

## ARTICLE X

### ZONES

#### SECTION 10.0 CO (CONSERVATION) ZONE

##### A. PERMITTED USES

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

##### B. ACCESSORY USES

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

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

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

###### a. Boat harbors and marinas;

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

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

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

D. AREA AND HEIGHT REGULATIONS

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

E. OTHER DEVELOPMENT CONTROLS

- 1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any permitted use or conditional use in this zone.
- 2. Any activity that may be located in the floodplain of any water course shall be in accordance with the requirements of Section 9.25
- 3. Dwellings, including cabins, rooming houses, and mobile homes are not permitted in this zone.
- 4. Temporary camping units, tents, and recreational vehicles, as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year-round habitation.
- 5. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XI.
- 6. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
- 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.
- 9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

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

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

**B. ACCESSORY USES**

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

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

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

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

- 1. Minimum lot area - Three (3) acres
- 2. Minimum lot width at building setback line - Three hundred (300) feet
- 3. Minimum front yard depth - Seventy-five (75) feet
- 4. Minimum side yard width on each side of lot - Seventy-five (75) feet
- 5. Minimum rear yard depth - Fifty (50) feet
- 6. Maximum building height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS

- 1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
- 2. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
- 3. All utilities must be underground when any new development occurs.

**SECTION 10.02 R-1C (RESIDENTIAL ONE-C) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools;
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area - Twelve thousand five hundred (12,500) square feet

2. Minimum lot width at building setback line - Eighty (80) feet
3. Minimum front yard depth - Thirty (30) 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

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

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

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area -  
Single-family: Twelve thousand five hundred (12,500) square feet  
Two-family: Eighteen thousand seven hundred and fifty (18,750) square feet
2. Minimum lot width at building setback line -  
Single-family: Eighty (80) feet  
Two-family: Ninety (90) 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

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.



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

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

1. Minimum lot area - 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

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

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area -  
Single-family: Nine thousand (9,000) square feet  
Two-family: Thirteen thousand five hundred (13,500) square feet
2. Minimum lot width at building setback line -  
Single-family: Seventy (70) feet  
Two-family: Eighty (80) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

**SECTION 10.6 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 9.32 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Fifteen (15) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

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

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area -  
Single-family: Seven thousand five hundred (7,500) square feet  
Two-family: Eleven thousand five hundred (11,500) square feet
2. Minimum lot width at building setback line -  
Single-family: Sixty (60) feet  
Two-family: Eighty (80) 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.



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**SECTION 10.8 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 9.32 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

**SECTION 10.9 R-1FF (RESIDENTIAL ONE-FF) ZONE****A. PERMITTED USES**

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area -  
Single-family: Six thousand (6,000) square feet  
Two-family: Nine thousand (9,000) square feet
2. Minimum lot width at building setback line -  
Single-family: Fifty (50) feet  
Two-family: Sixty (60) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Total: Ten (10) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

**SECTION 10.10 R-1G (RESIDENTIAL ONE-G) ZONE****A. PERMITTED USES**

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 of this ordinance

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental services
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width 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

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. All utilities must be underground when any new development occurs.
6. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.

**SECTION 10.11 R-2 (RESIDENTIAL TWO) ZONE****A. PERMITTED USES**

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

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

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - Ten (10.0) dwelling units per net 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 on each side of lot - Fifteen (15) feet
6. Minimum rear yard depth - Thirty (30) feet
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
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 when any new development occurs.
7. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.



**SECTION 10.12 R-3 (RESIDENTIAL THREE) ZONE****A. PERMITTED USES**

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

**B. ACCESSORY USES**

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII
3. 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;

**D. AREA AND HEIGHT REGULATIONS**

1. Minimum tract for development - Five (5) 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 - Twenty thousand (20,000) square feet
3. Maximum density - Twenty (20.0) dwelling units per net acre
4. Minimum lot width at building setback line - One hundred (100) feet
5. Minimum front yard width for internal development - Fifty (50) feet
6. Minimum front yard depth-
  - a. When abutting a major arterial as defined in the adopted comprehensive plan - Seventy-five (75) feet
  - b. On internal road - Forty (40) feet
7. Minimum side yard width -
  - a. In internal parts of the development - Twenty-five (25) feet
  - b. Where the side yard is adjacent to a major arterial as defined in the adopted comprehensive plan - Seventy-five (75) feet
8. Minimum rear yard depth - In internal parts of the development - Thirty (30) feet
9. Maximum building height - Forty (40) feet
10. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot

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 materials, supplies, or products shall be permitted in this zone.

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

**SECTION 10.13 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE**

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

implemented as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

- c. If a request with the Planning Commission is filed, the legislative body shall, within ninety (90) 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.

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

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review.
  - a. The legislative body shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. In approving the Stage II plan, the city may authorize minor adjustments from the Stage I approved plan, without a public hearing. The legislative body shall determine what is a major change considering the spatial relationship of structures, a change in land uses, a change in density, a change in circulation

patterns for vehicular and pedestrian traffic, or the change in open space and recreational areas and the like.

In the event that the city legislative body determines the changes are a major nature, the proposed revisions shall be reviewed through the public hearing process as provided under 10.12.

Upon city legislative approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance.

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

Following planning commission approval of the plat as required by KRS 100.277, the record plat shall be submitted to the legislative body for a determination that any offer of dedications (public ways and/or easements) indicated on the plat would be beneficial to the public interest and suitable for the immediate or future "acceptance for maintenance" by the city as required by KRS 82A.

Upon submission of the record plat to the legislative body, said original plat, certified by the planning commission and the mayor of the legislative body, and suitable for recording, shall be forwarded to the offices of the county clerk to be recorded.

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

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

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

Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.

- F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
  2. Community centers, including day care facilities
  3. Country clubs
  4. Fire or police stations
  5. Libraries
  6. Open space/recreation areas
  7. Schools (nursery, elementary, and secondary);
- G. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

- K. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. **COMMON OPEN SPACE/RECREATION AREA:** At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- M. **AMENDMENTS:** Any amendments to plans shall be made in accordance with the procedure required by this ordinance and any minor amendments may be approved by the city legislative body without a hearing as provided herein and any major changes shall be heard by the city legislative body at a public hearing after due notice.
- 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. A particular section of the original Stage I Plan has not had a Stage II approval by the city legislative body within twenty-four (24) consecutive months from the date of the approval of the Stage I approved plan for that particular section, provided an extension may be permitted by the legislative body 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 must be underground when any new development occurs.

**SECTION 10.14 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development (RCD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R-1) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the RCD Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the RCD application.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan requirements.
    - a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.
    - b. The Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission

recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

- c. If a request with the Planning Commission is filed, the legislative body shall, within ninety (90) 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.

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

2. Stage II -- Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review.
  - a. The legislative body shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. In approving the Stage II Plan, the city may authorize minor adjustments from the Stage I approved plan, without a public hearing. The legislative body shall determine what is a major change considering the spatial relationship of structures, a change in land use, A change in density, a change in circulation patterns for vehicular and pedestrian traffic, or a change in open space and recreational areas and the like.

In the event that the city legislative body determines the changes are of a major nature, the proposed revisions shall be reviewed through the public hearing process as provided under 10.14.

Upon city legislative approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations as may be required by this ordinance.

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

Following planning commission approval of the plat as required by KRS 100.277, the record plat shall be submitted to the legislative body for a determination that any offer of dedication (public ways and/or easements) indicated on the plat would be beneficial to the public interest and suitable for the immediate or future "acceptance for maintenance" by the city as required by KRS 82A.

Upon submission of the record plat to the legislative body, said original record plat, certified by the planning commission and the mayor of the legislative body, and suitable for recording, shall be forwarded to the offices of the county clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** Attached and detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
  - 1. Churches
  - 2. Community centers, including day care facilities
  - 3. Country clubs
  - 4. Fire or police stations
  - 5. Libraries
  - 6. Open space/recreation areas

7. Schools (nursery, elementary, and secondary);
- F. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than four (4) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- G. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- H. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- I. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- 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 shall be made in accordance with the procedure required by this ordinance and any minor amendments may be approved by the city legislative body without a hearing as provided herein and any major changes shall be heard by the city legislative body at a public hearing after due notice.
- M. EXPIRATION: Any amendment to the RCD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

1. A particular section of the original Stage I Plan has not had Stage II approval by the city legislative body within twenty-four (24) consecutive months from the date of the approval of the Stage I approved plan for that particular section, provided an extension may be permitted by the legislative body 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 must be underground when any new development occurs.

**SECTION 10.15 MHP (MOBILE HOME PARK) OVERLAY ZONE:**

- A. **GENERAL:** A Mobile Home Park (MHP) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MHP Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the MHP application.
- B. **APPLICATION AND PROCESSING:** Applications for Mobile Home Park Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to MHP Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
    - a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MHP Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.
    - b. The Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning commission:
      - (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
      - (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.
    - c. If a request with the Planning Commission is filed, the legislative body shall, within ninety (90) days after receiving the

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

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

- c. Zoning Map Amendment - Upon approval of the MHP Overlay Zone, the official zoning map shall be amended by adding the prefix "MHP" to the existing residential (R-1) zone (e.g., MHP-R-1B, MHP-R-1C, etc.) for the area as shown on the Stage I approved plan.
2. Stage II -- Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
    - a. The planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II Plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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



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

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

Upon planning commission approval of the Record Plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the County Clerk to be recorded.

- C. **USES AND DENSITIES:** Mobile homes including customary accessory buildings and uses may be permitted within a MHP Overlay Zone. The density of dwelling units in a MHP shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the MHP Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the Mobile Home Park (excluding, however, any commercial uses), are also permitted:
  1. Community centers
  2. Laundry facilities
  3. Rental or sales offices for lots and/or mobile homes in the Mobile Home Park;
- D. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the MHP. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
  1. Churches
  2. Open space/recreation areas
  3. Schools (nursery or day care, elementary and secondary)
- E. **AREA REQUIREMENTS:** No MHP Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing MHP Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- F. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.

- G. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- H. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- I. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- J. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed MHP shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the MHP. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- K. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- L. EXPIRATION: Any amendment to the MHP Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said MHP Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
  - 1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan and MHP Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
  - 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by

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

- M. UTILITIES: All utilities must be underground when any new development occurs.

**SECTION 10.16 HC (HIGHWAY COMMERCIAL) ZONE****A. PERMITTED USES**

1. Automobile laundry
2. Automobile, motorcycle, and truck sales, new or used
3. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
4. Boat and other marine equipment sales and service, new and used
5. Eating establishments and taverns, including drive-ins
6. Hotels and motels
7. Mobile home and trailer sales, rental and service (new and used)
8. Off-street parking lots and garages
9. Police and fire stations
10. Service stations
11. Skating rinks, golf driving ranges, miniature and par-3 golf courses

**B. ACCESSORY USES**

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

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

**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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All utilities must be underground when any new development occurs.
8. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
9. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
10. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
11. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.17 LHS (LIMITED HIGHWAY SERVICE) ZONE****A. PERMITTED USES**

1. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
2. Banks and other financial institutions, including savings, loan, and finance companies with drive through facilities
3. Dry cleaning and laundry pick-up station
4. Eating and drinking establishments, excluding drive-ins
5. Hotels and motels
6. Night clubs
7. Police and fire stations
8. Service stations
9. Exercise/Fitness Equipment Sales
10. New Luxury Car Dealership

**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 motel or hotel building, as a convenience to the occupants thereof, and their customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Gift shops
  - d. News and confectionery stands
  - e. Restaurants
5. Convenience food sales, provided in conjunction with a service station, and serving primarily as a convenience to the customers thereof. The area utilized for the sale of food items, and the required off-street parking facilities, shall be subordinate in area to the service station. The area for the service station, for comparative purposes, shall be limited to gas pumps, required parking facilities, and storage and circulation areas.
6. Self service car washes, provided in conjunction with a service station and not exceeding a total of four (4) bays. Adequate vehicular circulation and on-site vehicular storage areas shall be provided to serve such facilities.

Circulation and storage areas shall be designed in a manner that will not adversely effect the traffic patterns for the principal use or the adjacent roadway.

7. Uses listed below, only in conjunction with a New Luxury Car Dealership, provided that the accessory use(s) shall not exceed forty-nine (49) percent of the gross sales area utilized by the permitted use:
  - a. Luxury automobiles service departments associated with the New Luxury Car Dealership. All such service shall be conducted within the dealership or other fully enclosed building;
  - b. Pre-owned car sales or leases controlled by, and associated with, the primary New Luxury Car Dealership.
8. Helipads used in conjunction with new luxury car dealership.

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 - Twenty two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Forty (40) feet
7. In the case of this zone, more than one principal building, as defined herein, may be constructed within the tract for development, but in no case shall there be more than one principal structure within the minimum lot area, as provided for in Section 10.17, C., 2., of this ordinance
8. In the case of a New Luxury Car Dealership, the minimum lot width at the building setback line shall be at least one hundred (100) feet, the minimum front yard depth shall be at least forty (40) feet, the minimum side yard width shall be zero (0) feet, and the minimum rear yard depth shall be zero (0) 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All utilities must be underground when any new development occurs.
8. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
9. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
10. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
11. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
12. No New Luxury Car Dealership may be open tot the public or conduct and business operations or activities in any manner:
  - a. Before 7:30 a.m. and after 9:00 p.m. Mondays through Fridays;
  - b. Before 8:30 a.m. and after 7:30 p.m. on Saturdays;
  - c. Before 12:00 p.m. and after 6:30 p.m. on Sundays.
13. The sound pressure level from any speaker at the New Luxury Car Dealership, used to project announcements, pages, or music, shall not exceed 55 decibels. Furthermore, all exterior lighting from this use shall be directed away from residential zones and any light poles or posts shall not extend to a height that is greater than 20 feet above ground level.



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**SECTION 10.18 NC (NEIGHBORHOOD COMMERCIAL) ZONE****A. PERMITTED USES**

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

40. Racquetball, tennis, handball, and other similar facilities
41. Radio and television store, including repair
42. Service stations
43. Shoe store and shoe repair
44. Sporting goods
45. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
46. Tailor shop
47. Toy store
48. Variety store, including notions and "five and ten" stores
49. Animal clinics, excluding boarding and outside runs

B. **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. Outdoor dining, provided that such area meets the following minimum requirements:
  - a. Such area shall be designed to clearly identify the limits of the outdoor dining area
  - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area
  - c. Entertainment shall not be permitted within the outdoor dining areas
  - d. Such area 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 adjustment

C. **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

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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. Except as herein provided, 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. All utilities must be underground when any new development occurs.
9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
10. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
11. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
12. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.19 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, savings and loans, and credit unions
5. Barber and beauty shops
6. Billiard or pool hall
7. Book, stationery, or gift shop
8. Camera and photographic supplies
9. Candy store, soda fountain, ice cream store, excluding drive-ins
10. Delicatessen
11. Drug store
12. Dry cleaning and laundry pick-up station
13. Eating places and taverns, sit-down only
14. Florist shop
15. Food store and supermarkets
16. Furniture store
17. Garden supplies
18. Glass, china, or pottery store
19. Haberdashery
20. Hardware store
21. Health spas
22. Hobby shop
23. Household and electrical appliance store, including incidental repair
24. Interior decorating studio
25. Jewelry store, including repair
26. Laundromats and self-service washing and drying
27. Leather goods and luggage store
28. Library
29. Locksmith shop
30. Music, musical instruments, and records, including incidental repair
31. Off-street parking lots and/or garages
32. Offices
33. Opticians and optical goods
34. Package liquor and wine store, excluding drive-ins
35. Paint and wallpaper store
36. Pet shop, excluding boarding and outside runs
37. Police and fire stations
38. Post office
39. Radio and television store, including repair
40. Service stations

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

B. ACCESSORY USES

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

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

1. Minimum building site area - Five (5) acres and shall abut a deeded right-of-way. In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.
2. Minimum yard requirements - Fifty (50) feet for each front, side (on each side of the building), and rear yards, 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 - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
8. All utilities must be underground when any new development occurs.

9. 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.
10. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
11. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
12. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
13. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.20 PO-1 (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES**

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

**B. ACCESSORY USES**

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

**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. Hotels
2. Motel, not to exceed thirty-five (35) rooms

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

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet for the first two (2) stories, plus ten (10) feet for each additional story up to and including ten (10) stories, plus five (5) feet for each story in excess of ten (10) stories
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
8. All utilities must be underground when any new development occurs.
9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
10. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
11. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
12. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.



**SECTION 10.21 PO-2 (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES**

1. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
2. Clinics - medical or dental
3. Off-street parking lots and/or garages
4. Offices
5. Police and fire stations
6. Post offices
7. Sit down restaurants and taverns (including drive-thru facilities but excluding drive-in facilities) within a free standing building, provided all the following conditions, and other applicable sections of this ordinance, are met:
  - a. The total development, including principal and accessory uses, comprises a minimum building site of three (3) acres
  - b. Such sit down restaurants and taverns as specifically permitted herein shall include all of the following:
    - (1) Provides tableside waiter/waitress service
    - (2) Payment for services by patrons shall generally be made after food has been consumed
    - (3) Patrons shall not generally order food at a cash register prior to consumption
    - (4) Menus shall be generally distributed to patrons before they eat
    - (5) Food servings to patrons shall generally be made using non – paper and/or non – plastic items (i.e., china, glassware, silverware and/or similar type items shall be used)
    - (6) Shall not be classified as a “limited – service” (Fast Food) type restaurant as identified by the National Restaurant Association
  - c. A pedestrian and vehicular pedestrian plan in accordance with Section 11.0, H., of this ordinance, is submitted and approved by the zoning administrator. Said plan shall provide for the safe movement of vehicular and pedestrian traffic to and from and within the site
  - d. Such an accessory use shall be developed only in conjunction with a principally permitted use (except off-street parking lots and/or garages) and shall not exceed forty-nine (49) percent of the gross floor area of the permitted use(s)

- e. Signs are provided in accordance with the requirements of Section 14.7, as it applies to the Professional Office Zone.

