

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. Recreational 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.
- 3. Waterfront Development Plan Area - Development Procedures: The purpose of this subsection is to preserve and increase those areas identified within the adopted Waterfront Development Plan Area for activities and development in conformance with said plan when a development agreement has been approved by the legislative body; to provide a process to decrease the incidence of incompatible uses to the plan in a timely manner in order to increase the ability of the city to plan for future development in conformance with the plan and for the economic well-being of the city.
 - a. Conditional Uses: The following uses specified in an approved Waterfront Development Plan, which depend on the use of the river or water borne transportation:
 - (1) barge and docking facilities
 - (2) carting express, hauling, or storage yards, excluding the handling of coal, coke, grain, or similar bulk products
 - (3) machine shops for river oriented uses
 - (4) trucking and freight terminals, related to exchange or distribution with barge traffic excluding the handling of coal, coke, grain, or other similar bulk products
 - (5) barge repair operations and dry docking - limited to normal repair and maintenance, not including rebuilding or reconstruction
 - (6) warehousing or wholesaling
 - (7) other uses not listed herein, but which are determined by the board of adjustment to be of a similar use or activity in relation to the aforementioned uses
 - b. Prohibited Uses: The following uses are not permitted under this subsection: the manufacturing, compounding, processing, packing, or assembling of the following products: acetylene, asphalt, brewing, brick, tile or terra cotta, cement, chemicals, fertilizer, gypsum lime, iron steel, foundry or forge works, metal finishing including the use of blast furnaces, paint, gasoline, paper or pulp, petroleum refining and storage, rubber, sand and gravel, plating plants, and similar uses
 - c. Time Period: All such uses shall terminate at the time period established by the board of adjustment. Any time extension shall be reevaluated by the board upon submission of proper documentation.

- d. The following requirements and other applicable requirements of the zoning ordinance shall be addressed in the review by the board:
- (1) All facilities located in or adjacent to navigable waters shall be approved by the Corps of Engineers and the Division of Water, Kentucky Department of Natural resources and Environmental Protection, prior to the issuance of a zoning permit.
 - (2) Off-street parking shall be provided for any use within this subsection in order to assure that public streets and alleys are not subject to such use.
 - (3) No motor vehicle, boat, or barge which is inoperable, or mobile home or trailer shall be stored or used for storage.
 - (4) Hours of operation shall be specified by the board in order to mitigate adverse impacts such uses will have on the surrounding properties.
 - (5) No lighting shall be permitted which would glare from this zone onto any dedicated street, or into any adjacent property.
 - (6) Where any yard abuts a residential zone, a minimum yard requirement of fifty (50) feet along such boundary free of any structure or use shall be provided. Twenty (20) feet of such minimum yard shall be screened and maintained as regulated by Section 9.17.
 - (7) Consideration of competing interests of both the Waterfront Development Plan and the property owner.
 - (8) Allowing for specified time periods for such use and continuation, or removal of structures.

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 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.

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 - Fifty (50) 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-1F (RESIDENTIAL ONE-F) ZONE**A. PERMITTED USES**

1. Single-family residential dwellings (detached)

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 - 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 - Two and one-half (2-1/2) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES

1. Minimum lot area (except small animal boarding kennel) - 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-1J (RESIDENTIAL ONE-J) ZONE**A. PERMITTED USES**

1. Single-family residential dwellings (attached and detached)

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 - Three thousand (3,000) square feet
2. Minimum lot width at building setback line - Thirty-five (35) feet

3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Two and one-half (2-1/2) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height - Thirty-five (35) feet, except for attached single-family which shall be a maximum of forty-five (45) 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.
5. Attached single-family dwellings
 - a. Each dwelling unit shall be located on its own lot or established as a condominium created under KRS Chapter 381. Exceptions to area and yard regulations may be permitted as regulated in Section 9.13 of this ordinance;
 - b. No more than two adjacent dwelling units may have the same front façade setback. Variations in front façade setback shall be a minimum of three feet;
 - c. No more than six (6) dwelling units may be attached in one structure; and
 - d. Individual units shall not be stacked and shall only be attached side by side.

SECTION 10.4 R-1JU (RESIDENTIAL ONE-J URBAN) ZONE

A. PURPOSE: To stabilize and protect the urban residential character within older sections of the city by permitting a mixture of residences and selective types of existing neighborhood retail and service establishments.

The character of development being promoted in this district necessitates that certain types of uses be permitted only if they can comply with identified requirements to assure their proper integration into the character of use promoted therein. For this purpose, a "Special Permitted Use" section is incorporated.

