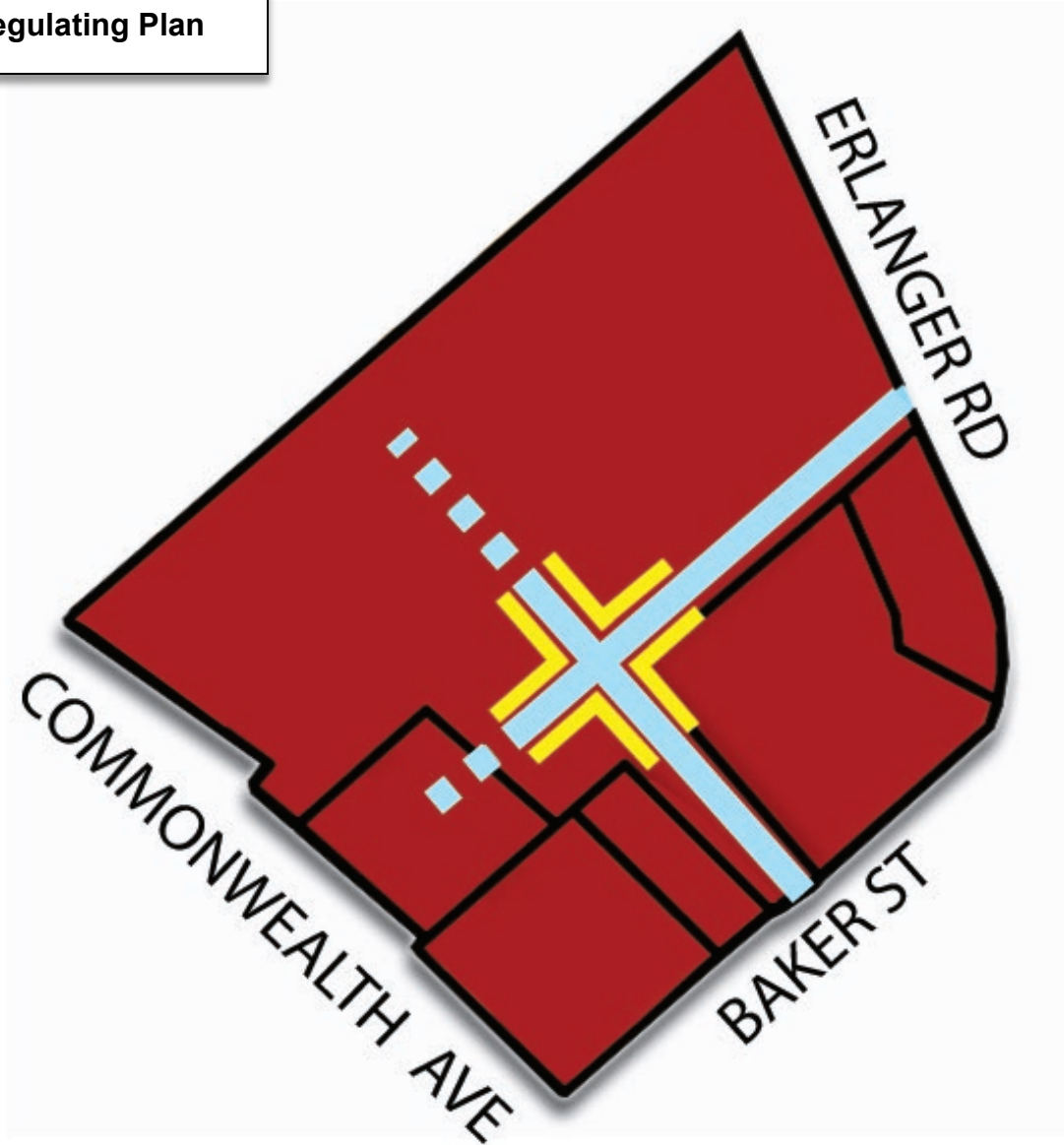
2. Subdistricts

The intent and purpose of each subdistrict located on the regulating plan is as follows:

CORE-1 (CO-1) – The role of this subdistrict is to serve as a nucleus for development in the Commonwealth Station area. The intent and purpose of these regulations is to create development consisting of single, two, or three story mixed-use buildings with retail and office uses on the first floor and residential or office uses on the upper floors.

This area should feature a planned node of commercial or mixed use development with complimentary development organically occurring within the peripheral areas. In order to create this nucleus of activity the regulating plan to the right identifies private access drives that function as streets (light blue solid lines) which intersect to


Exhibit 2
CO-1 Regulating Plan



create a focus for development and activity. These access drives shall begin where current vehicular ingress and egress occurs within the subdistrict boundary. Sidewalks shall be provided along these access drives.


Also identified within the regulating plan are specific build to zones (yellow solid line) in which a building must be located within a certain proximity to the sidewalk. The dotted blue line indicates potential extensions of the private access drives.

Permitted building forms include Flex-Use and Public and Civic.


 **CORE-2 (CO-2)** – The role of this subdistrict is to be complimentary to both the CO-1 subdistrict and the adjacent public and civic uses. The intent and purpose is to allow for flexible development, with an emphasis on mixed uses

but also includes the ability to develop high density multi-family.

Permitted building forms include Flex-Use, Multi-Family, and Public and Civic.