## 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. Except as herein provided, uses as listed below, included within and entered from within, any office building, as a convenience to the occupants thereof, their patients, clients, or customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building(s) and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Coffee shops or refreshment stands
  - d. Eating and drinking places, excluding drive-by windows and drive-in facilities
  - e. Medical or dental laboratories
  - f. News and confectionery stands
  - g. Prescription pharmacies

## C. AREA AND HEIGHT REGULATIONS

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet for the first two (2) stories, plus ten (10) feet for each additional story up to and including ten (10) stories, plus five (5) feet for each story in excess of ten (10) stories
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) 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 materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.

4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
8. All utilities must be underground when any new development occurs.
9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
10. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
11. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
12. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

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**SECTION 10.22 PO-3 (PROFESSIONAL OFFICE BUILDING) ZONE****A. PERMITTED USES**

1. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows
2. Clinics - medical or dental
3. Luxury new car dealerships (ex., Mercedes, Lexus, etc.)
4. Off-street parking lots and/or garages
5. Offices
6. Police and fire stations
7. 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, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Coffee shops or refreshment stands
  - d. Eating and drinking places (excluding drive-by window and drive-in facilities)
  - e. Medical or dental laboratories
  - f. News and confectionery stands
  - g. Prescription pharmacies
5. Uses as listed below, only in conjunction with a luxury new car dealership, provided that the accessory uses shall not exceed forty-nine (49) percent of the gross floor area of the permitted use:
  - a. Luxury automobile service departments associated with the primary dealership. All service shall be within the dealership building.
  - b. Pre-owned luxury car sales controlled by, and associated with, the primary luxury dealership.

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 - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Thirty (30) feet for the first two (2) stories, plus ten (10) feet for each additional story up to and including ten (10) stories, plus five (5) feet for each story in excess of ten (10) stories
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) 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 materials, supplies, or products shall be permitted in this zone, with the exception of the outdoor display of vehicles as part of a luxury car dealership.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas and the outdoor display of vehicles as part of a luxury car dealership.
8. All utilities must be underground when any new development occurs.
9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
10. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
11. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
12. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or

movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

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**SECTION 10.23 SC (SHOPPING CENTER) ZONE****A. PERMITTED USES**

1. Advertising agencies
2. Antique shops
3. Apparel shops
4. Art supplies
5. Automobile laundry
6. Automotive parts and accessories store (new)
7. Automotive service and repair shops
8. Bakery and bakery goods store, provided the products are sold exclusively on the premises
9. Banks and other financial institutions, including savings, loan, and finance companies, with drive-in windows
10. Barber and beauty shops
11. Billiard or pool halls
12. Books, stationery, or gift shops
13. Bowling alleys
14. Business or professional colleges
15. Bus stations
16. Camera and photographic supplies stores
17. Candy store, soda fountain, ice cream stores, excluding drive-ins
18. Carpet and rug stores
19. Clinics - medical or dental
20. Clubs - including businessmen's, YMCA/YWCA
21. Delicatessens
22. Department stores
23. Drug stores
24. Dry cleaning and laundry pick-up stations
25. Eating establishments and taverns, excluding drive-ins
26. Employment agencies
27. Florist shops
28. Food stores and supermarkets
29. Furniture stores
30. Garden supplies
31. Glass, china, or pottery stores
32. Haberdashery
33. Hardware stores
34. Health clinics and health spas
35. Hobby shops
36. Household and electrical appliance store, including incidental repair
37. Interior decorating studios
38. Jewelry stores, including repair
39. Laboratories - medical and dental

40. Laundromats and self-service washing and drying
41. Leather goods and luggage stores
42. Library
43. Locksmith shops
44. Music, musical instruments, and record stores, including incidental repair
45. Off-street parking lots and/or garages
46. Office appliances and supplies stores
47. Offices
48. Opticians and optical goods stores
49. Package liquor and wine stores, excluding drive-ins
50. Paint and wallpaper stores
51. Pet shops, excluding boarding and outside runs
52. Police and fire stations
53. Post offices
54. Radio and television stores, including repair
55. Service stations
56. Shoe stores and shoe repair
57. Sporting goods stores
58. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
59. Tailor shops
60. Theaters, excluding drive-ins
61. Toy stores
62. Travel bureaus
63. Variety stores, including notions and "Five and Ten" stores

**B. ACCESSORY USES**

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

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

1. Minimum building site area - Five (5) acres and shall abut a deeded right-of-way. In the case of this zone, more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area. Individual outlots that do not meet this minimum size may be allowed as part of an integrated shopping center, provided that the overall site meets this requirement.
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. Outlots



shall have a minimum setback of twenty (20) feet from any Right of Way, zero (0) feet side and rear yard setbacks, and fifty (50) feet setback from any residential use or zone.

3. Maximum building height - Forty (40) feet

#### D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicular access) and functional relationships of uses within the shopping center.
8. All utilities must be underground when any new development occurs.
9. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers.
10. Exterior building materials of structures located on permitted outlots shall be of the same materials as the primary building, unless otherwise approved by the City Council.
11. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
12. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone.
13. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.24 IP (INDUSTRIAL PARK) ZONE**

- A. **PURPOSE:** The purposes of the Industrial Park (IP) Zone are to allow manufacturing, warehousing, professional office, and research uses within a planned and architecturally unified development; and allow development in a low rise setting, but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within an Industrial Park (IP) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area IP shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned IP, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Industrial Park (IP) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the 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 Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
  - (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.
- c. If a request with the Planning Commission is filed, the legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 1., a., of this section.

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

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

pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. The city's chief administrative official, or his/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. **PERMITTED USES:** The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:

1. The manufacturing, compounding, processing, packaging, or assembling of the following 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.
  - 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 canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine.
- 2. Athletic and recreational facilities
  - 3. Bus line maintenance and operation facility.
  - 4. Crating services.
  - 5. Fire stations.
  - 6. Hospital, Animal
  - 7. Industrial engineering consultant offices.
  - 8. Kennel, excluding the raising of small domestic animals.
  - 9. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private.
  - 10. Machine shops.
  - 11. Offices.
  - 12. Police stations
  - 13. Printing, engraving and related reproduction processes.
  - 14. Publishing and distribution of books, newspapers, and other printed material.
  - 15. School for industrial or business training.
  - 16. Shops of special trade and general contractors, such as plumbing, heating, carpentry, masonry, painting, and electrical.
  - 17. Warehousing or wholesaling, excluding self storage.
  - 18. Wholesale and retail hardware, light equipment, construction machinery and building materials.
  - 19. Ammunitions manufacturing
- D. **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. Barber and beauty shops, provided that the maximum gross floor area of the barber or beauty shop does not exceed 40% of the gross floor area of the entire building in which it is located.

D. 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
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. Uses, as listed below, located and entered from within any animal hospital or kennel as a convenience to the occupants thereof, and their customers:
  - a. Indoor boarding
  - b. Grooming
  - c. Retail services, provided that the retail area does not exceed five (5) percent of the gross floor area of the animal hospital and that no exterior advertising displayed shall be visible from outside the building.
4. Fences and/or walls, as regulated by Article XIII of this ordinance;
5. Signs, as regulated by Article XV of this ordinance.

E. 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. Maximum Building Height - Forty (40) feet.
5. Maximum Impervious Surface Ratio - Eighty (80) percent.
6. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.

F. SETBACK REGULATIONS: Requirements shall be as approved in the plan.

- G. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- H. OTHER DEVELOPMENT CONTROLS:
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
  2. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
  3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
  4. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
  5. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
  6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of those business activities related to athletic and recreational facilities and kennels.
  7. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
  8. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
  9. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
  10. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
- I. CRITERIA: Evaluation of the proposed Industrial Park (IP) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Industrial Park (IP) Zone.

- c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
- e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.

## 2. Circulation

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

## 3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.



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

#### 4. Utilities

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

#### 5. Signage

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

J. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

K. **EXPIRATION:** Development plans within the Industrial Park (IP) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Industrial Park (IP) Zone should revert to its original zoning designation; or

(2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

L. UTILITIES: All utilities must be underground when any new development occurs.

**SECTION 10.25 I-1 (INDUSTRIAL-ONE) 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. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
    - a. Animated and/or illuminated billboards and other commercial advertising structures
    - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, and excluding poultry and animal slaughtering and dressing;
    - c. Cigars and cigarettes
    - d. Cosmetics, pharmaceuticals, and toiletries
    - e. Electric appliances, television sets, phonographs, household appliances
    - f. Electrical machinery, equipment, and supplies
    - g. Fountain and beverage dispensing equipment
    - h. Furniture
    - i. Instruments for professional, scientific, photographic, and optical use
    - j. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges
    - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - l. Office equipment
    - m. Pottery and figurines
    - n. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
    - o. Textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
  2. Automotive and light truck (1-1/2 ton and under) service and repairs (major)
  3. Bottling and canning works
  4. Building materials, sales yards
  5. Bus line shops and storage
  6. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
  7. Crating services
  8. Fire stations

9. Governmentally owned and/or operated city, county, and state garages
10. Industrial engineering and consultant offices
11. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
12. Laundry and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
13. Machine shops
14. Police stations
15. Printing, engraving, and related reproduction processes
16. Public utilities' rights-of-way and pertinent structures
17. Publishing and distribution of books, newspapers, and other printed materials
18. Schools for industrial or business training
19. Studios for teaching any form of fine art, photography, music, drama, dance, or gymnastics
20. Warehousing or wholesaling, excluding self storage
21. Wood yards

#### B. ACCESSORY USES

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

#### C. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout

2. Minimum lot area within minimum tract - One (1) acre
3. Minimum lot width at building setback line - One hundred fifty (150) feet
4. Minimum front yard depth -
  - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
  - b. On internal roads - Fifty (50) feet
5. Minimum side yard width -
  - a. In internal parts of the park - Twenty-five (25) feet
  - b. Where the side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
6. Minimum rear yard depth - In internal parts of the park - Fifty (50) feet. No rear yard is required where a rail spur line forms the rear property line
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as 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. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. All utilities must be underground when any new development occurs.
6. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
7. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
8. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.26 I-2 (INDUSTRIAL-TWO) ZONE**

- A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as regulated in Article XV of this ordinance:
1. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
    - a. Acetylene, butane, and bottled gas, including bulk storage
    - b. Animated and/or illuminated billboards and other commercial advertising structures
    - c. Asphalt and asphalt products
    - d. Brick, tile, or terra cotta
    - e. Candy and confectionery products, food and beverage products, including the rendering or refining of fats and oils
    - f. Cement, concrete, and concrete products
    - g. Cigars and cigarettes
    - h. Cosmetics, pharmaceuticals, and toiletries
    - i. Electric appliances, television sets, phonographs, household appliances
    - j. Electrical and non-electrical machinery, equipment, and supplies
    - k. Fertilizer, gypsum, lime, or plaster of paris
    - l. Fountain and beverage dispensing equipment
    - m. Furniture
    - n. Instruments of professional, scientific, photographic, and optical use
    - o. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - p. Office equipment
    - q. Pottery and figurines
    - r. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
    - s. Sand and gravel, including storage
    - t. Stone and monument works employing power driven tools
  2. Bag, carpet, and rug cleaning
  3. Bottling and canning works
  4. Building materials sales yards
  5. Bulk storage stations
  6. Bus line shops and storage
  7. Carting, express, hauling, or storage yards

8. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
9. Crating services
10. Fire stations
11. Flour mills
12. Industrial engineering consultant offices
13. Laboratories, offices and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
14. Laundries and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
15. Machine shops
16. Police stations
17. Printing, engraving, and related reproduction processes
18. Public utilities' rights-of-way and pertinent structures
19. Publishing and distribution of books, newspapers, and other printed materials
20. Railroad facilities, including passengers and freight terminals, marshaling yards, maintenance shops, and round houses
21. Schools for industrial or business training
22. Trucking terminals
23. Warehousing or wholesaling, excluding self storage
24. Wood yards

#### B. ACCESSORY USES

1. Customary accessory buildings and uses, including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses, as listed below, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten (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

#### C. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
2. Minimum lot area within minimum tract - One (1) acre
3. Minimum lot width at building setback line - One hundred fifty (150) feet
4. Minimum front yard depth -
  - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
  - b. On internal roads - Fifty (50) feet
5. Minimum side yard width -
  - a. In internal parts of the park - Twenty-five (25) feet
  - b. Where the side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
6. Minimum rear yard depth - In internal parts of the park - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as 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. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. All utilities must be underground when any new development occurs.
6. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
7. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
8. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or



movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.

**SECTION 10.27 COMMUNITY COMMERCIAL (CC) ZONE**

- A. **PURPOSE:** The purposes of the Community Commercial (CC) Zone are to: allow businesses, within a planned and architecturally unified development, which provide convenience goods and services to a work population and the residences of adjacent neighborhoods; allow development at a small scale with a town - like setting; and supplement or serve adjacent areas without having an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Community Commercial (CC) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area CC shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned CC, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Community Commercial (CC) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the 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 Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission

recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

- c. If a request with the Planning Commission is filed, the legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 1., a., of this section.

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

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

spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. The city's chief administrative official, or his/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. PERMITTED USES:

1. Business equipment sales and service
2. Business support services
3. Cultural exhibits and libraries
4. Day Care Center
5. Dwelling units, provided they are not located on the ground floor
6. Eating and drinking establishment
7. Entertainment (not including Sexually Oriented Businesses, see Section 9.33)
8. Financial services
9. Food and beverage sales, retail
10. Medical services
11. Offices
12. Personal Improvement services
13. Retail sales and service

D. ACCESSORY USES:

1. Customary accessory structures and uses.

2. Fences and/or walls, as regulated by Article XIII of this ordinance.
  3. Signs, as regulated by Article XIV of this ordinance.
- E. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One - half (1/2) acre.
  2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
  3. Maximum Impervious Surface Ratio - Seventy (70) percent.
  4. Maximum Building Height – Forty-five (45) feet.
  5. Structures shall be limited to a maximum size of 50,000 square feet,
  6. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.
- F. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off - street parking and loading and/or unloading areas.
- G. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- H. OTHER DEVELOPMENT CONTROLS:
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
  2. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
  3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
  4. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
  5. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:
    - a. off - street parking and loading and/or unloading areas.
    - b. outdoor play areas of a child day care center.
    - c. areas used for the dispensing of fuel.
  6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.

7. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
  8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  9. Sidewalks shall be required when any new development occurs.
  10. All utilities must be underground when any new development occurs.
  11. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
  12. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
  13. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
  14. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
  15. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
- I. CRITERIA: Evaluation of the proposed Community Commercial (CC) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Community Commercial (CC) Zone.
    - c. The extent to which structures proposed in the development plan use the same, or similar exterior finishes and colors that would complement newer buildings in the mixed use area.
    - d. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
    - e. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
    - f. Unless specifically approved by the city's chief administrative official, or his/her duly authorized representative or city council, exterior building materials shall be chosen from the following:
      - (1) Brick and tile masonry

- (2) Stucco (cementitious finish)
- (3) Native stone (or synthetic equivalent)
- (4) Pre-cast masonry (for trim and cornice elements only)
- (5) Gypsum reinforced fiber concrete (GFRC – for trim elements only)
- (6) Exterior Insulation Finish System fascias, with moderate finish texture

g. Unless specifically approved by the city council, roofs shall adhere to the following design standards:

- (1) Parapet: Parapets shall not exceed fifteen (15) feet as measured from the top of the roof deck and shall conceal flat roofs and shall be in proportion to the supporting walls. (see figure 1)

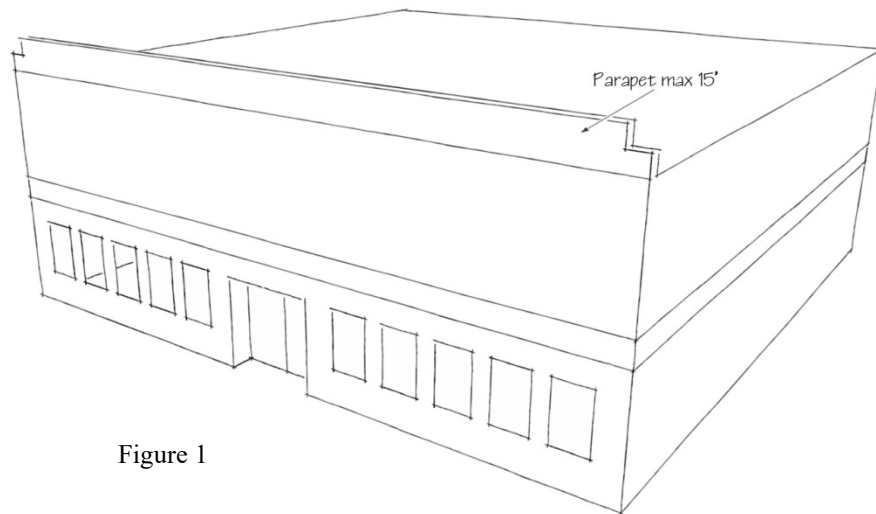


Figure 1

- (2) Cornice: Cornices shall be three-dimensional. (see figure 2)

