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## ARTICLE X

### ZONES

#### SECTION 10.0 CO (CONSERVATION) ZONE

A. PERMITTED USES

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

B. ACCESSORY USES

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

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

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

a. Boat harbors and marinas;

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

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

b. Boat landing, docking, and launching facilities;

- c. Off-street parking facilities including facilities for temporary parking of boat trailers.

#### D. AREA AND HEIGHT REGULATIONS

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

#### E. OTHER DEVELOPMENT CONTROLS

1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any permitted use or conditional use in this zone.
2. Any activity that may be located in the floodplain of any water course shall be in accordance with the requirements of Section 9.25
3. Dwellings, including cabins, rooming houses, and mobile homes are not permitted in this zone.
4. Temporary camping units, tents, and recreational vehicles, as defined in KRS 219.320 (8) shall be permitted; however, no such units shall be used for year-round habitation.
5. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XI.
6. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
7. No motor vehicle which is inoperable, or mobile home or trailer shall be stored or used for storage in this zone.
8. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

## **SECTION 10.1 A-2 (AGRICULTURAL-TWO) ZONE**

### **A. PERMITTED USES:**

1. Agricultural uses;
2. Single-family residential dwellings (detached);
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 road or highway;
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises;
5. Stables and riding academies.
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, 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 and uses, subject to the approval by the board of adjustments, 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. Governmental offices;
4. Nursery schools;
5. Police and fire stations, provided they are located adjacent to an arterial street;
6. Public and parochial schools;
7. Veterinarians' offices and large and small animal clinics;
8. Automobile junk yards, as provided for in Section 9.9 of this ordinance, provided all such storage is entirely within an enclosed fence or wall, meeting the requirements of Section 13, or properly screened according to the requirements of Section 9.17;
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
10. Recreational uses, other than those publicly owned and/or operated, as follows:

- a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
  - d. Tennis courts/clubs;
  - e. Fishing lakes;
  - f. Gun clubs and ranges;
11. Contractors' offices and storage of machinery and equipment only provided all such storage is entirely within an enclosed fence or wall, meeting the requirements of Section 13, or properly screened according to the requirements of Section 9.17;
  12. Sanitary landfills, as regulated by Section 9.27 of this ordinance;
  13. Funeral homes, providing they are located adjacent to an arterial street.
  14. Bed and breakfast establishments
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
1. Minimum Lot Area - Five (5) acres.
  2. Minimum Lot Width at Building Setback Line - Four hundred (400) 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 - Thirty-five (35) feet.
  6. Maximum Building Height - Thirty-five (35) feet.
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED 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 - Seventy-five (75) feet.
  6. 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 lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
  3. The following shall apply to bed and breakfast establishments:
    - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
    - b. Food service may be provided for resident guests only.

- c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

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**SECTION 10.2 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. 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. Indoor horse arenas and horse stables provided the total acreage of the site is not less than ten (10) acres, and provided the owner obtains and maintains a commercial animal establishment license.
6. Nursery schools;
7. Police and fire stations, provided they are located adjacent to an arterial street
8. Public and parochial schools;
9. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
10. Recreational uses, other than those publicly owned and/or operated as follows:

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

11. Bed and breakfast establishment

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

1. Minimum lot area - One (1) acre
2. Minimum lot width at building setback line - One hundred (100) 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 - Seventy-five (75) 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. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
  - d. Interior alterations should maintain the unique characteristics of the structure, if possible.
  - e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
  - f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

**SECTION 10.3 R-1A (RESIDENTIAL ONE-A) 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Indoor horse arenas and horse stables provided the total acreage of the site is not less than ten (10) acres, and provided the owner obtains and maintains a commercial animal establishment license.
7. Institutions for higher education, providing they are located adjacent to an arterial street
8. 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
9. Nursery schools;
10. Public and parochial schools;
11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries;
12. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Roller rinks;
  - d. Swimming pools;



13. Small animal boarding kennel
  14. Bed and breakfast establishment
- 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 - One (1) acre
  2. Minimum lot width at building setback line - One hundred (100) feet
  3. Minimum front yard depth - Forty (40) feet
  4. Minimum side yard width - Total: Twenty-five (25) feet; One Side: Ten (10) feet
  5. Minimum rear yard depth - Twenty-five (25) feet
  6. Maximum building height - Thirty-five (35) feet
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area (except small animal boarding kennel) - Twenty-two thousand five hundred (22,500) square feet  
Minimum lot area for small animal boarding kennel - Three (3) acres  
In the case of this use, more than one principal building, as herein defined, may be constructed on one lot
  2. Minimum lot width at building setback line - One hundred fifty (150) feet
  3. Minimum front, side (on each side of lot), and rear yards - Fifty (50) feet
  4. Maximum building height - Thirty-five (35) feet
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
  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. Small animal boarding kennel - All activities related to the operation of a small animal boarding kennel shall be confined to a completely enclosed building and no outside runs or animal pens shall be permitted.
6. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
  - d. Interior alterations should maintain the unique characteristics of the structure, if possible.
  - e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
  - f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

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

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in Section 9.32 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Indoor horse arenas and horse stables provided the total acreage of the site is not less than ten (10) acres, and provided the owner obtains and maintains a commercial animal establishment license.
7. Institutions for higher education, providing they are located adjacent to an arterial street
8. 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
9. Nursery schools;
10. Public and parochial schools;
11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries;
12. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Roller rinks;
  - d. Swimming pools;

13. Bed and breakfast establishmnet

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - One-half (1/2) acre
2. Minimum lot width at building setback line - One hundred (100) feet
3. Minimum front yard depth - Forty (40) feet
4. Minimum side yard width - Total: Twenty-five (25) feet; One Side: Ten (10) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.

- c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

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**SECTION 10.5 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Indoor horse arenas and horse stables provided the total acreage of the site is not less than ten (10) acres, and provided the owner obtains and maintains a commercial animal establishment license.
7. Institutions for higher education, providing they are located adjacent to an arterial street
8. 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
9. Nursery schools;
10. Public and parochial schools;
11. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries;
12. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Roller rinks;
  - d. Swimming pools;

13. Bed and breakfast establishment

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-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 material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.

- c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.



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**SECTION 10.6 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. Banks and other financial institutions, including savings, loan, and finance companies, with drive through windows, providing they are located adjacent to an arterial street and a collector street, and are located within a Community Service Area as defined in the adopted comprehensive plan
2. Cemeteries
3. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
4. Fire and police stations, providing they are located adjacent to an arterial street
5. Funeral homes, provided they are located adjacent to an arterial street
6. Governmental offices
7. Indoor horse arenas and horse stables provided the total acreage of the site is not less than ten (10) acres, and provided the owner obtains and maintains a commercial animal establishment license.
8. Institutions for higher education, providing they are located adjacent to an arterial street
9. 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
10. Nursery schools
11. Public and parochial schools;
12. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
13. Recreational uses other than those publicly owned and/or operated, as follows:

- a. Golf courses;
- b. Country clubs;
- c. Roller rinks;
- d. Swimming pools;

14. Bed and breakfast establishment

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Eighteen (18) feet; One Side: Six (6) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
  - d. Interior alterations should maintain the unique characteristics of the structure, if possible.
  - e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
  - f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

**SECTION 10.7 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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. Roller rinks;
  - d. Swimming pools;

12. Bed and breakfast establishment

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 -  
Single-family: Total: Eighteen (18) feet; One Side: Six (6) feet  
Two-family: 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 material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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. The following shall apply to bed and breakfast establishments:

- a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
- b. Food service may be provided for resident guests only.
- c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

**SECTION 10.8 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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. Roller rinks;
  - d. Swimming pools;

12. Bed and breakfast establishment

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: Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Fifteen (15) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.



- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

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**SECTION 10.9 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, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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. Roller rinks;
  - d. Swimming pools;
12. Bed and breakfast establishment

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D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

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

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

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

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.

- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

**SECTION 10.10 R-2 (RESIDENTIAL TWO) ZONE****A. PERMITTED USES**

1. Two-family residential dwellings
2. Multi-family residential dwellings;
3. Single-family residential dwellings (attached);

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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. Roller rinks;
  - d. Swimming pools;
12. Bed and breakfast establishment

- 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 material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
  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. The following shall apply to bed and breakfast establishments:

- a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
- b. Food service may be provided for resident guests only.
- c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
- d. Interior alterations should maintain the unique characteristics of the structure, if possible.
- e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
- f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

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**SECTION 10.11 R-3 (RESIDENTIAL THREE) ZONE****A. PERMITTED USES**

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

**B. ACCESSORY USES**

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

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

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations, providing they are located adjacent to an arterial street
4. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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. Roller rinks;
  - d. Swimming pools;
12. Bed and breakfast establishment



- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No buildings shall be erected or structurally altered hereafter, except in accordance with the following requirements:
1. Minimum lot area - Twenty thousand (20,000) square feet
  2. Maximum density - Twenty (20.0) 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 material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
  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, except when development is proposed under the Planned Unit Development regulations, as regulated by Section 10.13 of this ordinance.

6. The following shall apply to bed and breakfast establishments:
  - a. The owner shall live in the dwelling unit and operate the bed and breakfast establishment.
  - b. Food service may be provided for resident guests only.
  - c. No exterior alterations and/or additions shall be permitted for the purpose of increasing the number of guest rooms.
  - d. Interior alterations should maintain the unique characteristics of the structure, if possible.
  - e. One parking space per guest room and two parking spaces for the owner shall be provided on site. Parking shall be limited to the side and rear yards, screened from adjacent properties with a six (6) foot high masonry or wood fence, or dense vegetation.
  - f. A site plan, as regulated by Section 9.19 of this ordinance, shall be required.

**SECTION 10.12 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE**

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Planned Unit Development (PUD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for a Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
    - a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said

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

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

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

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review. 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 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 82.400.

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:** 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. Self service dispensing of any automotive fuels, excluding automotive servicing
12. 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.

**SECTION 10.13 MHP (MOBILE HOME PARK) OVERLAY ZONE:**

- A. **GENERAL:** A Mobile Home Park (MHP) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MHP Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the MHP application.
- B. **APPLICATION AND PROCESSING:** Applications for Mobile Home Park Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to MHP Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
    - a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MHP Overlay Zone, the required elements of the Stage I Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.
    - b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said MHP application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation in accordance with Subsection C., 1., a., above. Approval of the MHP Overlay Zone shall require that development be in conformance with the Stage I approved plan.

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



- c. Zoning Map Amendment - Upon approval of the MHP Overlay Zone, the official zoning map shall be amended by adding the prefix "MHP" to the existing residential (R-1) zone (e.g., MHP-R-1B, MHP-R-1C, etc.) for the area as shown on the Stage I approved plan.
2. Stage II -- Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The 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 minor change considering the spatial relationship of structures, a change in land use, a change in 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 of a major nature, the proposed revisions shall be reviewed through the public hearing process as provided under Section 10.13.

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.

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 under KRS 83.400.

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.

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

substantial construction shall be as approved in the Stage II approved plan.

**SECTION 10.14 NC (NEIGHBORHOOD COMMERCIAL) ZONE****A. PERMITTED USES:** The following retail and service businesses:

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

41. Post office
42. Radio and television store, including repair
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. Automotive parts and accessories stores
50. Veterinary offices for small animals and small animal clinics

B. ACCESSORY USES

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

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

1. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).
2. Miniature golf course (Putt - Putt)
3. Churches and other buildings for the purpose of religious worship, teaching or education. In connection with such uses, and located within the same building, residential dwelling units shall be permitted as an accessory function provided they are located on a second story of the building (not including a basement).
4. Outdoor dining in connection with either: (1) a restaurant without a liquor license; or (2) a restaurant with a restaurant wine and drink license, 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, which shall not include any drive-thru facility
  - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor dining area
  - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor dining areas

- d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard, except where a variance has been approved by the Board of Adjustments
- e. Outdoor dining areas shall be operated no later than (10:00) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11:00) o'clock p.m. on Friday and Saturday.

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

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

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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:
  - (a) outdoor dining facilities
  - (b) off-street parking and loading and/or unloading areas
  - (c) outside display area as herein defined, not to exceed five (5) percent of the gross floor area. Businesses involved in the sale of new and used cars may utilize an area larger than five (5) percent for display and sale purposes. Outside display areas shall be kept in a state of good repair at all times. Display areas shall not be situated in a manner as to impair either pedestrian or vehicular traffic
  - (d) miniature golf course (Putt - Putt)
  - (e) the outdoor play areas of child day care centers
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
8. Additional Construction Standards
  - (a). Exterior Wall Materials
    - (i) Primary Building Materials may be used for up to 100% of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit appearance may be used.
    - (ii) Secondary Building Materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 40% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block and precast concrete. Only architectural grade materials shall be used.
    - (iii) Prohibited Building Materials may not be utilized at all. These prohibited materials include; plain/smooth faced CMU, flimsy or synthetic appearing exterior wall materials (such as ribbed, industrial style metal siding, exposed fastener metal wall panels, vinyl siding, T1-11 or other hard board type materials that are manufactured in sheets) are not permitted.
  - (b) Roofs - Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal.



