

EXHIBITS

A & D

Boone County Planning Commission

- NOTICE -

The Boone County Planning Commission is interested in hiring a Civil Engineer on a part-time contractual basis. The professional services contract could be with an individual or consulting firm. The length of the professional services contract shall be from November 1, 2022 until June 30, 2023.

[\[click here for more info\]](#)

The Boone County Planning Commission is interested in hiring a Land Surveyor on a part-time contractual basis. The professional services contract could be with an individual or consulting firm. The length of the professional services contract shall be from November 1, 2022 until June 30, 2023.

[\[click here for more info\]](#)

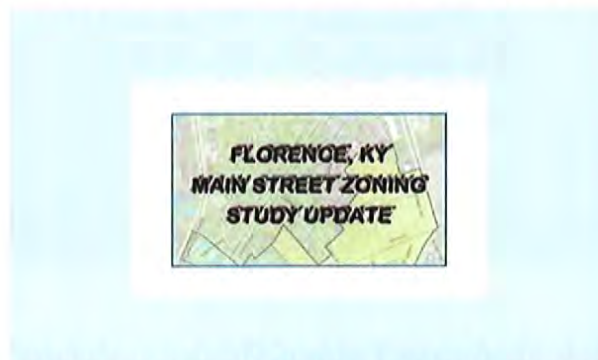
**2950 WASHINGTON ST, P.O. BOX 958
BURLINGTON, KY 41005
PHONE: 859.334.2196 | FAX: 859.334.2264
EMAIL: plancom@boonecountyky.org**



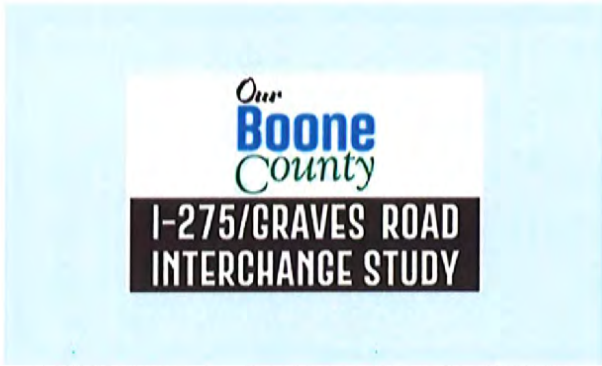
2020 Zoning Update - Proposed Mapping Issues

<u>2020 U.S. Census Population Figures</u>	
Boone County (Unincorporated)	91,485
Florence	31,946
Union	7,416
<u>Walton (Boone only)</u>	<u>5,121</u>
Total	135,968

2020 U.S. Census Population Figures



2021 Florence Main Street Study Update



I-275/Graves Rd Interchange Study




2020 Zoning Update



Plan 2040 A Comprehensive Plan Update

In order to allow a business to operate from a residence, a Home Occupation Permit must be submitted to and be approved by the Boone County Planning Commission. An Occupation License/Payroll Tax Application... [\[click to read more\]](#)

A circular icon with a white question mark on a blue background, surrounded by a grey shadow.

Do You Want to Start or Expand a Business?

EXHIBIT

B

LONG RANGE PLANNING/COMP PLAN COMMITTEE REPORT

#6

TO: Boone County Planning Commission

FROM: Bob Schwenke, Chairperson

DATE: November 2, 2022

RE: Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement ***Our Boone County Plan – Plan 2040***. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

REMARKS:

- A. We, the Committee, recommend to the full Boone County Planning Commission that the proposed amendments to the current zoning regulations and zoning map, or the "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" be approved and recommended for adoption by the Cities of Florence, Union, and Walton, and the Boone County Fiscal Court. These documents were presented as exhibits at the September 21, 2022 Public Hearing. The specific Zoning Map Amendments are also outlined on page 7 and 8 of the Staff Report and graphically illustrated in the "2020 Zoning Update Public Hearing Draft Mapping Issues" booklet. These amendments have been prepared in accordance with the Kentucky Revised Statutes, Chapter 100, and are the result of over a year of data collection, staff research and evaluation, public official input, nine (9) meetings of the Long Range Planning/Comprehensive Plan Committee, public workshops that were held in March 2020 and May 2022, and a public hearing.
- B. The proposed amendments, when adopted, will replace the current Boone County Zoning Regulations and the Boone County Zoning Map. When adopted, the proposed amendments implement some of the recommendations of Our Boone County – Plan 2040, which serves as "a tool for the management of growth and development in Boone County." The above recommendation is based upon the following finding of fact and is subject to the following amendments or changes to the text of the zoning regulations that are proposed by the Long Range Planning/Comprehensive Plan Committee as a result of the testimony and evidence given at the September 21, 2022 Public Hearing. Furthermore, the current Boone County Zoning Regulations and Boone County Zoning Map will remain in full force and in effect until the new text and maps have been adopted by each of the legislative units.
- C. The Committee has reviewed all of the testimony and evidence given at the Public Hearing. At this time, the Committee is recommending approval of the proposed text and map amendments referenced in this report. This approval does not prohibit changes to the zoning text and map in the future based upon an individual application, a specific land use study, or the request of a legislative unit

FINDINGS OF FACT:

- A. The proposed "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" are in agreement with the previously adopted Goals and Objectives and the 7 Elements of the adopted comprehensive plan: Our Boone County – Plan 2040. References to the Comprehensive Plan are made in the Staff Report.
- B. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has proposed the following changes or amendments to the text of the "2020 Zoning Update Public Hearing Draft". All of the proposed changes are based upon the written evidence and testimony made at the Public Hearing. The zoning text amendments adopted by the Planning Commission, including the changes summarized below, will be incorporated into the final document upon adoption by the legislative units.
1. Provide for Short Term rentals to be allowed within the City of Walton. Attachment A indicates the proposed text, which is the same as what has previously been adopted by the City of Florence and Boone Fiscal Court.
 2. Add regulations for Data Centers and prohibit crypto-currency mining. Attachment B indicates the proposed text.
 3. Add 'Recreation, Active' as a principally permitted use in the C-4 district. Attachment C indicates the proposed wording.
 4. Add 'School' as a conditional use in the I-1 district. Attachment D indicates the proposed wording.
 5. Add 'College and University' as a principally permitted use in the I-1 district. Attachment D indicates the proposed wording.
 6. Prohibit 'School' within the I-3 district. Attachment D indicates the proposed wording.
 7. Add 'School' as a principally permitted use in the PF district. Attachment E indicates the proposed wording.
 8. Modify the Accessory Dwelling Unit regulations to differentiate between an accessory dwelling unit that is within the principal structure and one that is in a free standing structure and reduce the minimum lot size for accessory dwelling units when that unit is within the principal structure. Attachment F indicates the proposed wording.
 9. Modify the parking requirements for Short Term Rentals to differentiate between a short term rental within a portion of a dwelling or the entire

dwelling. Attachment A indicates the proposed wording.

- C. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended approval of the following changes or amendments to the zoning map. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. Map ID 120

- a. An approximate 13.5 acre area located at 10830 Big Bone Church Road, approximately 1,200 feet south of Big Bone Church Road.
- b. The property owner has requested that this site be rezoned from A-2 to A-1
- c. The 2040 Future Land Use Map identifies the site for Rural density Residential Uses, which has a maximum intensity of one (1) dwelling unit per acre.
- d. The proposed A-1 district will place all the structures on the property within the same zoning district.

- D. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended denial of the following changes or amendments to the zoning map. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. Map ID 75 and Map ID 101

- a. Staff has identified these properties to be rezoned from A-1, SR-1/SC, and I-1 to CONS because they are owned by the Boone County Conservancy.
- b. The Boone County Conservancy has requested that the zoning of these properties not be changed since their Board has not had sufficient time to evaluate the consequences of such a change.

2. Map ID 105

- a. The proposed RSE or RS district is not consistent with the 2040 Future Land Use Map which identifies the area for Rural Land, which has a maximum intensity of one (1) dwelling unit per two (2) acres.
- b. The proposed RSE district has a maximum intensity of one (1) dwelling unit per acre and the RS district has a maximum intensity of three (3) dwelling units per acre
- c. The existing A-2 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted

comprehensive plan and which have substantially altered the basic character of such area.

3. Map ID 106

- a. The proposed A-2 district is not consistent with the 2040 Future Land Use Map which identifies the area for Industrial uses.
- b. The proposed A-2 district is inappropriate in that the A-2 district will allow residential and agricultural uses in an area recommended for industrial uses.
- c. The existing I-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- e. Agricultural activity can take place on the site since it meets the criteria found in KRS 100.111(2).

4. Map ID 109

- a. The proposed I-1 district is not consistent with the 2040 Future Land Use Map which identifies the area for Urban Density Residential uses.
- b. The proposed I-1 district is inappropriate in that the I-1 district will allow industrial uses in an area recommended for residential uses.
- c. The existing UR-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

5. Map ID 113

- a. While the existing I-1 district may not be consistent with the 2040 Future Land Use Map which identifies the area as Developmentally Sensitive, the proposed UR-1 district is also not consistent with the comprehensive plan.
- b. The proposed UR-1 district is inappropriate in that it is part of a larger area currently zoned I-1.
- c. The existing I-1 district is appropriate since the remainder of the property to the north and east of the site is currently zoned I-1.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

6. Map ID 116

- a. The proposed A district is not consistent with the 2040 Future Land Use Map which identifies the area for Rural Density Residential and Business Park uses.
- b. The proposed A district is inappropriate in that the A district will allow transportation related uses in an area recommended for residential and commercial uses.
- c. The existing A-2 and C-1 districts are appropriate since they are generally consistent with the 2040 Future Land Use Map.
- d. This 2040 Future Land Use Map identifies the airport for Transportation uses. This designation does not extend north of I-275.
- e. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

7. Map ID 119

- a. The proposed I-1 district is not consistent with the 2040 Future Land Use Map which identifies the area for Suburban Density Residential and High Suburban Density Residential uses.
- b. The proposed I-1 district is inappropriate in that the I-1 district will allow industrial uses in an area recommended for residential uses.
- c. The existing UR-1 district is appropriate since it is generally consistent with the 2040 Future Land Use Map.
- d. There have been no major changes of an economic, physical, or social nature within the area which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

E. As a result of the testimony and evidence given at the September 21, 2022 Public Hearing, the Long Range Planning/Comprehensive Plan Committee has recommended that Map ID 10 not remain within the C-2 district and that the area should be rezoned to the RSE district. The zoning map amendments adopted by the Planning Commission will be incorporated into the final document and GIS zoning map layer upon adoption by the legislative units. The existing county-wide zoning map will remain the same.

1. The existing C-2 district is not consistent with the 2040 Future Land Use Map which identifies this area for Rural Density Residential uses of up to one dwelling unit per acre. The existing C-2 district will allow commercial development to occur within area recommended for residential uses.
2. The proposed RSE district is appropriate due to the fact that: (1) it is consistent with the comprehensive plan; (2) the area is part of the two lots that front onto Miller Court and the front portion of these lots, where the houses are located, are part of a larger area that is currently zoned RSE; (3) the area does not have any frontage onto Petersburg Road, and while the area does have frontage onto Bullittsville Road, the lots would have to be split in order to accommodate commercial development; and (4) the area along the northeast side of Petersburg Road, at the intersection with Graves Road, is identified for

commercial use and is adequate in area to provide for the commercial needs of the area.

CONCLUSION

The Committee has determined that the modifications stated above clarify the "2020 Zoning Update Public Hearing Draft" and "2020 Zoning Update Public Hearing Draft Mapping Issues" and are based upon the testimony and evidence presented at the Public Hearing. Both the proposed text and map are necessary to assure timely implementation of the comprehensive plan Our Boone County – Plan 2040. In addition, the proposed zoning text and map represent a refinement and improvement of the current zoning regulations and map. The above recommendation is being forwarded to the Boone County Fiscal Court and the cities of Florence, Union, and Walton.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Long Range Planning/Comprehensive Plan Committee vote.

ATTACHMENT A
PROPOSED AMENDMENT FOR SHORT TERM RENTAL
(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions
Section 4000 Interpretation of Terms and Words

Short Term Rental: The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

1. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
2. A bed and breakfast.
3. A hotel/residence hotel.

(This definition applies to Unincorporated Boone County and the cities ~~city~~ of Florence and Walton only)

B. Article 31 Supplemental Performance Standards
Section 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the Cities ~~City~~ of Florence and Walton Only)

1. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
 - a. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. Parking requirements shall be as follows:
 - a. When the short term rental is located in a portion of the dwelling units, two (2) parking spaces shall be provided for the residence and in addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite.
 - b. When the short term rental is located within the entire dwelling unit, a minimum of one parking space shall be provided per guest room or suite.
 - c. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

6. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
8. It shall be unlawful:
 - a. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - b. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
 - c. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City of Walton. (Applies to the City of Walton Only)
 - d. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - e. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
 - f. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 - g. To operate a short term rental without paying the required hotel occupancy taxes.
 - h. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)

C. Article 5 Provisions For Boone County Zoning Map
Section 505 Use/District Matrices
Section 505.2 Use/District Matrix – Residential Districts

- C. The following footnotes are used in the table:
1. "1" means it does not apply in the City of Florence.
 2. "2" means it applies only in the City of Florence.

3. "3" means it applies only in the City of Walton.
4. "4" means it applies only in Unincorporated Boone County.
5. "5" means it applies only in the City of Florence and Unincorporated Boone County.
6. "6" means it applies only in the Cities of Florence and Walton and Unincorporated Boone County.

Table 5-3
 Agricultural, Recreation, and Conservation Districts

Use/District	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Short Term Rental	C ^{4b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	-	C26	Sec. 3191

Table 5-6
 Agricultural, Recreation, and Conservation Districts

Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Short Term Rental	-	-	see Art. 20	P ⁵	C ³	-	P ⁴	-	-	-	-	Sec. 3191

ATTACHMENT B
 PROPOSED AMENDMENT FOR DATA CENTERS
 (words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions
 Section 4000 Interpretation of Terms and Words

Data Center. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.

B. Article 5 Provisions For Boone County Zoning Map
 Section 505 Use/District Matrices
 Section 505.4 Use/District Matrix – Employment Districts

Table 5-5
 Employment Districts

Use/District	O-1	O-1A	I-1	I-2	I-3	I-4	Use Standards
<u>Data Center</u>	-	-	<u>C</u>	<u>C</u>	-	-	<u>Sec. 3163</u>

C. Article 31 Supplemental Performance Standards
Section 3163 Regulations For Data Centers

A. In addition to any other regulation contained herein, all data centers shall meet the following requirements:

1. All operations shall be conducted in a completely enclosed building.
2. All equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators and emergency power supply equipment, shall be contained within the enclosed building where the use is located.
3. Any electric wiring shall be located underground, except where such wiring is brought together for interconnection to system components and/or the local utility power grid.
4. The sound level allowed at the site boundary shall not exceed eighty (80) decibels.
5. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers shall be prohibited.

6. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto-currencies, such as Bitcoin, shall be prohibited.

ATTACHMENT C
 PROPOSED AMENDMENT FOR RECREATION, COMMERCIAL
 (words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map
 - Section 505 Use/District Matrices
 - Section 505.3 Use/District Matrix – Commercial Districts

Table 5-5
 Employment Districts

Use/District	C-1	C-2	C-3	C-4	Use Standards
Recreation, Commercial	-	P	P	<u>P</u>	Sec. 905.7 Sec. 906.6 Sec. 907.6 Sec. 908.6 Sec. 909.6

ATTACHMENT D
 PROPOSED AMENDMENT FOR SCHOOL AND COLLEGE AND UNIVERSITY
 (words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map
 Section 505 Use/District Matrices
 Section 505.4 Use/District Matrix – Employment Districts

Table 5-5
 Employment Districts

Use/District	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
School	-	-	-	<u>C</u>	-	C	-	
College and University	-	-	-	<u>P</u>	-	C	-	

ATTACHMENT E
 PROPOSED AMENDMENT FOR SCHOOL
 (words to be added are underlined, words to be deleted are lined through)

- A. Article 5 Provisions For Boone County Zoning Map
 Section 505 Use/District Matrices
 Section 505.5 Use/District Matrix – Public Facility, Airport, Small Community
 Overlay, and Special Study Districts

Table 5-5
 Employment Districts

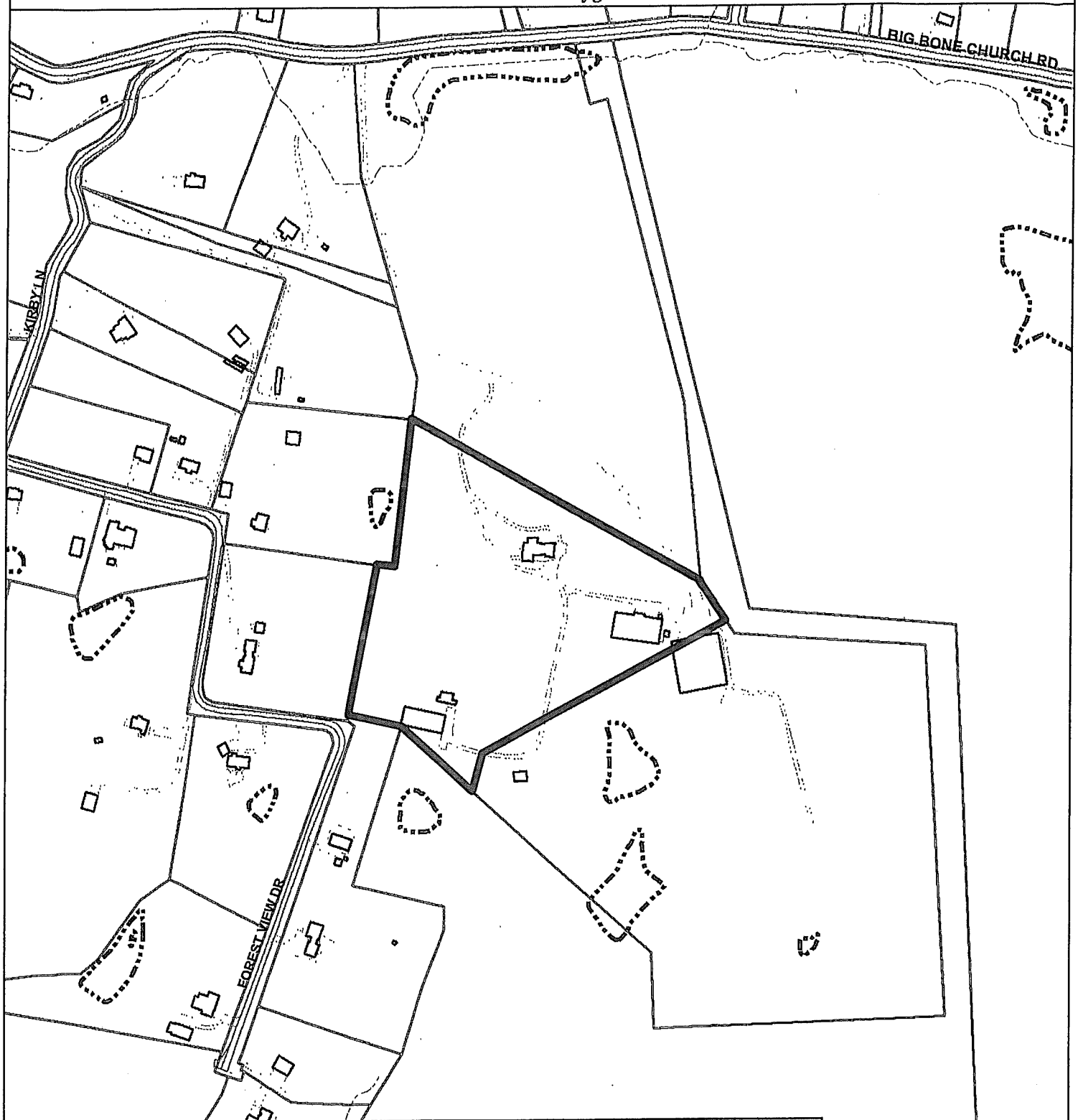
Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
School	<u>P</u>	-	see Art. 20	P	-	-	P	-	-	-	-	

ATTACHMENT F
PROPOSED AMENDMENT FOR ACCESSORY DWELLING UNITS
(words to be added are underlined, words to be deleted are lined through)

- A. Article 31 Supplemental Performance Standards
Section 3114 Accessory Dwelling Unit Regulations
- A. Where allowed, accessory dwelling units shall meet the following requirements:
1. Shall only be allowed for detached single family dwellings that are not patio homes.
 2. Only one (1) accessory dwelling unit per lot shall be allowed.
 3. When located within an accessory structure, shall ~~shall~~ only be allowed on lots having an area that are a minimum of 1.5 times the minimum lot area of the district in which it is located.
 4. Shall not occupy more than thirty-five percent (35%) of the total floor area of the principal structure.
 5. When located within a single family residence, an accessory dwelling unit shall either: (a) use an existing entrance for access; or (b) use a new entrance for access that is only located on the rear or side of the structure. The construction of an additional exterior ingress/egress doorway on the front or corner side of the structure shall be prohibited.
 6. When located within an accessory structure, an accessory dwelling unit shall be a Conditional Use within the RS, SR-1, SR-2, SR-3, R-1F, UR-1, UR-2, or UR-3 districts.
 7. When located within the SC, WD, or GR-R districts, the principal dwelling unit, together with the accessory dwelling unit, shall not exceed the maximum permitted density for the district in question.
 8. In addition to the required parking for the residence, a minimum of one (1) additional parking space shall be provided.

Boone County GIS Map

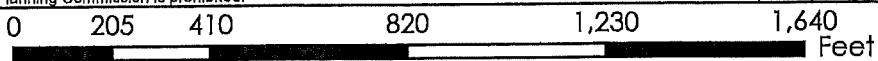
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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS Map

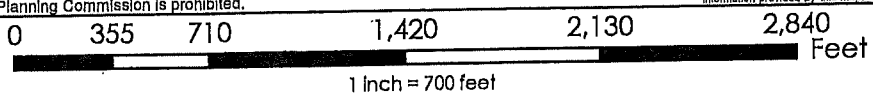
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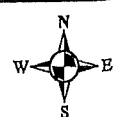
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Submitted By:	Staff	To:	CONS		

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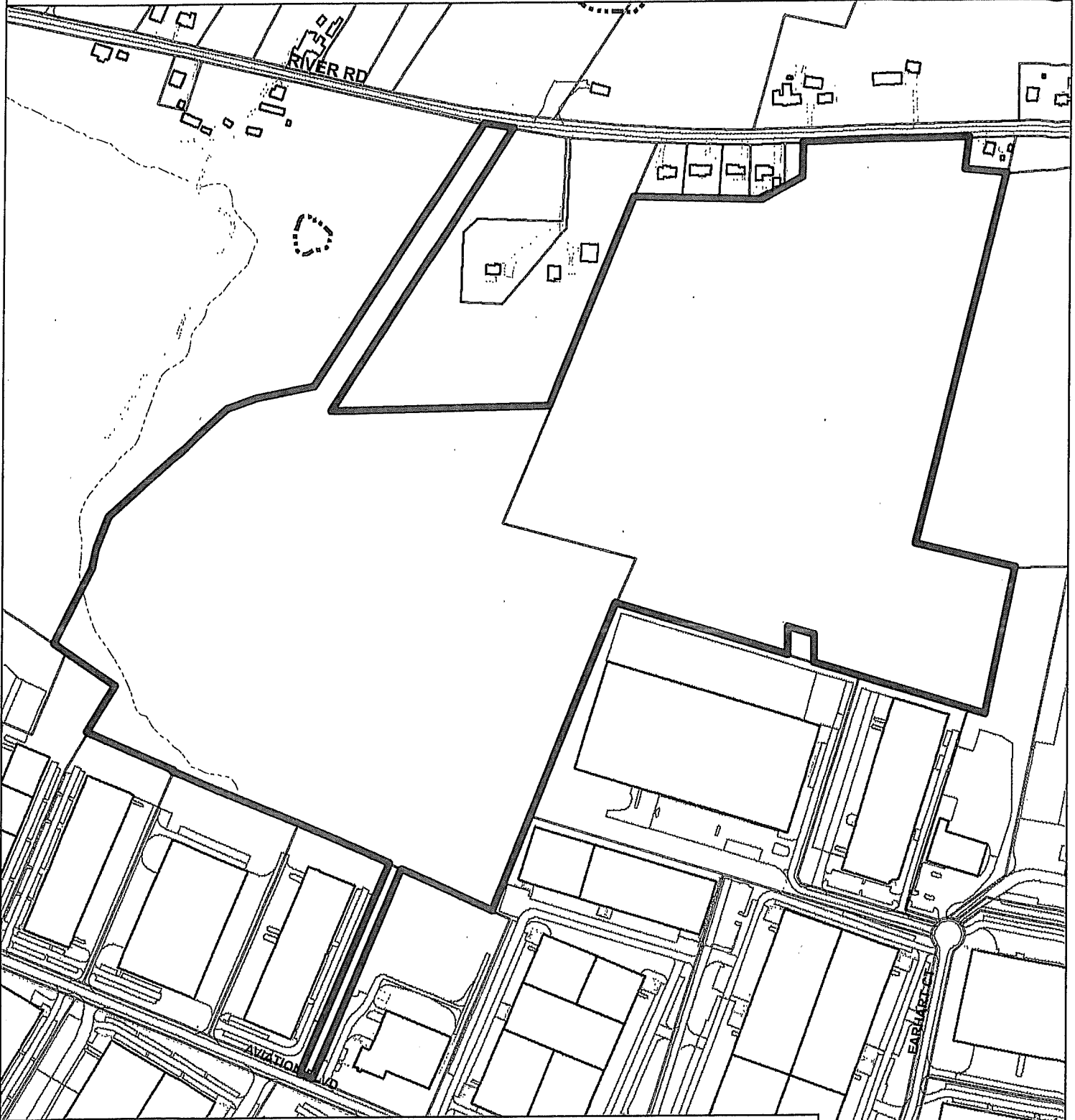


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

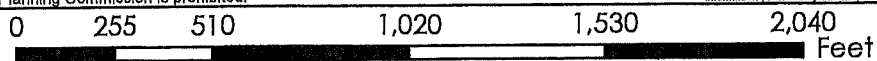
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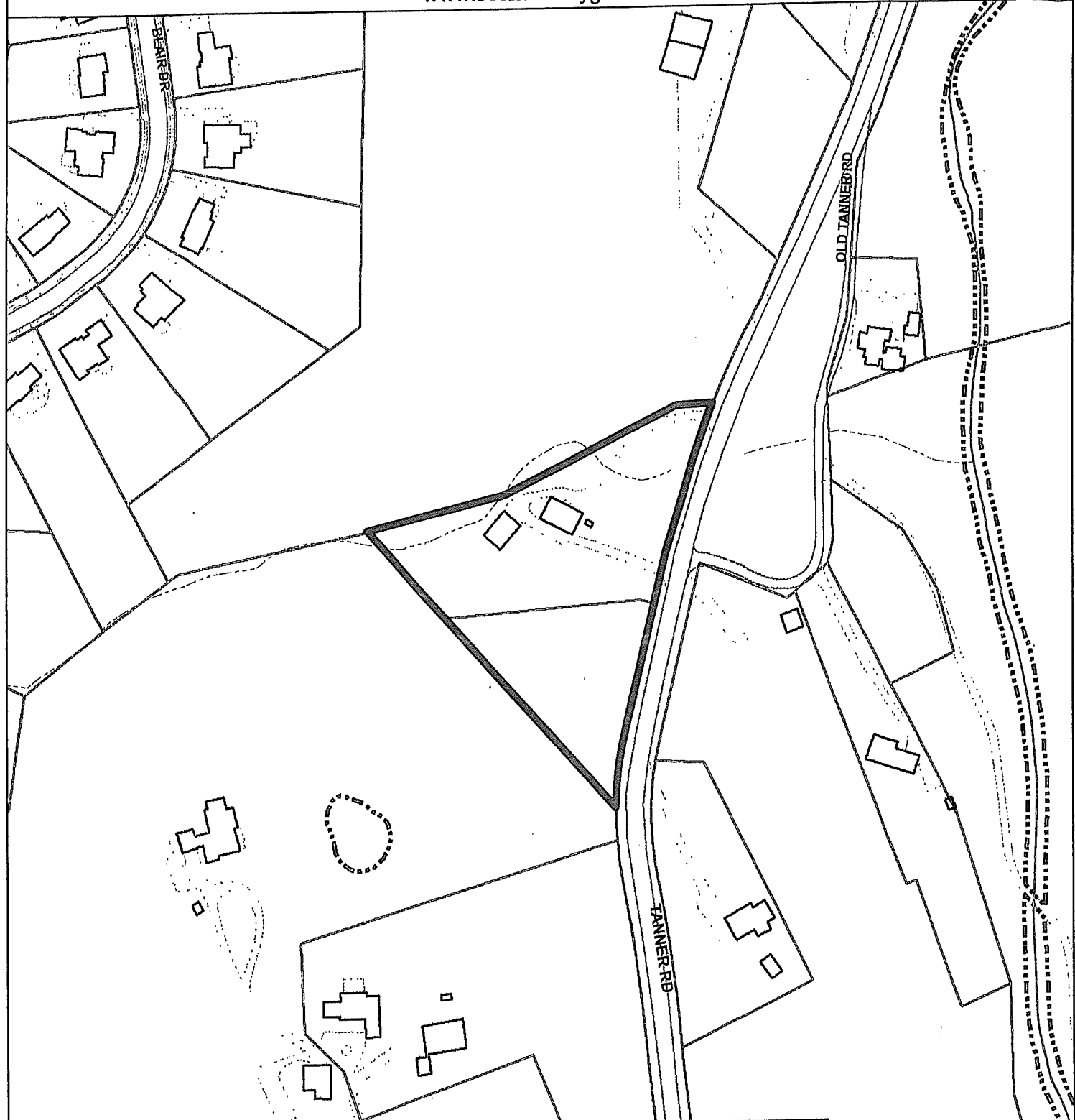


Boone



Boone County GIS Map

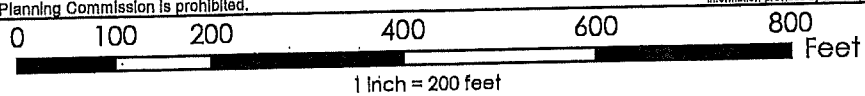
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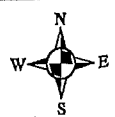
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Submitted By:	Julie Ward and Harold Walton and Jerry Walton	Legislative Body:	Boone

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Boone County GIS

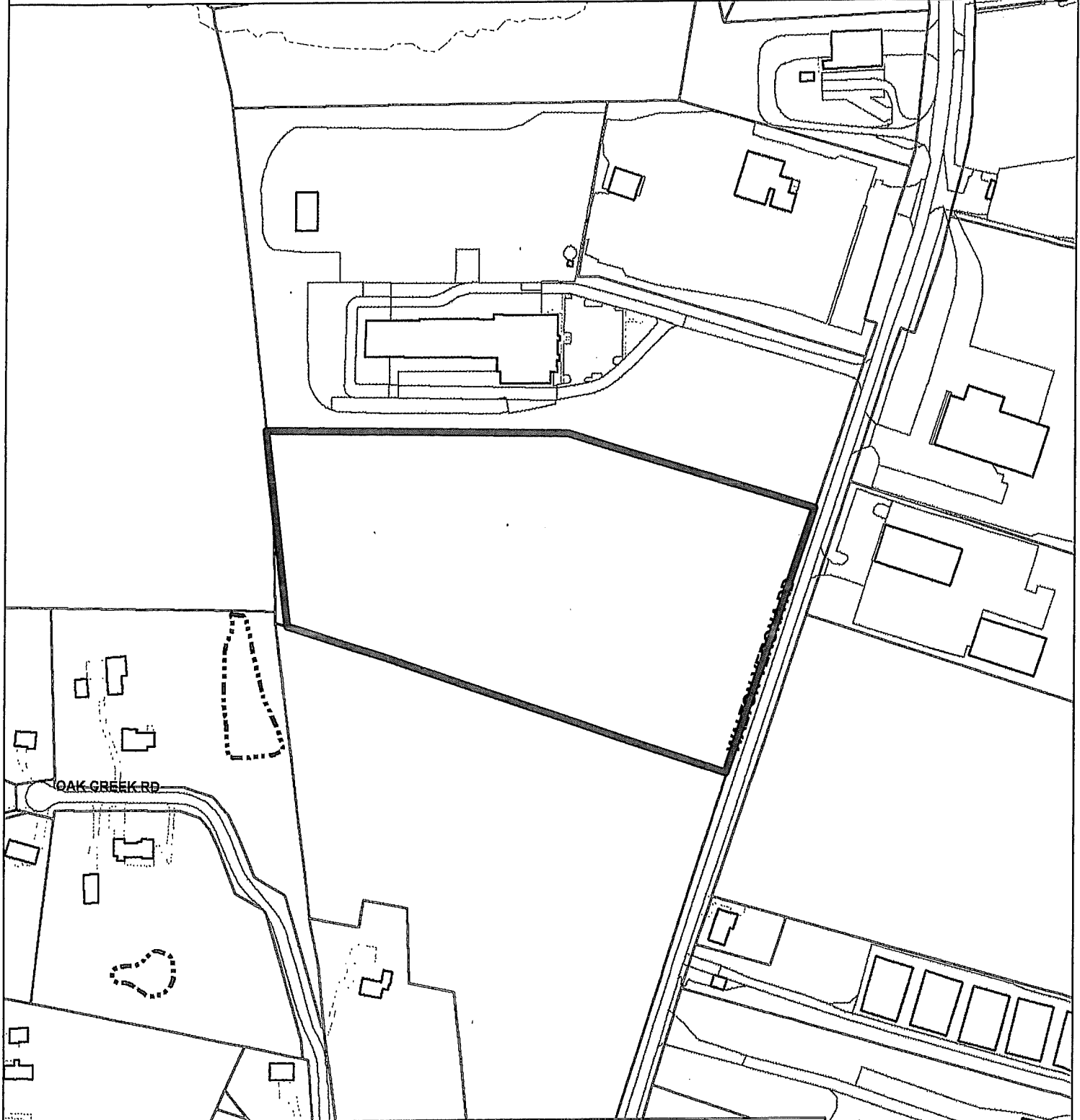


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Boone County GIS Map

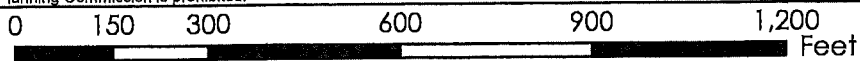
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Map ID:	106	From:	I-1	Legislative Body:	Walton
Submitted By:	Bill Code	To:	A-2		

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1 Inch = 300 feet

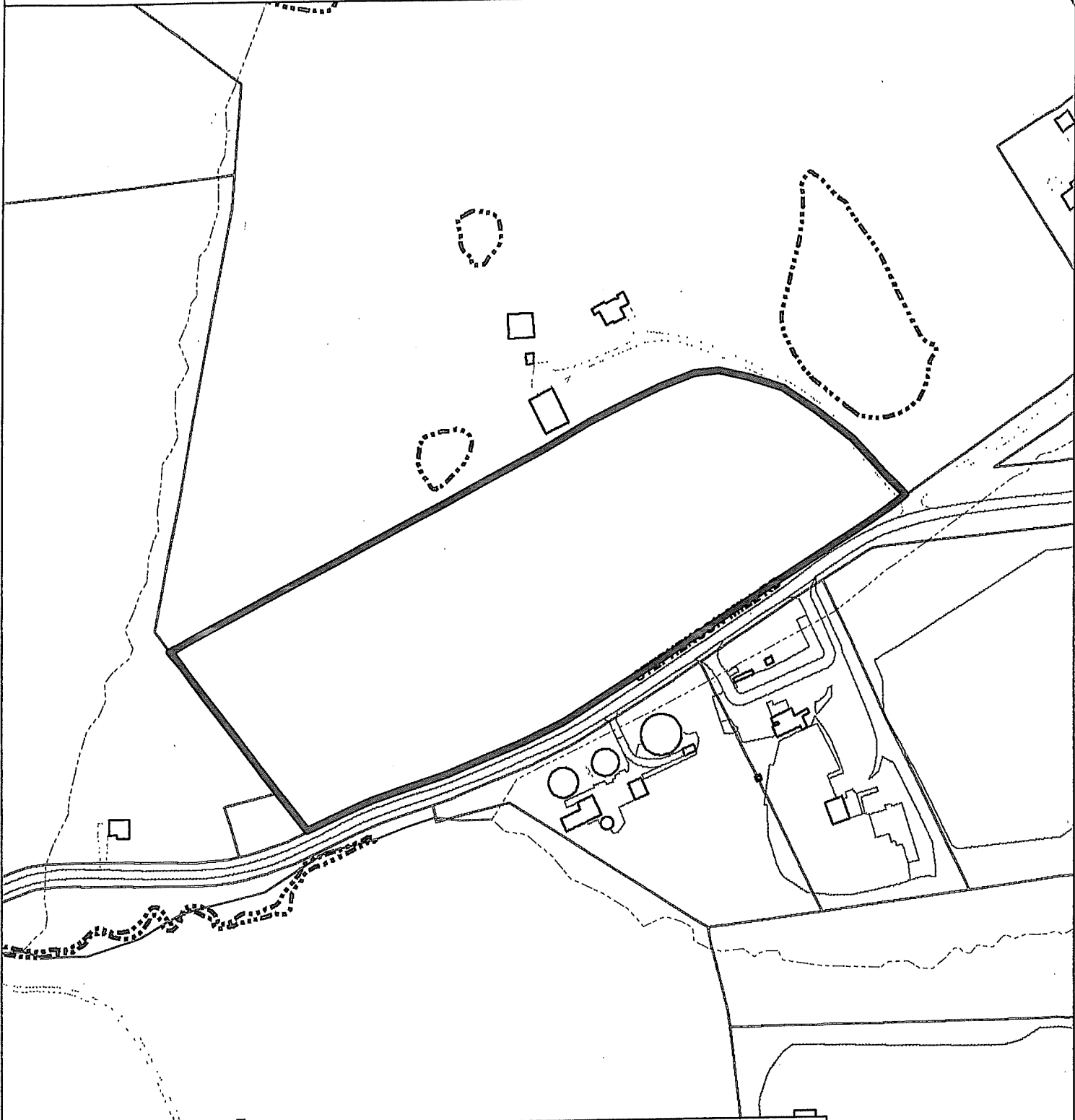


Boone



Boone County GIS Map

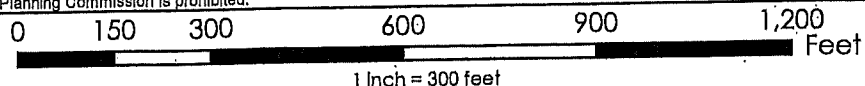
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Map ID:	109	From:	UR-1	Legislative Body:	Boone
Submitted By:	Joe Hayes	To:	I-1		