 **CORE-3 (CO-3)** – The role of this subdistrict is to create a transition between the adjacent subdistricts and the existing residential areas. The intent and purpose of these regulations is to create less intense development that compliments development occurring in the surrounding areas.

Permitted building forms include Flex-Use, Live-Work, Attached Single-Family, and Public and Civic.

 **URBAN 1 (UR-1)** – The role of this subdistrict is to create a critical density of residential dwellings located within close proximity to the Core subdistricts.

While higher density forms are encouraged, the intensity and density of the residential building forms within this subdistrict may vary. Smaller, neighborhood oriented commercial uses may be located within the area to provide convenience for residents.

Permitted building forms include Flex-Use, Live-Work, Multi-Family, Detached and Attached Single-Family, and Public and Civic.

SECTION 10.26, C.

BUILDING DEVELOPMENT STANDARDS

- 1. Flex-Use Buildings**
- 2. Live-Work Buildings**
- 3. Multi-Family Buildings**
- 4. Single-Family Buildings**
- 5. Public and Civic Buildings**

1. Flex-Use Buildings



Above: A smaller scale flex-use building featuring an articulated building facade containing different primary building materials.



Above: A larger scale flex-use building featuring modern architecture and materials.



Above: A mixture of commercial and residential uses create a synergy of activity and a "main street" character.



Above: A group of flex-use buildings featuring a consistent setback creates a defined edge between the public and private realm.



Above: The use of varied roof heights and building materials help to break up the mass of larger structures to create a more walkable environment.

a. Maximum Building Footprint

CO-1, CO-2 - 15,000 square feet

CO-3 – 10,000 square feet for a building with commercial uses only, 15,000 square feet for a building containing a mixture of commercial and residential land uses

UR-1 – 4,000 square feet for a building with commercial uses only, 15,000 square feet

for a building containing a mixture of commercial and residential land uses

b. Maximum Building Height

CO-1, CO-2, CO-3 – 50'

UR-1 – 35' for a building with commercial uses only, 50' for a building containing a mixture of commercial and residential land uses

c. Setbacks

75% of the front façade of the primary structure must be within the allowable setback range, except within the required build to zone area in the CO-1 Subdistrict, where all of the building façade shall be required to be within the required setback distance.

CO-1 Build to Zone

The CO-1 build-to zone is indicated by solid yellow lines on the CO-1 Regulating Plan. When redevelopment occurs sidewalks shall be constructed along both portions of the access drives indicated on the CO-1 Regulating Plan (solid blue line.)

The required build to zone shall extend 100 feet from the intersection of both private access drives, as indicated on the regulating plan. The required front yard setback in this area shall be between 0 and

5 feet from the edge of the sidewalk. The side yard setback of individual buildings within this area shall be a maximum of 10 feet. The rear yard setback shall not apply.

CO-1, CO-2, CO-3

Front (Min/Max) – 0' / 75'

Side – 0', 5' when adjacent to a residential use or zone

Rear – 0', 10' when adjacent to a residential use or zone

UR-1

Front – 10'

Side – 5'

Rear – 5'

d. Off-Street Parking

CO-1 - A minimum reduction of 10% in the required number of off-street parking spaces is mandatory. A maximum allowable reduction of 50% shall be permitted

CO-2, CO-3, UR-1 – A maximum allowable reduction of 25% shall be permitted

e. Transparency

All residential uses on upper floors are exempt from these regulations

CO-1, CO-2, CO-3 – Minimum along public ROW or a private drive or street within a development which functions as a public ROW shall be 35% on the ground floor and 20% on any upper floors

UR-1 - Minimum along public ROW shall be 20% on the ground floor.

f. Other Development Controls

CO-1, CO-2, CO-3, UR-1

No outdoor storage of materials or equipment related to the business activity shall be allowed. Outdoor play areas used in connection with a daycare are permitted.

Temporary outdoor displays of products shall be permitted

g. Permitted Uses

Commercial Use Group

Artists / craftsmen galleries and studios

Animal sales and grooming

Auto supply / accessory sales

(CO-1 only)

Brewpub **(CO-1, CO-2, CO-3 only)**

Building maintenance services

Business support services

Entertainment

Financial services

Lodging

Medical services

Micro-brewery

(CO-1, CO-2, CO-3 only)

Micro-distillery

(CO-1, CO-2, CO-3 only)

Personal improvement service
Professional office
Repair or laundry service, consumer
Retail sales and service
Sit-down restaurants
Tavern **(CO-1, CO-2, CO-3 only)**
Veterinary hospital

Residential Use Group

Multi-family

(ground floor units must be located 50 feet from the sidewalk edge)

Public and Civic Use Group

Day care, Type I

Day care, Type II

Clubs *(lodge or private club)*

h. Conditional Uses

CO-1

Gasoline service stations

Minor auto repair

UR-1

Tavern

Brewpub

Micro-brewery

Micro-distillery

2. Live-Work Buildings



Above: Live-work buildings offer residents the opportunity to operate small businesses on the premises of where they reside. Live-work buildings can look like flex-use buildings, but are typically smaller scale. Access to the upper floors can be directly from the commercial space below.



