
SECTION 10.17 BPD (BUSINESS PARK DEVELOPMENT) ZONE

- A. **PURPOSE:** The purpose of the Business Park Development (BPD) Zone is to provide for the combining of offices, commercial uses, retail and service uses, and industrial uses within a planned development. Such development is intended to be designed to provide for a related group of activities, which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities 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 Business Park Development Zone may be permitted 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 BPD Zone and its proper integration with the surrounding development are met; and a public hearing is held on the BPD application.

- C. **APPLICATION AND PROCESSING:** Applications for a Business Park Development zoning shall be processed as follows in two stages:
 - 1. Stage I - Except as provided in Section 17.0, I., applications for a map amendment to zone an area for Business Park Development (BPD) shall be accompanied by a development plan, in accordance with the Stage I Plan Requirements, provided for within Section 9.20, A., of this ordinance. If an area, however, is currently zoned BPD, the submission of a Stage I Development Plan for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed.
 - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the BPD Zone, the required elements of the Stage

I Development Plan and other applicable requirements of this section. Written notice of the hearing shall be given to the owner of every parcel of property adjoining the property encompassed within the Stage I Development Plan as provided in and in accordance with the provisions of Section 17.0, D., 2. 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 BPD 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 BPD Zone shall require that development be in conformance with the Stage I approved plan.

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

Zoning Map Amendment - Upon approval of the BPD Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

2. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission, or its duly authorized representative, for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C., shall

be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, 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 conflict with other applicable requirements of this ordinance (e.g., parking requirements). The planning commission, or its duly authorized representative, upon completion of its review of the proposed Stage II Development Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission, or its duly authorized representative, shall submit, along with their recommendations, a copy of the Stage II 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, or its duly authorized representative, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection C., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) 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; and (2) the planning commission, or its duly authorized representative.

- c. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., for Record Plats, the applicable

requirements of the subdivision regulations, and its conformance with the Stage II approved plan. Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

- D. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II Plans: All Industrial uses must be located a minimum distance of 500 feet from the arterial right of way.
1. Except for those that decompose by detonation or processes that employ blasting as part of their ongoing operation, the manufacturing, compounding, processing, packing or assembling of the following uses:
 - a. Asphalt and asphalt products, located within one (1) mile of an interstate highway interchange.
 - b. Brewing and distilling of liquors, located within one (1) mile of an interstate highway interchange.
 - c. Brick, tile or terra cotta, located within one (1) mile of an interstate highway interchange.
 - d. Candy and confectionery products, food and beverage products including the rendering or refining of fats and oils
 - e. Cement, concrete and concrete products, located within one (1) mile of an interstate highway interchange.
 - f. Cosmetics, pharmaceutical and toiletries
 - g. Animated and/or illuminated billboards and other commercial advertising structures
 - h. Electric appliances, television sets, phonographs, household appliances
 - i. Electrical and non-electrical machinery, equipment and supplies
 - j. Fountain and beverage dispensing equipment
 - k. Furniture
 - l. Instruments of professional, scientific, photographic and optical
 - m. Iron, steel, aluminum foundry or forge works and heavy weight casting
 - n. Lumber mills and storage yards
 - o. Metal, metal finishing and metal products including the use of blast furnaces or drop forges
 - p. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - q. Office equipment
 - r. Oilcloth or linoleum
 - s. Plastic and plastic products

- t. Pottery and figurines
 - u. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, steel, tin, wood, bone, plastics, rubber, cork, felt, fibers, yarn, wool, tobacco
 - v. Rubber and rubber products
 - w. Soap and soap products
 - x. Stone and monument works employing power driven tools
 - y. Sand and gravel including storage, located within one (1) mile of an interstate interchange.
 - z. Textile products such as: canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine (excluding asbestos products)
2. Bag, carpet and rug cleaning
 3. Bottling and canning works
 4. Building materials sales yards, Home improvement center
 5. Bus line shops and storage
 6. General Contractor's and Construction Trade Offices and accessory storage yards including storage, sales and rental of heavy and general construction equipment and vehicles
 7. Crating services
 8. Wholesale trade and rental of heavy and light machinery, equipment and supplies, including transportation and farm equipment
 9. Flour mills
 10. Forge plants and Foundries
 11. Governmentally owned and/or operated city, county or state garages
 12. Indoor athletics facilities
 13. Industrial engineering consultant offices
 14. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
 15. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
 16. Machine shops
 17. Plating plants
 18. Printing, engraving and related reproduction processes
 19. Public Utilities rights of way and permanent structures
 20. Publishing and distribution of books, newspapers, and other printed materials
 21. Railroad facilities including passengers and freight terminals, marshaling yards, and maintenance shops, and round house
 22. Sand and gravel including storage, for use or consumption on-site only.
 23. Schools for industrial or business training

