

## SECTION 10.20 DI (DOWNTOWN INDEPENDENCE) ZONE

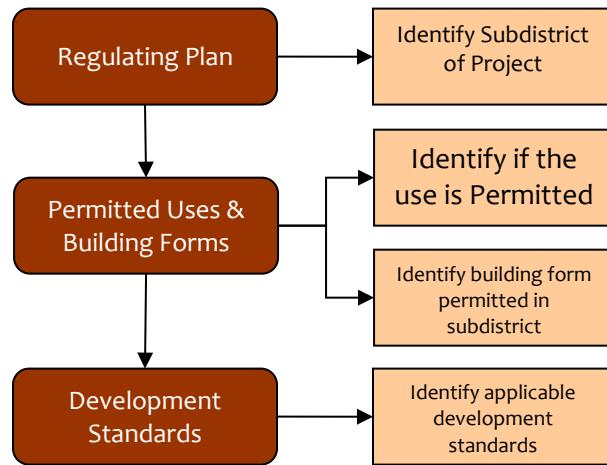
- A. PURPOSE: The purpose of the Downtown Independence (DI) Zone is to provide for a pedestrian friendly, mixed use corridor that is compatible with adjacent residential neighborhoods and is consistent with the *Independence Community Small Area Study*'s recommended land use and transportation goals, objectives, policies, and strategies including:
1. Ensuring new development contributes positively to established residential neighborhoods and their character, and provides a transition between commercial development and adjacent residential neighborhoods.
  2. Enhancing convenience, ease, and enjoyment of transit, walking, shopping, and public gathering within the downtown.
  3. Providing an appropriate mix of commercial, office, and residential uses that work together to create a harmonious streetscape.
  4. Establishing building form and architectural standards compatible with the historic character of the area.

This zone is intended to assist in the redevelopment of the Downtown Independence area so that it may serve as a destination for residents and those who work in this area to live, work, and access retail, office, and service uses. The DI Zone regulations promote historically sensitive site design, create a sense of place within the corridor, and provide a livable environment for existing residents while enhancing the value and aesthetics of the surrounding community.

B. CONFLICT

1. In any case where the standards and requirements of the DI Zone conflict with those of other provisions of the Independence Zoning Ordinance, the standards and requirements of the DI Zone shall apply.
2. Illustrations in this Section are intended to illustrate building forms that are typically seen in the existing context and to demonstrate how measurements are made. They do not illustrate the full range of possible building forms or outcomes allowed within the standards. Parking areas that are shown are intended to illustrate general parking locations and access only and do not illustrate off-street parking, landscaping, or buffer requirements. In the event of a conflict between illustrations and standards in the text, the text standards shall apply.

### C. HOW TO USE THE DI ZONE



### D. APPLICABILITY

The requirements of the DI Zone shall be applied in accordance with Table 10.20-A. Each development shall, in themselves, comply with the regulations, but shall not require the retrofitting of the existing elements to comply with the code. For instance, an addition onto the rear of a building only would not require the front of the building to be retrofitted to meet the transparency, entry features, etc., provisions that would apply only to the front of the building.

The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements contained herein. Existing single- and two-family homes that are partially or fully destroyed may be rebuilt as a matter of right, as long as they are not expanded beyond the footprint of the original structure.

Table 10.20 – A, Applicability Chart

	Development Standards					Architectural Standards								Stage II/City Council Approval	Administrative Approval
	Building Placement	Building Height	Building Width/Frontage	Off-Street Parking Placement	Permitted Uses	Transparency	Articulation/Building Massing	Required Entry Features	Roofs	Parking Requirements	Signs	Lighting	Landscaping		
<b>Mixed Use, Commercial, Institutional, and Off-Street Parking</b>															
<b>New Construction</b>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Change of Use/Expansion of Use (within an existing building)</b>					X					X	X	X			X
<b>Expansion of Building Area</b>															
0%-25% Expansion	X	X			X		X			X	X				X
26%-50% Expansion	X	X	X	X	X	X	X	X	X	X	X		X		X
51% or Greater Expansion	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Expansion of Parking Area</b>															
Up to 10 Spaces					X					X		X			X
11 or More Spaces					X					X	X	X			X
<b>Façade Changes</b> (increase or decrease in windows, entry features, or material changes)					X	X	X	X			X	X			X
<b>Single-Family and Two-Family</b>															
<b>New Construction</b>	X	X			X			X	X						X
<b>Change of Use</b>					X					X					X
<b>Addition of a Detached Accessory Structure Associated with an Existing Use</b>	X														X
<b>Expansion of Existing Structure</b> (addition, deck, sun room, porch)	X														X
<b>Major Subdivision</b>	X	X			X			X	X						X

## E. APPLICATION AND PROCESSING

Developments within the DI Zone require review and approval in accordance with the following procedures:

### 1. Administrative Approval

- a. Any development that requires an administrative approval in Table 10.20-A will need to submit an application, fees, a site plan as regulated by Section 9.19 of this ordinance, and any other information that is required by the City for zoning and/or building permits.
- b. The City Administrator, or his or her designee, reserves the right to require City Council approval for developments whose scope is deemed to have an important location along the corridor, an

important significance to the City or region, or a significant impact on the corridor or surrounding areas.

- c. Any request for modifications pursuant to Section 10.20, O., must be reviewed and approved by the City Council.
  - d. Prior to filing for a zoning and/or building permit, the developer, petitioner, applicant, or property owner is encouraged to attend a pre-application meeting with City staff to discuss the proposed development and identify any issues in applying the DI Zone.
2. Stage II Development Plan/City Council Approval
- a. Any development referred to the City Council for approval pursuant to Section 10.20, E., 1., b., and c., does not require a Stage II Development Plan. However, the City Council reserves the right to require a Stage II Development Plan if it is deemed to be necessary because of the scope, location, or potential impact of the project.
  - b. Prior to filing for a Stage II Development Plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/PDS staff to discuss the development review process and the requirements of the zoning ordinance.

