

**SECTION 10.27 COMMUNITY COMMERCIAL (CC) ZONE**

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

recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

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

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

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
  - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the

spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his/her duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

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

C. PERMITTED USES:

1. Business equipment sales and service
2. Business support services
3. Cultural exhibits and libraries
4. Day Care Center
5. Dwelling units, provided they are not located on the ground floor
6. Eating and drinking establishment
7. Entertainment (not including Sexually Oriented Businesses, see Section 9.33)
8. Financial services
9. Food and beverage sales, retail
10. Medical services
11. Offices
12. Personal Improvement services
13. Retail sales and service

D. ACCESSORY USES:

1. Customary accessory structures and uses.

2. Fences and/or walls, as regulated by Article XIII of this ordinance.
  3. Signs, as regulated by Article XIV of this ordinance.
- E. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One - half (1/2) acre.
  2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
  3. Maximum Impervious Surface Ratio - Seventy (70) percent.
  4. Maximum Building Height – Forty-five (45) feet.
  5. Structures shall be limited to a maximum size of 50,000 square feet,
  6. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.
- F. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) feet shall be provided, fifty (50) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. This area shall remain open and not permit off - street parking and loading and/or unloading areas.
- G. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- H. OTHER DEVELOPMENT CONTROLS:
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
  2. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
  3. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
  4. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
  5. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:
    - a. off - street parking and loading and/or unloading areas.
    - b. outdoor play areas of a child day care center.
    - c. areas used for the dispensing of fuel.
  6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.

7. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
  8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  9. Sidewalks shall be required when any new development occurs.
  10. All utilities must be underground when any new development occurs.
  11. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
  12. Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. In no case shall the minimum planting strip be required to exceed the minimum setback requirement established for this zone.
  13. Business buildings within this zone may outline the top of the building on three (3) sides with a single strand of LED building accent lights.
  14. No lighting shall be permitted that would glare from this zone onto any street or into any residential zone
  15. No Animated, projecting, revolving, and moving lights, including those which create the appearance of animation, projection, revolving, or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity shall be permitted.
- I. CRITERIA: Evaluation of the proposed Community Commercial (CC) Zone and/or development plan shall be based upon the following criteria:
1. Design
    - a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
    - b. Extent to which the proposed development plan is consistent with the purpose of the Community Commercial (CC) Zone.
    - c. The extent to which structures proposed in the development plan use the same, or similar exterior finishes and colors that would complement newer buildings in the mixed use area.
    - d. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
    - e. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
    - f. Unless specifically approved by the city's chief administrative official, or his/her duly authorized representative or city council, exterior building materials shall be chosen from the following:
      - (1) Brick and tile masonry

- (2) Stucco (cementitious finish)
  - (3) Native stone (or synthetic equivalent)
  - (4) Pre-cast masonry (for trim and cornice elements only)
  - (5) Gypsum reinforced fiber concrete (GFRC – for trim elements only)
  - (6) Exterior Insulation Finish System fascias, with moderate finish texture
- g. Unless specifically approved by the city council, roofs shall adhere to the following design standards:
- (1) Parapet: Parapets shall not exceed fifteen (15) feet as measured from the top of the roof deck and shall conceal flat roofs and shall be in proportion to the supporting walls. (see figure 1)

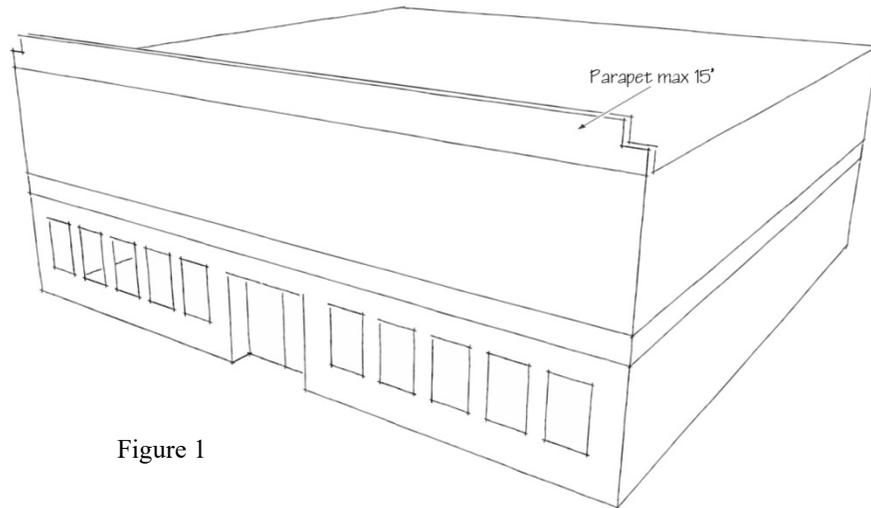


Figure 1

- (2) Cornice: Cornices shall be three-dimensional. (see figure 2)