Above: Live-work buildings can also have separate entrances to the living space on the top floors. Here, the buildings are set farther back to accommodate a limited amount of off-street parking.

a. Maximum Building Width

CO-3, UR-1

250' along the sidewalk

b. Maximum Building Height

CO-3, UR-1 – 35'

c. Setbacks

75% of the front façade of the primary structure must be within the allowable setback range

CO-3

Front (Min/Max) – 0' / 75'

Side – Attached: 0' internal, 5' external
Detached: 5'

Rear – 0', 10' when adjacent to a residential use or zone

UR-1

Front – 10'

Side – Attached: 0' internal, 5' external
Detached: 5'

Rear – 5', 10' when adjacent to a residential use or zone

d. Off-Street Parking

CO-3, UR-1

A minimum of two off-street parking spaces shall be required for each live-work unit, which consists of both a residential and commercial use.

Any live-work unit in which the commercial space is greater than 750 square feet, the required number of off-street parking spaces shall be applicable with an allowable reduction up to 25%

e. Transparency

CO-3 - Minimum along public ROW shall be 35% on the ground floor and 20% on any upper floors

UR-1 - Minimum along public ROW shall be 20% on the ground floor

f. Other Development Controls

CO-3, UR-1

Dwelling units located on the ground floor shall be in the rear portion of the building.

No outdoor storage of materials related to the business activity shall be allowed

Temporary outdoor displays of products shall be permitted

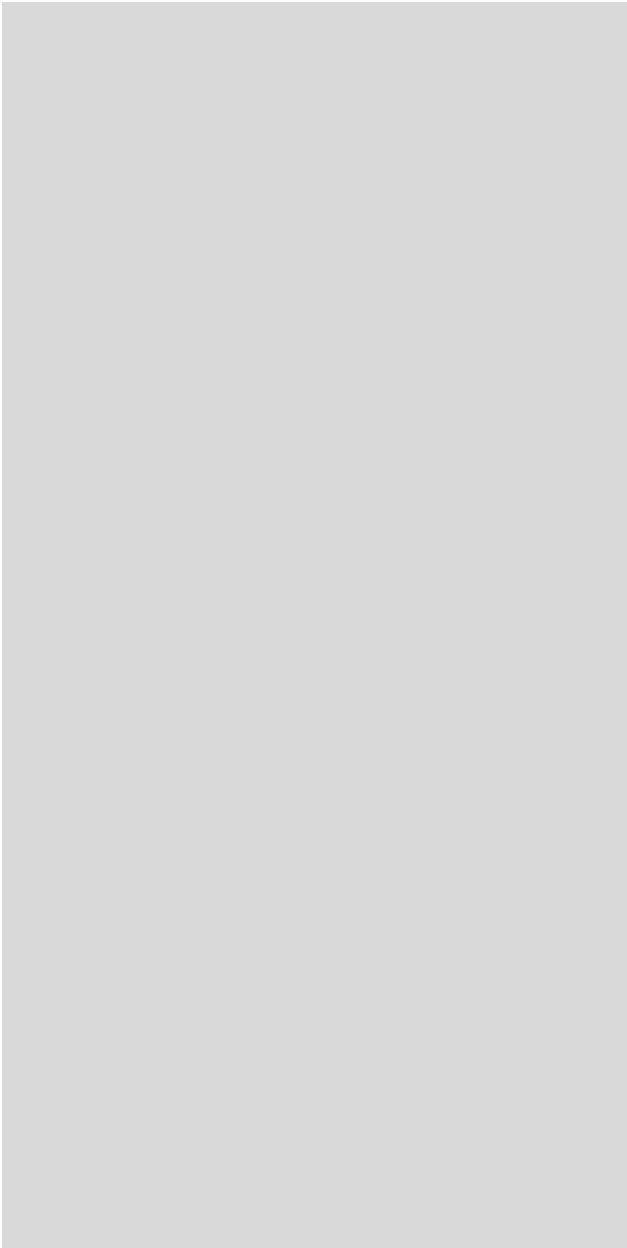
g. Permitted Uses

Commercial Use Group

- Artists / craftsmen galleries and studios
- Business support services
- Financial services
- Personal improvement service
- Professional office
- Bed and breakfast

Residential Use Group

- Attached single-family
- Detached single-family



3. Multi-Family Buildings



Above: Multi-family buildings can range from moderate to very high density.



Above: A wide range of architecture is allowed for multi-family buildings to accommodate different styles and densities of development.

a. Maximum Building Width

CO-2, UR-1

250' along the sidewalk

b. Maximum Building Height

CO-2, UR-1 – 50'

c. Setbacks

75% of the front façade of the primary structure must be within the allowable setback range

CO-2

Front (Min/Max) – 0' / 75'

Side – 0', 5' when adjacent to a residential use or zone

Rear – 0', 10' when adjacent to a residential use or zone

UR-1

Front – 10'

Side – 5'

Rear – 5'

d. Building Types

CO-2, UR-1

Duplex

Triplex

Quadplex

Multi-Family

e. Off-Street Parking

CO-2, UR-1

A maximum allowable reduction of 25% shall be permitted

f. Permitted Uses

Residential Use Group

Two-Family

Multi-family

4. Single-Family Buildings



Above: New single-family dwellings should be developed at the same or higher density than currently exists.



Above: Attached single-family dwellings can take on many different architectural styles.

a. Maximum Building Width

CO-3, UR-1

250' along the sidewalk (*when attached*)

b. Maximum Building Height

CO-3, UR-1 – 35'

c. Setbacks

Attached Single-Family

CO-3, UR-1

Front – 10'

Side – 0' internal, 5' external

Rear – 5'

d. Off-Street Parking

CO-3, UR-1

There shall be no allowable reduction in the off-street parking requirements

e. Maximum Building Height

CO-3, UR-1 – 35'

f. Permitted Uses

Residential Use Group

Attached single-family

Public and Civic Use Group

Babysitting service

Family day care home

5. Public and Civic Buildings



Above: Smaller scale public and civic uses are allowed but should not dominate the character, form, and function of the Commonwealth Station area.