The pre-application meeting is intended to discuss the proposed development and identify any issues in applying the DI Zone. The applicant shall include a conceptual development plan encompassing the proposed street and pedestrian networks and the proposed types of land uses. The applicant should also be prepared to discuss the proposed building façades and finish materials, the area, height and amount of proposed signage, as well as other design features, if applicable. Any plans brought to the pre-application meeting do not have to be engineered drawings, but should be clear enough to convey the nature and character of the proposed development.

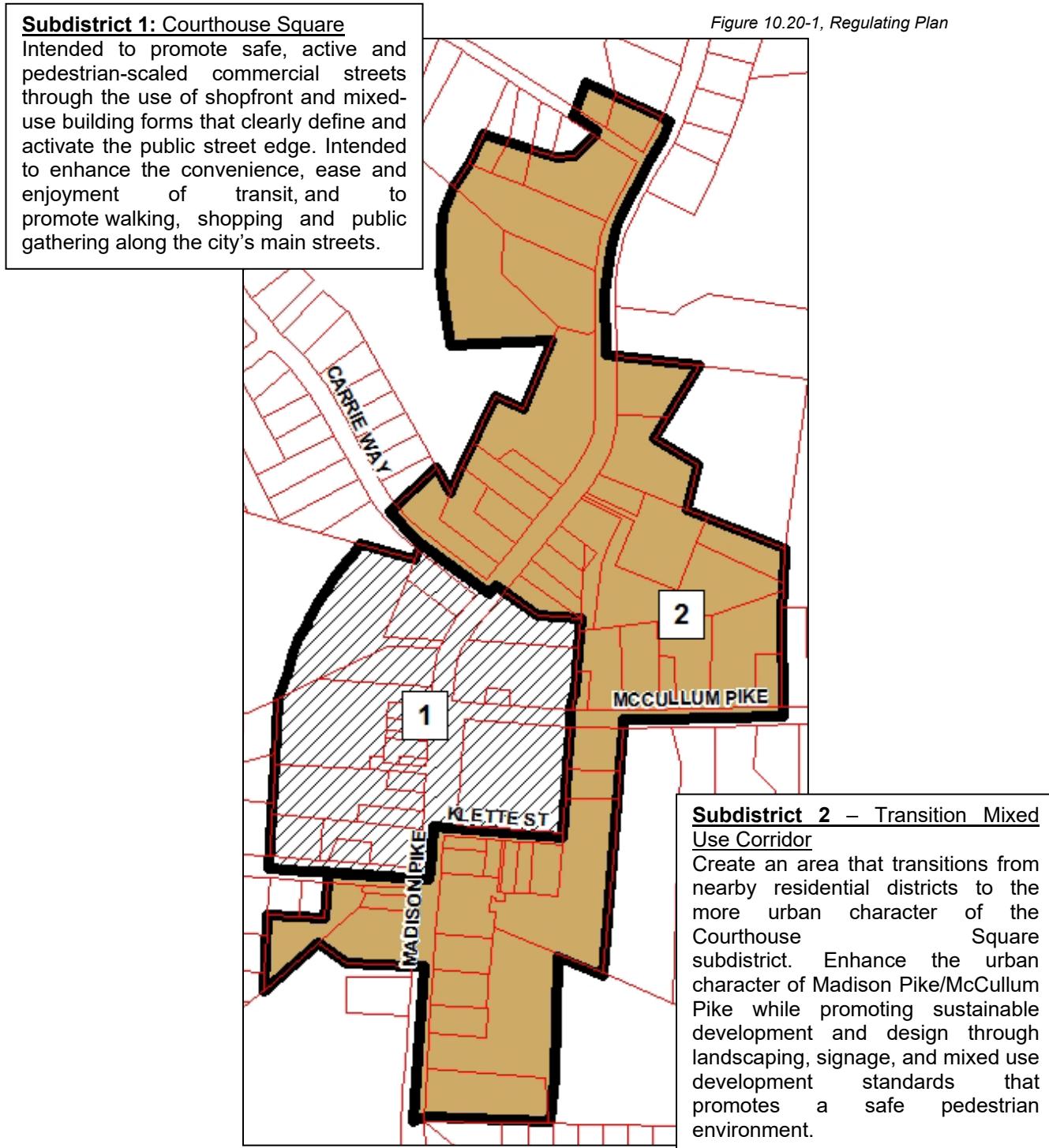
No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form.

- c. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the Independence City Council.
  - d. The City Council 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, if applicable.

Upon City Council approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's 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.
  - e. Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans.
- 3. Applications for a map amendment to the DI Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.

## F. REGULATING PLAN

The Regulating Plan is the guiding map for the implementation of the DI. The regulating plan shows the subdistricts that govern the development standards for each property.



