

**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.