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Map Document: 1.mxd

Boone County GIS Map

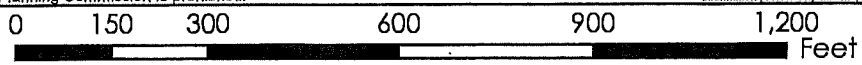
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Map ID:	113	From:	I-1	Legislative Body:	Walton
Submitted By:	Ehmet Hayes	To:	UR-1		

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Boone County GIS



Boone County GIS Map

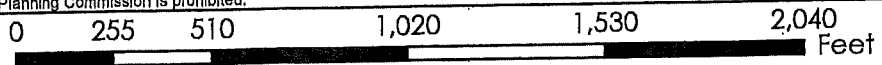
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Map ID:	116	From:	A-2, C-1	Legislative Body:	Boone
Submitted By:	Debbie Conrad	To:	A		

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Boone



Boone County GIS Map

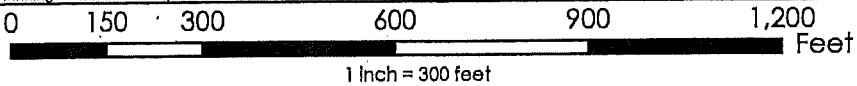
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Map ID:	119	From:	UR-1
Submitted By:	Ehmet Hays	To:	I-1
		Legislative Body:	Walton

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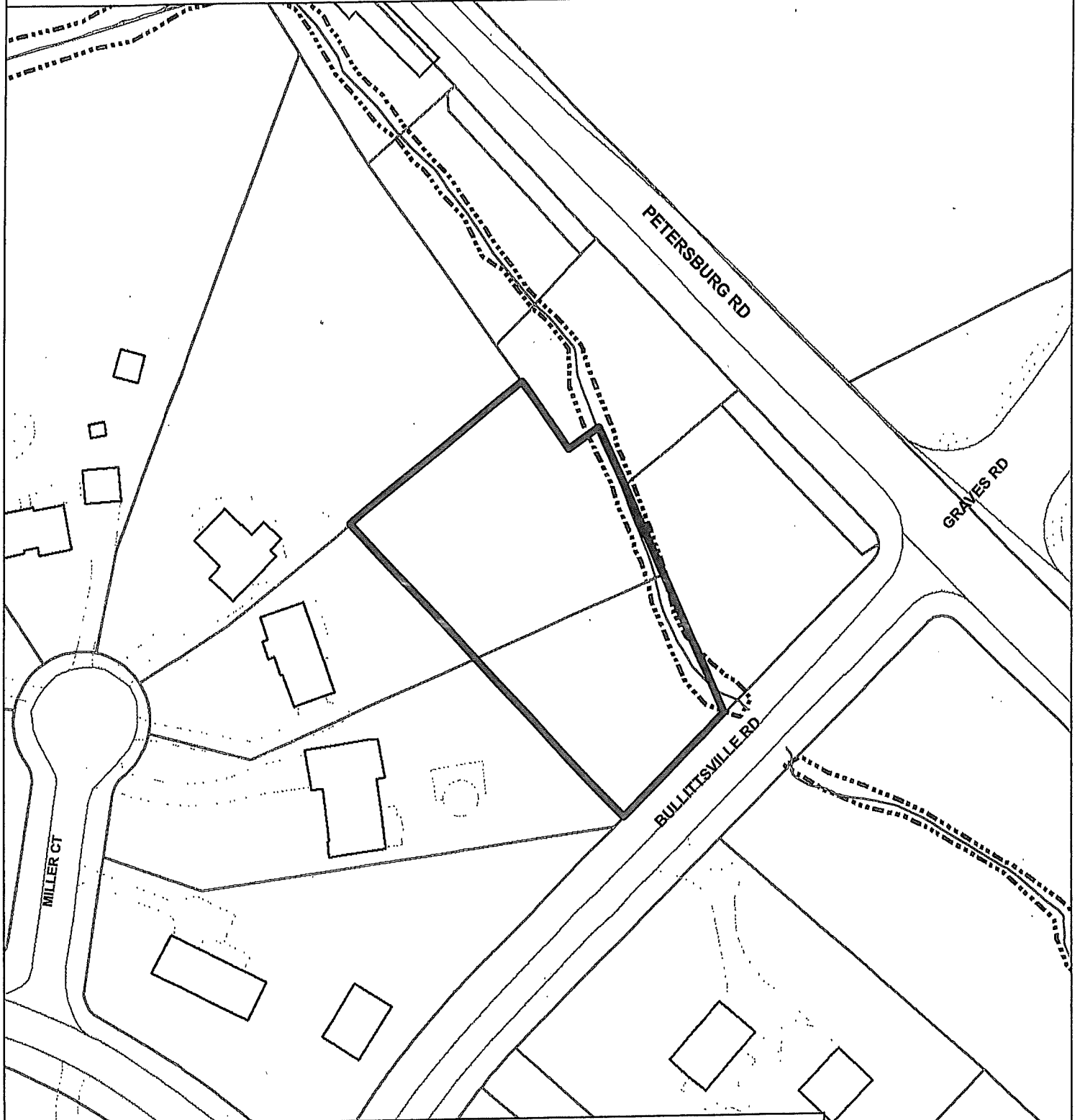
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

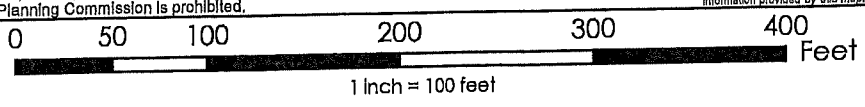
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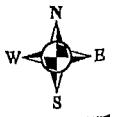
Map ID:	10	From:	C-2	Legislative Body:	Boone
Submitted By:	Staff	To:	RSE		

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Boone



EXHIBIT

C

STAFF REPORT

#1

Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement ***Our Boone County Plan – Plan 2040***. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

September 21, 2022

REQUEST

- A. The 2020 Zoning Update is a compilation of amendments that are proposed to the current text of the zoning regulations and to several zoning district designations on the Boone County Zoning Map.

PROPOSAL

- A. Amendments to the zoning regulations are identified in the submitted document titled "2020 Zoning Update, Public Hearing Draft, Red Line Text".
- B. Amendments to the Boone County Zoning Map, which is maintained as a layer in the Planning Commission's GIS, are identified in the submitted document titled "2020 Zoning Update, Public Hearing Draft, Mapping Issues".
- C. The proposed maps and text are applicable to unincorporated Boone County, and the Cities of Florence, Union, and Walton.
- D. The proposed maps and text serve as the implementation of Our Boone County Plan – Plan 2040, in accordance with Kentucky Revised Statute (KRS) Chapter 100.

HISTORY AND RELATIONSHIP TO KRS 100

- A. In February 2017, the Boone County Planning Commission authorized the Long Range Planning/Comprehensive Plan Committee to oversee the development of the county's comprehensive plan: Our Boone County – Plan 2040.
- B. The Goals and Objective for Our Boone County – Plan 2040 were adopted by the Planning Commission and the four Boone County legislative bodies in late 2017/early 2018.
- C. On June 5, 2019, the Boone County Planning Commission adopted the remaining elements of Our Boone County – Plan 2040.
- D. Our Boone County – Plan 2040 is intended to be a tool for the management of growth and development in Boone County.

- E. The Boone County Zoning Regulations were converted from a hard copy format to an interactive web based electronic format in 2019.
- F. Beginning in 2019, the Boone County Planning Commission staff began to research planning topics and formulated potential amendments to the zoning text and map.
- G. Due to the Covid-19 Pandemic, work on the 2020 Zoning Update was halted between March 2020 and July 2021.
- H. Between November 2021 and February 2022, there have been eleven (11) staff meetings to evaluate potential amendments to the zoning ordinance text and map.
- I. Between November 2021 and June 2022, there have been nine (9) committee meetings to evaluate potential amendments to the zoning ordinance text and map.
- J. Between March 2022 and June 2022, stakeholder meetings were held with the following:
 - 1. Cincinnati/Northern Kentucky International Airport
 - 2. NKY Tri-Ed
 - 3. The Boone Conservancy
 - 4. Boone County Schools
 - 5. Boone County Conservation District
 - 6. Boone County Fiscal Court
 - 7. City of Union
 - 8. City of Florence
 - 9. Building Industry Association of Northern Kentucky
- K. Public Workshops were held in March 2020 and May 2022 to obtain public comments regarding the 2020 Zoning Update.
- L. A working draft of the zoning text has been available on the Planning Commission's website since August 2021. This draft has been progressively updated as amendments were endorsed by the Committee. The proposed map changes have been available in the Planning Commission's office and on the Planning Commission's website since July 7, 2022.
- M. The amendments to the zoning text and the zoning map are proposed in accordance with the requirements of KRS 100. Pursuant to KRS 100, legislative bodies which are members of a planning unit, and which have adopted at least the statement of Goals and Objectives and the Land Use Element of the comprehensive plan, may enact interim or permanent zoning regulations and other kinds of growth management regulations to promote the public health, safety, morals, and the general welfare of the planning unit.
- N. On June 29, 2022, the Planning Commission's Long Range/Comp Plan Committee authorized the 2020 Zoning Ordinance Draft to be placed on the Planning Commission's July 6, 2022 Business Meeting agenda to be set for public hearing.

RELATIONSHIP OF PROPOSED TEXT AND MAPS WITH COMPREHENSIVE PLAN

- A. The proposed amendments to the text and map of the zoning regulations are based upon the adopted Goals and Objectives and the various elements of the county's comprehensive plan, Our Boone County – Plan 2040.
- B. The proposed amendments to the text and map of the zoning regulations have been made in accordance with the 2017 Goals and Objectives of Our Boone County – Plan 2040 and are in agreement with the Demographics, Environment, Natural and Cultural Resources, Economy, Public Facilities, Transportation, and Land Use elements of the comprehensive plan.

ORGANIZATION OF THE 2020 ZONING UPDATE

- A. Within the Draft 2020 Zoning Ordinance, words to be added are highlighted in blue and words to be deleted are lined through.
- B. The basic organization of the zoning regulations has not changed relative to the title of articles/sections and general order of material and subject matter.
- C. The 2020 Zoning Update was developed as a result of an analysis of the 2012-2013 Zoning Regulations, the concepts adopted through Our Boone County – Plan 2040, the intent of each article, input from the public and local government officials, and staff research.
- D. The Long Range Planning/Comprehensive Plan Committee has reviewed and recommended the submitted set of zoning regulations.

SUMMARY OF 2020 ZONING UPDATE REGULATIONS

- A. The proposed zoning regulations are composed of forty (40) articles:
 - 1. Articles 1 and 2 include Purpose, Authority, and Administration.
 - 2. Articles 3 and 4 include Amendments, Enforcement, and Permitting.
 - 3. Article 5 identifies the various zoning districts and includes use matrices.
 - 4. Article 6 defines the agricultural districts.
 - 5. Articles 7 and 8 define the recreation and conservation districts.
 - 6. Article 9 is composed of ten (10) districts for various types of residential development.
 - 7. Article 10 outlines four (4) commercial districts.
 - 8. Article 11 details the various employment districts for office and industrial uses, including two (2) mining districts.
 - 9. Articles 12 and 13 define the public facility and airport districts.
 - 10. Articles 14, 22, 28, 29, 37, 38, and 39 are reserved.
 - 11. Articles 15 and 16 describe the procedure and requirements for the Planned Development Overlay district, the Employment Planned Development district, and the Residential Planned Development district.
 - 12. Articles 17 and 18 pertain to the Houston-Donaldson Study Corridor Overlay district and the Parkway Corridor Study Overlay district.

13. Article 19, which contains regulations pertaining to the Land Use Study I-75/Turfway Road Interchange Overlay district, is proposed to be deleted.
14. Article 20 describes the Small Community Overlay district.
15. Article 21 pertains to historic landmarks and historic designations.
16. Articles 23, 24, 25, 26, and 27 pertain to the Florence Main Street, Walton Downtown, Union Town Plan, Mall Road Overlay districts, and the Graves Road Interchange Study.
17. Articles 30 and 31 include procedures and requirements for site plan review and the various supplemental performance standards.
18. Article 32 is composed of transportation management regulations.
19. Article 33 describes parking and loading requirements.
20. Articles 34 and 35 include requirements for signage and certain types of temporary commercial activities.
21. Article 36 includes landscaping requirements.
22. Article 40 includes definitions of terms used in the 2020 Zoning Update.

B. The following is a summary of the significant changes to the text of the zoning regulations. The complete set of amendments is represented in the submitted document.

1. Article 1 - Purpose and Authority
 - a. Reformatted text
2. Article 2 – Administration
 - a. Reformatted text
 - b. Terminology consistent with KRS 100
3. Article 3 – Amendment
 - a. Reformatted text
 - b. Terminology consistent with KRS 100
 - c. Added graphic
4. Article 4 - Enforcement and Permitting
 - a. Reformatted text
5. Article 5 - Provisions For Boone County Zoning Map
 - a. Reformatted text
 - b. Created use matrix tables
 - c. Broadened use types reducing the list of uses from 564 to 160
6. Article 6 - Agricultural Districts
 - a. Eliminated use listings
 - b. Add specific use standards
7. Article 7 - Recreation District
 - a. Eliminated use listings
 - b. Add specific use standards
8. Article 8 - Conservation District
 - a. Eliminated use listings
 - b. Add specific use standards
9. Article 9 - Residential Districts
 - a. Eliminated use listings
 - b. Add specific use standards
10. Article 10 - Commercial Districts
 - a. Eliminated use listings

11.
 - b. Add specific use standardsArticle 11 - Employment Districts
 - a. Eliminated use listings
 - b. Add specific use standards
12. Article 12 - Public Facilities
 - a. Eliminated use listings
 - b. Add specific use standards
13. Article 13 – Airport
 - a. Eliminated use listings
 - b. Add specific use standards
14. Article 15 - Planned Development District
 - a. Reformatted text
15. Article 16 - Employment Planned Development District and Residential Planned Development District
 - a. Reformatted text
 - b. Increased the intensity of other uses within the EPD and RPD districts
16. Article 17 - Houston-Donaldson Study Corridor Overlay District
 - a. Included all regulatory language from the study into the zoning regulations
17. Article 18 - Parkway Corridor Study Overlay District
 - a. Included all regulatory language from the study into the zoning regulations
18. Article 19 - Land Use Study I-75/Turfway Road Interchange Overlay District
 - a. Eliminate entire Article
19. Article 20 - Small Community Overlay District
 - a. Reformatted text
 - b. Revised minimum standards
 - c. Included all regulatory language from the Burlington Town Strategic Plan Design Standards into the zoning regulations
 - d. Add specific use standards
20. Article 21 - Historic Landmark/Historic District Overlay District
 - a. Eliminated unnecessary language
21. Article 23 - Florence Main Street Zoning Study
 - a. Included newly adopted language
22. Article 24 - Walton Downtown District
 - a. No changes
23. Article 25 - Union Town Plan District
 - a. No changes
24. Article 26 - Mall Road Overlay District
 - a. Included all regulatory language from the study into the zoning regulations
25. Article 27 - Graves Road Interchange Study
 - a. Minor technical changes
26. Article 30 - Site Plan Review
 - a. Reformatted text
 - b. Added graphic
 - c. Increase review time
 - d. Established automatic one time 30-day extension
27. Article 31 - Supplemental Performance Standards

- a. Reformatted text
 - b. Added graphics
 - c. Added regulations for accessory dwelling units
 - d. Added regulations for emergency shelters
 - e. Eliminated regulations for radioactivity and vibration
 - f. Added regulations for Home Businesses and Home Occupations
 - g. Made regulations for parking and storing certain vehicles applicable to the entire county
 - h. Added design criteria for trash enclosures (City of Florence only)
 - i. Added design standards for shopping cart storage (City of Florence only)
 - j. Added design criteria for accessory structures (City of Florence only)
 - k. Added vehicle stacking requirements for uses with drive-through facilities
 - l. Added design standards for multi-family developments (City of Florence only)
 - m. Modified the regulations for cemeteries
 - n. Eliminated regulations for Small Cell Sites (Unincorporated Boone and Cities of Union and Walton only)
28. Article 32 - Transportation Management Regulations
- a. Added graphics
 - b. Redefined the types of roadways
 - c. Deleted the list of the roadway types and will now classify them by a list that will be updated twice a year
 - d. Made the determination of sight distances up to the county, city or state, rather than using the state criteria
29. Article 33 - Off-Street parking and Loading Facilities
- a. Added graphics
 - b. Made paving requirements applicable to the entire county
 - c. Require developments with bay docks to have tractor-trailer parking spaces
 - d. Added regulations for Electrical Vehicle Charging Stations
30. Article 34 – Signs
- a. Reformatted entire Article to provide easier readability to first search for allowed signs by zoning district and to provide for content neutrality
 - b. Reformatted entire Article to regulate signs by the type of sign
 - c. Added graphics
 - d. Added new signs/criteria
 - (1) Signs that are not legible
 - (2) Small signs for non-commercial messages
 - (3) Cultural decorations
 - (4) Small signs on free standing dispensing machines
 - e. Added a new sign matrix
 - f. Brought regulatory text from special studies into the zoning regulations
 - g. Increased the number of menu board signs from 1 to 2
 - h. Clarified the use of electronic screens
 - i. Eliminated the 660' spacing requirement between electronic signs
 - j. Added a procedure for Special Sign Districts
 - k. Added review criteria for Special Sign Districts
31. Article 35 - Temporary Commercial Displays, Seasonal Temporary Commercial Displays, Storage Trailer Permits and Temporary Use Permits

- a. Reformatted text
- b. Added regulations for food trucks
- 32. Article 36 – Landscaping
 - a. Reformatted text
 - b. Added graphics
- 33. Article 40 – Definitions
 - a. Added graphics
 - b. Modified definitions
 - c. New definitions
 - d. Deleted definitions

ORGANIZATION OF THE BOONE COUNTY ZONING MAP

- A. The proposed amendments to the zoning map are graphically illustrated in the submittal packet.
- B. The proposed map amendments can be divided into the following categories:
 - 1. Eliminated the TRO district.
 - 2. Match zone boundary with property line.
 - 3. Property owner request.
 - 4. Tax exempt property.
 - 5. Within airport fence line.
 - 6. Other.
- C. The proposed map amendments are based on the Our Boone County – Plan 2040 text, including the Land Use Element, the Future Land Use Map, citizen input, and the proposed zoning regulations.
- D. The individual map amendment requests were evaluated by the Boone County Planning Commission staff and the Long Range Planning/Comprehensive Plan committee and were found to be in agreement with the comprehensive plan, reflected existing/anticipated land uses, or that the existing zoning is inappropriate and the proposed zoning is appropriate, except for the following:
 - 1. Map ID 105
 - a. An approximate 3 acre area located at 1653 Tanner Road, and the lot immediately south of 1653 Tanner Road.
 - b. The property owner has requested that this site be rezoned from A-2 to either RSE or RS.
 - c. The 2040 Future Land Use Map identifies the site for Rural Land, which has a maximum intensity of one (1) dwelling unit per two (2) acres.
 - d. The proposed RSE district has a maximum intensity of one (1) dwelling unit per acre and the RS district has a maximum intensity of three (3) dwelling units per acre.
 - 2. Map ID 106

- a. An approximate 13.5 acre area located along the west side of Walton Verona Road, approximately 2,200 feet south of Mary Grubbs Highway.
 - b. The property owner has requested that this site be rezoned from I-1 to A-2.
 - c. The 2040 Future Land Use Map identifies the site for Industrial uses.
3. Map ID 109
 - a. An approximate 17 acre area located along the north side of Stephenson Mill Road and being a part of the property located at 204 Stephenson Mill Road.
 - b. The request is to rezone this site from UR-1 to I-1.
 - c. The 2040 Future Land Use Map identifies the site for Urban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre.
4. Map ID 113
 - a. An approximate 1 acre area located east of John Webster Lane and being a part of the property located at 488 Stephenson Mill Road.
 - b. The request is to rezone this site from I-1 to UR-1.
 - c. The 2040 Future Land Use Map identifies the site for Suburban Density Residential uses, which has a maximum intensity of four (4) dwelling units per acre, High Suburban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre, and Developmentally Sensitive land.
 - d. This site is part of a larger area that is currently zoned I-1 and extends to the north and east of the site.
5. Map ID 116
 - a. An approximate 50 acre area located along the north side of Interstate 275 (I-275), immediately east of Elijah Creek Road.
 - b. The Kenton County Airport Board has requested that this site be rezoned from A-2 and C-1 to A.
 - c. The 2040 Future Land Use Map identifies the site for Rural Density Residential uses, which has a maximum intensity of one (1) dwelling unit per acre, Business Park uses, and Developmentally Sensitive land.
 - d. This 2040 Future Land Use Map identifies the airport for Transportation uses. This designation does not extend north of I-275.
6. Map ID 119
 - a. An approximate 7 acre area located along the north side of Stephenson Mill Road, at its intersection with John Webster Lane and being a part of the property located at 488 Stephenson Mill Road.
 - b. The request is to rezone this site from UR-1 to I-1.
 - c. The 2040 Future Land Use Map identifies the site for Suburban Density Residential uses, which has a maximum intensity of four (4) dwelling units

per acre, High Suburban Density Residential uses, which has a maximum intensity of eight (8) dwelling units per acre, and Developmentally Sensitive land.

POST DRAFT SUBMITTALS

A. The following issues have been submitted after the Final Draft was completed. These issues have not been reviewed by the Long Range Planning/Comprehensive Plan committee.

1. Text Issues

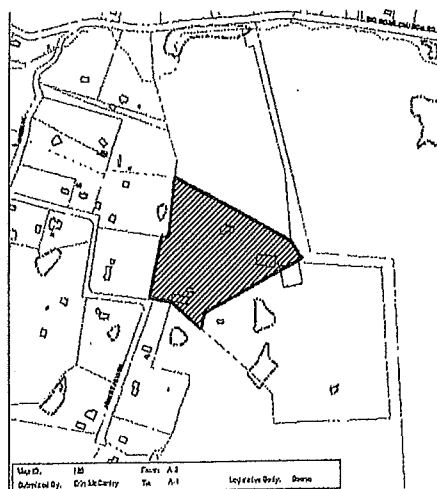
a. The City of Walton has requested that Short Term Rentals be provided for within the City. They have asked that the Planning Commission provide them with the appropriate text as part of the zoning update. Attachment A indicates the proposed text, which is the same as what has previously been adopted by the City of Florence and Boone Fiscal Court.

B. The City of Florence has requested that regulations for Data Centers be included in the proposed text and that crypto-currency mining be prohibited. Since this issue has county-wide application, it is being suggested to apply throughout the county. Attachment B indicates the proposed text.

2. Mapping Issues

a. Map ID 120

- (1) An approximate 13.5 acre area located at 10830 Big Bone Church Road, approximately 1,200 feet south of Big Bone Church Road.
- (2) The request is to rezone this site from A-2 to A-1.
- (3) The 2040 Future Land Use Map identifies the site for Rural Density Residential uses, which has a maximum intensity of one (1) dwelling unit per acre.



CONCLUSION

The submitted text and map of the 2020 Zoning Update implement the Goals, Objective, and the Elements of the county's comprehensive plan, Our Boone County – Plan 2040, which is “a tool for the management of growth and development in Boone County.”

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Schwartz', with a large, stylized loop at the end.

Michael D. Schwartz
Director, Zoning Services

MDS/ss

Attachment A: Proposed Amendment For Short Term Rental – City of Walton
Attachment B: Proposed Amendment For Data Centers

ATTACHMENT A
PROPOSED AMENDMENT FOR SHORT TERM RENTAL
CITY OF WALTON

(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions

Section 4000 Interpretation of Terms and Words

Short Term Rental: The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

1. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
2. A bed and breakfast.
3. A hotel/residence hotel.

(This definition applies to Unincorporated Boone County and the cities ~~city~~ of Florence and Walton only)

B. Article 31 Supplemental Performance Standards

Section 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the Cities ~~City~~ of Florence and Walton Only)

1. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
 - a. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
6. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of

- additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
8. It shall be unlawful:
- a. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - b. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
 - c. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City of Walton. (Applies to the City of Walton Only)
 - d. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - e. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
 - f. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 - g. To operate a short term rental without paying the required hotel occupancy taxes.
 - h. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)

C. Article 5 Provisions For Boone County Zoning Map
Section 505 Use/District Matrices

Section 505.2 Use/District Matrix – Residential Districts

C. The following footnotes are used in the table:

- 1. "1" means it does not apply in the City of Florence.
- 2. "2" means it applies only in the City of Florence.
- 3. "3" means it applies only in the City of Walton.
- 4. "4" means it applies only in Unincorporated Boone County.
- 5. "5" means it applies only in the City of Florence and Unincorporated Boone County.
- 6. "6" means it applies only in the Cities of Florence and Walton and Unincorporated Boone County.

Table 5-3
 Agricultural, Recreation, and Conservation Districts

Use/District	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Short Term Rental	C ^{4b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	C ^{5b}	-	C26	Sec. 3191

Table 5-6
 Agricultural, Recreation, and Conservation Districts

Use/District	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Short Term Rental	-	-	see Art. 20	P ⁵	C ³	-	P ⁴	-	-	-	-	Sec. 3191

ATTACHMENT B
PROPOSED AMENDMENT FOR DATA CENTERS
(words to be added are underlined, words to be deleted are lined through)

A. Article 40 Definitions
Section 4000 Interpretation of Terms and Words

Data Center. A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features.

B. Article 5 Provisions For Boone County Zoning Map
Section 505 Use/District Matrices
Section 505.4 Use/District Matrix – Employment Districts

Table 5-5
Employment Districts

Use/District	O-1	O-1A	I-1	I-2	I-3	I-4	Use Standards
<u>Data Center</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>Sec. 3163</u>

C. Article 31 Supplemental Performance Standards
Section 3163 Regulations For Data Centers

A. In addition to any other regulation contained herein, all data centers shall meet the following requirements:

1. All operations shall be conducted in a completely enclosed building.
2. All equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators and emergency power supply equipment, shall be contained within the enclosed building where the use is located.
3. Any electric wiring shall be located underground, except where such wiring is brought together for interconnection to system components and/or the local utility power grid.
4. The sound level allowed at the site boundary shall not exceed eighty (80) decibels.
5. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers shall be prohibited.

6. The operation of specialized computer equipment for the purpose of mining one or more blockchain-based crypto-currencies, such as Bitcoin, shall be prohibited.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY FISCAL COURTROOM
BURLINGTON, KENTUCKY
BUSINESS MEETING
NOVEMBER 2, 2022
7:00 P.M.**

Chairman Charlie Rolfsen opened the Business Meeting at 7:00 p.m. and welcomed the audience to the Planning Commission's November 2, 2022 Business Meeting. Chairman Rolfsen then invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mrs. Kathy Clark
Mrs. Pamela Goetting
Ms. Corrin Gulick
Mr. Steve Harper
Mr. David Hincks
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Kim Patton, Vice Chairman
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mrs. Jackie Steele, Secretary/Treasurer
Mr. Tom Szurlinski
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Steve Turner, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Michael Schwartz, Director, Zoning Services
Mr. Todd K. Morgan, Senior Planner
Mrs. Alaina Hagenseker, Planner

APPROVAL OF THE MINUTES:

Chairman Rolfsen stated that the Commissioners received copies of the Minutes from the October 19, 2022 Business Meeting. Chairman Rolfsen asked if there were any other comments or corrections?

Mr. Patton moved to approve the Minutes as presented. Mr. Szurlinski seconded the motion and it carried unanimously.

BILLS:

Mr. Kevin P. Costello, AICP, Executive Director, advised the Commissioners of the **Bills to be Paid**, which included a list of **Expenses** and **Salaries and Benefits** for a time period between October 6, 2022 and November 2, 2022.

EXPENSES:

Attorney Fees	\$ 4,400.00
Consultant/Professional Svcs Fees	2,855.00
Filing Fees (CLURS)	1,050.00
Legal Ads/Recruitment	311.56
Miscellaneous Expense	131.50
Office & Board Meeting Supplies	564.57
Office Equipment / Expense	318.93
Postage Expense	1,005.00
Printing/Pub/Dues/Subscriptions	1,647.50
Professional Development	500.04
Refunds	<u>250.00</u>

TOTAL: \$ 13,034.10

SALARIES AND BENEFITS:

FICA-BCPC Portion	\$ 4,995.45
Health/Dental/Life/LTD	13,283.93
Retirement – BCPC Portion	24,294.25
Salaries – Staff Expenses	87,228.98
Salaries – BCPC & BOA	<u>1,445.00</u>

TOTAL: \$131,256.61

GRAND TOTAL: \$144,290.71

Ms. Gulick moved that the bills (expenses and salaries and benefits) be approved and paid as presented and indicated approval of those items, which have been previously paid. Mr. Lunnemann seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT, Corrin Gulick, Chairwoman, Todd Morgan, Staff

1. Request of **Viox and Viox, per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church and Home Sweet Home Trust (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for an approximate 9.1 acre area located at 404 Beaver Road, 430 Beaver Road, 438 Beaver Road, 11972 Skyway Drive, 11982 Skyway Drive, 11990 Skyway Drive, 11991 Skyway Drive, 11977 Skyway Drive, the property with the following Property Identification Number (PIDN): 077.00-03-007.01, and the right-of-way of Skyway Drive, Boone County, Kentucky and a Request of **Viox and Viox per Megan de Sola (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Change of Concept Development Plan in a Public Facilities (PF) district for an approximate 13.8 acre area located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change and change of concept development plan to allow the construction of a school building, field house, and a storage barn, use of the existing church, use of existing single-family residential dwellings for church related purposes, and the redesign of parking areas and access drives.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request with Ms. Gulick and Mr. Harper voting in favor of the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Justin Verst, Viox & Viox, Inc., stated that he had nothing more to add. All the conditions made sense and they are in agreement with them.

Seeing no further comment, **Ms. Gulick moved to approve the request by Resolution to the Boone County Fiscal Court and the City of Walton based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Harper seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Janet Kegley, Chairwoman, Michael Schwartz, Staff

2. Request of **Corporex Parks of Kentucky, Inc., per Nicole Chimento and Thomas Banta (owner/developer)** for a Zoning Map Amendment from Rural Suburban (RS) district to Urban Residential Three/Planned Development (UR-3/PD) district for an approximate 8.3 acre area located at 3337, 3339, 3341, 3343, 3347, and 3351 Mineola Pike, 3340 Booneland Trail, and part of 3336 Booneland Trail, Boone County, Kentucky. The request is for a zone change to allow a multi-family residential development (this issue was deferred from August 17, 2022).

Staff Member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Ms. Nicole Chimento, Corporex Parks of Kentucky, Inc., stated that she was present to answer any questions. They agree with the proposed conditions. She showed the revised Concept Development Plan based on the comments made at the Public Hearing. A pool is planned for the courtyard area. The building will be 4 stories in height. Ms. Chimento stated that the Airport was okay with the maximum building height of 65 feet.

Seeing no further comment, **Mrs. Kegley moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Hincks seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT, Rick Lunnemann, Chairman, Alaina Hagenseker, Staff

3. Request of **Tanenbaums LLC, per Damian Tanenbaum (applicant/owner)** for a Zoning Map Amendment from Commercial One (C-1) to Industrial One (I-1) for an approximate 0.4 acre area located at 11568 Dixie Highway, Boone County, Kentucky. The submitted Concept Development Plan includes the property located at 11564 Dixie Highway, which is currently zoned Industrial One (I-1). The request is for a zone change to allow a fitness club, warehouse space, and retail space.

Staff Member, Alaina Hagenseker, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). The Committee Members present at the Committee Meeting voted unanimously to approve the request. The applicant has signed the condition letter. She explained that she had the PowerPoint slides available to look at if a Board member wanted to see it at this time.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Damian Tanenbaum, applicant, stated that he owns Triple Crown Athletics. His plan is to move the gym from its current location to the proposed facility. They need the additional space for parking purposes.

Seeing no further comment, **Mr. Lunnemann moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mrs. Goetting seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Steve Harper, Chairman, Todd Morgan, Staff

4. Request of **Frost Brown Todd LLC, per Tanner Nichols (applicant)** for **Perfetti Van Melle USA Inc, per Holly Ingram (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 25.7 acre site located at 3645 Turfway Road, Boone County, Kentucky. The request is for a Special Sign District to allow free standing and building mounted signage in an Industrial One/Planned Development/Houston-Donaldson Study Corridor Overlay (I-1/PD/HDO) district.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval based upon Findings of Facts and Conditions (see Committee Report). He also referred to some revised drawings on the projector screen. The overall monument sign will be 11' 4" with a 100 square foot sign area. The banners will be 98 square feet in size (14' x7'). Each one will have a custom aluminum frame and the banner over the factory entrance has been reduced to 200 square feet (10' x 20').

The Committee Members present at the Committee Meeting voted unanimously to approve the request with Ms. Gulick and Mr. Harper voting in favor. The applicant has signed the condition letter.

Chairman Rolfsen asked if the custom aluminum frame on the banners was something new? Mr. Costello replied that the applicant mentioned it at the Public Hearing.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Tanner Nichols, applicant, stated that he agreed with the Committee Report.

Seeing no further comment, **Mr. Harper moved to approve the request by Resolution to the Boone County Fiscal Court based upon the Committee Report and subject to the Findings of Fact and Conditions. Mr. Patton seconded the motion and it passed unanimously.**

ZONING MAP AMENDMENT/ CHANGE OF CONCEPT DEVELOPMENT PLAN, AND CONCEPT DEVELOPMENT PLAN, Corrin Gulick, Chairwoman, Alaina Hagenseker, Staff

5. Request of **Akram Othman (applicant/owner)** for a Zoning Map Amendment/Change of Concept Development Plan from Suburban Residential Two (SR-2) district, Office One (O-1) district, and Commercial Two/Planned Development (C-2/PD) district to Commercial One (C-1) district for an approximate 4.8 acre area located at the southwest corner of the intersection of Oakbrook Road with Burlington Pike, and includes the property at 1655 Burlington Pike and the properties with the following Parcel Identification Numbers (PIDN's): 049.00-00-044.00, 049.00-00-044.01, and 049.00-00-041.02, Boone County, Kentucky. The request is for a zone change/change of concept plan for a retail/service/restaurant/office development.

Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously. The Committee Meeting will be held on November 30, 2022 at 5:00 p.m.

2020 ZONING REGULATIONS UPDATE, Bob Schwenke, Chairman, Michael Schwartz, Staff

6. Request of the **Boone County Planning Commission Long Range Planning/Comprehensive Plan Committee** to consider a series of text and map amendments to the **Boone County Zoning Regulations** and the Boone County Zoning Map as part of the 2020 Zoning Update. The proposed amendments to the text and map implement **Our Boone County Plan – Plan 2040**. This includes a waiver of the 60-day action requirement per KRS 100.211 (2)(c)(2).

Staff member, Michael Schwartz, read the Committee Report, which recommended approval based upon Findings of Fact and subject to some zoning text and map changes as a result of comments made at the September 21, 2022 Public Hearing (see Committee Report). The Committee Members present at the Committee meeting voted unanimously to approve the request. He mentioned that both the text and map changes implement the Boone County Comprehensive Plan and are consistent with KRS Chapter 100. Mr. Schwartz referred to the proposed changes outlined in the attachments from the Committee Report. Attachment A would allow short term rentals in the City of Walton. Attachment B would add regulations for data centers and would prohibit cryptocurrency mining from being allowed. Attachment C would add or keep active recreation as a permitted use in a C-4 district. Attachment D would allow schools as a conditional use in an I-1 zoning district. Again, a comment was made at the Public Hearing to allow schools. Attachment D also adds colleges and universities as a principally permitted use in an I-1 zoning district. It also would prohibit schools in an I-3 zoning district. Attachment E would allow schools as a principally permitted use in a PF zoning district. Attachment F would modify the accessory dwelling unit regulations to differentiate between accessory units within a principal structure versus one that is separate from a principal structure. There would be no additional lot size requirement if the accessory dwelling unit was located inside the principal structure. The one and a half minimum lot size requirement would only apply to an accessory dwelling unit that is freestanding or outside the principal structure. Also, as part of Attachment A is to modify the parking requirements for short term rentals. If all of the residence is being used for a short term rental, then the two additional parking spaces for the owner are not required.

In regard to the mapping issues, Mr. Schwartz referred to a PowerPoint presentation. Based upon the testimony made at the Public Hearing, the Committee recommended the changes to the following requests (see Committee Report). Map ID 120 was recommended for approval because it would bring all of the buildings on the site into the same zoning area district. Map ID 75 & 101 were recommended to be denied as the property owner (The Boone Conservancy) was not interested at this time. Map ID 105 was recommended to be denied on the basis that the proposed RSE or RS was not consistent with the Future Land Use Map. The existing zoning of A-2 is appropriate at this time. Map ID 106 was recommended to be denied because it was not consistent with the Comprehensive Plan. Agricultural activities can be conducted within the I-1 uses under the KRS 100 Statutes. Map ID 109 was recommended to be denied since the proposed I-1 district is not consistent with the Comprehensive Plan, which designates the site as Urban Density Residential (RD) uses. Map ID 113 was recommended for denial based upon the recommendations of the Comprehensive Plan. Map ID 116 was recommended for denial since the Airport (A) district would not be consistent with the proposed Business Park (BP) uses as well as the proposed A zoning district on the north side of I-275. The A zoning is currently on the south side of I-275. Map ID 119 was recommended to be denied because the proposed I-1 is not consistent with the Comprehensive Plan which recommends residential uses. Map ID 10 was recommended to be rezoned to RSE from C-2 so that the entire 2 lots are zoned RSE. It is more in line with the Future Land Use Map of the RD land use.