(c) Mechanicals

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

**SECTION 10.15 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE****A. PERMITTED USES:** The following retail and service businesses:

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. Camera and photographic supplies
9. Candy store, soda fountain, ice cream store, excluding drive-ins
10. Clinics – medical or dental
11. Delicatessen
12. Drug store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places (excluding drive-ins)
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, including medical and dental
34. Opticians and optical goods
35. Package liquor and wine store, excluding drive-ins
36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post office
40. Radio and television store, including repair

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. Toy store
46. Variety store, including notions and "five and ten" stores

B. ACCESSORY USES

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

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

1. Churches
2. Community centers
3. Nursery school
4. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).
5. Outdoor dining in connection with either: (1) a restaurant without a liquor license; or (2) a restaurant with a restaurant wine and drink license, 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, which shall not include any drive-thru facility
  - b. Such area shall not exceed twenty-five (25) percent of the maximum seating capacity of the indoor dining area
  - c. Entertainment, music, and sound amplifying systems shall not be permitted within the outdoor dining areas
  - d. Such areas shall not be permitted to locate within any minimum required front, side, or rear yard, except where a variance has been approved by the Board of Adjustments
  - e. Outdoor dining areas shall be operated no later than (10:00) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11:00) o'clock p.m. on Friday and Saturday.
6. Completely enclosed self-storage facilities, subject to the following standards:

- a. The facility must only allow for interior access to individual storage units in which all loading and unloading to individual storage units must be conducted indoors and may not be accessed along an exterior wall;
- 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 NSC;
- e. The facility must not be within 250 feet, lot line to lot line, of another storage facility and only one such facility shall be permitted on a single lot; and
- f. The lot shall not be less than five (5) acres.

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

1. Minimum building site area - 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

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers, except that nonconforming uses may continue to utilize an existing outside display area not to exceed five (5) percent of the gross floor area of the nonconforming use. Nonconforming uses involved in the sale of new and used cars may continue to use that area which was utilized for the display of automobiles at the time the zoning ordinance was adopted. Such display areas shall be maintained in a state of good repair. Display areas shall not impair the movement of either pedestrian or vehicular movement.
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: (1) outdoor dining facilities; (2) off-street parking and loading and/or unloading areas; and (3) outside display area as herein defined, not to exceed five (5) percent of the gross floor area. Businesses involved in the sale of new and used cars may utilize an area larger than five (5) percent for display and sale purposes. Outside display areas shall be kept in a state of good repair at all times. Display areas shall not be situated in a manner as to impair either pedestrian or vehicular traffic; (4) the outdoor play areas of nursery schools; (5) miniature golf course (Putt - Putt); and (6) exterior sales of seasonal garden supplies and plantings.
  7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationships of uses within the shopping center.
  8. Additional Construction Standards
    - (a). Exterior Wall Materials
      - (i) Primary Building Materials may be used for up to 100% of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit appearance may be used.
      - (ii) Secondary Building Materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 40% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block and precast concrete. Only architectural grade materials shall be used.
      - (iii) Prohibited Building Materials may not be utilized at all. These prohibited materials include; plain/smooth faced CMU, flimsy or synthetic appearing exterior wall materials (such as ribbed, industrial style metal siding, exposed fastener metal wall panels, vinyl siding, T1-11 or other hard board type materials that are manufactured in sheets) are not permitted.

- (b) Roofs - Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal.
  
- (c) Mechanicals
  - (i) All mechanical equipment shall be screened from view of the public street frontage or a private access drive which functions as a street. This does not include equipment that is required by a public utility company (i.e. Electric/gas meters, etc.).
  - (ii) Ground mounted equipment shall be screened either with landscaping or enclosed within a structure which uses the same materials, colors, or design detailing as the principal building.
  - (iii) If roof mounted, mechanical equipment shall be screened by a parapet wall or stage set roof types (for flat roofed buildings). If used, the parapet wall shall be designed and constructed as an integral part of the overall building. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.

**SECTION 10.16 PO (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

**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 establishments and taverns (excluding drive-ins)
  - e. Medical or dental laboratories
  - f. News and confectionery stands
  - g. Prescription pharmacies

**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
4. Minimum side yard width - Fifteen (15) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Forty (40) feet

**D. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be 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. Additional Construction Standards

(a). Exterior Wall Materials

- (i) Primary Building Materials may be used for up to 100% of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit appearance may be used.
- (ii) Secondary Building Materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 40% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block and precast concrete. Only architectural grade materials shall be used.
- (iii) Prohibited Building Materials may not be utilized at all. These prohibited materials include; plain/smooth faced CMU, flimsy or synthetic appearing exterior wall materials (such as ribbed, industrial style metal siding, exposed fastener metal wall panels, vinyl siding, T1-11 or other hard board type materials that are manufactured in sheets) are not permitted.

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

- (c) Mechanicals



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

**SECTION 10.17 RC (RURAL COMMERCIAL) ZONE****A. PERMITTED USES**

1. Auto repair shops
2. Bakeries
3. Banks
4. Barber and beauty shops
5. Contractors' offices and storage areas
6. Drug stores
7. farm equipment - sales and service
8. Food stores and supermarkets
9. Grain, feed and seed stores, including sale of fertilizers, garden supplies, etc.
10. Hardware stores
11. Lumber companies
12. Offices
13. Paint and wallpaper stores
14. Plumbers' offices and sale of fixtures
15. Police and fire stations
16. Post offices
17. Restaurants and taverns (excluding drive-ins)
18. Service stations
19. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
20. Tobacco warehouses
21. Veterinarian offices, including small and large animal clinics

**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 - No restrictions except when adjacent to a street or other deeded 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 material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
4. Screening and landscaping shall be 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 activity, including storage of materials, permitted in this zone shall be conducted either within a completely enclosed building or within an area screened from view in accordance with Section 9.17 and Article XV of this ordinance, with the exception of off-street parking and loading and/or unloading areas, and display of equipment for sale.
7. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

**SECTION 10.18 IP (INDUSTRIAL PARK) ZONE**

- A. PERMITTED USES: The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:
1. The manufacturing, compounding, processing, packaging, or assembling of the following 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. Bottling and canning works
  3. Crating services.
  4. Fire stations.
  5. Indoor athletic facility
  6. Industrial engineering consultant offices.
  7. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private.
  8. Machine shops.
  9. Oil processing, including restoration, but not including oil refining

10. Printing, engraving and related reproduction processes.
11. Publishing and distribution of books, newspapers, and other printed material.
12. Railroad facilities, exclusive of marshaling yards, maintenance and fueling facilities
13. School for industrial or business training.
14. Warehousing or wholesaling.

**B. ACCESSORY USES:**

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

**C. AREA AND HEIGHT REGULATIONS:**

1. Minimum Tract for Development - Twenty - five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
2. Minimum Lot Area Within Minimum Tract - One (1) acre.
3. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet.
4. Minimum front yard depth -
  - 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 shall be required where a rail spur line forms the rear property line
7. Maximum Building Height - Forty (40) feet.

D. OTHER DEVELOPMENT CONTROLS:

1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
4. 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.

**SECTION 10.19 RC-2 (RURAL COMMERCIAL TWO) ZONE****A. PERMITTED USES**

1. Auto, truck, and construction equipment service and repair shops
2. Automobile detailing shop
3. Bakeries
4. Boat and other marine equipment service and repair shops
5. Contractor's offices, building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, landscaping, lawn maintenance, tile setting, plastering, carpentering, wood flooring, roofing and sheet metal, water well drilling, septic and other special construction trade offices, supply, storage and accessory storage yards, and related activities, including storage of general construction equipment and vehicles
6. Crating services
7. Drug stores
8. Dry cleaning and laundry facility
9. Farm equipment, sales and service
10. Food stores
11. Garden supplies
12. Grain, feed and seed stores, including sale of fertilizers, garden supplies, etc.
13. Hardware stores
14. Household and electrical appliance repair
15. Lumber companies
16. Machine tool shops
17. Offices
18. Pawn shops
19. Plumbers' offices and sale of fixtures
20. Police and fire stations
21. Post offices
22. Printing, engraving and related reproduction processes
23. Restaurants and taverns (excluding drive-ins)
24. Shooting range (indoor only)
25. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
26. Veterinarian offices, including small and large animal clinics
27. The following sales and/or service facilities:
  - a. Electrical machinery, equipment and supplies
  - b. Fountain and beverage dispensing equipment
  - c. Furniture, metal products and metal finishing, excluding the use of blast furnaces or drop forges
  - d. Musical instruments, toys, novelties, jewelry, rubber or metal stamps

- e. Office equipment
- f. Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity
- g. Textile products including canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope, and twine

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 - No restrictions except when adjacent to a street or other deeded 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 material (usable or waste) shall be permitted in this zone except within fenced and secured areas.
- 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. 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 activity, including storage of materials, permitted in this zone shall be conducted either within a completely enclosed building or within an area screened from view in accordance with Section 9.17 and Article



XV of this ordinance, with the exception of off-street parking and loading and/or unloading areas, and display of equipment for sale.

7. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone.

**SECTION 10.20 DI (DOWNTOWN INDEPENDENCE) ZONE**

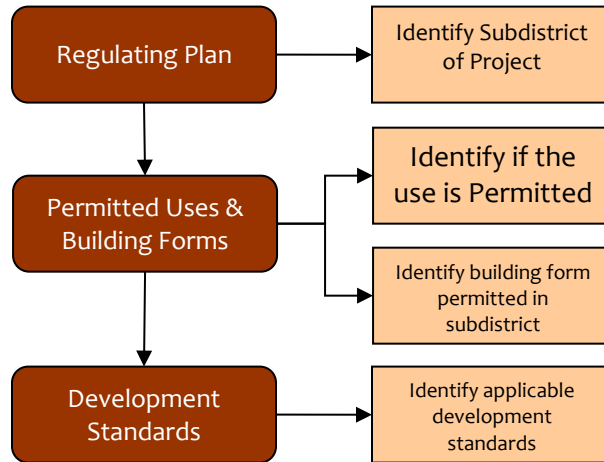
- A. **PURPOSE:** The purpose of the Downtown Independence (DI) Zone is to provide for a pedestrian friendly, mixed use corridor that is compatible with adjacent residential neighborhoods and is consistent with the *Independence Community Small Area Study's* recommended land use and transportation goals, objectives, policies, and strategies including:
1. Ensuring new development contributes positively to established residential neighborhoods and their character, and provides a transition between commercial development and adjacent residential neighborhoods.
  2. Enhancing convenience, ease, and enjoyment of transit, walking, shopping, and public gathering within the downtown.
  3. Providing an appropriate mix of commercial, office, and residential uses that work together to create a harmonious streetscape.
  4. Establishing building form and architectural standards compatible with the historic character of the area.

This zone is intended to assist in the redevelopment of the Downtown Independence area so that it may serve as a destination for residents and those who work in this area to live, work, and access retail, office, and service uses. The DI Zone regulations promote historically sensitive site design, create a sense of place within the corridor, and provide a livable environment for existing residents while enhancing the value and aesthetics of the surrounding community.

B. **CONFLICT**

1. In any case where the standards and requirements of the DI Zone conflict with those of other provisions of the Independence Zoning Ordinance, the standards and requirements of the DI Zone shall apply.
2. Illustrations in this Section are intended to illustrate building forms that are typically seen in the existing context and to demonstrate how measurements are made. They do not illustrate the full range of possible building forms or outcomes allowed within the standards. Parking areas that are shown are intended to illustrate general parking locations and access only and do not illustrate off-street parking, landscaping, or buffer requirements. In the event of a conflict between illustrations and standards in the text, the text standards shall apply.

C. HOW TO USE THE DI ZONE



D. APPLICABILITY

The requirements of the DI Zone shall be applied in accordance with Table 10.20-A. Each development shall, in themselves, comply with the regulations, but shall not require the retrofitting of the existing elements to comply with the code. For instance, an addition onto the rear of a building only would not require the front of the building to be retrofitted to meet the transparency, entry features, etc., provisions that would apply only to the front of the building. The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements contained herein. Existing single- and two-family homes that are partially or fully destroyed may be rebuilt as a matter of right, as long as they are not expanded beyond the footprint of the original structure.

