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

1. Single-family residential dwellings (detached)
2. Agricultural uses;
3. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street;
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer than one hundred (100) feet from the front of a street, road, highway, or right-of-way line, or not nearer than fifty (50) feet from a side lot line;
5. Stables and riding academies, both public and private.
6. Qualified manufactured homes, subject to the compatibility standards established in section 9.28 of this ordinance

B. ACCESSORY USES

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

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

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

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES

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

SECTION 10.2 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 9.28 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. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Twelve thousand five hundred (12,500) square feet
2. Minimum lot width at building setback line - Eighty (80) feet
3. Minimum front yard depth - Thirty-five (35) feet
4. Minimum side yard width - Total: Twenty (20) feet; One Side: Seven (7) feet
5. Minimum rear yard depth - Twenty (20) 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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.3 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 9.28 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. Institutions for higher education, providing they are located adjacent to an arterial street
7. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
8. Nursery schools
9. Public and parochial schools
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries
11. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Nine thousand (9,000) square feet
2. Minimum lot width at building setback line - Seventy (70) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Eighteen (18) feet; One Side: Six (6) feet
5. Minimum rear yard depth - Forty (40) 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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.4 R-1E (RESIDENTIAL ONE-E) ZONE

A. PERMITTED USES

1. Single-family residential dwellings (detached)
2. Qualified manufactured homes, subject to the compatibility standards established in section 9.28 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. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Seven thousand five hundred (7,500) square feet
2. Minimum lot width at building setback line - Sixty (60) feet
3. Minimum front yard depth - Thirty (30) feet
4. Minimum side yard width - Total: Eighteen (18) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Forty (40) 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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.5 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 9.28 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. Swimming pools

12. Museums, provided they are an accessory use to a single-family residential dwelling, and they are in existence or established on or before December 31, 2015. This section shall allow expansion of the use, provided it continues to be an accessory use.

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: Fifteen (15) feet; One Side: Five (5) feet
5. Minimum rear yard depth - Forty (40) 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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.6 R-1G (RESIDENTIAL ONE-G) ZONE**A. PERMITTED USES**

1. Municipal buildings, including police stations
2. Publicly owned and/or operated parks, playgrounds, and community centers
3. Single-family dwellings
4. Qualified manufactured homes, subject to the compatibility standards established in section 9.28 of this ordinance

B. ACCESSORY USES

1. Customary accessory buildings and uses
2. Fences and walls, as regulated by Article XIII of this ordinance
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. Funeral homes, provided they are located adjacent to an arterial street
4. Institutions for higher education, providing they are located adjacent to an arterial street
5. 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
6. Nursery schools
7. Public and parochial schools
8. Recreational uses other than those publicly owned and/or operated, as follows:
 - a. Golf courses
 - b. Country clubs
 - c. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet

3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories

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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.

SECTION 10.7 R-2 (RESIDENTIAL TWO) ZONE**A. PERMITTED USES**

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

B. ACCESSORY USES

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

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - Nine and one-tenth (9.1) 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 of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.8 R-3a (RESIDENTIAL THREE a) 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. Swimming pools

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - Twenty thousand (20,000) square feet
2. Maximum density - Fifteen (15.0) 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

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.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be required.
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 10.8 of this ordinance.

SECTION 10.9 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 and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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

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

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

Following 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.

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

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

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

Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will

not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.

- F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Open space/recreation areas
 7. Schools (nursery, elementary, and secondary);
- G. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

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- M. **AMENDMENTS:** Any amendments to plans, except for 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.
- 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 10.10 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE

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

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

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 plan and record plat.

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

2. Stage II -- Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of section 9.20 B. and C. shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II Plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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

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

Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

- D. RESIDENTIAL USES AND DENSITIES: Attached and detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the plan and shall be limited to one or more of-the following uses:
1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Open space/recreation areas
 7. Schools (nursery, elementary, and secondary);
- F. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- G. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- H. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- I. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

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

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

SECTION 10.11 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 planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II Plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

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

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

Upon planning commission approval of the Record Plat, copies of said plat, certified by the planning commission, and suitable for

recording, shall be forwarded by the planning commission to the office of the County Clerk to be recorded.