Above: Public and civic uses provide a venue for cultural amenities, social interaction, and are the foundation of a quality community.

a. Maximum Building Footprint

CO-1, CO-2 – 15,000 square feet

CO-3 – 8,000 square feet

UR-1 – 7,000 square feet

b. Maximum Building Height

CO-1, CO-2, CO-3, UR-1 – 50'

c. Setbacks

CO-1, CO-2, CO-3

75% of the front façade of the primary structure must be within the allowable setback range

Front (Min/Max) – 0' / 75'

Side – 10', 35' when adjacent to a residential use or zone

Rear – 10', 35' when adjacent to a residential use or zone

UR-1

Front – 35'

Side – 35'

Rear – 35'

d. Off-Street Parking

CO-1, CO-2, CO-3, UR-1 – A maximum allowable reduction of 10% shall be permitted.

e. Permitted Uses

Public and Civic Use Group

Day care, Type 1

Day care, Type 2

Cultural exhibits and libraries

Religious assembly

SECTION 10.26, D.

ARCHITECTURAL STANDARDS

1. Flex-Use, Live-Work Buildings

1. Flex-Use, Live-Work Buildings

a. Primary Building Materials

CO-1, CO-2, CO-3, UR-1

Brick, architectural grade CMU, stone, tile, EIFS/stucco, glass or concrete which is formed to have a masonry unit appearance may be used.

Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal.



Above: The use of a variety of building materials and architectural features helps to create a visually stimulating building façade.



Above: Architectural styles may vary in order to accommodate a variety of designs.



Above: The use of a simple recessed entry and porch feature help to break up a building façade and add character to a structure.

b. Secondary Building Materials

CO-1, CO-2, CO-3, UR-1

Architectural grade metals, plain faced CMU, wood or cement board siding, glass block, vinyl siding, hardiplank, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas.

Secondary materials may not exceed 50% of each building or tenant façade. Only architectural grade materials shall be used.

c. Prohibited Building Materials

CO-1, CO-2, CO-3, UR-1

Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, or other hard board type materials are not permitted.



Above: Weak and fragile building materials do not adequately withstand the elements and quickly deteriorate leaving an unsightly appearance



Above: Corrugated metal buildings project an isolating and sterile environment found in industrial areas and are not appropriate in a neighborhood or "main street" area.

d. Public Entry Articulation

CO-1, CO-2, CO-3, UR-1

The main public building entrances shall be placed along the adjoining public street frontages or private access drives which function as "streets." When a building feature both types of frontage the public entry articulation is required along the private access drive

The main public entrances shall be emphasized in the façade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or changing the building materials, detailing, or color around the entrance opening.

Secondary public entrances may be located on other frontages as well.



Above: The simple use of architectural elements can dramatically increase the visibility and aesthetic appeal of the main entrance. It is important that the main entrance be differentiated from its immediate surroundings.



Above: The main entrance forms a connection between the public and the private realm, therefore, emphasis should be added to recognize the important role they play.

e. Roof Shapes

CO-1, CO-2, CO-3, UR-1

Flat roof designs are permitted. All flat roofs shall utilize a parapet at least three feet higher than the roof line (*live-work units shall be exempt from this requirement*).

Parapet designs which have a defined cornice line and pitched roofs are permitted.

Pitched roof forms shall be complete and span the entire building massing on which they are placed.



Above: This commercial building features a symmetrical pitched roof which provides balance.

Stage set roof designs are permitted, provided they incorporate vertical articulation in the form of parapets and towers in order to break up continuous roof facades.



Above: The articulation of this stage set roof breaks up what could be an expressionless façade.



Above: Stage set roof types are an effective means to screen rooftop mechanical equipment.

Mansard roof types are prohibited.



Above: The size and scale of mansard roofs overpower and detract from the character and form of a building or structure.

SECTION 10.26, E.

SIGNAGE STANDARDS

- 1. Introduction**
- 2. Flex-Use, Live-Work Buildings**
- 3. Residential Buildings**
- 4. Public and Civic Buildings**

1. Introduction

These sign regulations apply in addition to the sign regulations set forth in Article XIV.

2. Flex- Use, Live-Work Buildings

a. Ground Signs



Above; A properly placed ground sign can effectively identify multiple tenants and reduce the amount of signage needed for an entire site.

i. Maximum Number

CO-1 - One per street frontage along a public ROW as well as along a private drive or street within a development which functions as a public ROW.

CO-2, CO-3, UR-1 - One per street frontage along a public ROW.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 60 square feet
UR-1 – 30 square feet for a building with commercial uses only, 60 square feet for a building containing a mixture of commercial and residential land uses

iii. Maximum Height

CO-1, CO-2, CO-3 – 20'
UR-1 – 10', for a building with commercial uses only, 20' feet for a building containing a mixture of commercial and residential land uses

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 - 5', 35' feet from the nearest single-family zone

v. Illumination

CO-1, CO-2, CO-3, UR-1 – External or internal, direct, exposed or concealed

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – Manual or automatic permitted, up to 25% of sign face.

vii. Development Controls

Ground signs are not permitted for any live-work building form.

b. Directional Ground Signs



Above: Directional ground signs provide essential way-finding information to reduce confusion in off-street parking areas.

