

ARTICLE X - ZONES

SECTION 10.1 - CONSERVATION (CO) ZONE:

- A. USES PERMITTED:
1. Publicly owned and/or operated *parks* and/or recreation areas.
 2. Private recreational *uses* other than those publicly owned and/or operated such as ballfields and country clubs.
- B. ACCESSORY STRUCTURES OR USES:
1. Customary *accessory structures* and *uses*.
 2. *Fences* and walls, as regulated by Article XII.
 3. *Signs* as regulated by Article XV.
- C. AREA, HEIGHT, YARD, AND SETBACK REGULATIONS:
1. MINIMUM LOT AREA: One (1) acre.
 2. MINIMUM LOT WIDTH: One hundred fifty (150) feet.
 3. MINIMUM FRONT YARD SETBACK: Fifty (50) feet.
 4. MINIMUM SIDE YARD SETBACK: Twenty-five (25) feet.
 5. MINIMUM REAR YARD SETBACK: Fifty (50) feet.
 6. MAXIMUM BUILDING HEIGHT: Twenty-five (25) feet.
- D. OTHER DEVELOPMENT CONTROLS:
1. A *development plan* as regulated by Section 9.19 of this Ordinance shall be required for any *permitted use* or *conditional use* in this *zone*.
 2. *Off-street parking* shall be provided for any *use* within this *zone*, according to the provisions of Article XIII of this Ordinance.
 3. No *outdoor storage* of any material (useable or waste) shall be permitted in this *zone*, except within enclosed containers.
 4. No *motor vehicles* that are inoperable, or *mobile home* or *trailer* shall be stored or used for storage in this *zone*.
 5. No *use* producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any *residential zone*.

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

A. PERMITTED USES:

1. Single-family *residential dwellings* (detached).

B. ACCESSORY STRUCTURES OR USES:

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

C. CONDITIONAL USES: The following *uses* or any customary *accessory structures or uses*, subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Child Care Center*, providing they are located adjacent to an *arterial or collector street*.
2. *Educational facilities*, providing they are located adjacent to an *arterial or collector street*.
3. *Elderly / Retirement Housing*, provided they are located adjacent to an *arterial or collector street*.
4. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial or collector street*.
5. *Fire and police stations*, providing they are located adjacent to an *arterial or collector street*.
6. *Governmental facilities*.
7. *Off-street parking lots and/or garages*. The *Board of Adjustment* shall determine *garage setbacks*.
8. Publicly owned and/or operated *parks, playgrounds*, golf courses, community recreational centers, including *public swimming pools and libraries*.
9. *Religious institutions*, providing they are located adjacent to an *arterial or collector street*.

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

1. MINIMUM LOT AREA - Seven Thousand Five Hundred (7,500) square feet.
2. MINIMUM LOT WIDTH - Sixty (60) feet.
3. MINIMUM FRONT YARD SETBACK - Thirty (30) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Ten (10) feet.
5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
4. Where any yard of any *conditional use* permitted in this *zone* abuts property in a single-family *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.

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

- A. USES PERMITTED:
1. Single-family *residential dwellings* (detached).
- B. ACCESSORY STRUCTURES OR USES:
1. Customary *accessory structures* and *uses*.
 2. *Fences* and walls as regulated by Article XII.
 3. *Signs*, as regulated by Article XV.
 4. *Home occupations* subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
- C. CONDITIONAL USES: The following *uses* or any customary *accessory structures* or *uses*, subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:
1. *Child Care Center*, providing they are located adjacent to an *arterial* or *collector street*.
 2. *Educational facilities*, providing they are located adjacent to an *arterial* or *collector street*.
 3. *Elderly / Retirement Housing* provided they are located adjacent to an *arterial* or *collector street*.
 4. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial* or *collector street*.
 5. *Fire and police stations*, providing they are located adjacent to an *arterial* or *collector street*.
 6. *Governmental facilities*.
 7. Off-street parking lots and/or garages. The *Board of Adjustment* shall determine *garage setbacks*.
 8. Publicly owned and/or operated *parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries*.
 9. *Religious institutions*, providing they are located adjacent to an *arterial* or *collector street*.
 10. *Office; Commercial use*, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed *commercial use*.
 - b. Specific use shall be approved by the *Board of Adjustment*.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
- 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 - Four thousand five hundred (4,500) square feet.
 2. MINIMUM LOT WIDTH - Forty (40) feet.
 3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Five (5) feet.
 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
 4. Where any yard of any *conditional use* permitted in this *zone* abuts property in a single-family *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.

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

- A. PERMITTED USES:
1. Single-family *residential* (detached).
- B. ACCESSORY STRUCTURES AND USES:
1. Customary *accessory structures* and *uses*.
 2. *Fences* and walls as regulated by Article XII.
 3. *Signs*, as regulated by Article XV.
 4. *Home occupations*, subject to the restrictions and limitations established in Section 9.11 of this Ordinance.
- C. CONDITIONAL USES: The following *uses* or any customary *accessory structures* or *uses*, subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:
1. *Child Care Center*, providing they are located adjacent to an *arterial* or *collector street*.
 2. *Educational facilities*, providing they are located adjacent to an *arterial* or *collector street*.
 3. *Elderly / Retirement Housing*, provided they are located adjacent to an *arterial* or *collector street*.
 4. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial* or *collector street*.
 5. *Fire and police stations*, providing they are located adjacent to an *arterial* or *collector street*.
 6. *Governmental facilities*.
 7. *Off-street parking* lots and/or *garages*. The *Board of Adjustment* shall determine *garage setbacks*.
 8. Publicly owned and/or operated *parks, playgrounds*, golf courses, community recreational centers, including *public swimming pools* and *libraries*.
 9. *Religious institutions*, providing they are located adjacent to an *arterial* or *collector street*.
 10. *Office; Commercial use*, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
 - a. Structure was originally designed as mixed *commercial use*.
 - b. Specific use shall be approved by the *Board of Adjustment*.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
- D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:
1. MINIMUM LOT AREA - Four thousand (4,000) square feet.
 2. MINIMUM LOT WIDTH - Forty (40) feet.
 3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Five (5) feet.
 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
 4. Where any yard of any *conditional use* permitted in this *zone* abuts property in a single-family *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.

SECTION 10.5 - R-1H (RESIDENTIAL ONE - H) ZONE:

A. PERMITTED USES:

1. Single-family *residential* (detached).
2. Single-family *residential* (attached), provided they are compatible in size and scale with the character of the area or neighborhood. All single-family *residential* attached dwellings shall not exceed three stories and thirty-five feet in height, shall not exceed a density of 14 dwelling units per net acre, and shall comply with all other requirements of this zone. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required. Each residence shall be on a separately deeded lot not less than 2,500 square feet for interior units, and 3,500 square feet for end units. Interior units may have “zero” side yard setbacks. Exterior units shall comply with the required side yard set backs contained in this section. No more than two interior adjacent units may be located in each grouping. The minimum lot width for interior single-family *residential* attached units shall be twenty-five (25) feet.

B. ACCESSORY STRUCTURES AND USES:

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

C. CONDITIONAL USES: The following *uses* or any customary *accessory structures* or *uses*, subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Child Care Center*, providing they are located adjacent to an *arterial* or *collector street*.
2. *Educational facilities*, providing they are located adjacent to an *arterial* or *collector street*.
3. *Elderly / Retirement Housing* provided they are located adjacent to an *arterial* or *collector street*.
4. *Fire and police stations*, providing they are located adjacent to an *arterial* or *collector street*.
5. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial* or *collector street*.
6. *Governmental facilities*.
7. *Off-street parking* lots and/or *garages*. The *Board of Adjustment* shall determine *garage setbacks*.
8. Publicly owned and/or operated *parks, playgrounds*, golf courses, community recreational centers, including *public swimming pools* and *libraries*.
9. *Religious institutions*, providing they are located adjacent to an *arterial* or *collector street*.
10. *Bed and Breakfast* establishments, provided they meet the guidelines as listed below:
 - a. One *off-street parking* space must be provided for each guest room, on-site or within a reasonable distance off-site.
 - b. The only meal to be provided shall be breakfast, and it shall only be served to guests taking lodging in the facility. Lodgers may not use kitchen facilities.
 - c. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - d. Minimal outward modification of the *structure* or grounds may be made only if changes are compatible with the character of the area or neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the R1-H (HP) Zone.