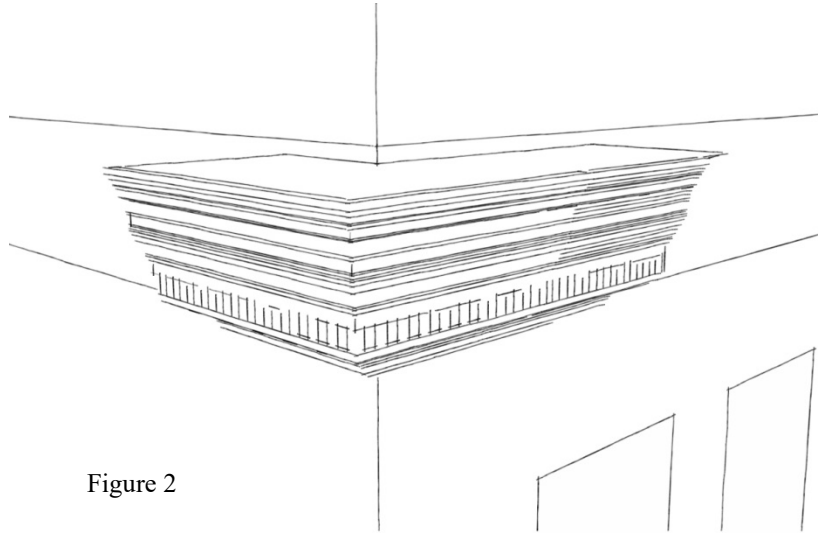


Figure 2

- (3) Minimum Eave/Overhang Width: Pitched roofs shall have eaves and overhangs equal to or greater than twelve (12) inches in depth. Depth shall be determined prior to the installation of masonry. (see figure 3)

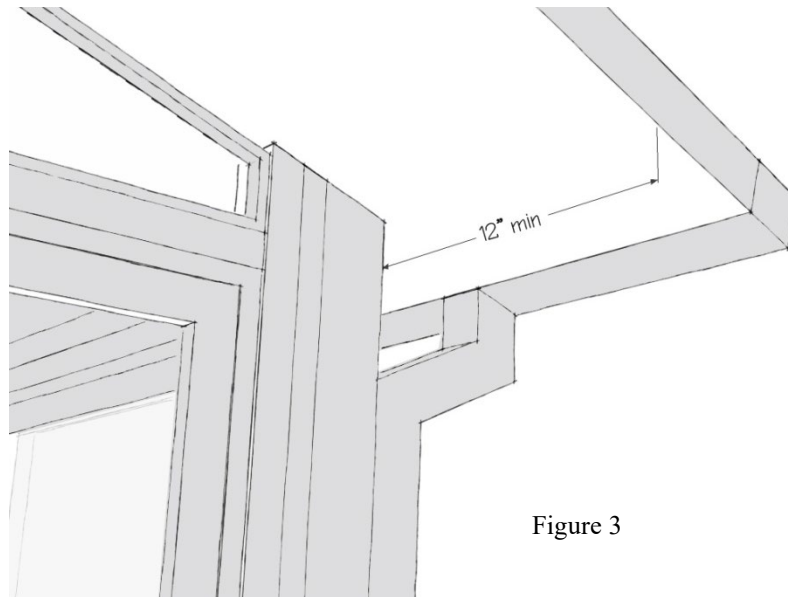


Figure 3

- (4) Cupola: Cupolas shall not exceed fifteen (15) feet past the base roofline. (see figure 4)



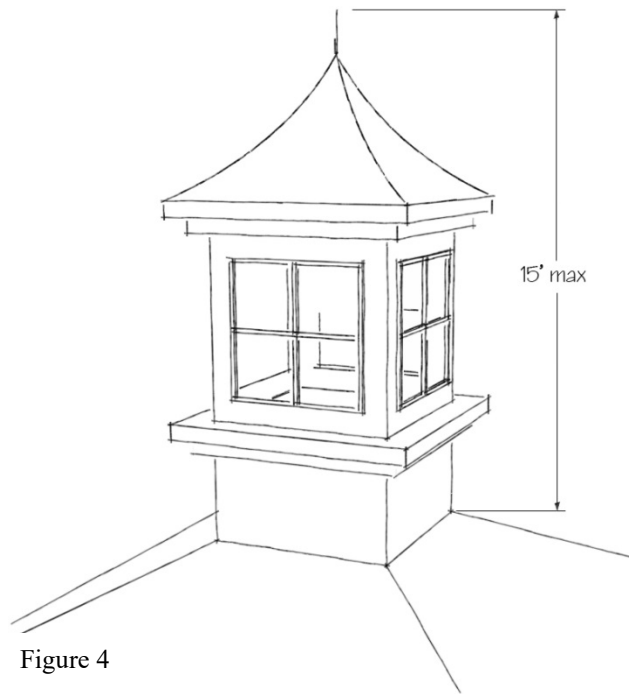
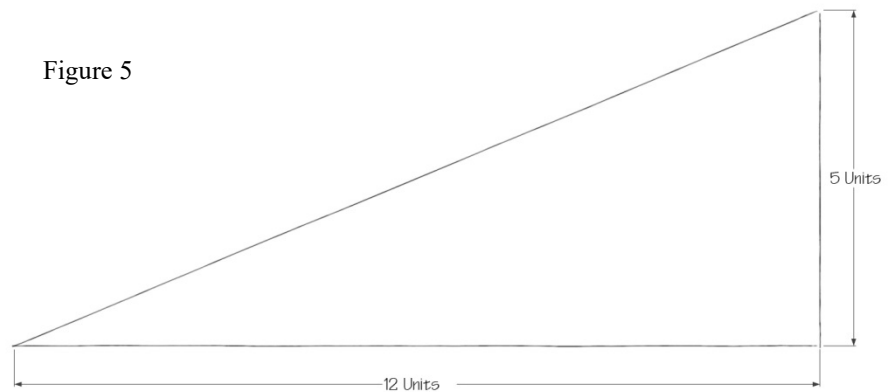


Figure 4

(5) Pitched Roofs:

- i. Minimum Pitch: 5 (vertical units): 12 (horizontal units).  
(see figure 5)

Figure 5



- ii. Planes: Pitched roofs shall be comprised of three (3) or more roof slope planes. (see figure 6)

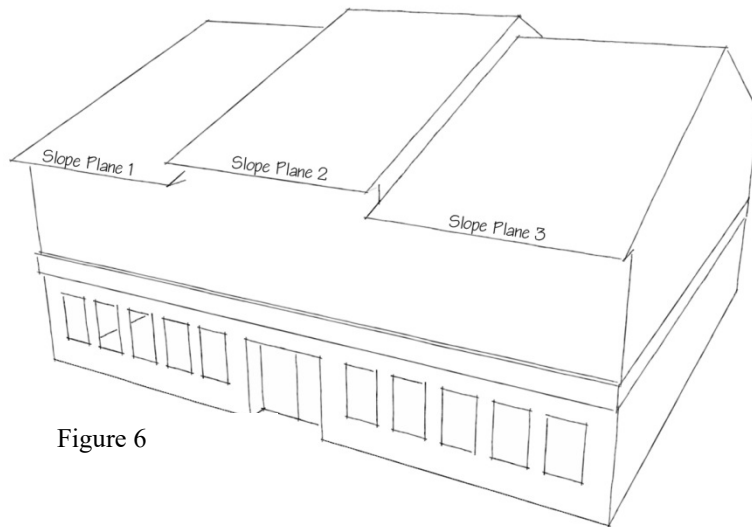


Figure 6

- iii. **Materials:** Pitched roofs shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt/fiberglass shingles. Metal roofs shall have a low-gloss finish to reduce glare.

(6) **Flat Roofs:** Mechanical equipment must be screened.

(7) **Variation in Roofline:** For buildings with elevations in excess of one hundred (100) feet in length, a variation in roofline shall be employed for architectural interest and to reduce the apparent scale of the buildings.

- i. **Wall Planes:** For every fifty (50) feet of building facade as measured horizontally, there shall be a minimum of four percent (4%) projection or recess in the facade (vertical plane). Any wall exceeding fifty (50) feet in length shall include at least one (1) change in wall plane. Absolute minimum changes in plane shall be two (2) feet. The projection or recess can be realized with setbacks of the building facade, but also with architectural elements that include but are not exclusive of arcades, columns, ribs, piers, and pilasters.

## 2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed

traffic improvements that would correct such deficiencies may be considered.

- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

### 3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

### 4. Utilities

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

J. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

K. **EXPIRATION:** Development plans within the Community Commercial (CC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a

request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Community Commercial (CC) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

**SECTION 10.28 HOC (HIGHWAY ORIENTED COMMERCIAL) ZONE**

- A. **PURPOSE:** The purpose of the Highway Oriented Commercial (HOC) Zone is to provide for a zoning district which would allow the development of individual retail and service businesses which are primarily oriented towards serving the traveling/transient public or which require immediate access to the regional transportation system.
- B. **APPLICATION AND PROCESSING:** Applications for development within an Highway Oriented Commercial (HOC) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area HOC shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned HOC, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Highway Oriented Commercial (HOC) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the 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 Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
  - (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.
- c. If a request with the Planning Commission is filed, the legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 1., a., of this section.

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

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

pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. The city's chief administrative official, or his/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. PERMITTED USES:

1. Automobile laundry
2. Automobile, motorcycle, and truck sales, new or used
3. Automotive service and repairs
4. Banks, savings and loans, and credit unions
5. Boat and other marine equipment sales and service, new and used
6. Eating establishments, including drive - in and drive - thru facilities
7. Hotels and motels
8. Mobile home and trailer sales, rental and service (new and used)
9. Offices
10. Retail Sales and Services
11. Service stations

D. ACCESSORY USES:

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

- E. **CONDITIONAL USES:** The following uses or any customary accessory buildings or use subject to the approval of the board of Adjustment, as set forth in Section 9.14 and 18.7 of this ordinance:
1. Self-storage facilities, subject to the following standards:
    - a. The facility must only allow for interior access to individual storage units;
    - b. No outdoor storage or storage containers are permitted on the site;
    - c. All units in the facility must be temperature controlled;
    - d. The facility must be located on a lot with at least 300 feet of frontage along an arterial street and said frontage must be zoned HOC;
    - e. All loading and unloading to individual storage units must be conducted indoors;
    - f. The facility must not be within 200 feet, lot line to lot line, of another storage facility and only one such facility shall be permitted on a single lot; and
    - g. The lot shall not be less than five (5) acres.
- E. **AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - Fifteen thousand (15,000) square feet.
  2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
  3. Maximum Impervious Surface Ratio - Eighty (80) percent.
  4. Maximum Building Height - Forty (40) feet.
  5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.
- F. **SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- G. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in conformance with Section 9.7 of this ordinance.
- H. **OTHER DEVELOPMENT CONTROLS:**
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
  2. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
  3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.



4. No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
  5. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for 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. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
  8. Sidewalks shall be required when any new development occurs.
  9. All business activities involving service and repairs shall be conducted within a completely enclosed building.
  10. All utilities must be underground when any new development occurs.
  11. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
  12. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
  13. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
  14. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement. or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
- I. CRITERIA: Evaluation of the proposed Highway Oriented Commercial (HOC) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Highway Oriented Commercial (HOC) Zone.
    - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
    - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
    - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.

- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.

## 2. Circulation

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

## 3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.

- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

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

5. Signage

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

J. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

K. EXPIRATION: Development plans within the Highway Oriented Commercial (HOC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Highway Oriented Commercial (HOC) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

- 1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if

sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

**SECTION 10.29 OP (OFFICE PARK) ZONE**

- A. **PURPOSE:** The purposes of the Office Park (OP) Zone are to: allow professional, research, and similar uses within a planned and architecturally unified development; allow development in a low intensity/low rise setting; and supplement or serve adjacent areas without having an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within an Office Park (OP) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area OP shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned OP, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Office Park (OP) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the 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 Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission

recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

- c. If a request with the Planning Commission is filed, the legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection B., 1., a., of this section.

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

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

spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. The city's chief administrative official, or his/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. PERMITTED USES:

1. Athletic and recreational facilities
2. Banks and other financial institutions
3. Clinics - medical or dental
4. Day care centers
5. Funeral homes
6. Offices
7. Printing and publishing facilities
8. Research and development facilities
9. Training, educational, and conference facilities

D. ACCESSORY USES:

1. Customary accessory structures and uses.
2. Fences and/or 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. Pharmacies
- b. Barber shops
- c. Beauty shops
- d. Eating and drinking places
- e. Medical or dental laboratories
- f. News stands

E. 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 Lot Width At Building Setback Line - One hundred (100) feet.
3. Maximum Impervious Surface Ratio - Sixty (60) percent.
4. Maximum Building Height - Forty (40) feet.
5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.

F. SETBACK REGULATIONS: Requirements shall be as approved in the plan.

G. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

H. OTHER DEVELOPMENT CONTROLS:

1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
2. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
4. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
5. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for 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. Mechanical equipment, whether ground or roof mounted, shall be screened from view.



8. Sidewalks shall be required when any new development occurs.
  9. All utilities must be underground when any new development occurs.
  10. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
  11. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
  12. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
  13. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
- I. CRITERIA: Evaluation of the proposed Office Park (OP) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Office Park (OP) Zone.
    - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
    - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
    - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
    - f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
    - g. Extent to which the scale of each building relates to the natural environment.
    - h. The primary activity area of a building should be oriented toward a natural site amenity.
    - i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
    - j. Heights of structures should be compatible with the height of existing structures adjacent to the site.

## 2. Circulation

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

## 3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

## 4. Utilities

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

## 5. Signage

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

J. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection B., 2. or B., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.

K. **EXPIRATION:** Development plans within the Office Park (OP) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Office Park (OP) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

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**SECTION 10.30 C-PUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Commercial-Planned Unit Development (C-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 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 open space facilities and other public and/or 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 Commercial-Planned Unit Development Overlay Zone may be permitted to be superimposed over any of the commercial zones, provided that all conditions or provisions of this section of the ordinance, the applicable standards of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the C-PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the C-PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for development within a Commercial-Planned Unit Development (C-PUD) Overlay Zone shall be processed as follows:
1. Applications for a map amendment to zone an area C-PUD shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
  2. When a site is proposed to be developed within an area which is currently zoned C-PUD, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
    - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the

requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Commercial-Planned Unit Development (C-PUD) Overlay Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall make one of the following recommendations to the 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 Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission recommendations, unless within twenty-one (21) days after the final action by the Planning commission:
  - (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
  - (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.
- c. If a request with the Planning Commission is filed, the legislative body, shall, within ninety (90) days after the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 1., a., of this section.

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

- 3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning

commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance.

Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. The city's chief administrative official, or his/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.

- D. **PRIMARY PERMITTED USES:** Permitted uses shall be as specified within the zones being overlaid. A minimum of sixty (60) percent of the floor space within a proposed C-PUD shall be primary permitted uses.

- E. OTHER USES PERMITTED: Permitted uses as specified in other commercial zones within this ordinance are permitted, subject to all other requirements of this section. Additionally, the following uses may also be permitted:
1. Community centers, including day care facilities
  2. Fire and police stations
  3. Libraries
  4. Schools
- F. AREA REQUIREMENTS: No C-PUD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing C-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.
- G. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan. A minimum fifty (50) foot setback shall be provided from adjacent residential zoning districts.
- H. OUTDOOR STORAGE
1. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
  2. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
- 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. Parking may be permitted within required yards but no closer than fifteen (15) feet to any adjoining residential zoning district.
- J. FENCES, WALLS, SIGNS, LIGHTING, AND LANDSCAPING: The location, height, and type of all fences, walls, signs, lighting, and landscaping shall be as approved in the plan and shall be consistent throughout the development.
- 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: A minimum of twenty-five (25) percent of the total acreage of the proposed C-PUD shall be retained as open space area and a minimum of eight (8) percent of this area shall be located within the interior of the development, as

opposed to the perimeter of the development. Open space area shall be that part of the total project exclusive of streets, parking areas, and buildings. A landscape plan shall be submitted with the Stage II Plan and Record Plat.

For purposes of this subsection, the perimeter of the development shall be that area within the front, side, and rear yards, as identified in the Stage I Development Plan. The interior of the development shall be that area outside of the front, side, and rear yards, as identified in the Stage I Development Plan.

M. CRITERIA: Evaluation of the proposed Commercial-Planned Unit Development (C-PUD) Overlay Zone and/or development plan shall be based upon the following criteria:

1. Design

- a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
- b. Extent to which the proposed development plan is consistent with the purpose of the Commercial-Planned Unit Development (C-PUD) Overlay Zone.
- c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Nature and extent of the proposed uses in relation to the unique characteristics of the site; 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.
- e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.



- k. Extent to which the proposed design responds to the impact of the proposed development on adjacent land uses, in terms of noise, visual impact, hours of operation, and traffic circulation.

## 2. Architectural Elements

- a. Extent to which a character or theme is proposed which creates a sense of place and arrival for the development within the community.
- b. The identification and use of a language of materials and colors which enhances the character of the proposed development.
- c. Extent to which there is a continuity throughout the proposed development through the establishment of specific features, elements, and details.
- d. Attention to architectural detail which recognizes that buildings are finished three dimensional structures which are viewed from all sides and have a relationship with the pedestrian scale.
- e. Extent to which mechanical equipment and service areas are appropriately screened.

## 3. Circulation

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

## 4. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.

- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.
- f. Extent to which a variety of plant materials and species are utilized throughout the project.

5. Utilities

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

6. Signage

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

- N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection C., 2. or C., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.
- O. UTILITIES: All utilities must be underground when any new development occurs.
- P. EXPIRATION: Development plans within the Commercial-Planned Unit Development (C-PUD) Overlay Zone shall be subject to the time constraints

noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Commercial-Planned Unit Development (C-PUD) Overlay Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.