Table 10.20 – A, Applicability Chart

	Development Standards					Architectural Standards								Stage II/City Council Approval	Administrative Approval
	Building Placement	Building Height	Building Width/Frontage	Off-Street Parking Placement	Permitted Uses	Transparency	Articulation/Building Massing	Required Entry Features	Roofs	Parking Requirements	Signs	Lighting	Landscaping		
<b>Mixed Use, Commercial, Institutional, and Off-Street Parking</b>															
<b>New Construction</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Change of Use/Expansion of Use</b> (within an existing building)					X					X	X	X			X
<b>Expansion of Building Area</b>															
0%-25% Expansion	X	X			X		X			X	X				X
26%-50% Expansion	X	X	X	X	X	X	X	X	X	X	X		X		X
51% or Greater Expansion	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Expansion of Parking Area</b>															
Up to 10 Spaces				X						X		X			X
11 or More Spaces				X						X		X	X		X
<b>Façade Changes</b> (increase or decrease in windows, entry features, or material changes)					X	X	X	X	X		X	X			X
<b>Single-Family and Two-Family</b>															
<b>New Construction</b>	X	X			X			X	X						X
<b>Change of Use</b>					X					X					X
<b>Addition of a Detached Accessory Structure Associated with an Existing Use</b>	X														X
<b>Expansion of Existing Structure</b> (addition, deck, sun room, porch)	X														X
<b>Major Subdivision</b>	X	X			X			X	X					X	

E. APPLICATION AND PROCESSING

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

1. Administrative Approval

- a. Any development that requires an administrative approval in Table 10.20-A will need to submit an application, fees, a site plan as regulated by Section 9.19 of this ordinance, and any other information that is required by the City for zoning and/or building permits.
- b. The City Administrator, or his or her designee, reserves the right to require City Council approval for developments whose scope is deemed to have an important location along the corridor, an

important significance to the City or region, or a significant impact on the corridor or surrounding areas.

- c. Any request for modifications pursuant to Section 10.20, O., must be reviewed and approved by the City Council.
- d. Prior to filing for a zoning and/or building permit, the developer, petitioner, applicant, or property owner is encouraged to attend a pre-application meeting with City staff to discuss the proposed development and identify any issues in applying the DI Zone.

2. Stage II Development Plan/City Council Approval

- a. Any development referred to the City Council for approval pursuant to Section 10.20, E., 1., b., and c., does not require a Stage II Development Plan. However, the City Council reserves the right to require a Stage II Development Plan if it is deemed to be necessary because of the scope, location, or potential impact of the project.
- b. Prior to filing for a Stage II Development Plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/PDS staff to discuss the development review process and the requirements of the zoning ordinance.

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

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form.

- c. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the Independence City Council.
- d. The City Council 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, if applicable.

Upon City Council 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.

- e. Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans.
3. Applications for a map amendment to the DI Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.

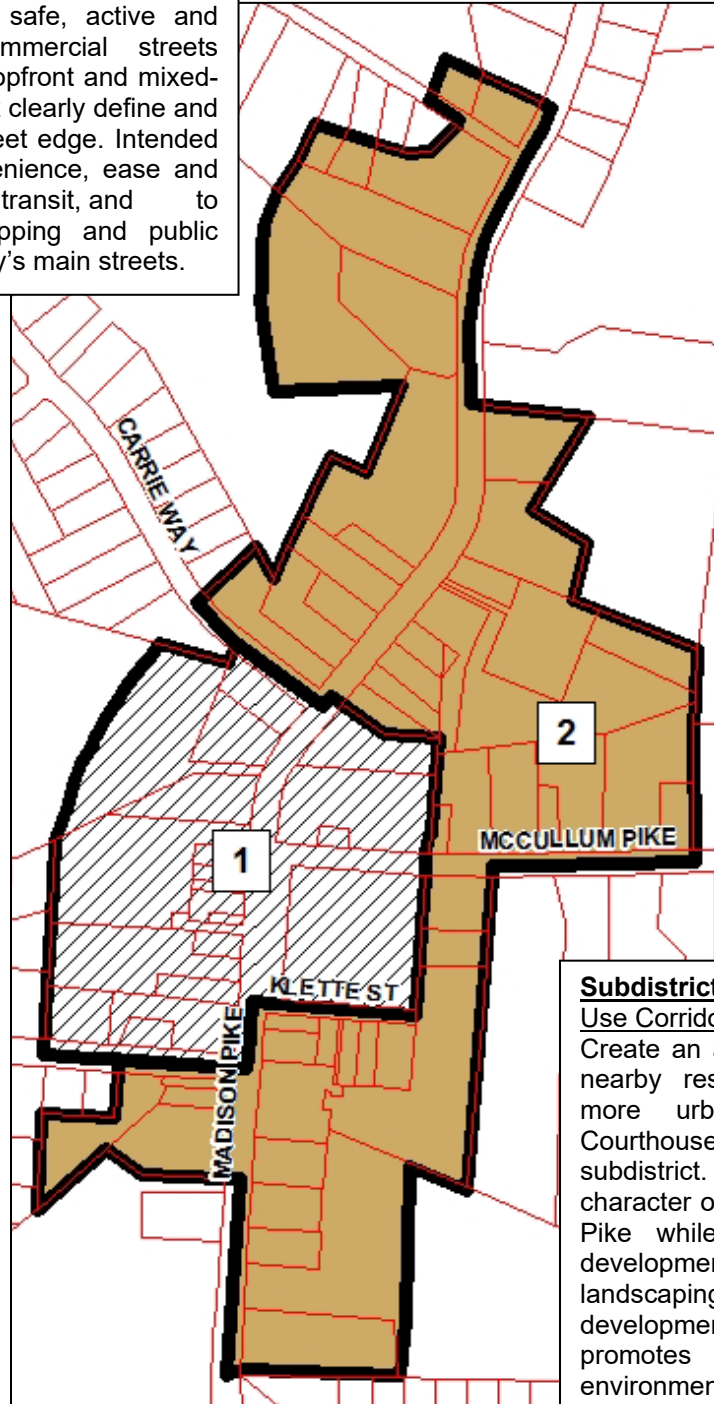
### F. REGULATING PLAN

The Regulating Plan is the guiding map for the implementation of the DI. The regulating plan shows the subdistricts that govern the development standards for each property.

**Subdistrict 1: Courthouse Square**

Intended to promote safe, active and pedestrian-scaled commercial streets through the use of shopfront and mixed-use building forms that clearly define and activate the public street edge. Intended to enhance the convenience, ease and enjoyment of transit, and to promote walking, shopping and public gathering along the city's main streets.

Figure 10.20-1, Regulating Plan



**Subdistrict 2 – Transition Mixed Use Corridor**

Create an area that transitions from nearby residential districts to the more urban character of the Courthouse Square subdistrict. Enhance the urban character of Madison Pike/McCullum Pike while promoting sustainable development and design through landscaping, signage, and mixed use development standards that promotes a safe pedestrian environment.

G. BUILDING FORMS

Figure 10.20-2, Residential Building Forms

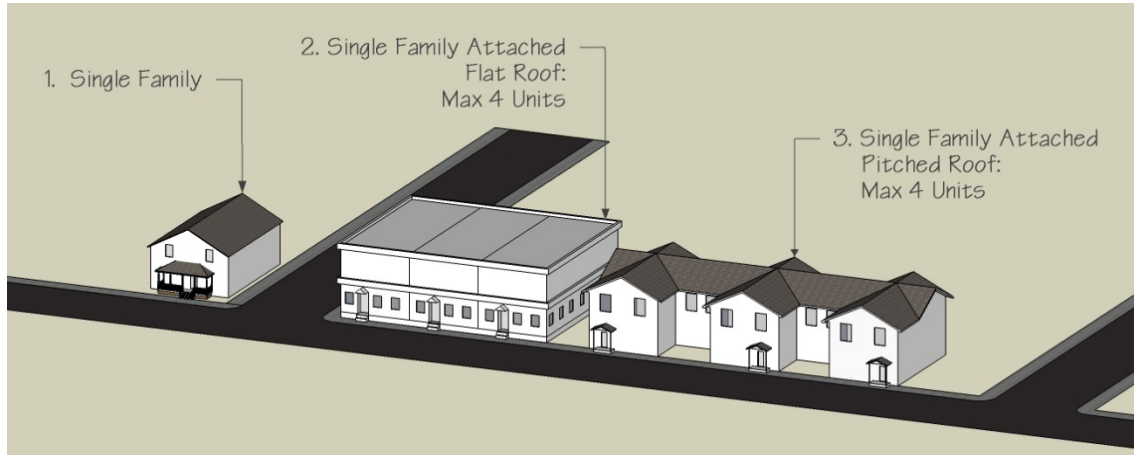
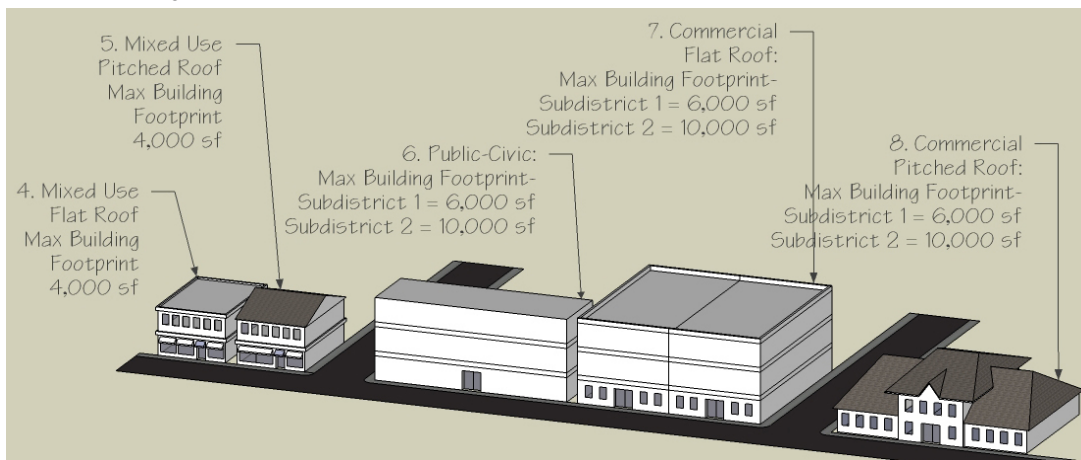


Figure 10.20-3, Commercial Building Forms



H. DEVELOPMENT STANDARDS

The Development Standards for each Subdistrict are divided into two parts. The tables contain specific development standards for each subdistrict where the building form is permitted. The illustrations are graphical representations of the standards and should be used to facilitate the understanding of each table. The letters in each table correspond to the letters in the accompanying illustrations.

Forms - Key	
Single Family	1
Single Family Attached, Flat Roof	2
Single Family Attached, Pitched Roof	3
Mixed Use, Flat Roof	4
Mixed Use, Pitched Roof	5
Public-Civic	6
Commercial, Flat Roof	7
Commercial, Pitched Roof	8



Table 10.20-B - Standards

**SUBDISTRICT 1 - Courthouse Square**

Building Placement		
Setbacks	Min	Max
<b>A</b> Front	0'	15'
<b>B</b> Side*	0'	15'
<b>C</b> Rear	15'	

\*If shared drive is provided, then max is 20'

Building Height		
	Min	Max
<b>D</b>	2 stories	3 stories

Building height must be comprised of actual stories, not merely façade treatment.

Façade Transparency Facing a Public Street		
<b>E</b> Ground Floor	60% Minimum	
<b>F</b> Upper Floors	40% Minimum	
Max length of blank wall	30'	

Building Width/Frontage	
75% of primary structure width must be within 15' of front property line. (see figure 10.20-5)	

Required Entry Features (must choose one*)		
Entry Feature	Building Form	
<b>G</b> Canopy	4,5,6	
Gallery	4,6	
Recessed Entry	4,6	
Corner Entry	4,5,6	
Awning	4,5,6	
Arcade	4,5,6	
Stoop	4,5	

\*If outdoor dining area is provided, then Entry Feature is not required

Off-street Parking		
Location		
<b>H</b> Front Setback	15'	
<b>I</b> Side Setback	0'	
<b>J</b> Rear (adjacent to Residential)	10'	
<b>K</b> Rear (adjacent to other than residential)	5'	

\*Number of off-street parking spaces shall be determined by the applicant as shown on the Stage II Development Plan.

