

ARTICLE X
ZONE REGULATIONS

SECTION 10.0 CO (CONSERVATION) ZONE

A. USES PERMITTED

1. Agricultural uses, but not including the feeding of garbage to animals.
2. Public owned and/or operated parks and/or recreation areas, including public swimming pools.
3. Recreational uses other than those publicly owned and/or operated such as golf courses, and country clubs including commercial swimming pools.

B. ACCESSORY USES

1. Customary accessory buildings and uses.
2. Fences and walls – as regulated by Article XII of this Ordinance.
3. Signs – as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment as set for in Section 9.12 of this Ordinance.

1. Golf driving ranges.
2. Riding academies and stables.
3. The following uses are permitted in connection with streams, rivers, lakes or other bodies of water, providing that the development of all permitted facilities in or adjacent navigable waters shall be approved by the Corps of Engineers, Department of the Army, and such statement of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate.

a. Boat Harbors and Marinas

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina and 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
- (5) club house and lockers

- b. Public boat landing or launching facilities
- c. Dockage facilities
- d. Off-street parking facilities and temporary parking of boat trailers – including spaces large enough to accommodate automobiles pulling boat trailers.

D. AREA AND HEIGHT REGULATIONS: No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations.

- 1. Minimum Lot Area – Five (5) Acres.
- 2. Minimum Lot Width at Building Setback Line – Three Hundred (300) feet.
- 3. Minimum Front Yard Width on Each Side of Lot – Fifty (50) feet.
- 4. Minimum Side Yard Width on Each Side of Lot – Fifty (50) feet.
- 5. Minimum Rear Yard Depth – Fifty (50) feet.
- 6. Maximum Building Height – Twenty-Five (25) feet.

E. OTHER DEVELOPMENT CONTROLS:

- 1. All "Uses Permitted", "Conditional Uses", permitted in this zone shall require a certificate of approval from the city engineer, certifying his approval of the type of and manner of construction to be built (insuring that such constructions shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features) which completed certificate shall be submitted to the appropriate Officer or Board, as required herein, at time of request.
- 2. Dwelling units are not permitted in this zone.
- 3. Off-street parking and loading or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- 4. With the exception of subsection D of this section of the Ordinance no outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- 5. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
- 6. 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.
- 7. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of one hundred (100) 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.

8. No use producing objectionable odors, noise, vibrations, dust or others deemed objectionable by the city's Zoning Administrator, shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION 10.1 R-RE (RESIDENTIAL RURAL ESTATE AND AGRICULTURAL) ZONE:

A. USES PERMITTED:

1. Single Family Dwelling (detached).

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XII of this Ordinance.
3. Home occupations subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
4. Signs as regulated by Article XV of this Ordinance.

C. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set for in Section 9.12.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
3. Institutions for higher education providing they are located adjacent to an arterial street.
4. Police and fire stations provided they are located adjacent to an arterial street.
5. Public and parochial schools.
6. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
7. Recreational uses, other than those publicly owned and/or operated as follows:
 - a. golf courses
 - b. country clubs
 - c. semi-public swimming pools
8. Educational farms and related activities/tourist attractions, including but not limited to sales of souvenirs or products of the farm as well as other incidental items such as minimal food items or related supplementary service limited to sites of 100 acres or more.

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- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area – Three (3) acres.
 2. Minimum Lot Width at Minimum Building Setback Line – Three hundred (300) feet.
 3. Minimum Front Yard Depth – Forty (40) feet.
 4. Minimum Side Yard Width on Each Side of Lot – Seventy-five (75) feet.
 5. Minimum Rear Yard Depth – Twenty-five (25) feet.
 6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2 1/2) stories.
- E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES: No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the regulations in Section 10.11, D.
- F. OTHER DEVELOPMENT CONTROLS
1. Off-street parking and loading or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
 2. With the exception of Subsection D of this Section of the Ordinance no outdoor storage of any materials (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, road, highway, deeded right-of-way or into any residential zone.
 4. Where land in this zone is abutting a residential zone, a minimum yard requirement of one hundred (100) 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 screen area as regulated by Section 9.17 of this Ordinance.

SECTION 10.2 R-1A (RESIDENTIAL ONE – A) ZONE

- A. PURPOSE: This zone is established to provide a low density residential environment whose dwelling types are typical of a suburban character.
- B. PERMITTED USES
 - 1. Single-family residential dwellings (detached)
- C. ACCESSORY USES
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls, as regulated by Article XII of this ordinance
 - 3. Home occupations, as regulated by Section 9.11 of this ordinance
 - 4. Signs, as regulated by Article XV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street
 - 4. Government offices
 - 5. Institutions for higher education, provided they are located adjacent to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
 - 10. Educational farms and related activities/tourist attractions, including but not limited to sales of souvenirs or products of the farm as well as other incidental items such as minimal food items or related supplementary service limited to sites of 100 acres or more
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. Minimum lot area – Twelve thousand five hundred (12,500) square feet
 - 2. Minimum lot width at building setback line – One hundred (100) feet
 - 3. Minimum front yard depth –Thirty (30) feet

4. Minimum side yard width on Each Side of Lot – Fifteen (15) feet
5. Minimum rear yard depth – Twenty-five (25) feet
6. Maximum building height – Thirty-five (35) feet

F. 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, and rear yard depths Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within 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 residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.3 R-1B (RESIDENTIAL ONE – B) ZONE

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. PERMITTED USES:
 - 1. Single-family residential dwellings (detached)
- C. ACCESSORY USES
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls, as regulated by Article XII of this ordinance
 - 3. Home occupations, as regulated by Section 9.11 of this ordinance
 - 4. Signs, as regulated by Article XV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street
 - 4. Governmental offices
 - 5. Institutions for higher education, provided they are located adjacent to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. Minimum lot area – Seven thousand five hundred (7,500) sq feet
 - 2. Minimum lot width at building setback line – Sixty (60) feet
 - 3. Minimum front yard depth – Thirty (30) feet
 - 4. Minimum side yard width on Each Side of Lot – Ten (10) feet
 - 5. Minimum rear yard depth – Twenty-five (25) feet
 - 6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

F. 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, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within 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 residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.4 R-1C (RESIDENTIAL ONE – C) ZONE