**SECTION 10.31 TOWN CENTER FORM DISTRICT (TCFD) ZONE**

A. **PURPOSE:** The purpose of the Town Center Form District is to represent a high quality commercial development area that is aesthetically pleasing, visually unified and has a balanced functionality between pedestrian and vehicular uses. The vision for this area is one with buildings scaled and massed appropriately together and set closer to the street and to each other, inviting pedestrians to walk from place to place, with mixed uses that will serve a multitude of purposes for both the resident and visitor, and always with the intention of furthering the public health, safety, and general welfare. The provisions of this section are intended to ensure that new development within the designated Town Center Form District is consistent with the desired pattern and characteristics of the district, promoting the following as applicable:

1. Safe access and that will facilitate traffic movement on Madison Pike;
2. A circulation system that balances multi-modal uses;
3. A mixture of moderately intense uses including civic, shopping, restaurants, offices and residences;
4. An aesthetically pleasing appearance of building mass, placement and materials, lighting, landscaping, and vehicular areas;
5. Coordinated development between adjacent properties including shared parking, vehicular and pedestrian movement and appearance;
6. Development in areas containing steep slopes and floodplains need to be designed so as to minimize erosion, landslides and/or flood damage. Any grading or disturbance in such areas shall be mitigated and restored.

B. **APPLICATION AND PROCESSING**

1. **Administration** - The Town Center Form District development approval process is intended to provide an incentive to property owners and developers who are willing to develop in a particular form. Development within the "Town Center Form District" is development "by-right" which entails only an administrative review carried out by PDS and the City of Fort Wright.

Wherever there appears to be a conflict between the Town Center Form District regulations and other sections of the Fort Wright Zoning Ordinance, the Town Center Form District regulations shall apply. For development standards not covered by these Codes, all other sections of the Fort Wright Zoning Ordinance shall apply.

This section sets forth provisions for reviewing and approving development applications within the Town Center Form District. The intent is to ensure that all development occurring under the provisions of the Town Center Form District regulations is consistent with the provisions of

these regulations as they pertain to height, siting, architectural standards, and building form. All elements of the Town Center Form District, including Definitions, Building Envelope Standards, Streetscape Standards and Architectural Standards, will be applied as part of the development review process. PDS staff and Fort Wright Chief Administrative Official are charged with review of all Town Center Form District applications.

2. Items for Discretionary Review – Table 1 identifies a list of discretionary items that shall be reviewed and validated by the City of Fort Wright's Chief Administrative Official prior to the pre-application conference, per Section 10.31, B., 3 of the Fort Wright Zoning Ordinance.
3. Pre-application conference - Prior to filing for development plan review, the developer, petitioner, applicant or property owner shall attend a pre-application conference with PDS staff [and the City's Chief Administrative Official] to discuss the development review process, be informed of the Town Center Form District, the Fort Wright Zoning Ordinance requirements, and to confer about the application. No person may 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 conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. This meeting is intended to review the development plan and flag any issues in applying the regulations of the Town Center Form District regulations.
4. Stage II Development Plan Review - Projects may be built as a matter of right when they meet all of the standards of the Town Center Form District regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, 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, Mayor, or his/her designee. Final review and approval by the City shall take place within 30 days from receipt of PDS staff recommendation.

Table 1: Items for Discretionary Review

Section #	Section Heading	Discretionary item	City Action
1	10.31, H. 4. c. (1)	Hillside Protection	Within the allowable disturbance area, finished cut and fill slopes shall be constructed to a maximum 3:1 (33.3%) slope or flatter (unless retaining walls are used) or otherwise approved by the city based on results of a geotechnical investigation.
2	10.31, I. 1. b.	Riparian Protection, Open Space and Outdoor Amenities	If the applicant can demonstrate that the floodway boundaries in their location are inaccurate, boundary revisions may be made, in agreement with the city.
3	10.31, I. 3. e. (3)	Riparian Protection, Open Space and Outdoor Amenities	When an area is to be preserved as public open space, determination must be made by the city if the space is accessible by and a benefit to the general public. Prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer shall permanently dedicate the open space to public use in a manner acceptable to the recipient entity and submit documentation that the property will be accepted by the city or other responsible entity as approved by the city.
4	10.31, J. 6. a.	Transportation Standards	All left-turn ingress and egress, except at signalized intersections existing at the time of the adoption of these regulation and identified in the Madison Pike Corridor Land Use and Economic Development Study, shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the City at such time as the particular use(s) served by the access point changes and/or the property is otherwise provided an alternate means of access. All such temporary access points shall be noted on the plan by being clearly labeled "temporary access only" and included in the submission of the record plat.
5	10.31, J. 6. b.	Transportation Standards	Design of the non-traversable median, roundabouts or other continuous flow facility shall identify locations of left-turn in only movements, subject to approval of the city and Kentucky Transportation Cabinet.
6	10.31, J. 6. e.	Transportation Standards	Spacing of access points along the cross access drive or frontage road shall be a minimum of 100 feet or otherwise approved by the city.
7	10.31, J. 6. h.	Transportation Standards	When property proposed to be developed abuts KY 17, the non-mountable median and landscaping must be implemented by the property owner in coordination with the city. Construction shall be in conformance with all City and KYTC requirements. Subject to city approval, funds may be escrowed with the city to allow for a coordinated design, planning and implementation process for these improvements.

Section #	Section Heading	Discretionary item	City Action
8	10.31, K. 2. b Parking, Loading and Unloading	All parking spaces may be located off site but must be connected by pedestrian access (see pedestrian connection requirements) and must be located within 500 feet of the building. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces. This instrument shall be drawn to the satisfaction of the city and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site and shall be recorded in the City Clerk's Office.	
9	10.31, L., 1., c. Streetscape Standards	Streetscape elements such as brick pavers, benches, waste bins, planters, and window boxes are encouraged and should be coordinated with the city to ensure compatibility (see Figure 17).	
10	10.31, P. 1. b. Colors	Colors chosen for the building exteriors shall be taken from an earth tone color palette or substitute as acceptable by the city. Colors may allow for national identity, with approval from the city.	
11	10.31, P. 2. a. Colors	Natural colors or substitute as acceptable by the city.	
12	10.31, P. 3. a. Colors	For windows, soffits, cornices, moldings, etc.: whites or dark saturated cool colors (greens, blues), bronze or substitute as acceptable by the city. Aluminum windows, screen frames, etc. shall be bronze anodized.	
13	10.31, P. 3. c. Colors	Entry doors are permitted a greater color latitude, subject to approval by the city.	
14	10.31, R. 4. a. Lighting Standards	The limits of minimum illumination in the parking areas shall in no case be less than 0.2-foot candles, unless otherwise required by the city where pedestrian security and site entrance issues arise.	
15	10.31, R. 6. b. Lighting Standards	No illumination for the purposes of sports activity shall be permitted after 11:00 p.m. unless already in progress prior to 9:00 p.m. or otherwise approved by the city.	

5. Compliance with the Code - Compliance with the Town Center Form District Code standards shall be evaluated based on the intent of the Code, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans to revitalize the Town Center Form District as detailed in the Madison Pike Corridor Land Use and Economic Development Study. Minor modifications shall be reviewed and discussed at the pre-application conference and shall be based on problems related to topography, or street grade, the location of streets, breaks and passages between buildings, signs, streetscape details, design issues related to the inclusion of existing buildings or mature trees as part of a development proposal.
6. Exceptions - Lots having less area than the five (5) acres required for development under the Town Center Form District and legally created prior to the adoption of these regulations may be occupied by one (1) single family dwelling unit.
7. Substantial Additions to Existing Developed Sites - The Town Center Form District regulations shall be applied when substantial additions to existing buildings are made. Substantial building additions are defined per the criteria established in the table below. Developments that do not fall under this criteria must meet the minimum setback requirements as contained within Subsection G.1 (b) and (c). Developments that do meet these criteria must comply with the requirements listed in Table 2.

Where Existing Structure Is	Substantial Increase An Addition Of
0 – 1,000 sq. ft.	101% or greater
1,001 – 10,000 sq. ft.	40% or greater
10,001 – 25,000 sq. ft.	30% or greater
25,001 – 50,000 sq. ft.	20% or greater
50,001 sq. ft. and above	10% or greater

8. Permit Process - Zoning and Building Permits will not be issued for building activity until the Stage II Development Plan review process is completed and a determination is made by the City or its duly authorized representative, that the proposal is consistent with the Town Center Form District regulations, per the approved plan.



**TABLE 2**  
**Development Review Criteria**

Applicable Design Standards	Development Review Criteria				Comments
	Construction or expansion of a single family residential dwelling	Substantial addition or redesign of existing developed sites (as per Table in <i>Administration</i> section)	Construction of 10 or more off-street parking spaces, or reconfiguration or redesign of existing paved area	Accessory structure - new or expansion of existing	
Building Envelope	X				Where the addition fronts onto a public street/ROW
Hillside Protection					
Riparian Protection					
Streetscape	X		X		Where the addition fronts onto a public street/ROW
Outdoor Amenities					
Recreation and Open Space					
Parking and Loading		X	X		Where the addition fronts onto a public street/ROW
Transportation		X	X		Where the addition fronts onto a public street/ROW
Architectural		X			Where the addition fronts onto a public street/ROW
Street Wall			X		Where the addition fronts onto a public street/ROW
Retaining Wall					
Colors	X			X	Where the addition fronts onto a public street/ROW
Accessory Structures		X		X	Section Q.2 (b) does not apply
Signage		X			

9. Pre-Certificate of Occupancy Meeting - At least thirty (30) days prior to expected occupancy, the applicant shall notify PDS staff and arrange for a pre-Certificate of Occupancy meeting. The purpose of this meeting is to review and address outstanding items as per the approved development plan, as well as discuss the terms and conditions for securing performance bonds for any public improvements as part of the development.

C. PERMITTED USES:

1. Banks, Savings and Loans, and Credit Unions
2. Barber and Beauty Shops, Shoe Repair, Nail Shops, Tailor Shop, Florist, Locksmith, Optician, Engraving, Self-Service Laundry
3. Billiards and Pool Halls
4. Clinics - Medical or Dental
5. Day Care Center
6. Dry Cleaning and Laundry Pick-up Station
7. Eating and Drinking Establishments, sit-down only (may include outdoor dining and/or live entertainment)
8. Educational Institutions
9. Funeral Homes
10. Hardware and Garden Supply Stores (no outdoor storage of products, materials, supplies or equipment)
11. Home Occupations as per Article 9.11
12. Libraries, Museums and Art Galleries, excluding Tattoo Parlors and Body Piercing
13. Movie and Entertainment Theaters (Indoor or Outdoor)
14. Offices, including Medical and Dental
15. Parking Garages
16. Pet shops and Pet Grooming, excluding Boarding, Outside Kennels and Runs
17. Photocopying, Printing and Publishing and Mailing Facilities
18. Publicly Owned and/or Operated Parks and/or Recreational Areas
19. Recreational Uses Other Than Those Publicly Owned and/or Operated, as Follows: Golf Courses and Driving Ranges, Health and Fitness Facilities
20. Retail Goods and Supplies, Sales and Repairs
21. Retail Sales of Food Products: Dairy, Meat, Vegetables, Bakery, Package Sales of Beer, Wine and Liquor
22. Single Family Residential Dwellings (Attached), Two or Multi-family Residential Dwellings, Assisted Living Communities
23. Studios for Design Professionals such as Interior Decorating, Landscape Architecture, Architecture, Engineering
24. Studios for Professional Work or teaching of any of Fine Arts
25. Ticket, Travel and Advertising Agencies
26. Video, DVD sales and rentals

#### D. USE SPECIFICATIONS

1. Buildings which front onto a public street shall contain retail or office uses on the ground floor.
2. Movie and entertainment theaters may be exempt from the minimum story requirement and the maximum floor-to-floor story height requirements, but must have the appearance of at least a two-story building and meet all other requirements.
3. If a parking garage is incorporated into building design, two tiers of parking may be located above ground level without counting toward the measurement of building height. However, retail space must be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.

#### E. SPECIAL PERMITTED USES

1. The following uses existing and in conformance with the Fort Wright Zoning Ordinance at the time of adoption of these regulations are to be considered permitted uses and are subject to the review criteria in Table 2.
  - a. Single family residential (detached)
  - b. Convenience stores, with the dispensing of fuels
  - c. Eating and drinking establishments, including drive-ins
  - d. Animal hospitals
  - e. Tire sales, service and repair

#### F. DEFINITIONS:

The following terms are defined for the purpose of the Town Center Form District zoning regulations. Terms not defined here may be defined elsewhere in the Zoning Ordinance. In such case, the definition contained in the Zoning Ordinance will be used. Certain terms in the Town Center Form District regulations are used in very specific ways, often excluding some of the meanings of common usage.

**ANODIZED ALUMINUM:** A metallic element that has good electrical and thermal conductivity, high reflectivity, and resistance to oxidation, which has undergone a special process of coating with a protective or decorative film.

**ARCADE:** An arched covered passageway or avenue (as between shops), or a series of arches with their columns or piers.

**ASSISTED LIVING COMMUNITY:** A series of living units on the same site, operated as one business entity, and certified under KRS 194A.707 to provide

services for five or more adult persons not related within the third degree of consanguinity to the owner or manager.

**AWNING:** A cantilevered, projected or suspended cover over the sidewalk portion of the STREET. Also, roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

**BALCONY:** An exterior platform attached to the main building that projects from the wall of the building and is enclosed by a parapet or railing.

**BAY or BAY WINDOW:** Generally, a U-shaped enclosure, extending the interior space of the building outward of the exterior building wall/build to line (along its street side).

**BUILD TO LINE (REQUIRED BUILDING LINE (RBL)):** The distance measured from the property line to the building. The building must be built-to (coincident with) the required building line (RBL) The RBL is a requirement, not a permissive minimum as is a setback.

**BUILDABLE AREA:** The area of the lot within which buildings and parking areas will sit. The buildable area sets the limits of the building footprint now and in the future -- additions must be within the designated area.

**BUILDING CORNER:** This refers to the outside corner of a building (where the building mass is within an angle less than 180 degrees. Some of the proscriptions of the building envelope standards are specific to building corners. Inside corners, where the exterior space is within an angle less than 180 degrees, are not considered building corners.

**BUILDING ENVELOPE STANDARDS:** The building envelope standards establish the basic parameters governing building construction. This includes the envelope for building placement (in 3 dimensions) and certain required/permitted building elements, such as balconies and street walls.

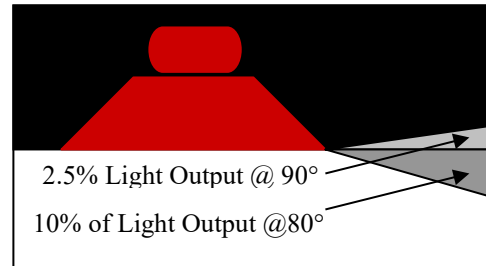
**COMMON LOT LINES:** Lot lines shared by private lots, generally side lot lines.

**CIVIC GREEN OR SQUARE:** The term civic green is generally used to describe a formally configured, small lawn or park that is primarily unpaved. The term civic square is generally used to describe spaces that have more paved surface area. Civic greens and squares are often dedicated to important events and shall not include active recreation structures such as ball fields and courts, but may include temporary ice skating rinks. See the Outdoor Amenities Standards for the specific controls on civic greens and squares.

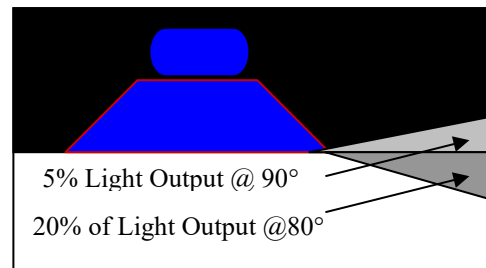
**CIVIC USE:** Community uses open to the public including: meeting halls, libraries, schools, child care centers, police stations, fire stations, post offices (retail operations only, no primary distribution facilities), religious halls, museums, cultural societies, visual and performance arts, transit centers, and government functions, especially those involving the public.

**COPING:** Tile or brick used to cap or cover the top of a masonry wall.

**CUT-OFF:** Condition of an installed outdoor luminaire such that only 2.5 percent of all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer.



**CUT-OFF, SEMI:** Condition of an installed outdoor luminaire such that only five percent of all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer.



**DEVELOPABLE AREA:** The total area within a site that may be disturbed. Calculated by the total area of the site minus the area hillside area required to be preserved (not disturbed by grading) minus the area required to be preserved as the riparian buffer.

**DORMERS:** Small, roofed ancillary structures with windows providing light and air to occupiable space within the roof.

**EASEMENT, ACCESS:** An interest in land that is owned by one property owner, entitling other users to enter, and pass through the property in order to reach other surrounding properties.

**EASEMENT, CONSERVATION:** A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

**EAVE, EAVE HEIGHT:** The lower border of a roof that overhangs the wall. Where used to limit building height in the Code, eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

**FENESTRATION:** The arrangement, proportioning, and design of windows and doors in a building, allowing light and views between interior and exterior.

**FINISHED FLOOR:** The level base of the room that is covered by flooring materials such as tile, carpet, hardwood, located above the sub floor.

**FOOTCANDLE:** The unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

**GARAGE ENTRY:** An opening (with curb cut) in the building façade and or street wall where vehicles may enter the block interior for general parking and business servicing.

**GROUND FLOOR, GROUND STORY:** The first level of buildings where at least 80 percent of the finished floor elevation is within 18 inches of the adjacent fronting sidewalk level. The next story above the ground story is the second floor.

**INTERACTIVE AMENITY:** Facilities for social gathering, recreation and interactive learning that are developed at street level directly adjacent to the street.