B. PERMITTED USES

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

C. SPECIAL PERMITTED USES: The special permitted uses, specifically identified herein, shall be permitted provided said use complies with all requirements for permitted uses and any special provisions as noted in this section.

1. The following neighborhood retail and service establishments are special permitted uses: arts and crafts store; barber and/or beauty shop; books, cards, and stationary store; butcher shop; candy and/or pastry stores; delicatessen; drug store; grocery store; ice cream store; laundry and/or dry cleaning establishments; newspaper and magazine shop; shoe and shoe repair store; and
2. All special permitted uses must be located in an existing structure, originally constructed for neighborhood business purposes. Any such neighborhood retail or service use may be substituted for, or be replaced by, any other use listed in Subsection C., 1.; and
3. The existing structure shall not be expanded to accommodate additional commercial activity (sales or service area) beyond the scope and extent of its area at the time of adoption of this ordinance; and
4. No lot area of a special permitted use shall be reduced below 5,000 square feet or its lot area at the time of adoption of this ordinance, whichever is lesser.

D. 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

E. **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

F. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES**

1. Minimum lot area - Three thousand (3,000) square feet
2. Minimum lot width at building setback line - Thirty-five (35) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width - Two and one-half (2-1/2) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height - Thirty-five (35) feet

G. **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 yard depths – Fifty (50) feet
4. Maximum building height - Thirty-five (35) feet

H. 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 conditionally permitted use 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-3 (RESIDENTIAL THREE) ZONE**A. PERMITTED USES**

1. Single-family residential dwellings, attached and detached
2. Two-family residential dwellings
3. 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 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 - Twenty thousand (20,000) square feet. In the case of this zone, more than one principal building, as defined herein, may be

permitted on one lot, excluding single-family detached residential dwellings

2. Maximum density - Twenty (20.0) 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 - 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.
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 10.7 of this ordinance.

SECTION 10.6 R-4 (RESIDENTIAL FOUR) ZONE**A. PERMITTED USES**

1. 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
4. Uses, as listed below, included within and entered from within any use permitted in this zone, primarily as a convenience and for the service of the occupants thereof, providing such 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 accessory uses shall be visible from outside the building:
 - a. barber or beauty shop
 - b. bookstore and/or newsstand
 - c. flower shop
 - d. hobby shop
 - e. pharmacy and/or drug store
 - f. professional offices
 - g. snack bar or coffee shop

C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

1. Minimum lot area - One (1) acre. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot
2. Maximum density - Fifty (50) dwelling units per net acre
3. Minimum lot width at building setback line - One hundred (100) feet
4. Minimum front yard depth - Thirty (30) feet
5. Minimum side yard width on each side of lot - Twenty-five (25) feet
6. Minimum rear yard depth - Twenty-five (25) feet
7. Maximum building height - Three (3) stories

D. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII. Off-street parking may be permitted to locate in the minimum required side, rear, and front yards, provided that said parking is five (5) feet from the front lot line.
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. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
5. 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 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. 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 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.

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:** 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.
- M. 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.

- 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. 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 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 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 10.8 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 requirement 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. 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, 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. 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.

- J. **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.
- K. **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. 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 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 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 10.9 NC (NEIGHBORHOOD COMMERCIAL) ZONE**A. PERMITTED USES:** The following retail and service businesses:

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. Music, musical instruments, and records, including incidental repair
31. Off-street parking lots and/or garages
32. Offices, including doctors, dentists, lawyers, and other professional offices
33. Opticians and optical goods
34. Package liquor and wine store, excluding drive-ins
35. Paint and wallpaper store
36. Pet shop, excluding boarding and outside runs
37. Police and fire stations
38. Post office
39. Radio and television store, including repair

40. Residential dwelling units, on upper floors only
41. 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 adjacent to an arterial street, as identified in the adopted comprehensive plan).
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. Brewpub
49. Microbrewery
50. Micro-distillery

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

C. CONDITIONAL USES

1. Outdoor dining in connection with a restaurant, subject to the following minimum requirements:
 - a. Such outdoor dining area shall be designated to clearly identify the limits of outdoor dining area.
 - b. Seating in the outdoor dining area shall not exceed 25 percent of the maximum indoor seating capacity of the restaurant.
 - c. Sound amplifying systems shall not be permitted.
 - d. Such area shall not be permitted to locate within any minimum required front, side, or rear yard setback.
 - e. Outdoor dining areas shall only be operated between 11:00 a.m. and 9:30. p.m. on Sunday through Thursday, and 11:00 a.m. and 10:30 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 - Two thousand five hundred (2,500) square feet
2. Minimum lot width at building setback line - Twenty-five (25) feet