- C. **USES AND DENSITIES:** Mobile homes including customary accessory buildings and uses may be permitted within a MHP Overlay Zone. The density of dwelling units in a MHP shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the MHP Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the Mobile Home Park (excluding, however, any commercial uses), are also permitted:
1. Community centers
 2. Laundry facilities
 3. Rental or sales offices for lots and/or mobile homes in the Mobile Home Park;
- D. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the MHP. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
 2. Open space/recreation areas
 3. Schools (nursery or day care, elementary and secondary)
- E. **AREA REQUIREMENTS:** No MHP Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing MHP Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- F. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan.
- G. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.
- H. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- I. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

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- 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 10.12 LHS (LIMITED HIGHWAY SERVICE) ZONE**A. PERMITTED USES**

1. Banks and other financial institutions
2. Convention facilities and/or exhibit halls
3. Dinner theaters and playhouses
4. Drug stores
5. Eating establishments (sit-down only), dining room-cafeteria and/or supper club, and including a drive-thru facility, subject to the requirements of section 10.11, E., Other Development Controls
6. Health clubs with indoor or outdoor court facilities
7. Museums
8. Offices
9. Schools, for the purpose of career education
10. New luxury car dealerships

B. ACCESSORY USES

1. Customary accessory buildings and uses to include:
 - a. Electro-mechanical games - being defined as electro-mechanical pinball machines and video games specifically designed, constructed, set up, and kept to be played for amusement only
 - b. Offices for the following uses:
 - (1) Administrative offices
 - (2) Travel agencies, including ticket reservation facilities
 - (3) Visitor and tourist information services
 - c. Uses that produce goods for human consumption primarily on the premises, such as, but not limited to:
 - (1) Bakery goods
 - (2) Beverages
 - (3) Candy
 - d. Gift, souvenir, and craft shops
 - e. Automobile rental and leasing services, including indoor service facilities
 - f. Taverns
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

4. Swimming pools, indoor or outdoor, in connection with hotels or motels, or health clubs
5. Uses as listed below, only in conjunction with a New Luxury Car Dealership, provided that the accessory use(s) shall not exceed forty-nine (49) percent of the gross sales area utilized by the permitted use(s):
 - a. Luxury automobile service departments associated with the New Luxury Car Dealership. All such service shall be conducted within the dealership or other fully enclosed building
 - b. Pre-owned car sales or leases controlled by, and associated with, the primary New Luxury Car Dealership

C. CONDITIONAL USES

1. Service stations, including automobile repair, maintenance and washing services, but excluding the storage of junk materials
2. Day care facilities
3. Hotels, not including motels
4. Outdoor dining, in connection with a restaurant, provided that such area meets the following minimum requirements:
 - a. Such area shall be designated to clearly identify the limits of the outdoor dining area, which shall not include any drive-thru facility.
 - b. Such area shall not exceed fifty (50) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
 - d. Outdoor dining areas shall be operated no later than midnight, Sunday through Thursday, and 2:30 am 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 on each side of lot - No restrictions, except when adjacent to a dedicated 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
8. In the case of a New Luxury Car Dealership, the minimum lot area shall be not less than 6 acres; the minimum lot width at building setback line shall be at least one hundred (100) feet, the minimum front yard depth shall be at least forty (40) feet, the minimum side yard width shall be at least forty (40) feet, and the minimum rear yard depth shall be at least thirty (30) 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, with the exception of the outdoor displays of vehicles as part of a new luxury car dealership.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17, A., 2., d. of this ordinance.
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. Off-street parking and loading and/or unloading areas may be located in front and side yards in this zone, provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway, or right-of-way line or boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this ordinance, provided that, for New Luxury Car Dealerships, any portions of off-street parking areas that are immediately adjacent and touching an interstate highway right-of-way-line shall not be required to have a setback and may be built up to the interstate highway right-of-way line.
8. 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, the outdoor display of vehicles as part of a New Luxury Car Dealership, and the outdoor play area of day care facilities.
9. Any service station located within the Limited Highway Service Zone which had an area used for outdoor storage of inoperable vehicles existing at the time of adoption of Ordinance 1978-17 (November 30, 1978) may

be permitted to continue temporary outdoor storage of inoperable vehicles, subject to the following requirements:

- a. No inoperable vehicle may be parked for a period exceeding forty - eight (48) hours or stored outside of a completely enclosed building unless confined within an area effectively screened from view from adjoining properties which has been approved by the Board of Adjustment. Only solid fences, evergreen trees (ten feet in height, as provided by Section 9.17 of the Fort Mitchell Zoning Ordinance), or a combination of fence and evergreen trees may be used to provide screening for the storage area, subject to the approval of the Board of Adjustment; and
 - b. No area used for outdoor storage of inoperable vehicles shall be permitted to be enlarged or expanded beyond the scope and area of its operation existing at the time of adoption of this ordinance; and
 - c. No outdoor storage of inoperable vehicles shall be permitted unless said vehicles are accessory to an existing auto service or towing service operation; and
 - d. No inoperable vehicle may be stored within a screened storage area as provided for within this section, for a period exceeding one hundred twenty (120) consecutive calendar days. In order to ensure that inoperable vehicles shall not be stored for a period exceeding one hundred twenty (120) days, the operator shall be required to maintain a record log available for examination for the Zoning Administrator, to indicate the date at which time each vehicle was initially stored and removed from within said storage area. (Ord. 1979-16, passed 12/3/79).
10. Eating establishments or restaurants of the type permitted in this zone may provide a drive - thru facility for window service, subject to the following conditions:
- a. The hours of operation of the drive - thru service shall be limited to seven (7:00) A.M. to eleven (11:00) P.M.
 - b. The sound pressure level from any speaker or order station may not exceed 55 decibels, as provided for in Section 15.2, C.
 - c. The speaker or order station shall be located on any wall or in any yard of a building adjacent to any area which is either zoned for or developed in residential use, or located within one hundred (100) feet of such use.
11. Dumpster units and mechanical devices such as air conditioners, heating units, and heat exchangers, shall be screened from residential areas.

Noise, which emanates from mechanical devices shall not exceed 55 decibels, as provided for within Section 15.2, C., Noise, of this ordinance.

12. No New Luxury Car Dealership shall be operated, either for sales, leasing, or service, earlier than 7:30 a.m., nor later than 9:00 p.m., Monday through Friday; or 8:30 a.m. to 7:30 p.m. Saturday, or 12:00 p.m. to 6:30 p.m. Sunday. The sound pressure level from any speaker at the New Luxury Car Dealership, used to project announcements, pages, or music, shall not exceed 55 decibels, as provided for in Section 15.2,C. Furthermore, all exterior lighting from this use shall be directed away from residential zones and any light poles or posts shall not extend to a height that is greater than 20 feet above ground level.
13. 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, T111 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 10.13 LSC (LIMITED SERVICE COMMERCIAL) ZONE

- A. PERMITTED USES: The following services and limited retail sales:
1. Eating and drinking places, excluding drive-ins
 2. Nursery school
 3. Offices, including medical and dental offices
 4. Banks and other financial institutions with drive-thru windows
- 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. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, in connection therewith, subject to the approval of the board of adjustment, as set forth in this Section and in Sections 18.5 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 on a major arterial street).
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum lot area - Eight thousand (8,000) square feet
 2. Minimum lot width at minimum building setback line - Fifty (50) feet
 3. Minimum front yard depth - Twenty-five (25) feet
 4. Minimum side yard width - Five (5) feet
 5. Minimum rear yard depth - Ten (10) feet
 6. Maximum building height - Thirty-five (35) feet or two and one-half (2-1/2) stories
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional buildings and/or uses 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 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 or two and one-half (2-1/2) stories

F. 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 street, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
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, T111 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 10.14 NC (NEIGHBORHOOD COMMERCIAL) ZONE**A. PERMITTED USES**

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

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

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
4. Electro-mechanical games - being defined as electro-mechanical pin ball machines and video games specifically designed, constructed, set up and kept to be played for amusement only

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, in connection therewith, subject to the approval of the board of adjustment, as set forth in this Section and in Sections 18.5 and 18.7 of this ordinance.