**LUMEN:** A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

**LUMINAIRE:** A complete lighting system, and includes a lamp or lamps and a fixture.

**MEZZANINE:** A low-ceilinged story between two main stories of a building; especially an intermediate story that projects in the form of a balcony.

**OPEN SPACE:** Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

**OPEN SPACE, COMMON:** Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i.e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed restriction.

**OPEN SPACE, PRIVATE:** Open space that is owned by a private individual entity but is protected or maintained under a recorded conservation easement.

**OPEN SPACE, PUBLIC:** Open space that is accessible to the general public.

**OUTDOOR DINING FACILITY:** An outdoor dining area connected or attached to an indoor restaurant, bar, tavern or nightclub.

**PARAPET:** A low wall or railing to protect the edge of a roof.

**PARKING, RESERVED:** Parking not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether for free or at a fee that shall not exceed the prevailing market rate.

**PARKING, SHARED:** Parking available to the public on an unreserved basis for free or at the same fee for all users, which shall not exceed the prevailing market rate. Time limits may be imposed to ensure turnover. Hours of public availability may also be restricted.

**MULTI USE PATHWAY:** Interconnecting paved ways that provide pedestrian and bicycle passage running from a street to either a street, alley or an interior parking area. The area within a multi use pathway shall be a public access easement or public right of way.

**PERVIOUS SURFACE:** A surface capable of being permeated, having pores or openings that permit liquids to pass through.

**PUBLIC ART:** Art that is visually or physically accessible to the public and that provided by a private entity as a community benefit. Public art encompasses the broadest definition of visual art including the imaginative use and interplay of artistic disciplines. Area of public art is measured by the square footage of the width multiplied by the depth of the structure, at it widest and deepest points. In the case of two-dimensional objects (wall murals, etc) the area shall be determined by height multiplied by the width.

**PUBLIC SPACE:** Property (streets, alleys, civic greens and squares, and parks) within the public domain within which citizens may exercise their rights.

**RIPARIAN BUFFER:** Area adjacent to a flowing waterway, including stream banks, vegetation. For the purpose of this ordinance, the riparian buffer is reflective of and interpreted from the Federal Insurance Administration's Flood Insurance Study floodway boundaries, plus an additional fifty (50) feet, however, no less than fifty (50) feet in total width (measured from the outline of the creek, as defined within LINK GIS drain layer).

**SEATING, FORMAL:** A long bench seat for two or more persons.

**SEATING, INFORMAL:** Planters, ledges, or similar seating features, and measuring a minimum of 30 inches in width and 15 inches in height.

**STREET WALL:** A vertical surface at the build-to line used to screen the off-street parking area from the street while maintaining the building facade along a given block face.

**STREETSCAPE:** Improvements to a property, including paving, tree and/or other decorative plantings, lighting, and the placement of street furniture, within the street.

**TRANSOM WINDOW:** A window or pane above a door, whether rectangular or arched (fanlight); also, a window that is hinged along its top edge.

**UNIFORMITY RATIO:** The relationship between the average level of illumination and the lowest level of illumination for a given area. For example, if the uniformity ratio is 3:1 and the average illumination of an area is 3.0 foot-candles, then the lowest level of illumination allowed in the given area would be 1.0 foot-candles.

**VERGE STRIP:** A strip or border with grass or landscaping that separates the sidewalk from the street.

**WALL OPENING:** Any break in the wall or façade.

**WHERE CLEARLY VISIBLE FROM THE STREET:** A number of regulations apply only where the subject is "clearly visible from the street." A building element more than 30 feet from the build to line/street (such as items facing a common lot line more than 31 feet away from a build to line and/or street) is by definition not clearly visible from the street. Also common and/or party walls are by definition not clearly visible from the street.

## G. BUILDING ENVELOPE STANDARDS

### 1. Siting Specifications

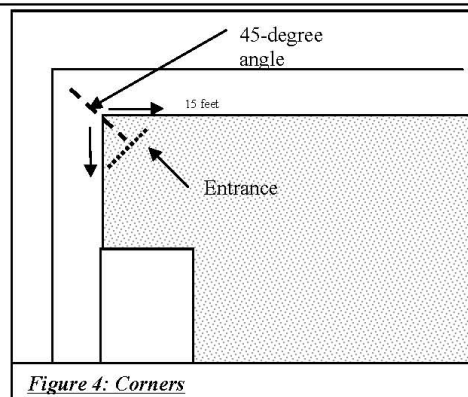
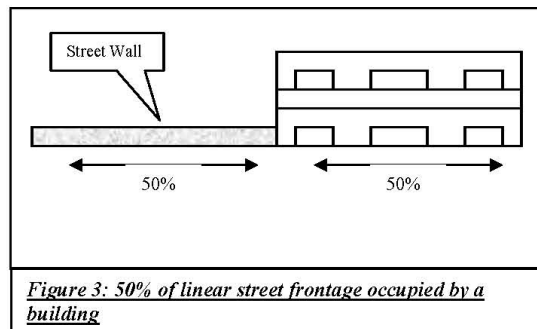
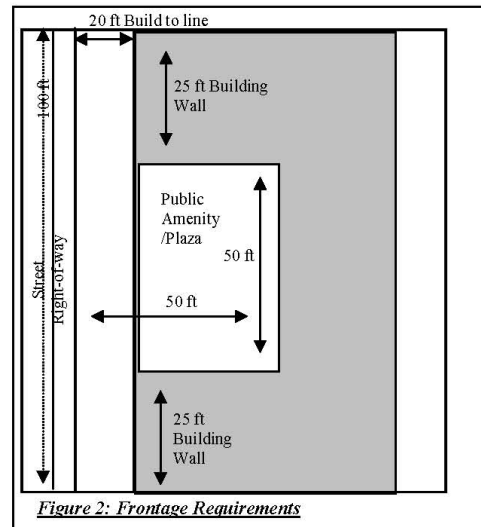
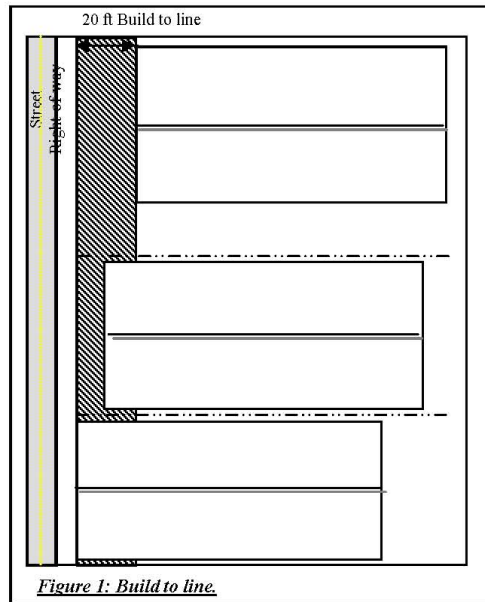


- a. Minimum Tract for Development
  - (1) Five (5) acres; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout. Substantial additions to existing developed sites must meet the requirements contained in Section 10.31, B., 6.
- b. Setbacks from Street Frontages (See Figure 1)
  - (1) No minimum.
  - (2) Build to Line (Maximum) – 20 feet from the right of way, except in any of the following cases:
    - (a) Outdoor amenities are located between the right-of-way and the build-to line, in which case no more than 50 feet from the right of way.
    - (b) Development sites containing hillsides with slopes of 20% or greater may modify the build-to line to accommodate front parking, but only subject to the requirements of subsection K., 1., a.
- c. Side and rear yard setbacks
  - (1) No setback requirements, except when adjacent to a residential use above the first floor, then a minimum side yard of 5 feet shall be maintained.
  - (2) Where adjoining a residential zone outside of the form district a minimum 50 feet from the property line must be maintained.
- d. Use and Building Size Requirements
  - (1) Maximum building footprint are as follows:
    - (a) Single structure: 15,000 square feet, however, one building per development tract may have a maximum footprint of up to 30,000 square feet.
  - (2) Maximum size of each individual tenant/occupant:
    - (a) In a single-use structure: 30,000 square feet, however, one building per development tract may

- contain up to 60,000 square feet.
    - (b) In a multi-use structure: Calculated by total number of stories
- e. Multiple Principal Structures
  - (1) Either multiple principal structures or common wall construction is permitted. Principal structures on the same or adjacent lots, constructed as detached buildings, shall maintain following minimum separations:
    - (a) Building wall with entrance or exit: 20 feet.
    - (b) Building wall with no entrance or exit: 10 feet
- f. Building Frontage (See Figure 2 and 3)
  - (1) At least 50% of the linear street frontage of each lot shall be occupied by a building at the required setback/build to line.
  - (2) Open unenclosed public seating or similar areas, fountains, and outdoor amenities are permitted to encroach beyond the build-to line as long as the corner requirements are met per Section 10.31, G., 1. h.
- g. Building Entrances
  - (1) Buildings shall have at least one public entrance on all façades facing the street and at least one where parking is located.
  - (2) Buildings shall have one public entrance oriented toward the required Riparian Buffer or toward any required Outdoor Amenity or Open Space (see Section 10., I., 2., and 10., I., 3). No service entrances are permitted to be oriented towards the required Riparian Buffer or toward any required Outdoor Amenity or Open Space.
  - (3) On corner lots, entrances may be on the front façade or at the corner of the building.
  - (4) There shall be functioning entry door(s) along the street façade spaced at a distance of no less than 60 feet per structure (including those with common wall construction).
  - (5) Garage entries shall not exceed 16 feet clear height and 24 feet clear width and shall not be sited within 100 feet of the block corner or another garage entry on the same block. Garage entry portals may be set back up to 24 inches behind the surrounding façade, but may not project beyond the building facade.

h. Corners (See Figure 4)

- (1) Buildings on corner lots shall be constructed at the build to line along both sides of the street for a minimum of 15 linear feet.
- (2) If a principal building or tenant entrance is at the corner, the entrance may be recessed within the 15 feet at a 45-degree (45°) angle to both streets.



## 2. Height Specifications (See Figure 6)

### a. Building Height

- (1) Each building shall have a minimum of two (2) stories and shall not exceed sixty-five (65) feet in height.
- (2) If a parking garage is incorporated into building design, two tiers of parking may be located above ground level without counting toward the measurement of building height. However, retail space must be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.
- (3) Maximum height of building with only residential uses above the first floor is 90 feet.

**Commentary: Retail helps to make the street active and interesting.**

### b. Floor Height

- (1) Maximum floor-to-floor story height limit for stories other than the ground story is 14 feet.
- (2) All upper stories shall each have a minimum of 9 feet 4 inches clear (floor to ceiling height) and shall be useable floor space, unless otherwise regulated by Section 10.31, D., 2.

**Commentary: Buildings overseeing the street and public areas with active fronts, contribute to a vital and safe public space. Enliven facades of retail or commercial space by providing visibility into building interiors or merchandising display windows.**

## 3. Building Element Specifications (See Figure 7 and 8)

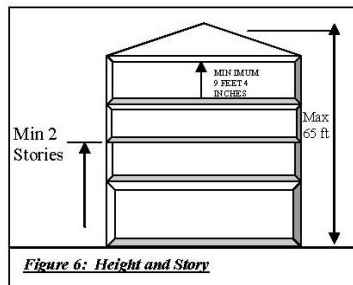
### a. Ground Story Fenestration

- (1) No blank/uninterrupted walls shall be facing streets, access drives, sidewalks, outdoor amenities, recreational areas or other public uses.
- (2) Ground story façades shall have between 50 and 90 percent fenestration (measured as a percentage of the façade that is between 2 and 10 feet above the fronting streets, sidewalks, outdoor amenities or recreational areas) with a combination of two or more of the following animating features:

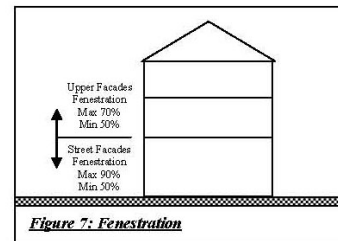
- (a) Transparent doorways and entry areas;
    - (b) Display windows at least 50% open to the business interior with a minimum height of 8 feet and having a maximum sill height of 3 feet;
    - (c) Arcades; with a minimum clear height of 11 feet (signage or lighting may encroach) at the sidewalk (street), and a minimum clear width (from frontage or build to line to inside column face) of 10 feet. The area within an arcade shall be open to all public access. Supporting Column/Pier shall be located no more than 20 inches from the back of the curb (minimum 60 inches public access easement/sidewalk within the arcades' clear width). (See Figure 9)
    - (d) Projections and windows.
  - (3) Awnings and overhangs in increments of 15 feet widths or less are permitted with the following requirements:
    - (a) Minimum 10 feet clear height above sidewalk, minimum 6 feet depth out from the building façade (Maximum to curb or tree-planting strip/furniture zone, whichever is closer).
    - (b) Canvas cloth or equivalent (no shiny or reflective materials), metal or glass.
    - (c) No internal illumination through the awning/overhang.
    - (d) Lettering on awning limited to five (5) inches tall on vertically hanging fabric at curb side of awning.
    - (e) No one-quarter cylinder configurations.
  - (4) Other features, such as public art are permitted.
- b. Upper Stories – Fenestration
- (1) Walls facing streets, sidewalks, outdoor amenities, recreational areas, off street parking areas or other public uses shall have between 50 and 70 percent fenestration (see Figure 5).



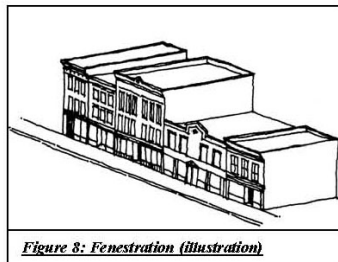
***Figure 5: Fenestration on upper stories is required. Two contrasting examples are shown above.***



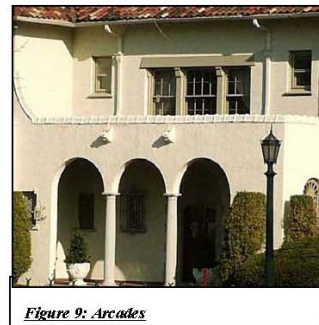
***Figure 6: Height and Story***



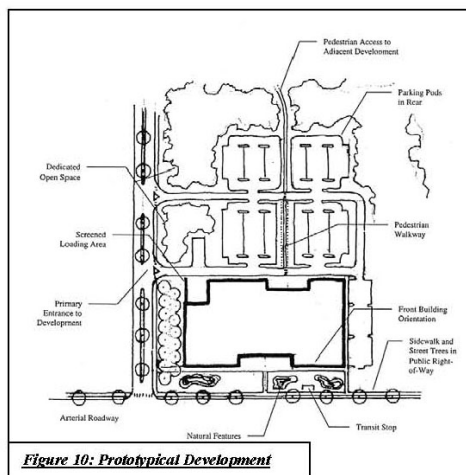
***Figure 7: Fenestration***



***Figure 8: Fenestration (illustration)***



***Figure 9: Arcades***



***Figure 10: Prototypical Development***

***Commentary: Designs are encouraged that create a unique and attractive image for each business while respecting the design parameters of neighboring facades.***

***Facades should relate to their surroundings and provide a sense of cohesiveness in the district without strict uniformity. Facades should present a visually balanced composition. High design standards and creativity are encouraged.***

## H. HILLSIDE PROTECTION

1. The following requirements shall be met for development within areas identified as having 15% slope or greater.

- a. Slope Determination

Topographic information has been created and stored by the Geographic Information Systems (GIS) Department of the PDS. The data comprises polygons which contain the generalized slope of Kenton County derived from a 10-foot resolution slope grid, created from the elevation grid for Kenton County.

**Commentary: It is recommended that when development is proposed in hillside areas, that consideration be given to fitting the proposed development to the natural configurations of an existing landscape.**

- b. Slope Setbacks

Proposed structures shall be set back from either the toe or top of the slope to a structure, whichever applies, a minimum of 10 feet, unless otherwise required by a geotechnical investigation or retaining walls are used. These setbacks do not supercede the minimum setbacks required by the Kentucky Building Code. Setbacks shall be measured as shown in Figure 11.

2. In areas where 15% slopes or greater will be disturbed, a geotechnical evaluation must be completed by a registered professional engineer and submitted with the Stage II Development Plan for review. All disturbances must follow the recommendations of the geotechnical evaluation. Prior to the issuance of a Certificate of Occupancy for the site, the planning commission, or its duly authorized representative, shall require written authorization from a registered professional engineer that the proposed development is in compliance with the specifications as contained within the geotechnical investigation.
3. Areas containing slopes of 35% or more shall not be disturbed.
4. Grading and Drainage
  - a. All excavations on slopes greater than fifteen percent (15%) shall be made to approximate grade or subgrade elevations consistent with approved plans. Applications for grading permits must include an approved Land Disturbance Permit from Sanitation District No.1. Grading plans must be based on adequate surveys and soil



investigations. The Kenton County Subdivision Regulations refer to general soil conditions that exist in the area.

*Commentary: It is necessary to minimize problems associated with water runoff and soil erosion incurred in grading these slopes while preserving unique scenic resources and wildlife habitat.*

- b. Excavation, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control. Section 9.7 of the City of Fort Wright Zoning Ordinance currently states:
- (1) No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation, except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements of the Subdivision Regulations of the legislative body, if applicable, have been fulfilled and then obtaining a permit.
  - (2) The required permit may be issued after determining that the resulting change in grade, or removal of trees and other vegetation, in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
  - (3) Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
    - (a) The smallest practical area of land shall be exposed at any one time during development.
    - (b) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
    - (c) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
    - (d) Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

- (e) Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- (f) Permanent final vegetation and structures shall be installed as soon as practical in the development.
- (g) The development shall be fitted to the topography and soils so as to create the least erosion potential.
- (h) Wherever feasible, natural vegetation shall be retained and protected.