Mr. Schwenke moved to approve the request (2020 Zoning Update) by Resolution to the Boone County Fiscal Court and the Cities of Florence, Union and Walton based upon the Committee Report including its Attachments and Findings of Fact. It includes all text and map changes as presented. Mrs. Kegley seconded the motion.

Mr. Schwenke expressed thanks to Mr. Schwartz and the Staff on completing the work. It was a huge endeavor. Chairman Rolfsen agreed that it was a tremendous amount of work. He complimented the Staff.

Mr. Wilson reminded everyone that the motion is in the form of a Resolution that goes to the Fiscal Court and the legislative units for their zoning function. They take final action.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Schwenke and seconded by Mrs. Kegley. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

7. Gateway Rehabilitation Center – 5940 Merchants Street

Mr. Patton moved to defer the request until the December 7, 2022 Business Meeting. Mrs. Steele seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

8. Ashley Home Store – 8040 Burlington Pike

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. The request is to modify the colors and the signage on the Ashley Home Store. The request is to have blue, gray and charcoal colors for 6 building mounted signs on the front of the building. Another sign would be placed in the loading dock. This sign replaces one that is already there. The signage totals 779 square feet. Mr. Costello referred to the rendering and pointed out that the rendering actually depicts a darker blue color. That will be the actual color. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Clark seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Michael Schwartz, Staff

9. Cougar Point Townhomes – 3215 Cougar Path

Staff Member, Michael Schwartz, referred to a PowerPoint presentation. As part of the original submitted and approved plan by the Planning Commission and Fiscal Court, there was a condition that the applicant was required to submit architectural drawings to the Technical/Design Review Committee for review and approval. Seventeen dwelling units are proposed along with an office building. No access from the current curb cut serving the church will be allowed. A separate curb cut off Cougar Path will be constructed. The buildings will be all brick. He showed renderings of the residential and office buildings. Brick and stone materials are proposed along with a pitched roof. Mr. Schwartz noted that a Major Site Plan for the project was submitted for review. He will check on the type of units and number of bedrooms as requested by Chairman Rolfsen. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Schwartz. Mrs. Goetting seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW, Rick Lunnemann, Chairman, Todd Morgan, Staff

10. Turfway Gaming – 7500 Turfway Road

Staff Member, Todd Morgan, referred to a PowerPoint presentation. The first part of the request deals with the existing jockey building and a new barn. The jockey building will have new brown EIFS and the new barn will be brown metal. The new barn is 30'9" x 61' 3". The second part of the request will be tabled until December 7, 2022. It involves the screening of the RTUs on the roof. Originally, the units were reviewed in May, 2022 but they are much more visible today. Mr. Morgan showed pictures of them. The Committee recommendation is only to approve the first part. The Technical/Design Review Committee met prior to the Business Meeting and voted unanimously to approve the request.

Mr. Lunnemann moved to approve Part 1 (the design and color of the Paddock area only) of the request based upon the Technical/Design Review Committee recommendation as presented by Mr. Morgan and to defer Part 2 (screening of the rooftop units) until December 7, 2022. Mr. Szurlinski seconded the motion and it passed unanimously.

NEW BUSINESS

ZONING MAP AMENDMENT, Michael Schwartz, Staff

11. Request of **Jake's Farm Real Estate Development Company, LLC (applicant)** for **Jake's Farm Real Estate Development Company, LLC and Henry L. Fedders Jr. (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) for an approximate 36.74 acre area located at the southeast corner of the intersection of Richwood Road with Schmidt Lane, including the properties at 731, 733, and 735 Richwood Road, 11704 Schmidt Lane, and the properties having Parcel Identification Numbers (PIDN) of 065.01-02-001.00 and 065.01-02-007.00. The request is for a zone change to allow 160 multi-family residential units within three (3) buildings, 55 attached single-family residential units within nine (9) buildings, 5 detached single-family residential dwellings, and community amenity areas (Deferred from November 2, 2022).

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Michael Schwartz, Staff

12. Request of **Gregory P. Tilsley (applicant)** for **Graeters Properties Limited (owner)** for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 5.7 acre area located at 8905 US 42, Union, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow two additional eating and drinking establishments, a central plaza area, and interconnected parking facilities.

CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN, Todd Morgan, Staff

13. Request of **Viox and Viox, Inc., per Michelle Bollman (applicant)** for **Domaschko Properties, LLC (owner)** for a Change in an Approved Concept

Development Plan in an Industrial One (I-1) district for an approximate 6.7 acre area located at 11061 Dixie Highway, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow the construction of a 5,000 square foot building with outdoor truck/trailer parking and an expansion of the off-street parking lot.

ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT, Todd Morgan, Staff

14. Request of **Vision Engineering, LLC, per Jihad Hillany (applicant) for City of Florence (owner)** for a Zoning Map Amendment for a Special Sign District for an approximate 196.5 acre area located at 7500 Turfway Road, Florence, Kentucky. The request is for an amendment to an existing Special Sign District in a Recreation/Planned Development/Houston-Donaldson Study Corridor Overlay (R/PP/GDO) district to allow for an electronic message board/screen.

Mr. Patton moved to schedule the Public Hearing for Items #12, #13 and #14 on December 7, 2022 at 7:30p.m. in the Fiscal Courtroom and Item #11 on December 21, 2022 at 7:00 p.m. in the Fiscal Courtroom. Mrs. Kegley seconded the motion and it passed unanimously.

H. Executive Director's Report: Kevin P. Costello

Mr. Costello referred to his October 26, 2022 Memos. The first involves extending the contract of our current engineer, Jon Brown. He is still pursuing candidates to replace Mr. Brown. **Mr. Patton moved to authorize the Executive Director to extend the contract of Mr. Brown for one month from November 1, 2022 to December 1, 2022 with the same terms. Mrs. Clark seconded the motion and it passed unanimously.** The second item is related to extending the contract with NearMap aerial photography services to the Boone County Planning Commission for one year. **Mr. Patton moved to authorize the Executive Director to extend the contract with Near Map for one year at an amount not to exceed \$20,000 based upon the terms outlined in the memo. Mr. Schwenke seconded the motion and it passed unanimously.**

I. Committee Reports:

- Airport

Mr. Bessler reported that the Committee has a Zoom meeting with the Airport tomorrow at noon.

- Administrative/Personnel (Tom Szurlinski)
No Report
- Enforcement (Tom Szurlinski)
No Report
- Long-Range Planning/Comprehensive Plan (Bob Schwenke)
No Report
- Technical/Design Review (Rick Lunnemann)
No Report

- Executive

Chairman Rolfsen announced that the Board will honor Don McMillian for his 40 years of service to the Planning Commission on November 16, 2022 at 5:30 p.m. in the Planning Commission office. More information will be sent out regarding the event.

J. **Chairman's Report:** Charlie Rolfsen
No Report

K. **OKI Report:** Kim Patton
No Report

L. **Other:**

M. **Adjournment:**

There being no further business to come before the Planning Commission, **Mrs. Steele moved to adjourn the meeting. Mr. Vaught seconded the motion and it passed unanimously. The meeting was adjourned at 7:50 P.M.**

APPROVED



Charlie Rolfsen
Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Kevin P. Costello, AICP
Executive Director

2020
ZONING
UPDATE

PUBLIC
HEARING
DRAFT

RED LINE TEXT



BOONE COUNTY ZONING REGULATIONS

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ARTICLE 1 PURPOSE AND AUTHORITY

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SECTION 100 TITLE

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SECTION 103 SEVERABILITY CLAUSE

SECTION 104 REPEAL OF CONFLICTING ORDINANCES OR ORDERS, EFFECTIVE DATE

SECTION 100 TITLE

- A. These regulations shall be known as the: "Boone County Zoning Regulations" "~~Zoning Ordinance: City of Florence, Kentucky;~~" "~~Zoning Ordinance: City of Union, Kentucky;~~" "~~Zoning Ordinance: City of Walton, Kentucky;~~" and "~~Zoning Order: Boone County, Kentucky,~~" upon adoption and may be cited alternately As the Zoning Regulations, Order, or Ordinance.

SECTION 101 PROVISIONS OF ORDER DECLARED TO BE MINIMUM REQUIREMENTS

~~SECTION 110 Provisions of Order Declared to be Minimum Requirements~~

- A. In their interpretation and application, the provisions of these regulations ~~this order~~ shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and the general welfare, As per KRS 100.201- 100.991. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinance, orders or resolutions, or where there may be internal conflicts within ~~these regulations this order~~, the most restrictive, or that imposing the higher standards shall govern.

SECTION 102 INCLUSIVE CONSTRUCTION OF ZONING REGULATIONS

- A. All provisions in these regulations are to be interpreted and applied in an inclusive manner, meaning that any interpretation or application shall be based on the literal terms of the regulations as they are written. In particular, any use category which is not listed as a principally permitted, accessory, or conditional use in a specific zoning district shall be deemed to be a prohibited use in said zoning district.

SECTION 103 SEVERABILITY CLAUSE

~~SECTION 120 Severability Clause~~

- A. Should any section, subsection, clause, part or provision of these regulations ~~this order~~ be declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidity shall not affect any other section, subsection, clause, part or provision of ~~these regulations this order~~ as they are severable and shall continue to have full force and effect.

SECTION 104 REPEAL OF CONFLICTING ORDINANCES OR ORDERS, EFFECTIVE DATE

~~Section 130 Repeal of Conflicting Ordinances or Orders, Effective Date~~



BOONE COUNTY
PLANNING COMMISSION

- A. All ordinances or orders, or parts of ordinances or orders in conflict with or inconsistent with the provisions of these regulations ~~this order or ordinance~~, specifically including the Zoning Order, Boone County, Kentucky, adopted April 8, 2014 ~~November 4, 2008~~, the Zoning Ordinance, City of Walton, Kentucky, adopted February 10, 2014 ~~September 8, 2008~~, Zoning Ordinance, City of Union, Kentucky, adopted March 3, 2014 ~~October 13, 2002~~, and the Zoning Ordinance, City of Florence, Kentucky, adopted April 8, 2014 ~~October 28, 2008~~, are hereby repealed to the extent necessary to give these regulations ~~this order~~ full force and effect. These regulations ~~This order or ordinance~~ shall become effective from and after the date of its approval and adoption as provided by law. After ~~adoption approval~~ of these regulations ~~this order or ordinance~~, lawfully existing land uses not in agreement with this zoning order become ~~pre-existing~~ non-conforming.



ARTICLE 2 ADMINISTRATION

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ARTICLE 2 ADMINISTRATION

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SECTION 206 NONCONFORMING LOTS, USES, AND STRUCTURES

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SECTION 260 Conditional Use Permits

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- SECTION 267 Expiration Conditional Use Permit**
- SECTION 270 Nonconforming Lots, Uses, and Structure**
- SECTION 271 Single Nonconforming Lots of Record and Subdivisions, and Nonconforming Setbacks**
- SECTION 272 Nonconforming Uses of Land**
- SECTION 273 Change from One Nonconforming Use to Another**
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- SECTION 277 Pre-Existing Use Under Conditional Use Provisions Not Non-Conforming Uses**
- SECTION 280 Certificate of Land Use Restriction**
- SECTION 285 Transferable Development Rights**
- SECTION 290 Annexation by Cities**
- SECTION 295 Statutory Exemptions**

SECTION 200 ZONING ADMINISTRATOR

- A. Each City and the County shall designate a Zoning Administrator to administer the zoning regulations ~~order~~. The Boone County Planning Commission may recommend a candidate for this position. The Administrator may be provided with the assistance of other such persons as each City, the County, or Planning Commission may direct, such as a Zoning Enforcement Officer(s) or Zoning Inspector(s).

~~SECTION 201 Duties of Zoning Administrator~~

- B. Duties of Zoning Administrator
 - 1. For the purpose of these regulations ~~this order~~, the Zoning Administrator shall have the following duties:
 - a. Upon finding that any of the provisions of these regulations ~~this order~~ are being violated, he/she shall notify, in writing, the person responsible for such violation(s), ordering the action(s) necessary to correct such violation.;
 - b. Order discontinuance of illegal uses of land, buildings, or structures.;
 - c. Order removal of illegal buildings or structures or illegal additions or structural alterations.;
 - d. Order discontinuance of any illegal work being done.;
 - e. Determine the classification of a use of land, buildings or structures as a permitted, accessory, or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the stated and implied requirements of ~~these the zoning~~ regulations. This includes the determination of classification of new uses or uses not specifically identified in these regulations.
 - f. Take any other action authorized by these regulations ~~this order or ordinance~~ to ensure compliance with or to prevent violation(s) of these regulations. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar



administrative duties as are permissible under provisions of Kentucky Revised Statutes (KRS), Section 100.271.

- g. The Zoning Administrator may delegate any portion or portions of his/her duties to a Zoning Enforcement Officer. The Zoning Enforcement Officer shall carry out duties assigned by the Zoning Administrator. Such ~~recommended~~ duties may include, but are not limited to: site inspections regarding complaints of violations of ~~these regulations this order~~; site inspections of developments for compliance with plans approved under ~~these regulations this order~~; issuance of "Notice of Violations" citations; and review of development plans for compliance with the rules, regulations and standards of ~~these regulations this order~~.

SECTION 205 General

C. General

- 1. The Zoning Enforcement Officer shall coordinate all activities with the Zoning Administrator.

SECTION 201 Duties of Zoning Administrator

~~For the purpose of this order, the Zoning Administrator shall have the following duties:~~

- A. ~~Upon finding that any of the provisions of this order are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action(s) necessary to correct such violation;~~
- B. ~~Order discontinuance of illegal uses of land, buildings, or structures;~~
- C. ~~Order removal of illegal buildings or structures or illegal additions or structural alterations;~~
- D. ~~Order discontinuance of any illegal work being done;~~
- E. ~~Determine the classification of a use of land, buildings or structures as a permitted, accessory or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the stated and implied requirements of the zoning regulations. This includes the determination of classification of new uses or uses not specifically identified in these regulations.~~
- F. ~~Take any other action authorized by this order or ordinance to ensure compliance with or to prevent violation(s) of these regulations. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under provisions of Kentucky Revised Statutes (KRS), SECTION 100.271.~~
- G. ~~The Zoning Administrator may delegate any portion or portions of his duties to a Zoning Enforcement Officer. The Zoning Enforcement Officer shall carry out duties assigned by the Zoning Administrator. Such recommended duties may include, but are not limited to: site inspections regarding complaints of violations of this order; site inspections of developments for compliance with plans approved under this order; issuance of "Notice of Violations" citations; review of development plans for compliance with the rules, regulations and standards of this order.~~

SECTION 201 DUTIES OF THE BOONE COUNTY PLANNING COMMISSION

- A. For the purpose of these regulations, ~~this order~~ the Boone County Planning Commission shall have the following duties:
 - 1. ~~Initiate proposed amendments to this order;~~
 - 2. Initiate proposed amendments to these regulations ~~this order~~ and make recommendations to the appropriate legislative body or Fiscal Court as specified in ARTICLE 3.;
 - 3. Review and approve or deny development applications required by these regulations ~~this order~~.;
 - 4. Administer the Boone County Subdivision Regulations as they apply to these regulations ~~this order~~.;



5. Establish a schedule of fees, charges and expense as specified in SECTION 409.;
6. Delegate any tasks as specified in these regulations ~~this order~~ relative to its administration.;
7. Perform any task and follow any procedure, including those pertaining to committees of the Planning Commission, that is specified in or provided for through the Commission's adopted by-laws.
8. Perform any task or function that is authorized by Kentucky Revised Statute (KRS) Chapter 100.

SECTION 202 BOARD OF ADJUSTMENT

A. Establishment of Board of Adjustment

1. A board of adjustment is hereby established for each legislative body.
2. The board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom shall be citizen members and not more than two (2) of whom may be citizen members of the planning commission.

B. Meetings of the Board of Adjustment

1. The board of adjustment shall conduct meetings at the call of the chairman/chairwoman.
2. A simple majority of the total membership of the board of adjustment, as established by regulation or agreement, shall constitute a quorum. Any member of the board of adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify themselves from voting on the question.
3. The board of adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the question before it.
4. The chairman/chairwoman of the board of adjustment shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

~~SECTION 220 Duties of the Board of Adjustment and Zoning Appeals~~

C. Duties of the Board of Adjustment

1. For the purposes of these regulations ~~this order~~, the Board of Adjustment ~~and Zoning Appeals~~ shall have the following duties:
 - a. To hear and decide on applications ~~appeals~~ where it is alleged by an applicant that there is an error in any order, requirements, decision, ~~interpretation~~, grant, or refusal made by ~~the~~ an administrative official in the enforcement of the zoning regulations ~~Zoning Administrator~~.;
 - b. To hear and decide on applications for variances ~~authorize such variances from the terms of this order as will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.~~
 - c. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met ~~grant conditional use permits as specified in this zoning order, with such additional safeguards as will uphold the intent of this order.~~
 - d. To grant changes in nonconforming uses as specified in these regulations ~~this order~~.

SECTION 203 APPEALS

~~SECTION 230 Duties of Zoning Administrator, Board of Adjustment and Zoning Appeals, Legislative Authority and Courts on Matters of Appeal~~



A. Duties of Zoning Administrator, Board of Adjustment, Legislative Authority, and Courts on Matters of Appeal

1. It is the intent of these regulations ~~this order~~ that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of these regulations ~~this ordinance~~ that the duties for the legislative bodies in connection with these regulations ~~this order~~ shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and ~~these regulations this order~~. Under ~~these regulations this order~~, the legislative bodies shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of these regulations ~~this order~~ as provided by law.
2. ~~SECTION 240 Appeals and Variances~~
3. Appeals ~~and variances~~ shall conform to the procedures and requirements of ~~Sections 240-254, inclusive,~~ of these regulations ~~this zoning order~~ and KRS ~~100.241-100.251 and 100.257-100.263.~~ As specified in ~~SECTION 220~~ these regulations, the Board of Adjustment ~~and Zoning Appeals~~ has appellate jurisdiction relative to appeals ~~and variances~~.
4. ~~SECTION 245 Appeals~~
5. Appeals to the Board of Adjustment ~~and Zoning Appeals~~ may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of any zoning enforcement officer ~~the Zoning Administrator~~. Such appeal shall be taken within thirty (30) days after the appellant or their agent receives notice of the action of the official by filing with said officer and ~~decision by filing,~~ with the Board of Adjustment ~~and Zoning Appeals~~, a notice of appeal specifying the grounds thereof ~~upon which the appeal is being taken,~~ and by giving notice of such appeal to any and all parties of record. Said officer shall forthwith ~~The Zoning Administrator shall~~ transmit to the Board of Adjustment ~~of Zoning Appeals~~ all the papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. ~~The appellant may also submit any materials appropriate for review in consideration of the appeal.~~ At the public hearing on the appeal held by the Board, any interested person may appear and enter their appearance, and shall be given an opportunity to be heard.
6. ~~SECTION 246 Stay of Proceedings~~
7. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment ~~and Zoning Appeals~~ after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

SECTION 204 VARIANCES

~~SECTION 250 Dimensional Variance~~

- A. Variances shall conform to the procedures and requirements of these regulations and KRS 100.241-100.247. As specified in SECTION 203 of these regulations, the Board of Adjustment has appellate jurisdiction relative to appeals and variances.
- B. The Board of Adjustment ~~and Zoning Appeals~~ shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it



~~decides to grant. Variance is defined As a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.~~

- C. ~~Variances are appropriate by reason of exceptional narrowness, shallowness or unusual shape of a site on the effective date of these regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the above dimensional terms of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs (excepting the number of signs). Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks. The Board shall not possess the power to grant a variance to permit a use of land, building or structure, which is not permitted by the zoning regulation in the zone in question, or to alter the density requirements in the zone in question. Density is defined as the number of units or square footage of a building per net acre of land developer. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.~~
- D. ~~All adjoining property owners shall be notified of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. A sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing.~~
- E. ~~SECTION 251 Application and Standards for Variances~~
- F. ~~A variance from the terms of this order shall not be considered granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.~~
- G. ~~Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:~~
 - 1. ~~The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same district zone;~~
 - 2. ~~The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.;~~
 - 3. ~~The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.~~
- H. ~~The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.~~
- I. ~~The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the district in question, or to alter the density requirements in the district in question.~~
- J. ~~A variance applies to the property for which it is granted, and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.~~



SECTION 205 General

~~The Zoning Enforcement Officer shall coordinate all activities with the Zoning Administrator.~~

SECTION 205 CONDITIONAL USE PERMITS

~~SECTION 260 Conditional Use Permits~~

- A. Conditional uses shall conform to the procedures and requirements of these regulations ~~Sections 261-267, inclusive of this order~~ and the requirements of KRS 100.237.
- B. A conditional use permit shall not be considered by the Board of Adjustment unless and until a written and signed application for a Conditional Use Permit is submitted to the Zoning Administrator and the Board of Adjustment, along with any additional information the Board may find appropriate.
- C. The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have the power to revoke conditional use permits, or variances for noncompliance with the conditions thereof. Furthermore, the board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgement in personam for such costs.
- D. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- E. If the applicant submits a modified plan to the relevant regulatory authorities in order to comply with all of the requirements of building, housing, and other regulations that expands the applicant's conditional use beyond the previously established geographic boundaries of the original conditional use permit, then the expanded conditional use shall be reviewed by the board. This review shall be limited to an examination solely of the expanded geographic boundaries of the modified plan. The board may deny the applicant's conditional use permit for the expanded geographic area.
- F. The applicant shall have the duty of informing the board of modifications made in accordance with Section 205.E, within fourteen (14) days of their submission. The applicant's failure to provide the board with notification shall be grounds for the board to revoke the conditional use permit, after a hearing before the board.
- G. In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- H. ~~SECTION 262 General Standards Applicable to All Conditional Uses~~
 - I. In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of these regulations ~~this zoning order~~. The Board may consider whether such use at the proposed location:



1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order.;
 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.;
 3. Will be hazardous to existing or future neighboring uses.;
 4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.;
 5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.;
 6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors.;
 7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- J. ~~SECTION 263 Specific Standards Applicable to All Conditional Uses~~
- K. The Board shall also consider the criteria for conditional uses as set forth in each zoning district.

SECTION 206 NONCONFORMING LOTS, USES, AND STRUCTURES

~~SECTION 270 Nonconforming Lots, Uses, and Structures~~

A. Intent

1. Within the districts established by ~~these regulationsthis order~~ or amendments to districts that may later be adopted, lots, uses of land, and structures, which were lawful before ~~these regulationsthis order werewas~~ passed or amended, but which would be prohibited, regulated, or restricted under the terms of ~~these regulationsthis order~~ or further amendments may exist. It is the intent of ~~these regulationsthis order~~ to permit these nonconforming lots, uses and structures to continue until they are no longer nonconforming. It is further the intent of ~~these regulationsthis order~~ that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.
2. Uses of structures not legally established before ~~these regulationsthis order werewas~~ passed or amended shall not be given the statutes of legally pre-existing, nonconforming uses or structures, and may be subject to penalties for violation under SECTION 404 through SECTION 406 of ~~these regulationsthis order~~.

B. ~~SECTION 271 Single Nonconforming Lots of Record and Subdivisions, and Nonconforming Setbacks~~

C. Single Nonconforming Lots of Record and Subdivisions, and Nonconforming Setbacks

1. If any lot of record does not meet the minimum square footage requirements that are generally applicable in the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of ~~these regulationsthis order~~, the owner may develop that lot in conformance with the dimensional (square footage) regulations, including front yard ~~s~~Setback ~~r~~Requirements, previously in effect. The lot must be developed in conformance with all other requirements of ~~these regulationsthis order~~. Variances of any requirements other than the square footage of a lot or lot size shall be obtained only through action of the Board of Adjustment ~~and Zoning Appeals~~ as provided in SECTION 204 ~~250 through SECTION 254~~. Subdivisions which



had been granted preliminary platplan approval prior to the adoption of these regulationsthis order may be developed in conformance with dimensional regulations under which preliminary platplan approval was given.

2. In such instances where the front yard setback requirements for a pre-existing development differ from the current regulations, and an extension or enlargement of a previously developed street or subdivision is approved, the front yard setback requirements shall be adjusted at a rate of at least five (5) feet for each consecutive lot until the new minimum required setback is obtained, although all other requirements of these regulationsthis order must be met. When an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the nonconforming building line established by the existing structure, but may not encroach into such nonconforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals.

D. ~~SECTION 272 Nonconforming Uses of Land~~

E. ~~Nonconforming Uses of Land~~

F. ~~Where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time these regulations were adopted.~~

G. ~~KRS 100.253 allows the following:~~

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (G.2) of this section.
4. The provisions of subsection (G.3) of this section, and notwithstanding subsection (G.4) of this section, shall only apply to those uses within the City of Florence that existed prior to January 1, 2015.
5. The provisions of subsection (G.3) of this section shall not apply to counties containing a city of the first class, a consolidated local government, an urban-county government, or a city with a population equal to or greater than 20,000 based upon the most recent federal decennial census.

H. ~~SECTION 274 Nonconforming Structures~~

I. ~~Nonconforming Structures~~



1. Where a lawful structure exists at the effective date of adoption or amendment of ~~these regulations this order~~ that could not be built under the terms of ~~these regulations this order~~ by reason of restrictions on intensity or size or lot coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.;
 - b. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in Kentucky Revised Statutes, Section 100.253(2).
2. ~~SECTION 276 Repairs and Maintenance~~
3. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 207 AVOIDANCE OF UNDUE HARDSHIP

~~SECTION 275 Avoidance of Undue Hardship~~

- A. To avoid undue hardship, nothing in ~~these regulations this order~~ shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of ~~these regulations this order~~ and upon which actual building construction has been carried on diligently; provided, however, such construction is not found to have been or be a purposely planned evasion of the ~~intents of these regulations this order~~. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently, but subject to the same clarifications of planned intent above. Neither shall ~~these regulations this order~~ be deemed to require a revision in the preliminary ~~plats plans~~ of subdivisions which had been approved prior to the adoption of these regulations provided that schedules for submission of improvement plans and final ~~plats plans~~ are met.

SECTION 208 PRE-EXISTING USE UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

~~SECTION 277 Pre Existing Use Under Conditional Use Provisions Not Non-Conforming Uses~~

- A. Any pre-existing use which is permitted as a conditional use in a district under the terms of ~~these regulations this order~~ shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use. However, a Conditional Use Permit must be granted by the Board of Adjustment ~~and Zoning Appeals~~ before such use can be expanded in size or scope.

SECTION 209 NOTICE OF HEARING



BOONE COUNTY PLANNING COMMISSION

- A. When an application is made to the Board of Adjustment, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, an owner of every parcel of property adjoining the property to which the application applies, and such other persons as these regulations or board of adjustment bylaws shall direct. Written notice shall be by certified mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this article. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- B. When any property within the required notification area for a public hearing upon an application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by certified mail to certain public officials, as follows:
1. If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
 2. If the adjoining property is not part of a planning unit, notice shall be given to the Mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the Judge/Executive of the county in which the property is located.
- C. Notice of the hearing shall be posted conspicuously on the property which is the subject of the hearing for fourteen (14) consecutive days immediately prior to the hearing.
- D. Notice of the hearing shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days immediately prior to the hearing.

SECTION 210 CERTIFICATE OF LAND USE RESTRICTION

SECTION 280 Certificate of Land Use Restriction

- A. Land use restrictions adopted or imposed by the planning commission, board of adjustments, legislative body or fiscal court upon property within Boone County shall be filed in the form of a Certificate of Land Use Restriction ~~restrictions~~ with the County Clerk's office as described in KRS 100.3681 through 100.3684 ~~and summarized below~~.
- B. ~~Filing shall occur within 30 days of the date upon which the body takes final action to impose or adopt the restriction. The certificates shall be completed by the secretary of the planning commission and be in the form designated in KRS 100.3683. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The Boone County Planning Commission office shall maintain the files of conditions or restrictions which require certificates. When all conditions or restrictions have been complied with or a restriction reflected on the certificate is amended (which requires a new certificate) the previous certificate shall be released by the secretary of the planning commission in the same manner as releases of encumbrances upon real estate. Certificates of Land Use Restrictions shall be filed in the Boone County Clerk's office for the following reviews: Zoning Map Amendments, Development Plans, Unrecorded Subdivision Plats, Variances, Conditional Use Permits and a Conditional Zoning Conditions.~~

SECTION 211 TRANSFERABLE DEVELOPMENT RIGHTS

SECTION 285 Transferable Development Rights

- A. In accordance with KRS 100.208, any legislative unit in Boone County may provide, by ordinance for:



1. The voluntary transfer of the development rights (TDR) permitted on one (1) parcel of land to another parcel of land;
2. Restricting or prohibiting further development of the parcel from which development rights are transferred; and
3. Increasing the density or intensity of development of the parcel to which such rights are transferred.

SECTION 212 ANNEXATION BY CITIES

~~SECTION 290 Annexation by Cities~~

- A. When a city which has adopted zoning or other land use regulations pursuant to **KRS 100** and proposes to annex new territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex and prior to final action upon the ordinance or annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by **KRS Chapter 424** and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in accordance with **KRS 100.212(2)**. The city legislative body shall take final action upon the planning commission's recommendation prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning or other land use regulations which will be effective for the annexed property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation, the newly annexed territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until those restrictions are changed by zoning map amendments ~~oref~~ other regulations in accordance with this chapter.

SECTION 213 STATUTORY EXEMPTIONS

~~SECTION 295 Statutory Exemptions~~

~~State and local government entities, their political subdivisions, departments, commissions, boards, authorities, agencies, or instrumentalities of state government are not required to obtain approval for proposals pursuant to KRS 100.361. Some public utilities are not required to obtain approval for certain facilities under KRS 100.324. Regardless of statutory exemptions, these entities are required to submit proposals for acquisition or disposition of land for public facilities, or changes in character, location or extent of structures or land for public facilities, with some exclusions under KRS 100.324(4), to the Planning Commission in light of the Comprehensive Plan. This section merely informs the public that certain entities are exempt from zoning approvals under state law and does not expand these exemptions set forth in the Kentucky Revised Statutes.~~

- A. All other provisions of this these regulations to the contrary notwithstanding, public utilities operating under the jurisdiction of the Public Service Commission, except as specified in **KRS 100.987**, or the Department of Vehicle Registration or Federal Energy Regulatory Commission, any municipally owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities shall include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Vehicle Registration shall give notice to the planning commission of any planning unit of any hearing which affects locations or relocations of service facilities within the planning unit's jurisdiction.



1. The nonservice facilities excluded in subsection a of this section must be in accordance with the zoning regulations.
 2. Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.
 3. Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.
- B. Nothing in this chapter shall impair the sovereignty of the commonwealth of Kentucky over its political subdivisions. Any proposal affecting land use by any department, commission, board, authority, agency, or instrumentality of state government shall not require approval of the local planning unit. However, adequate information concerning the proposals shall be furnished to the planning commission by the department, commission, board, authority, agency, or instrumentality of state government. If the state proposes to acquire, construct, alter, or lease any land or structure to be used as a penal institution or correctional facility, and the proposed use is inconsistent with or contrary to local planning regulations or the comprehensive plan for the area, the secretary of the Justice and Public Safety Cabinet, or his designee, shall notify, in accordance with KRS 424.180, the planning commission, the local governing body who has jurisdiction over the area involved, and the general public of the state' proposals for the area, and he or she shall hold a public hearing on the proposals within the area at least ninety (90) days prior to commencing the acquisition, construction, alteration or leasing. A final report on the public hearing shall be submitted to the Governor and members of the General Assembly within twenty-five (25) days of the public hearing, and prior to commencing any construction, alteration, acquisition, or leasing of such property or facilities.

SECTION 214 GREATER RESTRICTION

- A. The provisions of these regulations shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. Where these regulations impose a greater restriction upon the buildings, structures, or premises, upon heights of buildings or structures, or requires larger open spaces than are imposed or required by any other ordinance, rule, code, permit, or regulation, or by easement, covenant, deed restriction, or agreement, the provisions of these regulations shall govern.

SECTION 215 PERMIT OR LICENSE IN VIOLATION

- A. If any permit or license is issued in violation of any provision of these regulations, or purports to authorize the doing of any act not permitted by any provision of these regulations, said permit or license shall be void.

SECTION 220 Duties of the Board of Adjustment and Zoning Appeals

~~For the purposes of this order, the Board of Adjustment and Zoning Appeals shall have the following duties:~~



- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator;
- B. To authorize such variances from the terms of this order as will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
- C. To grant conditional use permits as specified in this zoning order, with such additional safeguards as will uphold the intent of this order.
- D. To grant changes in nonconforming uses as specified in this order.

SECTION 230 Duties of Zoning Administrator, Board of Adjustment and Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this order that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of this ordinance that the duties for the legislative bodies in connection with this order shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this order. Under this order, the legislative bodies shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this order as provided by law.

SECTION 240 Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 240-254, inclusive, of this zoning order and KRS 100.241-100.251 and 100.257-100.263. As specified in SECTION 220, the Board of Adjustment and Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 245 Appeals

Appeal to the Board of Adjustment and Zoning Appeals may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Board of Adjustment and Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken, and by giving notice of such appeal to any and all parties of record. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The appellant may also submit any materials appropriate for review in consideration of the appeal.

SECTION 246 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment and Zoning Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

SECTION 250 Dimensional Variance



The Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Variances are appropriate by reason of exceptional narrowness, shallowness or unusual shape of a site on the effective date of these regulations or amendment thereof or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the above dimensional terms of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The dimensional terms pertaining to height, width and location involve such items as structures, parking space stalls, driveway aisles, and landscaped buffers and signs (excepting the number of signs). Lot frontages, the size of yards and open spaces refer to minimum yard dimensions such as building setbacks. The Board shall not possess the power to grant a variance to permit a use of land, building or structure, which is not permitted by the zoning regulation in the zone in question, or to alter the density requirements in the zone in question. Density is defined as the number of units or square footage of a building per net acre of land developer. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

All adjoining property owners shall be notified of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. A sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing.

SECTION 251 Application and Standards for Variances

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

SECTION 252 Supplementary Conditions and Safeguards



In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under SECTION 406 of this ordinance.

SECTION 253 Notice of Hearing

Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

Also, all adjoining property owners involved in an appeal and a variance request shall be notified in writing of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. In addition, a written notice of the appeal shall be made to the applicant or appellant and the Zoning Administrator and a sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing if a specific site is being reviewed and subject to an appeal.

SECTION 254 Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in SECTION 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.

SECTION 260 Conditional Use Permits

Conditional uses shall conform to the procedures and requirements of Sections 261-267, inclusive of this order and the requirements of KRS 100.237.

SECTION 261 Contents of Application for Conditional Use Permit

An Application for Conditional Use Permit along with whatever additional information the Board may find appropriate, shall be filed with the chairperson of the Board of Adjustment and Zoning Appeals by at least one owner or owner by contract (option) or lessee with permission of the owner of property for which such conditional use is proposed. The Board may require the applicant to submit a site plan as detailed in ARTICLE 30 of these regulations.

SECTION 262 General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board may consider whether such use at the proposed location:

- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;



- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
- C. Will be hazardous to existing or future neighboring uses;
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- E. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
- F. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

SECTION 263 Specific Standards Applicable to All Conditional Uses

The Board shall also consider the criteria for conditional uses as set forth in each zoning district.

SECTION 264 Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this order. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this order and punishable under SECTION 406 of this order.

SECTION 265 Procedure for Hearing Notice

Upon receipt of the application for a conditional use permit specified in SECTION 261, the Board shall establish a time and place for a hearing, publish notice of the hearing in a newspaper of general circulation in the County between 7 and 21 days in advance, and notify adjoining property owners by mail at least fourteen (14) days in advance of the hearing. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay the costs of notification.

Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. In addition, a sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing.

SECTION 266 Action by the Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the application for a conditional use permit within sixty (60) days of filing. The Board shall either approve, approve with supplementary conditions as specified in SECTION 264, or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If disapproved, the Board shall state the reasons for disapproval. If the application is disapproved by the Board, the applicant may seek relief through the appropriate circuit court. Appeals from Board decisions shall be as provided in Kentucky Revised Statutes (KRS), Section 100.347.



SECTION 267 Expiration Conditional Use Permit

A conditional use permit shall be deemed to authorize only a particular conditional use. If said permit has not been exercised within one (1) year from the date it was issued, or a time limit established by the Board, or if said conditional use shall cease for more than one (1) year, the conditional use permit shall not revert to its original designation unless a new public hearing has been conducted. "Exercised" means that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit, or that substantial costs or expenses to establish the use have been incurred.

SECTION 270 Nonconforming Lots, Uses, and Structure

Within the districts established by this order or amendments to districts that may later be adopted, lots, uses of land, and structures, which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments may exist. It is the intent of this order to permit these nonconforming lots, uses and structures to continue until they are no longer nonconforming. It is further the intent of this order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.

Uses of structures not legally established before this order was passed or amended shall not be given the statutes of legally pre-existing, nonconforming uses or structure, and may be subject to penalties for violation under SECTION 404 through 406 of this order.

SECTION 271 Single Nonconforming Lots of Record and Subdivisions, and Nonconforming Setbacks

If any lot of record does not meet the minimum square footage requirements that are generally applicable in the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of this order, the owner may develop that lot in conformance with the dimensional (square footage) regulations, including front yard Setback Requirements, previously in effect. The lot must be developed in conformance with all other requirements of this order. Variances of any requirements other than the square footage of a lot or lot size shall be obtained only through action of the Board of Adjustment and Zoning Appeals as provided in SECTION 250 through SECTION 254. Subdivisions which had been granted preliminary plan approval prior to the adoption of this order may be developed in conformance with dimensional regulations under which preliminary plan approval was given.