Building Massing		
Building Division	Minor	Major
	20'	50'

Horizontal articulation - see section 10.20.J.1

Permitted Uses	
	Forms
Animal Services	4,5
Art galleries & studios	4,5,6
Building maintenance services	4,5
Business equipment sales & services	4,5
Business support services	4,5
Colleges & Universities	6
Communication service	4,5
Cultural exhibits & libraries	4,5,6
Day care	4,5
Eating/drinking establishments	4,5
Entertainment	4,5
Financial Services	4,5
Food & Beverage sales, retail	4,5
Hospital	6
Medical service	4,5
Neighborhood retail sales & service	4,5
(for reference, see NC Zone Permitted Use List)	
Office	4,5
Personal improvement service	4,5
Pharmacy/Drug Store	4,5
Postal services	4,5,6
Religious Assembly	6
Laundry service	4,5
<b>Residential (Upper floors only)</b>	<b>4,5</b>
Safety Services	4,5,6
Schools	6

Figure 10.20-4, Subdistrict 1 Standards

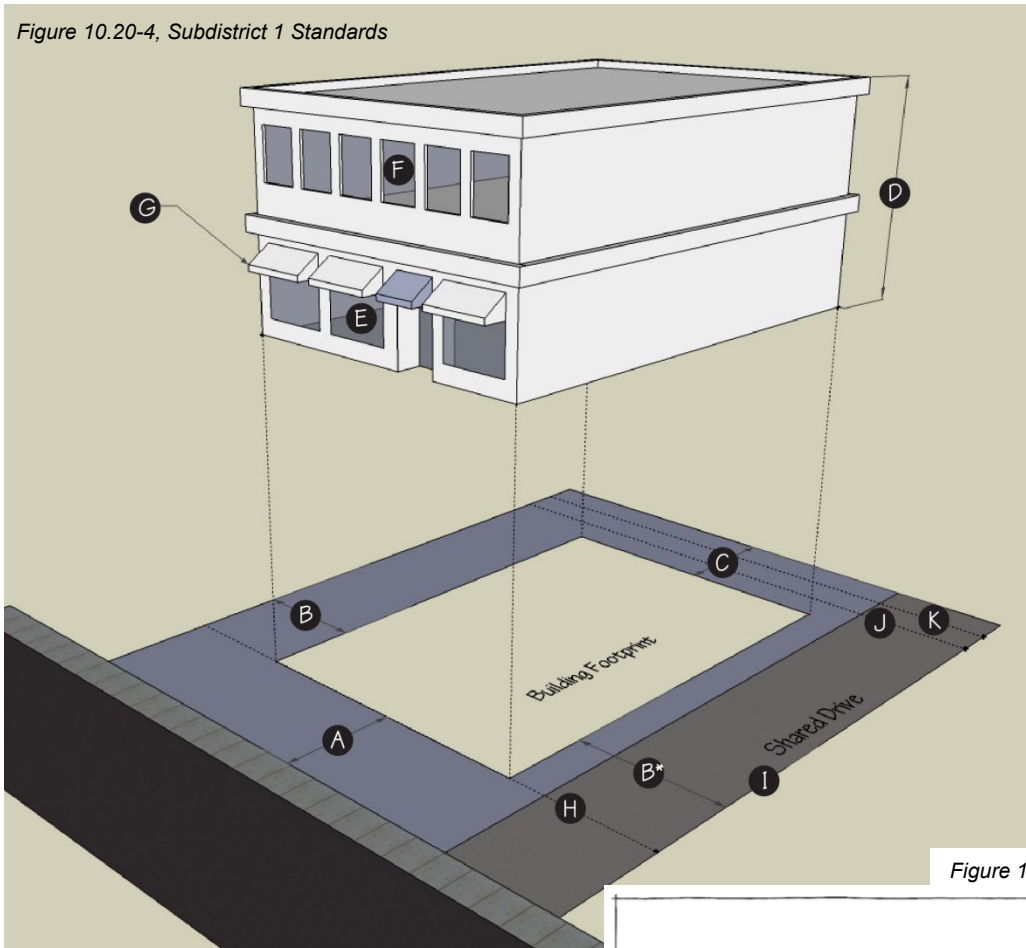


Figure 10.20-5, Building Width/Frontage

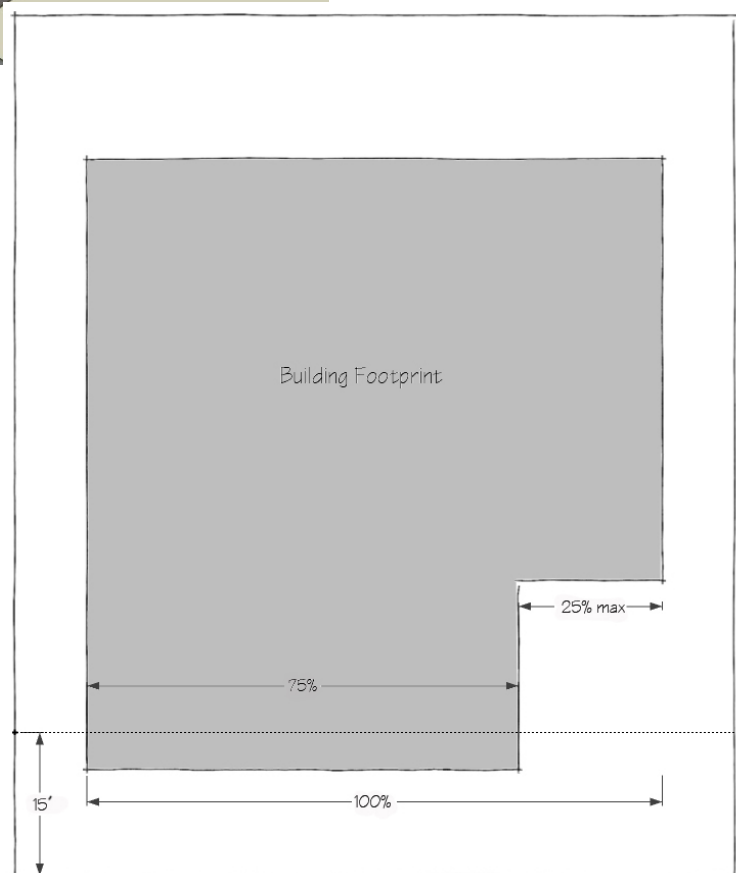


Table 10.20-C - Standards

**SUBDISTRICT 2 - Transition Mixed Use Corridor**

**Building Placement**

Setbacks	Min (feet)	Max (feet)
<b>L</b> Front	0	50
<b>M</b> Side	0	
<b>N</b> Side(adjacent to residential)	20	
<b>O</b> Rear	15	

**Building Height**

Form	Min	Max
<b>P</b> 1,2,3	1 story	2 stories
4,5,6,7,8	1 story	3 stories

Building height must be comprised of actual stories, not merely façade treatment.

**Façade Transparency Facing a Public Street\***

<b>Q</b> Ground level	50% Min
<b>R</b> Upper levels	25% Min

Max length of blank wall 40 feet  
\*Excludes residential forms

**Req Required Entry Features (must choose one)**

Entry Feature	Building Form
<b>S</b> Canopy	4,5,6,7,8
Gallery	4,6,7
Recessed Entry	4,6,7,8
Corner Entry	4,5,6,7,8
Awning	4,5,6,7,8
Arcade	4,5,6,7,8
Porch	1,2,3
Stoop	1,2,3,4,5

\*If outdoor dining area is provided, then Entry Feature is not required

**Off-street Parking**

Location	(feet)
<b>T</b> Front Setback	5
<b>U</b> Side Setback	0
<b>V</b> Side setback (adjacent to residential)	10
<b>W</b> Rear (adjacent to Residential)	10
<b>X</b> Rear (adjacent to other than residential)	5

\*Required number of off-street parking spaces may be reduced by up to 50% of the Specific Off-Street Parking Requirements, as shown in Section 11.2.

**Building Massing\***

Building Division	50' Max
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\*Excludes residential and public-civic forms  
Horizontal articulation - see section 10.20.J.1

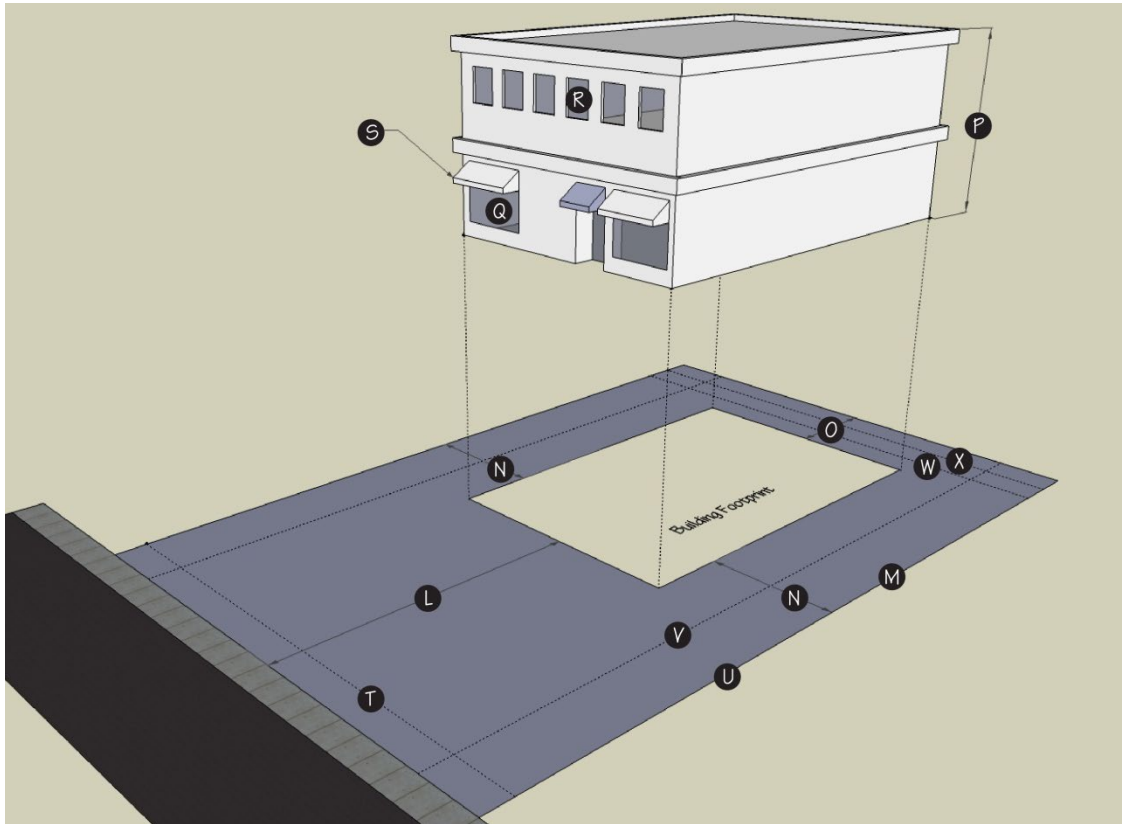
**Permitted Uses**

	Forms
Animal Services	4,5,7,8
Art galleries & studios	4,5,6,7,8
Building maintenance services	4,5,7,8
Business equipment sales & services	4,5,7,8
Business support services	4,5,7,8
Colleges & Universities	6,7,8
Communication service	4,5,7,8
Cultural exhibits & libraries	4,5,6
Day care	4,5,6,7,8
Eating/drinking establishments (excluding drive-thrus)	4,5,7,8
Entertainment	4,5,7,8
Financial Services	4,5,7,8
Food & Beverage sales, retail	4,5,7,8
Funeral & internment services	4,5,7,8
Hospital	6,7,8
Lodge or private club	4,5
Lodging	4,5,7,8
Medical service	4,5,7,8
Neighborhood retail sales & service (for reference, see NC Zone Permitted Use List)	4,5,7,8
Office	4,5,7,8
Personal improvement service	4,5,7,8
Pharmacy/Drug Store	4,5,7,8
Postal services	4,5,6,7,8
Religious Assembly	6
Laundry service	4,5,7,8
Residential	1,2,3,4,5
Safety Services	4,5,6,7,8
Schools	5,6,7

**Conditional Uses**

Service stations, including minor repairs conducted within a completely enclosed building	4,5,7,8
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Figure 10.20-6, Subdistrict 2 Standards



## I. ACCESSORY USES AND STRUCTURES

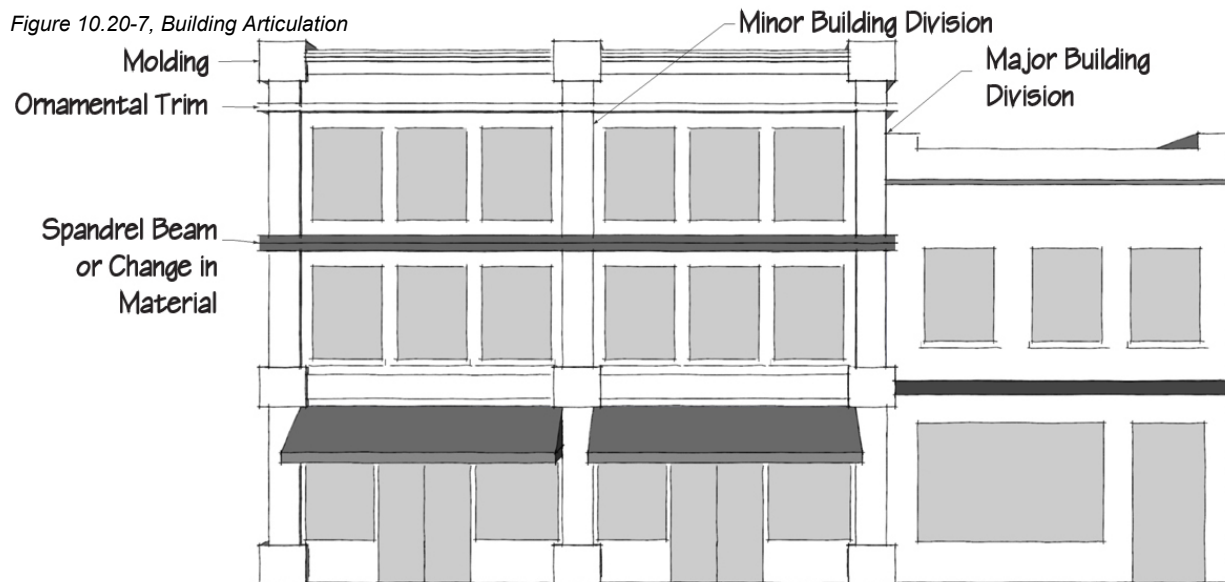
1. Accessory uses and structures are regulated by Section 9.10.C of this ordinance.
2. Off-street parking is regulated by Article 11 of this ordinance, except as modified by Tables 10.20-B and 10.20-C.
3. Off-street loading/unloading is regulated by Article 12 of this ordinance.
3. Fences and walls, as regulated by Article 13.
4. Signs, as regulated by Section 14.13 of this ordinance.