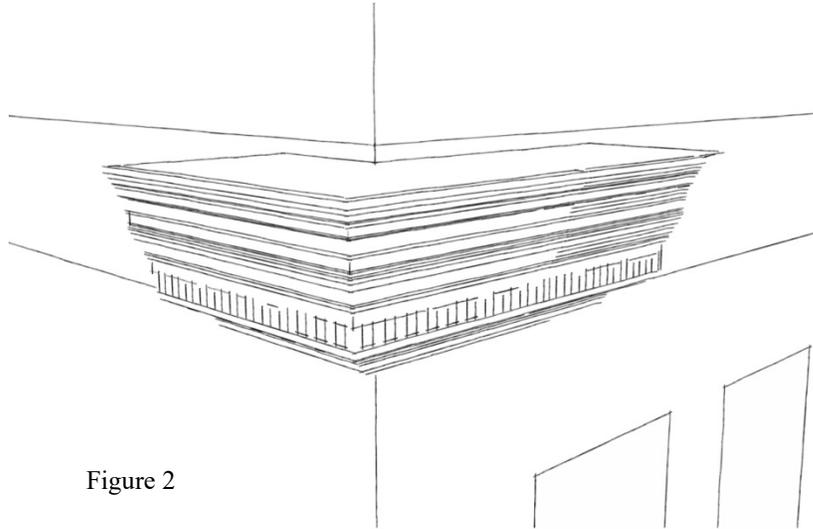


Figure 2

- (3) **Minimum Eave/Overhang Width:** Pitched roofs shall have eaves and overhangs equal to or greater than twelve (12) inches in depth. Depth shall be determined prior to the installation of masonry. (see figure 3)

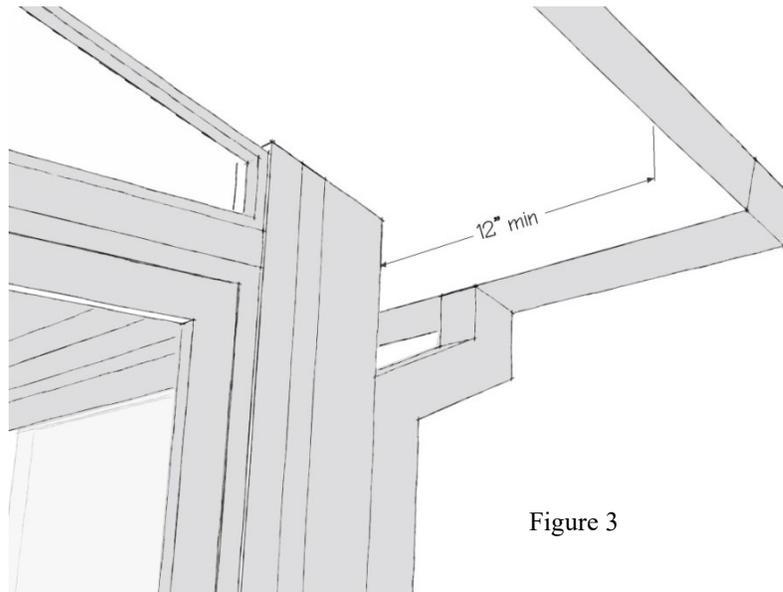
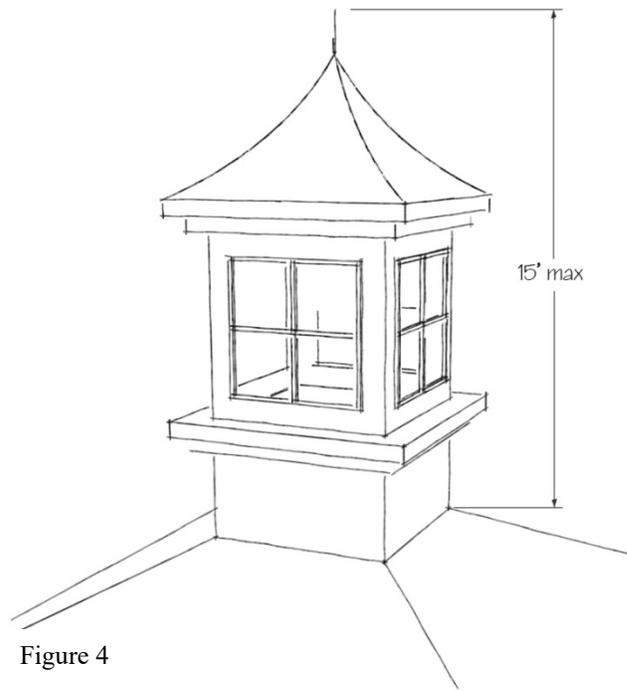