In such instances where the front yard setback requirements for a pre-existing development differ from the current regulations, and an extension or enlargement of a previously developed street or subdivision is approved, the front yard setback requirements shall be adjusted at a rate of at least five feet for each consecutive lot until the new minimum required setback is obtained, although all other requirements of this order must be met. When an addition is proposed for a pre-existing structure that does not meet the current setback requirements, the addition may be located along the nonconforming building line established by the existing structure, but may not encroach into such nonconforming setback unless a variance is granted by the Board of Adjustment and Zoning Appeals.

SECTION 272 Nonconforming Uses of Land



Where, at the time of adoption of this order, legally established, uses of land exist which would not be permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise lawful, provided the Board shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time these regulations were adopted.

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
2. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.

SECTION 273 Change from One Nonconforming Use to Another

The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

The Board shall not permit such a change unless the new nonconforming use is as equally or more compatible with permitted uses in the district in which it is located as the existing nonconforming use. Application for change of nonconforming use shall conform to the procedures and requirements for appeals as specified in Sections 245-254, inclusive, of this order and Kentucky Revised Statutes, Section 100.253.

The Board shall not allow any changed nonconforming use to be increased or enlarged, nor extended to occupy a greater area of land than was occupied by the original nonconforming use. In permitting such change in nonconforming use, the Board may require appropriate conditions and safeguards in accord with other provisions of this order, such as the provision of landscaping and buffering, the improvement of parking areas, and restrictions on the hours of operation.

SECTION 274 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this order by reason of restrictions on intensity or size or lot coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:



1. ~~No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;~~
2. ~~Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in Kentucky Revised Statutes, Section 100.253(2).~~

SECTION 275 Avoidance of Undue Hardship

~~To avoid undue hardship, nothing in this order shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this order and upon which actual building construction has been carried on diligently; provided, however, such construction is not found to have been or be a purposely planned evasion of the intents of this order. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently, but subject to the same clarifications of planned intent above. Neither shall this order be deemed to require a revision in the preliminary plans of subdivisions which had been approved prior to the adoption of these regulations provided that schedules for submission of improvement plans and final plans are met.~~

SECTION 276 Repairs and Maintenance

~~On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.~~

SECTION 277 Pre-Existing Use Under Conditional Use Provisions Not Non-Conforming Uses

~~Any pre-existing use which is permitted as a conditional use in a district under the terms of this order shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use. However, a Conditional Use Permit must be granted by the Board of Adjustment and Zoning Appeals before such use can be expanded in size or scope.~~

SECTION 280 Certificate of Land Use Restriction

~~Land use restrictions adopted or imposed by the planning commission, board of adjustments, legislative body or fiscal court upon property within Boone County shall be filed in the form of a Certificate of Land Use restrictions with the County Clerk's office as described in KRS 100.3681 through 100.3684 and summarized below.~~



Filing shall occur within 30 days of the date upon which the body takes final action to impose or adopt the restriction. The certificates shall be completed by the secretary of the planning commission and be in the form designated in KRS 100.3683. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The Boone County Planning Commission office shall maintain the files of conditions or restrictions which require certificates. When all conditions or restrictions have been complied with or a restriction reflected on the certificate is amended (which requires a new certificate) the previous certificate shall be released by the secretary of the planning commission in the same manner as releases of encumbrances upon real estate. Certificates of Land Use Restrictions shall be filed in the Boone County Clerk's office for the following reviews: Zoning Map Amendments, Development Plans, Unrecorded Subdivision Plats, Variances, Conditional Use Permits and a Conditional Zoning Conditions.

SECTION 285 Transferable Development Rights

1. In accordance with KRS 100.208, any legislative unit in Boone County may provide, by ordinance for:
 - a. The voluntary transfer of the development rights (TDR) permitted on one (1) parcel of land to another parcel of land;
 - b. Restricting or prohibiting further development of the parcel from which development rights are transferred; and
 - c. Increasing the density or intensity of development of the parcel to which such rights are transferred.

SECTION 290 Annexation by Cities

When a city which has adopted zoning or other land use regulations pursuant to KRS 100 and proposes to annex new territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex and prior to final action upon the ordinance or annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in accordance with KRS 100.212(2). The city legislative body shall take final action upon the planning commission's recommendation prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning or other land use regulations which will be effective for the annexed property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation, the newly annexed territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until those restrictions are changed by zoning map amendments of other regulations in accordance with this chapter.

SECTION 295 Statutory Exemptions

State and local government entities, their political subdivisions, departments, commissions, boards, authorities, agencies, or instrumentalities of state government are not required to obtain approval for proposals pursuant to KRS 100.361. Some public utilities are not required to obtain approval for certain facilities under KRS 100.324. Regardless of statutory exemptions, these entities are required to submit proposals for acquisition or disposition of land for public facilities, or changes in character, location or extent of structures or land for public facilities, with some exclusions under KRS 100.324(4), to the Planning Commission in light of the Comprehensive Plan. This section merely informs the public that certain entities are exempt from zoning approvals under state law and does not expand those exemptions set forth in the Kentucky Revised Statutes.



ARTICLE 3 AMENDMENT

Contents:

SECTION 300 GENERAL

SECTION 300 Procedure for Amendment or District Changes

SECTION 301 General

SECTION 301 INITIATION OF ZONING TEXT AMENDMENTS AND MAP AMENDMENTS

SECTION 302 Initiation of Zoning Text Amendments and Map Amendments

SECTION 302 ZONING MAP AMENDMENT APPLICATION AND CONCEPT DEVELOPMENT PLAN

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SECTION 303 Contents of Application for a Zoning Map Amendment

SECTION 304 TRANSMITTAL TO PLANNING COMMISSION

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SECTION 308 FINDINGS NECESSARY FOR MAP AMENDMENT

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SECTION 311 AMENDMENTS TO AN APPROVED ZONING MAP AMENDMENT

SECTION 314 Amendments to an Approved Zoning Map Amendment

SECTION 300 GENERAL

SECTION 301 General

- A. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative bodies or Fiscal Court may by ordinance or order, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property per the procedures and requirements in this article and KRS 100.

~~SECTION 300 Procedure for Amendment or District Changes~~

~~This order may be amended utilizing the procedures specified in this article.~~

~~SECTION 301 General~~

~~Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative bodies or Fiscal Court may by ordinance or order, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.~~



SECTION 301 INITIATION OF ZONING TEXT AMENDMENTS AND MAP AMENDMENTS

SECTION 302 Initiation of Zoning Text Amendments and Map Amendments

- A. Amendments to the ~~this zoning regulations ordinance's~~ text and zoning map may originate ~~be initiated to be in conformance with the Boone County Comprehensive Plan~~ in the following manner:
 1. Zoning Text - May originate with the Planning Commission, a legislative body, or the Fiscal Court ~~Initiated and adopted by a motion of the Planning Commission. Initiated and adopted a resolution and/or ordinance by a legislative body or Fiscal Court of Boone County.~~
 2. Zoning Map - May originate with the Planning Commission, legislative body, or the Fiscal Court. A zoning map amendment may also originate by the Initiated and adopted by a motion of the Planning Commission. Initiated and adopted a resolution and/or ordinance by a legislative body or Fiscal Court of Boone County. Also, by filing of an application by an at least one (1) majority owner of the property in question, or by an, owner by contract (option) or lessee with permission of an owner of the property in question within the area proposed to be changed or affected by said map amendment.

SECTION 302 Initiation of Zoning Text Amendments and Map Amendments

~~Amendments to this zoning ordinance's text and map may be initiated to be in conformance with the Boone County Comprehensive Plan in the following manner:~~

- 1. ~~Zoning Text Initiated and adopted by a motion of the Planning Commission. Initiated and adopted a resolution and/or ordinance by a legislative body or Fiscal Court of Boone County.~~
- 2. ~~Zoning Map Initiated and adopted by a motion of the Planning Commission. Initiated and adopted a resolution and/or ordinance by a legislative body or Fiscal Court of Boone County. Also, by filing an application by at least one (1) majority owner, owner by contract (option) or lessee with permission of owner of property within the area proposed to be changed or affected by said map amendment.~~

SECTION 302 ZONING MAP AMENDMENT APPLICATION AND CONCEPT DEVELOPMENT PLAN

SECTION 303 Contents of Application for a Zoning Map Amendment

- A. The following standards and procedures apply to zoning map amendment applications and Concept Development Plans.
 1. Application forms for zoning map amendments ~~Applications for amendments to the zoning map adopted as part of this Ordinance by SECTION 500~~ shall be completed in full, signed by the applicant and property owner, supplemented with the any additional information required found appropriate by the Planning Commission and this article, and accompanied by the a fee established by the Planning Commission's fee schedule according to SECTION 409.
 2. The Planning Commission, as a condition to the approval of a zoning map amendment-zone change ~~for zoning districts of commercial, multi-family (including apartments, townhouses, and condominiums), industrial, mobile home park development, office, public facility, recreation,~~ highly recommends that a Concept Development Plan be submitted. In accordance with KRS 100 ~~the applicable provisions of Chapter 100 of the Kentucky Revised Statutes,~~ this Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone change or map amendment. Applications submitted without a Concept Development Plan ~~However, an applicant does have the option of not submitting a Concept Development Plan for the Planning Commission's review and approval, although such zone~~

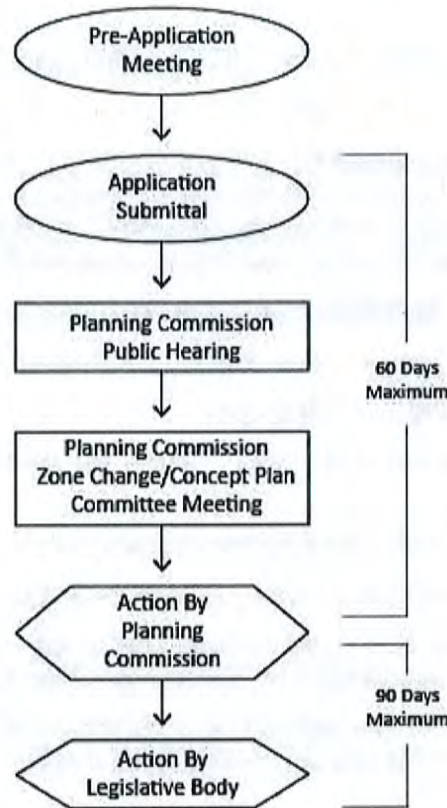


- ~~change application~~ will be reviewed from the perspective of a "worst case scenario" based upon the requirements and permitted uses of the ~~district zone~~ in question.
3. A Concept Development Plan must be submitted for applications involving the Planned Development District (PD), Employment Planned Development District (EPD), and Residential Planned Development District (RPD) as specified in ARTICLE 15 and ARTICLE 16, for all applications requesting the Suburban Residential Three (SR-3) District per SECTION 905, and for all applications requesting the Industrial Four (I-4) District per SECTION 1106. A "Development Plan" must also be submitted for applications involving the Industrial Three (I-3) District as specified in SECTION 1104. Excluded from the Concept Development Plan requirement are requests made by ~~municipal~~ legislative bodies, the Boone County Fiscal Court, and the Boone County Planning Commission ~~and organizations or agencies that are sanctioned by any legislative body.~~
 4. ~~If an applicant submits a Concept Development Plan and as a further condition to the approval of a zone change involving a Concept Development Plan, where substantial construction as determined by the Boone County Planning Commission is not initiated within two years from the date of final approval by the applicable legislative body or Fiscal Court concerning the zone change, such zoning change may revert to its original designation prior to the zone change after a public hearing and following the required procedure for a map amendment.~~
 5. Where a concept development plan is required under these regulations, and where such zoning change has been approved by the appropriate legislative body or fiscal court, the property owner ~~and any other appropriate person, such as an option holder in the property~~ shall sign a written agreement ~~verifying~~ providing that the Concept Development Plan is a condition to the zoning change and the appropriate Certificate of Land Use Restriction ~~such agreement~~ shall be prepared and recorded ~~made of record~~ in the office of the Boone County Clerk in Burlington, Kentucky in accordance with SECTION 210. The property owner ~~or other applicable person~~ shall ~~be required to~~ furnish the information necessary to prepare and record the Certificate of Land Use Restriction ~~make such agreement of record. This written agreement shall be noted and a Certificate of Land Use Restriction shall be filed with the County Clerk within 30 days of final action, as further specified in SECTION 280.~~
 6. At the time of filing an application for a zoning map amendment, ~~the property owner an applicant~~ may also request a dimensional variance or a conditional use permit for the same development. A development that is subject to a zone change or Concept Development Plan approval shall comply with all applicable requirements of ~~these regulations~~ this order unless a written request for a variance(s), or exception(s) pursuant to ARTICLE 15 or ARTICLE 16, are expressly approved through the procedures of this Article, or pursuant to ARTICLE 2, as applicable.
 7. The Planning Commission may recommend, and the legislative body or Fiscal Court may approve, the proposed zoning district subject to any agreed conditions or qualifications found merited in the Concept Development Plan or conditions on the site.
 8. Where following a Concept Development Plan is an agreed condition of a zoning map amendment, as a further condition to the approval of a zone change involving a Concept Development Plan, the Planning Commission may require that substantial construction be initiated within a certain period of time of not less than one (1) year; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.
 9. If an approved Zoning Map Amendment is subject to a Concept Development Plan and/or conditions pursuant to a written agreement, and/or is approved in conjunction with a variance or conditional use permit, the notation "CD" shall be placed on the Official Zoning Map in combination with the adopted zoning designation (refer to SECTION 507).



Figure 3-1

Zoning Map Amendment Process



If an applicant decides to submit a Concept Development Plan, the Plan shall include the following minimum requirements. The list of other requirements are optional only for sites that do not involve the Planned Development District (PD), Employment Planned Development District (EPD), or Residential Planned Development District (RPD). With certain types of developments, it may be beneficial to submit a Concept Development Plan that is more detailed or provides more information to the Planning Commission. The list of other requirements are highly recommended for these types of developments and to provide further support for approval of a Concept Development Plan by the Planning Commission. The minimum Development Plan requirements for applications involving the Industrial Three District (I-3) are listed in ARTICLE 11.

Minimum Requirements

General Site Characteristics—ownership, topography, soils, drainage, vegetation and other physical characteristics;

Transportation Patterns—public and private roads and internal and external circulation patterns;

Land Use Characteristics—existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size, area, intensities/densities, and height);

Utilities and Infrastructure;



~~Relationship of Proposed Zone Change with Comprehensive Plan – how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area." (Utilize the criteria in SECTION 308);~~

~~A 8.5" by 11" or 8.5" by 14" reduction of the plan that can be copied on a standard photocopier.~~

~~A written explanation of any requested variance or conditional use permit.~~

~~**OPTIONAL REQUIREMENTS OF CONCEPT DEVELOPMENT PLAN** (Mandatory requirements for projects involving the Planned Development District [PD], Employment Planned Development [EPD], or Residential Planned Development [RPD]. If a particular item is not provided in the Concept Development Plan, then the application materials must state why the requirement does not pertain to the specific proposal).~~

~~Include items 1-7 in the previously mentioned list of minimum requirements.~~

~~An area map showing adjacent property owners and existing land uses within 200 feet of the parcel.~~

~~The location, description and size (acreage) of land uses.~~

~~Approximate location and number of residential units (if any) along with approximate square footage, density and height~~

~~Approximate location and size (square footage) of non-residential buildings.~~

~~The location of public and private roads, rights-of-way, easements and parking.~~

~~Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas.~~

~~Submit a conceptual landscape plan that indicates the locations of landscape and buffering features. For applications involving the EPD, RPD, or PD overlay, design guidelines that include landscaping standards shall be submitted for multi-phased projects.~~

~~Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency.~~

~~General location of water, sanitary sewer, telephone, electrical and storm water lines. Capacity levels are recommended.~~

~~General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal.~~

~~Approximate location and size of storm water detention and/or retention areas.~~

~~Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the EPD, RPD, or PD overlay, design guidelines that include signage standards shall be submitted for multi-phased projects.~~

~~Indicate the construction schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.~~

~~Submit a detailed traffic study if the proposed development is large scaled or if the project would significantly alter existing traffic patterns or volume (See ARTICLE 32).~~

~~Submit a sketch or drawing of the proposed buildings to demonstrate the visual appearance or a type of architecture. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be submitted for multi-phased projects.~~



~~For applications involving the EPD or RPD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks. For applications involving the PD overlay zone, a description of any requested exceptions to the requirements of the underlying zone.~~

~~For applications involving the EPD, RPD, or PD overlay, a written narrative that describes how the applicable requirements and standards in ARTICLE 15 or ARTICLE 16 have been satisfied shall be submitted.~~

~~The Planning Commission and legislative body or Fiscal Court may recommend or approve the proposed district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site.~~

SECTION 303 CONCEPT DEVELOPMENT PLAN REQUIREMENTS

SECTION 303 Contents of Application for a Zoning Map Amendment

~~Applications for amendments to the zoning map adopted as part of this Ordinance by SECTION 500 shall be completed in full, signed, supplemented with any additional information found appropriate by the Planning Commission and accompanied by a fee established according to SECTION 409.~~

~~The Planning Commission, as a condition to the approval of a zone change for zoning districts of commercial, multi-family (including apartments, townhouses, and condominiums), industrial, mobile home park development, office, public facility, recreation, highly recommends that a Concept Development Plan be submitted. In accordance with the applicable provisions of Chapter 100 of the Kentucky Revised Statutes, this Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone change or map amendment. However, an applicant does have the option of not submitting a Concept Development Plan for the Planning Commission's review and approval, although such zone change application will be reviewed from the perspective of a "worst case scenario" based upon the requirements and permitted uses of the zone in question. A Concept Development Plan must be submitted for applications involving the Planned Development District (PD), Employment Planned Development District (EPD), and Residential Planned Development District (RPD) as specified in ARTICLE 15 and ARTICLE 16, for all applications requesting the Suburban Residential Three (SR-3) District per SECTION 957, and for all applications requesting the Industrial Four (I-4) District per SECTION 1193, a "Development Plan" must also be submitted for applications involving the Industrial Three (I-3) District as specified in ARTICLE 11. Excluded from the Concept Development Plan requirement are requests made by municipal legislative bodies, the Boone County Fiscal Court, and the Boone County Planning Commission and organizations or agencies that are sanctioned by any legislative body.~~

~~If an applicant submits a Concept Development Plan and as a further condition to the approval of a zone change involving a Concept Development Plan, where substantial construction as determined by the Boone County Planning Commission is not initiated within two years from the date of final approval by the applicable legislative body or Fiscal Court concerning the zone change, such zoning change may revert to its original designation prior to the zone change after a public hearing and following the required procedure for a map amendment.~~



~~Where a concept development plan is required under these regulations, and where such zoning change has been approved by the appropriate legislative body or fiscal court, the property owner and any other appropriate person, such as an option holder in the property shall sign a written agreement providing that the Concept Development Plan is a condition to the zoning change and such agreement shall be made of record in the office of the Boone County Clerk in Burlington, Kentucky. The property owner or other applicable person shall be required to furnish the information necessary to make such agreement of record. This written agreement shall be noted and a Certificate of Land Use Restriction shall be filed with the County Clerk within 30 days of final action, as further specified in SECTION 280. At the time of filing an application for a zoning map amendment, an applicant may also request a dimensional variance or a conditional use permit for the same development. A development that is subject to a zone change or Concept Development Plan approval shall comply with all applicable requirements of this order unless a written request for a variance(s), or exception(s) pursuant to ARTICLE 15 or ARTICLE 16, are expressly approved through the procedures of this Article, or pursuant to ARTICLE 2, as applicable. If an approved Zoning Map Amendment is subject to a Concept Development Plan and/or conditions pursuant to a written agreement, and/or is approved in conjunction with a variance or conditional use permit, the notation "CD" shall be placed on the Official Zoning Map in combination with the adopted zoning designation.~~

- A. ~~If a property owner submits an applicant decides to submit~~ a Concept Development Plan, the Plan shall include the following minimum requirements. The list of other requirements are optional only for sites that do not involve the Planned Development District (PD), Employment Planned Development District (EPD), or Residential Planned Development District (RPD), and ~~may. With certain types of developments, it may be beneficial to submit a Concept Development Plan that is more detailed or provides more information to the Planning Commission. The list of other requirements are highly recommended for these types of developments and to~~ provide further support for approval of a Concept Development Plan by the Planning Commission. The minimum Development Plan requirements for applications involving the Industrial Three District (I-3) are listed in ARTICLE 11.

1. Minimum Requirements

- a. General Site Characteristics - ownership, topography, soils, drainage, vegetation and other physical characteristics;
- b. Transportation Patterns - public and private roads and internal and external circulation patterns;
- c. Land Use Characteristics - existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size, area, intensities/densities, and height);
- d. Utilities and Infrastructure;
- e. Relationship of Proposed Zone Change with Comprehensive Plan - how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area. ~~If applicable, a statement of how the proposed zone change fulfills finding A.2 and/or A.3 in SECTION 308." (Utilize the criteria in SECTION 308);~~
- f. A 8.5" by 11" ~~or 8.5" by 14"~~ reduction of the plan sheet(s) that can be copied on a standard photocopier or a PDF version of the plan sheet(s).
- g. A written explanation of any requested variance or conditional use permit.

2. Optional Requirements ~~**OPTIONAL REQUIREMENTS OF CONCEPT DEVELOPMENT PLAN**~~ (Mandatory requirements for projects involving the Planned Development District [PD], Employment Planned Development [EPD], or Residential Planned Development [RPD]. If a particular item is not provided in the Concept Development Plan, then the application materials must state why the requirement does not pertain to the specific proposal).



- a. ~~Items include items~~ A.1.a-A.1.g in the previously mentioned list of minimum requirements.
- b. An area map showing adjacent property owners and existing land uses within two hundred (200) feet of the parcel.
- c. The location, description and size (acreage) of land uses.
- d. Approximate location and number of residential units (if any) along with approximate square footage, density and height.
- e. Approximate location and size (square footage) of non-residential buildings.
- f. The location of public and private roads, rights-of-way, easements and parking.
- g. Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas.
- h. ~~Conceptual~~ ~~Submit a conceptual~~ landscape plan that indicates the locations of landscape and buffering features. For applications involving the EPD, RPD, or PD overlay, design guidelines that include landscaping standards shall be ~~provided~~ ~~submitted~~ for multi-phased projects.
- i. Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency.
- j. General location of water, sanitary sewer, telephone, electrical and storm water lines. Capacity levels are recommended.
- k. General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal.
- l. Approximate location and size of storm water detention and/or retention areas.
- m. Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the EPD, RPD, or PD overlay, design guidelines that include signage standards shall be ~~provided~~ ~~submitted~~ for multi-phased projects.
- n. ~~Construction~~ ~~Indicate the construction~~ schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.
- o. ~~Detailed~~ ~~Submit a detailed~~ traffic study if the proposed development is large-scaled or if the project would significantly alter existing traffic patterns or volume (~~refer to See ARTICLE 32~~).
- p. ~~Images~~ ~~Submit a sketch or drawing~~ of the proposed buildings to demonstrate the intended architectural appearance and character-~~visual appearance or a type of architecture~~. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be ~~provided~~ ~~submitted~~ for multi-phased projects.
- q. For applications involving the EPD or RPD districts, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks. For applications involving the PD overlay district~~zone~~, a description of any requested exceptions to the requirements of the underlying district~~zone~~.
- r. For applications involving the PD overlay, EPD, or RPD districts, ~~or PD overlay~~, a written narrative that describes how the applicable requirements and standards in ARTICLE 15 or ARTICLE 16 have been-~~satisfied shall be submitted~~.



The Planning Commission and legislative body or Fiscal Court may recommend or approve the proposed district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site.

SECTION 303 Contents of Application for a Zoning Map Amendment

Applications for amendments to the zoning map adopted as part of this Ordinance by SECTION 500 shall be completed in full, signed, supplemented with any additional information found appropriate by the Planning Commission and accompanied by a fee established according to SECTION 409.

The Planning Commission, as a condition to the approval of a zone change for zoning districts of commercial, multi-family (including apartments, townhouses, and condominiums), industrial, mobile home park development, office, public facility, recreation, highly recommends that a Concept Development Plan be submitted. In accordance with the applicable provisions of Chapter 100 of the Kentucky Revised Statutes, this Concept Development Plan, when submitted and agreed upon, shall be followed and be binding as a requirement of the zone change or map amendment. However, an applicant does have the option of not submitting a Concept Development Plan for the Planning Commission's review and approval, although such zone change application will be reviewed from the perspective of a "worst case scenario" based upon the requirements and permitted uses of the zone in question. A Concept Development Plan must be submitted for applications involving the Planned Development District (PD), Employment Planned Development District (EPD), and Residential Planned Development District (RPD) as specified in ARTICLE 15 and ARTICLE 16, for all applications requesting the Suburban Residential Three (SR-3) District per SECTION 957, and for all applications requesting the Industrial Four (I-4) District per SECTION 1193. A "Development Plan" must also be submitted for applications involving the Industrial Three (I-3) District as specified in ARTICLE 11. Excluded from the Concept Development Plan requirement are requests made by municipal legislative bodies, the Boone County Fiscal Court, and the Boone County Planning Commission and organizations or agencies that are sanctioned by any legislative body.

If an applicant submits a Concept Development Plan and as a further condition to the approval of a zone change involving a Concept Development Plan, where substantial construction as determined by the Boone County Planning Commission is not initiated within two years from the date of final approval by the applicable legislative body or Fiscal Court concerning the zone change, such zoning change may revert to its original designation prior to the zone change after a public hearing and following the required procedure for a map amendment.

Where a concept development plan is required under these regulations, and where such zoning change has been approved by the appropriate legislative body or fiscal court, the property owner and any other appropriate person, such as an option holder in the property shall sign a written agreement providing that the Concept Development Plan is a condition to the zoning change and such agreement shall be made of record in the office of the Boone County Clerk in Burlington, Kentucky. The property owner or other applicable person shall be required to furnish the information necessary to make such agreement of record. This written agreement shall be noted and a Certificate of Land Use Restriction shall be filed with the County Clerk within 30 days of final action, as further specified in SECTION 210. At the time of filing an application for a zoning map amendment, an applicant may also request a dimensional variance or a conditional use permit for the same development. A development that is subject to a zone change or Concept Development Plan approval shall comply with all applicable requirements of this order unless a written request for a variance(s), or exception(s) pursuant to ARTICLE 15 or ARTICLE 16, are expressly approved through the procedures of this Article, or pursuant to ARTICLE 2, as applicable. If An approved Zoning Map Amendment is subject to a Concept Development Plan and/or conditions pursuant to a written agreement, and/or is approved in conjunction with a variance or conditional use permit, the notation "CD" shall be placed on the Official Zoning Map in combination with the adopted zoning designation.



If an applicant decides to submit a Concept Development Plan, the Plan shall include the following minimum requirements. The list of other requirements are optional only for sites that do not involve the Planned Development District (PD), Employment Planned Development District (EPD), or Residential Planned Development District (RPD). With certain types of developments, it may be beneficial to submit a Concept Development Plan that is more detailed or provides more information to the Planning Commission. The list of other requirements are highly recommended for these types of developments and to provide further support for approval of a Concept Development Plan by the Planning Commission. The minimum Development Plan requirements for applications involving the Industrial Three District (I-3) are listed in ARTICLE 11.

Minimum Requirements

1. General Site Characteristics—ownership, topography, soils, drainage, vegetation and other physical characteristics;
2. Transportation Patterns—public and private roads and internal and external circulation patterns;
3. Land Use Characteristics—existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings (general description of size, area, intensities/densities, and height);
4. Utilities and Infrastructure;
5. Relationship of Proposed Zone Change with Comprehensive Plan—how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area." (Utilize the criteria in SECTION 308);
6. A 8.5" by 11" or 8.5" by 14" reduction of the plan that can be copied on a standard photocopier.
7. A written explanation of any requested variance or conditional use permit.

OPTIONAL REQUIREMENTS OF CONCEPT DEVELOPMENT PLAN (Mandatory requirements for projects involving the Planned Development District [PD], Employment Planned Development [EPD], or Residential Planned Development [RPD]. If a particular item is not provided in the Concept Development Plan, then the application materials must state why the requirement does not pertain to the specific proposal).

1. Include items 1-7 in the previously mentioned list of minimum requirements.
2. An area map showing adjacent property owners and existing land uses within 200 feet of the parcel.
3. The location, description and size (acreage) of land uses.
4. Approximate location and number of residential units (if any) along with approximate square footage, density and height
5. Approximate location and size (square footage) of non-residential buildings.
6. The location of public and private roads, rights-of-way, easements and parking.
7. Calculation of approximate amount of open space both before and after construction. Indicate areas of expected open space and new landscaping. Include maintenance plans for these areas.
8. Submit a conceptual landscape plan that indicates the locations of landscape and buffering features. For applications involving the EPD, RPD, or PD overlay, design guidelines that include landscaping standards shall be submitted for multi-phased projects.
9. Where portions of the site are subject to flooding, the Concept Development Plan shall indicate extent and frequency.
10. General location of water, sanitary sewer, telephone, electrical and storm water lines. Capacity levels are recommended.
11. General description of the availability of community facilities such as schools, fire protection services and other types of facilities that would serve the development, if any, and how these facilities are affected by this proposal.



12. ~~Approximate location and size of storm water detention and/or retention areas.~~
13. ~~Information describing proposed signage (types, sizes, materials, and locations on site). For applications involving the EPD, RPD, or PD overlay, design guidelines that include signage standards shall be submitted for multi-phased projects.~~
14. ~~Indicate the construction schedule of the project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.~~
15. ~~Submit a detailed traffic study if the proposed development is large scaled or if the project would significantly alter existing traffic patterns or volume (See ARTICLE 32).~~
16. ~~Submit a sketch or drawing of the proposed buildings to demonstrate the visual appearance or a type of architecture. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be submitted for multi-phased projects.~~
17. ~~For applications involving the EPD or RPD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks. For applications involving the PD overlay zone, a description of any requested exceptions to the requirements of the underlying zone.~~
18. ~~For applications involving the EPD, RPD, or PD overlay, a written narrative that describes how the applicable requirements and standards in ARTICLE 15 or ARTICLE 16 have been satisfied shall be submitted.~~

~~The Planning Commission and legislative body or Fiscal Court may recommend or approve the proposed district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site.~~

SECTION 304 TRANSMITTAL TO PLANNING COMMISSION

- A. Immediately after the adoption of a ~~proposal resolution~~ by the legislative body or Fiscal Court or the filing of an application by an ~~at least one (1) majority owner, owner by contract (option), or lessee with permission of the owner of the property in question property~~, said resolution or application shall be referred to the Planning Commission to make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or Fiscal Court involved.

SECTION 305 PUBLIC HEARING BY PLANNING COMMISSION

- A. Upon referral of a ~~proposal resolution~~ by a legislative body or Fiscal Court or an application for zoning amendment, the Planning Commission shall hold at least one public hearing after notice as required by Kentucky Revised Statutes, Chapter 424. The following notice, in addition to any other notice required by statute, local regulation, or ordinance ~~or local regulations or order~~, shall be given:
 1. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing; and,
 2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail or by certified mail, return receipt requested to owners of all property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property;. ~~Records records~~ maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners;. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.



3. Notice of the hearing shall be published in a newspaper of general circulation at least once, but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) nor more than twenty-one (21) days prior to the hearing. Said published notice shall state, at a minimum, the time, place and purpose of the hearing.
- B. In addition to the public notice requirements prescribed above, when the planning commission, fiscal court or legislative body of the county originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court or legislative body shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner.

SECTION 306 RECOMMENDATION BY PLANNING COMMISSION FOR TEXT AND ZONING MAP AMENDMENTS

- A. The Planning Commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed zoning map amendment application. "Administratively complete" means that a proposal for a Zoning Map Amendment is accurate and complete by meeting all the applicable requirements of KRS Chapter 100 and any other applicable regulatory requirements or approvals formally required by these regulations ~~this order~~ or applicable state law. The sixty (60) day time limit may be waived by the originator.
- B. Within sixty (60) days of the date of the receipt of the administratively complete proposed zoning map amendment application, or sixty (60) days from the receipt of the proposed text amendment, the findings of the Planning Commission shall be recorded in the minutes and records of that body and the Planning Commission shall transmit its recommendation to the legislative body or Fiscal Court. The Planning Commission may recommend that the amendment be approved or disapproved. If the Planning Commission recommends denial, it must state the reasons for disapproval. In the event of a tie vote, the request shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded without a recommendation of approval or disapproval. If the Planning Commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.

SECTION 307 ACTION BY CITY COUNCIL OR FISCAL COURT

- A. Within ninety (90) days of final action of the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof upon its own hearing and findings. In the event the legislative body or Fiscal Court denies or modifies the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action as explained in KRS 100.211. It shall also take a majority of the entire membership to adopt a zoning map amendment whenever the planning commission forwards the application without a recommendation due to a tie vote.

SECTION 308 FINDINGS NECESSARY FOR MAP AMENDMENT

- A. Before any map amendment is granted, the Planning Commission or the legislative body shall determine that one or more of the following findings apply ~~use the following criteria in granting approval of a zone change or map amendment:~~



1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; ~~or~~
 2. The existing zoning classification **given to the property** is inappropriate and that the proposed zoning classification is appropriate; ~~or~~
 3. There have been major changes of an economic, physical, or social nature **within the area involved which were not anticipated in the adopted comprehensive plan and which have that substantially altered the basic ~~after the area's~~ character of such area.**
- B. The above **findings ~~criteria~~** shall be the basis for **granting ~~findings of fact in~~** a map amendment and shall be recorded in the minutes and records of the Planning Commission or the legislative body or Fiscal Court.
- C. For map amendments involving the Planned Development District (PD), Employment Planned Development (EPD), or Residential Planned Development (RPD), the applicable provisions of ARTICLE 15 or ARTICLE 16 must be met in addition to the **findings ~~criteria~~** stated above.

SECTION 309 AREAS UNASSIGNED TO A ZONING DISTRICT

- A. All land which becomes part of the jurisdiction of a City or Boone County **subsequent to the adoption of this order** shall remain subject to the previous city or county zoning district until such time as the Zoning Map is amended according to the provisions of this Article. ~~All land which was not zoned prior to becoming part of a City or County shall remain unzoned until the Zoning Map is amended according to the provisions of this Article.~~

SECTION 310 RESTRICTIONS ON RESUBMITTALS OF ZONING MAP AMENDMENTS

- A. After a request or application for an amendment to the zoning map has received a denial as final action from the legislative body having territorial jurisdiction over the property, the property owner, ~~option holder, or other person having an interest in the property submitted to apply for A~~ map amendment shall not be permitted to reapply for the same map amendment and submit the same concept development plan after receiving the final action of denial for ninety (90) days from the date of such denial. This ninety (90) day restriction shall also apply where the legislative body **took ~~takes~~** no action and the last action taken is the recommendation from the **Planning** Commission of denial for the zoning map amendment proposal and the person making the request has not asked the legislative body to take further action.
- B. However, the ninety (90) day limitation shall not prohibit or preclude the Boone County Planning Commission from reconsidering any matter. Further, the legislative bodies comprising the membership of the Commission are not subject to this ninety (90) day limitation. ~~These legislative bodies are the Cities of Florence, Union and Walton, Kentucky and the Boone County Fiscal Court.~~

SECTION 311 AMENDMENTS TO AN APPROVED ZONING MAP AMENDMENT

SECTION 314 Amendments to an Approved Zoning Map Amendment

- A. Major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in ~~this Article Sections 300-310~~. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.



SECTION 314 Amendments to an Approved Zoning Map Amendment

Major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.



ARTICLE 4 ENFORCEMENT AND PERMITTING

Contents:

SECTION 400 ZONING PERMITS REQUIRED

SECTION 401 CONTENTS OF APPLICATION FOR ZONING PERMIT

SECTION 402 APPROVAL OF ZONING PERMIT

SECTION 403 EXPIRATION OF ZONING PERMIT

SECTION 404 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES

SECTION 405 COMPLAINTS REGARDING VIOLATIONS

SECTION 406 PENALTIES FOR VIOLATION

SECTION 407 CODE ENFORCEMENT BOARDS

SECTION 408 COMPLIANCE WITH REGULATIONS

SECTION 409 SCHEDULE OF FEES, CHARGES, AND EXPENSES

SECTION 400 ZONING PERMITS REQUIRED

- A. No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use or character without a permit that has been issued by the Zoning Administrator or designee. Zoning ~~Permits permits~~ are required for single family dwelling units, duplex dwelling units, residential additions and accessory structures except when Site Plan Review is otherwise required by ~~these regulations this order~~. Zoning ~~Permits permits~~ are also required for tenant finishes for previously occupied, ~~non-residential~~ structures and where tenants or users were not known at the time when Site Plan Review was conducted by the Boone County Planning Commission for a completed structure. Site Plan Review is required when specified by individual zoning districts or ARTICLE 30.
- B. For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is ~~four (4)~~ feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County ~~Subdivision Regulations~~ if applicable, is required if a proposed retaining wall is greater than ~~four (4)~~ feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.
- C. Zoning ~~Permits permits~~ shall be issued only in conformity with the provisions of ~~these regulations this ordinance~~ unless the Zoning Administrator receives a written order from the Board of Adjustment ~~and Zoning Appeals~~ deciding an appeal, conditional use, or variance. Neither the Zoning Administrator nor the Building Inspector shall have the power to permit any construction, or to permit any use or change of use which does not conform to the literal terms of the zoning regulations.

SECTION 401 CONTENTS OF APPLICATION FOR ZONING PERMIT

~~Section 403 Contents of Application for Zoning Permit~~

- A. The owner or applicant seeking approval of a Zoning Permit ~~a permit~~ shall obtain and complete the application ~~Application for Zoning Permit~~, provided for this purpose. The application for a Zoning Permit ~~zoning permit~~ shall be completed in full and signed by the owner or applicant attesting to the



accuracy of all information supplied on the application and all supplemental plans and materials material required by said application. ~~Each application shall clearly state that the permit shall expire if work has not begun or the authorized use has not been initiated within two (2) years.~~ A copy of the approved Demolition Permit shall be submitted with any Zoning Permit zoning permit application that includes demolition work.