## J. ARTICULATION (SEE ALSO TABLES 10.20-B AND 10.20-C)

### 1. Horizontal Articulation

Any building three stories in height shall incorporate horizontal articulation on all street-facing building walls to promote compatibility with adjacent smaller scale buildings, reduce perceived building mass and support an active pedestrian environment at the street level.

- a. **Horizontal Articulation Elements**  
Horizontal articulation shall be provided using one or more of the following elements in a band along at least 70% of the horizontal width of any building wall facing a primary or secondary street:
- (i) **Horizontal molding:** A molding, ornamental trim or sill that projects a minimum of 3" from the primary wall surface.
  - (ii) **Stepback:** A minimum 3' horizontal stepback in the vertical wall plane from the floor below.
  - (iii) **Spandrel Beam:** A horizontal fascia that defines the structure between two floors.
  - (iv) **Change in Material:** A clear change in material, texture or color.



## 2. Vertical Articulation

All buildings shall incorporate vertical articulation on all street-facing building walls longer than 50 feet to promote compatibility with adjacent smaller scale buildings, reduce perceived building mass and support an active pedestrian environment at the street level. Vertical articulation elements may include wall offsets, pilasters, columns or the appearance of building separation.

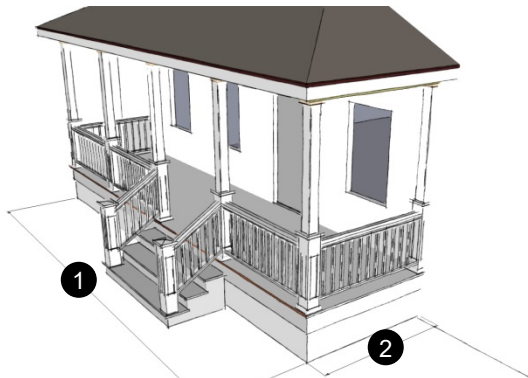
## K. ROOFS

1. **Materials:** The only material not permitted is corrugated metal. Standing seam metal roofs are permitted.

2. Configurations and techniques: The only configurations and techniques not permitted are mansard and gambrel roofs. Permitted styles must also comply with building form.
  - a. Mechanical equipment on roofs must be screened from view from the ground from all public use areas adjacent to the site in question.
  - b. Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet. Possible variations include, but are not limited to: color; height; changes in materials; projections; and changes in layout

**L. ENTRY FEATURES**

1. A single entry feature from the required list must be included for the building facade facing the primary street. The required entry feature must meet the design standards for one entry feature as defined below.
  - a. Encroachment of required entry feature into required Right-of-Way shall require approval from the appropriate agency.
2. An access ramp may be added to any required entry feature. Such ramps may exceed the maximum permitted width for an entry feature.

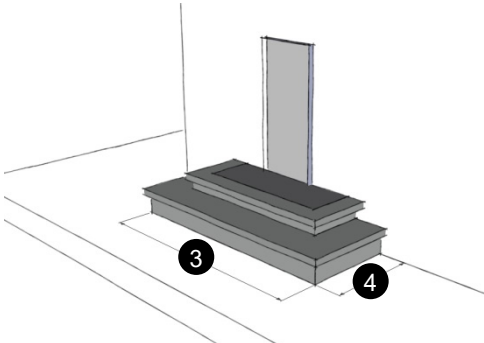


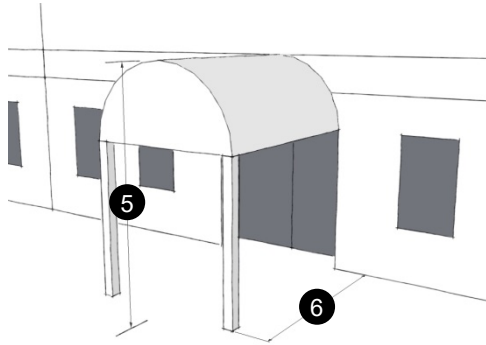
3. **Front Porch**  
 A one or two-story structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, roofed and open-sided.

PORCH CONFIGURATION	
① Width (min)	8'
② Depth (min)	6'

4. **Stoop**  
 A stoop is an uncovered set of steps and a landing at an entrance to a building. A stoop may be covered or uncovered.

STOOP CONFIGURATION	
③ Width (min)	5'
④ Depth (min)	5'



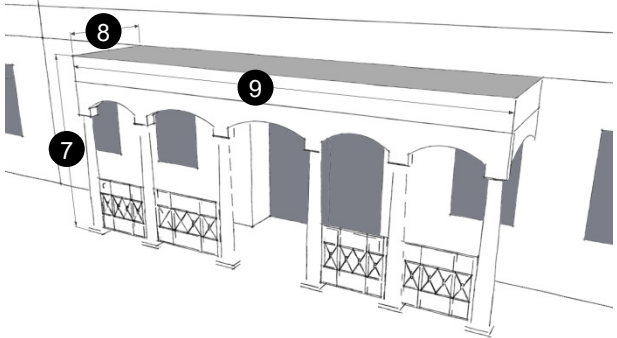


**5. Canopy**  
A canopy is a wall-mounted structure providing shade and cover from the weather for a sidewalk, supported by columns or posts that are embedded in the ground.

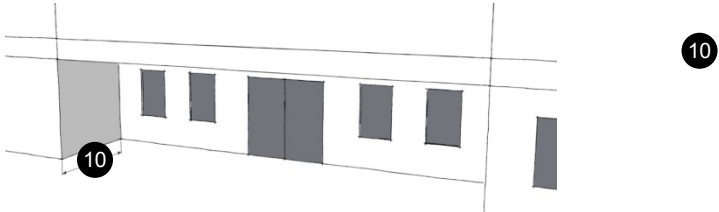
CANOPY CONFIGURATION	
5 Height (min)	8'
6 Depth (min)	6'
Front Setback Encroachment (max)	
	6'

**6. Gallery**  
A gallery is a covered passage extending along the outside wall of a building supported by arches or columns that is open on at least one side.

GALLERY CONFIGURATION	
7 Height (min)	8'
8 Depth (min)	6'
9 Width (min)	50% of building façade

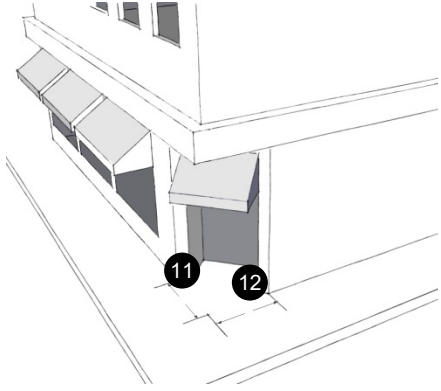


**7. Recessed Entry**  
A recessed entry is a building entrance inset into and placed behind the plane of the front façade.



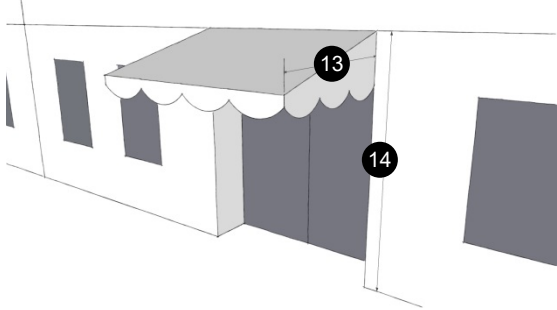
**8. Corner Entry**  
A corner entrance is an angled street-facing entrance that is located at the corner of the building.

CORNER ENTRY CONFIGURATION	
11 Width (min)	4'
12 Depth (min)	4'

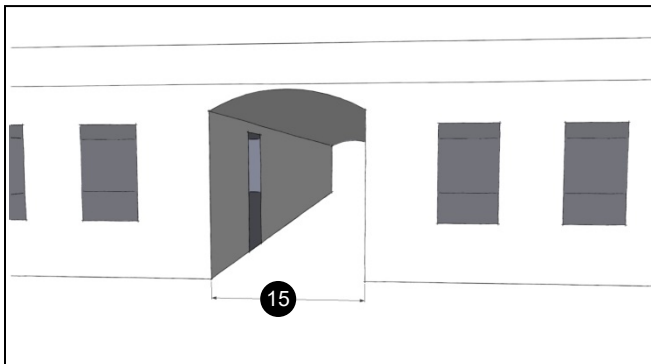


9. Awning

A canopy is a wall-mounted structure providing shade and cover from the weather for a sidewalk, supported entirely by the attached building.



AWNING CONFIGURATION	
13 Height (min)	8'
14 Depth (min)	4'



10. Arcade

An arcade is an opening in a wall that serves as the entrance to an outdoor hallway, which provides entry to businesses or an interior courtyard.

M. OTHER CHARACTER STANDARDS

1. Building Placement Requirements

a. Exceptions to Building Setbacks along Streets

(i) Articulated Building Street Face

When a portion of the building is set back farther than the maximum required building setback line in order to provide an articulated or modulated facade, the total area of the space created may not exceed one square foot for every linear foot of building frontage.



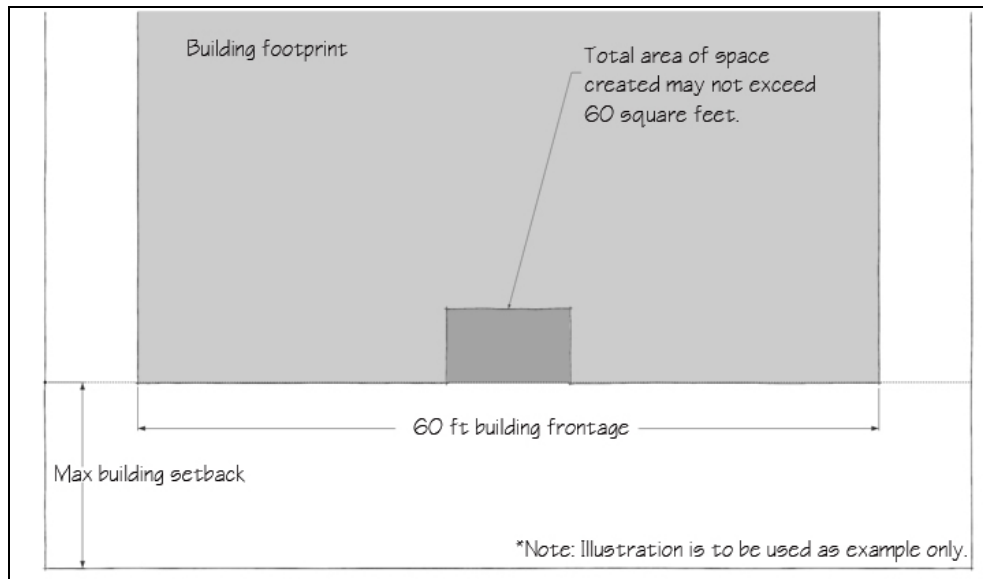


Figure 10.20-8, Articulated Building Street Face

b. Exceptions to Required Street Frontage

(i) Pedestrian Access to Off-Street Parking Areas

When outdoor pedestrian access is provided from the street to off-street parking areas, the required street frontage can be reduced by ten (10) percent. The pedestrian access shall remain clear of obstructions.

(ii) Outdoor Eating Areas, Courtyards, Plazas, Pocket Parks, or Greenspace

When an outdoor eating area, courtyard, plaza, pocket park, or greenspace is located to the side of a building, the required street frontage can be reduced by thirty (30) percent at the building setback line.