1. Outdoor dining, in connection with a restaurant, 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 fifty (50) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment, music, and sound amplifying systems shall be permitted within the outdoor dining area between the hours of six (6) o'clock p.m. and ten (10) o'clock p.m. on Thursday, between six (6) o'clock p.m. and eleven (11) o'clock p.m. on Friday and Saturday, and six (6) o'clock p.m. and nine (9) o'clock p.m. on Sunday with a decibel level of ninety (90) at the property line, provided the property is not adjacent to residential uses. No live music will be permitted Monday through Wednesday.
 - d. Such area shall not be permitted to locate within any minimum required front, side, or rear yard.
 - e. Outdoor dining areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) 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. No outdoor storage of any usable material shall be permitted except in accordance with Section 10.12, E., 6., below.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, and outdoor dining facilities. The display of merchandise is permitted on sidewalks only subject to the following restriction:
 - a. Only merchandise for sale, including plants and gardening materials, may be displayed.
 - b. Displays are limited to the area directly in front of a commercial establishment offering the items for sale. The front of a commercial

- establishment shall be that side of a building where there is a public entrance.
- c. Displays may not be located within six feet of the edge of the sidewalk nearest the curb, and shall allow for six feet of clear width on the sidewalk in any case.
 - d. Displays shall not block ingress or egress to any entrances or exits or adjoining buildings or properties.
 - e. No stacks of any material or pallets higher than five (5) feet.
 - f. No such displays shall engage the use of electricity nor shall such displays be animated or use lights or noise making devices.
 - g. Cooking or grilling is not permitted anywhere on sidewalk nor in the parking areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
8. 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, T111 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 PO (PROFESSIONAL OFFICE BUILDING) ZONE**A. PERMITTED USES:**

1. Banks and other financial institutions, including loan, savings and finance companies with drive - in windows
2. Clinics - medical and dental
3. Day care facilities
4. Health clubs with indoor and outdoor court facilities
5. Offices
6. Off-street parking lots and/or garages
7. Police and fire stations
8. Post offices
9. Schools, for the purpose of career education

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 providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building.
 - a. Barber shops
 - b. Beauty shops
 - c. Coffee shops or refreshment stands
 - d. Eating and drinking places
 - e. Medical and dental laboratories
 - f. News and confectionery stands
 - g. Prescription pharmacies
5. Electro-mechanical games - being defined as electro-mechanical pin ball machines and video games specifically designed, constructed, set up, and kept to be played for amusement only.

C. CONDITIONAL USES: The following uses, or any customary accessory buildings or uses, in connection therewith, subject to the approval of the board of adjustment, as set forth in this Section 10.13, C. and in Sections 18.5 and 18.7 of this ordinance.

1. Restaurants, excluding drive-ins

2. Outdoor dining, in connection with a restaurant, 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 area.
 - d. Such area shall not be permitted to locate within any minimum required front, side, or rear yard.
 - e. Outdoor dining areas shall be operated no later than ten (10) o'clock p.m. on Sunday through Thursday inclusive, and no later than eleven (11) o'clock p.m. on Friday and Saturday.
 3. Barber and beauty shops
- D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Minimum Lot Area - Twenty two thousand five hundred (22,500) square feet.
 2. Minimum Lot Width at Building Setback Line - One hundred (100) feet.
 3. Minimum Front Yard Depth - Thirty (30) feet for the first two (2) stories, plus ten (10) feet for each additional story.
 4. Minimum Side Yard Width - Fifteen (15) feet plus five (5) feet for each additional story.
 5. Minimum Rear Yard Depth - Twenty-five (25) feet plus eight (8) feet for each additional story.
 6. Maximum Building Height - Eighty (80) feet.
 7. In the case of this zone, more than one principal building, as herein defined, 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.
 3. No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
 4. Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall

be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

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, the outdoor play areas of day care facilities, and outdoor dining facilities.

SECTION 10.16 SC (SHOPPING CENTER) ZONE**A. PERMITTED USES**

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

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

B. ACCESSORY USES

1. Customary accessory uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Electro-mechanical games - being defined as electro-mechanical pin ball machines and video games specifically designed, constructed, set up and kept to be played for amusement only
5. Recycling collection facility - being a building or trailer providing for a collection location for the temporary storage of recyclable materials; such facility shall be restricted to the side or rear yard area of shopping centers