SECTION 402 APPROVAL OF ZONING PERMIT

~~Section 405 Approval of Zoning Permit~~

- A. Within seven (7) working days after the receipt of an application, the Zoning Administrator or his/her designee shall either approve or disapprove the application in conformance with the provisions of these regulations ~~this ordinance~~. All Zoning Permits zoning permits shall, however, be conditional upon the commencement of the improvement(s) or use within two (2) years. One copy of the plans shall be returned to the applicant by the Zoning Administrator or designee after he or she has marked such copy either as approved or disapproved ~~and attested to the same by appropriate signature on such copy~~. One copy of plans, similarly marked, shall be retained by the Planning Commission Zoning Administrator. A copy of the approved plans shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

SECTION 403 EXPIRATION OF ZONING PERMIT

~~Section 403 Expiration of Zoning Permit~~

- A. If the ~~improvement(s) or use or construction of the improvement(s) approved described~~ in any Zoning Permit zoning permit has not begun within two (2) years from the date of issuance thereof, said permit shall expire. The permit may be extended by the Zoning Administrator for up to six (6) months, if good cause has been shown, upon request of the applicant prior to the ~~date of expiration date by the Zoning Administrator~~.

SECTION 404 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, PERMITS, AND CERTIFICATES

~~Section 410 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates~~

- A. Zoning Permits permits issued on the basis of plans and applications approved by the Zoning Administrator authorize the use, arrangement and construction set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized by the approved Zoning Permit shall be deemed a violation of these regulations ~~this order, except those authorized in compliance with this order and other applicable codes and ordinances~~, and is punishable as provided in SECTION 406 of ~~this order~~.

SECTION 405 COMPLAINTS REGARDING VIOLATIONS

~~Section 420 Complaints Regarding Violations~~

- A. Whenever a violation of these regulations occur ~~this order occurs~~, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator or Zoning Enforcement Officer. The Zoning Administrator or Zoning Enforcement Officer shall record properly such complaint, immediately investigate, and if warranted, take action thereon as provided by these regulations ~~this order~~.



SECTION 406 PENALTIES FOR VIOLATION

~~Section 430 Penalties for Violation~~

- A. Any person or entity who violates any of the provisions of these regulations ~~this order~~ shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day a violation exists shall constitute a separate offense. ~~For any legislative body with a Code Enforcement Board, penalties shall be as duly adopted by said legislative body.~~
- B. However, if any legislative body or fiscal court has established a Code Enforcement Board pursuant to the Local Government Code Enforcement Board Act (KRS 65.8801 through 65.8839) for which violations of zoning regulations are classified as a civil offense for which civil fines may be imposed, then such violations shall be referred to the Code Enforcement Board having jurisdiction for enforcement purposes (see also SECTION 407 of these regulations).

SECTION 407 CODE ENFORCEMENT BOARDS

~~Section 440 Code Enforcement Boards~~

- A. If any of the legislative bodies create a code enforcement board pursuant to KRS 65.8808 or other applicable law for which violations of zoning regulations are classified as a civil offense and civil fines are imposed, then such violations shall be referred to the code enforcement board for enforcement purposes. The cities City of Florence, Union, and Walton have ~~has~~ duly established a Code Enforcement Boards ~~Board~~ for this purpose.

SECTION 408 COMPLIANCE WITH REGULATIONS

~~Section 450 Compliance with Regulations~~

- A. The regulations for each district set forth by these regulations ~~this order~~, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided in ~~these regulations this order~~. All owners, lessees, or occupants ~~or occupiers~~ of any structure or land shall, at all times, comply with all applicable regulations and requirements of ~~these regulationsthis order~~. However, the ultimate responsibility for compliance shall rest with the property owner and this responsibility cannot be delegated or assigned to any other person or party. Further, the following provisions apply:
 1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
 2. No building or other structure shall be erected or altered to:
 - a. Provide for greater height or area or,
 - b. Accommodate or house a greater number of families or,
 - c. Have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of ~~these regulationsthis order~~.
 3. No yard or lot existing at the time of passage of ~~these regulationsthis order~~ shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of ~~these regulationsthis order~~ shall meet at least the minimum requirements set forth herein, except in the case of subdivisions as specified in SECTION 207 of these regulations ~~ARTICLE 2 SECTION 275 of this order~~.

SECTION 409 SCHEDULE OF FEES, CHARGES, AND EXPENSES



Section 460 Schedule of Fees, Charges, and Expenses

- A. The Planning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of these regulations this ordinance requiring investigations, legal advertising, postage, and other expenses. Such fees shall bear relationship to the costs of administering and enforcing the actions requested. The schedule of fees shall be posted in the office of the Zoning Administrator. Until all application fees, charges, and expenses have been paid in full, no review shall begin on any application or appeal.



ARTICLE 5 PROVISIONS FOR BOONE COUNTY ZONING MAP

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SECTION 500 ZONING MAP

- A. The districts established herein ~~in ARTICLE 5 of this order~~ are shown on the Boone County, Kentucky Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of ~~these regulations this order~~ **these regulations**.

SECTION 501 OFFICIAL ZONING MAP

~~SECTION 550 Official Zoning Map~~

- A. The county-wide joint planning unit for Boone County consisting of the cities of Florence, Walton and Union, as well as the Boone County Fiscal Court and their respective territorial jurisdictions, this planning unit being served by the Boone County Planning Commission, is divided into zoning classifications or districts as listed ~~herein in this ARTICLE 5~~, these classifications, districts or zones



ARTICLE 5 PROVISIONS FOR BOONE COUNTY ZONING MAP

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SECTION 560 Zoning Map Amendments

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SECTION 530 Interpretation of District Boundaries

SECTION 540 Action By Legislative Body

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SECTION 570 Zoning District Declared Invalid

SECTION 500 ZONING MAP

- A. The districts established herein in ~~ARTICLE 5 of this order~~ are shown on the Boone County, Kentucky Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of these regulations ~~this order~~.

SECTION 501 OFFICIAL ZONING MAP

~~SECTION 550 Official Zoning Map~~

- A. The county-wide joint planning unit for Boone County consisting of the cities of Florence, Walton and Union, as well as the Boone County Fiscal Court and their respective territorial jurisdictions, this planning unit being served by the Boone County Planning Commission, is divided into zoning classifications or districts as listed herein in ~~this ARTICLE 5~~, these classifications, districts or zones



being hereby declared to be part of the applicable zoning ordinance and regulations for the Boone County planning unit. The zoning map serves as the official record of the status for all zoning classifications, districts, or zones for land within the Boone County planning unit and shall be kept in electronic data bases that are maintained as part of Boone County's Geographic Information System (GIS) which is part of the Boone County Planning Commission. This electronic depiction of the zoning boundaries, along with additional reference data in the GIS, constitutes the official zoning map for the Boone County planning unit upon its proper adoption and enactment by the legislative bodies comprising the planning unit for Boone County. This zoning map shall be kept up-to-date to reflect the adopted mapping data and all of its amendments by the legislative bodies comprising the Boone County planning unit in accordance with Chapter 100 of the Kentucky Revised Statutes. This zoning map may be viewed by the general public at the offices of the Boone County Planning Commission and that Commission may certify a paper copy of a portion of this zoning map as true and accurate.

SECTION 510 Identification of the Zoning Map

~~The Zoning Map shall be identified by the signature of the Chairman of the Boone County Planning Commission and Zoning Administrator of the legislative units accompanied by the most recent date of revision of the map.~~

SECTION 502 DISTRICT IDENTIFICATION

SECTION 520 District Identification

- A. For the purpose of these regulations ~~the order~~, the Cities of Florence, Union, and Walton, and Unincorporated Boone County, are hereby divided into ~~the following categories~~ of zoning districts as shown in Table 5-1.:

- ~~A-1 Agriculture~~
- ~~A-2 Agricultural Estate~~
- ~~R Recreation District~~
- ~~CONS Conservation District~~
- ~~RSE Rural Suburban Estates~~
- ~~RS Rural Suburban~~
- ~~SR-1 Suburban Residential One~~
- ~~SR-2 Suburban Residential Two~~
- ~~SR-3 Suburban Residential Three~~
- ~~UR-1 Urban Residential One~~
- ~~UR-2 Urban Residential Two~~
- ~~UR-3 Urban Residential Three~~
- ~~MHP Mobile Home Park~~
- ~~R1F Residential One Family~~
- ~~C-1 Commercial One~~
- ~~C-2 Commercial Two~~
- ~~C-3 Commercial Services~~



- C-4 Commercial Four
- O-1 Office One
- O-2 Office Two
- I-1 Industrial One
- I-2 Industrial Two
- I-3 Industrial Three, Surface Mining District
- O-1A Professional Office One
- I-4 Industrial Four, Subsurface Mining District
- PF Public Facilities District
- A Airport District
- SC Small Community Overlay District
- H Historic Landmark/Historic District Overlay District
- PD Planned Development Overlay District
- EPD Employment Planned Development District
- RPD Residential Planned Development District
- HDO Houston-Donaldson Study Corridor Overlay District
- PO Parkway Corridor Study Overlay District
- TRO Land Use Study I-75/Turfway Road Interchange Overlay District
- FMS Florence Main Street Zoning Study
- WD Walton Downtown District
- UTC Union Town Center
- UC Union Commercial
- UNO Union Neighborhood Office
- UTO Union Town Overlay District
- MR Mall Road Overlay District

CD Signifies that a specific site or district is subject to a Concept Development Plan, supplemental conditions of approval, or variance and/or conditional use permit that was approved in conjunction with a Zoning Map Amendment.

Table 5-1 Zoning Districts	
AGRICULTURAL DISTRICTS	
Abbreviation	Name
A-1	Agriculture
A-2	Agricultural Estate
RECREATION DISTRICTS	
Abbreviation	Name
R	Recreation



Table 5-1 Zoning Districts	
AGRICULTURAL DISTRICTS	
CONSERVATION DISTRICTS	
Abbreviation	Name
CONS	Conservation
RESIDENTIAL DISTRICTS	
Abbreviation	Name
RSE	Rural Suburban Estates
RS	Rural Suburban
SR-1	Suburban Residential One
SR-2	Suburban Residential Two
SR-3	Suburban Residential Three
UR-1	Urban Residential One
UR-2	Urban Residential Two
UR-3	Urban Residential Three
MHP	Mobile Home Park
R-1F	Residential One Family
COMMERCIAL DISTRICTS	
Abbreviation	Name
C-1	Commercial One
C-2	Commercial Two
C-3	Commercial Services
C-4	Commercial Four
EMPLOYMENT DISTRICTS	
Abbreviation	Name
O-1	Office One
O-2	Office Two
O-1A	Professional Office One
I-1	Industrial One
I-2	Industrial Two
I-3	Industrial Three Surface Mining
I-4	Industrial Four Subsurface Mining
PUBLIC FACILITY DISTRICTS	
Abbreviation	Name
PF	Public Facilities
AIRPORT DISTRICTS	
Abbreviation	Name
A	Airport
PLANNED DEVELOPMENT DISTRICTS	
Abbreviation	Name
EPD	Employment Planned Development
RPD	Residential Planned Development
OVERLAY DISTRICTS	
Abbreviation	Name
H	Historic Landmark/Historic District
HDO	Houston-Donaldson Study Corridor



Table 5-1 Zoning Districts	
AGRICULTURAL DISTRICTS	
MR	Mall Road
PD	Planned Development
PO	Parkway Corridor Study
SC	Small Community
UTO	Union Town
SPECIAL STUDY DISTRICTS	
Abbreviation	Name
FMS	Florence Main Street Zoning Study
UC	Union Commercial
UNO	Union Neighborhood Office
UTC	Union Town Center
WD	Walton Downtown
GR-R	Graves Road Residential
GR-C	Graves Road Commercial
GR-BP	Graves Road Business Park

SECTION 503 INTERPRETATION OF DISTRICT BOUNDARIES

SECTION 530 Interpretation of District Boundaries

- A. Where uncertainty exists with respect to the boundaries of any of the zoning districts identified herein ~~defined above~~ as shown on the Zoning Map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following the ~~centerlines~~ ~~center lines~~ of thoroughfares or highways, street lines, or highway right-of-way lines, such ~~centerlines~~ ~~center lines~~, street lines, or highway right-of-way lines shall be construed to be such boundaries.;
 2. Where district boundaries are so indicated that they approximately follow the lot lines or property lines, such lot lines or property lines shall be construed to be said boundaries.;
 3. Where district boundaries are so indicated that they are approximately parallel to the ~~centerlines~~ ~~center lines~~ or street lines of streets, or the ~~centerlines~~ ~~center lines~~ or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.;
 4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.;
 5. Where the boundary of a district follows a stream or the shore of a body of water, that stream or shore line shall be ~~is~~ the boundary of the district.;
 6. Where the boundary of a district follows the county line, including a concurrent state line, such county line shall be deemed to be boundary of the district.
 7. Where the boundaries of a district are based on a legal description or property survey that was submitted in conjunction with a zoning map amendment application, the boundaries provided in said instrument(s) shall be construed as the district boundaries for the property in question, and may be used in determining district boundaries for adjoining properties.



- B. The Zoning Administrator can have the district boundaries adjusted on the Zoning Map, using the above rules.

SECTION 504 AREAS NOT INCLUDED WITHIN DISTRICTS

- A. When an area is de-annexed or proposed to be de-annexed by a legislative body, the zoning to be applied shall meet the requirements of KRS 100.209 and KRS Chapter 81A, as amended.

SECTION 505 USE/DISTRICT MATRICES

Table 5-2 through Table 5-6 identifies land uses that are allowed/prohibited by zoning district.

Section 505.1 Use/District Matrix - Agricultural, Recreation, and Conservation Districts

- A. The following table identifies land uses that are allowed/prohibited by zoning district.
- B. The following symbols are used in the tables:
 1. "P" means that a use is principally permitted.
 2. "A" means that a use is an accessory use.
 3. "C" means that a use is a conditional use and is subject to review by the Board of Adjustment, pursuant to procedures contained in ARTICLE 2.
 4. "-" means that a use is prohibited.
- C. The following footnotes are used in the table:
 1. "1" means it does not apply in the City of Florence.
 2. "2" means it applies only in the City of Florence.
 3. "3" means it applies only in the City of Walton.
 4. "4" means it applies only in Unincorporated Boone.
 5. "5" means it applies only in the City of Florence and Unincorporated Boone.

TABLE 5-2 AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS					
Use	A-1	A-2	R	CONS	Use Standards
AGRICULTURAL USES					
Agricultural	P	P	P	P	
Concentrated Animal Feeding Operations	-	-	-	-	
Fish Hatcheries, Fish Culture Activities, and Related Services	P	P	P	-	
Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c)	P	P	C	-	
COMMERCIAL USES					
Airport	-	-	-	-	
Airstrip, Private Noncommercial	C	C	-	-	
Amusement Park	-	-	C	-	
Art Gallery	C	C	-	-	
Auto Parts Store	-	-	-	-	
Automotive Repair Facility	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Expansion of existing auto repair uses	-	-	-	-	
Automotive Sales	-	-	-	-	Sec. 1004.6 (C-4 Zone)
Automotive Leasing or Rental	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1101.6 (O-2 Zone)
Automotive sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring of no more than twelve (12) inventory vehicles on the premises	-	-	-	-	
Automotive sales and leasing of new and used motor vehicles requiring the storage of no more than twenty-five (25) vehicles on the premises	-	-	-	-	
Motorcycle Sales	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2006 (SC Zone)
Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises	-	-	-	-	Sec. 1003.6 (C-3 Zone)
Automotive Wrecking	-	-	-	-	
Body Art Services	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Business Support Services	-	-	-	-	
Campgrounds For Recreational Vehicles	C	C	P	-	
Car Wash	-	-	-	-	
Cemetery	C	C	C	-	
Crematorium	-	-	-	-	
Commercial Parking	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Commercial Parking, Recreational Vehicle	-	-	-	-	
Construction Sales and Service	-	-	-	-	
Convention Facility	-	-	-	-	
Crematory	-	-	-	-	
Drive-In Theater	-	-	C	-	
Eating and Drinking Establishments	-	-	C	C	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2006 (SC Zone)
Farmers Mart	P	P	P	C	
Ferry Boat Landing	-	-	C	-	
Financial Services	-	-	-	-	
Automatic Teller Machines	A	A	A	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 700.6 (R Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone)
Check Cashing (Payday Loan), as regulated by KRS 368.010 to 368.120	-	-	-	-	
Fireworks Retail Sales	-	-	-	-	
Flea Market	-	-	-	-	
Funeral Home	-	-	-	-	
Gambling Establishment	-	-	C	-	
Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles	-	-	-	-	
Garden store, nursery and similar landscape sales of products produced on the premises	C	C	-	-	
Gasoline Filling Station	-	-	-	-	
Greenhouse	-	-	-	-	Sec. 1104.6 (I-3 Zone)
Hotel or Motel and Apartment Hotel	-	-	-	-	
Junk Yard	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Kennel	C	C	-	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Medical, Dental or Optical Clinics	-	-	-	-	
Mobile Home display and sale from individual mobile home lot	-	-	-	-	
Office	-	-	-	-	
Pawn Shop	-	-	-	-	
Personal Service	-	-	-	-	Sec. 909.6 (MHP Zone)
Prefabricated Structure Sales	-	-	-	-	
Radio and TV Station	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6. (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 (O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Residential Storage Warehouse (mini warehouse)	-	-	-	-	
Retail	-	-	-	-	
Convenience Store	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Retail sales or service of gasoline, oil, marine craft accessories, grocery items, confectionary, drug and proprietary, art and craft products, books and stationary, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products	-	-	-	C	
Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles	P	P	P	-	
Roadside Stand	P	P	P	C	
Sexually Oriented Business	-	-	-	-	Sec. 3198
<u>Short Term Rental</u>	P	C	P	C	Sec. 3191
Studios for artists, designers, photographers, musicians and sculptors	-	-	-	-	
Taxidermy	C	C	-	-	
Towing and Impound Lot	-	-	-	-	
Truck and Trailer Rental	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Truck Repair Facility	-	-	-	-	
Truck Sales	-	-	-	-	
Truck Stop	-	-	-	-	
Truck Wash	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Veterinary Animal Hospital or Clinic	C	C	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1001.6 (C-1 Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1200.7 (PF Zone) Sec. 1300.7 (A Zone)
Yachting, boat rentals, boat access and other marina activities	C	C	P	-	
INDUSTRIAL USES					
Equipment, Heavy	-	-	-	-	
Equipment, Light	-	-	-	-	
Industry, Heavy	-	-	-	-	
Asphalt and Concrete Plants	-	-	-	-	
Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials, surface mining is not permitted	-	-	-	-	
Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Manufacture, assembly, processing, treatment, or storage of the following: acids, creosote, biodiesel, or petroleum products; bag cleaning; blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; corrosion of aluminum, copper, iron, tin, lead or zinc; distillation of alcohol, coal, or wood; electroplating; enameling, japanning, or lacquering; grinding, sandblasting, cutting, washing, or other reduction or waterproofing; poultry and small game products; sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products; stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; heavy machinery, transportation vehicles and equipment (heavy); tobacco products; chemicals and allied products; petroleum and coal products; rubber and plastic products; leather and leather products					



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	Sec. 1104.6 (I-3 Zone)
Poultry and small game dressing and packing	-	-	-	-	
Production, processing and sales of fertilizer	C	C	-	-	
Recycling Center	-	-	-	-	
Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	
Solid Waste Transfer Station	-	-	-	-	
Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Uses in which the primary business activity involves the following: the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; bag cleaning; blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; creosote treatment; distillation of bones, coal or wood; enameling, japanning or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; the storage of chemicals	-	-	-	-	
Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law	-	-	-	-	
Welding and repair of industrial machinery and light and heavy equipment	-	-	-	-	
Industry, Light	-	-	-	-	
Manufacturing, refinishing or production of crafts and woodwork products for the household	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Post-mining uses within a vacated room and pillar mine including: warehousing of non-hazardous material; storage, computer tapes and other records; climate controlled storage or manufacturing operations that do not involve hazardous materials	-	-	-	-	
Small equipment and engine repair and service	-	-	-	-	
Small scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances	-	-	-	-	
Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district	-	-	-	-	
River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities	-	-	-	-	
Sanitary Landfills	C	C	-	-	Sec. 601.7 (A-1 Zone)
Warehousing and Distribution	-	-	-	-	
Commercial Stockyards and Feed Lots	C	C	-	-	
Wholesaling	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Wholesale trade of containerized paints, varnishes, chemicals and allied products	-	-	-	-	
Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment	-	-	-	-	
Wholesale trade of non-containerized paints, varnishes, chemicals and allied products	-	-	-	-	
Wholesale trade of paints, varnishes, chemicals, and allied products	-	-	-	-	
Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles	-	-	-	-	
Wholesale vehicle sales or auctions	-	-	-	-	
PUBLIC FACILITY USES					
Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition	C	C	P	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1106.18 (I-4 Zone)
Business and Trade School	-	-	C	-	
College and University	-	-	-	-	
Cultural Exhibits	-	-	P	-	
Day Care Center	C	C	A	-	
Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking	-	-	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Family Day Care	A	A	-	-	
Heritage Tourism	C	C	-	-	
Historic sites and structures, monuments and other exhibits available for public viewing	P	P	-	P	
Hospital Complex	-	-	-	-	
Postal Services	-	-	-	-	
Prisons and Other Correctional Institutions	-	-	-	-	
Recreation, Active	-	-	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone)
Recreation, Commercial	C	C	C	-	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone)
Recreation, Non-Commercial	-	-	-	-	
Recreation, Passive	C	C	P	P	
Religious Assembly	C	C	P	-	
Safety Services	-	-	C	-	
School	-	-	-	-	
Substance abuse treatment facility, inpatient	-	-	-	-	
Substance abuse treatment facility, outpatient	-	-	-	-	
Utilities	-	-	A	-	
RESIDENTIAL USES					
Accessory Dwelling Unit	A	A	-	-	



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Duplex Dwelling Unit	C	C	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 2006 (SC Zone)
Dwelling Unit For Property Owner, Owner/Operator, Caretaker, Or Property Manager	-	-	A	A	
Elderly Housing Facility	-	-	-	-	
Mobile Home	P	P	-	-	
Mobile Home Park	-	-	-	-	
Multi Family Dwelling Unit	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2006 (SC Zone) Sec. 3160 Sec. 3161
Nursing Home	-	-	-	-	
Patio Home	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 3159
Residential Care Facility For Handicapped Persons	P	P	P	-	
Single Family Dwelling Unit	P	P	P	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1105.6 (O-1A Zone)
Townhouse Dwelling Unit	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 3160 Sec. 3161
Transitional Housing Facility	-	-	-	-	
OTHER USES					
Customary Accessory Buildings and Uses	A	A	A	A	Sec. 3153



TABLE 5-2
AGRICULTURAL, RECREATION, and CONSERVATION DISTRICTS

Use	A-1	A-2	R	CONS	Use Standards
Outside storage, display, loading, uncrating or unpacking areas	-	-	-	-	Sec. 3154
Drive-through facility operated in conjunction with a permitted or conditional use	-	-	-	-	Sec. 3155
Fences	A	A	A	A	Sec. 3655
Mixed use buildings with the principally permitted uses noted herein on any floors and apartments or dwelling units on second or third floors only	-	-	-	-	
Parking	A	A	A	A	ARTICLE 33
Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail	-	-	-	-	
Parking located in the side or rear of the lot	-	-	-	-	ARTICLE 33
Recycling Collection Containers	-	-	A	-	
Signs	A	A	A	A	ARTICLE 34
Storage of materials must be located in the principle structure; no commercial or office accessory buildings are permitted	-	-	-	-	

- (1) Does not apply in the City of Florence
 - (2) Applies only in the City of Florence
 - (3) Applies only in the City of Walton
 - (4) Applies only in Unincorporated Boone
 - (5) Applies only in the City of Florence and Unincorporated Boone
- P - Permitted Use C - Conditional Use A - Accessory Use -- Prohibited Use

Section 505.2 Use/District Matrix - Residential Districts

- A. The following table identifies land uses that are allowed/prohibited by zoning district.
- B. The following symbols are used in the tables:
 - 1. "P" means that a use is principally permitted.
 - 2. "A" means that a use is an accessory use.



3. "C" means that a use is a conditional use and is subject to review by the Board of Adjustment, pursuant to procedures contained in ARTICLE 2.
4. "-" means that a use is prohibited.
5. The following footnotes are used in the table:
 - a. "1" means it does not apply in the City of Florence.
 - b. "2" means it applies only in the City of Florence.
 - c. "3" means it applies only in the City of Walton.
 - d. "4" means it applies only in Unincorporated Boone.
 - e. "5" means it applies only in the City of Florence and Unincorporated Boone.

Table 5-3 Residential Districts											
Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
AGRICULTURAL USES											
Agricultural	P	P	P	-	-	-	-	-	-	-	
Concentrated Animal Feeding Operations	-	-	-	-	-	-	-	-	-	-	
Fish Hatcheries, Fish Culture Activities, and Related Services	-	-	-	-	-	-	-	-	-	-	
Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c)	C	C	C	C	C	C	C	C	C	C	
Household Agriculture	A ₁	A ₁	-	-	-	-	-	-	-	-	
COMMERCIAL USES											
Airport	-	-	-	-	-	-	-	-	-	-	
Airstrip, Private Noncommercial	-	-	-	-	-	-	-	-	-	-	
Amusement Park	-	-	-	-	-	-	-	-	-	-	
Art Gallery	-	-	-	-	-	-	-	-	-	-	
Auto Parts Store	-	-	-	-	-	-	-	-	-	-	
Automotive Repair Facility	-	-	-	-	-	-	-	-	-	-	
Expansion of existing auto repair uses	-	-	-	-	-	-	-	-	-	-	
Automotive Sales	-	-	-	-	-	-	-	-	-	-	Sec. 1004.6 (C-4 Zone)
Automotive Leasing or Rental	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1101.6 (O-2 Zone)



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Automotive sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring of no more than twelve (12) inventory vehicles on the premises	-	-	-	-	-	-	-	-	-	-	
Automotive sales and leasing of new and used motor vehicles requiring the storage of no more than twenty-five (25) vehicles on the premises	-	-	-	-	-	-	-	-	-	-	
Motorcycle Sales	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.10 (I-3 Zone) Sec. 2007 (SC Zone)
Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises	-	-	-	-	-	-	-	-	-	-	Sec. 1003.6 (C-3 Zone)
Automotive Wrecking	-	-	-	-	-	-	-	-	-	-	
Body Art Services	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
<u>Brewpub</u>	-	-	-	-	-	-	-	-	-	-	
Business Support Services	-	-	-	-	-	-	-	-	-	-	
Campgrounds For Recreational Vehicles	-	-	-	-	-	-	-	-	-	-	
Car Wash	-	-	-	-	-	-	-	-	-	-	
Cemetery	C	C	C	C	C	C	C	-	-	C	
Crematorium	-	-	-	-	-	-	-	-	-	-	
Cemetery, Family	-	-	-	-	-	-	-	-	-	-	
Commercial Parking	-	-	-	-	-	-	-	-	-	-	
Commercial Parking, Recreational Vehicle	-	-	-	-	-	-	-	-	-	-	
Construction Sales and Service	-	-	-	-	-	-	-	-	-	-	
Convention Facility	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Crematory	-	-	-	-	-	-	-	-	-	-	
Drive-In Theater	-	-	-	-	-	-	-	-	-	-	
Eating and Drinking Establishments	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.10 (I-3 Zone) Sec. 2007 (SC Zone)
Farmers Mart	-	-	-	-	-	-	-	-	-	-	
Ferry Boat Landing	-	-	-	-	-	-	-	-	-	-	
Financial Services	-	-	-	-	-	-	-	-	-	-	
Automatic Teller Machines	A	A	-	-	-	-	-	-	-	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 700.6 (R Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone)
Check Cashing (Payday Loan), as regulated by KRS 368.010 to 368.120	-	-	-	-	-	-	-	-	-	-	
Fireworks Retail Sales	-	-	-	-	-	-	-	-	-	-	
Flea Market	-	-	-	-	-	-	-	-	-	-	
Funeral Home	-	-	-	-	-	-	-	-	-	-	
Gambling Establishment	-	-	-	-	-	-	-	-	-	-	
Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles	-	-	-	-	-	-	-	-	-	-	
Garden store, nursery and similar landscape sales of products produced on the premises	-	-	-	-	-	-	-	-	-	-	
Gasoline Filling Station	-	-	-	-	-	-	-	-	-	-	
Greenhouse	-	-	-	-	-	-	-	-	-	-	Sec. 1104.10 (I-3 Zone)
Hotel or Motel and Apartment Hotel	-	-	-	-	-	-	-	-	-	-	
Junk Yard	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Kennel	C	C	-	-	-	-	-	-	-	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Medical, Dental or Optical Clinics	-	-	-	-	-	-	-	-	-	-	
Microbrewery	-	-	-	-	-	-	-	-	-	-	
Microdistillery	-	-	-	-	-	-	-	-	-	-	
Mobile Home display and sale from individual mobile home lot	-	-	-	-	-	-	-	-	C	-	
Office	-	-	-	-	-	-	-	-	-	-	
Pawn Shop	-	-	-	-	-	-	-	-	-	-	
Personal Service	-	-	-	-	-	-	-	-	C	-	Sec. 909.6 (MHP Zone)
Prefabricated Structure Sales	-	-	-	-	-	-	-	-	-	-	
Radio and TV Station	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6. (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 (O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1104.10 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Reception Hall	-	-	-	-	-	-	-	-	-	-	
Residential Storage Warehouse (mini warehouse)	-	-	-	-	-	-	-	-	-	-	
Retail	-	-	-	-	-	-	-	-	-	-	
Convenience Store	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Retail sales or service of gasoline, oil, marine craft accessories, grocery items, confectionary, drug and proprietary, art and craft products, books and stationary, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products	-	-	-	-	-	-	-	-	-	-	
Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles	-	-	-	-	-	-	-	-	-	-	
Roadside Stand	-	-	-	-	-	-	-	-	-	-	
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	Sec. 3198
Short Term Rental	C ⁴	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	-	C ²	Sec. 3191
Studios for artists, designers, photographers, musicians and sculptors	-	-	-	-	-	-	-	-	-	-	
Taxidermy	-	-	-	-	-	-	-	-	-	-	
Towing and Impound Lot	-	-	-	-	-	-	-	-	-	-	
Truck and Trailer Rental	-	-	-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Truck Repair Facility	-	-	-	-	-	-	-	-	-	-	
Truck Sales	-	-	-	-	-	-	-	-	-	-	
Truck Stop	-	-	-	-	-	-	-	-	-	-	
Truck Wash	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Veterinary Animal Hospital or Clinic	C	C	-	-	-	-	-	-	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1001.6 (C-1 Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1104.10 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1200.6 (PF Zone) Sec. 1300.7 (A Zone)
Yachting, boat rentals, boat access and other marina activities	-	-	-	-	-	-	-	-	-	-	
INDUSTRIAL USES											
Equipment, Heavy	-	-	-	-	-	-	-	-	-	-	
Equipment, Light	-	-	-	-	-	-	-	-	-	-	
Industry, Heavy	-	-	-	-	-	-	-	-	-	-	
Asphalt and Concrete Plants	-	-	-	-	-	-	-	-	-	-	
Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials, surface mining is not permitted	-	-	-	-	-	-	-	-	-	-	
Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations	-	-	-	-	-	-	-	-	-	-	



Table 5-3
Residential Districts

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Manufacture, assembly, processing, treatment, or storage of the following: acids, creosote, biodiesel, or petroleum products; bag cleaning; blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; corrosion of aluminum, copper, iron, tin, lead or zinc; distillation of alcohol, coal, or wood; electroplating; enameling, japanning, or lacquering; grinding, sandblasting, cutting, washing, or other reduction or waterproofing; poultry and small game products; sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products; stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; heavy machinery, transportation vehicles and equipment (heavy); tobacco products; chemicals and allied products; petroleum and coal products; rubber and plastic products; leather and leather products	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	-	-	-	-	-	-	Sec. 1104.10 (I-3 Zone)
Poultry and small game dressing and packing	-	-	-	-	-	-	-	-	-	-	
Production, processing and sales of fertilizer	-	-	-	-	-	-	-	-	-	-	
Recycling Center	-	-	-	-	-	-	-	-	-	-	
Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	-	-	-	-	-	-	
Solid Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	
Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Uses in which the primary business activity involves the following: the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; bag cleaning; blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; creosote treatment; distillation of bones, coal or wood; enameling, japanning or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; the storage of chemicals	-	-	-	-	-	-	-	-	-	-	
Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law	-	-	-	-	-	-	-	-	-	-	
Welding and repair of industrial machinery and light and heavy equipment	-	-	-	-	-	-	-	-	-	-	
Industry, Light	-	-	-	-	-	-	-	-	-	-	
Manufacturing, refinishing or production of crafts and woodwork products for the household	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Post-mining uses within a vacated room and pillar mine including: warehousing of non-hazardous material; storage, computer tapes and other records; climate controlled storage or manufacturing operations that do not involve hazardous materials	-	-	-	-	-	-	-	-	-	-	
Small equipment and engine repair and service	-	-	-	-	-	-	-	-	-	-	
Small scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances	-	-	-	-	-	-	-	-	-	-	
Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district	-	-	-	-	-	-	-	-	-	-	
River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities	-	-	-	-	-	-	-	-	-	-	
Sanitary Landfills	-	-	-	-	-	-	-	-	-	-	Sec. 601.7 (A-1 Zone)
Warehousing and Distribution	-	-	-	-	-	-	-	-	-	-	
Commercial Stockyards and Feed Lots	-	-	-	-	-	-	-	-	-	-	
Wholesaling	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Wholesale trade of containerized paints, varnishes, chemicals and allied products	-	-	-	-	-	-	-	-	-	-	
Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment	-	-	-	-	-	-	-	-	-	-	
Wholesale trade of non-containerized paints, varnishes, chemicals and allied products	-	-	-	-	-	-	-	-	-	-	
Wholesale trade of paints, varnishes, chemicals, and allied products	-	-	-	-	-	-	-	-	-	-	
Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles	-	-	-	-	-	-	-	-	-	-	
Wholesale vehicle sales or auctions	-	-	-	-	-	-	-	-	-	-	
PUBLIC FACILITY USES											
Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition	P	P	P	P	-	-	-	-	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 800.5 (CONS Zone)
Business and Trade School	-	-	-	-	-	-	-	-	-	-	
College and University	-	-	-	-	-	-	-	-	-	-	
Cultural Exhibits	-	-	-	-	-	-	-	-	-	-	
Day Care Center	C	C	C	C	C	C	C	C	-	-	



Table 5-3
Residential Districts

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking	-	-	-	-	-	-	-	-	-	-	
Family Day Care	A	A	A	A	A	A	A	A	A	A	
Heritage Tourism	-	-	-	-	-	-	-	-	-	-	
Historic sites and structures, monuments and other exhibits available for public viewing	C	C	C	C	P	P	P	P	P	C	
Hospital Complex	-	-	-	-	-	-	-	-	-	-	
Postal Services	-	-	-	-	-	-	-	-	-	-	
Prisons and Other Correctional Institutions	-	-	-	-	-	-	-	-	-	-	
Recreation, Active	C	C	C	-	C	C	C	C	C	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone)
Recreation, Commercial	C	C	-	-	P	P	P	P	P	-	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone)
Recreation, Non-Commercial	A	A	A	A	A	A	A	A	A	A	
Recreation, Passive	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	
Safety Services	-	-	-	-	-	-	-	-	-	-	
School	-	-	-	-	-	-	-	-	-	-	
Shelter, Temporary or Emergency	P	P	P	P	P	P	P	P	-	P	Sec. 3116



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Substance abuse treatment facility, inpatient	-	-	-	-	-	-	-	-	-	-	
Substance abuse treatment facility, outpatient	-	-	-	-	-	-	-	-	-	-	
Utilities	-	-	-	-	-	-	-	-	-	-	
RESIDENTIAL USES											
Accessory Dwelling Unit	A	A/C	A/C	A/C	A/C	A/C	A/C	A/C	-	A/C	Sec. 3114
Duplex Dwelling Unit	C	C	C	P1/C2	P	P	P	P	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 2007 (SC Zone)
Dwelling Unit For Property Owner, Owner/Operator, Caretaker, Or Property Manager	-	-	-	-	-	-	-	-	A	-	
Elderly Housing Facility	-	-	-	-	C	C	C	C	-	-	
Mobile Home	-	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	P	-	
Multi Family Dwelling Unit	-	-	-	-	P	P	P	P	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2007 (SC Zone) Sec. 3160 Sec. 3161
Nursing Home	-	-	-	-	-	-	-	-	-	-	
Patio Home	-	-	P	P	P	P	P	P	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 3159
Residential Care Facility For Handicapped Persons	P	P	P	P	P	P	P	P	P	P	
Single Family Dwelling Unit	P	P	P	P	P	P	P	P	-	P	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1105.6 (O-1A Zone)



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
Townhouse Dwelling Unit	-	-	-	P1/C2	P	P	P	P	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 3160 Sec. 3161
Transitional Housing Facility	-	-	-	-	-	-	-	-	-	-	
OTHER USES											
Customary Accessory Buildings and Uses	A	A	A	A	A	A	A	A	A	A	Sec. 3153
Outside storage, display, loading, uncrating or unpacking areas	-	-	-	-	-	-	-	-	-	-	Sec. 3154
Drive-through facility operated in conjunction with a permitted or conditional use	-	-	-	-	-	-	-	-	-	-	Sec. 3155
Fences	A	A	A	A	A	A	A	A	A	A	Sec. 3655
<u>Home Business</u>	C	C	C	C	C	C	C	C	C	C	Sec. <u>3142</u>
<u>Home Occupation</u>	A	A	A	A	A	A	A	A	A	A	Sec. <u>3142</u>
Mixed use buildings with the principally permitted uses noted herein on any floors and apartments or dwelling units on second or third floors only	-	-	-	-	-	-	-	-	-	-	
Parking	A	A	A	A	A	A	A	A	A	A	ARTICLE 33
Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail	-	-	-	-	-	-	-	-	-	-	
Parking located in the side or rear of the lot	-	-	-	-	-	-	-	-	-	-	ARTICLE 33
Recycling Collection Containers	-	-	-	-	-	-	-	-	-	-	
Signs	A	A	A	A	A	A	A	A	A	A	ARTICLE 34
Storage of materials must be located in the principal structure; no commercial or office accessory buildings are permitted	-	-	-	-	-	-	-	-	-	-	



**Table 5-3
Residential Districts**

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
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- (1) Does not apply in the City of Florence
 - (2) Applies only in the City of Florence
 - (3) Applies only in the City of Walton
 - (4) Applies only in Unincorporated Boone
 - (5) Applies only in the City of Florence and Unincorporated Boone
- P - Permitted Use C - Conditional Use A - Accessory Use -- Prohibited Use

Section 505.3 Use/District Matrix - Commercial Districts

- A. The following table identifies land uses that are allowed/prohibited by zoning district.
- B. The following symbols are used in the tables:
 - 1. "P" means that a use is principally permitted.
 - 2. "A" means that a use is an accessory use.
 - 3. "C" means that a use is a conditional use and is subject to review by the Board of Adjustment, pursuant to procedures contained in ARTICLE 2.
 - 4. "-" means that a use is prohibited.
 - 5. The following footnotes are used in the table:
 - a. "1" means it does not apply in the City of Florence.
 - b. "2" means it applies only in the City of Florence.
 - c. "3" means it applies only in the City of Walton.
 - d. "4" means it applies only in Unincorporated Boone.
 - e. "5" means it applies only in the City of Florence and Unincorporated Boone.