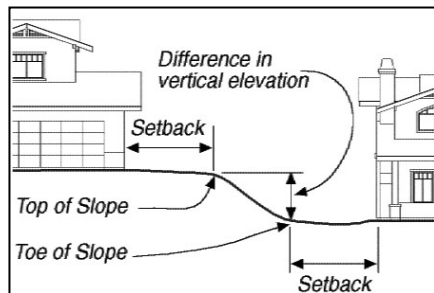
c. In addition to the above, the following requirements shall be met:

- (1) Within the allowable disturbance area, finished cut and fill slopes shall be constructed to a maximum 3:1 (33.3%) slope or flatter (unless retaining walls are used) unless otherwise approved by the city based on results of a geotechnical investigation.
- (2) Remove good topsoil from areas to be graded or filled, and preserve it for use in finishing the grading of all slopes greater than fifteen percent (15%).
- (3) Stabilize all graded areas with native vegetation or erosion control blankets as soon as grading is completed or work is interrupted for 30 days or more.
- (4) Use mulch to stabilize areas temporarily where final grading must be delayed.
- (5) Roughen the surface of all slopes during construction to retain water, increase infiltration and facilitate vegetation.

## 5. Slope Restoration

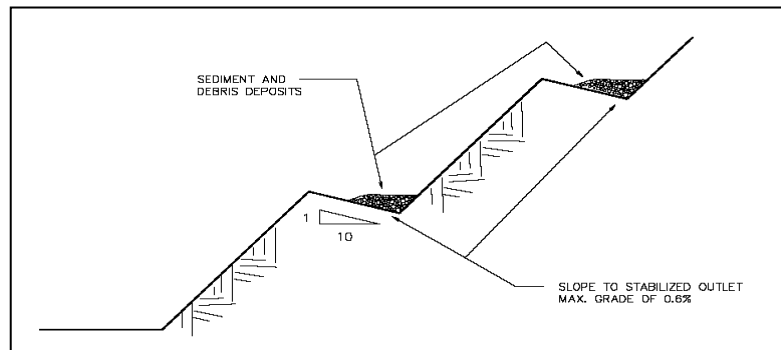
- a. Cuts and fills shall be restored to a maximum 3:1 (33.3%) slope or flatter and re-vegetated. Slope breaks, such as benches, may be used to reduce the length of cut and fill slopes to limit sheet and rill erosion and prevent gulying (see Figure 12). The required spacing between benches shall be in accordance with the Kentucky Department of Highways Geotechnical Manual. Other methods, such as geotextiles, may be used, however, they must be installed by a qualified geotechnical engineer.
- b. Cuts and fills that are controlled by retaining walls must meet the requirements of this ordinance (see Section 10.31, O).
- c. Re-vegetated slopes shall include both native trees and shrubs, as per the recommended Plant lists contained within the Planting

Manual and Landscape Regulation Guidelines within the text of the Fort Wright Zoning Ordinance.



**Figure 11: Slope Setbacks**

Cuts and fills shall not be placed so close as to endanger adjoining property.



**Figure 12: Benching**

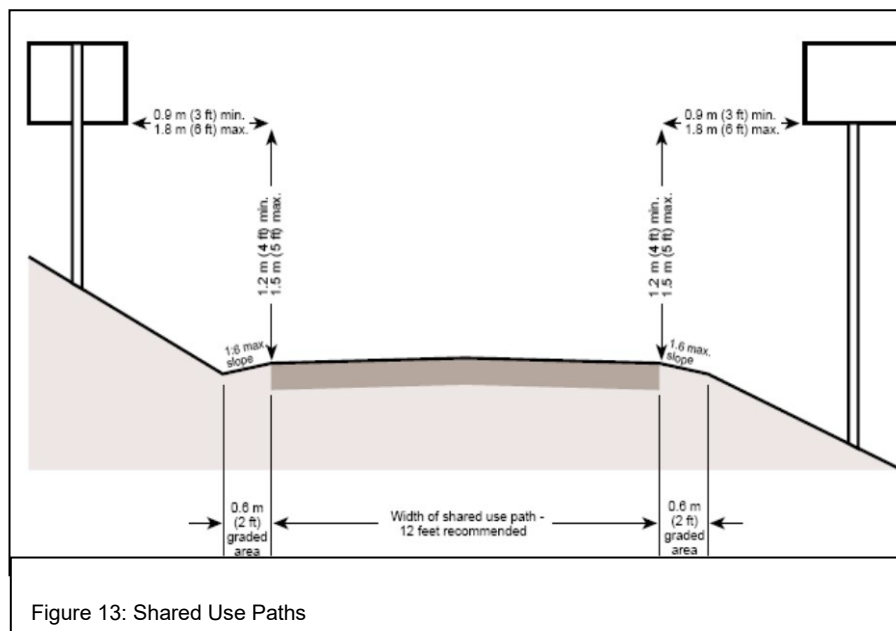
Benching is a variation on sloping, and consists of cutting the sides of the excavation to form one or more horizontal levels or steps, usually with vertical or near-vertical surfaces between levels. Soil type and local conditions determine the max horizontal and vertical dimensions of a benched excavation. Often a combination of benching and sloping is used.

## I. RIPARIAN PROTECTION, OPEN SPACE AND OUTDOOR AMENITIES

### 1. Riparian Buffer Requirements

- a. The minimum Riparian Buffer width shall be reflective of and interpreted from the Federal Insurance Administration's Flood Insurance Study floodway boundaries, plus an additional 50 feet, however, no less than fifty (50) feet in total width (measured from outline of the creek, as defined within LINK GIS drain layer).
- b. If the applicant can demonstrate that the floodway boundaries in their location are inaccurate, boundary revisions may be made, in agreement with the city.
- c. Building facades must include additional entrances when oriented toward the Riparian Buffer.
- d. The minimum required Riparian Buffer width shall remain undisturbed and restricted in use for flood control and restoration, as regulated in Section 9.25, C., 3., of the Fort Wright Zoning Ordinance.
- e. An applicant has the option to obtain additional open space credits by applying a conservation easement to the entire area comprising the Riparian Buffer within the parcel. In such cases, a pedestrian and bicycle trail may be developed within the Riparian Buffer, at least ten (10) feet in width (See Figure 13), in cooperation with the recipient entity. A conservation easement shall count towards:

- (1) An additional fifty percent (50%) of the required Open Space within the proposed development (See Section I., 2), and
- (2) A ten percent (10%) reduction in the required off-street parking landscaping requirements.
- (3) A copy of a recorded conservation easement assuring the permanent protection, preservation and maintenance of the Riparian Buffer within the proposed development shall be submitted by the developer and recipient entity (i.e. the City of Fort Wright) prior to the recording of a plat or the issuance of a clearing/grading or zoning/building permit, whichever occurs first.



## 2. Open Space and Outdoor Amenities Requirements

- a. Definitions: For the purposes of the regulations within this section of the ordinance, the following definitions shall apply:

**Open Space:** Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Outdoor Amenity: Improvements within the developed area that encourage outdoor activities and public interaction.

- b. The amount of open space and outdoor amenities required shall be calculated as follows:

Table 3: Open Space and Outdoor Amenity Requirement

Total area of development	Open Space*	Outdoor amenity*
5 acres or larger	15%	10%
Less than 5 acres adjacent to existing approved site	-	15%

\* Percentage of buildable area (calculated as the area of the lot within which buildings and parking will sit)

- c. Table 4 describes which uses may be credited toward each of the required open space and outdoor amenity requirement.
- d. Additional requirements for Outdoor Amenities are as follows:
- (1) All outdoor amenity areas (except for sidewalks, and multi use paths) shall be accessible by sidewalks connecting with all surrounding buildings and a clear view through the public space must be maintained for public safety and urban design purposes
  - (2) All outdoor amenity areas other than planting beds and interior parking lot landscaping shall have seating at a rate of not less than 1 seat per 400 square feet (lineal feet in the case of multi use paths) of space and located within the outdoor space. Seating may be formal or informal and may include benches, planters, ledges, or similar seating features, and shall be a minimum of 12 inches in depth, 30 inches in width and 15 inches in height.
  - (3) Required outdoor amenities areas may not be counted as open space area.
- e. Additional requirements for Open Space are as follows:
- (1) If additional development on an existing approved site is proposed, then the total open space needs may be recalculated and credits may be shared, provided the open

spaces are adjacent and accessible to both developments. An agreement from the property owners of the development sites involved must be submitted with the application.

- (2) When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the City or other responsible entity as approved by the City.
- (3) When an area is to be preserved as public open space, determination must be made by the city if the space is accessible by and a benefit to the general public. Prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer shall permanently dedicate the open space to public use in a manner acceptable to the recipient entity and submit documentation that the property will be accepted by the city or other responsible entity as approved by the city.

**Table 4: Permitted uses within Open Space and Outdoor Amenity Requirement**

Open Space	Outdoor Amenity
Applying a conservation easement to the entire area comprising the Riparian Buffer within the parcel shall count toward an additional 50% of the required Open Space.	Pedestrian and bicycle facilities 10 feet or greater in width.
Landsaped internal or frontage roadway medians (those not along KY 17) at least 10 feet in width that add to the community's improved visual appearance. For properties located along KY 17, up to 10% of the required open space area may be satisfied with a landscaped non-traversable median	Outdoor dining open to the public: (1) Outdoor dining shall be used in conjunction with, and under the same management and exclusive control of, a restaurant, bar, tavern or nightclub located on the same or contiguous property; (2) The outdoor seating capacity shall not exceed twenty-five percent (25%) of the total restaurant, bar, tavern or nightclub seating capacity and shall not be enclosed.
Green roofs (i.e. vegetated roof covers for stormwater mitigation).	Water features, public gardens and public art. Interactive Amenities, including but not limited to dance steps, art walks / experiences, backgammon and chess tables, mini amphitheatres.
Storm water detention and retention basins.	Rooftop gardens/plazas, seating areas.
Nationally or locally designated or recognized cultural, historic or archaeological sites.	Planting beds no less than 100 square feet and adjacent to a façade with a public entrance.
Undisturbed hillsides greater than a 15% slope and required Riparian Buffer areas.	Civic greens, and squares, no length and width dimension shall be less than 25 feet. (1) In civic greens minimum sixty percent (60%) pervious surface area (turf, groundcover, soil or mulch) and in squares minimum thirty percent (30%) pervious surface area.
Woodlands managed for forestry production, or forestry protection, areas for endangered species protection, meadows, wetlands, agricultural lands and activities.	(2) Of the remaining balance at least seventy percent (70%) must be pervious pavement (maximum thirty percent (30%) impervious paved).
Outdoor sports fields, golf courses, parks, community gardens and playgrounds.	Parks and playgrounds, which are required to be at least 50 feet from any street right of way.
Total of 20% of the required parking spaces are pervious.	Interior parking lot landscaping areas above minimum landscaping requirement and shall not be credited unless larger than 200 square feet.

## J. TRANSPORTATION STANDARDS

1. Transportation connections are to be multi modal and useable by the public.
2. Vehicular
  - a. Direct vehicular connections are required between all uses, existing and future.
  - b. Developments that create public and private streets shall connect with and provide for future extension of the street network.
  - c. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary.
  - d. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
3. Pedestrian
  - a. Direct pedestrian connections are required between all uses, existing and future.
  - b. Developments that create public and private streets shall connect with and provide for future extension of pedestrian access.
  - c. All uses within the form district shall provide pedestrian connections with adjacent uses outside the form district.
  - d. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
  - e. All development shall provide clearly defined safe pedestrian access to the public right of way, to the building entrances<sup>1</sup>, to bus stops, and connecting to or including installation of the bicycle and pedestrian multi-use trail within the required Riparian Buffer.
  - f. With KYTC approval, pedestrian access is required to be located within abutting rights-of-way and across driveways with striping or contrasting pavements, or raised surfaces, that meet Kenton County Subdivision Regulations.
  - g. Sidewalks and trails must connect with any presently adjacent sidewalks and shall be a minimum of five (5) unobstructed feet in width. Sidewalks and trail connections are required to be constructed and completed at the time of street construction.

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<sup>1</sup> See Parking Lot Standards for pedestrian access requirements

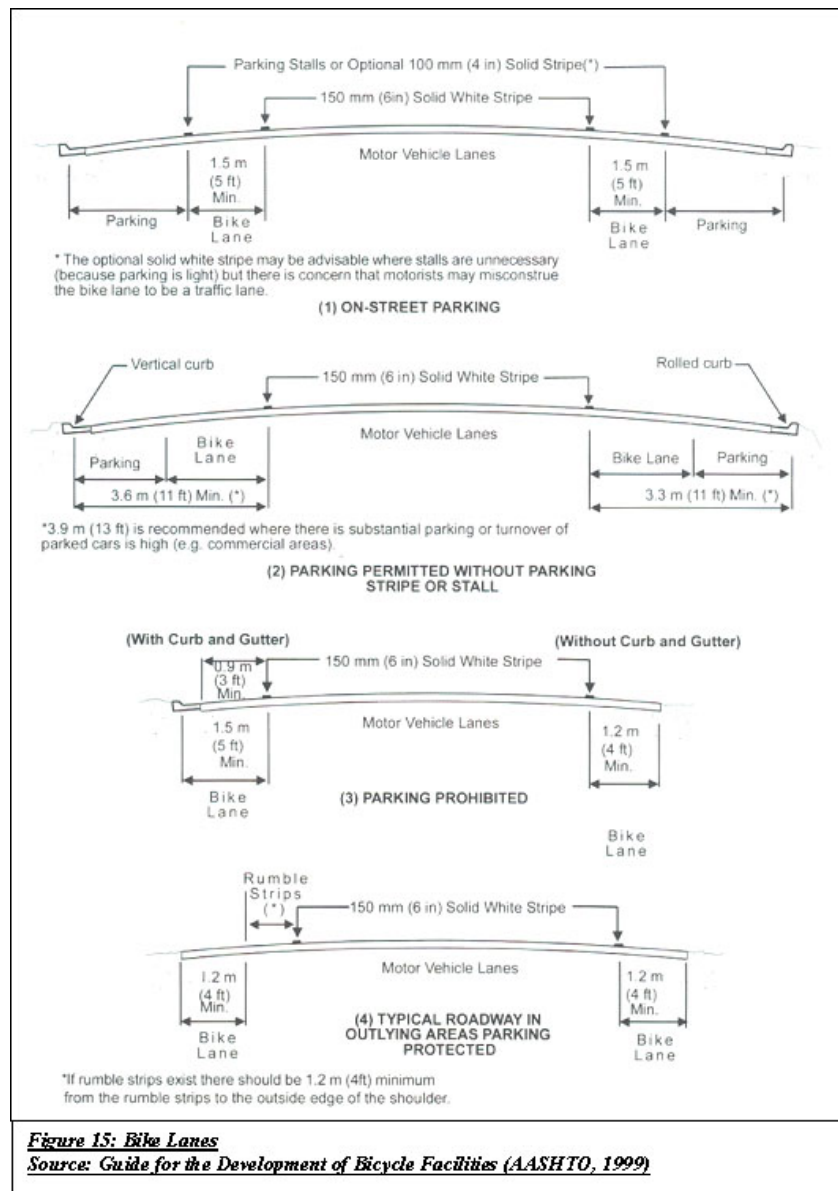
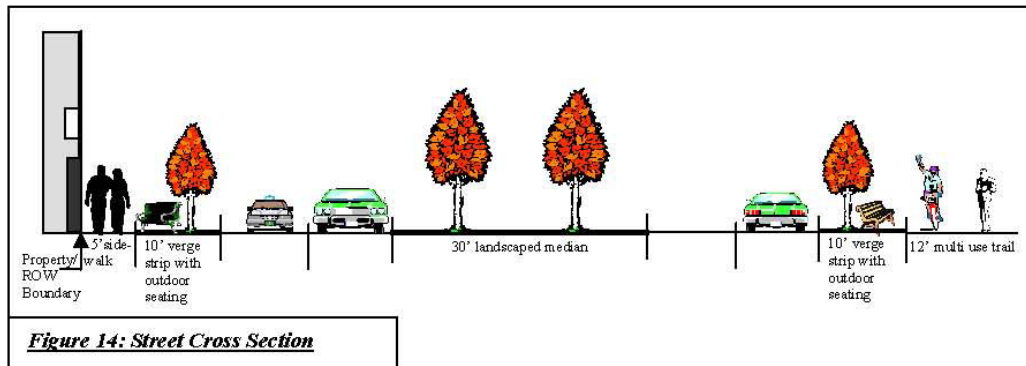


- h. Construction of the bicycle and pedestrian multiuse trail shall in no case be less than ten (10) feet in width, with vertical grades no steeper than three percent (3%), and designed as shown in Figure 13.
- 4. Bicycle
  - a. Direct bicycle connections are required between all uses, existing and future.
  - b. Developments that create public and private streets shall connect with and provide for future extension of bicycle access. Bicycle lanes, shared use paths, paved and marked shoulders, or wider outside lanes designated for bicycles and with signage shall be installed on both sides of all streets with the following standards.
    - (1) Shared Use Paths – See Figure 13
    - (2) Bicycle Lanes – see Figure 15
    - (3) Paved Shoulders shall be minimum 4 feet in width.
    - (4) Wide outside lanes must be at least 14 feet in width.
  - c. Connections are required to be constructed and completed at the time of street construction.
  - d. Developments that adjoin vacant sites shall be designed to accommodate future connections with access easements if necessary. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
  - e. Construction of the bicycle and pedestrian shared use trail shall in no case be less than ten (10) feet in width, with grades no steeper than three percent, and designed as shown in Figure 13.
- 5. Transit
  - a. Prior to plan submittal the Transit Authority of Northern Kentucky (TANK) shall be consulted on the appropriate location, number, and design of bus stops. Documentation from TANK must be submitted with application.