3. Minimum front yard depth - None
4. Minimum side yard width - None. 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.
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 outdoor dining, 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. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored on any lot or parcel of ground in this zone unless it is within a completely enclosed building.
9. Brewpubs: The area used for brewing, including brewing and kegging, shall not exceed thirty (30%) percent of the total floor area of the commercial space. The brewery shall not produce more than 4,000 barrels or 124,000 gallons of beer or ale per year. No brewing equipment or storage is permitted on the exterior of the building.
10. Microbreweries: The brewing operation does not include the production of any other alcoholic beverage. The brewery shall not produce more than 15,000 barrels or 460,000 gallons of beer or ale per year. No brewing equipment or storage is permitted on the exterior of the building.
11. Micro-distilleries: The distilling operation does not include the production of any other alcoholic beverage. Distilleries are not permitted within 500 feet of schools or within 100 feet of residential uses, excluding residential uses located in a non-residential zone.

SECTION 10.10 SFC (SPECIAL FUNCTION COMMERCIAL) ZONE

- A. **PURPOSE:** To provide for a unique mix of commercial, recreation, entertainment and assembly facilities which require access to arterial streets and which can accommodate physical environmental limitations.
- B. **PERMITTED USES**
1. Recreational Boat harbors and marinas, including boat fueling, service and repairs, sale of boat supplies, grocery store, and restaurant, all primarily oriented to persons using the harbor or marina;
 2. Public or private Boat landing or launching facilities
 3. Country clubs, club houses, and lodges
 4. Eating and drinking places, excluding drive-ins
 5. Off-street parking areas
 6. Publicly owned and/or operated parks and/or recreation areas
 7. Recreational uses, other than those publicly owned and/or operated
- C. **ACCESSORY USES**
1. Customary accessory buildings and uses
 2. Fences and/or walls, as regulated by Article XIII
 3. Signs, as regulated by Article XIV
 4. Dwelling unit of resident caretaker, as regulated by Section 9.25.
- 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 thousand (20,000) square feet. In the case of this zone, more than one principal building, as defined herein may be permitted on one lot
 2. Minimum lot width at building setback line - One hundred (100) feet
 3. Minimum front yard depth - Fifty (50) feet
 4. Minimum side yard width - Fifty (50) feet
 5. Minimum rear yard depth - Fifty (50) feet
 6. Maximum building height - Thirty-five (35) feet
- E. **OTHER DEVELOPMENT CONTROLS**
1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use permitted in this zone.
 2. Any activity that may be located in the floodplain of any watercourse shall be in accordance with the requirements of Section 9.25 of this ordinance.
 3. Dwellings, including cabins, rooming houses, and mobile homes are not permitted in this zone, except as provided under Subsection C.

4. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII.
5. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.
6. No motor vehicle which is inoperable or mobile home or trailer shall be stored or used for storage in this zone.
7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION 10.11 IP (INDUSTRIAL PARK) ZONE

- A. PERMITTED USES: The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance:
1. The manufacturing, compounding, processing, packaging, or assembling of the following materials:
 - a. Animated and/or illuminated billboards and other commercial advertising structures
 - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils excluding poultry and animal slaughtering and dressing
 - c. Cigars and cigarettes
 - d. Cosmetics, pharmaceuticals, and toiletries
 - e. Electric appliances, television sets, phonographs, household appliances
 - f. Electrical machinery, equipment and supplies
 - g. Fountain and beverage dispensing equipment
 - h. Furniture
 - i. Instruments of professional, scientific, photographic, and optical use
 - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines
 - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco
 - o. Textile products including canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Crating services
 4. Fire stations
 5. Governmentally owned and/or operated city, county, and state garages
 6. Industrial engineering consultant offices
 7. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private

8. Machine shops
9. Printing, engraving and related reproduction processes
10. Publishing and distribution of books, newspapers, and other printed material
11. School for industrial or business training
12. Warehousing or wholesaling

B. ACCESSORY USES:

1. Customary accessory structures and uses, including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Uses, as listed below, located and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers, providing such 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 shall be visible from outside the building:
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Soda or dairy bars
3. Fences and/or walls, as regulated by Article XIII of this ordinance
4. Signs - only business and identification signs pertaining to the identification, use or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone

C. AREA AND HEIGHT REGULATIONS:

1. Minimum Tract for Development - Five (5) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout.
2. Minimum Lot Area Within Minimum Tract - One (1) acre
3. Minimum Lot Width at Building Setback Line - One hundred fifty (150) feet
4. Minimum front yard depth -
 - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
 - b. On internal roads - Fifty (50) feet