## G. BUILDING FORMS

Figure 10.20-2, Residential Building Forms

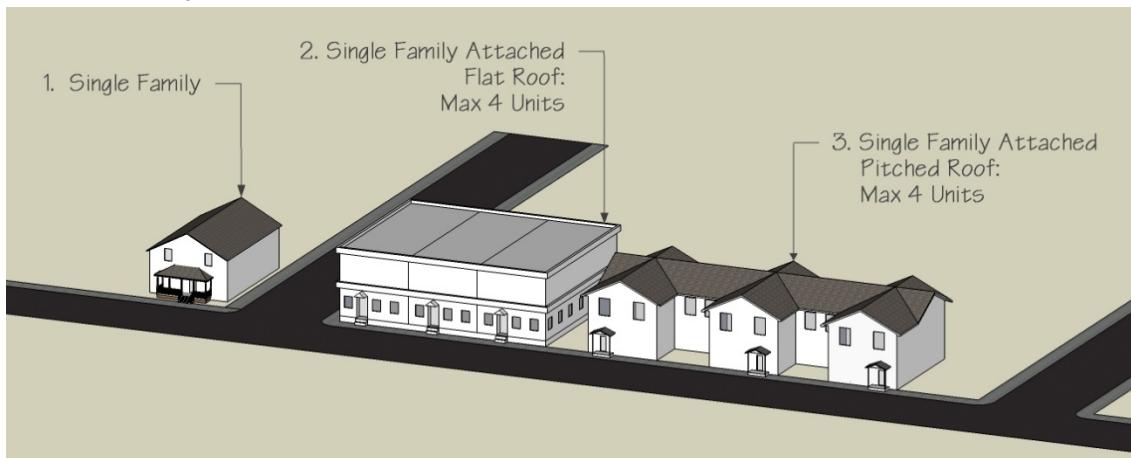
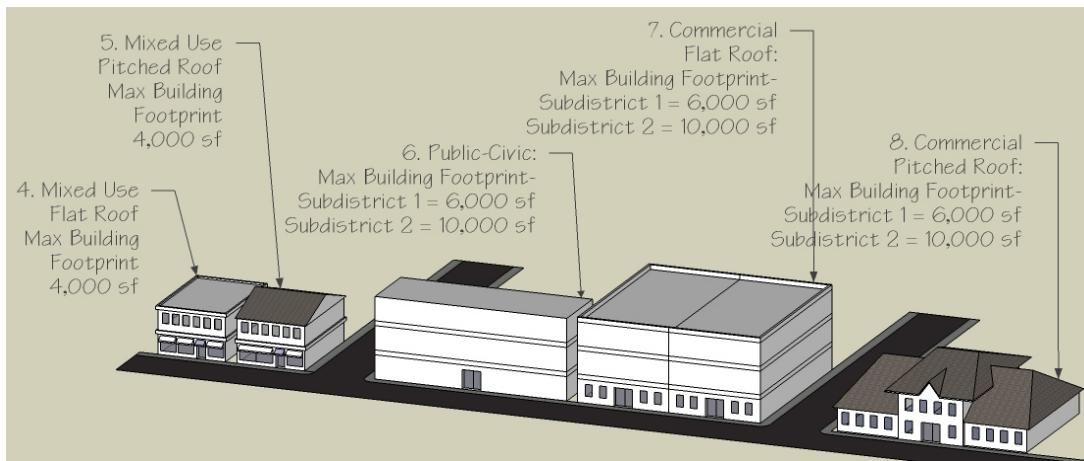


Figure 10.20-3, Commercial Building Forms



## H. DEVELOPMENT STANDARDS

The Development Standards for each Subdistrict are divided into two parts. The tables contain specific development standards for each subdistrict where the building form is permitted. The illustrations are graphical representations of the standards and should be used to facilitate the understanding of each table. The letters in each table correspond to the letters in the accompanying illustrations.

Forms - Key	
Single Family	1
Single Family Attached, Flat Roof	2
Single Family Attached, Pitched Roof	3
Mixed Use, Flat Roof	4
Mixed Use, Pitched Roof	5
Public-Civic	6
Commercial, Flat Roof	7
Commercial, Pitched Roof	8

Table 10.20-B - Standards

**SUBDISTRICT 1 - Courthouse Square**

Building Placement		
	Min	Max
<b>A</b> Front	0'	15'
<b>B</b> Side*	0'	15'
<b>C</b> Rear	15'	

\*If shared drive is provided, then max is 20'

Building Height		
	Min	Max
<b>D</b>	2 stories	3 stories
Building height must be comprised of actual stories, not merely façade treatment.		

Façade Transparency Facing a Public Street	
<b>E</b> Ground Floor	60% Minimum
<b>F</b> Upper Floors	40% Minimum
Max length of blank wall	30'

Building Width/Frontage	
75% of primary structure width must be within 15' of front property line. (see figure 10.20-5)	

Required Entry Features (must choose one*)	
Entry Feature	Building Form
Canopy	4,5,6
Gallery	4,6
Recessed Entry	4,6
Corner Entry	4,5,6
Awning	4,5,6
Arcade	4,5,6
Stoop	4,5

\*If outdoor dining area is provided, then Entry Feature is not required

Off-street Parking	
Location	
<b>H</b> Front Setback	15'
<b>I</b> Side Setback	0'
<b>J</b> Rear (adjacent to Residential)	10'
<b>K</b> Rear (adjacent to other than residential)	5'

\*Number of off-street parking spaces shall be determined by the applicant as shown on the Stage II Development Plan.

Building Massing		
Building Division	Minor	Major
	20'	50'
Horizontal articulation - see section 10.20.J.1		
Permitted Uses		
	Forms	
Animal Services	4,5	
Art galleries & studios	4,5,6	
Building maintenance services	4,5	
Business equipment sales & services	4,5	
Business support services	4,5	
Colleges & Universities	6	
Communication service	4,5	
Cultural exhibits & libraries	4,5,6	
Day care	4,5	
Eating/drinking establishments	4,5	
Entertainment	4,5	
Financial Services	4,5	
Food & Beverage sales, retail	4,5	
Hospital	6	
Medical service	4,5	
Neighborhood retail sales & service	4,5	
(for reference, see NC Zone Permitted Use List)		
Office	4,5	
Personal improvement service	4,5	
Pharmacy/Drug Store	4,5	
Postal services	4,5,6	
Religious Assembly	6	
Laundry service	4,5	
Residential (Upper floors only)	4,5	
Safety Services	4,5,6	
Schools	6	

