
SECTION 10.16 TC (TOWN CENTER) ZONE

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

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

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

- 3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his/her duly authorized representative:

approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his/her duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, process the proposed Stage II Development Plan. Upon approval of the Stage II Development Plan by the city's chief administrative official, or his/her duly authorized representative, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

C. PERMITTED USES:

- 1. Antique and art stores
- 2. Bakery and bakery goods store, provided the products are sold exclusively on the premises
- 3. Banks and other financial institutions, including savings, loan, and finance companies
- 4. Barber and beauty shops
- 5. Book, stationery, or gift shop
- 6. Candy store, soda fountain, ice cream store, excluding drive-in facilities
- 7. Child day care center
- 8. Convenience stores, without the dispensing of fuels
- 9. Dance and fitness
- 10. Delicatessen
- 11. Drug store
- 12. Dry cleaning and laundry pick-up station, excluding on site processing
- 13. Eating and drinking places, excluding drive-in facilities
- 14. Florist shop
- 15. Government offices and facilities
- 16. Music, musical instruments, and records, including incidental repair
- 17. Offices
- 18. Photocopy establishment
- 19. Shoe store and shoe repair
- 20. Video sales and rental
- 21. Indoor Athletic facilities and sporting goods and apparel

D. CONDITIONAL USES

1. Congregate and retirement housing, nursing homes
2. Second floor apartments, not to exceed 4 units per structure
3. Bed and breakfast establishments

E. ACCESSORY USES:

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

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

1. Minimum Lot Area - One - half (1/2) acre.
2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
3. Maximum Impervious Surface Ratio - Seventy (70) percent.
4. Maximum Building Height - Forty (40) feet.
5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.

G. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, thirty (30) feet of which shall be maintained by a screening area, as regulated by Section 9.15 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading areas.

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

I. OFF-STREET PARKING, LOADING AND/OR UNLOADING: Off-street parking shall be provided at one-half the amount required in Article XI of this ordinance. Loading and unloading shall be provided in accordance with Article XII of this ordinance.

J. OTHER DEVELOPMENT CONTROLS:

1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
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. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:
 - a. Off - street parking and loading and/or unloading areas.
 - b. Outdoor play areas of a child day care center.
 - c. Outdoor dining
 5. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 6. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
 7. Flat and mansard roof construction shall not be permitted.
 8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 9. Sidewalks shall be required when any new development occurs.
 10. Interior landscaping shall be provided as follows:
 - a. A minimum of 5% of the vehicular use area shall be landscaped.
 - b. Such landscaped areas shall be a minimum of 65 square feet in area.
 - c. Vegetation shall not be located closer than 30 inches to any pavement.
- K. CRITERIA: Evaluation of the proposed Town Center (TC) Zone and/or development plan shall be based upon the following criteria:
1. Design
 - a. Agreement with the various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the Town Center (TC) Zone.
 - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
 - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.

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

2. Circulation

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

3. Open Space

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

- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

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

5. Signage

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

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

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

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