

SECTION 10.19 MLU MIXED LAND USE ZONE:

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, hotels and motels and residential uses with secondary retail and service uses within a planned development. Such development is intended to be designed to provide for an internally oriented 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 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 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 - 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 paragraph (B) Section 10.13D Stage I Development Plan. If an area, however, is zoned MLU at the time the original zoning for the area is established (through annexation) the submission of the Stage I development plan for review by the planning commission, 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 (development plan Stage I 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 purposes of the MLU Zone, the required elements of the Stage I Plan and other applicable requirements of this section.
 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 10.12, E, 1 F2, 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 10.12, E. 1 and 2 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 Development Plan with regard to its compliance with the required elements of Section 10.12, E, 1 and 2 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).
- b. Upon approval of the Stage II plan by the Planning Commission, 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.
- c. Upon approval of the Stage II plan, the planning commission shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 10.12, E.1 and 2 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. **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. Hotels and Motels
2. Learning for continuing education programs
3. Manufactured, assembly and storage of electronic and radio frequency equipment and related products which are, in part, related to a cooperative program with an accredited college or university and located on a single tract of land not less than twenty (20) acres
4. Offices and research laboratories
5. Restaurants (sit down only)
6. Residential – Including single family attached and detached, two family and multi-family

E. ACCESSORY USES:

1. Customary accessory buildings and uses
2. Retail and service uses, as listed below, may be included as part of the development, provided said uses are entered from within any of the permitted uses listed above or are developed as an integral part of the proposed development. Said uses shall be internally oriented to the development and shall serve as a convenience to any of the occupants thereof, their patients, as a convenience to the client or customers, and further provided that no exterior advertising signs shall be visible from outside the area of the approved development:
 - a. Apparel shop
 - b. Art and art supplies
 - c. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - d. Banks and other financial institutions, including savings, loan and finance companies
 - e. Barber and beauty shops
 - f. Book, stationary or gift shops
 - g. Camera and photographic supplies
 - h. Candy store, soda fountain, ice cream store, excluding drive-ins
 - i. Drug store
 - j. Eating and drinking places, including entertainment facilities
 - k. Florist shop
 - l. Glass, china
 - m. Haberdashery
 - n. Health spas
 - o. Hobby shop
 - p. Interior decorating studio
 - q. Jewelry store, including repair
 - r. Leather goods, and luggage store
 - s. Music, musical instruments and records, including incidental repair
 - t. Opticians and optical goods
 - u. Package liquor and wine store
 - v. Post office
 - w. Shoe store with incidental shoe repair
 - x. Sporting goods, studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
 - y. Toy store

- F. PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the MLU Zone. 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. Government offices
 6. Libraries
 7. Open space/recreation areas
 8. Schools (elementary and secondary)
- G. **AREA REQUIREMENTS:** No MLU Zone shall be permitted on less than 5 acres of land. However, development of a small tract adjacent to an existing MLU Zone may be permitted, if the proposed development conforms to and extends the original developments as if the new area had been a part of the original development.
- H. **ACCESS REGULATIONS:** Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.
- I. **HEIGHT, YARD AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan except that no building shall exceed forty (40) feet or three (3) stories in height unless such building is set back from the street right-of-way line a distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of fifteen (15) feet from side yard and twenty-five (25) feet from rear yard, plus two (2) feet on each side and rear yards for each foot of height in excess of forty (40) feet. In addition to the above requirements any such building shall provide a pad to support a fire truck within twenty (20) feet of said building.
- 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 XII and XIII of this ordinance.
- K. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be approved in the plan.
- L. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.
- M. **OPEN SPACE/RECREATION AREA:** At least 20% 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 parking areas, access drives and streets.

- N. 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.
- O. EXPIRATION: Development plans within the MLU 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 the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition apply:
1. Stage II Plan has not been approved by the planning commission within a period of 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 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.