5. Minimum side yard width -

- a. In internal parts of the park - Twenty-five (25) feet
- b. Where the side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet

6. Minimum rear yard depth - In internal parts of the park - Fifty (50) feet. No rear yard shall be required where a rail spur line forms the rear property line

7. Maximum Building Height - Forty (40) feet

D. OTHER DEVELOPMENT CONTROLS:

- 1. Off - street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
- 2. Outdoor storage of materials, supplies, and products is permitted only to the side and rear of the property, and shall be screened from the view of adjacent properties in accordance with Section 9.17 of this ordinance. All storage shall be designated on the site development plan.
- 3. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
- 4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of seventy - five (75) feet 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 outdoor storage of any waste material shall be permitted in this zone, except within enclosed containers.

SECTION 10.12 I-1 (INDUSTRIAL-ONE) ZONE

- A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance:
1. The assembling, compounding, manufacturing, packaging, or processing of the following uses:
 - a. Animated and/or illuminated billboards and other commercial advertising structures
 - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, and excluding poultry and animal slaughtering and dressing
 - c. Cigars and cigarettes
 - d. Cosmetics, pharmaceuticals, and toiletries
 - e. Electric appliances, television sets, phonographs, household appliances
 - f. Electrical machinery, equipment, and supplies
 - g. Fountain and beverage dispensing equipment
 - h. Furniture
 - i. Instruments for professional, scientific, photographic, and optical use
 - j. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines
 - n. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
 - o. Textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine
 2. Bottling and canning works
 3. Brewing or distilling of liquors
 4. Building materials, sales yards
 5. Bus line shops and storage
 6. Carting, express, and hauling services
 7. Contractors' offices and accessory storage yards, including storage of general construction equipment and vehicles
 8. Crating services
 9. Fire stations

10. Freight terminals, excluding the handling of coal, coke, or grain
11. Governmentally owned and/or operated city, county, and state garages
12. Industrial engineering and consultant offices
13. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
14. Laundry and dry cleaning plants, involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
15. Machine shops
16. Printing, engraving, and related reproduction processes
17. Public utilities' rights-of-way and pertinent structures
18. Publishing and distribution of books, newspapers, and other printed materials
19. Railroad facilities, exclusive of marshaling yards, maintenance, and fueling facilities
20. Schools for industrial or business training
21. Truck terminals
22. Warehousing or wholesaling

B. ACCESSORY USES

1. Customary accessory building and uses, including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Fences and/or walls as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses, as listed below, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
 - a. Cafeterias
 - b. Coffee shops or refreshment stands
 - c. Soda or dairy bars

C. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed

development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout

2. Minimum lot area within minimum tract - One (1) acre
3. Minimum lot width at building setback line - One hundred fifty (150) feet
4. Minimum front yard depth - Fifty (50) feet
5. Minimum side yard width on Each Side of Lot - Twenty-five (25) feet
6. Minimum rear yard depth - Fifty (50) feet. No rear yard is required where a rail spur forms the rear property line
7. Maximum building height - Forty (40) feet or three (3) stories.

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 lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.
3. Where any yard of any permitted use in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) 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.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
5. No motor vehicle which is inoperable or trailer which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.

SECTION 10.13 WD (WATERFRONT DEVELOPMENT) ZONE

- A. **PURPOSE:** The purpose of this Zone is to provide for the combining of residential uses, retail and service uses, public parks/recreation areas, marinas and other river-oriented activities 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 Waterfront Development (WD) 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 WD and its proper integration with the surrounding development are met; and a public hearing is held on the WD application.
- C. **APPLICATION AND PROCESSING:** Applications for Waterfront Development Zone shall be processed as follows in two stages:
1. **STAGE I --** Applications for a map amendment to zone an area for Waterfront Development 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 zoned WD 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 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 (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 WD 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 WD 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 WD 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 WD 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 & 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 and the legislative body 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 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 Plan, 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 II Plan and the bases for their recommendation.

- b. The legislative body shall, within 45 days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove the Stage II Plan. 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., 2., a., above.

Upon approval of the Stage II Plan, by the legislative body, a copy of said plan shall be forwarded to the: (1) 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; (2) the planning commission.