- e. *Signs* shall be for identification purposes only, and shall not exceed three square feet and be parallel with the front wall of the *building*. The *sign* shall be no more than one foot above ground and may be *illuminated* with a *concealed light source* and shall not affect other properties. All *signage* must be a minimum of 10 feet from the public right of way.
 - f. The maximum length of stay by any lodger shall be two consecutive weeks.
 - g. At the minimum the following specifications must be met:
 - 1. For one guestroom facility must have 1,000 to 1,499 square feet of floor space.
 - 2. For two guestrooms facility must have 1,500 to 2,999 square feet of floor space.
 - 3. For three guestrooms facility must have 3,000+ square feet of floor space.
 - h. Each homestay *structure* must maintain a minimum of 25 percent floor space for the principal residence or common areas.
 - i. Each homestay *structure* must be owner occupied or in a *structure* immediately adjacent and in conjunction with a pre-existing homestay operation.
 - j. Each homestay may have a maximum of three rental units.
11. *Office; Commercial use*, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
- a. Structure was originally designed as mixed *commercial use*.
 - b. Specific use shall be approved by the *Board of Adjustment*.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

- 1. MINIMUM LOT AREA - 3,500 square feet.
- 2. MINIMUM LOT WIDTH – Thirty (30) feet.
- 3. MINIMUM FRONT YARD SETBACK - Twenty (20) feet.
- 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Three (3) feet*.
- 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
- 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.

* Must conform to KBC fire-rating standards.

E. OTHER DEVELOPMENT CONTROLS:

- 1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
- 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
- 4. Where any yard of any *conditional use* permitted in this *zone* abuts property in a single-family *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
- 5. When any yard of any single-family residential (attached) use permitted in this zone abuts property of any single-family residential (detached) use permitted in this zone or in an adjacent zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.

SECTION 10.6 - R-2 RESIDENTIAL TWO ZONE:

A. USES PERMITTED:

1. Single-family residential (detached).
2. Two-family residential.
3. Single-family residential (attached), provided they are compatible in size and scale with the character of the area or neighborhood. All single-family *residential* attached dwellings shall not exceed three stories and thirty-five feet in height, shall not exceed a density of 14 dwelling units per net acre, and shall comply with all other requirements of this zone. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required. Each residence shall be on a separately deeded lot not less than 2,500 square feet for interior units, and 3,500 square feet for end units. Interior units may have “zero” side yard setbacks. Exterior units shall comply with the required side yard set backs contained in this section. No more than two interior adjacent units may be located in each grouping. The minimum lot width for single-family *residential* attached units shall be twenty-five (25) feet.

B. ACCESSORY STRUCTURES AND USES:

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

C. CONDITIONAL USES: The following *uses* or any customary *accessory structures* or *uses*, subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Child Care Center*, providing they are located adjacent to an *arterial* or *collector street*.
2. *Educational facilities*, providing they are located adjacent to an *arterial* or *collector street*.
3. *Elderly / Retirement Housing* provided they are located adjacent to an *arterial* or *collector street*.
4. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial* or *collector street*.
5. *Fire and police stations*, providing they are located adjacent to an *arterial* or *collector street*.
6. *Governmental facilities*.
7. *Off-street parking* lots and/or *garages*. The *Board of Adjustment* shall determine *garage setbacks*.
8. Publicly owned and/or operated *parks, playgrounds*, golf courses, community recreational centers, including *public swimming pools* and *libraries*.
9. *Religious institutions*, providing they are located adjacent to an *arterial* or *collector street*.
10. *Bed and Breakfast* establishments, provided they meet the guidelines as listed below:
 - a. One *off-street parking* space must be provided for each guest room, on-site or within a reasonable distance off-site.
 - b. The only meal to be provided shall be breakfast, and it shall only be served to guests taking lodging in the facility. Lodgers may not use kitchen facilities.
 - c. *Signs* shall be for identification purposes only, and shall not exceed three square feet and be parallel with the front wall of the *building*. The *sign* shall be no more than one foot above ground and may be *illuminated* with a *concealed light source* and shall not affect other properties. All *signage* must be a minimum of 10 feet from the public right of way.
 - d. The maximum length of stay by any lodger shall be two consecutive weeks.

- e. At the minimum the following specifications must be met:
 - 1. To have one guest room the facility must have 1,000 to 1,499 square feet of floor space.
 - 2. To have two guest rooms the facility must have 1,500 to 2,999 square feet of floor space.
 - 3. To have three guest rooms the facility must have 3,000+ square feet of floor space.
 - f. Each homestay *structure* must maintain a minimum of 25 percent floor space for the principal residence or common areas.
 - g. Each homestay *structure* must be owner occupied or in a *structure* immediately adjacent and in conjunction with a pre-existing homestay operation.
 - h. Each homestay may have a maximum of three rental units.
11. *Office; Commercial use*, provided they meet the guidelines below in addition to the requirements provided by Article XVIII:
- a. Structure was originally designed as mixed *commercial use*.
 - b. Specific use shall be approved by the *Board of Adjustment*.
 - c. Use shall not impair the character of the zone in which it is located.
 - d. Documentation shall be provided to verify the original design of the structure.
 - e. At least one residential dwelling unit shall be maintained as part of the principal structure.
- 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. - Three Thousand Five Hundred (3,500) square feet.
 - 2. MINIMUM LOT WIDTH - Thirty (30) feet.
 - 3. MINIMUM FRONT YARD SETBACK - Ten (10) feet.
 - 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Three (3) feet.
 - 5. MINIMUM REAR YARD SETBACK - Twenty-five (25) feet.
 - 6. MAXIMUM BUILDING HEIGHT - Thirty-five (35) feet.
- E. OTHER DEVELOPMENT CONTROLS:
- 1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII XIV of this Ordinance.
 - 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
 - 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
 - 4. Where any yard of any *conditional use* permitted in this *zone* abuts property in a single-family *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
 - 5. When any yard of any single-family residential (attached) use permitted in this zone abuts property of any single-family residential (detached) use permitted in this zone or in an adjacent zone, a ten (10) foot wide buffer area, as regulated by Section 9.17 of this Ordinance, shall be required.

SECTION 10.7 R-3MF (RESIDENTIAL THREE - MULTIPLE FAMILY) ZONE:

A. PERMITTED USES:

1. *Multi-family residential dwellings.*

B. ACCESSORY STRUCTURES AND USES:

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

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 structures* or *uses* be permitted until and unless the location of said *use* shall have been applied for and approved of by the *Board of Adjustment* as set forth in Article XVIII of this Ordinance:

1. *Child Care Center*, providing they are located adjacent to an *arterial* or *collector street*.
2. *Educational facilities*, providing they are located adjacent to an *arterial* or *collector street*.
3. *Elderly / Retirement Housing* provided they are located adjacent to an *arterial* or *collector street*.
4. Facilities for human medical care – *hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home*, providing they are located adjacent to an *arterial* or *collector street*.
5. *Fire and police stations*, providing they are located adjacent to an *arterial* or *collector street*.
6. *Governmental facilities*.
7. *Off-street parking* lots and/or *garages*. The *Board of Adjustment* shall determine *garage setbacks*.
8. Publicly owned and/or operated *parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries*.
9. *Religious institutions*, providing they are located adjacent to an *arterial* or *collector street*.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

1. MINIMUM LOT AREA - Twelve thousand five hundred (12,500) square feet for the first four (4) *dwelling units* or less; two thousand (2,000) square feet shall be provided for every *dwelling unit* thereafter. In the case of this *zone* more than one principal *building*, as defined herein, may be permitted on one *lot*.
2. MINIMUM LOT WIDTH - One hundred (100) feet.
3. MINIMUM FRONT YARD SETBACK - Forty (40) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT - Fifteen (15) feet.
5. MINIMUM REAR YARD SETBACK - Thirty (30) feet.
6. MAXIMUM BUILDING HEIGHT- Forty (40) feet.