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. PERMITTED USES:
 - 1. Single-family residential dwelling (detached)
- C. ACCESSORY USES
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls as regulated by Article XII of this ordinance
 - 3. Home occupations, as regulated by Section 9.11 of this ordinance
 - 4. Signs, as regulated by section XIV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street.
 - 4. Governmental offices
 - 5. Institutions for higher education, provided they are located adjacent to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. Minimum lot area – Seven thousand five hundred (7,500) square feet
 - 2. Minimum lot width at building setback line – Seventy (70) feet
 - 3. Minimum front yard depth – Thirty (30) feet
 - 4. Minimum side yard width on Each Side of Lot – Seven (7) feet minimum, total of fifteen (15) feet
 - 5. Minimum rear yard depth – Twenty-five (25) feet

6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

F. 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, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading area shall be provided in accordance with Articles XIII and XIV 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 any use located within 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 residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

SECTION 10.5 R-1D (RESIDENTIAL ONE – D) ZONE

- A. PURPOSE: This zone is established to provide a residential environment whose dwelling types and densities are typical of a suburban character.
- B. PERMITTED USES:
 - 1. Single-family residential dwellings (detached)
- C. ACCESSORY USES
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls, as regulated by Article XIII of this ordinance
 - 3. Home occupations, as regulated by Section 9.11 of this ordinance
 - 4. Signs, as regulated by Article XIV of this ordinance
- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street
 - 4. Governmental offices
 - 5. Institutions for higher education, provided they are located to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization
- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. Minimum lot area – Nine thousand (9,000) square feet
 - 2. Minimum lot width at building setback line – Seventy-five (75) feet
 - 3. Minimum front yard depth – Thirty-five (35) feet
 - 4. Minimum side yard width on each Side of Lot – Ten (10) feet
 - 5. Minimum rear yard depth – Twenty-five (25) feet
 - 6. Maximum building height – Thirty-five (35) feet or two and one-half (2 1/2) stories

F. 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, and rear yard depths – Fifty (50) feet
4. Maximum building height – Thirty-five (35)

G. 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. 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 any use located within 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 residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided.

SECTION 10.6 R-2 (RESIDENTIAL TWO) ZONE

- A. **PURPOSE:** This zone is established to provide a residential environment of attached dwelling units whose densities are typical of an urban character.

- B. **PERMITTED USES:**
 - 1. Single-family residential dwellings (attached)
 - 2. Two-family residential dwellings

- C. **ACCESSORY USES**
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls, as regulated by Article XII of this ordinance
 - 3. Signs, as regulated by Article XV of this ordinance

- D. **CONDITIONAL USES:** The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street
 - 4. Governmental offices
 - 5. Institutions for higher education, provided they are located adjacent to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization

- E. **AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**
 - 1. Minimum lot area – Twenty thousand (20,000) square feet for the first four (4) dwelling units or less; four thousand (7,500) square feet shall be provided for every dwelling unit thereafter.
 - 2. Minimum lot width at building setback line – One hundred (100) feet
 - 3. Minimum front yard depth – Forty (40) feet
 - 4. Minimum side yard width – Fifteen (15) feet
 - 5. Minimum rear yard depth – Thirty (30) feet

6. Maximum building height – Forty (40) feet
7. Maximum density - Seven (7) dwelling units per net acre
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. 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, and rear yard depths – Fifty (50) feet
4. Maximum building height – Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within 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 minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.
5. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
6. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.7 R-3 (RESIDENTIAL THREE) ZONE

- A. PURPOSE: This zone is established to provide a residential environment of multiple dwelling units whose densities are typical of an urban character.

- B. PERMITTED USES:
 - 1. Multi-family residential dwellings

- C. ACCESSORY USES
 - 1. Customary accessory structures and uses
 - 2. Fences and/or walls, as regulated by Article XII of this ordinance
 - 3. Signs, as regulated by Article XV of this ordinance

- D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Section 9.12 and 18.7 of this ordinance:
 - 1. Cemeteries
 - 2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
 - 3. Fire and police stations, provided they are located adjacent to an arterial street
 - 4. Governmental offices
 - 5. Institutions for higher education, provided they are located adjacent to an arterial street
 - 6. Libraries
 - 7. Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
 - 8. Parochial, private, and public schools
 - 9. Recreational uses, other than those owned and/or operated publicly or by a non-profit organization

- E. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
 - 1. Minimum lot area – Twenty thousand (20,000) square feet
 - 2. Minimum lot width at building setback line – One hundred (100) feet
 - 3. Minimum front yard depth – Forty (40) feet
 - 4. Minimum side yard width – Fifteen (15) feet
 - 5. Minimum rear yard depth – Thirty (30) feet
 - 6. Maximum building height – Forty (40) feet
 - 7. Maximum density - Twenty (20) dwelling units per net acre

8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. 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, and rear yard depths - Fifty (50) feet
4. Maximum building height - Forty (40) feet

G. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted or conditionally permitted in this zone abuts property in a single-family residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance shall be provided required.
5. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

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 any Residential 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, but always with the intention of furthering the public health, safety, and general welfare.

- B. **GENERAL:** A Residential Cluster Development (RCD) 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 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:
 - 1. **Stage I** - Except as provided for in Section 17.0, I., of this ordinance, applications for a map amendment to zone an area RCD shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, along with supporting information/documentation pertaining to each of the criteria items identified in Subsection O., below. If an area, however, is currently zoned RCD, 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. Development shall include the demolition, erection, physical expansion, change of use, or outside remodeling of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
 - a. The planning commission shall hold a public hearing on the proposed 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 ninety (90) 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 approved Stage I Development Plan.

The legislative body shall forward a copy of the approved Stage I Development Plan to the planning commission, or its duly authorized representative, for further processing in accordance with the requirements for Stage II Development Plan and Record Plat.

Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the residential zone (e.g., RCD-R-1B, RCD-R-1C, RCD-R-2, etc.).

- 2. Stage II -- Plan and Record Plat - A Stage II Development Plan and Record Plat shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review 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. of this ordinance, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, other applicable elements of this ordinance, other applicable regulations, and its conformity with the approved Stage I

Development Plan. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

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

- b. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C. of this ordinance, the applicable requirements of the subdivision regulations, and its conformance with the approved Stage II Development Plan.

Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units 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 residential 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. **ACCESSORY USES:** Accessory uses shall be as specified within the zone being overlaid.
- F. **CONDITIONAL USES:** Conditional uses, including any customary accessory structures and uses, shall be as specified within the zone being overlaid, subject to the approval of the Board of Adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance.
- G. **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 Stage I Development Plan and may include the following:

1. Child care centers
2. Churches
3. Community centers
4. Country clubs
5. Fire or police stations
6. Libraries
7. Open space/recreation areas

H. AREA REQUIREMENTS

1. No RCD Zone shall be permitted on less than five (5) acres of land. However, an area of less than five (5) acres may be zoned RCD, provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned RCD.
2. The minimum area for submission of a Stage I Development Plan, within an existing RCD Zone, shall be not less than three (3) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is consistent with an officially adopted Neighborhood Concept Plan for the area in question, and said Stage I Development Plan is in agreement with all other requirements of the RCD Zone.

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

J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities, shall be provided in accordance with Articles XI and XII of this ordinance.

K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.

L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed RCD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the RCD. Common open space/recreation areas shall be that

part of the total project exclusive of buildings, streets, parking areas, single-family residential lots, and access drives.

- N. SCREENING: Shall be as approved in the plan.
- O. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
 - 1. Agreement with the various elements of the Wilder Comprehensive Plan and where applicable, any officially adopted Neighborhood Concept Plan by the planning commission or the legislative body, or other adopted plan.
 - 2. Extent to which the proposed development plan is consistent with the purpose of the RCD 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 commercial types, proposed in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 - 5. Extent to which the proposed design, as indicated in the Stage I Development Plan, is compatible with development contiguous to the site. Compatibility shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; 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 may be considered.
 - 7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
 - 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.

- P. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection C., subject to the same limitations and requirements as those under which such plans were originally approved.
- Q. UTILITIES: All utilities in a RCD shall be underground.
- R. EXPIRATION: Development plans within 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 Development Plan has not been approved by the planning commission, or its duly authorized representative, within a period of twenty-four (24) consecutive months from the date of the approved Stage I Development 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 approved Stage I Development 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 Development Plan by the planning commission, or its duly authorized representative, provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the approved Stage II Development Plan.

SECTION 10.9 GC (GENERAL COMMERCIAL) ZONE

- A. PURPOSE: This zone is established to primarily provide for individual retail, service, and other uses which are oriented towards serving the daily needs of area residents.
- B. PERMITTED USES
1. Antique shop
 2. Art supplies
 3. Bakery and bakery goods store (providing that all products are sold exclusively on the premises)
 4. Banks and other financial institutions
 5. Barber shops
 6. Beauty shops
 7. Boat and marine sales and service
 8. Camera and photographic supplies (including incidental repair)
 9. Carpet and rug stores
 10. Delicatessen
 11. Drug store
 12. Dry cleaning establishments
 13. Florist shop
 14. Food stores and supermarkets
 15. Garden supplies
 16. Hardware store
 17. Interior decorating studio
 18. Laundromats, self service washing and drying
 19. Locksmith shop
 20. Music, musical instruments and record store (inc. incidental repair)
 21. Office appliances and supply
 22. Opticians and optical supplies
 23. Outdoor Billboard Advertising as defined in Article VII
 24. Paint and wallpaper store
 25. Plumbing sales and repair
 26. Radio and television repair stores
 27. Sexually Oriented Businesses as defined in Article VII
 28. Shoe store and shoe repair
 29. Sporting goods
 30. Studios for professional work or teaching of any form of fine arts (photography, music, drama, or dance)
 31. Tailor shop
 32. Eating and Drinking Establishments
 33. Pawn Shops

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance

D. AREA AND HEIGHT REGULATIONS:

1. Minimum lot area – Seventy-five hundred (7,500) feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum yard requirement – Fifteen (15) feet on each side, except when any yard abuts a roadway, the minimum yard requirement shall be fifty (50) feet
4. Maximum building height – Forty (40) feet
5. More than one principal structure, as herein defined, may be permitted on one lot

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XII and XIV 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 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 property in a residential zone, a minimum ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided, in addition to the required setback.
5. No use producing objectionable odors, noise, or dust shall be permitted in this zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
7. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
9. Any sexually oriented business permitted in this zone is subject to spacing of 1500 lineal feet from other sexually oriented businesses, churches, residential zones or schools.
10. Outdoor billboard advertising subject to spacing of a minimum of 1000 lineal feet spacing between billboards.

SECTION 10.10 HC (HIGHWAY COMMERCIAL) ZONE

A. PURPOSE: This zone is established to provide for limited retail, service, and other uses which are oriented towards serving the traveling/transient public or which require immediate access to the regional transportation system.

B. PERMITTED USES

1. Automotive, motorcycle, and truck sales, new or used
2. Automotive service and repairs, provided that all business activity shall be conducted within an enclosed building.
3. Banks and other financial institutions, with or without drive-through facilities
4. Boat and other marine equipment sales and service, new or used
5. Convenience stores
6. Eating establishments and taverns, with or without drive-in/drive-through facilities
7. Hotels and motels
8. Off-street parking lots and garages
9. Police and fire stations
10. Service stations (including auto repairing, provided all work, 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)
11. Theaters
12. Indoor Athletic facilities and sporting goods and apparel
13. Consumer Fireworks Sales as defined in KRS 227.702 provided that the entire building housing the firework sales as the primary source of business is within 300 feet of and the land on which the building is located is adjacent to a Federal Interstate Highway and providing all sales are conducted indoors (i.e. no tents, stands or other temporary structures).

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance
4. Uses as listed below, included within and entered from within, any motel or hotel, as a convenience to the occupants thereof, and their customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:

- a. Barber shops
 - b. Beauty shops
 - c. News and confectionery stands
 - d. Restaurants
5. Outdoor dining
- D. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustments as set forth in Section 9.12.
- 1. Outdoor athletic fields lying within the 100 year floodplain of the Licking River shall be permitted as accessory uses to the use and operation of an indoor athletic facility in this zone.