Table 5-4 Commercial Districts					
Use	C-1	C-2	C-3	C-4	Use Standards
AGRICULTURAL USES					
Agricultural	-	-	-	-	
Concentrated Animal Feeding Operations	-	-	-	-	
Fish Hatcheries, Fish Culture Activities, and Related Services	-	-	-	-	
Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c)	C	C	C	C	
Household Agriculture	-	-	-	-	
COMMERCIAL USES					
Airport	-	-	-	-	
Airstrip, Private Noncommercial	-	-	-	-	
Amusement Park	-	-	-	-	
Art Gallery	P	P	P	-	
Auto Parts Store	-	P	P	P	
Automotive Repair Facility	C	C	P	P	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Expansion of existing auto repair uses	C	C	P	P	
Automotive Sales	-	-	P	P ¹	Sec. 1004.6 (C-4 Zone)
Automotive Leasing or Rental	-	C ¹	P ¹	C ¹	Sec. 1002.6 (C-2 Zone) Sec. 1101.6 (O-2 Zone)
Automotive sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring of no more than twelve (12) inventory vehicles on the premises	-	-	-	-	
Automotive sales and leasing of new and used motor vehicles requiring the storage of no more than twenty-five (25) vehicles on the premises	-	-	-	-	
Motorcycle Sales	-	P	P	P	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.10 (I-3 Zone) Sec. 2007 (SC Zone)
Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises	-	C ¹	P	-	Sec. 1003.6 (C-3 Zone)
Automotive Wrecking	-	-	-	-	
Body Art Services	-	C ²	-	P ¹	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
<u>Brewpub</u>	P	P	P	P	
Business Support Services	-	P	P	-	
Campgrounds For Recreational Vehicles	-	-	-	-	
Car Wash	-	C	P	P	
Cemetery	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Crematorium	-	-	-	-	
Cemetery, Family	-	-	-	-	
Commercial Parking	-	-	P	-	
Commercial Parking, Recreational Vehicle	-	-	P	-	
Construction Sales and Service	-	-	P	-	
Convention Facility	-	P	P	P	
Crematory	P	P	P	P	
Drive-In Theater	-	-	-	-	
Eating and Drinking Establishments	P	P	P	P	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.10 (I-3 Zone) Sec. 2007 (SC Zone)
Farmers Mart	-	-	-	P ⁴	
Ferry Boat Landing	-	-	-	-	
Financial Services	P	P	P	P	
Automatic Teller Machines	A	A	A	A	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 700.6 (R Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone)
Check Cashing (Payday Loan), as regulated by KRS 368.010 to 368.120	-	-	P ²	-	
Fireworks Retail Sales	-	-	C ⁵	C ⁵	
Flea Market	-	-	P	-	
Funeral Home	P	P	P	P	
Gambling Establishment	-	-	-	-	
Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles	-	-	P	-	
Garden store, nursery and similar landscape sales of products produced on the premises	-	-	-	-	
Gasoline Filling Station	C	P	P	P	
Greenhouse	-	-	P	-	Sec. 1104.10 (I-3 Zone)
Hotel or Motel and Apartment Hotel	-	P	P	P	
Junk Yard	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Kennel	-	C	C	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Medical, Dental or Optical Clinics	P	P	P	P	
Microbrewery	-	P	P	P	
Microdistillery	-	P	P	P	
Mobile Home display and sale from individual mobile home lot	-	-	-	-	
Office	P	P	P	P	
Pawn Shop	-	P ¹	P ²	-	
Personal Service	P	P	P	P	Sec. 909.6 (MHP Zone)
Prefabricated Structure Sales	-	-	P	-	
Radio and TV Station	-	P	P	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6. (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 (O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1104.10 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Reception Hall	P	P	P	P	
Residential Storage Warehouse (mini warehouse)	-	C ¹	P/C ²	C	
Retail	P	P	P	P	
Convenience Store	P	P	P	P	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Retail sales or service of gasoline, oil, marine craft accessories, grocery items, confectionary, drug and proprietary, art and craft products, books and stationary, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products	-	-	-	-	
Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles	-	-	-	-	
Roadside Stand	-	-	-	-	
Sexually Oriented Business	-	-	-	-	Sec. 3198
Short Term Rental	-	-	-	-	Sec. 3191
Studios for artists, designers, photographers, musicians and sculptors	-	-	-	-	
Taxidermy	-	-	-	-	
Towing and Impound Lot	-	-	-	-	
Truck and Trailer Rental	A	A	A	A	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Truck Repair Facility	-	-	-	-	
Truck Sales	-	-	-	-	
Truck Stop	-	-	C	-	
Truck Wash	-	-	P	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Veterinary Animal Hospital or Clinic	P	P	P	P	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1001.6 (C-1 Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.5 (I-2 Zone) Sec. 1104.10 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1200.6 (PF Zone) Sec. 1300.7 (A Zone)
Yachting, boat rentals, boat access and other marina activities	-	-	-	-	
INDUSTRIAL USES					
Equipment, Heavy	-	-	-	-	
Equipment, Light	-	-	P	-	
Industry, Heavy	-	-	-	-	
Asphalt and Concrete Plants	-	-	-	-	
Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials, surface mining is not permitted	-	-	-	-	
Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Manufacture, assembly, processing, treatment, or storage of the following: acids, creosote, biodiesel, or petroleum products; bag cleaning; blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; corrosion of aluminum, copper, iron, tin, lead or zinc; distillation of alcohol, coal, or wood; electroplating; enameling, japanning, or lacquering; grinding, sandblasting, cutting, washing, or other reduction or waterproofing; poultry and small game products; sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products; stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; heavy machinery, transportation vehicles and equipment (heavy); tobacco products; chemicals and allied products; petroleum and coal products; rubber and plastic products; leather and leather products	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	Sec. 1104.10 (I-3 Zone)
Poultry and small game dressing and packing	-	-	-	-	
Production, processing and sales of fertilizer	-	-	-	-	
Recycling Center	-	-	-	-	
Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	
Solid Waste Transfer Station	-	-	-	-	
Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site	-	-	-	-	



Table 5-4
Commercial Districts

Use	C-1	C-2	C-3	C-4	Use Standards
Uses in which the primary business activity involves the following: the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; bag cleaning; blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; creosote treatment; distillation of bones, coal or wood; enameling, japanning or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; the storage of chemicals	-	-	-	-	
Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law	-	-	-	-	
Welding and repair of industrial machinery and light and heavy equipment	-	-	-	-	
Industry, Light	-	-	-	-	
Manufacturing, refinishing or production of crafts and woodwork products for the household	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Post-mining uses within a vacated room and pillar mine including: warehousing of non-hazardous material; storage, computer tapes and other records; climate controlled storage or manufacturing operations that do not involve hazardous materials	-	-	-	-	
Small equipment and engine repair and service	-	-	C	C	
Small scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances	-	-	-	-	
Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district	-	-	C	-	
River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities	-	-	-	-	
Sanitary Landfills	-	-	-	-	Sec. 601.7 (A-1 Zone)
Warehousing and Distribution	-	-	-	-	
Commercial Stockyards and Feed Lots	-	-	-	-	
Wholesaling	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Wholesale trade of containerized paints, varnishes, chemicals and allied products	-	-	-	-	
Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment	-	-	-	-	
Wholesale trade of non-containerized paints, varnishes, chemicals and allied products	-	-	-	-	
Wholesale trade of paints, varnishes, chemicals, and allied products	-	-	-	-	
Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles	-	-	-	-	
Wholesale vehicle sales or auctions	-	-	-	-	
PUBLIC FACILITY USES					
Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition	-	P	P	C	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 800.5 (CONS Zone)
Business and Trade School	-	P	P	-	
College and University	-	-	-	-	
Cultural Exhibits	-	P	-	-	
Day Care Center	P	P	P	P	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking	-	P ³	-	-	
Family Day Care	-	-	-	-	
Heritage Tourism	-	-	-	-	
Historic sites and structures, monuments and other exhibits available for public viewing	C	C	C	C	
Hospital Complex	-	-	-	-	
Postal Services	P	P	P	P	
Prisons and Other Correctional Institutions	-	-	-	-	
Recreation, Active	-	P	P	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone)
Recreation, Commercial	-	P	P	-	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone)
Recreation, Non-Commercial	P	P	P	P	
Recreation, Passive	-	-	-	-	
Religious Assembly	C	P	P	P	
Safety Services	-	-	-	-	
School	-	-	-	-	
Shelter, Temporary or Emergency	P	P	P	P	Sec. 3116



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Substance abuse treatment facility, inpatient	-	-	-	-	
Substance abuse treatment facility, outpatient	-	-	-	-	
Utilities	-	-	A	-	
RESIDENTIAL USES					
Accessory Dwelling Unit	-	-	-	-	Sec. 3114
Duplex Dwelling Unit	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 2007 (SC Zone)
Dwelling Unit For Property Owner, Owner/Operator, Caretaker, Or Property Manager	A	A	A	A	
Elderly Housing Facility	-	-	-	-	
Mobile Home	-	-	-	-	
Mobile Home Park	-	-	-	-	
Multi Family Dwelling Unit	-	C	C	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2007 (SC Zone) Sec. 3160 Sec. 3161
Nursing Home	-	-	-	-	
Patio Home	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 3159
Residential Care Facility For Handicapped Persons	-	C	C	-	
Single Family Dwelling Unit	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1105.6 (O-1A Zone)



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
Townhouse Dwelling Unit	-	C	C	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 3160 Sec. 3161
Transitional Housing Facility	-	-	-	-	
OTHER USES					
Customary Accessory Buildings and Uses	A	A	A	A	Sec. 3153
Outside storage, display, loading, uncrating or unpacking areas	A	A	A	A	Sec. 3154
Drive-through facility operated in conjunction with a permitted or conditional use	A	A	A	A	Sec. 3155
Fences	A	A	A	A	Sec. 3655
<u>Home Business</u>	-	-	-	-	<u>Sec. 3142</u>
<u>Home Occupation</u>	-	-	-	-	<u>Sec. 3142</u>
Mixed use buildings with the principally permitted uses noted herein on any floors and apartments or dwelling units on second or third floors only	-	-	-	-	
Parking	A	A	A	A	ARTICLE 33
Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail	-	-	-	-	
Parking located in the side or rear of the lot	-	-	-	-	ARTICLE 33
Recycling Collection Containers	A	A	A	A	
Signs	A	A	A	A	ARTICLE 34
Storage of materials must be located in the principal structure; no commercial or office accessory buildings are permitted	-	-	-	-	



**Table 5-4
Commercial Districts**

Use	C-1	C-2	C-3	C-4	Use Standards
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- (1) Does not apply in the City of Florence
 - (2) Applies only in the City of Florence
 - (3) Applies only in the City of Walton
 - (4) Applies only in Unincorporated Boone
 - (5) Applies only in the City of Florence and Unincorporated Boone
- P - Permitted Use C - Conditional Use A - Accessory Use -- Prohibited Use

Section 505.4 Use/District Matrix - Employment Districts

- A. The following table identifies land uses that are allowed/prohibited by zoning district.
- B. The following symbols are used in the tables:
 - 1. "P" means that a use is principally permitted.
 - 2. "A" means that a use is an accessory use.
 - 3. "C" means that a use is a conditional use and is subject to review by the Board of Adjustment, pursuant to procedures contained in ARTICLE 2.
 - 4. "-" means that a use is prohibited.
 - 5. The following footnotes are used in the table:
 - a. "1" means it does not apply in the City of Florence.
 - b. "2" means it applies only in the City of Florence.
 - c. "3" means it applies only in the City of Walton.
 - d. "4" means it applies only in Unincorporated Boone.
 - e. "5" means it applies only in the City of Florence and Unincorporated Boone.

Table 5-5 Employment Districts								
Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
AGRICULTURAL USES								
Agricultural	-	-	P	P	P	P	P	
Concentrated Animal Feeding Operations	-	-	-	-	C	-	-	
Fish Hatcheries, Fish Culture Activities, and Related Services	-	-	-	-	-	-	P	
Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c)	C	C	C	C	C	C	C	
Household Agriculture	-	-	-	-	-	-	-	
COMMERCIAL USES								
Airport	-	-	-	-	-	-	-	
Airstrip, Private Noncommercial	-	-	-	-	-	-	-	
Amusement Park	-	-	-	-	-	-	C	
Art Gallery	-	-	-	-	-	C	-	
Auto Parts Store	-	-	-	-	C	-	-	
Automotive Repair Facility	-	-	-	P	P	C	C	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Expansion of existing auto repair uses	-	-	-	-	-	-	-	
Automotive Sales	-	-	-	P	P	-	C	Sec. 1004.6 (C-4 Zone)
Automotive Leasing or Rental	-	C	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1101.6 (O-2 Zone)
Automotive sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring of no more than twelve (12) inventory vehicles on the premises	-	-	-	-	-	-	-	
Automotive sales and leasing of new and used motor vehicles requiring the storage of no more than twenty-five (25) vehicles on the premises	-	-	-	-	-	-	-	
Motorcycle Sales	-	-	-	-	-	C	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2007 (SC Zone)
Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises	-	-	-	-	-	-	-	Sec. 1003.6 (C-3 Zone)
Automotive Wrecking	-	-	-	-	C	-	-	
Body Art Services	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
<u>Brewpub</u>	P	P	P	P	-	-	-	
Business Support Services	P	P	P	P	P	-	C	
Campgrounds For Recreational Vehicles	-	-	-	-	-	-	C	
Car Wash	-	-	-	C	C	-	C	
Cemetery	-	-	-	-	-	C	C	
Crematorium	-	-	-	P	P	-	C	
Cemetery, Family	-	-	-	-	-	-	-	
Commercial Parking	-	-	-	P	P	-	C	
Commercial Parking, Recreational Vehicle	-	-	-	P	P	-	C	
Construction Sales and Service	-	-	C	P	P	-	C	
Convention Facility	-	-	C	-	-	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Crematory	P	P	P	P	P	-	P	
Drive-In Theater	-	-	-	-	-	-	-	
Eating and Drinking Establishments	P	P	P	P	P	C	C	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2007 (SC Zone)
Farmers Mart	-	-	-	-	-	-	P	
Ferry Boat Landing	-	-	-	-	-	-	C	
Financial Services	P	P	P	P	P	C	C	
Automatic Teller Machines	-	-	A	-	-	-	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 700.6 (R Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone)
Check Cashing (Payday Loan), as regulated by KRS 368.010 to 368.120	-	-	-	-	-	-	-	
Fireworks Retail Sales	-	-	-	C ⁵	C ⁵	-	C ⁵	
Flea Market	-	-	-	-	-	-	-	
Funeral Home	P	P	P	P	P	C	C	
Gambling Establishment	-	-	-	-	-	-	C	
Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles	-	-	-	-	-	-	-	
Garden store, nursery and similar landscape sales of products produced on the premises	-	-	-	-	-	-	-	
Gasoline Filling Station	-	-	C	C	C ⁵	C	C	
Greenhouse	-	-	-	-	-	-	-	Sec. 1104.6 (I-3 Zone)
Hotel or Motel and Apartment Hotel	-	-	C	-	-	-	C	
Junk Yard	-	-	-	-	C	-	-	
Kennel	-	-	-	C	P	-	C	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Medical, Dental or Optical Clinics	P	P	P	P	P	C	C	
Microbrewery	-	-	-	P	P	-	-	
Microdistillery	-	-	-	P	P	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Mobile Home display and sale from individual mobile home lot	-	-				-	-	
Office	P	P	P	P	P	C	C	
Pawn Shop	-	-	-	-	-	-	-	
Personal Service	C	-	P	P	P	C	C	Sec. 909.6 (MHP Zone)
Prefabricated Structure Sales	-	-	-	-	-	-	-	
Radio and TV Station	P	P	C	C	C	C	C	Sec. 1002.6 (C-2 Zone) Sec. 1003.6. (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 (O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Reception Hall	-	-	-	-	-	-	-	
Residential Storage Warehouse (mini warehouse)	-	-	-	P/C ²	P/C ²	-	C	
Retail	P	P	P	P	P	C	C	
Convenience Store	-	-	-	-	-	-	-	
Retail sales or service of gasoline, oil, marine craft accessories, grocery items, confectionary, drug and proprietary, art and craft products, books and stationary, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products	-	-	-	-	-	-	-	
Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles	-	-	-	-	-	-	-	
Roadside Stand	-	-	-	-	-	-	P	
Sexually Oriented Business	P	-	P	P	P	P	C	Sec. 3198
Short Term Rental	-	-	-	-	-	-	-	Sec. 3191



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Studios for artists, designers, photographers, musicians and sculptors	-	-	-	-	-	-	-	
Taxidermy	-	-	-	-	-	-	-	
Towing and Impound Lot	-	-	-	P	P	-	C	
Truck and Trailer Rental	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Truck Repair Facility	-	-	-	P	P	-	C	
Truck Sales	-	-	-	-	-	-	-	
Truck Stop	-	-	-	C	P	-	C	
Truck Wash	-	-	-	-	-	-	-	
Veterinary Animal Hospital or Clinic	P	P	P	P	P	C	C	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1001.6 (C-1 Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1200.6 (PF Zone) Sec. 1300.7 (A Zone)
Yachting, boat rentals, boat access and other marina activities	-	-	-	-	-	-	C	
INDUSTRIAL USES								
Equipment, Heavy	-	-	-	-	-	-	-	
Equipment, Light	-	-	-	P	P	-	C	
Industry, Heavy	-	-	-	P	P	-	C	
Asphalt and Concrete Plants	-	-	-	-	P	-	C	
Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials, surface mining is not permitted	-	-	-	-	-	-	P	
Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations	-	-	-	-	C	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Manufacture, assembly, processing, treatment, or storage of the following: acids, creosote, biodiesel, or petroleum products; bag cleaning; blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; corrosion of aluminum, copper, iron, tin, lead or zinc; distillation of alcohol, coal, or wood; electroplating; enameling, japanning, or lacquering; grinding, sandblasting, cutting, washing, or other reduction or waterproofing; poultry and small game products; sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products; stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; heavy machinery, transportation vehicles and equipment (heavy); tobacco products; chemicals and allied products; petroleum and coal products; rubber and plastic products; leather and leather products	-	-	-	-	P	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	-	P	-	Sec. 1104.6 (I-3 Zone)
Poultry and small game dressing and packing	-	-	-	C	-	-	C	
Production, processing and sales of fertilizer	-	-	-	-	-	-	-	
Recycling Center	-	-	-	P	P	-	C	
Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-	-	-	-	P	-	
Solid Waste Transfer Station	-	-	-	-	C	-	-	
Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site	-	-	-	-	-	-	A	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Uses in which the primary business activity involves the following: the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; bag cleaning; blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; creosote treatment; distillation of bones, coal or wood; enameling, japanning or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; the storage of chemicals	-	-	-	C	-	-	C	
Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law	-	-	-	C	-	-	C	
Welding and repair of industrial machinery and light and heavy equipment	-	-	-	P	P	-	C	
Industry, Light	-	-	-	P	P	-	C	
Manufacturing, refinishing or production of crafts and woodwork products for the household	-	-	-	-	-	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Post-mining uses within a vacated room and pillar mine including: warehousing of non-hazardous material; storage, computer tapes and other records; climate controlled storage or manufacturing operations that do not involve hazardous materials	-	-	-	-	-	-	C	
Small equipment and engine repair and service	-	-	-	-	-	-	-	
Small scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances	-	-	-	-	-	C	-	
Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district	-	-	-	-	-	-	-	
River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities	-	-	-	-	-	-	P	
Sanitary Landfills	-	-	-	-	-	-	-	Sec. 601.7 (A-1 Zone)
Warehousing and Distribution	-	-	-	P	P	-	C	
Commercial Stockyards and Feed Lots	-	-	-	-	P	-	-	
Wholesaling	-	-	-	P	P	-	C	
Wholesale trade of containerized paints, varnishes, chemicals and allied products	-	-	-	P	P	-	C	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment	-	-	-	-	P	-	-	
Wholesale trade of non-containerized paints, varnishes, chemicals and allied products	-	-	-	C	-	-	C	
Wholesale trade of paints, varnishes, chemicals, and allied products	-	-	-	-	P	-	-	
Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles	-	-	-	P	P	-	C	
Wholesale vehicle sales or auctions	-	-	-	C	C	-	C	
PUBLIC FACILITY USES								
Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition	-	-	-	-	-	C	P	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1106.18 (I-4 Zone)
Business and Trade School	P	P	P	P	P	C	C	
College and University	-	-	-	-	-	C	-	
Cultural Exhibits	-	-	-	-	-	C	C	
Day Care Center	C	C	C	C	C	C	C	
Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking	-	-	-	-	-	-	-	
Family Day Care	-	-	-	-	-	-	-	
Heritage Tourism	-	-	-	-	-	-	-	
Historic sites and structures, monuments and other exhibits available for public viewing	C	C	C	C	C	C	P	
Hospital Complex	-	-	-	-	-	-	-	
Postal Services	-	-	-	A	-	C	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Prisons and Other Correctional Institutions	-	-	-	-	-	-	-	
Recreation, Active	-	-	-	C	C	C	C	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone)
Recreation, Commercial	-	-	-	-	-	C	C	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone)
Recreation, Non-Commercial	P	P	P	P	P	C	C	
Recreation, Passive	-	-	-	-	-	C	C	
Religious Assembly	-	-	-	C	-	C	C	
Safety Services	-	-	-	-	-	C	C	
School	-	-	-	-	-	C	-	
Shelter, Temporary or Emergency	P	P	P	-	-	-	-	Sec. 3116
Substance abuse treatment facility, inpatient	-	-	-	-	-	-	-	
Substance abuse treatment facility, outpatient	-	-	-	-	-	-	-	
Utilities	-	-	-	-	P	-	-	
RESIDENTIAL USES								
Accessory Dwelling Unit	-	-	-	-	-	-	-	Sec. 3114
Duplex Dwelling Unit	-	-	-	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 2007 (SC Zone)
Dwelling Unit For Property Owner, Owner/Operator, Caretaker, Or Property Manager	-	-	-	-	-	-	A	
Elderly Housing Facility	-	-	-	-	-	-	-	
Mobile Home	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	



**Table 5-5
Employment Districts**

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Multi Family Dwelling Unit	C	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2007 (SC Zone) Sec. 3160 Sec. 3161
Nursing Home	-	-	-	-	-	-	-	
Patio Home	-	-	-	-	-	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 3159
Residential Care Facility For Handicapped Persons	C	C	-	-	-	-	C	
Single Family Dwelling Unit	A	C	-	-	-	-	C	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1105.6 (O-1A Zone)
Townhouse Dwelling Unit	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 3160 Sec. 3161
Transitional Housing Facility	-	-	-	-	-	-	-	
OTHER USES								
Customary Accessory Buildings and Uses	A	A	A	A	A	A	A	Sec. 3153
Outside storage, display, loading, uncrating or unpacking areas	-	-	-	A	A	-	-	Sec. 3154
Drive-through facility operated in conjunction with a permitted or conditional use	A	A	A	A	A	C	-	Sec. 3155
Fences	A	A	A	A	A	A	A	Sec. 3655
<u>Home Business</u>	-	-	-	-	-	-	-	<u>Sec. 3142</u>
<u>Home Occupation</u>	-	-	-	-	-	-	-	<u>Sec. 3142</u>
Mixed use buildings with the principally permitted uses noted herein on any floors and apartments or dwelling units on second or third floors only	-	-	-	-	-	-	-	
Parking	A	A	A	A	A	A	A	ARTICLE 33



Table 5-5 Employment Districts								
Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail	-	-	-	-	-	-	-	
Parking located in the side or rear of the lot	-	-	-	-	-	-	-	ARTICLE 33
Recycling Collection Containers	A	A	A	A	A	-	-	
Signs	A	A	A	A	A	A	A	ARTICLE 34
Storage of materials must be located in the principal structure; no commercial or office accessory buildings are permitted	-	-	-	-	-	-	-	

- (1) Does not apply in the City of Florence
 - (2) Applies only in the City of Florence
 - (3) Applies only in the City of Walton
 - (4) Applies only in Unincorporated Boone
 - (5) Applies only in the City of Florence and Unincorporated Boone
- P - Permitted Use C - Conditional Use A - Accessory Use - - Prohibited Use

Section 505.5 Use/District Matrix - Public Facility, Airport, Small Community Overlay, and Special Study Districts

- A. The following table identifies land uses that are allowed/prohibited by zoning district.
- B. The following symbols are used in the tables:
 - 1. "P" means that a use is principally permitted.
 - 2. "A" means that a use is an accessory use.
 - 3. "C" means that a use is a conditional use and is subject to review by the Board of Adjustment, pursuant to procedures contained in ARTICLE 2.
 - 4. "-" means that a use is prohibited.
- C. The following footnotes are used in the table:
 - 1. "1" means it does not apply in the City of Florence.
 - 2. "2" means it applies only in the City of Florence.
 - 3. "3" means it applies only in the City of Walton.
 - 4. "4" means it applies only in Unincorporated Boone.
 - 5. "5" means it applies only in the City of Florence and Unincorporated Boone.



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
AGRICULTURAL USES												
Agricultural	-	-	See Art. 20	-	-	-	-	-	P	-	-	
Concentrated Animal Feeding Operations	-	-		-	-	-	-	-	-	-	-	
Fish Hatcheries, Fish Culture Activities, and Related Services	-	-		-	-	-	-	-	-	-	-	
Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(c)	C	C		C	C	C	C	C	C	C	C	
Household Agriculture	-	-		-	-	-	-	-	-	-	-	
COMMERCIAL USES												
Airport	-	P	See Art. 20	-	-	-	-	-	-	-	-	
Airstrip, Private Noncommercial	-	-		-	-	-	-	-	-	-	-	
Amusement Park	-	-		-	-	-	-	-	-	-	-	
Art Gallery	-	-		P	P	P	P	-	-	-	-	
Auto Parts Store	-	-		-	P	-	-	-	-	P	-	Sec. 2705 (GR-C Zone)
Automotive Repair Facility	-	-		-	C	-	-	-	-	-	-	
Expansion of existing auto repair uses	-	-		-	-	P	-	-	-	-	-	
Automotive Sales	-	-		-	P	-	-	-	-	-	-	Sec. 1004.6 (C-4 Zone)
Automotive Leasing or Rental	-	P		-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1101.6 (O-2 Zone)
Automotive sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring of no more than twelve (12) inventory vehicles on the premises	-	-		-	-	C	-	-	-	-	-	
Automotive sales and leasing of new and used motor vehicles requiring the storage of no more than twenty-five (25) vehicles on the premises	-	-		-	-	-	-	-	-	-	-	
Motorcycle Sales	-	-		-	-	P	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2007 (SC Zone)



Table 5-6 Public Facility, Airport, Small Community Overlay, and Special Study Districts												
Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises	-	-		-	-	-	-	-	-	-	-	Sec. 1003.6 (C-3 Zone)
Automotive Wrecking	-	-		-	-	-	-	-	-	-	-	
Body Art Services	-	-		P ²	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)
Brewpub	-	-		P	P	P	P	-	-	-	-	
Business Support Services	C	P		P	P	-	-	-	-	P	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)
Campgrounds For Recreational Vehicles	-	-		-	-	-	-	-	-	-	-	
Car Wash	-	-		-	-	-	-	-	-	-	-	
Cemetery	P	C		-	-	-	-	-	-	-	-	
Crematorium	P	-		-	-	-	-	-	-	-	-	
Cemetery, Family	-	-		-	-	-	-	-	-	-	-	
Commercial Parking	-	C		-	-	-	-	-	-	-	-	
Commercial Parking, Recreational Vehicle	-	-		-	-	-	-	-	-	-	-	
Construction Sales and Service	-	-		-	C	-	-	-	-	-	-	
Convention Facility	-	-		-	-	-	-	-	-	-	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-BP Zone)
Crematory	C	P		-	P	P	P	-	-	-	-	
Drive-In Theater	-	-		-	-	-	-	-	-	-	-	
Eating and Drinking Establishments	C	P		P	P	P	P	-	-	P	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1004.6 (C-4 Zone) Sec. 1104.6 (I-3 Zone) Sec. 2007 (SC Zone) Sec. 2705 (GR-C Zone)
Farmers Mart	-	-		-	-	-	-	-	-	P	-	Sec. 2705 (GR-C Zone)
Ferry Boat Landing	-	-		-	-	-	-	-	-	-	-	
Financial Services	C	P		P	P	P	P	P	-	P	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)
Automatic Teller Machines	-	-		A	-	A	A	A	-	A	A	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 700.6 (R Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone)



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Check Cashing (Payday Loan), as regulated by KRS 368.010 to 368.120	-	-		-	-	-	-	-	-	-	-	
Fireworks Retail Sales	-	-		-	-	-	-	-	-	-	-	
Flea Market	-	-		-	-	-	-	-	-	-	-	
Funeral Home	P	P		P	P	P	P	-	-	P	-	Sec. 2705 (GR-C Zone)
Gambling Establishment	-	-		-	-	-	-	-	-	-	-	
Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles	-	-		-	-	-	-	-	-	-	-	
Garden store, nursery and similar landscape sales of products produced on the premises	-	-		-	-	-	-	-	-	-	-	
Gasoline Filling Station	-	C		-	P	A	-	-	-	P	-	Sec. 2705 (GR-C Zone)
Greenhouse	-	-		-	-	-	-	-	-	-	-	Sec. 1104.6 (I-3 Zone)
Hotel or Motel and Apartment Hotel	-	P		C	P	-	-	-	-	P	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)
Junk Yard	-	-		-	-	-	-	-	-	-	-	
Kennel	-	C		-	-	-	-	-	-	P	-	Sec. 601.7 (A-1 Zone) Sec. 602.6 (A-2 Zone) Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone) Sec. 2705 (GR-C Zone)
Medical, Dental or Optical Clinics	P	P		P	P	P	P	P	-	P	-	Sec. 2705 (GR-C Zone)
Microbrewery	-	-		P	P	P	P	-	-	-	-	
Microdistillery	-	-		P	P	P	P	-	-	-	-	
Mobile Home display and sale from individual mobile home lot	-	-		-	-	-	-	-	-	-	-	
Office	C	P		P	P	P	P	P	-	P	P	Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)
Pawn Shop	-	-		-	-	-	-	-	-	-	-	
Personal Service	C	P		P	P	P	P	P	-	P	-	Sec. 909.6 (MHP Zone) Sec. 2705 (GR-C Zone)
Prefabricated Structure Sales	-	-		-	-	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Radio and TV Station	C	P		-	P	P	P	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6. (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 (O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1300.7 (A Zone)
Reception Hall	-	-		-	-	-	-	-	-	P	-	
Residential Storage Warehouse (mini warehouse)	-	-		-	-	-	-	-	-	-	-	
Retail	C	P		P	P	P	P	-	-	P	-	Sec. 2705 (GR-c Zone)
Convenience Store	-	-		-	P	-	-	-	-	-	-	
Retail sales or service of gasoline, oil, marine craft accessories, grocery items, confectionary, drug and proprietary, art and craft products, books and stationary, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products	-	-		-	-	-	-	-	-	-	-	
Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment, excluding vehicles	-	-		-	-	-	-	-	-	-	-	
Roadside Stand	-	-		-	-	-	-	-	-	-	-	
Sexually Oriented Business	C	P		-	-	-	-	-	-	-	-	Sec. 3198
Short Term Rental	-	-		P ⁵	-	P ⁴	-	-	-	-	-	Sec. 3191
Studios for artists, designers, photographers, musicians and sculptors	-	-		P	-	-	-	-	-	P	-	Sec. 2705 (GR-C Zone)
Taxidermy	-	-		-	-	-	-	-	-	-	-	
Towing and Impound Lot	-	-		-	-	-	-	-	-	-	-	
Truck and Trailer Rental	-	-		-	-	-	-	-	-	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1004.6 (C-4 Zone)



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Truck Repair Facility	-	-		-	-	-	-	-	-	-	-	
Truck Sales	-	-		-	P	-	-	-	-	-	-	
Truck Stop	-	-		-	-	-	-	-	-	-	-	
Truck Wash	-	-		-	-	-	-	-	-	-	-	
Veterinary Animal Hospital or Clinic	C	P		P	P	P	P	P	-	P	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 1001.6 (C-1 Zone) Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1100.6 (O-1 Zone) Sec. 1105.6 (O-1A Zone) Sec. 1101.6 O-2 Zone) Sec. 1102.6 (I-1 Zone) Sec. 1103.6 (I-2 Zone) Sec. 1104.6 (I-3 Zone) Sec. 1106.18 (I-4 Zone) Sec. 1200.6 (PF Zone) Sec. 1300.7 (A Zone) Sec. 2705 (GR-C Zone)
Yachting, boat rentals, boat access and other marina activities	-	-		-	-	-	-	-	-	-	-	
INDUSTRIAL USES												
Equipment, Heavy	-	-		-	-	-	-	-	-	-	-	
Equipment, Light	-	-		-	P	-	-	-	-	-	-	
Industry, Heavy	-	P		-	-	-	-	-	-	-	-	
Asphalt and Concrete Plants	-	-		-	-	-	-	-	-	-	-	-
Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials, surface mining is not permitted	-	-	See Art. 20	-	-	-	-	-	-	-	-	
Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations	-	-		-	-	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Manufacture, assembly, processing, treatment, or storage of the following: acids, creosote, biodiesel, or petroleum products; bag cleaning; blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting; corrosion of aluminum, copper, iron, tin, lead or zinc; distillation of alcohol, coal, or wood; electroplating; enameling, japanning, or lacquering; grinding, sandblasting, cutting, washing, or other reduction or waterproofing; poultry and small game products; sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products; stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; heavy machinery, transportation vehicles and equipment (heavy); tobacco products; chemicals and allied products; petroleum and coal products; rubber and plastic products; leather and leather products	-	-		-	-	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-		-	-	-	-	-	-	-	-	Sec. 1104.6 (I-3 Zone)
Poultry and small game dressing and packing	-	-		-	-	-	-	-	-	-	-	
Production, processing and sales of fertilizer	-	-		-	-	-	-	-	-	-	-	
Recycling Center	-	-		-	-	-	-	-	-	-	-	
Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission	-	-		-	-	-	-	-	-	-	-	
Solid Waste Transfer Station	-	-		-	-	-	-	-	-	-	-	
Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site	-	-		-	-	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Uses in which the primary business activity involves the following: the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum; bag cleaning; blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting; creosote treatment; distillation of bones, coal or wood; enameling, japanning or lacquering; radium or radioactive elements; crushing or other reduction or waterproofing; the storage of chemicals	-	-		-	-	-	-	-	-	-	-	
Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law	-	-		-	-	-	-	-	-	-	-	
Welding and repair of industrial machinery and light and heavy equipment	-	-		-	-	-	-	-	-	-	-	
Industry, Light	-	P		-	-	-	-	-	-	-	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-BP Zone)
Manufacturing, refinishing or production of crafts and woodwork products for the household	-	-		-	P	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Post-mining uses within a vacated room and pillar mine including: warehousing of non-hazardous material; storage, computer tapes and other records; climate controlled storage or manufacturing operations that do not involve hazardous materials	-	-		-	-	-	-	-	-	-	-	
Small equipment and engine repair and service	-	-		-	C	-	-	-	-	-	-	
Small scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances	-	-		-	-	-	-	-	-	-	-	
Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district	-	-		-	-	-	-	-	-	-	-	
River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities	-	-		-	-	-	-	-	-	-	-	
Sanitary Landfills	-	-		-	-	-	-	-	-	-	-	Sec. 601.7 (A-1 Zone)
Warehousing and Distribution	-	P		-	-	-	-	-	-	-	P	Sec. 2704.7 (GR-BP Zone) Sec. 2705 (GR-BP Zone)
Commercial Stockyards and Feed Lots	-	-		-	-	-	-	-	-	-	-	
Wholesaling	-	P		-	-	-	-	-	-	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards	
Wholesale trade of containerized paints, varnishes, chemicals and allied products	-	-		-	-	-	-	-	-	-	-		
Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment	-	-		-	-	-	-	-	-	-	-		
Wholesale trade of non-containerized paints, varnishes, chemicals and allied products	-	-		-	-	-	-	-	-	-	-		
Wholesale trade of paints, varnishes, chemicals, and allied products	-	-		-	-	-	-	-	-	-	-		
Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles	-	P		-	-	-	-	-	-	-	-		
Wholesale vehicle sales or auctions	-	-		-	-	-	-	-	-	-	-		
PUBLIC FACILITY USES													
Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition	-	-	See Art. 20	-	-	P	P	-	P	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1106.18 (I-4 Zone) Sec. 2705 (GR-R Zone)	
Business and Trade School	C	P		P	P	P	P	-	-	P	P	Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)	
College and University	P	-		P	-	-	P	-	-	-	-		
Cultural Exhibits	P	-		P	P	P	P	-	-	-	-		
Day Care Center	P	C		P	P	P	P	P	C	P	A	Sec. 2705 (GR-C Zone)	
Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking	-	-		-	-	-	-	-	-	-	-	-	
Family Day Care	-	-		-	A	-	-	-	-	P	-	-	