E. OTHER DEVELOPMENT CONTROLS:

1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No *outdoor storage* shall be permitted except within enclosed containers or *structures*.
3. No lighting shall be permitted which would glare from this *zone* into a street or adjacent property.
4. Where a yard of a *conditional use* abuts property in a single-family *residential zone*, a ten-foot wide *buffer area*, regulated by Section 9.17 of this Ordinance, shall be required.
5. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* permitted in this *zone*, except when development is proposed under the *Residential Cluster Development* regulations as regulated by Section 10.8 of this Ordinance.

SECTION 10.8 - RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY:

- A. **PURPOSE:** The purposes of the *Residential Cluster Development* (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family *residential* units may be constructed in the R-1 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 useable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 Residential land development procedures.

- B. **GENERAL:** A *Residential Cluster Development* Overlay Zone may be permitted only to be superimposed over any of the R-1 Residential Zones provided that all conditions or provisions of this section of the Ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD Overlay Zone and its proper integration with the surrounding development are met; and a public hearing is held on the RCD application.

- C. **APPLICATION AND PROCESSING:** Applications for *Residential Cluster Development* Overlay Zone shall be processed as follows in two stages:
 - 1. **STAGE I -- *Development Plan* and Zoning Map Amendment** Application for amendment to RCD Overlay Zone shall include a *Development Plan* in accordance with the requirements of Section 9.20 (A) - Stage I Plan Requirements.
 - a. The *Planning Commission* shall hold a public hearing on the proposed application, duly noticed, 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 Plan and other applicable requirements of this section. Upon holding such hearing, the *Planning Commission* shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The *Planning Commission* shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.

 - b. The legislative body shall, within 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 legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the *Planning Commission*, then said conditions shall be resubmitted to the *Planning Commission* for further review and recommendation in accordance with Subsection (C)(1)(a) above. Approval of the RCD Overlay Zone shall require that development be in conformance with the Stage I Approved Plan. The legislative body shall forward a copy of the Approved Plan to the *Planning Commission* for further processing in accordance with the requirements for Stage II Plan and Record Plat.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the Official Zoning Map shall be amended by adding the prefix "RCD" to the existing Residential (R-1) Zone (e.g., RCD-R-1B, RCD-R-1C, etc.) for the area as shown on the Stage I Approved Plan.

2. STAGE II-- PLAN AND RECORD PLAT - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I Approved Plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the *Planning Commission* for its review 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 to the Subdivision Regulations.

a. The *Planning Commission* shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20 (B), for Stage II Plans, other applicable elements of this Ordinance and other applicable regulations, and its conformity with the Stage I approved Plan. The *Planning Commission*, in approving the Stage I Approved Plan, may authorize minor adjustments from the Stage I Approved Plan, provided that the adjustments do not: change land *uses*, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this Ordinance.

Upon *Planning Commission* approval of the Stage II *Development Plan*, a copy of said plan shall be forwarded to the *Zoning Administrator*, who shall grant permits only in accordance with the Stage II Approved Plan and other regulations as may be waived by this Ordinance.

b. Upon approval of the Stage II Plan, the *Planning Commission* shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20 (C) for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan.

Upon *Planning Commission* approval of the Record Plat, copies of said plat, certified by the *Planning Commission*, and suitable for recording, shall be forwarded by the *Planning Commission* to the office of the County Clerk to be recorded.

D. RESIDENTIAL USES AND DENSITIES: Attached and detached *single-family dwellings* may be permitted within an RCD. The density of *dwelling units* in an RCD shall be determined by the density (*dwelling units* per net acre) as calculated from the existing Residential (R-1) Zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).

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

1. *Child Care Centers.*
2. Community centers.
3. Country Clubs.
4. *Educational facilities.*
5. *Fire or police stations.*
6. *Governmental Facilities.*
7. *Libraries.*

8. Open space recreation areas.
 9. *Religious institutions.*
- F. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted, if the proposed development conforms to the original development as if the new area had been part of the original development.
 - G. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
 - H. 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 XIII and XIV of this Ordinance.
 - I. FENCES, WALLS, AND SIGNS: Location, height and type of *fences*, walls and *signs* shall be approved in the plan.
 - J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
 - K. 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 and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and useable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of *dwelling*s, streets, parking areas, single-family *lots*, *commercial* areas, and other non-open space and non-recreational oriented facilities.
 - L. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the *Planning Commission*, shall be made in accordance with the procedure required by this Ordinance, subject to same limitations and requirements as those under which such plans were originally approved.
 - M. EXPIRATION: Any amendment to the RCD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the *Planning Commission*, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
 1. Stage II Plan has not been approved by the *Planning Commission* within a period of twenty-four (24) consecutive months from the date of the Stage I Approved Plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the *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 10.9 - MHP (MOBILE HOME PARK) OVERLAY ZONE:

- A. GENERAL: A Mobile Home Park (MHP) Overlay Zone may be superimposed only over any of the *residential 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 MHP Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MHP application.
- B. APPLICATION AND PROCESSING: Applications for Mobile Home Park Overlay Zone shall be processed as follows in two stages:
1. STAGE I -- *Development Plan* and Zoning Map Amendment Application for amendment to MHP Overlay Zone shall include a *Development Plan* in accordance with the requirements of Section 9.20, Stage I Plan Requirements.
 - a. The *Planning Commission* shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MHP Overlay Zone, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the *Planning Commission* shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The *Planning Commission* shall submit, along with their recommendations, a copy of the Stage I Plan and the basis 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 MHP application. Such action may incorporate any conditions imposed by the legislative body. 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 (B)(1)(a), above. Approval of the MHP Overlay Zone shall require that development be in conformance with the Stage I Approved Plan.

The legislative body shall forward a copy of the Approved Plan to the *Planning Commission* for further processing in accordance with the requirements for Stage II Plan and Record Plat.
 - c. Zoning Map Amendment - Upon approval of the MHP Overlay Zone, the Official Zoning Map shall be amended by adding the prefix "MHP" to the existing Residential (R-1) Zone (e.g., MHP-R-1B, MHP-R-1C, etc.) for the area as shown on the Stage I Approved Plan.
 2. STAGE II-- PLAN AND RECORD PLAT - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I Approved Plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the *Planning Commission* for its review 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 to the Subdivision Regulations:

- a. The *Planning Commission* shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20 (B), for Stage II Plans, other applicable elements of this Ordinance and other applicable regulations, and its conformity with the Stage I Approved Plan. The *Planning Commission*, in approving the Stage I Approved Plan, may authorize minor adjustments from the Stage I Approved Plan, provided that the adjustments do not: change land *uses*, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this Ordinance.

Upon *Planning Commission* approval of the Stage II *Development Plan*, a copy of said plan shall be forwarded to the *Zoning Administrator*, who shall grant permits only in accordance with the Stage II Approved Plan and other regulations as may be waived by this Ordinance.

- b. Upon approval of the Stage II Plan, the *Planning Commission* shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20 (C) for Record Plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan.

Upon *Planning Commission* approval of the Record Plat, copies of said plat, certified by the *Planning Commission*, and suitable for recording, shall be forwarded by the *Planning Commission* to the office of the County Clerk to be recorded.