2. Transparency

Display windows that do not provide visual access into the interior of the building may count toward the minimum transparency percentage, provided that they are at least 2 feet in depth.

3. Off-Street Parking and Loading/Unloading

Off-street parking may be located on another lot than the building or use being served is located, provided that the parking is located within the D1 Zone.

An agreement providing for the use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as

otherwise required by Article 11, as modified by Tables 10.20-B and 10.20-C.

4. Drive-Through Facilities

Drive-through facilities are permitted in Subdistrict 1 and Subdistrict 2. Drive-through facilities may be permitted for bank and pharmacy uses only.

5. Utilities

All utilities for new developments shall be located underground.

6. Landscaping

a. All landscaping shall be provided per Section 9.17.

7. Outdoor Storage and Activities

- a. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- b. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of:
  - (i) Outdoor dining facilities
  - (ii) Off-street parking and loading and/or unloading areas
  - (iii) Outside display areas to display products directly related to and being sold by the principal use, not to exceed five (5) percent of the gross floor area. Outside display areas shall be kept in a state of good repair at all times. Display areas shall not be situated in a manner as to impair either pedestrian or vehicular traffic
  - (iv) The outdoor play areas of child day care centers
- c. Any property which does not comply with the provisions of this section at the time of adoption of this ordinance, shall be given a period of thirty (30) days from the date of adoption of this ordinance to comply with all of the provisions of this section.

N. LIGHTING

Lighting requirements shall meet the following:

- 1. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the corridor. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking

area lighting should be at larger scales to light parking areas and vehicular circulation routes.

2. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the DI Zone.
3. Off-Street Parking Areas and Pedestrian Lighting
  - a. Lighting should be used in combination with signage standards and other elements where possible.
  - b. Lighting should be coordinated with street tree plantings for proper integration.
  - c. Glare Reduction and Lighting Levels
    - (i) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
    - (ii) Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
    - (iii) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
    - (iv) Lighting located on the building wall shall be fully shielded to direct the light downward.
4. Prohibited Lighting
  - a. Neon accent lighting is prohibited on buildings and structures.
  - b. Bare metal light poles and elevated "sonotube" type concrete bases are prohibited.

## O. MODIFICATIONS

Modifications from certain standards as found in the DI Zone may be requested from the City Council:

1. Articulation  
Elements of horizontal articulation may be modified to accommodate alternative methods of reducing perceived building mass.
2. Building Massing

- 
- a. Major building division may be modified to a maximum of 75 feet.
    - b. Minor building divisions may be modified to a maximum of 40 feet.
  3. Building width/frontage  
Building width/frontage may be modified to a minimum of 50% of the primary structure width to be located within 15' of the front property line.
  4. Façade Transparency  
Modifications to façade transparency may be permitted with the following limitations:
    - a. Subdistrict 1:
      - (i) Ground level may be reduced to a minimum of 40% transparency.
      - (ii) Upper level may be reduced to a minimum of 30% transparency.
    - b. Subdistrict 2:
      - (i) Ground level may be reduced to a minimum of 40% transparency.
      - (ii) Upper level may be reduced to a minimum of 20% transparency.
  5. Roofs  
Modifications to roof types and materials may be permitted to accommodate green roofing systems.
  6. Entry Features  
Entry features not specifically permitted in a subdistrict or with a specific building form may be permitted.
  7. Lighting  
Modifications to lighting requirements may be permitted.

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**SECTION 10.21 CONSERVATION DEVELOPMENT SINGLE-FAMILY OVERLAY ZONE (CD-SF ZONE)**

- A. **PURPOSE:** The CD-SF Overlay Zone provides an alternative option for subdividing property. The purpose of the CD-SF Overlay Zone is to provide for designated open spaces for the protection of natural resources and for a higher development density than standard residential zoning consistent with the recommended land use, objectives, policies, and strategies as stated in the Comprehensive Plan. This includes promoting the environmental, economic, social, and recreational benefits of conservation design through (1) the preservation of critical natural resources such as woodlots, stream buffers, and viewsheds through the clustering of residential units; (2) higher densities to create the synergy of population needed to be supportive of nearby non-residential uses; (3) the use of design flexibility.

Additionally, the purpose of this zone is:

1. To enhance subdivision value and reduce development costs through conservation and cluster design.
  2. To promote environmentally-sensitive and efficient use of land by clustering houses, thereby reducing the need for infrastructure and reducing erosion and sedimentation by minimizing land disturbance and removal of vegetation.
  3. To provide for more efficient provision of infrastructure through reduction of the amount of pavement for streets and materials for utilities.
  4. To create, promote, and preserve interconnected green space as a means to; (a) promote convenient walkable connections; (b) reduce reliance on automobiles; (c) provide a nonstructural stormwater runoff and watershed protection measure and; (d) provide contiguous green space as habitat and for water quality protection.
  5. To help ensure interaction within the community by orienting houses closer to the street and providing public gathering spaces, parks, and community facilities.
  6. To promote community character and diversity by allowing for increased housing density through the encouragement of a mix of housing styles and types, and provision of open space.
- B. **APPLICABILITY:**
1. The CD-SF Overlay Zone regulations apply only if the subdivider of property chooses to follow these regulations. Otherwise, the subdivision of land shall meet the requirements of the underlying zone.
- C. **APPLICATION AND PROCESSING:** Developments within the CD-SF Overlay Zone require review and approval in accordance with the following procedures:

1. Pre-application meeting: Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/PDS staff to discuss the development review process and the requirements of the zoning ordinance.

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

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form.

2. Applications for a map amendment to the CD-SF Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
3. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the CD-SF Overlay Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the Independence City Council.
4. The City Council 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, if applicable.

Upon City Council 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.

5. Compliance with the Ordinance: Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city’s goals and plans.

D. PERMITTED USES: Single-family residential dwelling units (attached or detached).

For the purposes of the CD-SF Overlay Zone, an attached single-family dwelling unit is defined as a single dwelling unit located on its own lot that shares one or more common or adjacent walls with one or more dwelling units. An attached dwelling unit does not share common floor/ceilings with other dwelling units. An attached dwelling unit is also called a “townhouse” or a “rowhouse”.

E. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as approved on the Stage II development plan;
3. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance
4. Signs as approved on the Stage II development plan

F. DENSITY AND OPEN SPACE STANDARDS:

1. The base density of dwelling units in a CD-SF Overlay development shall be determined from the development of a Yield Plan. Yield Plans illustrate the maximum number of lots that can be created in a conventional subdivision based on the underlying zone and density requirements. This density shall be applied to the total project area excluding the land devoted to streets (public and private). Yield Plans do not have to meet formal design plan requirements but must be capable of being constructed given site features and all applicable regulations. The Yield Plan must be reviewed and approved at the pre-application meeting prior to the submittal of a Stage II development plan.
2. The required amount of open space as well as the maximum net density of a development shall be as follows:

Minimum % Open Space	R-1C Density (max)	R-1D density (max)	Any other Residential Zone (max)
30%	No Bonus	No Bonus	No Bonus
40%	Yield Plan + 10%	Yield Plan + 10%	Yield Plan + 10%
50%	Yield Plan + 25%	Yield Plan + 25%	Yield Plan + 25%

Net density shall be determined by the total number of dwelling units divided by the project area, excluding the land devoted to streets (public and private).

3. OPEN SPACE REQUIREMENTS/NATURAL RESOURCE PROTECTION

- a. Open space areas are to remain undisturbed unless designated for active or passive open space purposes on the Stage II development plan.
- b. The natural resources of the development area shall be designated within the open space requirement and permanently protected as shown on the Stage II development plan. Designated open space within the development area should be designated prior to the placement of roadways, infrastructure, parcels, or structures and shall include the protection of blueline streams, the riparian areas surrounding blueline streams, and tree canopy when possible.
- c. No higher development use – dedicated open space areas shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City's Legal Counsel and duly recorded in the office of the Kenton County Clerk.

4. MAINTENANCE AND OWNERSHIP OF OPEN SPACE

- a. A detailed ownership and management plan for the open space areas shall be filed with the Stage II development plan for any proposed CD-SF Overlay Zone development. The plan shall:
  - i. Identify the owner, entity responsible for maintenance, and long-term funding strategies such as homeowners' fees or assessments.
  - ii. Demonstrate the financial feasibility of the ownership and maintenance program.
  - iii. Specify guidelines for how the maintenance of the conservation areas and any facilities eligible for location in the conservation areas will occur.
- b. Any management organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its function (Management Entity). Options for ownership and management of preserved area may include:



- 
- i. Fee Simple dedication to the City of Independence or other public entity subject to acceptance by and at the sole discretion of the City of Independence or other public entity.
  - ii. Creation of or dedication to a Homeowners Association capable of carrying out the ownership and management plan. The Association's bylaws or code of regulations specify the following requirements:
    - (1) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
    - (2) The Association shall be responsible for maintenance, control, and insurance of common areas, including the dedicated open space areas.
    - (3) Establishment of an endowment where the principal generates sufficient annual interest to cover the yearly costs of ownership and maintenance of the preserved area.
    - (4) The Association shall be managed by a reputable, professional management company specializing in management of homeowner's associations, as determined by the City Council.
  - iii. Dedication to a private or not-for-profit entity such as a land trust or similar conservation-oriented organization with the legal authority and financial capacity to accept such dedications.
  - iv. A permanent conservation easement or an equivalent legal tool (such as a restrictive covenant for conservation purposes) in favor of either:
    - (1) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
    - (2) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Independence, then a third right of enforcement favoring the City of Independence shall be included in the easement.

The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the open space.

- v. It shall be a violation of this zoning ordinance in the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition according to the Management Plan. If the zoning administrator finds that any of the provisions of this ordinance are being violated, they shall take such action as is permitted by law.

#### G. HEIGHT, YARD, AND SETBACK REQUIREMENTS

1. Requirements for individual lots shall be as approved on the Stage II development plan.
2. Minimum site perimeter setback – Fifty (50) feet. The minimum site perimeter setback shall only count towards the required open space if recorded on the plat as dedicated conservation easement. The perimeter setback may be located on private property, provided that no permitted use is located within the perimeter setback. Customary accessory structures may be located within the perimeter setback, subject to all the other requirements of this zoning ordinance.

#### H. REVIEW GUIDELINES: When evaluating a proposed development within the CD-SF Overlay Zone, the City Council shall base their decision on the following criteria:

1. Lots and buildings should be grouped together to minimize the disturbance to woodlands, wetlands, grasslands, mature trees, and steep slopes; protect riparian areas and their stream buffer areas; and retain and protect the existing natural cover and wooded areas to protect and enhance greenway resources. The preservation and protection of natural cover is preferable, but may be supplemented by additional landscaping where necessary.
2. A mix of housing types and styles is encouraged to accommodate different lifestyles and markets.
3. Exterior building materials shall feature no more than 25% vinyl siding (or similar plastic based siding). Aluminum siding is prohibited.
4. The arrangement of streets in new developments shall make provision for the proper continuation of existing streets in adjoining areas, unless determined otherwise by the City Council. Where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new developments shall make provision for the proper projection

- of streets to those adjoining areas in a manner which shall provide for the practical development of the adjacent property.
5. Open space areas shall be contiguous throughout the site forming an open space network, which includes open space that is protected by conservation easements or other equivalent legal tool. Smaller pockets of open space may be permitted, if, in the opinion of the City Council, the design of the overall development still meets the intent of the CD-SF Overlay Zone.
  6. When passive and/or active open space is proposed, reasonable access should be provided for the residents within the development.
  7. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational paths.
- I. **AMENDMENTS:** Any amendments to plans shall be made in accordance with the procedure required by this ordinance. The City's zoning administrator may authorize minor adjustments to the approved Stage II Development 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.

**SECTION 10.22 GATEWAY MIXED USE ZONE (GMU Zone)**

- A. **PURPOSE:** The purpose of the Gateway Mixed Use Zone is to implement the *Comprehensive Plan*, specifically the recommended land use, objectives, strategies and policies contained within the *Independence Community Small Area Study*. The intent of the Gateway Mixed Use Zone is to promote integrated development oriented at a pedestrian scale which provides for a mixture of land uses. This district should produce development that creates an attractive environment and destination for commerce, employment, living, interaction, dining and entertainment and for the residents, workers, and visitors of the City of Independence. The Gateway Mixed Use Zone provides standards which promote development designs which will create a sense of place and identity serving as a gateway to the downtown area of the city through the provision of the following:
1. Encouraging a mixture of land uses in either a horizontal or vertical development pattern;
  2. An integrated internal street network which facilitates effective and efficient automobile and pedestrian movement;
  3. Multiple parking locations and options, including on-street parking, dispersed throughout the development and arranged in a manner that promotes pedestrian movement;
  4. Building sizes, heights, and locations arranged within a walkable environment featuring a high level of integration with the exterior streetscape, street network, and parking locations;
  5. Streetscapes which contain a variety of amenities that create a sense of place and promote social interaction, outdoor activity and assembly;
  6. Proper integration with land uses in the surrounding area;
  7. Incentives for mixed use development which implement the key objectives of this classification. Incentives include increased building footprint, increased height, and reduced off-street parking standards for mixed use developments.
- B. **APPLICABILITY:** The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements contained in the R-1D Zone. Existing single- and two-family homes that are partially or fully destroyed may be rebuilt as a matter of right, as long as they are not expanded beyond the footprint of the original structure.
- C. **APPLICATION AND PROCESSING:** Developments within the GMU Zone require review and approval in accordance with the following procedures:
1. **Pre-application meeting:** Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an

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

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

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form.