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

1. Minimum building site area - Five (5) acres (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 site), and rear yards
3. Maximum building height - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. No outdoor storage of any usable material shall be permitted except in accordance with Section 10.14, D., 6., below.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas. The display of merchandise is permitted on sidewalks only subject to the following restriction:
 - a. Only merchandise for sale, including plants and gardening materials, may be displayed.
 - b. Displays are limited to the area directly in front of a commercial establishment offering the items for sale.
 - c. Displays may not be located within six feet of the edge of the sidewalk nearest the curb, and shall allow for six feet of clear width on the sidewalk in any case.
 - d. Displays shall not block ingress or egress to any entrances or exits or adjoining buildings or properties.
 - e. No stacks of any material or pallets higher than five (5) feet.
 - f. No such displays shall engage the use of electricity nor shall such displays be animated or use lights or noise making devices.
 - g. Cooking or grilling is not permitted anywhere on sidewalk nor in the parking areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicular access) and functional relationship 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, T111 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 CPUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Commercial-Planned Unit Development (C-PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of 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 a harmonious fashion; provide for more usable and suitably located open space facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Commercial-Planned Unit Development Overlay Zone may be permitted to be superimposed over any of the commercial (NC, SC, LHS, and PO) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable standards of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the C-PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the C-PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for a Commercial-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 utilize the C-PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
 - a. The application for a map amendment to overlay an area for a C-PUD and accompanying development plan shall be submitted to the planning commission.
 - b. 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 C-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.
- c. The legislative body, shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said C-PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose less stringent conditions than recommended 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., b., above. Approval of the C-PUD Overlay Zone shall require that development be in conformance with 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, and submitted to the planning commission, or its duly authorized representative, and the legislative body for its review and approval. Except for construction standards, the manner of submission and processing included in the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B., shall be substituted. 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 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 approved Stage I approved plan. The planning commission, or its duly authorized representative, in recommending approval of the Stage II plan, may include minor adjustments from the Stage I approved plan, provided that the adjustments do not: significantly affect the spatial relationship of structures, change land uses, increase overall density, 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.
 - 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, approve with conditions, or disapprove the Stage

II plan. The legislative body shall also take action to approve or disapprove any minor adjustments proposed to the approved Stage I plan.

Upon approval of the Stage II plan by the legislative body, 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. A copy of the approved Stage II plan shall also be forwarded to the planning commission for processing, as appropriate.

- c. Upon approval of the Stage II 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 the subdivision regulations, and its conformance with the Stage II approved plan. Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the county clerk to be recorded.
- D. **PRIMARY PERMITTED USES:** Permitted uses shall be as specified within the zones being overlaid. A minimum of seventy-five (75) percent of the floor space within a proposed C-PUD shall be primary permitted uses.
- E. **OTHER USES:** Permitted uses and conditional uses as specified in Section 10.12, Neighborhood Commercial Zone, Section 10.11, Limited Highway Service Zone, Section 10.13, Professional Office Zone, and Section 10.14, Shopping Center Zone, subject to all other requirements of this section. Additionally, the following uses may also be permitted:
1. Community centers, including day care facilities
 2. Fire and police stations
 3. Libraries
 4. Schools
- F. **AREA REQUIREMENTS:** No C-PUD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing C-PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- G. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan. A minimum fifty (50) foot setback shall be provided from adjacent residential areas and adjacent streets.

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- H. **OFF-STREET PARKING AND LOADING AND/OR UNLOADING:** Off-street parking and when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance. Parking may be permitted within required yards but no closer than fifteen (15) feet to the adjoining property.
- I. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
- J. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance and the Kenton County Subdivision Regulations.
- K. **OPEN SPACE:** At least ten (10) percent of the total acreage of the proposed C-PUD shall be retained as open space area. Open space area shall be that part of the total project exclusive of streets, parking areas, buildings, and other non open space. A landscape plan shall be submitted with the Stage II Plan and Record Plat.
- L. **SCREENING:** Shall be as provided within Section 9.17 of the zoning ordinance.
- M. Evaluation of the proposed development plan shall be based upon the following factors:
1. Agreement with the various elements of the Kenton County Comprehensive Plan.
 2. Adequacy of the proposed site, considering such factors as the sufficiency of the size to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
 3. Nature and extent of the proposed commercial types, proposed 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.
 4. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible with development contiguous to the site. Compatibility shall be reviewed in terms of intensity of land uses type in relation to the general character of the surrounding area; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provision 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.

5. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 6. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
 7. 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. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the City Administrative Officer or his designee, 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.
- O. **EXPIRATION:** Any amendments to the C-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 C-PUD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following condition applies:
1. Stage II Plan has not been submitted to the planning commission or its duly authorized representative within a period of twelve (12) consecutive months from the date of the Stage I approved plan and 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 legislative body, provided that an extension may be permitted upon

approval of the legislative body, 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 10.18 MLU (MIXED LAND USE) ZONE

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, commercial uses, retail and service uses, and residential 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 Mixed Land Use 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 MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for a Mixed Land Use Zone 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 Mixed Land Use (MLU) 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 MLU, 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 MLU 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 ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said C-PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose less stringent 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.