Figure 10.20-4, Subdistrict 1 Standards

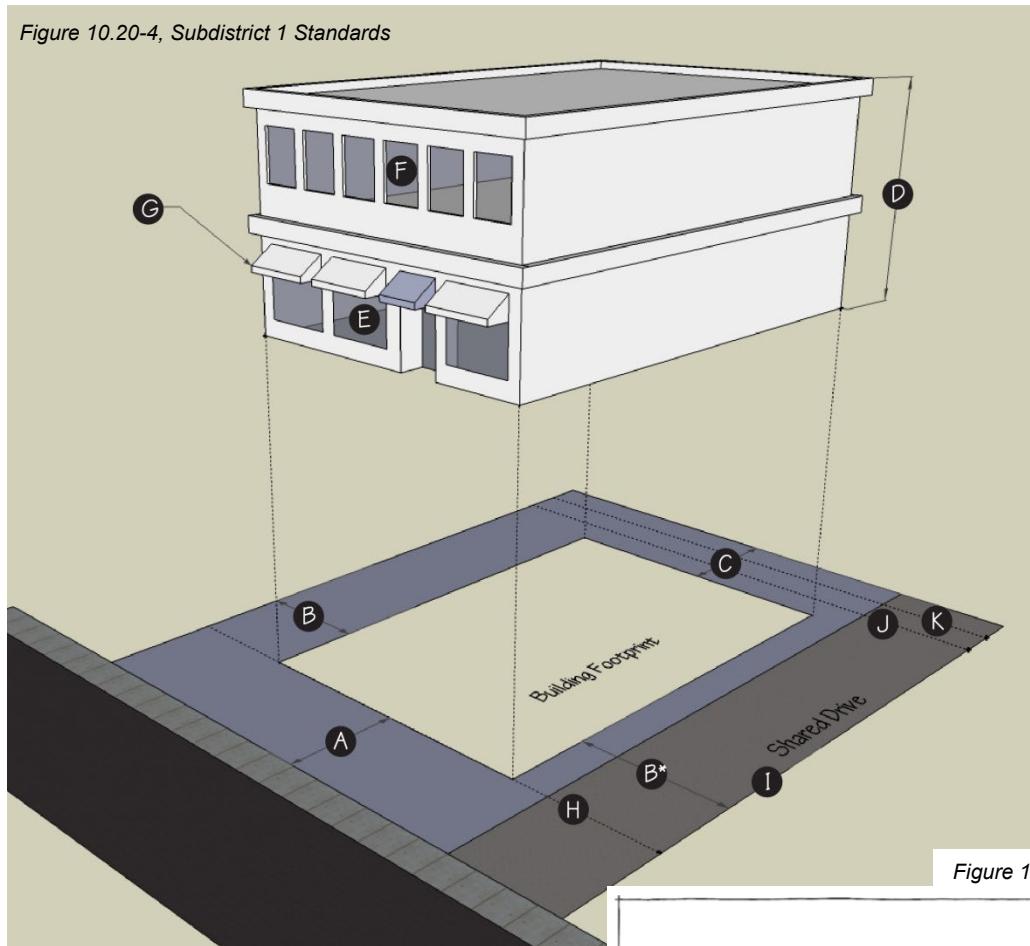


Figure 10.20-5, Building Width/Frontage

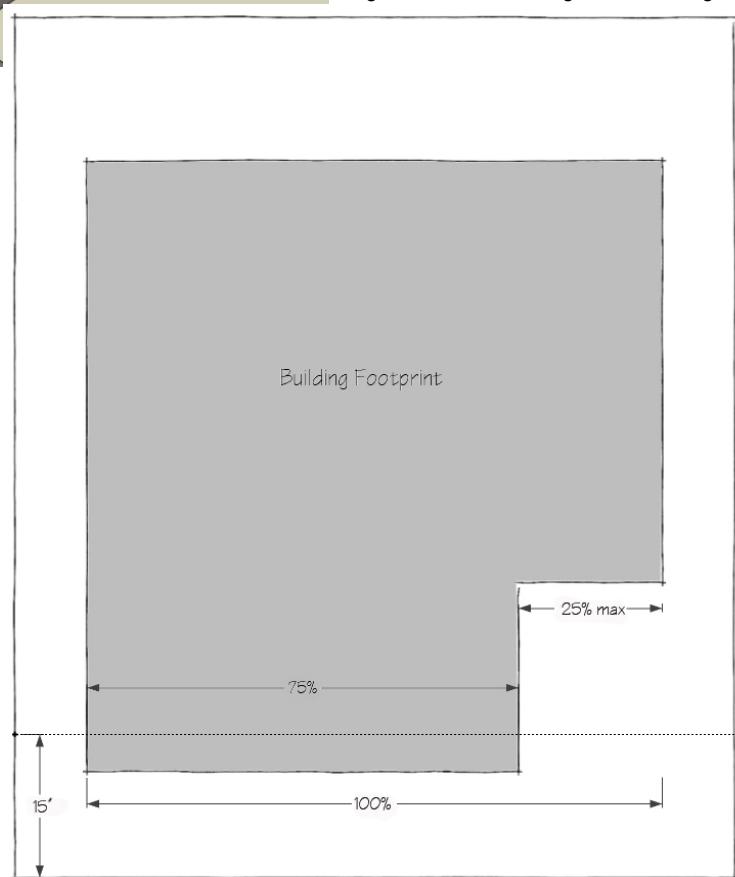


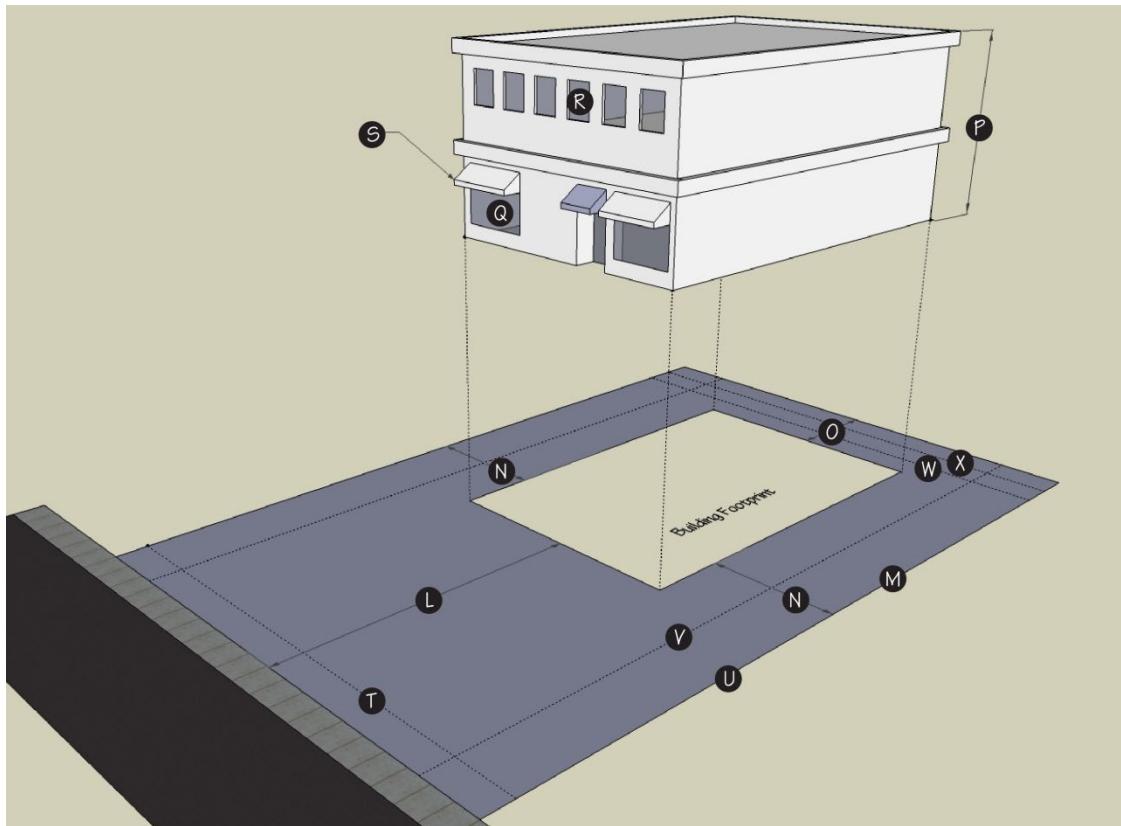
Table 10.20-C - Standards

**SUBDISTRICT 2 - Transition Mixed Use Corridor**

Building Placement			Building Massing*				
Setbacks		Min (feet)	Max (feet)	Building Division			
L	Front	0	50	50' Max			
M	Side	0		*Excludes residential and public-civic forms			
N	Side (adjacent to residential)	20		Horizontal articulation - see section 10.20.J.1			
O	Rear	15					
Building Height			Permitted Uses				
P	Form	Min	Max	Forms			
1,2,3	1 story	1 story	2 stories	4,5,7,8			
4,5,6,7,8	1 story	1 story	3 stories	4,5,7,8			
Building height must be comprised of actual stories, not merely façade treatment.							
Façade Transparency Facing a Public Street*							
Q	Ground level	50% Min		4,5,6,7,8			
R	Upper levels	25% Min		4,5,7,8			
Max length of blank wall 40 feet							
*Excludes residential forms							
Req Required Entry Features (must choose one)							
S	Entry Feature	Building Form					
Canopy							
Gallery							
Recessed Entry							
Corner Entry							
Awning							
Arcade							
Porch							
Stoop							
*If outdoor dining area is provided, then Entry Feature is not required							
Off-street Parking							
Location	(feet)						
T	Front Setback	5		1,2,3,4,5			
U	Side Setback	0		4,5,6,7,8			
V	Side setback (adjacent to residential)	10		5,6,7			
W	Rear (adjacent to Residential)	10					
X	Rear (adjacent to other than residential)	5					
Conditional Uses							
Service stations, including minor repairs conducted within a completely enclosed building							

\*Required number of off-street parking spaces may be reduced by up to 50% of the Specific Off-Street Parking Requirements, as shown in Section 11.2.

Figure 10.20-6, Subdistrict 2 Standards



## I. ACCESSORY USES AND STRUCTURES

1. Accessory uses and structures are regulated by Section 9.10.C of this ordinance.
2. Off-street parking is regulated by Article 11 of this ordinance, except as modified by Tables 10.20-B and 10.20-C.
3. Off-street loading/unloading is regulated by Article 12 of this ordinance.
4. Fences and walls, as regulated by Article 13.
4. Signs, as regulated by Section 14.13 of this ordinance.