Figure 3

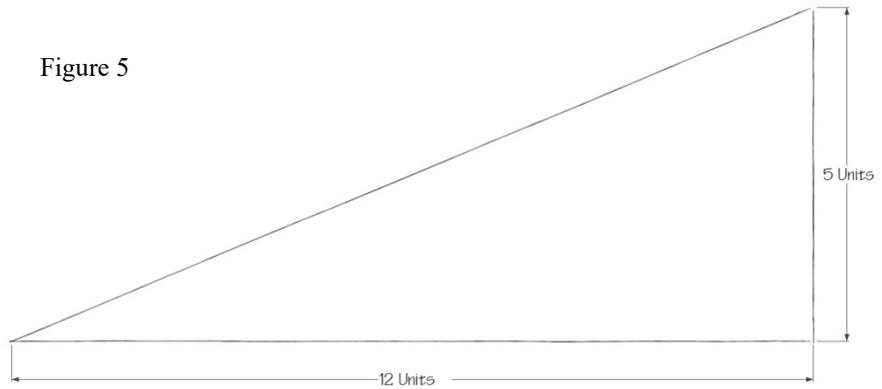
- (4) **Cupola:** Cupolas shall not exceed fifteen (15) feet past the base roofline. (see figure 4)



(5) Pitched Roofs:

- i. Minimum Pitch: 5 (vertical units): 12 (horizontal units). (see figure 5)

Figure 5



- ii. Planes: Pitched roofs shall be comprised of three (3) or more roof slope planes. (see figure 6)

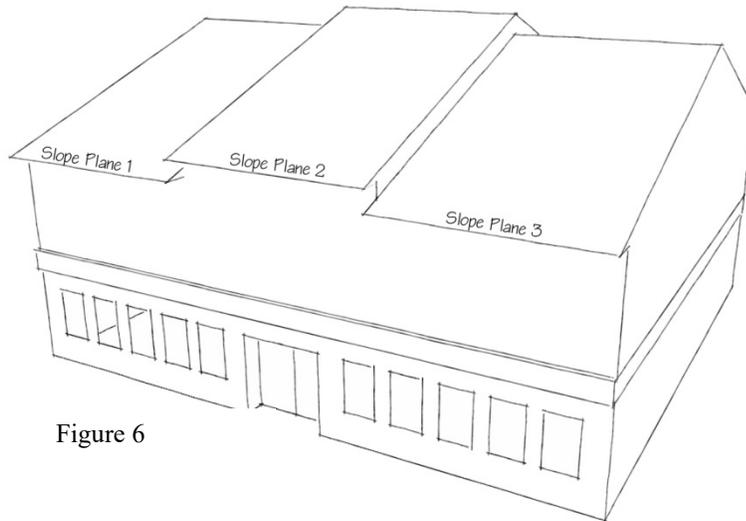


Figure 6

- iii. **Materials:** Pitched roofs shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt/fiberglass shingles. Metal roofs shall have a low-gloss finish to reduce glare.
- (6) **Flat Roofs:** Mechanical equipment must be screened.
- (7) **Variation in Roofline:** For buildings with elevations in excess of one hundred (100) feet in length, a variation in roofline shall be employed for architectural interest and to reduce the apparent scale of the buildings.
- i. **Wall Planes:** For every fifty (50) feet of building facade as measured horizontally, there shall be a minimum of four percent (4%) projection or recess in the facade (vertical plane). Any wall exceeding fifty (50) feet in length shall include at least one (1) change in wall plane. Absolute minimum changes in plane shall be two (2) feet. The projection or recess can be realized with setbacks of the building facade, but also with architectural elements that include but are not exclusive of arcades, columns, ribs, piers, and pilasters.
2. **Circulation**
- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed

traffic improvements that would correct such deficiencies may be considered.

- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

### 3. Open Space

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

### 4. Utilities

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

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

K. **EXPIRATION:** Development plans within the Community Commercial (CC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a

request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Community Commercial (CC) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

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