24. Trucking and freight terminals, with the exception of those items or products not permitted to be manufactured with in this zone.
25. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
26. Bulk storage, sale and distribution of bottled and compressed gas, with the exception of those items or products not permitted to be manufactured with in this zone.
27. Studio for professional work or teaching any form of fine art including photography, music, drama or gymnastics
28. Intermediate waste uses, including composting yards, resource recovery facilities, recycling centers, buy-back centers, tire shredding facilities, tire recycling center, and transfer station provided all business activities are conducted within a completely enclosed building.
29. Offices
30. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products
31. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation services
32. Motor freight terminals, public warehousing, freight garaging and equipment maintenance of tractor-trailers and other commercial trucks and trailers
33. Welding shops for the repair of industrial machinery and heavy equipment
34. Auto repair facilities, repair for tractor-trailers and other truck, and towing and vehicle impound services excluding junkyards and wrecking
35. River Barge loading and unloading operations that are conducted in conjunction with permitted uses and accessory storage yards including storage, sales and rental of heavy and general construction equipment and vehicles
36. Restaurants with Drive thru
37. Retail and service uses, as follows:

- Advertising agency
- Antique shop
- Apparel shop
- Appliance shop - electrical and household
- Appliances - office
- Art and art supplies
- Auto, Truck, Motorcycle, Marine Construction Equipment sales service rental leasing
- Bakery shop with Drive thru
- Banks with Drive thru
- Beauty Shop/Barber Shop

Book shops
Cafeterias
Camera supplies
Candy store
Clinics - medical and dental
Clothing store
Clubs - business, YMCA, YWCA
Coffee shop with Drive thru
Convenience store - drug, fruit, grocery, meat, pharmacy, vegetables
gas with Drive thru
Craft shops
Day care facilities
Dry cleaning pick-up
Finance company, financial institutions
Florist shop
Garden supplies
Gas Station
Gift shop
Glass store
Hardware/Home improvement store
Hobby shop
Hotels, motels
Ice cream store with Drive thru
Interior decorator
Jewelry store
Laboratory - medical and dental
Laundry pick-up
Leather goods
Loan Company
Locksmith shop
Luggage shop
Music shop
Off-street parking including outside storage of vehicles, boats, RV's
cars etc.
Office supplies
Optical goods and supplies
Optician and optometrist
Package liquor and wine store, excluding drive-thru
Paint and/or Wallpaper store
Pet shop
Pharmacy with Drive thru
Photographic supplies Video Equipment and Supplies
Pottery store
Recreation area - open space

Savings and loan with Drive thru
Shoe store with incidental repair
Souvenir shop
Sporting goods
Stationery shop
Studio - decorating, photo
Tailor shop
Travel agency
Video rental

E. ACCESSORY USES:

1. Customary accessory buildings and uses

F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the BPD Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

1. Fire and police stations
2. Post office branch

G. AREA REQUIREMENTS: No BPD Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned BPD, provided it is adjacent to an area that is currently zoned BPD.

1. The minimum area for submission of a Stage I Development Plan, within an existing BPD Zone, shall be not less than five (5) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is adjacent to and extends the existing Stage I Development Plan and conforms to requirements of the BPD Zone.

H. ACCESS REGULATIONS: Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.

I. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.

J. 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 and/or as approved in the Stage II Development Plan.

- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall generally be in accordance with Articles XIII and XIV of this ordinance and/or as approved in the Stage II Development Plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
 - 1. Agreement with the various elements of the Wilder Comprehensive Plan, and where applicable, any KRS Chapter 99 approved Urban Renewal Development Plan.
 - 2. Extent to which the proposed development plan is consistent with the purpose of the BPD Zone. Consistency with the purpose can be measured by the extent to which a variety of the permitted uses is incorporated within the overall design. At a maximum no single proposed use should comprise over fifty (50) to seventy-five (75) percent of the contiguous area of the entire zone proposed in the Stage I or Stage II Development Plan.
 - 3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 - 4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 - 5. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
 - 6. Amount of traffic that would be generated by the proposed operation and the ability of the existing street system to adequately handle said

traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.

7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
8. Extent to which all necessary public utilities and facilities are available to service the development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

N. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XIII of this ordinance and/or as approved in the Stage II Development Plan.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from any use located within this zone onto any dedicated street or into any adjacent property.
4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any side and/or rear yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

O. 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 Subsection C., of this section

P. EXPIRATION: Development plans within the BPD Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition 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, except as agreed upon for the phasing of development 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.