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 MLU 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:

1. Residential - including single-family and two-family. Residential development shall not occupy a cumulative total of more than ten (10) percent of the area within the MLU. Residential uses which are located above nonresidential uses shall not be considered to be a part of this cumulative total
2. Offices
3. Restaurants, excluding drive-ins and drive-thrus
4. Retail and service uses, excluding drive-ins, as follows:
 - a. Advertising agency
 - b. Antique shop
 - c. Apparel shop
 - d. Appliance shop - electrical and household
 - e. Appliances - office
 - f. Art and art supplies
 - g. Bakery shop
 - h. Banks, finance companies, savings and loans, and financial institutions
 - i. Book shops
 - j. Cafeterias
 - k. Camera supplies
 - l. Candy store
 - m. Clinics - medical and dental
 - n. Clothing store
 - o. Clubs - business, YMCA, YWCA
 - p. Coffee shop
 - q. Computer or internet based game facilities, specifically excluding: (1) electro-mechanical games such as pinball/video machines; (2) coin or paper money operated machines; or (3) the activity, business or content of any such games that contain material which is regulated in Section 9.29 of this ordinance relating to the Regulations of Sexually Oriented Businesses
 - r. Convenience store - drug, fruit, grocery, meat, pharmacy, vegetables
 - s. Craft shops
 - t. Day care facilities
 - u. Dry cleaning pick-up
 - v. Electronics supplies or sales

- w. Florist shop
 - x. Food store
 - y. Garden supplies
 - z. Gift shop
 - aa. Glass store
 - bb. Hair stylist
 - cc. Hardware store
 - dd. Hobby shop
 - ee. Ice cream store
 - ff. Interior decorator
 - gg. Jewelry store
 - hh. Laboratory - medical and dental
 - ii. Laundry pick-up
 - jj. Leather goods
 - kk. Locksmith shop
 - ll. Luggage shop
 - mm. Music shop
 - nn. Office furniture
 - oo. Office supplies
 - pp. Optical goods and supplies
 - qq. Optician and optometrist
 - rr. Paint store
 - ss. Pet shop
 - tt. Pharmacy
 - uu. Photographic supplies
 - vv. Pottery store
 - ww. Record shop
 - xx. Shoe repair shop
 - yy. Shoe store with incidental repair
 - zz. Soda fountain
 - aaa. Souvenir shop
 - bbb. Sporting goods
 - ccc. Stationary shop
 - ddd. Studio - decorating, photo
 - eee. Tailor shop
 - fff. Toy store
 - ggg. Travel agency
 - hhh. Video rental
 - iii. Wallpaper store
5. Public and semi-public structures and uses as delineated on the plan and limited to one or more of the following uses:
- a. Fire and police station
 - b. Post office branch

- c. Schools (elementary and secondary)
- d. Libraries

E. ACCESSORY USES:

- 1. Customary accessory buildings and uses

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

- 1. Outdoor dining, in connection with a restaurant, provided that such area meets the following requirements:
 - a. Such area shall be designated 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 percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
 - d. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday.
- 2. Home improvement store

G. AREA REQUIREMENTS:

- 1. No MLU Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned MLU, provided it is adjacent to an area that is currently zoned MLU.
- 2. The minimum area for submission of a Stage I Development Plan, within an existing MLU 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 MLU 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. In addition to access to the site via a major arterial or collector street, other connections to a local street network may be permitted as approved in the Stage I Development Plan.

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

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- 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.
- 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 as approved in the 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. RECREATION AND OPEN SPACE: At least twenty (20) percent of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of buildings, parking areas, access drives and streets. At such time as the Stage II Development Plan for a particular development is submitted to the planning commission, or its duly authorized representative, notwithstanding Subsection C., 2., a., open space requirements of less than twenty (20) percent may be considered for the development if unique topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or are adjacent to the site.
- N. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Kenton County 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 MLU Zone.
 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.
- 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 MLU 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 submitted to the planning commission or its duly authorized representative 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.