- C. USES AND DENSITIES: *Mobile homes* including customary *accessory structures* and *uses* may be permitted within a MHP Overlay Zone. The density of *dwelling units* in a MHP shall be determined by the density (*dwelling units* per net acre) as calculated from the existing Residential (R-1) Zone superimposed by the MHP Overlay Zone. This density shall be applied to the total project area excluding that land devoted to streets (public and private). The following *structures* and *uses* related to and for the exclusive *use* of the residents of the *Mobile Home Park* (excluding, however, any *commercial uses*) are also permitted:
 1. Rental or sales *offices* for *lots* and/or *mobile homes* in the *Mobile Home Park*.
 2. Community centers.
 3. Laundry facilities.
- D. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public *structures* and *uses* may be permitted in the MHP. These *uses* shall be delineated on the plan and shall be limited to one or more of the following *uses*:
 1. *Educational Facilities*.
 2. *Religious Institutions*.
 3. Open space recreation areas.
- E. AREA REQUIREMENTS: No MHP Overlay Zone shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing MHP Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

- F. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- G. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: *Off-street parking* and, when applicable, loading and/or unloading facilities shall be provided in accordance with Articles XIII and XIV of this Ordinance.
- H. FENCES, WALLS, AND SIGNS: The location, height, and type of all *fences*, walls, and *signs* shall be as approved in the plan.
- I. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this Ordinance.
- J. COMMON OPEN SPACE--RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed MHP shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and useable by all residents of the MHP. Common open space and recreation area shall be that part of the total project exclusive of *dwellings*, streets, parking areas, single-family *lots*, *commercial* areas, and other non-open space and non-recreational oriented facilities.
- K. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the *Planning Commission*, shall be made in accordance with the procedure required by this Ordinance, subject to same limitations and requirements as those under which such plans were originally approved.
- L. EXPIRATION: Any amendment to the MHP 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 MHP Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Plan has not been approved by the *Planning Commission* within a period of twenty-four (24) consecutive months from the date of the Stage I Approved Plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I Approved Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the *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 10.10 – NC-1 (NEIGHBORHOOD COMMERCIAL-ONE ZONE):

A. PERMITTED USES:

1. *Animal Grooming Service.*
2. *Animal Hospital / Clinic.*
3. *Antique Shop.*
4. *Apparel / Clothing Shop.*
5. *Art Gallery.*
6. *Art / Craft / Hobby Shop.*
7. *Bakery, Retail.*
8. *Bank.*
9. *Bar / Tavern / Saloon.*
10. *Barber Shop.*
11. *Beauty Salon.*
12. *Bookstore / Gift Shop.*
13. *Brew Pub.*
14. *Coffee House.*
15. *Dance Hall.*
16. *Electronics Store.*
17. *Exterminator / Pest Control.*
18. *Funeral Home.*
19. *Florist.*
20. *General Store.*
21. *Hardware Store.*
22. *Home Decorating Store.*
23. *Jewelry Store.*
24. *Laundromat / Dry Cleaners.*
25. *Liquor Store.*
26. *Locksmith Shop.*
27. *Massage Establishment.*
28. *Meeting Halls / Lodges.*
29. *Motorcycle Sales*
30. *Movie Theater.*
31. *Museum.*
32. *Music Store.*
33. *Nightclub.*
34. *Office.*
35. *Office, Professional.*
36. *Park.*
37. *Pet Shop.*
38. *Photography, Retail Store.*
39. *Pool / Billiard Hall.*
40. *Post Office.*
41. *Print / Copy Shop.*
42. *Residential Dwelling Units, as part of the principal structure.*
43. *Restaurant, Carry Out.*
44. *Restaurant, Sit Down.*

45. *Sporting Goods Store.*
46. *Studio, Professional.*
47. *Sweet Shop.*
48. *Tailor / Sewing Shop.*
49. *Tanning Studio.*
50. *Theater.*
51. *Toy Store.*
52. *Variety Store.*
53. *Video Store.*

B. ACCESSORY STRUCTURES AND USES:

1. Customary *accessory structures 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: The following *uses* or any customary accessory *buildings* or *uses* subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Adult Day Care Facilities.*
2. *Assisted Living / Residential Care Facilities.*
3. *Bed and Breakfast* establishments, provided they meet the guidelines as listed below:
 - a. One *off-street parking* space must be provided for each guestroom, on-site or within a reasonable distance off-site.
 - b. The only meal to be provided shall be breakfast, and it shall only be served to guests taking lodging in the facility. Lodgers may not use kitchen facilities.
 - c. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - d. Minimal outward modification of the *structure* or grounds may be made only if such changes are compatible with the character of the area or neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the HP Overlay Zone.
 - e. *Signs* shall be for identification purposes only, and shall not exceed three square feet and be parallel with the front wall of the *building*. The *sign* shall be no more than one foot above ground and may be *illuminated* with a *concealed light source* and shall not affect other properties. All *signage* must be a minimum of 10 feet from the public right of way.
 - f. The maximum length of stay by any lodger shall be two consecutive weeks.
 - g. At the minimum the following specifications must be met:
 - One guestroom the facility must have 1,000 to 1,499 square feet of floor space.
 - Two guestrooms the facility must have 1,500 to 2,999 square feet of floor space.
 - Three guestrooms the facility must have 3,000+ square feet of floor space.
 - h. Each homestay *structure* must maintain a minimum of 25 percent floor space for the principal residence or common areas.

- i. Each homestay *structure* must be owner occupied or in a *structure* immediately adjacent and in conjunction with a pre-existing homestay operation.
 - j. Each homestay may have a maximum of three rental units.
- 4. *Child Care Center.*
 - 5. *Clinic, Human Care.*
 - 6. *Educational Facilities.*
 - 7. *Elderly / Retirement Housing.*
 - 8. *Governmental Facilities.*
 - 9. *Hospital / Health Care Facility.*
- 10. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment shall not be permitted within the outdoor dining areas.
 - d. Such area shall not be permitted to locate within any minimum required *front, side, or rear yards*, except where a *variance* has been approved by the *Board of Adjustment*.
 - e. Minimum of three (3) feet of sidewalk clearance shall be maintained for pedestrians.
- 11. *Religious Institutions:*
 - a. Are located adjacent to an arterial or collector street.
 - b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, *woodwork*, *stairways*, *fireplaces*, *windows* and *doors*, *cornices*, *festoons*, *molding*, *chair rails*, or *light fixtures*.
 - c. Minimal outward modification of the *structure* or grounds may be made only if such changes are compatible with the character of the neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the HP Overlay Zone.
 - d. *Off-street parking* must be provided in accordance with section 13.2 (CC).
- 12. *Off-Street Parking:*
 - a. Shall not be located on Fairfield Avenue
 - b. Shall not front Fairfield Avenue unless owned by *City*.
 - c. Screening and lighting requirements as determined by the Historic Preservation Commission.
- D. AREA AND HEIGHT REGULATIONS: No *building* shall be erected or structurally altered hereafter

except in accordance with the following regulations:

1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
2. MINIMUM LOT WIDTH - Thirty (30) feet.
3. MINIMUM FRONT YARD SETBACK - No restrictions.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.
5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet.
6. MAXIMUM BUILDING HEIGHT - Forty (40) feet.
7. In the case of this *zone*, more than one principal *building*, as herein defined, may be constructed on one *lot*.

E. OTHER DEVELOPMENT CONTROLS:

1. *Off-street parking* and loading and/or unloading is not required, except that any existing area on site available for *off-street parking* shall be used. Future *building additions* shall not utilize any existing area available or currently used for *off-street parking*.
2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any *residential zone*.
4. When any *permitted use* in this *zone* abuts a *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No *use* producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any Residential Zone.
6. All business activities permitted within this *zone* shall be conducted within a completely enclosed *building* with the exception of *off-street parking* and loading and/or unloading areas.
7. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* permitted in this *zone*.
8. *Adult use bookstores / video stores, adult use entertainment establishments* and/or *adult use theaters* are subject to the following requirements:
 - a. No *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater*, as defined in this Ordinance, shall be located within 250 feet of any other such use, or located within 250 feet of the boundaries of any *residential zone*, or 250 feet from existing *residential* areas defined for the purpose of this section as a block frontage developed with 50% or more *residential uses*; or located within 500 feet of any permanent *structure* used as a *religious institution*, or located within one thousand (1,000) feet of any *educational facility*.
 - b. All existing operational *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater* that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a *non-conforming use*.
 - c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply.
 - d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.
9. Existing storefronts shall not be converted into *Residential Dwelling Units* on the 1st floor.