## J. ARTICULATION (SEE ALSO TABLES 10.20-B AND 10.20-C)

### 1. Horizontal Articulation

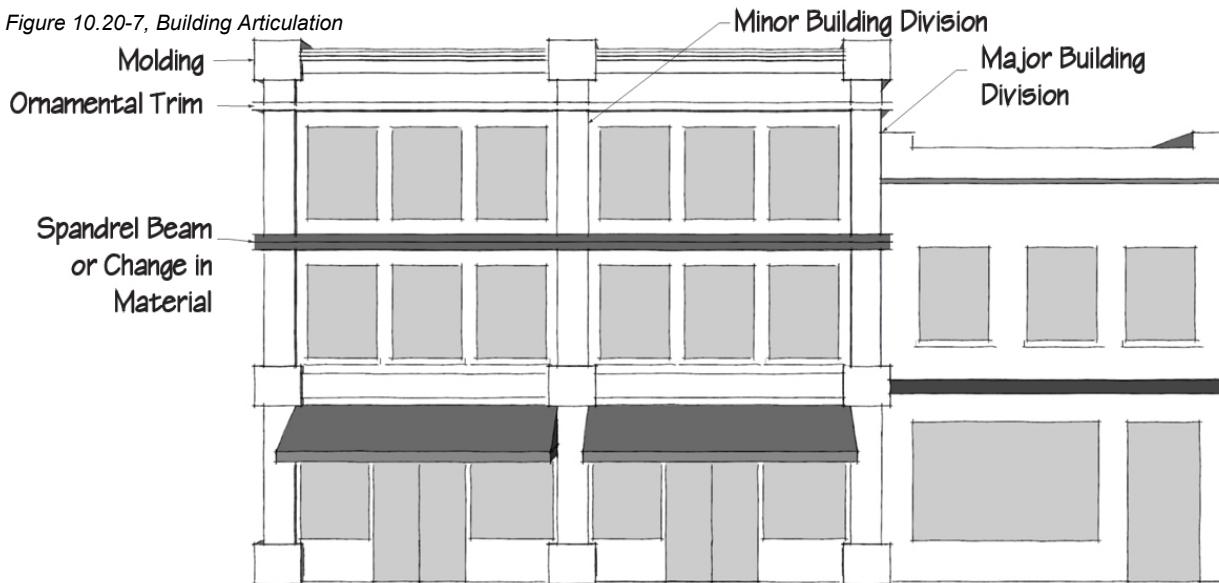
Any building three stories in height shall incorporate horizontal articulation on all street-facing building walls to promote compatibility with adjacent smaller scale buildings, reduce perceived building mass and support an active pedestrian environment at the street level.

a. Horizontal Articulation Elements

Horizontal articulation shall be provided using one or more of the following elements in a band along at least 70% of the horizontal width of any building wall facing a primary or secondary street:

- (i) Horizontal molding: A molding, ornamental trim or sill that projects a minimum of 3" from the primary wall surface.
- (ii) Stepback: A minimum 3' horizontal stepback in the vertical wall plane from the floor below.
- (iii) Spandrel Beam: A horizontal fascia that defines the structure between two floors.
- (iv) Change in Material: A clear change in material, texture or color.

*Figure 10.20-7, Building Articulation*



2. Vertical Articulation

All buildings shall incorporate vertical articulation on all street-facing building walls longer than 50 feet to promote compatibility with adjacent smaller scale buildings, reduce perceived building mass and support an active pedestrian environment at the street level. Vertical articulation elements may include wall offsets, pilasters, columns or the appearance of building separation.

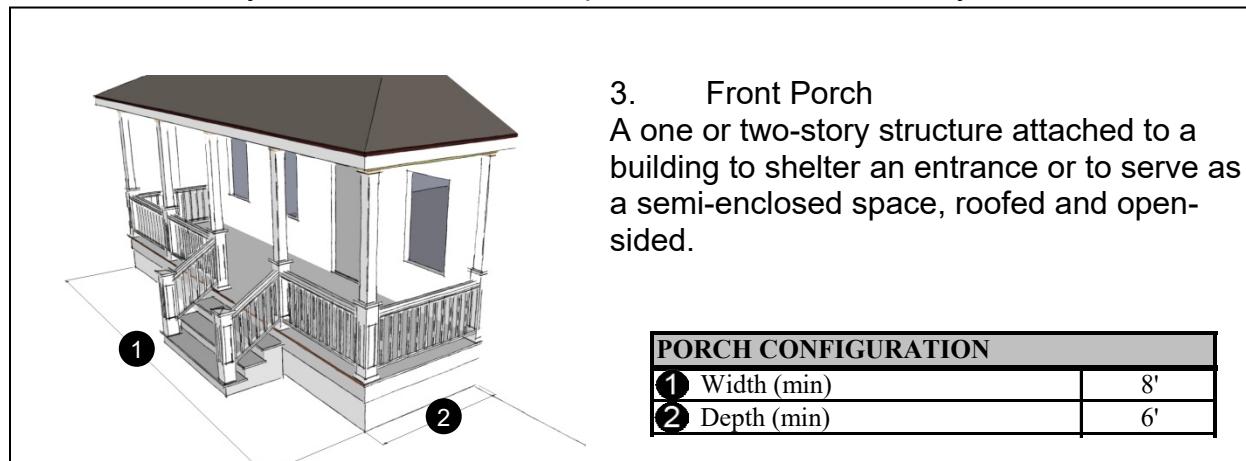
K. ROOFS

1. Materials: The only material not permitted is corrugated metal. Standing seam metal roofs are permitted.

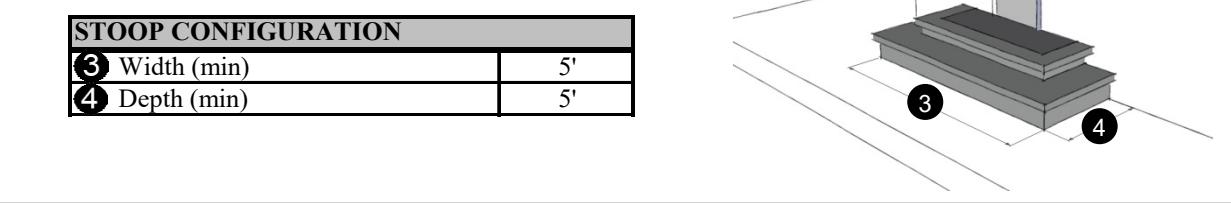
2. Configurations and techniques: The only configurations and techniques not permitted are mansard and gambrel roofs. Permitted styles must also comply with building form.
  - a. Mechanical equipment on roofs must be screened from view from the ground from all public use areas adjacent to the site in question.
  - b. Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet. Possible variations include, but are not limited to: color; height; changes in materials; projections; and changes in layout