In addition to the outdoor athletic fields permitted as accessory uses in Section C., 1., above, one (1) outdoor athletic field, with an actual field of play no larger than 80 yards by 120 yards, shall be permitted as an accessory use to the use and operation of an indoor athletic facility in this zone.
 - 2. Full service car wash
- E. **AREA AND HEIGHT REGULATIONS:**
- 1. Minimum lot area – Ten thousand (10,000) square feet
 - 2. Minimum lot width at building setback line - Seventy (70) feet
 - 3. Minimum front yard depth - Fifty (50) feet
 - 4. Minimum side yard width - No restrictions, except when adjacent to a dedicated street or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. 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 structure, as defined herein, may be constructed on one lot
- F. **OTHER DEVELOPMENT CONTROLS**
- 1. Off–street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone onto any street, or into any adjacent property.
4. No motor vehicle, which is inoperable or trailer which is usable or unusable, shall be stored on any lot or parcel in this zone unless it is within a completely enclosed building.
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. Where any side and/or rear yard of any use permitted in this zone abuts property in a residential zone, a minimum yard requirement of fifty (50) 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.
7. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any permitted use in this zone.

SECTION 10.11 NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE

- A. PURPOSE: This zone is established to provide for retail, service, and other uses, within a planned and coordinated development, which is oriented towards serving the residents of the immediate area.
- B. PERMITTED USES:
1. Apparel shop
 2. Art supplies
 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 4. Banks and other financial institutions, including loan, savings, and finance companies
 5. Barber and beauty shop
 6. Billiard or pool hall
 7. Book, stationary, or gift shop
 8. Camera and photographic supplies
 9. Candy store, soda fountain, ice cream store, excluding drive-ins
 10. Child care centers
 11. Delicatessen
 12. Drug store
 13. Dry cleaning and laundry pick-up station
 14. Eating and drinking places, excluding drive-ins
 15. Florist shop
 16. Food store and supermarkets
 17. Furniture store
 18. Garden supplies
 19. Glass, china, or pottery store
 20. Haberdashery
 21. Hardware store
 22. Health spas
 23. Hobby shop
 24. Household and electrical appliance store, including incidental repair
 25. Interior decorating studio
 26. Jewelry store, including repair
 27. Laundromats and self service washing and drying
 28. Leather goods and luggage store
 29. Library
 30. Locksmith shop
 31. Music, musical instruments, and records, including incidental repair
 32. Offices
 33. Off-street parking lots and/or garages
 34. Opticians and optical goods

35. Package liquor and wine store, excluding drive-ins
36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post office
40. Radio and television store, including repair
41. Shoe store and shoe repair
42. Sporting goods
43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy store
46. Variety store, including notions and "Five and Ten" stores

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance

D. AREA AND HEIGHT REGULATIONS

1. Minimum building site area – Five (5) acres
2. Minimum yard requirements – Fifty (50) feet for each front, side, and rear yards, except where the building site abuts an arterial street, as identified in the adopted comprehensive plan, then there shall be a minimum yard requirement of one hundred (100) feet.
3. Maximum building height – Forty (40) feet.
4. In the case of this zone, more than one principal structure, as defined herein, may be constructed within the minimum building site area

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV 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 any use located within this zone or into any adjacent property.
4. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any yard of any use permitted in this zone abuts a residential zone, a ten (10) foot wide screening area, as regulated by Section 9.17 of this ordinance, shall be provided.

6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas and the outdoor play areas of child care centers.
8. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area of the proposed shopping center and take into consideration internal and external pedestrian and vehicle access and the functional relationships of uses within the shopping center.

SECTION 10.12 PO (PROFESSIONAL OFFICE BUILDING) ZONE

A. PURPOSE: This zone is established to provide for a low rise office environment accommodating individual office uses or small scale office developments.

B. PERMITTED USES

1. Banks and other financial institutions, including loan, savings, and finance companies.
2. Clinics – medical or dental
3. Offices
4. Off–street parking lots and/or garages
5. Police and fire Stations
6. Post offices

C. ACCESSORY USES

1. Customary accessory structures and uses
2. Fences and/or walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance
4. Uses as listed below, included within and entered from within, any office building, as a convenience to the occupants thereof, their patients, clients, or customers, provided that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
 - a. Barber shops
 - b. Beauty shops
 - c. Cleaning services, including laundries and dry cleaning
 - d. Coffee shops or refreshment stands
 - e. Child care centers
 - f. Eating establishments and taverns
 - g. Medical or dental laboratories
 - h. News and confectionery stands
 - i. Prescription pharmacies

D. AREA AND HEIGHT REGULATIONS:

1. Minimum building site area for office park development - Five (5) acres
2. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
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 - Fifteen (15) feet
6. Minimum rear yard depth - Twenty-five (25) feet
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal structure, as defined herein, may be constructed on one lot
9. In the case of this zone, more than one principal structure, as defined herein, may be constructed within the minimum building site area.

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XIII 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 any use located within this zone onto any dedicated street or into any adjacent property.
4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any side and/or rear yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) 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.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

SECTION 10.13 IP (INDUSTRIAL PARK) ZONE

- A. **PURPOSE:** This zone is established to provide for manufacturing, warehousing, and related industrial uses, within a planned and coordinated development. Uses typically permitted in this zone involve manufacturing of goods from pre-manufactured parts, which does not produce air emissions, water or noise pollution concerns; all manufacturing and storage of materials is within enclosed buildings comprising the business; and, the manufacturing processes used do not rely on the extensive use or storage of hazardous or environmentally sensitive materials.
- B. **PERMITTED USES:**
1. Except for those that decompose by detonation or uses or processes that employ blasting as part of their ongoing operation; The manufacturing, compounding, processing, packing, or assembling 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, excluding poultry and animal slaughtering and dressing
 - c. Cosmetics, pharmaceutical, and toiletries
 - d. Electric appliances, television sets, phonographs, household appliances
 - e. Electrical machinery, equipment, and supplies
 - f. Fountain and beverage dispensing equipment
 - g. Furniture
 - h. Instruments of professional, scientific, photographic and optical use
 - i. Metal products and metal finishing, excluding the use of blast furnaces or drop forges
 - j. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - k. Office equipment
 - l. Pottery and figurines
 - m. 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
 - n. Textile products such as: canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine (excluding asbestos products)
 2. Bottling and canning works