*Commentary: The intent of the following regulations is to manage access in a manner consistent with the City's desire, described in the Madison Pike Corridor Land Use and Economic Development Study, to mitigate congestion and increase capacity of Madison Pike. It is of the utmost importance to maintain and improve the functional quality of KY 17 for all future private and public activities within the corridor and for those traversing the corridor on a daily basis to destinations elsewhere.*

## 6. Access Management

- a. All left-turn ingress and egress, except at signalized intersections existing at the time of the adoption of these regulation and identified in the Madison Pike Corridor Land Use and Economic Development Study, shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the city at such time as the particular use(s) served by the access point changes and/or the property is otherwise provided an alternate means of access. All such temporary access points shall be noted on the plan by being clearly labeled “temporary access only” and included in the submission of the record plat.
- b. Design of the non-traversable median, roundabouts or other continuous flow facility shall identify locations of left-turn in only movements, subject to approval of the city and Kentucky Transportation Cabinet.
- c. Sites with multiple buildings shall have joint access.
- d. Properties on arterial or collector streets shall provide access drives (joint use driveways and/or cross access easement) or access roads, including pedestrian access to allow circulation for commercial-to-commercial, office, industrial or multi-family. Access roads or drives may be in front of the property or in the rear or side. If planned as a public or private road the design shall conform to all applicable regulations of the Kenton County Subdivision Regulations.
- e. Spacing of access points along the cross access drive or frontage road shall be a minimum of 100 feet or as otherwise approved by the city.
- f. Access drives shall be at least twenty-two (22) feet in width and with stub outs for future development.
- g. Easements and agreements must be identified on the submitted development plans and submitted prior to the pre-Certificate of Occupancy meeting per Section 10.31, B, 9.
- h. When property proposed to be developed abuts KY 17, the non-mountable median and landscaping must be implemented by the property owner in coordination with the City. Construction shall be in conformance with all City and KYTC requirements. Figure 14 represents a street cross section of KY 17 (for illustration purposes only). Subject to City approval, funds may be escrowed with the City to allow for a coordinated design, planning and implementation process for these improvements.



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## K. PARKING, LOADING AND UNLOADING

### 1. Location of parking

- a. Parking shall not be permitted between the property line and the build-to-line, except in the following cases:
  - (1) Development sites containing hillside slopes of 20% or greater are permitted a maximum of two (2) rows of parking, not exceeding 20% of the total allowable parking for the site, but only when it can be demonstrated that slope conditions make provisions for adequate parking economically unreasonable. Where clearly visible from the street, this parking area must be screened with earth berms, landscaping and/or a street wall
- b. Parking within the side yard is permitted, the total width of which may not exceed 15% of the total linear lot frontage.

### 2. Number of Parking Spaces

- a. Section 11.2 of the Fort Wright Zoning Ordinance applies with the following conditions:
  - (1) A 10% minimum reduction in the number of required spaces is required and a maximum allowable reduction of 50% shall be permitted.
- b. All parking spaces may be located off site but must be connected by pedestrian access (see pedestrian connection requirements) and must be located within 500 feet of the building. All parties shall execute a properly drawn legal instrument/agreement providing for the use of the off-site parking spaces. This instrument shall be drawn to the satisfaction of the city and shall be executed by all parties concerned assuring the availability of the number of spaces designated for off-site and shall be recorded in the City Clerk's Office.
- c. Twenty percent (20%) of required parking may be pervious surface and may be counted as open space credits.
- d. No maximum number of spaces if parking structures are utilized.
- e. Underground parking shall count towards the total number of allowable parking spaces.

### 3. Connections between parking lots

- a. Vehicular and pedestrian connections are required between parking lots in adjacent developments.

4. Pedestrian circulation

- a. Clearly defined safe access must be provided from parking facilities, adjacent public rights of way and activity areas to building entrances.
- b. Parking lots must have walkways minimum five feet in width.
- c. Walkways must be lighted and must connect parking areas with building entrances. Walkways must be differentiated by means of landscaping, alternative paving materials or change in grade.
- d. Walkways adjacent to parking spaces must be 5 feet wide with separation by curbing, bollards, bumper blocks, elevation 4 inches high, or landscaping.
- e. Walkways that cross drive aisles must be defined by stripes, contrasting pavement materials, elevated pavement or combination.
- f. Walkways shall not pass behind a row of parking spaces.
- g. All developments must provide for future pedestrian circulation connecting parking lots or alleys, by hard surface walkways or similar.

5. Street wall requirement

- a. Any side yard parking areas shall have a street wall along the lot frontage, minimum height of 4 feet and a maximum height of 6 feet, with a required rail or fence to be anodized aluminum or steel.
- b. Street wall heights are measured relative to the adjacent sidewalk or to the ground elevation when not fronting a sidewalk.
- c. Street walls may be set back (or forward) not more than 8 inches from the build to line or adjacent building façade.
- d. A vehicle entry gate (opaque, maximum 18 feet wide) and a pedestrian entry gate (maximum 6 feet wide) are both allowed within any required street wall length.

6. Landscaping

- a. See Section 9.17 of the Fort Wright Zoning Ordinance.

7. Bicycle parking

- a. For non-single-family residential uses, two bicycle parking spaces are required plus one additional space per 25,000 square feet GFA (Gross Floor Area) of building area.

- b. The parking spaces must be a minimum of 2 feet from a parallel wall and 2.5 feet from a perpendicular wall (See Figure 16).
- c. If located on or next to a sidewalk, a minimum of 5 feet of clear sidewalk must remain when bicycles are parked at the device.
- d. If the device is installed at a transit stop, its location cannot impede transit boarding.
- e. If the installation is near a curb cut on a street with motor vehicle parking, at least three feet of space must remain between a bicycle parked at the rack and the curb.
- f. Whenever the device will be placed in the public right-of-way, the appropriate jurisdiction must approve the locations.



*Figure 16: Bicycle parking stalls*

#### 8. Loading/Unloading areas

- a. Shall be screened with same materials as main building so as not to be visible front adjacent public streets and residential uses.
- b. Front loading docks are not permitted.

### L. STREETSCAPE STANDARDS

#### 1. Street trees

- a. Street trees shall be required. The minimum planting strip for street trees shall be four (4) feet, with plant material of one of the following:
  - (1) 1 tree every 60 feet on center (maximum) from List A (shade trees)\*
  - (2) 1 tree every 60 feet on center (maximum) from List F (street trees)\*
  - (3) 1 tree every 60 feet on center (maximum) from List B (flowering and non-flowering trees)\*

\*Plant lists can be found in the "Planting Manual and Landscape Regulation Guidelines" within the text of the Fort Wright Zoning Ordinance.

- b. Facades with customer entrance or visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses: One tree planted within 15 feet of the building, for each 50 ft of façade length.
- c. Streetscape elements such as brick pavers, benches, waste bins, planters, and window boxes are encouraged and should be coordinated with the city to ensure compatibility (see Figure 17).



*Figure 17: Streetscape elements*

## 2. Verge/Planting Strips

- a. Along State Route 17, a minimum verge strip of 10 feet shall be maintained with planting types that meet the requirements of the existing landscape regulations. This may be located within the right-of-way per the approval of an encroachment permit from the Kentucky Transportation Cabinet.
- b. Clustering of trees along State Route 17 may be permitted as long as the same numbers of trees are planted. Trees must be spaced properly to accommodate tree size at maturity.
- c. All landscaping along State Route 17 must be set back a minimum of 3 feet from the edge of pavement or per approval of Kentucky Transportation Cabinet encroachment permit, whichever is greater.

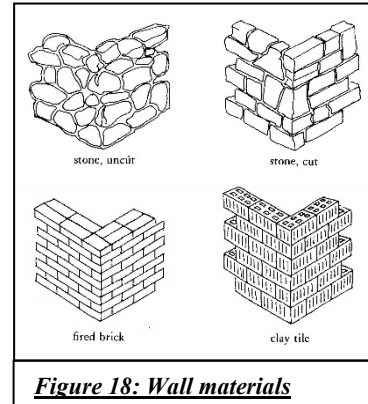
## 3. Utility Installation

- a. All utilities shall be underground.

## M. ARCHITECTURAL STANDARDS

- 1. Standards for building walls - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.
  - a. Materials - The following materials are permitted (See Figure 18):

- (1) Brick and tile masonry
- (2) Stucco (cementitious finish)
- (3) Native stone (or synthetic equivalent)
- (4) Pre-cast masonry (for trim and cornice elements only)
- (5) Gypsum reinforced fiber concrete (GFRC – for trim elements only)
- (6) Exterior Insulation Finish System fascias, with moderate finish texture



b. Configurations and Techniques

(1) Walls

- (a) Wall openings shall be taller than they are wide except as otherwise permitted for atriums and arcades.
- (b) Wall openings shall not span vertically more than one story except as otherwise permitted for atriums and arcades.
- (c) Wall materials shall be consistent horizontally (i.e. joints between different materials must be horizontal and continue around corners) except for towers, chimneys and piers.

c. Stucco (cementitious finish)

- (1) Smooth or sand finish only, no “cake icing” finish.

2. Standards for roofs and parapets - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.

a. Materials: The following materials are permitted:

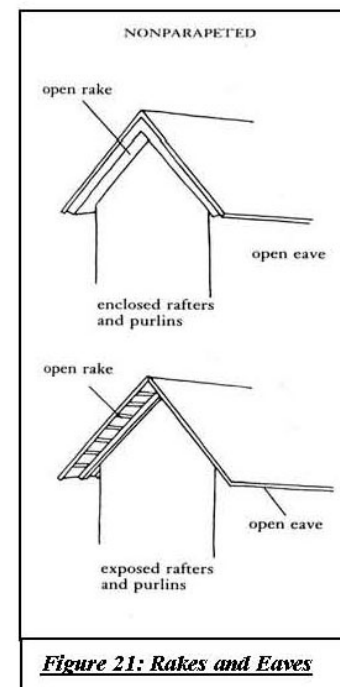
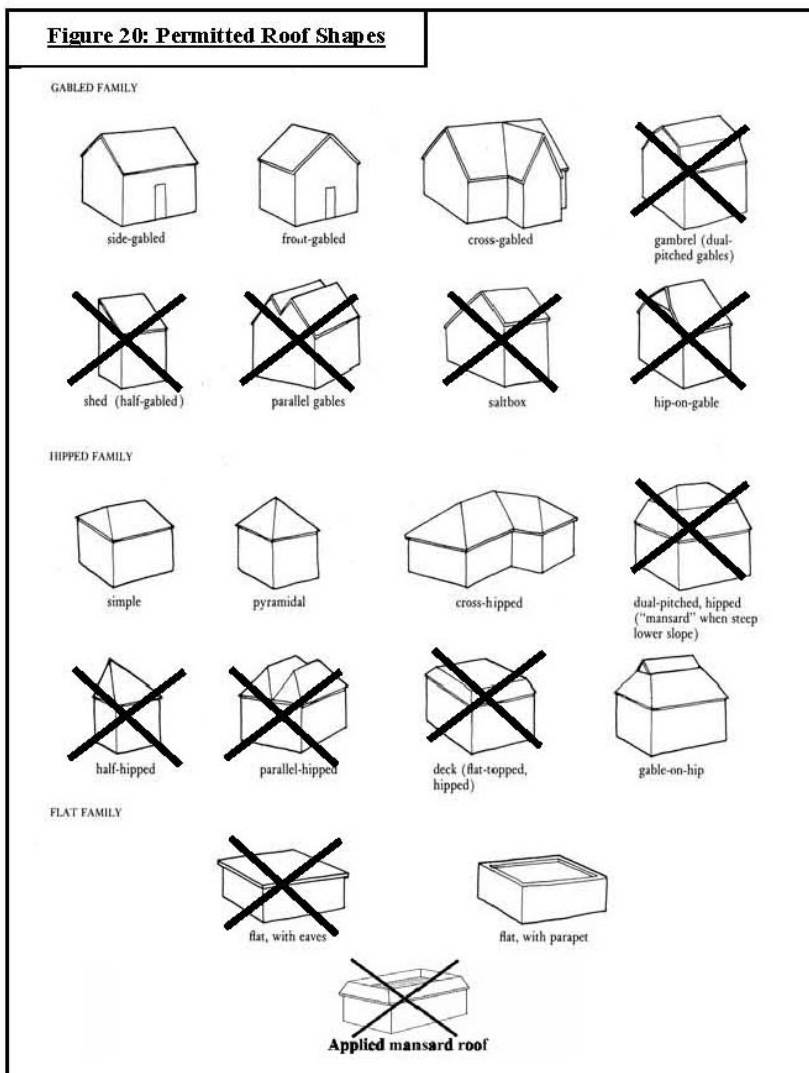
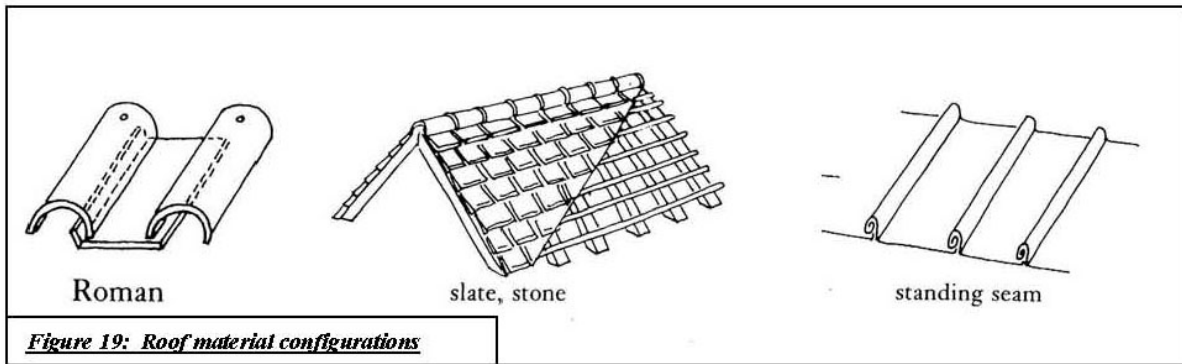
- (1) Clay or concrete (faux clay)
- (2) Tile (barrel or flat roman)
- (3) Slate (Equivalent synthetic or better)
- (4) Metal (Standing seam 5-v crimp, equivalent or better)
- (5) Shingle

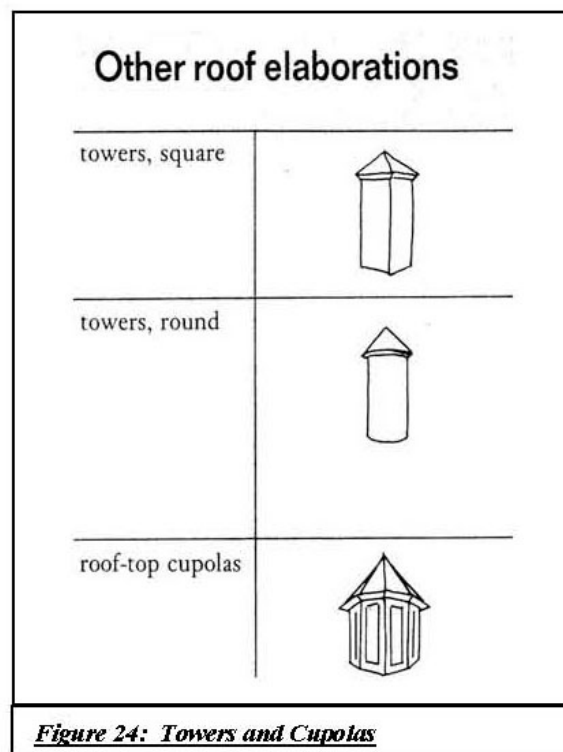
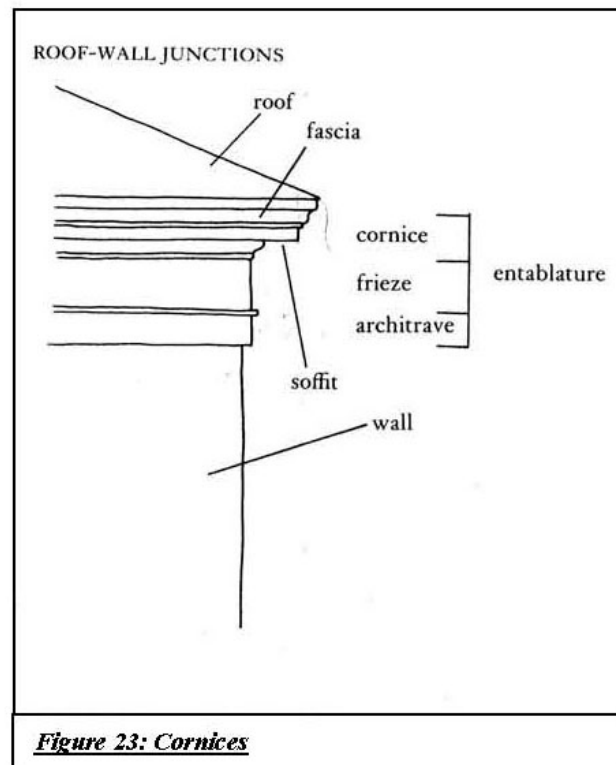
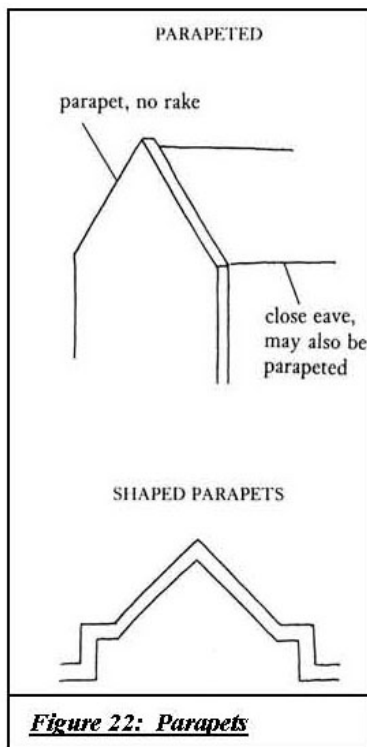


- b. Only the following configurations and techniques are permitted (See Figure 19 and 20):
- (1) Roof shapes
    - (a) Side gabled
    - (b) Front gabled
    - (c) Cross gabled
    - (d) Simple hipped
    - (e) Pyramidal hipped
    - (f) Cross hipped
    - (g) Gable-on-hipped
    - (h) Flat with parapet
  - (2) Pitched roofs (exclusive of roofs behind parapet walls):
    - (a) The primary ridge beam shall run parallel to the street.
    - (b) Simple hip and gable roofs shall be symmetrically pitched between 25 and 50 percent.
    - (c) Mechanical equipment must be screened from view from the ground from all public use areas, adjacent to the site in question.
    - (d) Sloping roofs with a vertical rise that exceeds one-half the average height of supporting walls as measured along each facade are not permitted.
  - (3) Overhang (See Figure 21)
    - (a) Eaves must overhang at least 24 inches on primary structures.
    - (b) Rakes (gable end) must overhang at least 18 inches.
    - (c) Balconies must be minimum of four (4) feet of platform and be accessible from the interior.
- c. Parapet Roofs and Other Features (See Figure 22)
- (1) Parapets, towers, or cornices (See Figure 23 and 24), both incorporating a peaked or a flat-faced elevation shall be incorporated into each building design in the development.
  - (2) Parapet walls sufficiently high enough to screen rooftop mechanical from viewing shall conceal roofs of building structures that are generally flat.
  - (3) Parapet height shall be measured at the top of the Parapet, including any coping. An additional 3 feet in height by 12 feet

in width (or 15 percent of the façade, whichever is greater) is permitted for a section of the Parapet emphasizing the building's main street entry or a corner. Any other variations regarding building heights must receive a variance.