SECTION 10.19 MBLU (MIXED BUSINESS LAND USE) ZONE

- A. **PURPOSE:** The purpose of the Mixed Business Land Use (MBLU) Zone is to provide for the combining of offices, commercial uses, retail, limited residential uses provided it is located above other permitted uses, and service 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 Mixed Business Land Use 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 MBLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MBLU application.
- C. **APPLICATION AND PROCESSING:** All developments within the MBLU Zone must be approved through the Stage I/Stage II Development Plan process described herein. Applications for a Mixed Business Land Use Zone 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 Mixed Land Use (MBLU) 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 MBLU, or the map amendment is proposed by the legislative body, 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 MBLU 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 Plan and the bases for their recommendation.

- b. The legislative body shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said Stage I Development Plan application. Such action may incorporate any conditions imposed by the planning commission.

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 MBLU 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 therefor. 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 by the City Administrative Officer or his designee, 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 city's chief administrative official, or his/her representative: 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 basis for their recommendation.

- b. The city's chief administrative official, or his/her duly authorized representative, shall, within forty five (45) 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 chief administrative official, or his/her duly authorized representative, 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.

- 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:

1. Offices, including medical and dental offices
2. Restaurants, excluding drive-ins and drive-thrus, except as are permitted as Conditional Uses
3. Retail and service uses, excluding drive-ins unless specifically authorized by the use herein, as follows:

- a. Advertising agency

- b. Antique shop
- c. Apparel shop
- d. Appliance shop - electrical and household
- e. Appliances – office
- f. Art and art supplies
- g. Bakery shop
- h. Banks, with drive-thru windows permitted
- i. Book shops
- j. Cafeterias
- k. Camera supplies
- l. Candy store
- m. Clinics - medical and dental, including urgent care and emergency room
- n. Clothing store
- o. Clubs - business
- p. Coffee shop, with drive-thru windows permitted
- q. Craft shops
- r. Day care facilities
- s. Dry cleaning pick-up, with drive-thru windows permitted
- t. Electronic supplies or sales
- u. Finance company, financial institutions
- v. Florist shop
- w. Food store
- x. Garden supplies
- y. Gift shop
- z. Glass store
- aa. Grocery stores, with drive-thru windows permitted
- bb. Hair stylist
- cc. Hardware store
- dd. Health clubs
- ee. Hobby shop
- ff. Ice cream store, with drive-thru windows permitted
- gg. Interior decorator
- hh. Jewelry store
- ii. Laboratory - medical and dental
- jj. Laundry pick-up
- kk. Leather goods
- ll. Luggage shop
- mm. Music shop
- nn. Office furniture
- oo. Office supplies
- pp. Optical goods and supplies
- qq. Optician and optometrist
- rr. Pet shop
- ss. Pharmacy, including drive-thru windows and other retail sales

- tt. Photographic supplies
- uu. Pottery store
- vv. Record shop
- ww. Savings and loan
- xx. Shoe store with incidental repair
- yy. Soda fountain
- zz. Souvenir shop
- aaa. Sporting goods
- bbb. Stationary shop
- ccc. Studio - decorating, photo
- ddd. Tailor shop
- eee. Toy store
- fff. Travel agency
- ggg. Wallpaper store

4. The following public and semi-public structures and uses may be permitted in the MBLU Zone, which shall be delineated on the plan and shall be limited to one or more of the following uses:

- a. Fire and police stations
- b. Libraries
- c. Park

E. ACCESSORY USES:

- 1. Customary accessory buildings and uses
- 2. Swimming pools, indoor or outdoor, in connection with hotels, residential amenity, or health clubs

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

- 1. Outdoor dining, in connection with a restaurant, provided that such area meets the following requirements:
 - a. Such area shall be designated 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 percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment, unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
 - d. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday.