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 – One per vehicle entrance

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 12 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 – 6'

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 – 5'

v. Illumination

CO-1, CO-2, CO-3, UR-1 – Internal or concealed only

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – None

vii. Development Controls

Directional ground signs are not permitted for any live-work building form.

c. Wall Signs



Above: This wall sign utilizes exterior lighting featuring cutoff light fixtures to reduce glare.



Above: Wall signs are used to identify individual, tenants, increase business visibility and are usually placed above main entrances.

i. Maximum Number

CO-1 - One per business per street frontage along a public ROW as well as along a private drive or street within a development which functions as a public ROW.

CO-2, CO-3, UR-1 - One per business per street frontage along a public ROW.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 2 square feet of sign area per lineal foot of building width on the side of the building on which the sign is located.

iii. Illumination

CO-1, CO-2, CO-3, UR-1 – External or internal, direct, exposed or concealed.

iv. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – Manual and automatic permitted, up to 25% of sign face.

v. Development Controls

CO-1, CO-2, CO-3, UR-1 - Wall signs permitted for non-residential uses only. No wall sign shall extend above the roof of the building, including parapets and architectural extensions

d. Projecting Signs



Above: Projecting signs are a form of business identification oriented towards pedestrians

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 - One per business establishment with a ground floor entrance.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 36 square feet

iii. Height at Bottom of Sign

CO-1, CO-2, CO-3, UR-1
7' minimum, 10' maximum

iv. Height at Top of Sign

CO-1, CO-2, CO-3, UR-1 – 16'

v. Illumination

CO-1, CO-2, CO-3, UR-1 – External or internal, direct, exposed or concealed.

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – Manual and automatic permitted, up to 25% of sign face.

vii. Projection from Building Face

CO-1, CO-2, CO-3, UR-1 – 6' maximum

e. Sidewalk Signs

Above: Sidewalk signs are an effective means for businesses to convey special or temporary information.

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 - One per business establishment with a ground floor entrance.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 10 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 – 5'

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 - None

v. Illumination

CO-1, CO-2, CO-3, UR-1 – None permitted

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – Manual or automatic permitted

vii. Other Development Controls

CO-1, CO-2, CO-3, UR-1

Sign shall be in front of the establishment.

Sign shall be an A-frame or other self-supporting design, without separate structural members.

Sign shall be placed so that it does not block any public entrance or required emergency exit from a building and so that there is a clear passage of at least six feet.

Sign may be placed on the sidewalk only during hours when the establishment to which it pertains is open for business; a sidewalk sign located in front of a business that is not open shall be considered an abandoned sign and may be removed by

City of Erlanger without notice and without liability for its value.

A sidewalk sign may bear any noncommercial message or a commercial message related to goods or services available in the premises that fronts on the sidewalk.

f. Incidental Signs

Above: Incidental signs are used to convey minor information about a site or off-street parking area which is noncommercial in nature.

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 – As needed

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 4 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 – 6'

vi. Setbacks

CO-1, CO-2, CO-3, UR-1 - None

v. Illumination

CO-1, CO-2, CO-3, UR-1 – None permitted

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – None

vii. Development Controls

CO-1, CO-2, CO-3, UR-1

No incidental sign shall bear a commercial message. The intent is to provide for signs such as “no parking” or “no dumping,” etc.

g. Traffic Control Signs

Above: Traffic control signs aid in the safe and effective movement of vehicular traffic and pedestrians.

i. Development Controls

CO-1, CO-2, CO-3, UR-1

Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

2. Residential Buildings

a. Permanent Development

Entrance Signs



Above: Permanent development signs are used to identify specific residential areas



Above: Permanent development signs should utilize high quality materials and landscape features.

i. Maximum Number

CO-2, UR-1 – 2 per entrance

ii. Maximum Size

CO-2, UR-1 – 25 square feet per sign

iii. Maximum Height

CO-2, UR-1 – 6'

iv. Setbacks

CO-2, UR-1

5' from all property lines

v. Illumination

CO-2, UR-1 - External or internal, direct, exposed or concealed

vi. Changeable Copy

CO-2, UR-1 – None

vii. Development Controls

CO-2, UR-1

Permanent entrance signs shall only be permitted for neighborhoods or multi-family developments.

b. Directional Ground Sign



Above: Directional ground signs provide critical way-finding information for residents and visitors to a development or community

i. Maximum Number

CO-2, UR-1 – One per vehicle entrance

ii. Maximum Size

CO-2, UR-1 – 12 square feet

iii. Maximum Height

CO-2, UR-1 - 6 feet

iv. Setbacks

CO-2, UR-1 – 5'

vi. Illumination

CO-2, UR-1 – Internal or concealed only

vi. Changeable Copy

CO-2, UR-1 – None

c. Ground Signs



Above: Ground signs can be to identify special events, personal viewpoints, and lawfully permitted commercial activity occurring on the premises.

i. Maximum Number**CO-2, UR-1**

4 total: 1 permanent, 3 temporary

ii. Maximum Size

CO-2, UR-1 – 6 square feet

iii. Maximum Height

CO-2, UR-1 – 6'

iv. Setbacks

CO-2, UR-1 - None

v. Illumination

CO-2, UR-1 - None

vi. Development Controls**CO-2, UR-1**

Any permanent sign shall not contain a commercial message

No more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages.