SECTION 10.11 - NC-2 (NEIGHBORHOOD COMMERCIAL-TWO ZONE):

A. PERMITTED USES:

1. *Animal Grooming Service.*
2. *Animal Hospital / Clinic.*
3. *Antique Shop.*
4. *Apparel / Clothing Shop*
5. *Bakery, Retail.*
6. *Bank.*
7. *Barber Shop.*
8. *Beauty Salon.*
9. *Bookstore / Gift Shop.*
10. *Coffee House.*
11. *Dance Hall.*
12. *Drug Store / Pharmacy.*
13. *Electronics Store.*
14. *Exterminator / Pest Control.*
15. *Florist.*
16. *General Store.*
17. *Hardware Store.*
18. *Home Decorating Store.*
19. *Jewelry Store.*
20. *Laundromat / Dry Cleaners.*
21. *Locksmith Shop.*
22. *Massage Establishment*
23. *Music Store.*
24. *Office.*
25. *Office, Professional.*
26. *Pet Shop.*
27. *Photography, Retail Store.*
28. *Post Office.*
29. *Print / Copy Shop.*
30. *Residential Dwelling Units, as part of the principal structure.*
31. *Restaurant, Carry Out.*
32. *Restaurant, Neighborhood.*
33. *Restaurant, Sit Down.*
34. *Studio, Professional.*
35. *Sweet Shop.*
36. *Tailor / Sewing Shop.*
37. *Tanning Studio.*
38. *Thrift Store.*
39. *Toy Store.*
40. *Variety Store.*
41. *Video Store.*

B. ACCESSORY STRUCTURES AND USES:

1. Customary *accessory structures* 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: The following *uses* or any customary accessory *buildings* or *uses* subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Adult Day Care Facility*.
2. *Assisted Living / Residential Care Facilities*.
3. *Banquet Hall*
4. *Child Care Center*.
5. *Clinic, Human Care*.
6. *Educational Facilities*.
7. *Elderly / Retirement Housing*.
8. *Governmental Facilities*.
9. *Hospital / Health Care Facility*.
9. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment and serving of alcoholic beverages shall not be permitted within the outdoor dining areas.
 - d. Such area shall not be permitted to locate within any minimum required *front, side, or rear yards*, except where a *variance* has been approved by the *Board of Adjustment*.
10. *Religious Institutions*.
 - a. Are located adjacent to an *arterial or collector street*.
 - b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
 - c. Minimal outward modification of the *structure* or grounds may be made only if such changes are compatible with the character of the area or neighborhood. The Historic Preservation Commission must approve such changes.
 - d. *Off-street parking* must be provided in accordance with section 13.2 (CC).

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

1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
2. MINIMUM LOT WIDTH - Thirty (30) feet;
3. MINIMUM FRONT YARD SETBACK - No restrictions.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.

5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet.
6. MAXIMUM BUILDING HEIGHT - Forty (40) feet.
7. In the case of this *zone*, more than one principal *building*, as herein defined, may be constructed on one *lot*.

E. OTHER DEVELOPMENT CONTROLS:

1. *Off-street parking* and loading and/or unloading is not required, except that any existing area on site available for *off-street parking* shall be used. Future *building additions* shall not utilize any existing area available or currently used for *off-street parking*.
2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any *residential zone*.
4. When any *permitted use* in this *zone* abuts a *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
5. No *use* producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any *residential zone*.
6. All business activities permitted within this *zone* shall be conducted within a completely enclosed *building* with the exception of *off-street parking* and loading and/or unloading areas, except as herein provided.
7. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* permitted in this *zone*.
8. An *adult use bookstore / video store, adult use entertainment establishment* and an *adult use theater* are subject to the following requirements:
 - a. No *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater*, as defined in this Ordinance, shall be located within 250 feet of any other such *use*, or located within 250 feet of the boundaries of any *residential zone*, or 250 feet from existing *residential* areas defined for the purpose of this section as a block *frontage* developed with 50% or more *residential uses*; or located within 500 feet of any permanent *structure* used as a *religious institution*, or located within one thousand (1,000) feet of any *educational facility*.
 - b. All existing operational *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater* that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a *non-conforming use*.
 - c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.

SECTION 10.12 – NC-3 (NEIGHBORHOOD COMMERCIAL-THREE ZONE)

A. PERMITTED USES:

1. *Animal Grooming Service.*
2. *Animal Hospital / Clinic.*
3. *Antique Shop.*
4. *Apparel / Clothing Shop.*
5. *Arcade, Amusement.*
6. *Art Gallery.*
7. *Art / Craft / Hobby Shop.*
8. *Automobile Dealership.*
9. *Automobile Parts / Supply, Retail.*
10. *Automobile Repair Services.*
11. *Bakery, Retail.*
12. *Bank.*
13. *Bar / Tavern / Saloon.*
14. *Barber Shop.*
15. *Beauty Salon.*
16. *Bookstore / Gift Shop.*
17. *Bowling Alley.*
18. *Brew Pub.*
19. *Car Wash, Self-Service.*
20. *Club.*
21. *Coffee House.*
22. *Dance Hall.*
23. *Drug Store / Pharmacy.*
24. *Electronics Store.*
25. *Exterminator / Pest Control.*
26. *Florist.*
27. *Fortune Telling.*
28. *Gas Station.*
29. *Gas Station Minimart.*
30. *General Store.*
31. *Gun Shop / Firearms Dealer.*
32. *Hardware Store.*
33. *Home Decorating Store.*
34. *Jewelry Store.*
35. *Laboratory, Medical / Dental.*
36. *Laundromat / Dry Cleaners*
37. *Library.*
38. *Liquor Store.*
39. *Locksmith Shop.*
40. *Meeting Halls / Lodges.*
41. *Massage Establishments.*
42. *Movie Theater.*
43. *Museum.*
44. *Music Store.*
45. *Nightclub.*
46. *Nursery.*
47. *Office.*
48. *Office, Professional.*
49. *Oil Change Facility.*
50. *Park.*
51. *Pawnshop.*
52. *Pet Shop.*
53. *Photography, Retail Store.*
54. *Pool / Billiard Hall.*

55. *Post Office.*
56. *Print / Copy Shop.*
57. *Restaurant, Carry Out.*
58. *Restaurant, Fast Food.*
59. *Restaurant, Neighborhood.*
60. *Restaurant, Sit Down.*
61. *Service Station.*
62. *Sporting Goods Store.*
63. *Studio, Professional.*
64. *Sweet Shop.*
65. *Tailor / Sewing Shop.*
66. *Tanning Studio.*
67. *Tattoo Parlor / Body Piercing Studio / Body Painting Studio.*
68. *Theater.*
69. *Thrift Store.*
70. *Toy Store.*
71. *Variety Store.*
72. *Video Store.*

B. ACCESSORY STRUCTURES AND USES:

1. Customary *accessory structures 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: The following *uses* or any customary accessory *buildings* or *uses* subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Adult Day Care Facility.*
2. *Assisted Living / Residential Care Facilities.*
3. *Child Care Center.*
4. *Clinic, Human Care.*
5. *Educational Facilities.*
6. *Elderly / Retirement Housing.*
7. *Governmental Facilities.*
8. *Hospital / Health Care Facility.*
9. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment and serving of alcoholic beverages shall not be permitted within the outdoor dining areas.
 - d. Such area shall not be permitted to locate within any minimum required *front, side, or rear yards*, except where a *variance* has been approved by the *Board of Adjustment*.
10. *Religious Institutions.*
 - a. Are located adjacent to an *arterial or collector street*.

- b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
- c. Minimal outward modification of the *structure* or grounds may be made only if such changes are compatible with the character of the area or neighborhood.
- d. *Off-street parking* must be provided in accordance with section 13.2 (CC).

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

- 1. MINIMUM LOT AREA - Three thousand (3,000) square feet.
- 2. MINIMUM LOT WIDTH - Thirty (30) feet.
- 3. MINIMUM FRONT YARD SETBACK - No restrictions.
- 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Three (3) feet.
- 5. MINIMUM REAR YARD SETBACK - Fifteen (15) feet
- 6. MAXIMUM BUILDING HEIGHT - Forty (40) feet
- 7. In the case of this *zone*, more than one principal *building*, as herein defined, may be constructed on one *lot*.