3. Building materials, sales yards, Home improvement center
4. Contractors offices and accessory storage yards, including storage for general construction equipment and vehicles
5. Crating services
6. Industrial engineering consultant offices
7. Laboratories, offices, and facilities for research both basic and applied, conducted by or for any industrial organization or concern whether public or private
8. Laundries and dry cleaning plants; involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
9. Machine shops
10. Printing, engraving and related production processes
11. Schools for industrial or business training
12. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
13. Public Utilities rights of way and permanent structures
14. Offices
15. Equipment sales and rental offices
16. Indoor athletics facilities
17. Studio for professional work or teaching any form of fine art including photography, music, drama or gymnastics
18. Day Care Centers

C. 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, machine shops, and rail spurs.
2. Fences and/or walls, as regulated by Article XII of this ordinance
3. Signs, as regulated by Article XV of this ordinance
4. 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, provided 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

D. AREA AND HEIGHT REGULATIONS:

1. Minimum tract for industrial development - Ten (10) 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 provided the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved development plan layout
2. Minimum lot area within minimum tract – One (1) acre
3. Minimum lot width at building setback line – One hundred (100) feet
4. Minimum Front Yard Depth
 - a. When abutting an arterial, as identified 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 an arterial, as identified in the adopted comprehensive plan - Seventy-five (75) feet
6. Minimum rear yard depth – 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
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV of this ordinance.
2. Any accessory storage yard of any use permitted in this zone shall be visually screened from any public street (as identified in the Comprehensive Plan) by a combination of building(s) land forming, landscaping and other devices as regulated by Section 9.17 of this Ordinance.
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. 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.
5. Where any side and/or rear yard of any use permitted in this zone abuts a residential zone, or the Town Center (TC) 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.

6. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.
7. Must demonstrate compliance, at all times, with Section 15.2 Performance Standards.

SECTION 10.14 I-2 (INDUSTRIAL TWO) ZONE

- A. **PURPOSE:** This zone is established to provide for manufacturing, warehousing, and other industrial uses. Uses typically permitted in this zone involve manufacturing or processing from raw materials; outside storage of materials is often necessary to store the types of products manufactured on the premises or to store raw materials used in the manufacturing process; industrial processes used may involve or require mitigation of air, water, or noise pollution created by the manufacturing processes; and, potentially hazardous materials may be used in the manufacturing process.
- B. **PERMITTED USES**
1. Except for those that decompose by detonation or processes that employ blasting as part of their ongoing operation, the manufacturing, compounding, processing, packing or assembling of the following uses:
 - a. Asphalt and asphalt products, located within one (1) mile of an interstate highway interchange.
 - b. Brewing and distilling of liquors, located within one (1) mile of an interstate highway interchange.
 - c. Brick, tile or terra cotta, located within one (1) mile of an interstate highway interchange.
 - d. Candy and confectionery products, food and beverage products including the rendering or refining of fats and oils
 - e. Cement, concrete and concrete products, located within one (1) mile of an interstate highway interchange.
 - f. Cosmetics, pharmaceutical and toiletries
 - g. Animated and/or illuminated billboards and other commercial advertising structures
 - h. Electric appliances, television sets, phonographs, household appliances
 - i. Electrical and non-electrical machinery, equipment and supplies
 - j. Fountain and beverage dispensing equipment
 - k. Furniture
 - l. Instruments of professional, scientific, photographic and optical
 - m. Iron, steel, aluminum foundry or forge works and heavy weight casting
 - n. Lumber mills and storage yards
 - o. Metal, metal finishing and metal products including the use of blast furnaces or drop forges
 - p. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - q. Office equipment

- r. Oilcloth or linoleum
 - s. Plastic and plastic products
 - t. Pottery and figurines
 - u. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, steel, tin, wood, bone, plastics, rubber, cork, felt, fibers, yarn, wool, tobacco
 - v. Rolling mills
 - w. Rubber and rubber products
 - x. Soap and soap products
 - y. Stone and monument works employing power driven tools
 - z. Sand and gravel including storage, located within one (1) mile of an interstate interchange.
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- 2. Bag, carpet and rug cleaning
 - 3. Bottling and canning works
 - 4. Building materials sales yards
 - 5. Bus line shops and storage
 - 6. Coal, coke, or wood yards
 - 7. Contractors offices and accessory storage yards including storage, sales and rental of general construction equipment and vehicles
 - 8. Crating services
 - 9. Flour mills
 - 10. Forge plants and Foundries
 - 11. Governmentally owned and/or operated city, county or state garages
 - 12. Industrial engineering 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. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
 - 15. Machine shops
 - 16. Plating plants
 - 17. Printing, engraving and related reproduction processes
 - 18. Publishing and distribution of books, newspapers, and other printed materials
 - 19. Railroad facilities including passengers and freight terminals, marshaling yards, and maintenance shops, and round house
 - 20. Schools for industrial or business training
 - 21. Trucking and freight terminals, with the exception of those items or products not permitted to be manufactured with in this zone.
 - 22. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
 - 23. Offices

- 24. Bulk storage, sale and distribution of bottled and compressed gas, with the exception of those items or products not permitted to be manufactured with in this zone.
- 25. Sand and gravel including storage, for use or consumption on-site only.
- 26. Intermediate waste uses, including composting yards, resource recovery facilities, recycling centers, buy-back centers, tire shredding facilities, tire recycling center, and transfer station provided all business activities are conducted within a completely enclosed building.

C. 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. Fences and/or walls, as regulated by Article XV of this ordinance
- 3. Signs, as regulated by Article XV of this ordinance
- 4. Uses, as listed below, located within 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
- 5. Day Care Centers

D. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustments as set forth in Section 9.14.

- 1. Office buildings exceeding forty (40) feet in height.

E. 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 – Twenty-five (25) feet; fifty (50) feet is required where a side yard abuts a street, or deeded right-of-way
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
8. In the case of this zone, more than one principal structure, as defined herein, may be permitted on one lot

F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XIII and XIV of this ordinance.
2. No lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property.
3. Where any side and/or rear yard of any use permitted in this zone abuts a residential zone, a minimum 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.
4. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any permitted use in this zone.
5. All uses and/or accessory uses with the exception of employee or customer parking, must be located 900 feet from any residential zone district.
6. Must demonstrate compliance, at all times, with Section 15.2 Performance Standards.