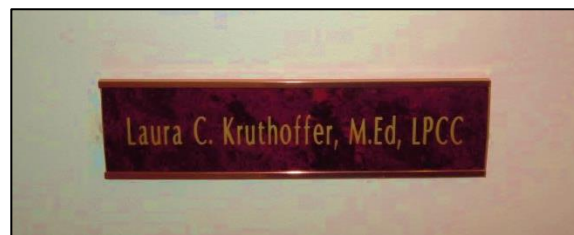
The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such

as through a garage sale or yard sale) or the sale, rental or lease of the premises.

Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale.

Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message.

If a message relates to a special event, such sign shall be removed within seven (7) days following the conclusion of such event.

e. Wall Signs

Above: Wall signs are used to identify a lawfully operating business located on a residential premises

i. Maximum Number

CO-2, UR-1 – 1 per dwelling unit

ii. Maximum Size

CO-2, UR-1 – 4 square feet

iii. Maximum Height

CO-2, UR-1 – None

iv. Illumination

CO-2, UR-1 - None

v. Development Controls**CO-2, UR-1**

Sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a home occupation.

For permitted uses other than residential, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message.

f. Incidental Signs

Above: Incidental signs are used to convey minor information about a site or off-street parking area which is noncommercial in nature.

i. Maximum Number**CO-2, UR-1** – As needed**ii. Maximum Size****CO-2, UR-1** – 4 square feet**iii. Maximum Height****CO-2, UR-1** – 6'**iv. Setbacks****CO-2, UR-1** - None**v. Illumination****CO-2, UR-1** – None permitted**vi. Changeable Copy****CO-2, UR-1** – None**vii. Development Controls****CO-2, UR-1**

The intent of these signs is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”.

No incidental sign may not bear any commercial message.

f. Traffic Control Signs

Above: Traffic control signs aid in the safe and effective movement of vehicular traffic and pedestrians.

i. Development Controls**CO-2, UR-1**

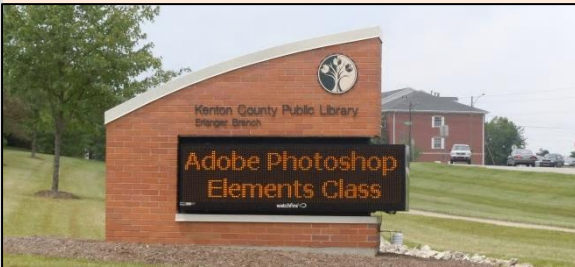
Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

3. Public and Civic Buildings

a. Ground Signs



Above: Ground signs are a primary means for identifying an organization or business.



Above: Ground signs for public and civic buildings may utilize automatic or manual changeable copy to advertise services and events.

i. Maximum Number

CO-1 - 1 per street frontage along a public ROW as well as along a private drive or street within a development which functions as a public ROW.

CO-2, CO-3, UR-1 – 1 per street frontage along a public ROW.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1

50 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 -10'

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 - 5' from all property lines

v. Illumination

CO-1, CO-2, CO-3, UR-1 - External or internal, direct, exposed or concealed

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1

Manual and automatic permitted, up to 30% of sign face.

b. Directional Ground Signs



Above: Directional ground signs are used for way-finding to decrease confusion on a site and in off-street parking areas.

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 – One per vehicle entrance

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 12 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 - 4 feet

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 – 5'

v. Illumination

CO-1, CO-2, CO-3, UR-1 – Internal or concealed only

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – None

c. Wall Signs



Above: Wall signs are an effective mean to identify an organization or business.

i. Maximum Number

CO-1 - 1 per street frontage along a public

ROW as well as along a private drive or street within a development which functions as a public ROW.

CO-2, CO-3, UR-1 – 1 per street frontage along a public ROW.

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 1 square foot of sign area per lineal foot of building width on the side of the building on which the sign is located.

v. Illumination

CO-1, CO-2, CO-3, UR-1 – Internal and concealed source only

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – Manual and automatic permitted, up to 25% of sign face.

vii. Development Controls

CO-1, CO-2, CO-3, UR-1 - No wall sign shall extend above the roof of the building, including parapets and architectural extensions

d. Incidental Signs



Above: Incidental signs are used to convey minor information about a site or off-street parking area which is noncommercial in nature.

i. Maximum Number

CO-1, CO-2, CO-3, UR-1 – As needed

ii. Maximum Size

CO-1, CO-2, CO-3, UR-1 – 4 square feet

iii. Maximum Height

CO-1, CO-2, CO-3, UR-1 – 6'

iv. Setbacks

CO-1, CO-2, CO-3, UR-1 - None

v. Illumination

CO-1, CO-2, CO-3, UR-1 – None permitted

vi. Changeable Copy

CO-1, CO-2, CO-3, UR-1 – None

vii. Development Controls

CO-1, CO-2, CO-3, UR-1

The intent of these signs is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms”.

No incidental sign may bear any commercial message.

e. Traffic Control Signs



Above: Traffic control signs aid in the safe and effective movement of vehicular traffic and pedestrians.

i. Development Controls

CO-2, UR-1

Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

SECTION 10.26, F.