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Heritage Tourism	-	-		P	-	-	-	-	-	-	-	
Historic sites and structures, monuments and other exhibits available for public viewing	C	C		P	C	C	C	C	P	P	P	Sec. 2705 (GR-R Zone) Sec. 2705 (GR-C Zone) Sec. 2705 (GR-BP Zone)
Hospital Complex	P	-		-	-	-	P	-	-	-	-	
Postal Services	A	-		P	P	P	P	P	-	-	-	
Prisons and Other Correctional Institutions	C	-		-	-	-	-	-	-	-	-	
Recreation, Active	-	P		-	-	-	-	-	C	-	-	Sec. 901.6 (RSE Zone) Sec. 902.6 (RS Zone) Sec. 903.6 (SR-1 Zone) Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone)
Recreation, Commercial	C	-		P	P	-	-	-	-	P	-	Sec. 905.7 (SR-3 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 909.6 (MHP Zone) Sec. 2705 (GR-C Zone)
Recreation, Non-Commercial	C	P		P	P	-	-	-	-	-	-	
Recreation, Passive	P	A		A	-	-	P	P	P	-	-	Sec. 2705 (GR-R Zone)
Religious Assembly	P	-		P	P	P	P	P	-	-	-	
Safety Services	P	-		C	-	-	-	-	-	-	-	
School	-	-		P	-	-	P	-	-	-	-	
Shelter, Temporary or Emergency	P	-		-	-	-	-	-	-	-	-	Sec. 3116
Substance abuse treatment facility, inpatient	P	-		-	-	-	-	-	-	-	-	
Substance abuse treatment facility, outpatient	P	-		-	-	-	-	-	-	-	-	
Utilities	-	-		-	-	-	-	-	-	-	-	
RESIDENTIAL USES												
Accessory Dwelling Unit	-	-	see	A	A	-	-	-	P	-	-	Sec. 3114



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Duplex Dwelling Unit	-	-	Art. 20	P	P	-	-	-	P	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 906.6 (UR-1 Zone) Sec. 907.6 (UR-2 Zone) Sec. 908.6 (UR-3 Zone) Sec. 2007 (SC Zone) Sec. 2705 (GR-R Zone)
Dwelling Unit For Property Owner, Owner/Operator, Caretaker, Or Property Manager	-	-		-	-	-	-	-	-	A	-	
Elderly Housing Facility	P	-		P	-	-	P	-	C	-	-	
Mobile Home	-	-		-	-	-	-	-	-	-	-	
Mobile Home Park	-	-		-	-	-	-	-	-	-	-	
Multi Family Dwelling Unit	-	-		P	P	-	P	-	P	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2007 (SC Zone) Sec. 2705 (GR-R Zone) Sec. 3160 Sec. 3161
Nursing Home	P	-		P	-	-	P	-	C	-	-	
Patio Home	-	-		-	-	-	-	-	P	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 2705 (GR-R Zone) Sec. 3159
Residential Care Facility For Handicapped Persons	-	-		P	P	P	P	-	-	-	-	
Single Family Dwelling Unit	-	-		P	P	P	P	-	P	-	-	Sec. 903.6 (SR-1 Zone) Sec. 904.6 (SR-2 Zone) Sec. 1105.6 (O-1A Zone) Sec. 2705 (GR-R Zone)
Townhouse Dwelling Unit	-	-	P	P	P	P	-	P	-	-	Sec. 1002.6 (C-2 Zone) Sec. 1003.6 (C-3 Zone) Sec. 2705 (GR-R) Zone) Sec. 3160 Sec. 3161	
Transitional Housing Facility	C	-	-	-	-	-	-	-	-	-		
OTHER USES												
Customary Accessory Buildings and Uses	A	A	See Art. 20	A	A	A	A	A	A	A	A	Sec. 3153
Outside storage, display, loading, uncrating or unpacking areas	-	A		A	A	-	-	-	-	-	-	-



Table 5-6
Public Facility, Airport, Small Community Overlay, and Special Study Districts

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
Drive-through facility operated in conjunction with a permitted or conditional use	A	A		-	A	-	-	-	-	A	A	Sec. 3155
Fences	A	A		A	A	A	A	A	A	A	A	Sec. 3655
Home Business	-	-		-	-	A	A	A	C	-	-	Sec. 3142
Home Occupation	-	-		A	-	A	A	A	A	-	-	Sec. 3142
Mixed use buildings with the principally permitted uses noted herein on any floors and apartments or dwelling units on second or third floors only	-	-		P	P	-	-	-	-	-	-	
Parking	A	A		-	A	A	A	A	A	A	A	ARTICLE 33
Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail	-	-		-	-	-	P	-	-	-	-	
Parking located in the side or rear of the lot	-	-		A	-	-	-	-	-	-	-	ARTICLE 33
Recycling Collection Containers	A	A		A	-	-	-	-	-	A	A	
Signs	A	A		A	A	A	A	A	A	A	A	ARTICLE 34
Storage of materials must be located in the principal structure; no commercial or office accessory buildings are permitted	-	-		-	-	A	A	A	-	-	-	

- (1) Does not apply in the City of Florence
 - (2) Applies only in the City of Florence
 - (3) Applies only in the City of Walton
 - (4) Applies only in Unincorporated Boone
 - (5) Applies only in the City of Florence and Unincorporated Boone
- P - Permitted Use C - Conditional Use A - Accessory Use -- Prohibited Use

SECTION 506 ACTION BY LEGISLATIVE BODY

SECTION 540 Action by Legislative Body

A. When amendments to the zoning map have been approved by the Fiscal Court or appropriate legislative body, the legislative unit shall inform the Zoning Administrator of the date which such action becomes effective. A log of all approved zoning map amendments shall be kept by the Zoning Administrator and, the official zoning map shall be updated within **thirty (30) days** of the date upon



which final action approving such amendments was taken. A Certificate of Land Use Restriction shall be filed in accordance with SECTION 210. Furthermore, the Resolution files maintained by the Planning Commission shall constitute the official record of all requests for zoning map amendments, including those which have not been approved by the appropriate legislative body.

SECTION 507 CONCEPT DEVELOPMENT PLAN

- A. Where a Concept Development Plan has been approved/adopted by the legislative body, the zoning map shall designate the affected area with the 'CD' designation. This notation, which is not an official zoning district, signifies that a specific site or district is subject to supplemental conditions of approval, a variance, or a conditional use permit.

SECTION 508 ZONING DISTRICT DECLARED INVALID

~~SECTION 570 Zoning District Declared Invalid~~

- A. Should any zoning district be declared by a court of competent jurisdiction to be unconstitutional or invalid, by either the construct of its text within ~~these regulations~~this order or by its application or amendment to the Boone County Zoning Map, the zoning district that applied to the affected properties prior to the unconstitutional or invalid zoning district shall be in force.

SECTION 560 Zoning Map Amendments

~~Once amendments to the Zoning Map changing the zoning status of an area, after the effective date of the ordinance enacting such an amendment, the zoning map shall be promptly changed as directed by the legislative bodies ordinance, this change being done by the Boone County Planning Commission through the office of GIS. Each amendment shall be identified within the zoning map(s) data file by a numerical or other designation referring to the Commission record of the amendment proceeding. No unauthorized person may alter or modify the zoning map.~~

SECTION 520 District Identification

~~For the purpose of the order, the Cities of Florence, Union, and Walton and Boone County, are hereby divided into the following categories of zoning districts:~~

- ~~A-1 Agriculture~~
- ~~A-2 Agricultural Estate~~
- ~~R Recreation District~~
- ~~CONS Conservation District~~
- ~~RSE Rural Suburban Estates~~
- ~~RS Rural Suburban~~
- ~~SR-1 Suburban Residential One~~
- ~~SR-2 Suburban Residential Two~~
- ~~SR-3 Suburban Residential Three~~
- ~~UR-1 Urban Residential One~~
- ~~UR-2 Urban Residential Two~~
- ~~UR-3 Urban Residential Three~~



- MHP Mobile Home Park
- R1F Residential One Family
- C-1 Commercial One
- C-2 Commercial Two
- C-3 Commercial Services
- C-4 Commercial Four
- O-1 Office One
- O-2 Office Two
- I-1 Industrial One
- I-2 Industrial Two
- I-3 Industrial Three, Surface Mining District
- O-1A Professional Office One
- I-4 Industrial Four, Subsurface Mining District
- PF Public Facilities District
- A Airport District
- SC Small Community Overlay District
- H Historic Landmark/Historic District Overlay District
- PD Planned Development Overlay District
- EPD Employment Planned Development District
- RPD Residential Planned Development District
- HDO Houston-Donaldson Study Corridor Overlay District
- PO Parkway Corridor Study Overlay District
- TRO Land Use Study I-75/Turfway Road Interchange Overlay District
- FMS Florence Main Street Zoning Study
- WD Walton Downtown District
- UTC Union Town Center
- UC Union Commercial
- UNO Union Neighborhood Office
- UTO Union Town Overlay District
- MR Mall Road Overlay District
- CD Signifies that a specific site or district is subject to a Concept Development Plan, supplemental conditions of approval, or variance and/or conditional use permit that was approved in conjunction with a Zoning Map Amendment.

SECTION 530 Interpretation of District Boundaries



Where uncertainty exists with respect to the boundaries of any of the zoning districts defined above as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines or property lines, such lines or property lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district;
6. Where the boundary of a district follows the county line, including a concurrent state line, such county line shall be deemed to be boundary of the district.
7. Where the boundaries of a district are based on a legal description or property survey that was submitted in conjunction with a zoning map amendment application, the boundaries provided in said instrument(s) shall be construed as the district boundaries for the property in question, and may be used in determining district boundaries for adjoining properties.

SECTION 540 Action By Legislative Body

When amendments to the zoning map have been approved by the Fiscal Court or appropriate legislative body, the legislative unit shall inform the Zoning Administrator of the date which such action becomes effective. A log of all approved zoning map amendments shall be kept by the Zoning Administrator and, the official zoning map shall be updated within 30 days of the date upon which final action approving such amendments was taken. A certificate of Land Use Restriction shall be filed in accordance with SECTION 280. Furthermore, the Resolution files maintained by the Planning Commission shall constitute the official record of all requests for zoning map amendments, including those which have not been approved by the appropriate legislative body.

SECTION 550 Official Zoning Map



The county-wide joint planning unit for Boone County consisting of the cities of Florence, Walton and Union, as well as the Boone County Fiscal Court and their respective territorial jurisdictions, this planning unit being served by the Boone County Planning Commission, is divided into zoning classifications or districts as listed in this ARTICLE 5, these classifications, districts or zones being hereby declared to be part of the applicable zoning ordinance and regulations for the Boone County planning unit. The zoning map serves as the official record of the status for all zoning classifications, districts, or zones for land within the Boone County planning unit and shall be kept in electronic data bases that are maintained as part of Boone County's Geographic Information System (GIS) which is part of the Boone County Planning Commission. This electronic depiction of the zoning boundaries, along with additional reference data in the GIS, constitutes the official zoning map for the Boone County planning unit upon its proper adoption and enactment by the legislative bodies comprising the planning unit for Boone County. This zoning map shall be kept up-to-date to reflect the adopted mapping data and all of its amendments by the legislative bodies comprising the Boone County planning unit in accordance with Chapter 100 of the Kentucky Revised Statutes. This zoning map may be viewed by the general public at the offices of the Boone County Planning Commission and that Commission may certify a paper copy of a portion of this zoning map as true and accurate.

SECTION 560 Zoning Map Amendments

Once amendments to the Zoning Map changing the zoning status of an area, after the effective date of the ordinance enacting such an amendment, the zoning map shall be promptly changed as directed by the legislative bodies ordinance, this change being done by the Boone County Planning Commission through the office of GIS. Each amendment shall be identified within the zoning map(s) data file by a numerical or other designation referring to the Commission record of the amendment proceeding. No unauthorized person may alter or modify the zoning map.

SECTION 570 Zoning District Declared Invalid

Should any zoning district be declared by a court of competent jurisdiction to be unconstitutional or invalid, by either the construct of its text within this order or by its application or amendment to the Boone County Zoning Map, the zoning district that applied to the affected properties prior to the unconstitutional or invalid zoning district shall be in force.



ARTICLE 6 AGRICULTURAL DISTRICTS

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ARTICLE 6 AGRICULTURAL DISTRICTS

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SECTION 600 INTENT

- A. The intent of this article is to specifically identify and protect the present and future viability and character of agricultural and rural lands.

SECTION 601 AGRICULTURE (A-1)

~~Section 610 Agriculture (A-1)~~

- A. The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.

Section 601.1 Principal Permitted And Accessory Uses

~~Section 611 Principally Permitted Uses~~

- A. Table 5-2, in Section 505.1, identifies the principally permitted and accessory uses within the A-1 district.
- B. ~~The following uses are permitted:~~
 - 1. Single Family dwelling units;
 - 2. ~~Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;~~



3. ~~Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;~~
4. ~~Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;~~
5. ~~Animal Husbandry services, poultry hatching and related services, veterinary services and animal hospitals (Site Plan Review required);~~
6. ~~Fish hatcheries, and other fish culture activities and related services;~~
7. ~~Wildlife preserve sanctuaries, habitats, cultures and related activities;~~
8. ~~Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities and related services;~~
9. ~~Horticultural, floricultural, viticultural, and other agricultural related uses and services;~~
10. ~~Agriculture related activities including grist milling services, corn shelling, hay baling, threshing, contract sorting, grading and packaging services and other agricultural processing services;~~
11. ~~Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment excluding vehicles (Site Plan Review required);~~
12. ~~Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);~~
13. ~~Garden plots and other similar forms of communal or organizational farming practices;~~
14. ~~Riding and boarding stables (Site Plan Review required);~~
15. ~~Mobile homes;~~
16. ~~Bed and Breakfast Inns (Site Plan Review required);~~
17. ~~Historic sites and structures, monuments and other exhibits available for public viewing (Site Plan Review required);~~
18. ~~Play lots or tot lots, playgrounds (Site Plan Review required);~~
19. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses for non-motorized activities (Site Plan Review required);~~
20. ~~Art and craft galleries (Site Plan Review required);~~

SECTION 612 Accessory Use

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including~~

- A. ~~Dwelling units of the family of the farm owner-operator, resident manager or farm laborer including:~~
 1. ~~private garages and parking;~~
 2. ~~structures such as fences, satellite dishes, and walls;~~
 3. ~~buildings such as storage sheds, private greenhouses and gazebos;~~
 4. ~~storage of a recreational vehicle or unit;~~
 5. ~~private swimming pool, sauna, bathhouse and like accessories;~~
 6. ~~private recreational court, complex or similar recreational activity;~~
 7. ~~private stables or other keeping and use of pets and animals;~~
 8. ~~chicken coops (Does not apply in the City of Florence);~~
- B. ~~Temporary buildings incidental to construction;~~
- C. ~~Offices for farm management and administration of agricultural services offered on the farm premises;~~



- D. Accessory dwelling units;
- E. Family day care.

Section 601.2 Conditional Uses And Criteria

Section 613 Conditional Uses and Criteria

- A. Table 5-2, in Section 505.1, identifies those uses which are conditionally permitted within the A-1 district, ~~The following uses and appropriate accessories~~ subject to the approval and qualifications of the Board of Adjustment ~~and Zoning Appeals~~ provided: a) the activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; ~~or~~ b) the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.
 - 1. ~~Dwellings or rooming houses for persons employed on the premises other than the family of the farm owner/operator and/or resident manager;~~
 - 2. ~~Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);~~
 - 3. ~~Commercial kennels (minimum 5 acres) (Site Plan Review required);~~
 - 4. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 - 5. ~~Cemeteries and mausoleums (Site Plan Review required);~~
 - 6. Duplex dwelling units;
 - 7. ~~Commercial stockyards and feed lots (Site Plan Review required);~~
 - 8. ~~Dumps and landfills for non-combustible materials including sanitary landfills subject to the landfill compatibility standards in SECTION 617 (Site Plan Review required);~~
 - 9. ~~Production, processing and sales of fertilizer (Site Plan Review required).~~
 - 10. ~~Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);~~
 - 11. ~~Skiing and tobogganing and other similar outdoor sporting activities (Site Plan Review required);~~
 - 12. ~~Swimming beaches and swimming pools (Site Plan Review required);~~
 - 13. ~~Camping, picnicking, hiking areas, trails and other recreational uses (Site Plan Review required);~~
 - 14. ~~Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);~~
 - 15. ~~Yachting, boat rentals, boat access sites and other marina activities (Site Plan Review required);~~
 - 16. ~~Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.404. Permits as required under K.R.S. 219.310 through 219.404 shall be included with an application for Site Plan Review (Site Plan Review required);~~
 - 17. ~~Day care centers (Site Plan Review required).~~
 - 18. Taxidermy.
 - a. Private, noncommercial airstrips.
 - b. ~~Uses that promote or pertain to the following elements of Heritage Tourism (Site Plan Review required):~~



- c. ~~Retail sales including grocery items, confectionery, proprietary, books and stationery, antiques, sporting and athletic goods, bait, fuel, ice, firewood, bottled gas, cigars and cigarettes, music, books, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products, locally made furniture and crafts~~
- d. ~~Eating and drinking establishments including alcoholic beverages;~~
Museums;
~~Exhibitions of local history or culture, wildlife habitats and other natural exhibitions;~~
~~Amphitheaters, playhouses and other entertainment assemblies.~~

Section 601.3 Intensity

~~Section 614 Intensity~~

- A. The maximum intensity of use shall not be greater than one (1) lot per five (5) gross acres of land.

Section 601.4 Minimum Standards

~~Section 615 Minimum Standards~~

- A. The minimum size and extent of an A-1 district, including all the contiguous private property so designated, shall not be less than thirty (30) acres.

Section 601.5 Minimum Standards

~~Section 616 Minimum Standards~~

- A. The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
 - 1. No use shall include the operation or maintenance of a commercial stockyard or feedyard, except as permitted as a conditional use.
 - 2. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 601.6 Landfill Compatibility Standards

~~Section 617 Landfill Compatibility Standards~~

- A. All landfill uses for non-combustible materials including sanitary landfills subject to the landfill compatibility standards permitted under Conditional Use #8 are subject to the following additional compatibility standards:
 - 1. Setbacks/Buffer Yards from Adjoining Districts/Zones and Uses: a minimum two hundred (200) foot buffer yard shall be maintained where the landfill site adjoins any residential district/zone, agricultural districts/zones where there is an existing residence on the lot adjoining the landfill site, and the Small Community (SC) overlay district/zone; no activity may occur within this two hundred (200) foot buffer yard. A minimum one hundred (100) foot buffer yard shall be maintained from all other districts/zones and agricultural districts/zones where there is no existing residence on the lot adjoining the landfill site; no activity may occur within this one hundred (100) foot buffer yard. Structures shall be set back an additional one hundred fifty (150) feet from the one hundred (100) foot and two hundred (200) foot buffer yards; other landfill activities may occur within this one hundred fifty (150) foot additional setback. For areas of a landfill site that adjoin public or private streets or roads, the district/zone across the street shall be used to determine whether the one hundred (100) foot buffer yard or two hundred (200) foot buffer yard



applies. Tree cover shall be maintained and/or provided throughout the entire buffer yard area. Existing tree cover shall be retained and incorporated into required buffer yards. Where there is not continuous forest cover in a buffer yard, the following shall be provided:

- a. Berms which are at least **ten (10)** feet high from the centerline of the adjoining public street when the buffer yard adjoins a street, or from the property line when the buffer yard adjoins another tract, shall be constructed, unless such construction would necessitate the removal of existing forest cover. If construction of **ten (10)** foot high berming would necessitate the removal of existing forest cover, berms shall be constructed to the highest height possible without removing existing forest cover or exceeding a 3:1 slope. Berming shall meander in the buffer yard when viewed from plan view.
 - b. Native hardwood trees which are a minimum of **two (2)** inch caliper at planting shall be installed at a minimum density of one tree per **one hundred fifty (150)** square feet for the first **fifty (50)** feet of a buffer yard from the adjoining ~~districtzone~~ or use; the hardwood tree seedling mixture outlined in Section 1104.7 ~~SECTION 1164~~ shall also be provided in this area. For any remaining area in a buffer yard, at least one tree shall be installed per **two hundred fifty (250)** square feet of area - between **fifty (50)** and **seventy (70)** percent of these trees shall be evergreen trees that are a minimum of **six (6)** feet in height at planting and the remainder shall be hardwood trees that are a minimum of **two (2)** inch caliper at planting; either tree mixture in Section 1104.7 ~~SECTION 1164~~, or a combination of both tree seedling mixtures, shall also be provided for any remaining area in a buffer yard. All planting materials shall be evenly distributed within a buffer yard from a quantitative standpoint, although formal, rectilinear planting configurations are prohibited. Planting materials shall be selected based on compatibility with soil types, and at least four different species of trees shall be provided for each tree group (hardwood and evergreen).
 - c. Where the difference in topographical elevation between the landfill and an adjoining, upslope residential ~~districtzone~~, or agricultural ~~districtzone~~ where there is an existing residence on the adjoining lot, is **thirty (30)** feet or greater, berming shall be provided at the top of the slope in accordance with the standards in subsection A above. In this instance, the minimum planting size for the hardwood trees within the first **fifty (50)** feet of the buffer yard shall be increased to **four (4)** inch caliper.
 - d. All required buffer improvements adjoining a specific phase of a landfill site shall be completed before the filling of any waste within said phase commences.
2. Clearing: Clearing of existing vegetation within a specific phase of a landfill site shall not occur more than six (6) months prior to planned excavation of said phase.
 3. All state and federal regulations pertaining to landfills are herein incorporated by reference into ~~these regulationsthis order~~ and are Conditional Use Permit requirements.

Section 601.7 Specific Use Standards

- A. Automatic Teller Machines
 1. Shall be attached to the principal structure.
- B. Kennel
 1. Must be on a lot having a minimum lot area of five (5) acres.

SECTION 602 AGRICULTURAL ESTATE (A-2)

~~Section 620 Agricultural Estate (A-2)~~



- A. The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.

Section 602.1 Principally Permitted And Accessory Uses

~~Section 621 Principally Permitted Uses~~

- A. Table 5-2, in Section 505.1, identifies the principally permitted and accessory uses within the A-2 district.
- B. ~~Permitted uses in the A-1 district numbered 1-14, inclusive, and 20, are permitted in the A-2 district.~~

SECTION 622 Accessory Uses

~~All accessory uses permitted in the A-1 district are permitted in the A-2 district.~~

Section 602.2 Conditional Uses And Criteria

~~Section 623 Conditional Uses and Criteria~~

- A. Table 5-2, in Section 505.1, identifies those uses which are conditionally permitted within the A-2 district, subject to the approval and qualifications of the Board of Adjustment provided: a) the activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; b) the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.
- B. ~~The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or b) the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.~~
1. ~~Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);~~
 2. ~~Garden plots and other similar forms of communal or organization farming practices;~~
 3. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 4. ~~Cemeteries and mausoleums (Site Plan Review required);~~
 5. ~~Duplex dwelling units; except in the City of Florence only allowed with garages;~~
 6. ~~Commercial kennels (minimum 5 acres) (Site Plan Review required);~~
 7. ~~Bed and Breakfast Inns (Site Plan Review required);~~
 8. ~~Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);~~
 9. ~~Skiing and tobogganing and other similar outdoor sporting activities (Site Plan Review required);~~
 10. ~~Swimming beaches and swimming pools (Site Plan Review required);~~



11. ~~Camping, picnicking, hiking areas, trails and other recreational uses for non-motorized activities (Site Plan Review required);~~
12. ~~Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);~~
13. ~~Yachting, boat rentals, boat access sites and other marina activities (Site Plan Review required);~~
14. ~~Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.404. Permits as required under K.R.S. 219.310 through 219.404 shall be included with an application for Site Plan Review (Site Plan Review required);~~
15. ~~Day care centers (Site Plan Review required);~~
16. ~~Taxidermy~~
17. ~~Private, noncommercial airstrips~~
18. ~~Uses that promote or pertain to the following elements of Heritage Tourism (Site Plan Review required)~~
 - a. ~~Retail sales including grocery items, confectionery, proprietary, books and stationery, antiques, sporting and athletic goods, bait, fuel, ice, firewood, bottled gas, cigars and cigarettes, music, books, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products, locally made furniture and crafts~~
 - b. ~~Eating and drinking establishments including alcoholic beverages;~~
 - c. ~~Museums;~~
 - d. ~~Exhibitions of local history or culture, wildlife habitats and other natural exhibitions.~~

Section 602.3 Intensity

~~Section 624 Intensity~~

- A. The maximum intensity of use shall not be greater than one (1) lot per 80,000 square feet of land.

Section 602.4 Minimum Size

~~Section 625 Minimum Size~~

- A. The minimum size and extent of an A-2 district shall not be less than twenty (20) acres of land.

Section 602.5 Minimum Standards

~~Section 626 Minimum Standards~~

- A. The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
 1. No use shall include the operation or maintenance of a commercial stockyard or feedyard.
 2. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

CITY OF FLORENCE ONLY

~~The following standards shall apply to any permitted, accessory or conditional use and structure in this district: See ARTICLE 31 for dimensional standards.~~

1. ~~A 15 X 40 foot driveway will be required for each duplex structure.~~
2. ~~A common entrance shall be provided to the front of duplex buildings.~~
3. ~~Each duplex dwelling shall provide landscaping in the front yard as per bufferyard "A" as outlined in SECTION 3645.~~



4. ~~Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. a garage will be required for each unit which can either be attached or detached to the duplex building.~~
5. ~~The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.~~

Section 602.6 Specific Use Standards

- A. In addition to the requirements of ARTICLE 31, the following standards shall apply to any principally permitted, accessory, or conditional use and/or structure (City of Florence Only):
 1. A 15 x 40 foot driveway will be required for each duplex structure.
 2. A common entrance shall be provided to the front of duplex buildings.
 3. Each duplex dwelling shall provide landscaping in the front yard as per Buffer Yard A as outlined in SECTION 3645.
 4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.
 5. The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.
- B. Automatic Teller Machines
 1. Shall be attached to the principal structure.
- C. Kennel
 1. Must be on a lot having a minimum lot area of five (5) acres.



ARTICLE 7 RECREATION DISTRICT

Contents:

ARTICLE 7 RECREATION DISTRICT

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Section 700.6 Specific Use Standards

SECTION 700 RECREATION (R)

- A. The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure.

Section 700.1 Principally Permitted And Accessory Uses

~~Section 711 Principally Permitted Uses~~

- A. ~~Table 5-2, in Section 505.1, identifies the principally permitted and accessory uses within the R district.~~

~~The following recreation uses are permitted:~~

- ~~1. Libraries, museums, art and craft galleries, conservatories and other cultural exhibits;~~
- ~~2. Planetaria, aquariums, botanical gardens and arboretums, zoos, nature preserves, wildlife habitats and other natural exhibitions;~~
- ~~3. Historic sites and structures, and other monuments and exhibits available for public viewing;~~
- ~~4. Amphitheaters, indoor motion picture theaters, playhouses and other entertainment assemblies;~~
- ~~5. Auditoriums, exhibition halls and other places of public or general assembly;~~
- ~~6. Churches, synagogues, temples and other places of religious assembly for worship;~~
- ~~7. Fairgrounds, miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;~~
- ~~8. Golf courses, tennis courts, ice skating, roller skating, riding stables, bowling, skiing and tobogganing and other sports activities;~~
- ~~9. Play lots or tot lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;~~
- ~~10. Swimming beaches and swimming pools;~~
- ~~11. Yachting, boat rentals, boat access sites and other marina activities;~~
- ~~12. Camping, picnicking, hiking areas, trails and other passive recreational uses;~~
- ~~13. Dude ranches, youth camps, retreat centers, and health resorts of a non-medical/non-clinical nature, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts;~~



14. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;~~
15. ~~Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.404. Permits as required under K.R.S. 219.310 through 219.404 shall be included with an application for Site Plan Review;~~
16. ~~Bed and Breakfast Inns;~~
17. ~~Any principally permitted uses of Agriculture (A-1) numbered 1-12;~~

SECTION 712 Accessory Uses

~~Such uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Dwelling units (subject to SR-2 zoning district standards) of the family of the owner operator and/or resident manager including:~~
 - a. ~~private garages and parking;~~
 - b. ~~structures such as fences and walls;~~
 - c. ~~buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~storage of a recreational vehicle or unit;~~
 - e. ~~private swimming pools, saunas, bathhouses and similar accessories;~~
 - f. ~~Private recreational courts, complexes, or similar recreational activities;~~
 - g. ~~private stables or other keeping and use of pets and animals;~~
 - h. ~~chicken coops (Does not apply in the City of Florence);~~
2. ~~Signage (see ARTICLE 34);~~
3. ~~Parking (see ARTICLE 33);~~
4. ~~Temporary buildings incidental to construction;~~
5. ~~Dwellings or rooming houses for persons employed on the premises on a permanent or seasonal basis to operate, maintain, administer or protect the leisure activity;~~
6. ~~Country clubs, clubhouses, lodges and similar places of assembly or entertainment;~~
7. ~~Boarding stables, boat moorage and storage, other vehicle, equipment and personal storage services or lockers and related services;~~
8. ~~Utility generation, production, storage, treatment and disposal;~~
9. ~~First aid stations;~~
10. ~~Day care centers;~~
11. ~~Recycling collection containers.~~

Section 700.2 Conditional Uses And Criteria

~~Section 713 Conditional Uses and Criteria~~

- A. ~~Table 5-2, in Section 505.1, identifies those uses which are conditionally permitted within the R district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is of integral relation to and directly in support of the recreation activity, or b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the~~



activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district.;

1. ~~Appropriate protective functions and related services like police and fire;~~
2. ~~Water parks;~~
3. ~~Amusement parks;~~
4. ~~Special training and schooling activities, including target shooting ranges;~~
5. ~~Cemeteries including mausoleums;~~
6. ~~Drive-in theaters;~~
7. ~~Stadiums, arenas, field houses, race tracks for horse, car, motorbike, or other vehicles and other sports assembly uses and structures;~~
8. ~~Retail sales or service incidental to other permitted uses on the premises including gasoline, oil marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, cigars and cigarettes, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products;~~
9. ~~The operation of eating and drinking establishments including alcoholic beverages;~~
10. ~~Ferry Boat Landings;~~
11. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(e);~~
12. ~~Licensed gambling establishments.~~

Section 700.3 Intensity

~~Section 714 Intensity~~

- A. There are no minimum or average intensities common to recreational uses; rather the intensity or use in a recreational district shall be based on the performance standards determined unique to each use and its affected lands. However, all structures associated with any Principally Permitted, Accessory, and/or Conditional use in the Recreation district shall be subject to the C-2 zoning district intensity standards.

Section 700.4 Minimum Size

~~Section 715 Minimum Size~~

- A. There is no minimum size or extent of land common to recreational uses or districts; rather a recreational district may include a single private or public lot of record if the general performance of the specific use and its affected lands so merits.

Section 700.5 Minimum Standards

~~Section 716 Minimum Standards~~

- A. The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
 1. The operation of any accessory or conditional use shall be pursuant and subservient to the purposes of the normal permitted recreational activity.;
 2. No use shall include the feeding, sheltering, ~~or~~ penning of animals, ~~or~~ fowl, ~~or~~ the storage of refuse, or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes.;



3. All uses in a Recreation ~~district~~zone shall be conducted in conformance with ARTICLE 30 - Site Plan Review.‡
4. ~~4.~~ See SECTION 3111 for dimensional standards.

Section 700.6 Specific Use Standards

- A. Automatic Teller Machines
 1. Shall be attached to the principal structure.



ARTICLE 8 CONSERVATION DISTRICT

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ARTICLE 8 CONSERVATION DISTRICT

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SECTION 800 CONSERVATION (CONS)

- A. The principal purpose of the Conservation district is the protection of natural resources and environmentally sensitive areas, and to prevent these resources and areas from being degraded. The district permits low intensity and low activity uses which are compatible with these resource protection goals. It is not intended for high intensity, high activity, and potentially damaging uses which are customarily provided in other districts. The types of natural resources and environmentally sensitive areas which are to be protected, maintained, and conserved in this district include large canopy forests, fragile hillsides and highly erodible slopes, habitat for unique fish and wildlife, threatened and endangered species, wetlands, stream corridors, fragile or unstable geologic features such as kope formations, and other sensitive or unique natural areas and features. The Conservation district is based on components of the Boone County Comprehensive Plan, including the Goals and Objectives, Environment Element, Land Use Element, and the Future Land Use Map.

Section 800.1 Principally Permitted And Accessory Uses

~~Section 811 Principally Permitted Uses~~

- A. ~~Table 5-2, in Section 505.1, identifies the principally permitted and accessory uses within the CONS district.~~

~~The following protection-oriented uses are permitted:~~

- ~~1. Nature preserves, public and private open space parks, wildlife preserves, hunting grounds, fishing, and hiking areas;~~
- ~~2. Historic sites, historic structures, historic monuments, historic farms and accompanying produce sales, outdoor education exhibits, natural history museums, existing cemeteries;~~
- ~~3. Agricultural or farming uses.~~
- ~~4. Small roadside stands and farmers marts selling produce only.~~

SECTION 812 Accessory Uses

~~Section 812 Accessory Uses~~

~~Such uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:~~



1. Dwelling unit (subject to RSE zoning district standards) for grounds keeper, caretaker, or manager of the property including:
 - a. private garages and parking;
 - b. structures such as fences and walls;
 - c. storage sheds, barns;
 - d. private stables or other keeping and use of pets and animals;
 - e. chicken coops (**Does not apply in the City of Florence**);
2. Signage (see ARTICLE 34);
3. Parking (see ARTICLE 33).

Section 800.2 Conditional Uses and Criteria

~~Section 813 Conditional Uses and Criteria~~

- A. Table 5-2, in Section 505.1, identifies those uses which are conditionally permitted within the CONS district. ~~The following uses and appropriate accessories~~ subject to the approval and qualifications of the Board of Adjustment ~~and Zoning Appeals~~ provided: a) the activity is of integral relation to and directly in support of the conservation activity, ~~or~~ b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transcend or conflict with the principal purpose of the district of immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district. ~~Such~~ ~~The~~ uses below shall be related to a nature preserve, open space park, wildlife preserve, fishing and hiking areas, hunting grounds, historic sites, historic structures, historic monuments, farms, existing cemeteries and museums.
 1. ~~Retail sales or service of gasoline, oil, marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products;~~
 2. ~~The operation of eating and drinking establishments including alcoholic beverages;~~
 3. ~~Bed and breakfast inns;~~
 4. ~~Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods.~~

Section 800.3 Intensity

~~Section 814 Intensity~~

- A. The intensity of use in a Conservation district shall be based on the ability of the affected parcel of property to accommodate the uses without adversely impacting the natural character of the parcel of land nor conflicting with the principal purpose of the Conservation district.

Section 800.4 Minimum Size

~~Section 815 Minimum Size~~

- A. There is no minimum size or extent of a Conservation district.

Section 800.5 Minimum Standards



Section 816 Minimum Standards

- A. All permitted uses shall be conducted in a manner that supports the preservation of the natural or historic features of the site. No permitted activity shall degrade the resource(s) which is intended to be protected by the Conservation district.
- B. Site Plan Review is required for historic sites and structures, monuments and other exhibits available for public viewing ~~principally permitted use #2~~, all conditional uses, and when required by ARTICLE 30.
- C. See SECTION 3111 for dimensional standards.

Section 800.6 Specific Use Standards

- A. Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition
 - 1. Uses within this category are limited to Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition.



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SECTION 900 INTENT

- A. The intent of this article is to provide and promote: a) the maximum possible variety and choice of dwelling types, designs, sizes and prices; b) for persons, households and families of all marital types, ages, incomes and interests; c) within development forms which will create cohesive residential neighborhood and community forms and identities; and d) in patterns, organizations and densities which can be predicted and thereby provided effective, efficient and justifiable use of infrastructure facilities and services.

SECTION 901 RURAL SUBURBAN ESTATES (RSE)

- A. Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.

Section 901.1 Principally Permitted And Accessory Uses

~~Section 911 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the RSE district.

~~The following uses are permitted:~~

- ~~1. Detached single-family dwelling units;~~
- ~~2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;~~
- ~~3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;~~
- ~~4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;~~
- ~~5. Wildlife preserve sanctuaries, habitats, cultures and related activities;~~
- ~~6. Garden plots and other similar forms of communal or organizational farming practices;~~
- ~~7. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.~~

~~**SECTION 912 Accessory Uses**~~



~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Accessory uses for a dwelling unit including:~~
 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences, and walls;~~
 - c. ~~Buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~Private recreational courts, fields, swimming pools, or similar recreational activities;~~
 - f. ~~Private stable or other keeping and use of pets and animals;~~
 - g. ~~Chicken coops (Does not apply in the City of Florence);~~
2. ~~Signage (according to ARTICLE 34);~~
3. ~~Parking (according to ARTICLE 33);~~
4. ~~Temporary buildings incidental to construction.~~
5. ~~Accessory dwelling unit.~~
6. ~~Family day care.~~

Section 901.2 Conditional Uses And Criteria

~~Section 913 Conditional Uses and Criteria~~

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the RSE district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:~~ a) the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; ~~or~~ b) the activity will not contradict the semi-suburban, open space character of the district; c) require or contribute to infrastructure need above that common of the district's permitted uses; d) is of direct relation to and in support of the purpose of the district; and e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.
 1. ~~Country clubs, clubhouses, lodges and similar places of assembly or entertainment including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);~~
 2. ~~Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);~~
 3. ~~Day care centers (Site Plan Review required);~~
 4. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 5. ~~Cemeteries including mausoleums (Site Plan Review required);~~
 6. ~~Duplex dwelling units;~~
 7. ~~Unlighted athletic fields;~~
 8. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 901.3 Intensity

~~Section 914 Intensity~~

- A. The maximum intensity of use in a Rural Suburban Estates district shall not be greater than one (1) dwelling unit per acre.