## L. ENTRY FEATURES

1. A single entry feature from the required list must be included for the building facade facing the primary street. The required entry feature must meet the design standards for one entry feature as defined below.
  - a. Encroachment of required entry feature into required Right-of-Way shall require approval from the appropriate agency.
2. An access ramp may be added to any required entry feature. Such ramps may exceed the maximum permitted width for an entry feature.



- 4. Stoop**  
A stoop is an uncovered set of steps and a landing at an entrance to a building. A stoop may be covered or uncovered.



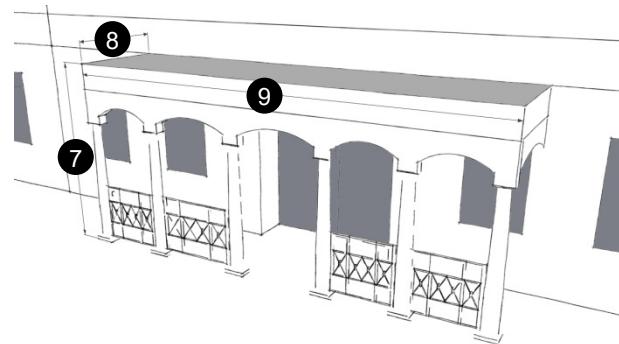
**5. Canopy**  
A canopy is a wall-mounted structure providing shade and cover from the weather for a sidewalk, supported by columns or posts that are embedded in the ground.

CANOPY CONFIGURATION	
(5) Height (min)	8'
(6) Depth (min)	6'
Front Setback Encroachment (max)	6'

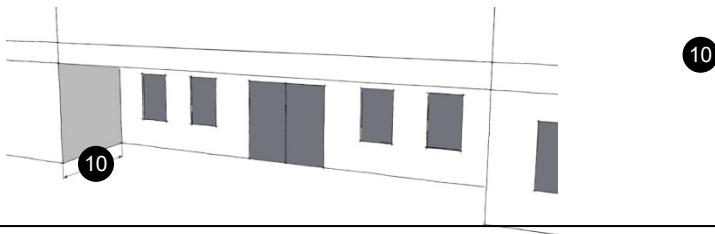
**6. Gallery**

A gallery is a covered passage extending along the outside wall of a building supported by arches or columns that is open on at least one side.

GALLERY CONFIGURATION	
(7) Height (min)	8'
(8) Depth (min)	6'
(9) Width (min)	50% of building façade

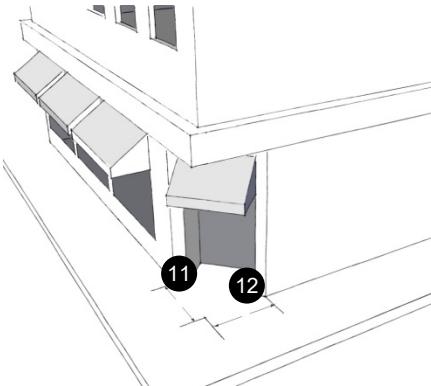
**7. Recessed Entry**

A recessed entry is a building entrance inset into and placed behind the plane of the front façade.

**8. Corner Entry**

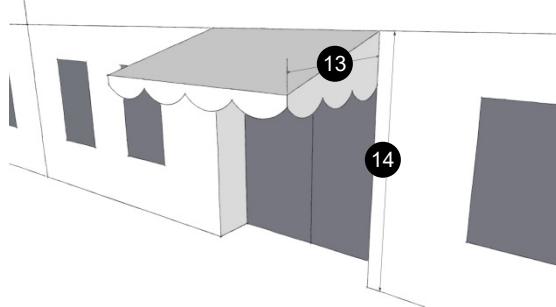
A corner entrance is an angled street-facing entrance that is located at the corner of the building.

CORNER ENTRY CONFIGURATION	
(11) Width (min)	4'
(12) Depth (min)	4'



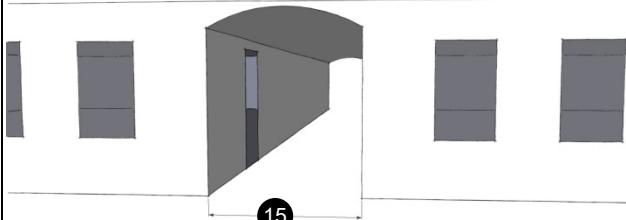
### 9. Awning

A canopy is a wall-mounted structure providing shade and cover from the weather for a sidewalk, supported entirely by the attached building.



#### AWNING CONFIGURATION

(13) Height (min)	8'
(14) Depth (min)	4'



### 10. Arcade

An arcade is an opening in a wall that serves as the entrance to an outdoor hallway, which provides entry to businesses or an interior courtyard.

## M. OTHER CHARACTER STANDARDS

### 1. Building Placement Requirements

#### a. Exceptions to Building Setbacks along Streets

##### (i) Articulated Building Street Face

When a portion of the building is set back farther than the maximum required building setback line in order to provide an articulated or modulated facade, the total area of the space created may not exceed one square foot for every linear foot of building frontage.