SECTION 10.15 MLU (MIXED LAND USE) ZONE

- A. **PURPOSE:** The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, commercial uses, retail and service uses, and residential uses within a planned development. Such development is intended to be designed to provide for a related group of activities which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Mixed Land Use Zone may be permitted provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.
- C. **APPLICATION AND PROCESSING:** Applications for a Mixed Land Use Zone shall be processed as follows in two stages:
1. Stage I - Except as provided in Section 17.0, I., applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I Plan Requirements, provided for within Section 9.20, A., of this ordinance. If an area, however, is currently zoned MLU, the submission of a Stage I Development Plan for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed.
 - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the MLU Zone, the required elements of the Stage I Development Plan and other

applicable requirements of this section. Written notice of the hearing shall be given to the owner of every parcel of property adjoining the property encompassed within the Stage I Development Plan as provided in and in accordance with the provisions of Section 17.0, D., 2. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said MLU 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 MLU 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 Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the MLU Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

2. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission, or its duly authorized representative, for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C., shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard

to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance (e.g., parking requirements). The planning commission, or its duly authorized representative, upon completion of its review of the proposed Stage II Development Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission, or its duly authorized representative, shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, or its duly authorized representative, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection C., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance; and (2) the planning commission, or its duly authorized representative.

- c. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., for Record Plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan. Upon approval of the

Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

D. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II Plans:

1. Residential - including single-family and two-family. Residential development shall not occupy a cumulative total of more than twenty-five (25) percent of the area within the MLU. Residential uses which are located above nonresidential uses shall not be considered to be a part of this cumulative total
2. Offices
3. Restaurants
4. Retail and service uses, as follows:

- Advertising agency
- Antique shop
- Apparel shop
- Appliance shop - electrical and household
- Appliances - office
- Art and art supplies
- Bakery shop
- Banks
- Book shops
- Cafeterias
- Camera supplies
- Candy store
- Churches
- Clinics - medical and dental
- Clothing store
- Clubs - business, YMCA, YWCA
- Coffee shop
- Convenience store - drug, fruit, grocery, meat, pharmacy, vegetables
- Craft shops
- Day care facilities
- Dry cleaning pick-up
- Finance company, financial institutions
- Florist shop
- Garden supplies
- Gift shop

Glass store
Hair stylist
Hardware store
Hobby shop
Hotels, motels
Ice cream store
Interior decorator
Jewelry store
Laboratory - medical and dental
Laundry pick-up
Leather goods
Loan company
Locksmith shop
Luggage shop
Music shop
Off-street parking
Office supplies
Optical goods and supplies
Optician and optometrist
Package liquor and wine store, excluding drive-thrus
Paint and/or Wallpaper store
Pet shop
Pharmacy
Photographic supplies
Pottery store
Recreation area - open space
Savings and loan
Shoe store with incidental repair
Souvenir shop
Sporting goods
Stationary shop
Studio - decorating, photo
Tailor shop
Travel agency
Video rental

E. ACCESSORY USES:

1. Customary accessory buildings and uses

F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the MLU Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

1. Fire and police stations
2. Post office branch
3. Schools (elementary and secondary)

G. AREA REQUIREMENTS:

1. No MLU Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned MLU, provided it is adjacent to an area that is currently zoned MLU.
2. The minimum area for submission of a Stage I Development Plan, within an existing MLU Zone, shall be not less than five (5) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is adjacent to and extends the existing Stage I Development Plan and conforms to requirements of the MLU Zone.

H. ACCESS REGULATIONS: Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.

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

J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance.

K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall generally be in accordance with Articles XIII and XIV of this ordinance and as approved in the plan.

L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.

M. RECREATION AND OPEN SPACE: At least twenty (20) percent of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities within the MLU development. Open space and recreation areas shall be that part of the total project exclusive of buildings, parking areas, access drives and streets. At such time as the Stage II Development Plan for a particular development is submitted to the planning commission, or its duly authorized representative, notwithstanding Subsection C., 2., a., open space requirements of less than

twenty (20) percent may be considered for the development if unique topographic conditions exist, unique treatment of parking areas is provided for, and unique conditions and circumstances exist on or are adjacent to the site.

N. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:

1. Agreement with the various elements of the Wilder Comprehensive Plan, and where applicable, any KRS Chapter 99 approved Urban Renewal Development Plan.
2. Extent to which the proposed development plan is consistent with the purpose of the MLU Zone. Consistency with the purpose can be measured by the extent to which a variety of the permitted uses is incorporated within the overall design. At a maximum no single proposed use should comprise over fifty (50) to seventy-five (75) percent of the gross floor area proposed in the Stage I or Stage II Development Plan.
3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
5. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
6. Amount of traffic that would be generated by the proposed operation and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
8. Extent to which all necessary public utilities and facilities are available to service the development, including police and fire protection, water and

sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

- O. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by Subsection C., of this section.

- P. EXPIRATION: Development plans within the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition apply:
 - 1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.

 - 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

SECTION 10.16 TC (TOWN CENTER) ZONE

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

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

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

- 3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his/her duly authorized representative:

approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

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

C. PERMITTED USES:

- 1. Antique and art stores
- 2. Bakery and bakery goods store, provided the products are sold exclusively on the premises
- 3. Banks and other financial institutions, including savings, loan, and finance companies
- 4. Barber and beauty shops
- 5. Book, stationery, or gift shop
- 6. Candy store, soda fountain, ice cream store, excluding drive-in facilities
- 7. Child day care center
- 8. Convenience stores, without the dispensing of fuels
- 9. Dance and fitness
- 10. Delicatessen
- 11. Drug store
- 12. Dry cleaning and laundry pick-up station, excluding on site processing
- 13. Eating and drinking places, excluding drive-in facilities
- 14. Florist shop
- 15. Government offices and facilities
- 16. Music, musical instruments, and records, including incidental repair
- 17. Offices
- 18. Photocopy establishment
- 19. Shoe store and shoe repair
- 20. Video sales and rental
- 21. Indoor Athletic facilities and sporting goods and apparel

D. CONDITIONAL USES

1. Congregate and retirement housing, nursing homes
 2. Second floor apartments, not to exceed 4 units per structure
 3. Bed and breakfast establishments
- E. ACCESSORY USES:
1. Customary accessory structures and uses.
 2. Fences and/or walls, as regulated by Article XIII of this ordinance.
 3. Signs, as regulated by Article XIV of this ordinance.
- F. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:
1. Minimum Lot Area - One - half (1/2) acre.
 2. Minimum Lot Width At Building Setback Line - One hundred (100) feet.
 3. Maximum Impervious Surface Ratio - Seventy (70) percent.
 4. Maximum Building Height - Forty (40) feet.
 5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot.
- G. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, thirty (30) feet of which shall be maintained by a screening area, as regulated by Section 9.15 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading areas.
- H. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- I. OFF-STREET PARKING, LOADING AND/OR UNLOADING: Off-street parking shall be provided at one-half the amount required in Article XI of this ordinance. Loading and unloading shall be provided in accordance with Article XII of this ordinance.
- J. OTHER DEVELOPMENT CONTROLS:
1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.