E. OTHER DEVELOPMENT CONTROLS:

- 1. *Off-street parking* and loading and/or unloading is not required, except that any existing area on site available for *off-street parking* shall be used. Future *building additions* shall not utilize any existing area available or currently used for *off-street parking*.
- 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
- 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any *residential zone*.
- 4. When any *permitted use* in this *zone* abuts a *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
- 5. No *use* producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any *residential zone*.
- 6. All business activities permitted within this *zone* shall be conducted within a completely enclosed *building* with the exception of *off-street parking* and loading and/or unloading areas, except as herein provided.
- 7. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* permitted in this *zone*.
- 8. *Adult use bookstores / video stores, adult use entertainment establishments* and/or *adult use theaters* are subject to the following requirements:
 - a. No *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater*, as defined in this Ordinance, shall be located within 250 feet of any other such *use*, or located within 250 feet of the boundaries of any *residential zone*, or 250 feet from existing *residential* areas defined for the purpose of this section as a block *frontage* developed with 50% or more *residential uses*; or located within 500 feet of any permanent *structure* used as a *religious institution*, or located within one thousand (1,000) feet of any *educational facility*.

- b. All existing operational *adult use bookstore / video store, adult use entertainment establishment* and/or *adult use theater* that do not presently meet any or all of the requirements described in part (a) above, shall be deemed a *non-conforming use*.

- c. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, north, south, east, west, and where vertical horizontal distance measurements are required, such restrictions shall likewise apply. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest points of the respective properties as referred to herein.

SECTION 10.13 - SC (SHOPPING CENTER) ZONE

A. PERMITTED USES:

1. *Animal Grooming Service.*
2. *Animal Hospital / Clinic.*
3. *Antique Shop.*
4. *Apparel / Clothing Shop.*
5. *Arcade, Amusement.*
6. *Art Gallery.*
7. *Art / Craft / Hobby Shop.*
8. *Automotive Parts / Supply, Retail.*
9. *Automobile Repair Services.*
10. *Bakery, Retail.*
11. *Bank.*
12. *Bar / Tavern / Saloon.*
13. *Barber Shop.*
14. *Beauty Salon.*
15. *Bookstore / Gift Shop.*
16. *Brew Pub.*
17. *Car Wash, Self-Service.*
18. *Club.*
19. *Coffee House.*
20. *Dance Hall.*
21. *Department Store.*
22. *Drug Store / Pharmacy.*
23. *Electronics Store.*
24. *Exterminator / Pest Control.*
25. *Fitness Center / Health Club.*
26. *Florist.*
27. *Gas Station.*
28. *Gas Station Minimart.*
29. *General Store.*
30. *Grocery Store.*
31. *Gun Shop / Firearms Dealer.*
32. *Hardware Store.*
33. *Home Decorating Store.*
34. *Home Improvement Center.*
35. *Hotel / Motel.*
36. *Hotel / Motel, Extended Stay.*
37. *Jewelry Store.*
38. *Laboratory, Medical and Dental.*
39. *Laundromat / Dry Cleaners.*
40. *Lending Establishment*
41. *Library.*
42. *Liquor Store.*
43. *Locksmith Shop.*
44. *Meeting Halls / Lodges.*

45. *Massage Establishments.*
46. *Movie Theater.*
47. *Museum.*
48. *Music Store.*
49. *Nightclub.*
50. *Nursery.*
51. *Office Building.*
52. *Office, Class A*
53. *Office, Class B*
54. *Office, Class C*
55. *Office, Professional.*
56. *Oil Change Facility.*
57. *Park.*
58. *Pawnshop.*
59. *Pet Shop.*
60. *Photography, Retail Store.*
61. *Pool / Billiard Hall.*
62. *Post Office.*
63. *Print / Copy Shop.*
64. *Restaurant, Carry Out.*
65. *Restaurant, Fast Food.*
66. *Restaurant, Neighborhood.*
67. *Restaurant, Sit Down.*
68. *Service Station.*
69. *Shopping Center.*
70. *Shopping Mall.*
71. *Sporting Goods Store.*
72. *Studio, Professional.*
73. *Supermarket.*
74. *Sweet Shop.*
75. *Tailor / Sewing Shop.*
76. *Tanning Studio.*
77. *Tattoo Parlor / Body Piercing Studio / Body Painting Studio.*
78. *Theater.*
79. *Thrift Store.*
80. *Toy Store.*
81. *Variety Store.*
82. *Video Store.*

B. ACCESSORY STRUCTURES AND USES:

1. Customary *accessory structures and uses.*
2. *Fences and walls, as regulated by Article XII of this Ordinance.*
3. *Signs as regulated by Article XIV of this Ordinance.*
4. The normal processing and assembly, within an enclosed *building*, of items or products for sale and/or service exclusively on the premises is permitted.

C. **CONDITIONAL USES:** The following *uses* or any customary accessory *buildings* or *uses* subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Adult Day Care Facility.*
2. *Assisted Living / Residential Care Facilities.*
3. *Automotive sales and leasing*
4. *Child Care Center.*
5. *Clinic, Human Care.*
6. *Educational Facilities.*
7. *Elderly / Retirement Housing.*
8. *Governmental Facilities.*
9. *Hospital / Health Care Facility.*
10. *Marine sales and service*
11. *Religious Institutions.*
12. **Outdoor Dining Areas** - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area
 - c. Entertainment and serving of alcoholic beverages shall not be permitted within the outdoor dining areas
 - d. Such area shall not be permitted to locate within any minimum required *front, side, or rear yards*, except where a *variance* has been approved by the *Board of Adjustment*.

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

1. **MINIMUM BUILDING SITE AREA** - One (1) acre. (In the case of this *zone*, more than one principal *building*, as defined herein, may be permitted to be constructed within the minimum *building* site area).
2. **MINIMUM YARD SETBACK REQUIREMENTS** - Fifty (50) feet for each *front, side* (on each side of the *building*) and *rear yards*.
3. **MAXIMUM BUILDING HEIGHT** - Forty (40) feet.

E. **OTHER DEVELOPMENT CONTROLS:**

1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV.
2. No *outdoor storage* shall be permitted in this *zone*, except within enclosed containers or *structures*.
3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
4. Where any yard of any *use* permitted in this *zone* abuts a *residential zone*, a ten (10) foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.

5. No *use* producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any *residential zone*.
6. All business activities permitted within this *zone* shall be conducted within a completely enclosed *building* with the exception of *off-street parking* and loading and/or unloading areas.
7. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* permitted in this *zone*. Such site plan shall include the layout of the entire area of the proposed *shopping center* and shall take into consideration good shopping design (i.e., internal and external good pedestrian, and vehicle access) and functional relationship of *uses* within the *shopping center*.

SECTION 10.14 - MLU (MIXED LAND USE) ZONE

- A. **PURPOSE:** The purpose of the Mixed Land Use Zone (MLU) is to provide for the combining of *offices*, *residential uses* and retail and service *uses* within a planned development. Such development is intended to be designed to provide for a group of activities that are functionally integrated relative to land *uses*, vehicular and pedestrian circulation and the arrangement of *structures*. In addition, the intent of the *zone* is to promote flexibility in design and planned diversification in the relationships between location of and types of *uses* and *structures*; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of *buildings*, circulation systems, land *uses*, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities; and to utilize such features in a harmonious fashion; provide for more useable 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 conditions and 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 Mixed Land Use Zone shall be processed in two (2) stages:
1. Stage I - Application 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, of this section. If an area, however, is zoned MLU at the time the original zoning for the area is established (through annexation) the submission of the Stage I *Development Plan* for review by the *Planning Commission* and the legislative body, shall not be required until the area is proposed to be developed.
 - a. The *Planning Commission* shall hold a public hearing on the proposed application (*development plan* Stage I and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the MLU Zone, the criteria for evaluation of a MLU Zone as set forth in Subsection F, 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 Plan and the bases for their recommendations.
 - 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 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.

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformity with the Stage I Approved Plan and in accordance with the requirements of Section 9.20, B and C, and submitted to the *Planning Commission* and the legislative body for its review and approval. Except for the manner of submission and processing, the Subdivision Regulations may be waived, where applicable, and the requirements of Section 9.20, B and C, shall be substituted therefore. Those requirements not specifically waived by the *Planning Commission* shall conform to the Subdivision Regulations.