- 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 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. 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 attached and detached, and two family and multi-family

2. Restaurants, eating and drinking places, including entertainment facilities, excluding drive-ins
3. Retail sales and services businesses (includes permitted uses in the Neighborhood Commercial Zone, Section 10.9, A)
4. Publicly owned and/or operated parks and/or recreational areas
5. Private recreational uses other than those publicly owned and/or operated
6. Marinas and other related uses

E. ACCESSORY USES

1. Customary accessory buildings and uses

F. AREA REQUIREMENTS

1. No WD Zone shall be permitted on less than 10 acres of land. However, an area of less than 10 acres may be zoned WD, provided it is adjacent to an area with an existing approved Stage I development plan and is currently zoned WD. In addition, an area of less than 10 acres may be zoned WD, provided the proposal is consistent with the officially adopted Waterfront Development Plan.
2. The minimum area for submission of a Stage I Development Plan, within an existing WD Zone, shall be not less than 5 acres. However, a Stage I Development Plan may be submitted for an area of less than 5 acres, provided is consistent with the officially adopted Waterfront Development Land Use Plan for the area in question, and said Stage I Development Plan is in agreement with all other requirements of the WD Zone.

- G. Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.

- H. HEIGHT, YARD, AND SETBACK REGULATIONS: 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. OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed WD 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 WD 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, notwithstanding Section 10.13, C., 2., a., open space requirements of less than 20% may be considered for the development if: unusual topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or adjacent to the site.
- M. CRITERIA: The applicant shall be required to submit information so that the proposed development plan can be evaluated against the following criteria:
1. Agreement with the various elements of the Area-Wide Comprehensive Plan and where applicable, the Officially adopted Waterfront Development Land Use Plan by the planning commission or the city legislative body, or other adopted plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the WD 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 (based on 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; and the extent to which the proposed development economically impacts the Ludlow community.
 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 highway system to adequately handle said traffic.

Where deficiencies exist, proposed traffic improvements that would correct such deficiencies shall 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 planning commission, shall be made in accordance with the procedure required by Subsection C, of this section.
- O. EXPIRATION: Development plans within the WD Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and 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 conditions 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 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 10.14 HP-O (HISTORIC PRESERVATION OVERLAY) ZONE

- A. **PURPOSE:** The HP-O, Historic Preservation Overlay zone is intended to preserve structures, buildings, appurtenances, and places that are of basic and vital importance for the development of the culture, because of their association with history; because of their unique architectural style and scale, including color, proportions, form, and architectural details; or because of their being a part of or related to a square, park or area of cultural, historical, or architectural importance to the city.

This zone is intended to work in conjunction with the other zones and for the purpose of protecting and preserving the exterior of the buildings, structures, appurtenances, and places.

B. **APPLICABILITY**

1. The regulations of this section apply to all development proposed within the boundaries of the HP-O zones, as shown on the official zoning map.
2. Map amendment applications to add an HP-O zone to an area of the city must be filed with the Kenton County Planning Commission. The notification of and public hearing on an application must follow the procedures set forth in KRS 100 for map amendments.
3. Upon approval of an HP Overlay zone, the official zoning map must be amended by adding the suffix HP-O, in parentheses, to the existing zones, i.e., NC (HP-O), within the identified areas.

- C. **PERMITTED USES:** Any permitted uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building or structure in accordance with the purpose of this zone are permitted.

- D. **ACCESSORY USES:** Any accessory uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone are permitted.

- E. **CONDITIONAL USES:** Any conditional uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone are permitted.

- F. **OTHER DEVELOPMENT CONTROLS:** In addition to the Other Development Controls contained within the underlying zone, the following shall also apply:

1. No alteration of the exterior appearance of any building, structure, appurtenance, or site is permitted unless the work is determined to be consistent with the Ludlow Historic Design Guidelines.
2. No new construction is permitted unless the work is determined to be consistent with the Ludlow Historic Design Guidelines.
3. No demolition of buildings or structures is permitted unless it is reviewed and approved by the Urban Design Review Board as set forth in Section 20.2.
4. Protective Maintenance Required:
 - a. All buildings and structures in designated Historic Preservation Overlay zones must be properly maintained and repaired at the same level required elsewhere in the city. Should an owner omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the city to refuse to allow the owner to demolish the building, the Urban Design Review Board must bring this matter to the attention of the code enforcement official, who must immediately require of the owner or agent protective maintenance and repair to further the economy, health, safety, and general welfare of the city and nothing in this subchapter will be construed to prevent ordinary maintenance or repairs of any structures.
 - b. In any case where a responsible public official determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure, that department may order these conditions remedied without the approval of the UDRB or staff. In all such cases, these actions will be communicated to the UDRB at a public meeting.

G. ACTIONS BY THE CITY COUNCIL

1. If the City Council creates a Historic Preservation Overlay zone, its action must include a declaration that the buildings, structures, or sites to be preserved are in fact of historical or architectural significance requiring protection against destruction and encroachment.