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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. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of the following:
 - a. Off - street parking and loading and/or unloading areas.
 - b. Outdoor play areas of a child day care center.
 - c. Outdoor dining
 5. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 6. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
 7. Flat and mansard roof construction shall not be permitted.
 8. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 9. Sidewalks shall be required when any new development occurs.
 10. Interior landscaping shall be provided as follows:
 - a. A minimum of 5% of the vehicular use area shall be landscaped.
 - b. Such landscaped areas shall be a minimum of 65 square feet in area.
 - c. Vegetation shall not be located closer than 30 inches to any pavement.
- K. CRITERIA: Evaluation of the proposed Town Center (TC) Zone and/or development plan shall be based upon the following criteria:
1. Design
 - a. Agreement with the various elements of the Comprehensive Plan, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the Town Center (TC) Zone.
 - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
 - e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.

- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. Off-street parking should be provided at the side and/or rear of building to maintain a fully landscaped front yard, adjacent to public streets.

2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

3. Open Space

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

- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

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

5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

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

M. EXPIRATION: Development plans within the Town Center (TC) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining: (1) whether said Town Center (TC) Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

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

SECTION 10.17 BPD (BUSINESS PARK DEVELOPMENT) ZONE

- A. **PURPOSE:** The purpose of the Business Park Development (BPD) Zone is to provide for the combining of offices, commercial uses, retail and service uses, and industrial uses within a planned development. Such development is intended to be designed to provide for a related group of activities, which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

- B. **GENERAL:** A Business Park Development 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 BPD Zone and its proper integration with the surrounding development are met; and a public hearing is held on the BPD application.

- C. **APPLICATION AND PROCESSING:** Applications for a Business Park Development zoning shall be processed as follows in two stages:
 - 1. Stage I - Except as provided in Section 17.0, I., applications for a map amendment to zone an area for Business Park Development (BPD) shall be accompanied by a development plan, in accordance with the Stage I Plan Requirements, provided for within Section 9.20, A., of this ordinance. If an area, however, is currently zoned BPD, the submission of a Stage I Development Plan for review by the planning commission and the legislative body, shall not be required until the area is proposed to be developed.
 - a. The planning commission shall hold a public hearing on the proposed application (Stage I Development Plan, and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the BPD Zone, the required elements of the Stage

I Development Plan and other applicable requirements of this section. Written notice of the hearing shall be given to the owner of every parcel of property adjoining the property encompassed within the Stage I Development Plan as provided in and in accordance with the provisions of Section 17.0, D., 2. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said BPD 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 BPD 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 Development Plan and Record Plat.

Zoning Map Amendment - Upon approval of the BPD Zone, the official zoning map shall be amended by adding the area as identified in the application or as shown on the Stage I approved plan.

2. Stage II - Plan And Record Plat - A Stage II Development Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission, or its duly authorized representative, for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C., shall

be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.

- a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments from the Stage I approved plan may be permitted, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance (e.g., parking requirements). The planning commission, or its duly authorized representative, upon completion of its review of the proposed Stage II Development Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission, or its duly authorized representative, shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.
- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, or its duly authorized representative, review said recommendations and take action to approve or disapprove the Stage II Development Plan. Such action may incorporate any conditions imposed by the planning commission, or its duly authorized representative. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, or its duly authorized representative, then said conditions shall be resubmitted to the planning commission, or its duly authorized representative, for further review and recommendation, in accordance with Subsection C., 2., a., above.

Upon approval of the Stage II Development Plan, by the legislative body, a copy of said plan shall be forwarded to: (1) the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance; and (2) the planning commission, or its duly authorized representative.

- c. Upon approval of the Stage II Development Plan, the planning commission, or its duly authorized representative, shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of Section 9.20, C., for Record Plats, the applicable

requirements of the subdivision regulations, and its conformance with the Stage II approved plan. Upon approval of the Record Plat, by the planning commission, or its duly authorized representative, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

- D. PERMITTED USES: One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II Plans: All Industrial uses must be located a minimum distance of 500 feet from the arterial right of way.
1. Except for those that decompose by detonation or processes that employ blasting as part of their ongoing operation, the manufacturing, compounding, processing, packing or assembling of the following uses:
 - a. Asphalt and asphalt products, located within one (1) mile of an interstate highway interchange.
 - b. Brewing and distilling of liquors, located within one (1) mile of an interstate highway interchange.
 - c. Brick, tile or terra cotta, located within one (1) mile of an interstate highway interchange.
 - d. Candy and confectionery products, food and beverage products including the rendering or refining of fats and oils
 - e. Cement, concrete and concrete products, located within one (1) mile of an interstate highway interchange.
 - f. Cosmetics, pharmaceutical and toiletries
 - g. Animated and/or illuminated billboards and other commercial advertising structures
 - h. Electric appliances, television sets, phonographs, household appliances
 - i. Electrical and non-electrical machinery, equipment and supplies
 - j. Fountain and beverage dispensing equipment
 - k. Furniture
 - l. Instruments of professional, scientific, photographic and optical
 - m. Iron, steel, aluminum foundry or forge works and heavy weight casting
 - n. Lumber mills and storage yards
 - o. Metal, metal finishing and metal products including the use of blast furnaces or drop forges
 - p. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - q. Office equipment
 - r. Oilcloth or linoleum
 - s. Plastic and plastic products