GENERAL REGULATIONS

- 1. Accessory Uses**
- 2. Mechanical Equipment Screening**
- 3. Loading/Unloading/Service Areas**
- 4. Trash Enclosures**
- 5. Outdoor Storage**
- 6. Lighting**
- 7. Screening and Landscaping**
- 8. Other Development Controls**

1. Accessory Uses**CO-1, CO-2, CO-3, UR-1**

- a. Customary accessory buildings and uses typically associated with the principal building form shall be permitted. Said uses shall be regulated according to the standards set forth within Article IX of this ordinance.
- b. Home Occupations shall be regulated according to the standards set forth within Article IX of this ordinance.
- c. Fences and walls shall be regulated according to the standards set forth within Article XIII of this ordinance.
- d. Signs shall be regulated by Article XIV and Section 10.26, F.
- e. Outdoor dining areas shall be permitted subject to the following standards:

Such area shall not exceed 25% of the maximum seating capacity of the indoor seating area

Entertainment, music, and sound amplifying systems shall be permitted within the outdoor seating areas no later than 11 p.m., Sunday thru Thursday and no later than midnight on Friday and Saturday.

2. Mechanical Equipment Screening**CO-1, CO-2, CO-3, UR-1**

- a. All mechanical equipment shall be screened from view of the public street frontage or a private access drive which functions as a street.

This does not include equipment that is required by a public utility company (i.e. electric/gas meters, etc.).
- b. Ground mounted equipment shall be screened either with landscaping, enclosed within a structure which uses the same materials, colors, or design detailing as the principal building, or by some other means which screens it from a public street frontage or a private access drive which functions as a street.
- c. If roof mounted, mechanical equipment shall be screened by a parapet wall or stage set roof types (for flat roofed buildings). If used, the parapet wall shall be designed and constructed as an integral part of the overall building.

For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.
- d. Mechanical equipment screening shall not be required for single-family residential building forms.

3. Loading / Unloading / & Service Areas**CO-1, CO-2, CO-3, UR-1**

Loading/unloading areas may be located in an adjacent public right-of-way, within an off-street parking area, or any other designated area. Such areas shall not be used in a manner which is detrimental to vehicular traffic, adjacent businesses, nor create a nuisance to general public.

4. Trash Enclosures**CO-1, CO-2, CO-3, UR-1**

- a. Garbage storage areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as streets.
- b. Garbage storage areas shall be enclosed on at least three (3) sides.
- c. Garbage storage areas shall be screened by either landscaping or an enclosure structure constructed of brick or masonry walls and/or wooden fences which are a minimum of five (5) feet tall or one foot higher than the trash container to be screened, whichever is greater. Chain link fences with slats are not acceptable enclosure materials.

If provided, the gates or doors of the garbage collection area or dumpster enclosure shall be kept completely closed except at times when the area or dumpster is being serviced.

Additionally, the required enclosure structure shall be constructed with the same materials, colors, or design detailing as the principal building.

- d. Trash enclosure regulations shall not be applicable to single-family residential building forms.



Above: The use of similar building materials and comparable colors integrate a trash enclosure into a building.



Above Landscaping can be an effective means of screening trash enclosures.

5. Outdoor Storage

No outdoor storage of any material or product, either useable or waste, shall be permitted within this zone, except within enclosed areas. Outdoor play areas used in connection with a daycare are permitted.

6. Lighting

CO-1, CO-2, CO-3, UR-1

- a. Light poles shall be consistent in design with the overall architectural theme of each development proposal. All light poles in off-street parking and pedestrian areas shall be black in color.
- b. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while lighting in parking areas should be at larger scales to light parking areas and vehicular circulation routes.
- c. All non-decorative lighting shall be fully shielded lights so that they do not emit light rays at angles above the horizontal plane.
- d. Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.

- e. Lighting located on the building wall shall be fully shielded to direct the light downward.
- f. Neon or LED accent lighting is permitted on buildings and structures.
- g. No lighting shall be permitted which would glare from this zone onto any street or adjacent property.

7. Screening and Landscaping

- a. Interior landscaping for vehicular use areas must be provided in accordance with Section 9.17., H., of this zoning ordinance.
- b. Any commercial or multi-family use building that is adjacent to a single family zoning district shall provide a buffer yard in accordance with Section 9.17., Table 2, Buffer Yard A.

8. Other Development Controls

- a. No use shall produce objectionable odors, noise or dust.
- b. All new utilities installed by a developer must be underground when a new development occurs.

SECTION 10.26, G.

DEFINITIONS AND PROHIBITED USES

1. **Definitions**
2. **Prohibited Uses**
3. **General Definitions**

1. Definitions

The definitions in this section shall prevail within the CS Zone. For definitions not contained within the CS Zone, the definitions contained in the City of Erlanger Zoning Ordinance shall prevail.

Definitions contained within this section shall supersede those contained within Article VII of this zoning ordinance.

a. Residential Use Group

Attached Single-Family – A single dwelling unit located on its own lot that shares one or more common or adjacent walls with one or more dwelling units. An attached house does not share common floor/ceilings with other dwelling units.

Multi-Family – A residential building, designed, arranged, or used exclusively by three (3) or more families, living independently of each other.

Two-Family – A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

b. Public & Civic Use Group

Day Care or Day Care Center – Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are 4 types of Day Care uses:

- i. **Babysitting Service**
A day-care facility within a residential dwelling unit that provides care to up to 3 children, in addition to any children related to the day-care provider.
- ii. **Family Day-Care Home**
A day-care facility within a residential dwelling unit that is certified by the state to provide care for 4 to 6 children or adults, in addition to any children related to the day care provider.
- iii. **Day Care, Type 1**
A facility that is licensed by the state to care for 13 or more children or adults.
- iv. **Day Care, Type 2**
A facility that is licensed by the state to care for 7 to 12 children or adults.