- (4) Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet.





3. Standards for Windows and Doors - Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses. (Exceptions include religious buildings.)

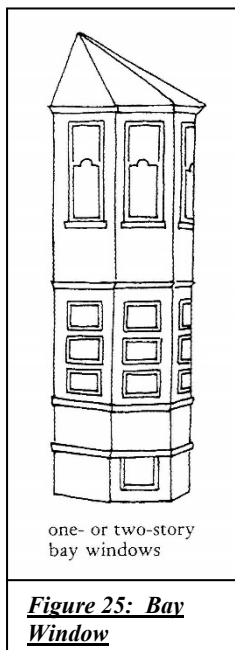
a. Materials: The following materials are permitted.

- (1) Windows of anodized aluminum, wood, clad wood, vinyl, or steel
- (2) Window glass must be clear, with light transmission at the ground story at least 90%, and at least 75% for the upper stories
- (3) Specialty windows may utilize stained or opalescent glass
- (4) Window screens shall be black or gray
- (5) Screen frames shall match window frame material or dark anodized
- (6) Doors of wood, clad wood, or metal

b. Configurations and Techniques

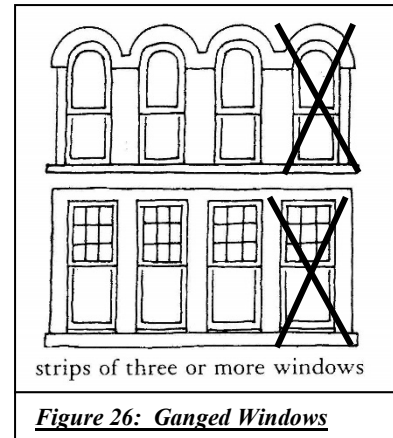
(1) The following requirements apply to all windows:

- (a) Openings for windows, windowpanes, and doors shall be taller than they are wide. Transom windows are not included in the measurements of this requirement.
- (b) Windows may be ganged horizontally (maximum 3 per group) if subdivided by a mullion, column, pier or wall section that is at least 7 inches wide.
- (c) Windows shall be no closer than 30 inches to building corners, excluding bay windows and where the building corner is also a block corner.
- (d) Bay windows shall have a minimum interior clear width at main wall of 4 feet; projection not greater than 36 inches beyond the build to line; walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary wall from which they project. Bay windows may not project into any adjacent right-of way or property line (see Figure 25).
- (e) Exterior shutters shall be sized and mounted appropriately for the window (1/2 the width), even if inoperable.



(2) The following requirements apply to all upper-story windows:

- (a) Windows shall be double-hung, single-hung, awning, or casement windows.
- (b) Fixed windows are permitted.
- (c) Egress windows may be installed according to the appropriate building code.



(3) Shopfront (ground floor) windows and doors:

- (a) Single panes of glass not larger than 8 feet in height by 4 feet wide.
- (b) Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the air conditioned space) and shall allow a minimum 50 percent of surface view into the building for a depth of at least 20 feet.

(4) Doors

- (a) Double-height entryways (those that span more than one story) are not allowed.
- (b) Entryways may be set at a 45-degree (45°) angle to the door and shall have a clear view of the interior as shown in Figure 27.



## N. STREET WALL STANDARDS

### 1. Materials

- a. Native stone (carved with local and traditional techniques) and equivalent imitation stone
- b. Metal – Wrought iron, welded steel and/or aluminum (black) (chain link fence is not permitted).
- c. Brick

- d. Stucco on concrete block (or poured) only with brick or stone coping.
- e. A combination of materials; i.e. stone piers with brick infill panels.

2. Configurations and Techniques

- a. Stucco Street Walls shall have a hardy species of climbing vine planted along them.
- b. Metal work may additionally be treated to imitate a copper patina.
- c. All Street Wall facades shall be as carefully designed as the building façade, with the finished side out, i.e. the “better” side facing the street.

O. RETAINING WALL STANDARDS

- 1. Materials: When retaining walls are used, the following materials may be used:
  - a. Native stone and equivalent cultured/imitation stone (carved with local and traditional techniques)
  - b. Brick

2. Configurations

- a. Walls not designed and approved by a registered professional engineer may not exceed four (4) feet in height. Walls greater than six (6) feet in height must be screened in a planting bed of not less than 10 feet in width, parallel to the exposed side of the retaining wall, with one of the following:
  - (1) 1 tree per 35 linear feet, or fraction thereof, from List A (shade trees), plus double row hedge from List E (evergreen/broadleaf shrubs)\*
  - (2) 1 tree per 20 linear feet, or fraction thereof, from List B (flowering and non-flowering trees), plus a double row hedge from List E (evergreen/broadleaf shrubs)\*

\* Plant lists can be found in the Planting Manual and Landscape Regulation Guidelines within the text of the Fort Wright Zoning Ordinance.

- b. A series of smaller retaining walls is preferable to one large wall, provided that the series of walls can be built without excessive removal of vegetation during construction, and must be re-vegetated.

## P. COLORS

### 1. Building Wall Colors

- a. Colors chosen for the building facades shall be of the same color palette/shade regardless of whether the structure is used as single or multi tenant space.
- b. Colors chosen for the building exteriors shall be taken from an earth tone color palette or substitute as acceptable by the city. Colors may allow for national identity, with approval from the city.
- c. Brick shall approximate the color of bricks made from regional clays.
- d. Primary colors shall not be used for building walls unless they are a muted tone.
- e. Neon colors are not allowed.

**Commentary: Schemes with building walls of more than one color are discouraged except where materials are different, such as when a decorative stucco door surround is used. Where different wall materials allow two-tone schemes, similar colors and tones are recommended.**

### 2. Roof Colors

- a. Natural colors or substitute as acceptable by the city.

### 3. Trim Colors

- a. For windows, soffits, cornices, moldings, etc.: whites or dark saturated cool colors (greens, blues), bronze or substitute as acceptable by the city. Aluminum windows, screen frames, etc. shall be bronze anodized.
- b. Schemes may have no more than two trim colors.
- c. Entry doors are permitted a greater color latitude, subject to approval by the city.
- d. Brick and stone shall be left their natural color.

## Q. ACCESSORY STRUCTURES

1. Accessory structures shall have the same architectural detail, elements, materials and roof design as the principal structure.
2. Size, placement and screening of accessory structures:



- a. Storage areas, refuse areas, mechanical equipment, and gas pumps with associated canopies, shall not be visible from the street.
  - b. Use of wing walls and other similar structures is required.
3. Drive through windows
  - a. Drive through, drive up, or drive in windows are not permitted.
4. Automated teller machines (ATMs)
  - a. ATMs are permitted only if incorporated into the primary building.
  - b. ATMs shall not be accessible via drive aisles or drive-thrus, must be walk up only.

## R. LIGHTING STANDARDS

1. Plan Requirements
  - a. A lighting plan shall be submitted for review including details of, but not limited to, the number and location of all luminaries, height of poles, intensity, lighting patterns and details of lighting fixtures.
  - b. All lighting fixtures/poles shall be black tapered poles.
2. Specifications
  - a. No flashing, traveling, animated, neon or intermittent lighting shall be permitted whether such lighting is for temporary or for long-term duration. No fluorescent lights (except compact fluorescent bulbs that screw into standard sockets) may be used on the exterior of buildings.
  - b. Floodlights or directional lights (max. 75-watt bulbs) may be used to illuminate parking garages and maintenance areas, but must be shielded or aimed away from the property line. Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting) or parking areas.
  - c. All luminaries designed for entryways and decorative purposes on nonresidential and multifamily residential buildings and structures that exceed 2,000 lumens shall have fixtures that cut off light from direct view.
3. Street Lighting
  - a. Lighting along State Route 17



- (1) Street lighting standards shall meet the IES (Illuminating Engineering Society of North America) illumination recommendations for Roadway Lighting by providing a uniformity ratio of 3:1 along arterial roadways, 4:1 along collector roadways and 6:1 along local roadways. The height and spacing of the lighting fixtures shall be designed to achieve the uniformity ratio specified in the IES standards.
- (2) All fixtures along State Route 17 in the district shall be of the Holophane (A company that manufacturers and supplies lighting products), “revitalization series”. The fixture shall be black in color, be fitted with a high renaissance base type and a pendant mount teardrop type lighting fixture (see Figure 28).
- (3) No cobra or shoebox type lighting fixtures shall be permitted along the corridor in the district.
- (4) The fixtures shall be installed within the median.

b. Lighting interior streets/driveways within development

- (1) All lighting fixtures shall be fitted with metal halide or high-pressure sodium “Acorn” full cut-off or cut-off type luminaire.
- (2) The maximum permitted height of lighting fixtures shall be 12 feet.
- (3) The fixtures shall be located in the verge strip area between the sidewalk and the street.
- (4) When lighting fixtures are placed along mixed-use buildings with residential uses on top floors an attempt shall be made to place the fixtures in areas without fenestrations.

4. Lighting for Off Street Parking

- a. The limits of minimum illumination in the parking areas shall in no case be less than 0.2-foot candles, unless otherwise required by the city where pedestrian security and site entrance issues arise.
- b. The following requirements for minimum and maximum illumination apply:

Table 5: Minimum and Maximum Illumination

Primary Use*	Maximum permitted illumination at property line (in foot candles)	Maximum permitted height of luminaries (in feet)	Minimum Maintained illumination at site (in foot candles)
Commercial	0.5 (0.2 where adjacent to residential areas)	20	0.2
Residential	0.2	12	-

\* If the use is 60% or greater on the site.

- c. All outdoor lighting shall be reduced by 25% during non-operating hours in mixed-use areas.
- d. All luminaries utilized shall be designed to have full cutoff or cutoff type fixtures to shield light from the direct view of an observer at ground level at the property line.
- e. All lighting must be located on poles or at ground level and must be directed toward the property interior.

#### 5. Lighting for Pedestrian Walkways/Bikeways

- a. Pedestrian walkways/bike lanes adjacent to roadways shall maintain a minimum average illuminance level based on the primary use (See Table 7).
- b. Pedestrian walkways and bikeways away from roadways shall be lit and shall maintain an average illuminance level no less than 0.5 foot-candles.
- c. The maximum lighting levels in any pedestrian area (excluding building entrances) shall not exceed a maintained level of 3 foot-candles.

Table 6: Average Illuminance

Primary Use	Minimum Average Illuminance Level In foot candle
Commercial	1
Mixed Use	0.5
Residential	0.2

- d. The uniformity ratio shall not exceed 4:1 except where increased pedestrian security is desired in which case the uniformity ratio shall not exceed 5:1.
- e. Luminaries shall have a low brightness with an internal shield and prismatic refractor such as a 50-watt metal halide lamp with Aromat electronic ballast or a 55-watt induction lamp. Their aesthetic

character shall be appropriate for the surrounding buildings and landscape, as approved by the plan.

- f. Civic greens, squares and pedestrian walkways shall include luminaries of a particular “period” or architectural style (except when adjacent to residential buildings) such that:

- (1) If the fixtures are not cut off luminaries, the maximum output shall not be more than 2,000 lumens (60 watts incandescent).
- (2) Maximum pole height of luminaires shall not exceed 12 feet.

- g. Decorative bollard lighting may be used in place of pole-mounted fixtures to direct light towards walkways/bikeways within public open space or civic areas. The height of decorative bollards shall not exceed 4 feet.

#### 6. Lighting For Recreational Fields

- a. All luminaries must have a cut off angle less than 90 degrees and shall be turned off when not in use.
- b. No illumination for the purposes of sports activity shall be permitted after 11:00 p.m. unless already in progress prior to 9:00 p.m. or otherwise approved by the city.
- c. Luminaire specifications shall be determined based on the class of play for the athletic field in question based on the IESNA RP-6-01 (Recommended Practice for Sports and Recreational Area Lighting).

#### 7. Lighting For Gas Stations

- a. Outdoor sales and gas station canopies must utilize canopy lights that are fully recessed into the canopy or are fully shielded by the canopy.
- b. The minimum average minimum illuminance levels for Exterior Service Canopies listed in Table 8 shall be maintained to meet the values set forth in IESNA RP-33-99, Table 8: Service Station or Gas Pump Area Average Illuminance Levels.
- c. The total under canopy initial bare lamp lumens used for illuminating Exterior Service Canopies shall have a maximum output limit not to exceed 25 lumens per square foot of canopy area. Lighting limit shall include all canopy-mounted luminaires, as well as any signage or illuminated panels below the canopy.

Table 7: Minimum Average Illuminance

Service Station Component	Minimum Average Illuminance (in footcandles)
Approach	2.0
Driveway	2.0
Pump Island Area	10.0
Building Façade	3.0
Service Areas	3.0
Landscape Highlights	2.0

## S. SIGNAGE STANDARDS

1. Article XIV of the Fort Wright Zoning Ordinance applies with the following additional regulations:
  - a. Façade signs are permitted only within the area between the first story and the second story, but no higher than 25 feet, and no lower than 10 feet above the adjacent grade.
  - b. Non-illuminated names of buildings, dates of erection, monument statues, tablets when carved into stone, concrete, metal, or any other permanent type of construction and integral part of an allowed structure are permitted, not larger than five (5) square feet in size.
  - c. Pole signs and cabinet type façade signs are not permitted.
  - d. Flashing, traveling, animated or intermittent lighting are not permitted.
  - e. No illuminated signage is permitted which would glare into residential units within multi-use structures.
  - f. Pedestrian-oriented signs
    - (1) Pedestrian oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign, as they stand adjacent to the business (see Figure 29).
    - (2) One (1) pedestrian-oriented sign is permitted per business for facades facing the public street and the required recreational corridor area.
    - (3) Signs of this type shall be erected on or attached to and not parallel to a building.



Figure 29: Pedestrian-oriented signs.

- (4) Signs must not be placed lower than ten (10) foot above grade.
- (5) Signs must not exceed four (4) square feet in size and not extend beyond the building wall more than twenty-four (24) inches.

2. Finish Materials

- a. All exterior materials will be of high quality, durable, and easy to maintain, and provide for longevity of use. Permitted finish materials include:
- b. Masonry
- c. Wood; painted, stained or natural
- d. Metal
- e. Plastic, when used for individual letters and symbols only

**SECTION 10.32 INST (INSTITUTIONAL ZONE)****A. PERMITTED USES**

1. Churches and other buildings for the purpose of religious worship
2. Convalescent homes, nursing homes, and homes for the aged
3. Dormitories when associated with a permitted use
4. Public and parochial schools, including those structures and facilities used by such schools for related purposes. Permitted uses include, but are not limited to, administrative buildings, classrooms, lecture halls, laboratories, libraries, athletic fields and facilities, swimming pools, dormitories, theatres, cafeterias, alumni centers, book stores, student and faculty centers, nursery schools, and maintenance buildings.

**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

**C. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES**

1. Minimum Lot Area - One (1) acre
2. Front, Side, and Rear Yard Setback - 25 feet
3. Maximum height – Fifty (50) feet (except as provided for in Section 9.13)
4. In the case of this zone, more than one principal building as defined herein, may be permitted on one lot

**D. OTHER DEVELOPMENT CONTROLS**

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

- required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  7. All utilities must be underground when any new development occurs.
  8. The lighting of outdoor athletic facilities and outdoor sound amplification systems are prohibited.