- t. Pottery and figurines
 - u. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, steel, tin, wood, bone, plastics, rubber, cork, felt, fibers, yarn, wool, tobacco
 - v. Rubber and rubber products
 - w. Soap and soap products
 - x. Stone and monument works employing power driven tools
 - y. Sand and gravel including storage, located within one (1) mile of an interstate interchange.
 - z. Textile products such as: canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine (excluding asbestos products)
2. Bag, carpet and rug cleaning
 3. Bottling and canning works
 4. Building materials sales yards, Home improvement center
 5. Bus line shops and storage
 6. General Contractor's and Construction Trade Offices and accessory storage yards including storage, sales and rental of heavy and general construction equipment and vehicles
 7. Crating services
 8. Wholesale trade and rental of heavy and light machinery, equipment and supplies, including transportation and farm equipment
 9. Flour mills
 10. Forge plants and Foundries
 11. Governmentally owned and/or operated city, county or state garages
 12. Indoor athletics facilities
 13. Industrial engineering consultant offices
 14. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private
 15. Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles
 16. Machine shops
 17. Plating plants
 18. Printing, engraving and related reproduction processes
 19. Public Utilities rights of way and permanent structures
 20. Publishing and distribution of books, newspapers, and other printed materials
 21. Railroad facilities including passengers and freight terminals, marshaling yards, and maintenance shops, and round house
 22. Sand and gravel including storage, for use or consumption on-site only.
 23. Schools for industrial or business training

24. Trucking and freight terminals, with the exception of those items or products not permitted to be manufactured with in this zone.
25. Warehousing or wholesaling, with the exception of those items or products not permitted to be manufactured with in this zone.
26. Bulk storage, sale and distribution of bottled and compressed gas, with the exception of those items or products not permitted to be manufactured with in this zone.
27. Studio for professional work or teaching any form of fine art including photography, music, drama or gymnastics
28. Intermediate waste uses, including composting yards, resource recovery facilities, recycling centers, buy-back centers, tire shredding facilities, tire recycling center, and transfer station provided all business activities are conducted within a completely enclosed building.
29. Offices
30. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products
31. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation services
32. Motor freight terminals, public warehousing, freight garaging and equipment maintenance of tractor-trailers and other commercial trucks and trailers
33. Welding shops for the repair of industrial machinery and heavy equipment
34. Auto repair facilities, repair for tractor-trailers and other truck, and towing and vehicle impound services excluding junkyards and wrecking
35. River Barge loading and unloading operations that are conducted in conjunction with permitted uses and accessory storage yards including storage, sales and rental of heavy and general construction equipment and vehicles
36. Restaurants with Drive thru
37. Retail and service uses, as follows:

- Advertising agency
- Antique shop
- Apparel shop
- Appliance shop - electrical and household
- Appliances - office
- Art and art supplies
- Auto, Truck, Motorcycle, Marine Construction Equipment sales service rental leasing
- Bakery shop with Drive thru
- Banks with Drive thru
- Beauty Shop/Barber Shop

Book shops
Cafeterias
Camera supplies
Candy store
Clinics - medical and dental
Clothing store
Clubs - business, YMCA, YWCA
Coffee shop with Drive thru
Convenience store - drug, fruit, grocery, meat, pharmacy, vegetables
gas with Drive thru
Craft shops
Day care facilities
Dry cleaning pick-up
Finance company, financial institutions
Florist shop
Garden supplies
Gas Station
Gift shop
Glass store
Hardware/Home improvement store
Hobby shop
Hotels, motels
Ice cream store with Drive thru
Interior decorator
Jewelry store
Laboratory - medical and dental
Laundry pick-up
Leather goods
Loan Company
Locksmith shop
Luggage shop
Music shop
Off-street parking including outside storage of vehicles, boats, RV's
cars etc.
Office supplies
Optical goods and supplies
Optician and optometrist
Package liquor and wine store, excluding drive-thru
Paint and/or Wallpaper store
Pet shop
Pharmacy with Drive thru
Photographic supplies Video Equipment and Supplies
Pottery store
Recreation area - open space

Savings and loan with Drive thru
Shoe store with incidental repair
Souvenir shop
Sporting goods
Stationery shop
Studio - decorating, photo
Tailor shop
Travel agency
Video rental

E. ACCESSORY USES:

1. Customary accessory buildings and uses

F. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the BPD Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

1. Fire and police stations
2. Post office branch

G. AREA REQUIREMENTS: No BPD Zone shall be permitted on less than fifteen (15) acres of land. However, an area of less than fifteen (15) acres may be zoned BPD, provided it is adjacent to an area that is currently zoned BPD.

1. The minimum area for submission of a Stage I Development Plan, within an existing BPD Zone, shall be not less than five (5) acres. However, a Stage I Development Plan may be submitted for an area of less than five (5) acres, provided it is adjacent to and extends the existing Stage I Development Plan and conforms to requirements of the BPD Zone.

H. ACCESS REGULATIONS: Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted comprehensive plan.

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

J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XI and XII of this ordinance and/or as approved in the Stage II Development Plan.

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- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall generally be in accordance with Articles XIII and XIV of this ordinance and/or as approved in the Stage II Development Plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. CRITERIA: Evaluation of the proposed development plan shall be based upon the following criteria:
1. Agreement with the various elements of the Wilder Comprehensive Plan, and where applicable, any KRS Chapter 99 approved Urban Renewal Development Plan.
 2. Extent to which the proposed development plan is consistent with the purpose of the BPD Zone. Consistency with the purpose can be measured by the extent to which a variety of the permitted uses is incorporated within the overall design. At a maximum no single proposed use should comprise over fifty (50) to seventy-five (75) percent of the contiguous area of the entire zone proposed in the Stage I or Stage II Development Plan.
 3. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 4. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 5. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.
 6. Amount of traffic that would be generated by the proposed operation and the ability of the existing street system to adequately handle said

traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.

7. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
8. Extent to which all necessary public utilities and facilities are available to service the development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

N. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XIII of this ordinance and/or as approved in the Stage II Development Plan.
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 any use located within this zone onto any dedicated street or into any adjacent property.
4. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
5. Where any side and/or rear yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) 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.
6. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
7. A development plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

O. AMENDMENTS: Any amendments to plans, except for the minor adjustments Which may be permitted by the planning commission, shall be made in accordance with the procedure required by Subsection C., of this section

P. EXPIRATION: Development plans within the BPD Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following condition apply:

1. Stage II Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the

Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.

2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.