- a. The *Planning Commission* shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20 (B), for Stage II Plans, other applicable elements of this Ordinance and other applicable regulations, and its conformity with the Stage I Approved Plan. Minor adjustments from the Stage I Approved Plan may be permitted, provided that the adjustments do not change land *uses*, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this Ordinance (e.g., parking requirements). The *Planning Commission*, upon completion of its review of proposed Stage II Plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The *Planning Commission* shall submit, along with its recommendations, a copy of the Stage II Plan and the basis for their recommendations.
- b. The legislative body shall within ninety (90) days after receiving the recommendation of the *Planning Commission*, review said recommendations and take action to approve or disapprove the Stage II *Planning Commission*. However, should the legislative body take action to impose different conditions than were reviewed and considered by the *Planning Commission*, then said conditions shall be resubmitted to the *Planning Commission* for further review and recommendation, in accordance with Subsection (C)(2)(a) above.

Upon approval of the Stage II Plan, by the legislative body, a copy of said plan shall be forwarded to the: (1) *Zoning Administrator*, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this Ordinance: (2) the *Planning Commission*.

- c. Upon approval of the Stage II Plan, the *Planning Commission* shall review the submitted Record Plat, if applicable, with regard to its compliance with the required elements of Section 9.20 (C), for record plats, the applicable requirements of the Subdivision Regulations, and its conformance with the Stage II Approved Plan. Upon *Planning Commission* approval of the Record Plat, copies of said plat, certified by the *Planning Commission*, and suitable for recording, shall be forwarded to the office of the County Clerk to be recorded.

- D. PERMITTED USES: The following *uses* are permitted in the MLU Zone. Said *uses* shall be clearly delineated on the Stage I and Stage II Plans:

1. *Hotels / Motels* – including extended stay.

2. *Offices* – including professional, class A, class B, and class C.
 3. *Parking Buildings / Garages*.
 4. Public and Semi-Public Facilities - including *educational facilities, governmental facilities, libraries, and religious institutions*.
 5. *Residential* - including single-family, attached and detached; two-family; and multi-family.
 6. *Recreational Facilities* - including golf courses, country clubs, community centers, and *parks*.
 7. Restaurants – including carry out, fast food, neighborhood, sit down, and *brew pubs*.
 8. Retail and Service Facilities.
 9. The following *uses* are permitted providing that the development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection. Such statements of approval or denial shall be submitted to the *Board of Adjustment* at the time of submittal for a conditional zoning certificate.
 - a. Boat harbors and marinas. The following *uses* shall be permitted as *accessory use* in connection with any boat harbor or marina provided they are primarily intended to serve only persons using the boat harbor or marina:
 - Boat fueling, service and repairs.
 - Sale of boat supplies.
 - *Grocery Store*.
 - Restaurant.
 - b. Recreational boat landing, docking and launching facilities.
 - c. *Off-street parking* facilities including facilities for temporary parking of boat *trailers*.
- E. **BUFFERING:** The MLU development shall be adequately buffered from adjacent *residential* development in accordance with Section 9.17 of this Ordinance.
- F. **CRITERIA FOR EVALUATION OF A MLU ZONE AND STAGE I PLAN:** The criteria established in this section are to be used as a basis in reviewing any application for amendment to a MLU Zone. The criteria are as follows:
1. A positive finding shall be made in regard to the following factors:
 - a. The proposed application is in agreement with the planning unit's *Comprehensive Plan*.
 - b. The proposed development is located adjacent to an *arterial* and/or *collector street*.
 - c. Open space areas are appropriately provided. Such open space is to be well-designed and located to meet the needs of the proposed development, considering such factors as size, shape, location, and topography of the space.
 - d. The proposed development provides for a mixture of different land *use* types that comprise a unified development concept.
 - e. The Stage I Plan includes all applicable requirements of Section 10.13 (G).
 2. Consideration shall also be given to the following factors:

- a. The 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.).
- b. The nature and extent of the proposed mix of land *use* types, considering the types of *uses* proposed in relation to the unique characteristics of the site, and the current or anticipated need for such *use* (s).
- c. The extent to which the proposed design, as indicated in the Stage I Plan, is compatible with adjacent properties. 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*; provision of *buffer 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.
- d. The 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.
- e. The extent to which the design of the internal street system provided for the efficient and safe movement of traffic within and adjacent to the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.

G. DEVELOPMENT PLAN REQUIREMENTS:

STAGE I -- PLAN REQUIREMENTS: The Stage I Plan shall identify and provide the following information, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet:

1. General
 - a. The total area in the project.
 - b. The present zoning of the subject property and all adjacent properties
 - c. All public and private rights-of-way and *easement* lines located on the subject property.
 - d. Existing topography, shown by contour with intervals not to exceed five (5) feet.
 - e. General description (text or map) of the proposed phasing of development.
 - f. General location of proposed streets.
 - g. A conceptual diagram (except for Phase I of the proposed project, which must meet the requirements as defined herein) indicating the anticipated location of the various proposed land *uses* within each phase of development (including open space as required by paragraph (L) of this section) and the approximate number of acres to be utilized by each type of land *use*.
2. Phase I - The Phase I portion of Submitted Stage I Plan shall provide at a minimum:
 - a. Location of *structures* and the description of the proposed development (*office*, hotel, retail, *commercial*, *residential*, etc.) to be located within the Phase I portion of the project.

- b. The estimated *gross floor area* and/or number of rooms and/or the density of *residential* development of the various activities within Phase I portion of the project.
 - c. Approximate height of the proposed *structures* within the Phase I portion of the project.
 - d. The location and number of *off-street parking* spaces to be provided.
3. Subsequent phases of development shall be reviewed by the *Planning Commission* and the legislative body to determine the conformance of such plans to the approved Stage I plan. Plans for subsequent development of the area may be submitted for initial review in the same form as was required for Phase I of the development, with subsequent review as a Stage II, or as a direct application for Stage II review with such detail as is required by such a submission.

STAGE II - The Stage II Plan shall be prepared in accordance with the requirements of Section 9.20, B, and C, of this ordinance.

- H. HEIGHT, YARD AND SETBACK REGULATIONS: Requirements shall be as approved in the plan.
- I. OFF-STREET PARKING, LOADING AND/OR UNLOADING: *Off-street parking* and when applicable, loading and/or unloading facilities, shall be as approved in the plan.
- J. FENCES, WALLS AND SIGNS: The location, height, and type of all *fences*, walls and *signs* shall be as approved in the plan.
- K. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- L. 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.
- M. EXPIRATION: *Development plans* with the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the *Planning Commission*, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved *development plan*. A public hearing may be initiated if either of the following conditions apply:
 - 1. Stage II *Development 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 that 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 *Development 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.

- N. ACCESSORY STRUCTURES FOR CERTAIN NONCONFORMING USES: The *Zoning Administrator* shall have the authority to issue *zoning permits* for *accessory structures* serving nonconforming one or two family *structures* meeting the following criteria:
1. Is subordinate to and serves a principal nonconforming one or two family *structure*.
 2. Is subordinate in area, extent, or purpose, to the principal nonconforming one or two family *structure* served.
 3. Contributes to the comfort, convenience, or necessity of the residents of the nonconforming one or two family *structure* served.
 4. Is located on the same *lot* as the principal nonconforming one or two family *structure*.
 5. Such *accessory structures* shall be limited to the following:
 - a. Above ground *swimming pools* conforming to section 9.18.
 - b. *Fences* conforming to Article XII.
 - c. *Sheds* not exceeding 120 square feet.
 - d. Satellite receiving antennas.
 - e. *Decks* not exceeding 160 square feet.
 6. Such *accessory structures* shall conform and be in compliance with all other applicable sections of the Official Zoning Regulations and codes of the City of Bellevue.

SECTION 10.15 - HP (HISTORIC PRESERVATION) OVERLAY ZONE:

A. PURPOSE:

1. To preserve the *structures, buildings*, appurtenances, and places which are basic and of vital importance for the development of culture, because of their association with history, because of their unique architectural style and scale, including color, proportions, form, and architectural details; or because of their being a part of or related to a square, park or area of cultural, historical, or architectural importance to the *City*.
2. This *zone* is to work in conjunction with the other *zones* of this chapter and for the purpose of protecting and preserving the exterior of *buildings, structures*, appurtenances, and places.