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2. Drive through window service for restaurants, subject to the following conditions and limitations:
 - a. The hours of operation of the drive-thru service shall be limited to six (6:00) A.M. to eleven (11:00) P.M.
 - b. The sound pressure level from any speaker or order station may not exceed 60 decibels, as provided for in Section 15.2,C.
 - c. The speaker or order station shall not be located on any wall or in any yard of a building adjacent to any area which is either zoned for or developed in residential use, or located within one hundred (100) feet of such use.
 3. Hotels, not including motels.
 4. Service stations, but not including automobile repair, maintenance and washing, and excluding the storage of junk materials, subject to the following conditions and limitations:
 - a. The hours of operation of the service station shall be limited to five (5:00) A.M. to eleven (11:00) P.M.
 - b. The service station shall be directly connect to an major arterial or collector street, shall not be permitted within one hundred fifty (150) feet of any residential zone or use if the service station is separated from the residential zone or use by an major arterial or collector street, or within three hundred fifty (350) feet of any residential zone or use not separated from the residential zone or use by a collector or arterial street.
 5. Convenience store - drug, fruit, grocery, meat, vegetables
 6. Home improvement store
 7. Residential – provided such uses are located above non-residential uses otherwise permitted in this Zone and further provided that the maximum density shall not exceed 40 units per net acre within the Stage I Development Plan area. Additionally, in no event shall residential uses comprise more than 30% of the land area in the zone.
- G. AREA REQUIREMENTS:
1. No MBLU Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be zoned MBLU, provided it is adjacent to an area that is currently zoned MBLU.

2. The minimum area for submission of a Stage I Development Plan, within an existing MBLU Zone, shall be not less than three (3) acres. However, a Stage I Development Plan may be submitted for an area of less than three (3) acres, provided it is adjacent to and extends the existing Stage I Development Plan and conforms to requirements of the MBLU 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. In addition to access to the site via a major arterial or collector street, where practical, other connections to a local street network should be provided as approved in the Stage I Development Plan.
- I. HEIGHT, YARD, AND SETBACK REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Where any use permitted in this zone abuts a residential zone, a minimum fifty (50) foot setback shall be provided from adjacent residential areas with screening to be provided as required in Section 9.17 of the zoning ordinance.
 2. All other requirements shall be as approved in the plan.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: To promote flexibility in design to achieve a planned development that establishes strong connectivity between uses and encourages all modes of transportation, off-street parking shall be as approved in the plan provided it is not less than 70% of the parking requirement per Section 11.2, a parking study is submitted, and the design and layout meet the requirements of Section 11.1. Loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.
- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as provided in Articles XIII and as approved in the 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 Kenton County 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 MBLU Zone.
 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. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the City Administrative Officer or his designee, shall be made in accordance with the procedure required by Subsection C., of this section.

- O. EXPIRATION: Development plans within the MBLU 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, including written notification to the owners for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Plan has not been submitted to the planning commission, or its duly authorized representative, 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 legislative body; 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.
- P. OTHER DEVELOPMENT CONTROLS:
1. No lighting shall be permitted which would glare from this zone into any adjacent residential property.
 2. Other development controls may be imposed and shall be as provided in the Stage I and Stage II approved plans.

SECTION 10.20 PO-1 (PROFESSIONAL OFFICE - ONE) ZONE

- A. **PURPOSE:** To allow appropriate non-residential uses to integrate with single-family dwellings, while preserving the residential character of the buildings in the zone, and not interfering with existing dwellings in adjacent zones.
- B. **PERMITTED USES**
1. Bed and breakfast establishments
 2. Police and fire stations
 3. Professional offices
 4. Single-family dwellings
- C. **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
- D. **AREA AND HEIGHT REGULATIONS:** No buildings shall be structurally altered or demolished hereafter, in such way that as observed by a reasonable person, it would contrast or conflict with the residential architectural style and accessory uses that now exist in this zone, however, all approved alterations shall be in accord with the following requirements:
1. Minimum Lot Area - Six thousand five hundred (6,500) square feet, except for bed and breakfast establishments which shall have a minimum lot area of ten thousand (10,000) square feet.
 2. Minimum Lot Width At Building Setback Line - Fifty (50) feet, except for bed and breakfast establishments which shall have a minimum lot width at building setback line of ninety (90) feet.
 3. Minimum Front Yard Depth - Thirty (30) feet.
 4. Minimum Side Yard Width - Total: Fifteen (15) feet; One Side: Five (5) feet, zero (0) if abutting a PO or PO-1 zone.
 5. Minimum Rear Yard Depth - Fifty (50) feet.
 6. Maximum Building Height - Thirty-five (35) 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. Parking may be permitted on street, provided a study is prepared by the owner or operator

in compliance with Section 11.2, H., and it is determined that the on street parking will not over burden the area.

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 in compliance with Section 9.17 of this ordinance.
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 this zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
8. All utilities shall be underground when new development occurs.
9. For the purposes of minimum size of new zones per Article XVII.F the area of an abutting PO zone may be included with the PO-1 zone to meet minimum area requirements.