Cultural Exhibits and Libraries – Museum-like preservation and exhibition

of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc. for study and reading.

Lodge or Private Club – An association of persons for some common objective, usually jointly supported and meeting periodically.

Religious Assembly – Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

c. Commercial Use Group

Animal Sales and Grooming – Sales and grooming of dogs, cats, and similar small animals.

Artists/Craftsman Galleries and Studios – Studio for artists, designers, photographers, musicians, sculptors, potters, wood and leather craftsman, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry that will be displayed or sold on premises.

Auto Supply/Accessory Sales – Businesses involved in the sale, lease, or rental of new or used automobile

supplies or accessories to the general public.

Bed and Breakfast - A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

Building Maintenance Services – Provision of maintenance and custodial services to commercial and industrial establishments.

Business Support Services – Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include but are not limited to employment agencies, secretarial services, telephone answering services, and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes.

Repair or Laundry Service, Consumer – Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Typical uses include but are not limited to laundry/dry cleaning drop-off stations, hand laundries, appliance repair shops,

locksmiths, shoe and apparel repair, and musical instrument repair. This definition does not include laundromats or self-service washing and drying facilities.

Sit-Down Restaurants – Establishments primarily engaged in the retail sale of prepared food for consumption on the premises.

Microbrewery – Establishments engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

Tavern – Establishments primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine, and liquor for consumption on the premises. Such establishments may sell or serve food.

Brewpub – Establishments primarily engaged in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

Micro-distillery – Establishments primarily engaged in on-site distillation of spirits and may include retail and food service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

Entertainment – Provision of cultural, entertainment, athletic, and other events to spectators with a capacity of fewer than 500 persons.

Financial Services – Financial or securities brokerage services.

Funeral and Internment Services – Provision of services involving the care, preparation, or disposition of human

dead. Typical uses include funeral homes, crematory services, mortuaries, and cemeteries.

Gasoline Stations – Retail sales to the public of fuels, oils, and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent, and where no motor vehicles or boats are offered for sale or rent.

Lodging – A building or buildings to be used for the temporary abiding place for travelers and transient guests with incidental food, drink, and other sales and services intended for the convenience of guests.

Medical Service – Personal health services, including prevention, diagnosis, and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services.

Minor Vehicle Repair – A vehicle repair establishment that provides replacement of any passenger vehicle part or repair of any passenger vehicle part that does not involve body work or painting or

require removal of the engine head or pan, engine transmission or differential.

Professional Office – Professional, governmental, executive, management, or administrative offices of private organizations or government agencies.

Personal Improvement Service – Informational, instructional, personal improvement, and similar services of a nonprofessional nature. A massage establishment operated by a licensed massage therapist is also included with in the “personal improvement service” use category.

Retail Sales and Service – Businesses involved in the sale, lease, or rental of new or used products or merchandise to the general public. Typical uses include drug stores, grocery stores, department stores, and apparel stores.

Veterinary Hospitals – Pet clinics, dog and cat hospitals, and animal hospitals.

2. Prohibited Uses

In order to provide for an area conducive to pedestrian activity, several uses have been determined to be not appropriate in the CS Zone. The

following rationale was used to determine if a use should be prohibited:

- a. Uses are automobile oriented
- b. Uses are associated with negative secondary effects (crime, loitering, graffiti, traffic, etc.)

The following uses are prohibited in the CS Zone:

Laundromats and self-service washing and drying – A self-service laundry facility with coin-operated washing machines, dryers, and sometimes ironing or pressing machines, open to the public for washing clothing and household cloth items.

Bingo Hall – A facility used exclusively or primarily for conducting bingo and other similar games that are open to the public.

Billiard/Pool Hall – A place where people get together for playing cue sports such as pool, snooker or carom billiards.

Currency Exchange (Check Cashing Facility) – A person or business that for compensation engages, in whole or in part, in the business of cashing checks,

warrants, drafts, money orders, or other commercial paper serving the same purpose.

Payday Loan – An establishment that engages in the business of offering payday loans. A “payday loan” is a loan transaction where a post-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.

Pawn Shop – An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawnor or pledger.

Body-Art Services – Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification.

Fortune Telling Service – An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person’s character or future from the lines on the palms of hands).

Flea Market – An occasional or periodic market usually held in an open area, but which may be held indoors, where individual stalls or spaces are provided on a short-term basis for vendors to display, buy, sell, exchange, or deal in new or used goods.

Car Wash – A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam-cleaning device, or other mechanical device—or it may provide space, water, and equipment for hand washing, cleaning, or detailing of automobiles, whether by the customer or the operator.

Major Vehicle Repair – Repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

New or Used Vehicle/Equipment Sales – Sales of new or used autos, noncommercial trucks, motorcycles, trailers, and boats, together with incidental maintenance.

Animal Kennels and Shelters – Animal shelters and kennel services for dogs, cats, and small animals.

Internet or Sweepstakes Parlor or Café – An establishment that gives away chances to win prizes with the purchase of a service or product, typically internet access or telephone

Drive through / Drive In establishment – A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building

3. General Definitions

Façade - That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.