2. Applications for a map amendment to the GMU Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
3. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the GMU Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the Independence City Council.
4. The City Council 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, if applicable.

Upon City Council 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.

5. Compliance with the Ordinance: Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans.

D. PERMITTED USES AND DENSITIES:

1. Residential – Residential uses shall not be less than 7 dwelling units per net acre nor exceed 14 dwelling units per net acre.
  - a. Attached single-family
  - b. Multi-family
  - c. Detached single-family residential existing at the time of adoption of these regulations
2. Office
  - a. Administrative offices, including public and semi-public, civic, educational, religious, or charitable organizations
  - b. Business offices
  - c. Medical and dental clinics
  - d. Medical laboratories
  - e. Professional offices including, but not limited to, offices for doctors, dentists, optometrists, opticians, lawyers, accountants, architects, engineers, planners, landscape architects, surveyors, insurance agents, advertising agencies
  - f. Radio and television broadcasting studios
  - g. Research and development laboratories
3. Commercial Retail Sales and Service
  - a. Animal clinic, excluding boarding and outside runs
  - b. Apparel shop
  - c. Art supplies
  - d. Bakery and bakery goods store, provided the products are sold exclusively on the premises
  - e. Banks and other financial institutions, including savings, loan, and finance companies with or without drive-thru's, but not including payday loan or currency exchange (check cashing) facilities
  - f. Barber and beauty shops
  - g. Book, stationery, or gift shop
  - h. Camera and photographic supplies
  - i. Candy store, soda fountain, ice cream store, excluding drive-ins
  - j. Child day care center
  - k. Copy, printing, packaging and shipping store
  - l. Delicatessen

- m. Drug store/pharmacy with or without drive-thrus
  - n. Eating and drinking places (excluding drive-in's and drive-thru's)
  - o. Florist shop
  - p. Food stores and markets
  - q. Furniture store
  - r. Garden supplies
  - s. Glass, china, or pottery store
  - t. Hardware store
  - u. Health spas
  - v. Hobby shop
  - w. Household and electrical appliance store, including incidental repair
  - x. Interior decorating studio
  - y. Jewelry store, including repair
  - z. Leather goods and luggage store
  - aa. Locksmith shop
  - bb. Music, musical instruments, and records, including incidental repair
  - cc. Opticians and optical goods
  - dd. Office supply store
  - ee. Package liquor and wine store
  - ff. Paint and wallpaper store
  - gg. Personal improvement service
  - hh. Pet shop, excluding boarding and outside runs
  - ii. Radio and television store, including repair
  - jj. Shoe store and shoe repair
  - kk. Sporting goods
  - ll. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
  - mm. Tailor shop
  - nn. Toy store
  - oo. Variety store, including notions and "five and ten" stores
4. Public and Civic
- a. Cultural exhibits and libraries
  - b. Schools, colleges and universities
  - c. Police and fire stations
5. Institutional
- a. Nursing homes
- E. DRIVE-THRUS: Drive-thru facilities are limited to 3 lanes. (see Section 10.22, J., 1., e.)
- F. 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

G. SITE AND BUILDING STANDARDS:

1. **MINIMUM DEVELOPMENT AREA:** 5 acres. However, development of a smaller tract adjacent to an existing GMU 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.
2. **MINIMUM SITE PERIMETER AND FRONT, SIDE, AND REAR YARDS SETBACKS:** The minimum site perimeter setbacks shall be 50 feet when adjacent to a Single-Family Residential Zone.

The minimum front, side, and rear yard setbacks internal to the development shall be as in the approved Stage II Development Plan.

3. **MAXIMUM PERMITTED BUILDING FOOTPRINT AND TENANT SIZE:**
  - a. The maximum building footprint of a building with a single land use category (i.e. all offices, all residential, all commercial, etc.) shall be 18,000 square feet.
  - b. The maximum building footprint for a building with 2 or more land use categories, mixed either horizontally or vertically, shall be 30,000 square feet.
  - c. The maximum size of a single tenant shall not exceed 25,000 square feet.
4. **MAXIMUM PERMITTED BUILDING HEIGHT:** The maximum height of a building with a single land use category shall be two (2) stories or thirty-five (35) feet.

The maximum height of a building with 2 or more land use categories, either mixed horizontally or vertically, shall be three (3) stories or fifty (50) feet.

5. **BUILDING ARCHITECTURE**
  - a. Changes in façades shall occur a maximum of every 100 feet. (see Section 10.22, J., 4., b.)
  - b. Ground floor transparency of at least 40% is required for all walls with a customer entrance for all Commercial Retail Sales and Service uses. (see Figure 10.22-1, item 1)
  - c. Mansard roofs and corrugated metal roofs are not permitted. Metal standing seam roofs are an allowable roof type. A mansard roof is a



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- steep, dual-pitched hipped roof allowing a tall attic space;  
frequently used to add an upper story.
- d. Metal or vinyl siding shall not be permitted.
6. OFF-STREET PARKING AND ACCESS CONTROL: Off-street parking facilities and access control shall be provided in accordance with Article XI of this ordinance, in addition to the following additional regulations:
- a. Off-street parking areas within the GMU Zone are encouraged to utilize shared or cooperative parking in order to minimize the amount of constructed impervious surface as well as to use the land area to its highest and best use. Whichever method results in the greatest reduction may be used to determine the minimum number of required off-street parking spaces.
- (1) Shared parking is a type of parking management in which parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles.

When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed development is for two (2) or more land uses, the number of minimum required parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage, as shown in the following shared parking credit table, for each of the five (5) time periods shown. The number of parking spaces required is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the minimum parking requirement.

SHARED PARKING CREDIT TABLE

LAND USE TYPE	Time Of Operation				
	Weekday		Weekend		Nighttime
	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	(Midnight - 6 am)
Residential	50%	95%	75%	90%	100%
Office/Industrial	100%	10%	10%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Theater/Commercial Recreational Establishment	40%	100%	80%	100%	10%
Religious Assembly	10%	80%	100%	80%	10%

- (2) Cooperative parking represents an arrangement whereby 2 or more uses from the same land use category provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking.

The following reductions in the number of off-street parking spaces required are allowed when multiple commercial uses provide their off-street parking in the same parking lot, as follows:

- (a) a 20% reduction is allowed when 4 or more individual uses are involved;
  - (b) a 15% reduction is allowed when 3 individual uses are involved; and
  - (c) a 10% reduction is allowed when 2 individual uses are involved.
- c. The primary entrance to all developments shall have a boulevard entrance. All boulevard entrances shall have a minimum throat length of 50 feet. The center median shall be a minimum of 10 feet wide and set back at least 65 feet from the edge of the intersecting roadway. (see Section 10.22, J., 1., f.)
- 7. OFF-STREET LOADING AND/OR UNLOADING: All loading and/or unloading areas shall be provided in accordance with Article XII of this ordinance.

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8. SCREENING AND LANDSCAPING: Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance.
  9. LIGHTING: Lighting requirements shall meet the following:
    - a. Light poles shall not exceed thirty (30) feet in height.
    - b. All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane.
    - c. Decorative, pedestrian-scale lights are permitted in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
    - d. Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
    - e. Lighting located on the building wall shall be fully shielded to direct the light downward.
- H. PUBLIC AMENITIES (see Section 10.22, J., 5., a.):
- a. Every development within the GMU Zone that is less than 10 acres shall provide 1 major public amenity.
  - b. Every development within the GMU Zone that is more than 10 acres shall provide at least 2 major public amenities.
- I. OUTDOOR STORAGE AND ACTIVITIES
1. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
  2. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of:
    - a. Outdoor dining facilities
    - b. Off-street parking and loading and/or unloading areas
    - c. Outside display areas to display products directly related to and being sold by the principal use, not to exceed five (5) percent of the gross floor area. Outside display areas shall be kept in a state of good repair at all times. Display areas shall not be situated in a manner as to impair either pedestrian or vehicular traffic
    - d. The outdoor play areas of child day care centers
  3. Any property which does not comply with the provisions of this section at the time of adoption of this ordinance, shall be given a period of thirty (30)

days from the date of adoption of this ordinance to comply with all of the provisions of this section.

- J. REVIEW GUIDELINES: When evaluating a proposed development within the GMU Zone, the City Council shall base their decision on the following criteria. The Council should give consideration to allow maximum flexibility, individuality, and creativity in proposed developments if the Council finds that the proposed plans are still generally consistent with the Review Guidelines and meet the intent of the GMU Zone.

1. Internal Street and Off-Street Parking Network

*Intent: The internal street and off-street parking network provides the foundation for development within the GMU Zone. In keeping with the intent and purpose of this zone, the central elements that should be addressed and provided by the internal street and off-street parking network include the following: provide convenient and safe access; accommodate multi-modal movement and transportation within the development; provide smooth transitions between different areas of the development; provide interconnectivity between destinations, parking areas, and the pedestrian network within the development; and provide connections to adjacent areas surrounding the development.*

- a. All streets, private or public, must conform to the street and right-of-way standards within the Kenton County Subdivision Regulations.
- b. The arrangement of streets in new developments shall provide for reasonable access to adjoining tracts, through connections between streets, logical distribution of traffic patterns, and convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. (see Figure 10.22-4, item 1)
- c. Large expanses of parking typically associated with standard big box development are discouraged. Parking areas should be dispersed in smaller areas throughout the development, including to the rear and side of buildings and structures within the development. (see Figure 10.22-4, item 2)
- d. Provision of multiple types of parking, specifically angled, on-street (within the development), or parallel parking is encouraged to reduce the amount of impervious surface and provide complete neighborhood streets. (see Figure 10.22-4, item 3)
- e. Drive-thru facilities should be integrated into the overall site design so they don't inhibit the movement and flow of the internal street network and the pedestrian network. Effort should be made to locate drive-thru facilities at the rear of buildings and out of view from public amenities.

- f. The City Council may modify the requirement for a boulevard entrance if the proposed plans are still generally consistent with the Review Guidelines and meet the intent of the GMU Zone.

2. Pedestrian Network

*Intent: The pedestrian network should facilitate pedestrian movement within the development and be designed in a manner that promotes walkability, social interaction and connectivity between areas and destinations creating a sense of place, identity, and character within the development area. Essential elements of the pedestrian network include the provision of a network of walking areas along the internal and external portions of the development to provide convenient access and connectivity between the parking areas, destinations within the development, and to the surrounding areas.*

- a. All sidewalks must conform to the construction standards within the Kenton County Subdivision Regulations.
- b. Landscape features, including but not limited to trees, planting boxes, planting strips, landscaped berms, shrubs, and other types of features should be used along the sidewalks to separate the vehicular traffic from pedestrians. (see Figure 10.22-4, item 4)
- c. Brick or stamped asphalt or concrete should be used for all crosswalks or pedestrian paths within an off-street parking area.
- d. Bicycle lanes that are striped into the roadway are encouraged. If bicycle lanes are provided, then bicycle parking in the form of bicycle racks or storage facilities should also be provided.
- e. Connections should be provided between the internal pedestrian network, off-street parking areas, the external pedestrian network, and to the surrounding areas. (see Figure 10.22-4, item 5)

3. Building Location and Orientation

*Intent: The siting and orientation of buildings within the GMU Zone shall promote pedestrian movement, social interaction, and other outdoor activities such as dining, assembly, and shopping. Proper building location is important in order to provide the sense of place outlined within the intent and purpose of this zone. Essential elements for siting buildings within the design of the development include framing and creating a pedestrian friendly public realm, providing convenient access to all areas of the development, and creating a desirable transition between open spaces, parking areas, pedestrian and assembly areas.*

- a. Buildings should be located within close proximity to one another in order to promote and provide connectivity between all areas within the development. (see Figure 10.22-4, item 6)
- b. The location and orientation of buildings should immediately front the pedestrian network. Exceptions can be made for architectural