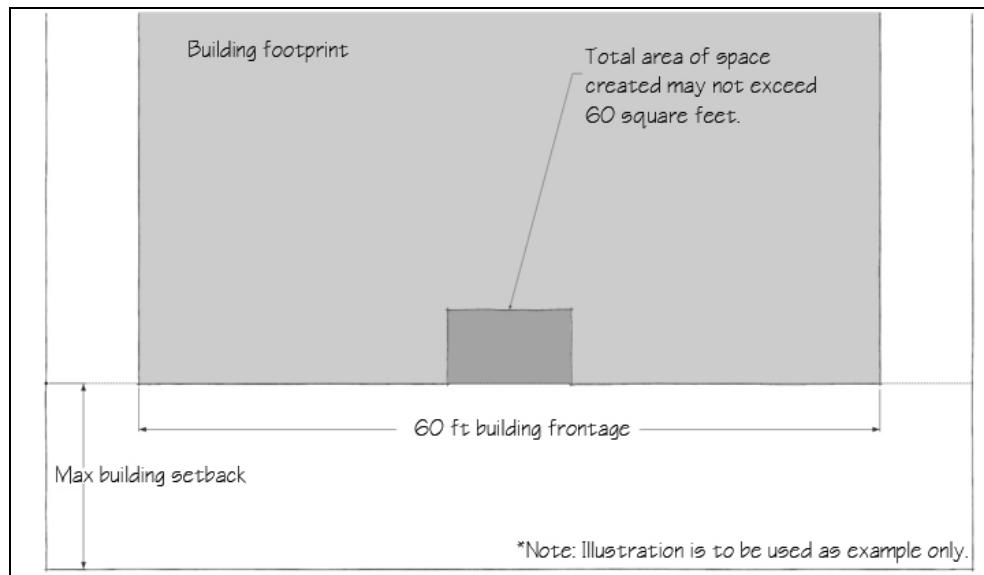


Figure 10.20-8, Articulated Building Street Face

**b. Exceptions to Required Street Frontage**

**(i) Pedestrian Access to Off-Street Parking Areas**

When outdoor pedestrian access is provided from the street to off-street parking areas, the required street frontage can be reduced by ten (10) percent. The pedestrian access shall remain clear of obstructions.

**(ii) Outdoor Eating Areas, Courtyards, Plazas, Pocket Parks, or Greenspace**

When an outdoor eating area, courtyard, plaza, pocket park, or greenspace is located to the side of a building, the required street frontage can be reduced by thirty (30) percent at the building setback line.

**2. Transparency**

Display windows that do not provide visual access into the interior of the building may count toward the minimum transparency percentage, provided that they are at least 2 feet in depth.

**3. Off-Street Parking and Loading/Unloading**

Off-street parking may be located on another lot than the building or use being served is located, provided that the parking is located within the DI Zone.

An agreement providing for the use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as

otherwise required by Article 11, as modified by Tables 10.20-B and 10.20-C.

4. Drive-Through Facilities

Drive-through facilities are permitted in Subdistrict 1 and Subdistrict 2. Drive-through facilities may be permitted for bank and pharmacy uses only.

5. Utilities

All utilities for new developments shall be located underground.

6. Landscaping

- a. All landscaping shall be provided per Section 9.17.

7. Outdoor Storage and Activities

- a. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
- b. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of:
  - (i) Outdoor dining facilities
  - (ii) Off-street parking and loading and/or unloading areas
  - (iii) Outside display areas to display products directly related to and being sold by the principal use, not to exceed five (5) percent of the gross floor area. Outside display areas shall be kept in a state of good repair at all times. Display areas shall not be situated in a manner as to impair either pedestrian or vehicular traffic
  - (iv) The outdoor play areas of child day care centers
- c. Any property which does not comply with the provisions of this section at the time of adoption of this ordinance, shall be given a period of thirty (30) days from the date of adoption of this ordinance to comply with all of the provisions of this section.

N. LIGHTING

Lighting requirements shall meet the following:

1. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the corridor. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking

- area lighting should be at larger scales to light parking areas and vehicular circulation routes.
2. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the DI Zone.
  3. Off-Street Parking Areas and Pedestrian Lighting
    - a. Lighting should be used in combination with signage standards and other elements where possible.
    - b. Lighting should be coordinated with street tree plantings for proper integration.
    - c. Glare Reduction and Lighting Levels
      - (i) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
      - (ii) Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
      - (iii) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
      - (iv) Lighting located on the building wall shall be fully shielded to direct the light downward.
  4. Prohibited Lighting
    - a. Neon accent lighting is prohibited on buildings and structures.
    - b. Bare metal light poles and elevated "sonotube" type concrete bases are prohibited.
- ## O. MODIFICATIONS
- Modifications from certain standards as found in the DI Zone may be requested from the City Council:
1. Articulation  
Elements of horizontal articulation may be modified to accommodate alternative methods of reducing perceived building mass.
  2. Building Massing

- a. Major building division may be modified to a maximum of 75 feet.
  - b. Minor building divisions may be modified to a maximum of 40 feet.
3. Building width/frontage  
Building width/frontage may be modified to a minimum of 50% of the primary structure width to be located within 15' of the front property line.
  4. Façade Transparency  
Modifications to façade transparency may be permitted with the following limitations:
    - a. Subdistrict 1:
      - (i) Ground level may be reduced to a minimum of 40% transparency.
      - (ii) Upper level may be reduced to a minimum of 30% transparency.
    - b. Subdistrict 2:
      - (i) Ground level may be reduced to a minimum of 40% transparency.
      - (ii) Upper level may be reduced to a minimum of 20% transparency.
  5. Roofs  
Modifications to roof types and materials may be permitted to accommodate green roofing systems.
  6. Entry Features  
Entry features not specifically permitted in a subdistrict or with a specific building form may be permitted.
  7. Lighting  
Modifications to lighting requirements may be permitted.