B. PRINCIPAL PERMITTED USES AND STRUCTURES: Any *permitted uses* allowed in that particular *zone* in which the *building* and *structure* now exists and which does not destroy or change the exterior of the *building* or *structure* in accordance with the purpose of this *zone*.

C. PERMITTED ACCESSORY STRUCTURES AND USES: Any permitted *accessory uses* allowed in that particular *zone* in which the *building* or *structure* now exists and which does not destroy or change the appearance of the exterior of the *building, structure*, appurtenances, or place in accordance with the purpose of this *zone*.

D. CONDITIONAL USES: Same conditions or restrictions as described in part (C) above.

E. SPECIAL CONDITIONS:

1. *Off-street parking* as set forth in Article XIII of this ordinance.
2. No exterior alterations visible to the public, new construction, demolition or relocation shall be permitted unless a Certificate of Appropriateness has been obtained from the Bellevue Historic Preservation Commission.
3. All proposed construction within the HP Overlay Zone shall be done in accordance with the Taylor's Daughters/Fairfield Avenue Design Review Guidelines Manual and the Bellevue Historic Preservation Ordinance. (Copies of the manual and ordinance are available at the City Building at 616 Poplar Avenue.)

F. APPLICATION OF ZONE:

1. The historic preservation overlay zone is to work in conjunction with the existing *zones* set forth under this chapter and primarily with the *zones* listed as R-1 H, NC-1, and NC-2 but not limited to these *zones*.
2. The historic preservation overlay zone can also be applied in conjunction with the other *zones* in this chapter CO, R1A, R1B, R1C, R-2, NC-3, SC, R3-MF, MLU, and I-1 if this *zone* is so deemed necessary to preserve any historical or architectural design of any *building* or *structure*.
3. This *zone* is not limited to the existing *zones* in this chapter, but to the additions of future *zones* added to this chapter.
4. Upon approval of the HP Overlay Zone, the official zoning map shall be amended by adding the suffix HP to the existing *zones*.

SECTION 10.16 - I-1 (INDUSTRIAL ONE) ZONE:

A. PERMITTED USES: The following *uses* are permitted providing all *uses* are in compliance with the *performance standards* as set forth in Article XI of this ordinance.

1. The manufacturing, compounding, processing, packaging, or assembling of the following *uses*:
 - a. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing.
 - b. Cosmetics, pharmaceuticals and toiletries.
 - c. Electric appliances, television sets, phonographs, household appliances.
 - d. Electrical machinery, equipment and supplies.
 - e. Fountain and beverage dispensing equipment.
 - f. Furniture.
 - g. Instruments for professional, scientific, photographic and optical use.
 - h. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges.
 - i. Musical instruments, toys, novelties, jewelry, rubber or metal stamps.
 - j. Office equipment.
 - k. Pottery and figurines.
 - l. 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.
 - m. Textile products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine.
2. *Agriculture.*
3. Bottling and canning works.
4. Brewing or distilling of liquors.
5. *Dry Cleaning Plant.*
6. Contractors' *offices* including storage of general construction equipment and vehicles.
7. *Freight terminals.*
8. *Governmental Facilities.*
9. *Home Improvement Center.*
10. Industrial engineering consultant *offices.*
11. Laboratories, *offices*, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.
12. *Machine shops.*
13. Printing, engraving and related reproduction processes.
14. Publishing and distribution of books, newspapers, and other printed materials.
15. *Recycling Center.*
16. Schools for industrial or business training.
17. *Warehouse*
18. *Wholesale Establishment.*

B. ACCESSORY STRUCTURES AND 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 walls as regulated by Article XII of this ordinance.

3. *Signs*, as regulated by Article XV of this ordinance.
4. *Uses*, as listed below, including 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.

C. 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 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 - One hundred fifty (150) feet.
4. MINIMUM FRONT YARD SETBACK - Fifty (50) feet.
5. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT – Twenty-five (25) feet.
6. MINIMUM REAR YARD SETBACK - Fifty (50) feet. No *rear yard* is required where a rail spur forms the rear property line.
7. MAXIMUM BUILDING HEIGHT - forty (40) feet or three (3) stories.

D. OTHER DEVELOPMENT CONTROLS:

1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No lighting shall be permitted which would glare from this *zone* onto any street, or into any adjacent property.
3. Where any yard of any *use* permitted in this *zone* abuts a *residential zone*, a minimum yard requirement of fifty (50) feet for each *side* and /or *rear yard* which abuts said *zone* shall be provided, ten (10) feet if which shall be maintained as a *buffer 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 *use* in this *zone*.
5. All *outdoor storage* must be in a *structure* enclosed on at least three sides and *buffered* from public view.

SECTION 10.17 - C-1 (COMMERCIAL-ONE ZONE):

A. PERMITTED USES:

1. *Antique Shop.*
2. *Arcade, Amusement.*
3. *Bowling Alley.*
4. *Clubs.*
5. *Fitness Center / Health Club.*
6. *Library.*
7. *Meeting Halls / Lodges.*
8. *Museum.*
9. *Office.*
10. *Office, Professional.*
11. *Recreational Facilities.*
12. *Restaurant, Neighborhood.*
13. *Restaurant, Sit Down.*
14. *Sexually Oriented Business.*
15. *Sporting Goods Store.*

F. ACCESSORY STRUCTURES AND USES:

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

G. CONDITIONAL USES: The following *uses* or any customary accessory *buildings* or *uses* subject to the approval of the *Board of Adjustment*, as set forth in Article XVIII of this Ordinance:

1. *Adult Day Care Facilities.*
2. *Assisted Living / Residential Care Facilities.*
3. *Child Care Center.*
4. *Clinic, Human Care.*
5. *Educational Facilities.*
6. *Elderly / Retirement Housing.*
7. *Governmental Facilities.*
8. *Hospital / Health Care Facility.*
9. Outdoor Dining Areas - provided that such area meets the following minimum requirements:
 - a. Such area shall be designed to clearly identify the limits of the outdoor dining area.
 - b. Such area shall not exceed forty (40) percent of the maximum seating capacity of the indoor dining area.
 - c. Entertainment shall not be permitted within the outdoor dining areas.
 - d. Such area shall not be permitted to locate within any minimum required *front, side, or rear yards*, except where a *variance* has been approved by the *Board of Adjustment*.
10. *Religious Institutions:*
 - a. Are located adjacent to an arterial or collector street.

- b. Any interior modification shall be described in the application and shall not be injurious to the historic character of the *structure*, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, molding, chair rails, or light fixtures.
- c. Minimal outward modification of the *structure* or grounds may be made only if such changes are compatible with the character of the neighborhood. The Historic Preservation Commission must approve such changes if the facility is located in the HP Overlay Zone.
- d. *Off-street parking* must be provided in accordance with section 13.2 (CC).

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

- 1. MINIMUM BUILDING SITE AREA – Five (5) acres.
- 2. MINIMUM LOT WIDTH – One hundred fifty (150) feet.
- 3. MINIMUM YARD SETBACK REQUIREMENTS – Fifty (50) feet for each *front*, *side* (on each side of the *building*) and *rear yards*.
- 4. MAXIMUM BUILDING HEIGHT - Forty (40) feet.

I. OTHER DEVELOPMENT CONTROLS:

- 1. *Off-street parking* and loading and/or unloading shall be provided in accordance with Articles XIII and XIV.
- 2. No *outdoor storage* shall be permitted in this *zone* except within enclosed containers or *structures*.
- 3. No lighting shall be permitted which would glare from this *zone* onto any street, or into any *residential zone*.
- 4. When any *permitted use* in this *zone* abuts a *residential zone*, a twenty (20) - foot wide *buffer area*, as regulated by Section 9.17 of this Ordinance, shall be required.
- 5. No *use* producing objectionable odors, noise, or dust shall be permitted.
- 6. All uses and/or business activities permitted within this *zone* shall be conducted within a completely enclosed *building* with the exception of *off-street parking*, *recreational facilities*, outdoor dining areas, and loading and/or unloading areas.
- 7. A *development plan*, as regulated by Section 9.19 of this Ordinance, shall be required for any *use* or enlargement/expansion of any *use* permitted in this *zone*.