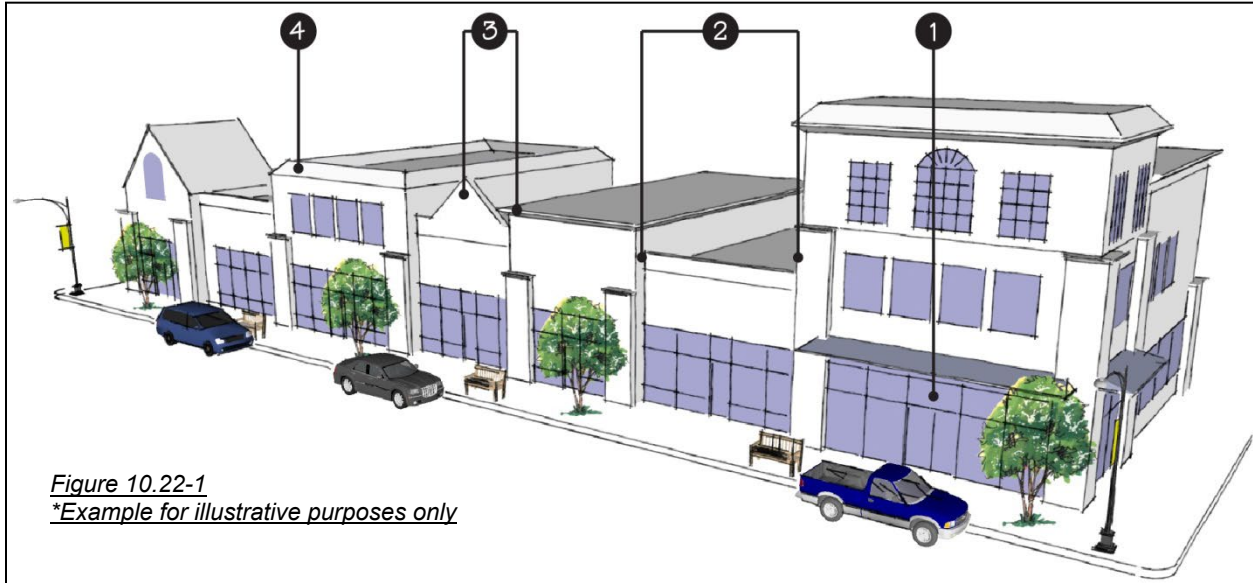
features or spaces for public gathering. Such features or spaces may include, but are not limited to, a plaza, patio, outdoor dining or seating area, arcade, etc. (see Figure 10.22-4, item 8)

- c. Buildings should be oriented to provide pedestrian access between destinations, parking areas, and external pedestrian walkways. (see Figure 10.22-4, item 9)

#### 4. Building Architecture

*Intent: Building designs are encouraged that create a unique and attractive image for each business, while providing a sense of cohesiveness within a development. High design standards and creativity are encouraged. It is not the intent of these regulations to prohibit national building identity, but to integrate those designs and maintain a general theme within the development.*

- a. All buildings shall be considered four-sided buildings, and should utilize consistent materials on all four sides.
- b. Long, unbroken building facades are not permitted. Changes in roof styles, materials, setbacks, and/or colors should be used to break up the façade. (see Figure 10.22-1, item 2)
- c. The use of parapets, towers, and other elements should be used to break up continuous stretches of roofs. (see Figure 10.22-1, item 3)
- c. All mechanical equipment located on roofs should be adequately screened from the view of adjacent properties and rights-of-way. (see Figure 10.22-1, item 4)
- d. Building colors should be complimentary to one another and should not contain excessively bright or distracting colors. Bright colors may be used only when those colors are an integral part of a nationally recognized corporate logo or image.
- e. Building finishes shall be natural materials such as wood, stone, or brick. Composite or manufactured materials, including but not limited to EIFS, which provide the same styling and texture as natural materials shall be permitted.



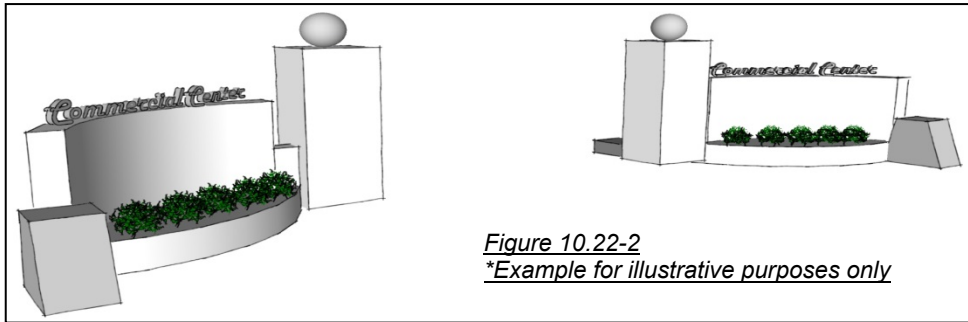
*Figure 10.22-1*  
*\*Example for illustrative purposes only*

5. Public Amenities

*Intent: Public amenities are intended to be resources, conveniences, facilities or benefits offered to the general public for their use and/or enjoyment. Public amenities should be an asset to both the community and to the development they serve.*

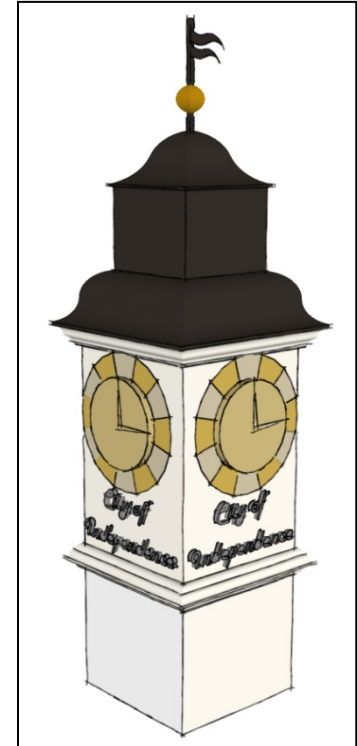
- a. Major public amenities should be located at important nodes where there is the most activity. They should be used as a focal point within the development. Major public amenities include, but are not limited to:

- (1) Plaza
- (2) Pocket Park
- (3) Water Feature
- (4) Playground
- (5) Multimodal/walking paths within the development
- (6) Entry Feature – Distinctive elements located at or near the entrance to a development that communicate the nature and character of the development. (see Figure 10.22-2)



*Figure 10.22-2  
\*Example for illustrative purposes only*

- (7) Community Gateway Feature – Distinctive elements that identify the community and/or convey the community character. They are typically located and oriented towards commuters on the adjacent roadway system. (see Figure 10.22-3)
- (8) Any amenity not specifically listed herein but deemed appropriate by the Independence City Council.



*Figure 10.22-3  
\*Example for illustrative purposes only*

- b. Developments that are located at major intersections should incorporate a community gateway feature.
- c. Public amenities should be at a size, scale, and location within the site to be accessible and useable. Isolated public amenities should be avoided by connecting them to the pedestrian network and locating them within the development as opposed to along the fringes.
- d. Minor public amenities should be provided along the pedestrian network. Minor public amenities include, but are not limited to:
  - (1) Benches
  - (2) Trash cans
  - (3) Rain shelters
  - (4) Drinking fountains
  - (5) Bike racks
  - (6) Any amenity not specifically listed herein but deemed appropriate by the Independence City Council.

6. Signage and Lighting



*Intent: Signage and lighting should be planned and designed to be compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape within and adjacent to the site.*

- a. Exterior lighting fixtures should be unified throughout the development.
- b. The materials and types of signs used within the development shall be a consistent architectural style throughout the development.
- c. Bright colors may be used when those colors are an integral part of a nationally recognized corporate logo or image.

<b>LEGEND</b>	<b>1</b> Stub Street	<b>5</b> Proper Internal & External Pedestrian Network Connectivity
	<b>2</b> Pod Parking	<b>6</b> Buildings Located within Proper Proximity to Surrounding Buildings
	<b>3</b> Varied Parking Options	<b>7</b> Buildings Fronting the Pedestrian Network
	<b>4</b> Pedestrian / Vehicle Buffer	<b>8</b> Provision of Access and Public Space Between Buildings

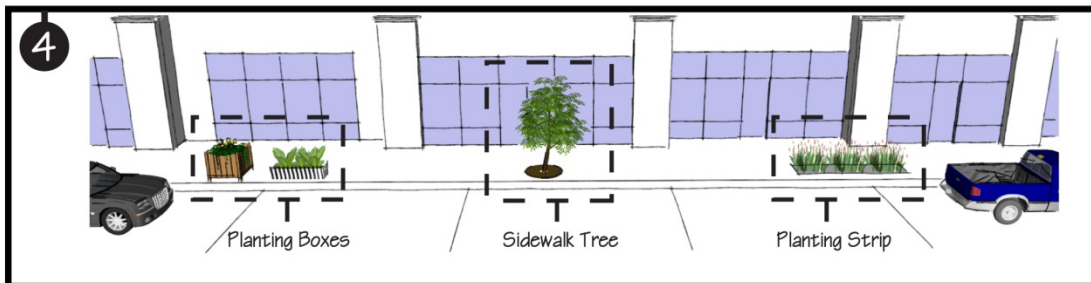
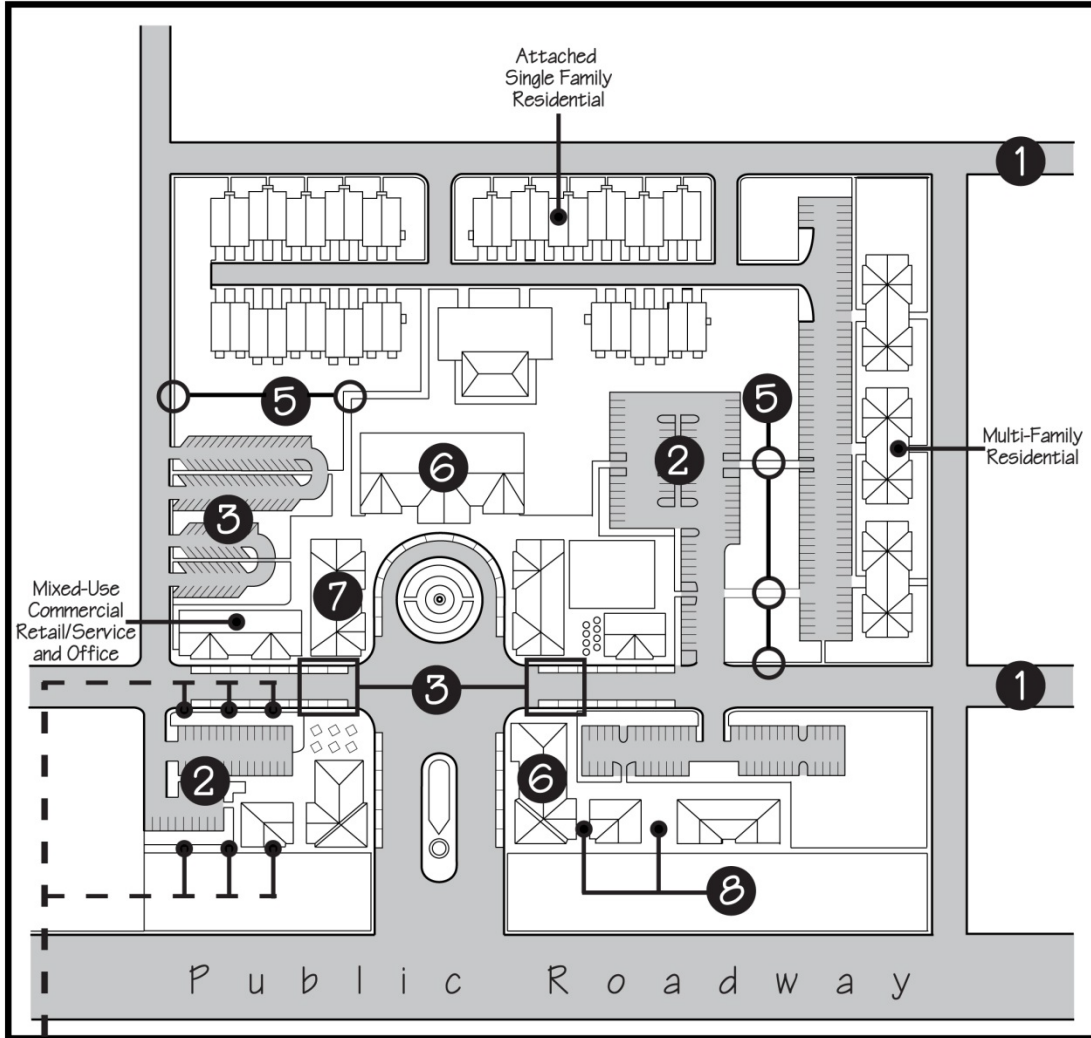


Figure 10.22-4  
*\*Example for illustrative purposes only*