Section 901.4 Minimum Size

~~Section 915 Minimum Size~~

- A. The minimum size and extent of a Rural Suburban Estates district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 901.5 Minimum Standards

~~Section 916 Minimum Standards~~

- A. The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
 - 1. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 901.6 Specific Use Standards

- A. Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition
 - 1. Uses within this category are limited to wildlife preserve sanctuaries, habitats, cultures and related activities.
- B. Automatic Teller Machines
 - 1. Shall be attached to the principal structure.
- C. Kennel
 - 1. Must be on a lot having a minimum lot area of five (5) acres.
- D. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.
- E. Veterinary Animal Hospital or Clinic
 - 1. Must be on a lot having a minimum lot area of five (5) acres.

SECTION 902 RURAL SUBURBAN (RS)

- A. The purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.

Section 902.1 Principally Permitted And Accessory Uses

~~Section 921 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the RS district.

~~The following uses are permitted:~~

- 1. ~~Detached single-family dwelling units;~~
- 2. ~~Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;~~
- 3. ~~Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;~~
- 4. ~~Wild life preserve sanctuaries, habitats, cultures and related activities;~~



5. Garden plots and other similar forms of communal or organizational farming practices;
6. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.

SECTION 922 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences, and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit (according to ARTICLE 31);
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities;
 - f. Private stable or other keeping and use of pets and animals;
 - g. Chicken coops (**Does not apply in the City of Florence**);
2. Signage (according to ARTICLE 34);
3. Parking (according to ARTICLE 33);
4. Temporary buildings incidental to construction.
5. Accessory dwelling unit.
6. Family day care.

Section 902.2 Conditional Uses And Criteria

Section 923 Conditional Uses and Criteria

- A. Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the RS district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted recreational or residential use; or b) the activity will not contradict the semi-rural character of the district; c) require or contribute to infrastructure needs above than common to the permitted uses of the district; d) is of direct relation to and in support of the purpose of the district; and, e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.
 1. Country clubs, clubhouses, lodges and similar places of assembly or entertainment including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);
 2. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
 3. Day care centers (Site Plan Review required);
 4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
 5. Cemeteries including mausoleums (Site Plan Review required);
 6. Duplex dwelling units;
 7. Unlighted athletic fields;
 8. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).



Section 902.3 Intensity

~~Section 924 Intensity~~

- A. The maximum intensity of use in a Rural Suburban district shall not be greater than three (3) dwelling units per acre.

Section 902.4 Minimum Size

~~Section 925 Minimum Size~~

- A. The minimum size and extent of a Rural Suburban district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 902.5 Minimum Standards

~~Section 926 Minimum Standards~~

- A. The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
 - 1. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 902.6 Specific Use Standards

- A. Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibitions
 - 1. Uses within this category are limited to wildlife preserve sanctuaries, habitats, cultures and related activities.
- B. Automatic Teller Machines
 - 1. Shall be attached to the principal structure.
- C. Kennel
 - 1. Must be on a lot having a minimum lot area of five (5) acres.
- D. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.
- E. Veterinary Animal Hospital or Clinic
 - 1. Must be on a lot having a minimum lot area of five (5) acres.

SECTION 903 SUBURBAN RESIDENTIAL ONE (SR-1)

- A. The purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

Section 903.1 Principally Permitted And Accessory Uses

~~Section 931 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the SR-1 district.

~~The following uses are permitted:~~



1. ~~Detached single-family dwelling units;~~
2. ~~Patio homes within clusters of twenty or more contiguous units and in accordance with SECTION 3159;~~
3. ~~Detached single family landminiums within clusters of twenty or more contiguous units.~~
4. ~~Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;~~
5. ~~Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;~~
6. ~~Wild life preserve sanctuaries, habitats, cultures and related activities;~~
7. ~~Garden plots and other similar forms of communal or organizational farming practices;~~
8. ~~Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems and picnicking areas;~~

SECTION 932 Accessory Uses

~~Accessory Uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Accessory uses for a dwelling unit including:

 - a. ~~Private garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~Private swimming pool, sauna, bathhouse and similar accessories;~~
 - f. ~~The keeping and use of pets and animals;~~~~
2. ~~Signage (according to ARTICLE 34);~~
3. ~~Parking (according to ARTICLE 33);~~
4. ~~Temporary buildings incidental to construction.~~
5. ~~Clubhouses, community centers and similar common assembly or shared facilities where the facility is An integral part of a residential development and the membership is limited to residents of A common development or neighborhood;~~
6. ~~Family day care.~~

Section 903.2 Conditional Uses And Criteria

Section 933 Conditional Uses and Criteria

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted in the SR-1 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.~~
 1. ~~Duplex dwelling units with garages; City of Florence Only — Duplex dwelling units with garages (Site Plan Review required);~~
 2. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 3. ~~Gemeteries, including mausoleums (Site Plan Review required);~~



4. Day care centers (Site Plan Review required);
5. Unlighted athletic fields;
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

Section 903.3 Intensity

~~Section 934 Intensity~~

- A. The intensity of use in a Suburban Residential One district shall not exceed four (4) dwelling units per acre.

Section 903.4 Minimum Size

~~Section 935 Minimum Size~~

- A. The minimum size and extent of a Suburban Residential One district, including all the contiguous private property so designated shall not be less than five (5) acres.

Section 903.5 Minimum Standards

~~Section 936 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

(CITY OF FLORENCE ONLY)

~~The following standards shall apply to any permitted, accessory or conditional use and structure in this district; See ARTICLE 31 for dimensional standards.~~

1. ~~A 15 X 40 foot driveway will be required for each duplex structure.~~
2. ~~A common entrance shall be provided to the front of duplex buildings.~~
3. ~~Each duplex dwelling shall provide landscaping in the front yard as per bufferyard "A" as outlined in SECTION 3645.~~
4. ~~Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. a garage will be required for each unit which can either be attached or detached to the duplex building.~~
5. ~~The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.~~

Section 903.6 Specific Use Standards

- A. In addition to the requirements of ARTICLE 31, the following standards shall apply to any principally permitted, accessory, or conditional use and/or structure (City of Florence only):
 1. A minimum 15' x 40' driveway will be required for each duplex structure.
 2. A common entrance shall be provided to the front of duplex buildings.
 3. Each duplex dwelling shall provide landscaping in the front yard as per Buffer Yard A as outlined in SECTION 3645 and Buffer Yard Table 36-2.
 4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.



- 5. Each duplex building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.
- B. Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition
 - 1. Uses within this category are limited to wildlife preserve sanctuaries, habitats, cultures and related activities.
- C. Detached Single Family Dwelling Units
 - 1. Landominium developments shall only be permitted within clusters of twenty (20) or more contiguous units.
- D. Duplex Dwelling Unit
 - 1. Shall only be permitted with a garage.
- E. Patio Homes
 - 1. Patio homes shall only be permitted within clusters of twenty (20) or more contiguous units.
- F. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.

SECTION 904 SUBURBAN RESIDENTIAL TWO (SR-2)

- A. The purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

Section 904.1 Principally Permitted And Accessory Uses

~~Section 941 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the SR-2 district.

~~The following uses are permitted:~~

- 1. Detached single family dwelling units;
- 2. Patio homes within clusters of twenty or more contiguous units and in accordance with SECTION 3159;
- 3. Detached single family landominiums within clusters of twenty or more contiguous units.
- 4. Duplex dwelling units with garages, (Not Applicable within the City of Florence). (Site Plan Review required);
- 5. Townhouse dwelling units (Not applicable within the City of Florence). (Site Plan Review required);
- 6. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
- 7. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
- 8. Wild life preserve sanctuaries, habitats, cultures and related activities;
- 9. Garden plots and other similar forms of communal or organizational farming practices;
- 10. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems and picnicking areas.

SECTION 942 Accessory Uses



~~Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:~~

- ~~1. Accessory uses for a dwelling unit:
 - ~~a. Private garages and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds, private greenhouses and gazebos;~~
 - ~~d. Storage of recreational vehicle or unit (according to ARTICLE 31);~~
 - ~~e. Private swimming pool, sauna, bathhouse and like accessories;~~
 - ~~f. The keeping and use of pets and animals;~~~~
- ~~2. Signage (according to ARTICLE 34);~~
- ~~3. Parking (according to ARTICLE 33);~~
- ~~4. Temporary buildings incidental to construction.~~
- ~~5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;~~
- ~~6. Family day care.~~

Section 904.2 Conditional Uses and Criteria

~~Section 943 Conditional Uses and Criteria~~

- ~~A. Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the SR-2 district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.~~
- ~~1. Conversion of an existing dwelling into multiple units of not more than three families (Not Applicable within the City of Florence);~~
- ~~2. Townhouse dwelling units (Site Plan Review required), (City of Florence only);~~
- ~~3. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
- ~~4. Cemeteries including mausoleums;~~
- ~~5. Duplex dwelling units with garages, (City of Florence Only) (Site Plan Review required);~~
- ~~6. Day care centers (Site Plan Review required);~~
- ~~7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 904.3 Intensity

~~Section 944 Intensity~~

- ~~A. The intensity of use in a Suburban Residential Two district shall not exceed eight (8) dwelling units per acre.~~

Section 904.4 Minimum Size

~~Section 945 Minimum Size~~



- A. The minimum size and extent of a Suburban Residential Two district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 904.5 Minimum Standards

~~Section 946 – Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

(CITY OF FLORENCE ONLY)

~~The following standards shall apply to any permitted, accessory or conditional use and structure in this district; See ARTICLE 31 for dimensional standards.~~

- ~~1. A 15 X 40 foot driveway will be required for each duplex structure.~~
- ~~2. A common entrance shall be provided to the front of duplex buildings.~~
- ~~3. Each duplex dwelling shall provide landscaping in the front yard as per bufferyard “A” as outlined in SECTION 3645.~~
- ~~4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. a garage will be required for each unit which can either be attached or detached to the duplex building.~~
- ~~5. The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.~~

Section 904.6 Specific Use Standards

- A. In addition to the requirements of ARTICLE 31, the following standards shall apply to any principally permitted, accessory, or conditional use and/or structure (City of Florence only):
 1. A minimum 15' x 40' driveway will be required for each duplex structure.
 2. A common entrance shall be provided to the front of duplex buildings.
 3. Each duplex dwelling shall provide landscaping in the front yard as per Buffer Yard A as outlined in SECTION 3645 and Buffer Yard Table 36-2.
 4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.
 5. Each duplex building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.
- B. Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibition
 1. Uses within this category are limited to wildlife preserve sanctuaries, habitats, cultures and related activities.
- C. Detached Single Family Dwelling Units
 1. Landominium developments shall only be permitted within clusters of twenty (20) or more contiguous units.
- D. Duplex Dwelling Unit
 1. Shall only be permitted with a garage.
- E. Patio Homes
 1. Patio homes shall only be permitted within clusters of twenty (20) or more contiguous units.



SECTION 905 SUBURBAN RESIDENTIAL THREE (SR-3)

- A. The purpose of the Suburban Residential Three district is to provide a compact, high suburban density neighborhood environment which permits an intermixed variety of dwelling types. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed, and where the SR-3 districtzone may act as an appropriate transition between other districts.

Section 905.1 Principally Permitted And Accessory Uses

~~Section 951 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the SR-3 district.

~~The following uses are permitted:~~

- ~~1. Detached single-family dwelling units;~~
- ~~2. Patio homes in accordance with SECTION 3159;~~
- ~~3. Duplex dwelling units;~~
- ~~4. Townhouse dwelling units (Site plan review required) (See ARTICLE 30);~~
- ~~5. Apartment dwelling units (Site plan review required) (See ARTICLE 30);~~
- ~~6. Condominium and landominium dwelling units (Site Plan Review required);~~
- ~~7. Recreation, defined in this district to be:

 - ~~a. Historic sites, structures, monuments and other exhibits available for public viewing;~~
 - ~~b. Tennis courts;~~
 - ~~c. Play lots or tot lots, playgrounds, play fields or athletic fields;~~
 - ~~d. Swimming beaches and swimming pools;~~
 - ~~e. Picnicking, hiking or walking areas and trails;~~
 - ~~f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.~~~~
- ~~8. Garden plots and similar forms of communal or organizational farming practices;~~

SECTION 952 Accessory Uses

~~Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:~~

- ~~1. Accessory uses for a dwelling unit:

 - ~~a. garages and parking;~~
 - ~~b. structures such as fences and walls;~~
 - ~~c. buildings such as storage sheds, private greenhouses and gazebos;~~
 - ~~d. storage of a recreational vehicle or unit (according to ARTICLE 31)~~
 - ~~e. private swimming pool, sauna, bathhouse and similar accessories;~~
 - ~~f. the keeping and use of pets;~~~~
- ~~2. Signage (according to ARTICLE 34);~~
- ~~3. Parking (according to ARTICLE 33);~~
- ~~4. Temporary buildings incidental to construction.~~



5. ~~Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);~~
6. ~~Accessory dwelling unit;~~
7. ~~Family day care;~~

Section 905.2 Conditional Uses and Criteria

~~Section 953 Conditional Uses and Criteria~~

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the SR-3 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact and intermixed residential character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.~~
 1. ~~Day care centers (Site Plan Review required);~~
 2. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 3. ~~Cemeteries including mausoleums (Site Plan Review required);~~
 4. ~~Unlighted athletic fields;~~
 5. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);~~
 6. ~~Elderly housing facilities (Site Plan Review required);~~

Section 905.3 Intensity

~~Section 954 Intensity~~

- A. The intensity of use in a Suburban Residential Three district shall not exceed eight (8) dwelling units per acre.

Section 905.4 Minimum Size

~~Section 955 Minimum Size~~

- A. The minimum size and extent of a Suburban Residential Three district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 905.5 Minimum Standards

~~Section 956 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 905.6 Concept Development Plan Required

~~Section 957 Concept Development Plan Required~~

- A. A Concept Development Plan, per the requirements of ARTICLE 3 "Amendment," shall be submitted with all Zoning Map Amendment applications that request the Suburban Residential Three district.

Section 905.7 Specific Use Standards



- A. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.
- B. Recreation, Commercial
 - 1. Uses within this category are limited to swimming beaches and swimming pools.

SECTION 906 URBAN RESIDENTIAL ONE (UR-1)

- A. The purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers.

Section 906.1 Principally Permitted And Accessory Uses

~~Section 961 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the UR-1 district.

~~The following uses are permitted:~~

- 1. ~~Detached single-family dwelling units;~~
- 2. ~~Patio homes in accordance with SECTION 3159;~~
- 3. ~~Duplex dwelling units with attached garages;~~
- 4. ~~Townhouse dwelling units (Site Plan Review required) (See ARTICLE 30);~~
- 5. ~~Apartment dwelling units (Site Plan Review) (See ARTICLE 30)~~
- 6. ~~Condominium and landominium dwelling units (Site Plan Review required);~~
- 7. ~~Recreation, defined in this district to be:~~
 - a. ~~Historic sites, structures, monuments and other exhibits available for public viewing;~~
 - b. ~~Tennis courts;~~
 - c. ~~Play lots or tot lots, playgrounds, play fields or athletic fields;~~
 - d. ~~Swimming beaches and swimming pools;~~
 - e. ~~Picnicking, hiking or walking areas and trails;~~
 - f. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.~~
- 8. ~~Garden plots and similar forms of communal or organizational farming practices;~~

SECTION 962 Accessory Uses

~~Accessory uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:~~

- 1. ~~Accessory uses for a dwelling unit:~~
 - a. ~~garages and parking;~~
 - b. ~~structures such as fences and walls;~~
 - c. ~~buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~private swimming pool, sauna, bathhouse and similar accessories;~~



- f. ~~the keeping and use of pets;~~
- 2. ~~Signage (according to ARTICLE 34);~~
- 3. ~~Parking (according to ARTICLE 33);~~
- 4. ~~Temporary buildings incidental to construction.~~
- 5. ~~Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);~~
- 6. ~~Accessory dwelling unit;~~
- 7. ~~Family day care.~~

Section 906.2 Conditional Uses And Criteria

~~Section 963 Conditional Uses and Criteria~~

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the UR-1 district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use of the neighborhood; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.~~
 - 1. ~~Day care centers (Site Plan Review required);~~
 - 2. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 - 3. ~~Cemeteries including mausoleums (Site Plan Review required);~~
 - 4. ~~Unlighted athletic fields;~~
 - 5. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(e);~~
 - 6. ~~Elderly housing facilities (Site Plan Review required).~~

Section 906.3 Intensity

~~Section 964 Intensity~~

- A. The intensity of use in an Urban Residential One district shall not exceed twelve (12) dwelling units per acre.

Section 906.4 Minimum Size

~~Section 965 Minimum Size~~

- A. There is no minimum size or extent required of an Urban Residential One district, rather the size and extend of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

Section 906.5 Minimum Standards

~~Section 966 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivision.

Section 906.6 Specific Use Standards



- A. Duplex Dwelling Unit
 - 1. Shall only be permitted with an attached garage.
- B. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.
- C. Recreation, Commercial
 - 1. Uses within this category are limited to swimming beaches and swimming pools.

SECTION 907 URBAN RESIDENTIAL TWO (UR-2)

- A. The purpose of the Urban Residential Two district is to provide an urban low rise, residential environment for families who do not require or desire the low density attributes or single family character provided in suburban districts.

Section 907.1 Principally Permitted And Accessory Uses

~~Section 969 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the UR-2 district.

~~The following uses are permitted:~~

- 1. ~~Single-family dwelling units;~~
- 2. ~~Patio homes in accordance with SECTION 3159;~~
- 3. ~~Duplex dwelling units with attached garages;~~
- 4. ~~Townhouse dwelling units (Site plan review required) (See ARTICLE 30);~~
- 5. ~~Apartment dwelling units (Site plan review required) (See ARTICLE 30);~~
- 6. ~~Condominium and landominium dwelling units (Site Plan Review required) (See ARTICLE 30);~~
- 7. ~~Recreation, defined in this district to be:~~
 - a. ~~Historic sites, structures, monuments and other exhibits available public viewing;~~
 - b. ~~Tennis courts;~~
 - c. ~~Play lots, to lots or similar urban scaled playgrounds;~~
 - d. ~~Swimming beaches and swimming pools;~~
 - e. ~~Picnicking, hiking or walking areas and trails;~~
 - f. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.~~
- 8. ~~Garden plots and similar forms of communal or organizational farming practices;~~

~~SECTION 970 Accessory Uses~~

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

- 1. ~~Accessory uses for a dwelling unit:~~
 - a. ~~Garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds, greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~Residential swimming pool, sauna, bathhouse and similar accessories;~~



- f. ~~The keeping of household pets;~~
- 2. ~~Signage (according to ARTICLE 34);~~
- 3. ~~Parking (according to ARTICLE 33);~~
- 4. ~~Temporary buildings incidental to construction.~~
- 5. ~~Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);~~
- 6. ~~Accessory dwelling unit.~~
- 7. ~~Family day care.~~

Section 907.2 Conditional Uses And Criteria

~~Section 971 Conditional Uses and Criteria~~

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the UR-2 district. The following uses and appropriate accessories subject to the approval and qualification of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the urban residential character of the district; and, c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district.;~~
 - 1. ~~Day care centers (Site Plan Review required);~~
 - 2. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 - 3. ~~Cemeteries including mausoleums (Site Plan Review required).~~
 - 4. ~~Unlighted athletic fields;~~
 - 5. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);~~
 - 6. ~~Elderly housing facilities (Site Plan Review required).~~

Section 907.3 Intensity

~~Section 972 Intensity~~

- A. The intensity of an Urban Residential Two district shall not exceed twenty (20) dwelling units per acre.

Section 907.4 Minimum Size

~~Section 973 Minimum Size~~

- A. There is no minimum size or extent required of an Urban Residential Two district, rather the size and extent of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

Section 907.5 Minimum Standards

~~Section 974 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 907.6 Specific Use Standards

- A. Duplex Dwelling Unit



- 1. Shall only be permitted with an attached garage.
- B. Recreation, Active
 - 1. Uses within this category are limited to unlighted athletic fields.
- C. Recreation, Commercial
 - 1. Uses within this category are limited to swimming beaches and swimming pools.

SECTION 908 URBAN RESIDENTIAL THREE (UR-3)

- A. The purpose of the Urban Residential Three district is to provide the most urban, compactly organized residential environment for individuals who desire or require close proximity to major institutional facilities or urban centers.

Section 908.1 Principally Permitted And Accessory Uses

~~Section 977 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the UR-3 district.

~~The following uses are permitted:~~

- 1. ~~Single-family dwelling units;~~
- 2. ~~Patio homes in accordance with SECTION 3159;~~
- 3. ~~Duplex dwelling units with attached garages;~~
- 4. ~~Townhouse dwellings units (Site plan review required) (See ARTICLE 30);~~
- 5. ~~Apartment dwelling units (Site plan review required) (See ARTICLE 30);~~
- 6. ~~Condominium and Landominium dwelling units (Site Plan Review required) (See ARTICLE 30);~~
- 7. ~~Recreation, defined in this district to be:~~
 - a. ~~Historic sites, structures, monuments and other exhibits available public viewing;~~
 - b. ~~Tennis courts;~~
 - c. ~~Swimming beaches and swimming pools;~~
 - d. ~~Picnicking, hiking or walking areas and trails;~~
 - e. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.~~

~~SECTION 978 Accessory Uses~~

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

- 1. ~~Accessory uses for a dwelling unit:~~
 - a. ~~Garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds, greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~Residential swimming pool, sauna, bathhouse and similar accessories;~~
 - f. ~~The keeping of household pets;~~
- 2. ~~Signage (according to ARTICLE 34);~~
- 3. ~~Parking (according to ARTICLE 33);~~



4. ~~Temporary buildings incidental to construction.~~
5. ~~Clubhouses, community centers and similar common assembly or shared facilities (Site Plan Review required);~~
6. Accessory dwelling unit;
7. Family day care.

Section 908.2 Conditional Uses And Criteria

~~Section 979 Conditional Uses and Criteria~~

- A. Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the UR-3 district, ~~The following uses and appropriate accessories~~ subject to the approval and qualifications of the Board of Adjustment ~~and Zoning Appeals~~ provided: a) the activity is an integral and subordinate function of a permitted use or is derivative of the type of residential shelter proposed or is a related residential function of the institutional facility being supported; ~~or~~ b) the activity is primarily for residents of the district; and c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district.
 1. ~~Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);~~
 2. ~~Day care centers (Site Plan Review required);~~
 3. ~~Unlighted athletic fields;~~
 4. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);~~
 5. ~~Elderly housing facilities (Site Plan Review required).~~

Section 908.3 Intensity

~~Section 980 Intensity~~

- A. The intensity of use in an Urban Residential Three district shall not exceed thirty (30) dwelling units per acre.

Section 908.4 Minimum Size

~~Section 981 Minimum Size~~

- A. There is no minimum size or extent required of an Urban Residential Three district, rather the size and extend of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

Section 908.5 Minimum Standards

~~Section 982 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards and for developing open space and conventional residential subdivisions.

Section 908.6 Specific Use Standards

- A. Duplex Dwelling Unit
 1. Shall only be permitted with an attached garage.
- B. Recreation, Active
 1. Uses within this category are limited to unlighted athletic fields.



C. Recreation, Commercial

1. Uses within this category are limited to swimming beaches and swimming pools.

SECTION 909 MOBILE HOME PARK (MHP)

- A. The purpose of the Mobile Home Park district is to provide an alternative type of dwelling within well-planned and desirable environments for individuals or families who do not prefer conventional, constructed dwellings and may not desire private property ownership. Such parks should be located in areas with adequate infrastructure and convenient accessibility.

Section 909.1 Principally Permitted And Accessory Uses

~~Section 985 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the MHP district.

~~The following uses are permitted:~~

1. ~~Mobile homes within mobile home parks (Subdivision Review required for all mobile home parks);~~
2. ~~Recreation, defined in this district to be:~~
 - a. ~~Historic sites, structure, monuments and other exhibits available for public viewing;~~
 - b. ~~Tennis courts;~~
 - c. ~~Play lots or to lots, playgrounds, playfields or athletic fields, recreation centers, gymnasiums, clubs and other activities;~~
 - d. ~~Swimming beaches and swimming pools;~~
 - e. ~~Picnicking, hiking areas and trails;~~
 - f. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and the similar uses;~~

SECTION 986 Accessory Uses

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Accessory uses for a mobile home including:~~
 - a. ~~Car ports and parking;~~
 - b. ~~Structures such as trailer skirting, fences and walls;~~
 - c. ~~Buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (according to ARTICLE 31);~~
 - e. ~~The keeping and use of appropriate household pets;~~
2. ~~A dwelling unit of the family of the mobile home park owner-operator and/or resident manager (must meet minimum standards for single-family dwelling of SR-1 district) including the accessory uses listed for a mobile home above plus:~~
 - a. ~~A private garage;~~
 - b. ~~Private swimming pool, sauna, bathhouse and like accessories;~~
 - c. ~~Private recreational courts, complexes or similar recreational activities;~~
3. ~~Signage (According to ARTICLE 34);~~
4. ~~Parking (According to ARTICLE 33);~~



- 5. ~~Temporary buildings incidental to construction.~~
- 6. ~~Clubhouses, community centers and similar common assembly or shared facilities;~~
- 7. ~~Family day care.~~

Section 909.2 Conditional Uses And Criteria

~~Section 987 Conditional Uses and Criteria~~

- A. ~~Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the MHP district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) is a functional activity of a mobile home park; c) the activity (except mobile home sales) is only for residents of the mobile home park; and d) the arrangement of uses, buildings or structures will be mutually compatible with the organization or permitted and accessory uses to be protected in this district.;~~
 - 1. ~~Self-service laundering and dry cleaning services;~~
 - 2. ~~The display of mobile homes for sale from individual mobile home lots (Site Plan Review required). (Each lot shall meet the minimum size requirements as indicated in Table 1 of ARTICLE 31 [unless a preexisting lot of record] and shall meet the minimum parking requirements for a Mobile Home Park district. Such use shall be allowed only in a previously approved Mobile Home Park. An area for mobile home sales and display shall be designated on the Site Plan with only one mobile home allowed to be displayed on each lot. Provisions for adequate pedestrian access, landscaping, and unit skirting shall be required to protect the residential intent of the district;~~
 - 3. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 909.3 Intensity

~~Section 988 Intensity~~

- A. The intensity of use in a Mobile Home Park shall not average more than seven (7) mobile home units per acre.

Section 909.4 Minimum Size

~~Section 989 Minimum Size~~

- A. The minimum size and extent of a Mobile Home Park district, including all the contiguous private property so designated, shall not be less than (10) acres.

Section 909.5 Minimum Standards

~~Section 990 Minimum Standards~~

- A. All permitted, accessory and conditional uses, buildings and structures in this district are subject to:
 - 1. The supplemental, parking and loading, signage regulations of this ordinance order; for individually owned lots the front setback shall be measured from the public right-of-way, edge of easement for private streets, or edge of pavement where no right-of-way or private street easement exists;
 - 2. Requirements of Kentucky Mobile Home and Recreation Vehicle Park regulations specifically including K.R.S. Section 219.310 through 219.404; Permits as required under K.R.S. Section 219.310 through 219.404 shall be included with application for Site Plan Review;
 - 3. Each mobile home shall be provided with adequate anchorage and tie-downs;



4. Any other requirements imposed by the Boone County Health Department or local Building Code;
5. Each mobile home park shall have an appropriate landscape buffer, which shall be located along the perimeter of the site (See ARTICLE 31).

Section 909.6 Specific Use Standards

- A. Personal Service
 1. Uses within this category are limited to self service laundry and dry cleaning services.
- B. Recreation, Commercial
 1. Uses within this category are limited to swimming beaches and swimming pools.

SECTION 910 RESIDENTIAL ONE FAMILY (R-1F)

- A. The purpose of the Residential One Family is to provide low density urban residential development, that is single-family residential in character. Such districts will be located within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

Section 910.1 Principally Permitted And Accessory Uses

~~Section 992 Principally Permitted Uses~~

- A. Table 5-3, in Section 505.2, identifies the principally permitted and accessory uses within the R-1F district.

~~The following uses are permitted:~~

1. ~~Detached single family dwelling units;~~
2. ~~Recreation defined in this district to be open space parks, hiking areas and trails, bikeway systems and picnicking areas.~~

~~SECTION 993 Accessory Uses~~

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Accessory uses for a dwelling unit including:~~
 - a. ~~Private garage and parking (See ARTICLE 33);~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds, private greenhouses and gazebos;~~
 - d. ~~Storage of a recreational vehicle or unit (According to ARTICLE 31);~~
 - e. ~~Private swimming pool, sauna, bathhouse;~~
 - f. ~~The keeping and use of pets;~~
2. ~~Signage (According to ARTICLE 34);~~
3. ~~Temporary buildings incidental to construction.~~
4. ~~Clubhouses, community centers and similar common assembly or shared facilities;~~
5. ~~Family day care.~~

Section 910.2 Conditional Use And Criteria

~~Section 994 Conditional Uses and Criteria~~



- A. Table 5-3, in Section 505.2, identifies those uses which are conditionally permitted within the R-1F district. ~~The following use and their appropriate accessories are~~ subject to the approval and qualifications of the Board of Adjustment ~~and Zoning Appeals~~ provided: a) the activity is an integral and subordinate function of a principally permitted use; ~~or~~ b) the activity will not contradict the low density character of the district; and c) the arrangement of the uses, buildings, and structures will be compatible with the organization of permitted and accessory uses to be protected in the district.:
1. Churches, synagogues, temples, and other place of religious assembly for worship (Site Plan Review required);
 2. Cemeteries including mausoleums (Site Plan Review required);
 3. Horse-related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

Section 910.3 Intensity

Section 995 Intensity

- A. The intensity of the use in a Residential One Family district shall not exceed four (4) dwelling units per acre.

Section 910.4 Minimum Size

Section 996 Minimum Size

- A. The minimum size and extent of a Residential One Family district, including all contiguous private property so designated, shall not be less than five (5) acres.

Section 910.5 Minimum Standards

Section 997 Minimum Standards

- A. See SECTION 3111 for dimensional standards and for developing conventional residential subdivisions



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SECTION 1000 INTENT

- A. The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1001 COMMERCIAL ONE (C-1)

- A. The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector or arterial roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

Section 1001.1 Principally Permitted And Accessory Uses

Section 1011 Principally Permitted Uses

- A. Table 5-4, in Section 505.3, identifies the principally permitted and accessory uses within the C-1 district.

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Medical, dental or optical clinics;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Day care centers;



17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Household electronics sales;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers, greeting cards, magazines and related media;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Signage (See ARTICLE 34);
4. Parking (See ARTICLE 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with SECTION 3154;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);



- 10. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
- 11. ~~Recycling collection containers;~~

Section 1001.2 Conditional Uses And Criteria

~~Section 1013 Conditional Uses and Criteria~~

- A. ~~Table 5-4, in Section 505.3, identifies those uses which are conditionally permitted within the C-1 district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:~~ a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; ~~or~~ b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:
 - 1. ~~Gasoline filling stations and automotive repair facilities;~~
 - 2. ~~Churches, synagogues, temples and other places of religious assembly for worship;~~
 - 3. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 1001.3 Intensity

~~Section 1014 Intensity~~

- A. The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land. The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

Section 1001.4 Minimum Size

~~Section 1015 Minimum Size~~

- A. There is no minimum size or extent required of a Commercial One district.

Section 1001.5 Minimum Standards

~~Section 1016 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. ~~(Site Plan Review required for all permitted uses, See ARTICLE 30)~~

Section 1001.6 Specific Use Standards

- A. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.

SECTION 1002 COMMERCIAL TWO (C-2)

- A. The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.



Section 1002.1 Principally Permitted And Accessory Uses

Section 1021 Principally Permitted Uses

- A. Table 5-4, in Section 505.3, identifies the principally permitted and accessory uses within the C-2 district.

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in SECTION 1111;
3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. China, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Welfare and charitable services;
22. Business associations and professional membership organizations including civic, social and fraternal organizations;
23. Art and craft galleries and similar exhibit space;
24. Aquariums, botanical gardens and other natural exhibitions;
25. Arcades and other amusement centers;
26. Motion picture theaters (indoor);
27. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
28. Recreation centers, gymnasiums, clubs and similar athletic uses;
29. Motorcycle sales or bike shops excluding outside storage;
30. Churches, synagogues, temples and other places or religious assembly for worship;
31. Hotels and motels including convention facilities;



- 32. Pawn shops (~~Not Applicable within the City of Florence~~);
- 33. Auto-parts and accessories stores;
- 34. Gasoline filling station;
- 35. Emergency medical transport helicopter base or heli pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking. **(THIS APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)**

SECTION 1022 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
- 2. A dwelling unit of the property owner, or owner operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
- 3. Signage (See ARTICLE 34);
- 4. Parking (See ARTICLE 33);
- 5. Temporary buildings incidental to construction;
- 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with SECTION 3154;
- 7. Retail sale of motor fuels;
- 8. Drive-up photo finishing services and automatic teller services;
- 9. Indoor target ranges and similar athletic uses;
- 10. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
- 11. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;
- 12. Recycling collection containers.

Section 1002.2 Conditional Uses and Criteria

Section 1023 Conditional Uses and Criteria

- A. Table 5-4, in Section 505.3, identifies those uses which are conditionally permitted within the C-2 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate



function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses 10.6 to be protected in the district;

1. ~~Garden and landscape sales including florist greenhouses, lawn furniture and the like~~
2. ~~Automotive repair facility and wash services for vehicles;~~
3. ~~Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence);**~~
4. ~~Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises **(Does not apply in the City of Florence);**~~
5. ~~Mini-warehouses or storage facilities **(Does not apply in the City of Florence);**~~
6. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~
7. ~~Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.~~
8. ~~Multi-family and/or attached dwelling units including customary accessory uses; designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.~~
9. ~~Body-art services when not adjoining a residential zoned property. **(Applies to the City of Florence Only)**~~

Section 1002.3 Intensity

~~Section 1024 Intensity~~

- A. The intensity of use in a Commercial Two district of under four (4) acres, ~~including all the contiguous private property so designated,~~ shall not exceed 12,000 square feet of gross floor area per acre of land. The intensity of use in a Commercial Two district larger than in a commercial two district of over four (4) acres, ~~the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.~~

Section 1002.4 Minimum Size

~~Section 1025 Minimum Size~~

- A. The minimum size ~~and extent~~ of a Commercial Two district, ~~including all the contiguous private property so designated,~~ shall not be less than two (2) acres.

Section 1002.5 Minimum Standards

~~Section 1026 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. ~~(Site Plan Review required for all permitted uses, See ARTICLE 30)~~

Section 1002.6 Specific Use Standards

- A. Automotive Leasing or Rental
 1. Shall be limited to a maximum storage of fifty (50) vehicles.
- B. Body-Art Services
 1. Within the City of Florence, body-art services are only allowed when not adjoining a residential zoned property.



- C. Eating and Drinking Establishments
 - 1. Drive-in facilities shall only be allowed as an accessory use.
- D. Kenel
 - 1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- E. Motorcycle Sales
 - 1. There shall be no outside storage.
- F. Multi Family Dwelling Unit
 - 1. Designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.
- G. Radio and TV Station
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- H. Townhouse Dwelling Unit
 - 1. Designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.
- I. Truck and Trailer Rental
 - 1. The display of trucks and trailers shall only be permitted in the side or rear yard.
- J. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.

SECTION 1003 COMMERCIAL SERVICES (C-3)

- A. The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in ARTICLE 11. Such districts will generally be organized around ~~about~~ regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from arterial ~~roads major arterials~~. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

Section 1003.1 Principally Permitted And Accessory Uses

Section 1031– Principally Permitted Uses

- A. Table 5-4, in Section 505.3, identifies the principally permitted and accessory uses within the C-3 district.

The following uses are permitted:

- 1. All principally permitted uses of a Commercial One (C-1) district;
- 2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in SECTION 1111.
- 3. Commercial parking facilities and commercial recreational vehicle parking facilities;
- 4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;



5. ~~Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;~~
6. ~~Major furniture, floor coverings, household appliances and home furnishing outlets;~~
7. ~~Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities~~
8. ~~Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;~~
9. ~~Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. ~~Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;~~
11. ~~Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);~~
12. ~~Equipment (light), automobile, truck rental and leasing services;~~
13. ~~Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage, and excluding the repair of tractor trailers and other trucks;~~
14. ~~Florists including greenhouses;~~
15. ~~General dry goods and merchandise stores;~~
16. ~~Department stores, mail order houses, direct retail selling organizations of general merchandise;~~
17. ~~China, glassware and metal ware;~~
18. ~~Travel arranging, transportation ticket and public event or promotional booking agencies;~~
19. ~~Hotels and motels including convention facilities;~~
20. ~~Auto parts and accessories stores;~~
21. ~~Flea markets;~~
22. ~~Churches, synagogues, temples and other places or religious assembly for worship;~~
23. ~~The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~
24. ~~Pawn shops. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~
25. ~~Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;~~

SECTION 1032 Accessory Uses

~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

1. ~~Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:~~
 - a. ~~Stages and similar assembly areas;~~
 - b. ~~Auditoriums, exhibition halls and other public assembly spaces;~~
 - c. ~~Amusement centers;~~
 - d. ~~Tennis courts and billiards;~~
 - e. ~~Play lots, tot lots, recreation centers and similar athletic uses;~~
 - f. ~~Swimming beaches and swimming pools;~~
 - g. ~~General, leisure, ornamental and other park spaces;~~



2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~Appropriate storage of a recreation vehicle or unit;~~
 - e. ~~The keeping and use of appropriate household pets;~~
3. ~~Signage (See ARTICLE 34);~~
4. ~~Parking (See ARTICLE 33);~~
5. ~~Temporary buildings incidental to construction;~~
6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with SECTION 3154;~~
7. ~~Retail sale of motor fuels;~~
8. ~~The rental of trucks and trailers;~~
9. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
10. ~~Recycling collection containers.~~

Section 1003.2 Conditional Uses And Criteria

~~Section 1033 Conditional Uses and Criteria~~

- A. ~~Table 5-4, in Section 505.3, identifies those uses which are conditionally permitted within the C-3 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; and/or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;~~

~~Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;~~

~~Truck stops;~~

~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

~~Indoor kennels for household pets; except in the City of Florence where indoor kennels for household pets are only allowed when not adjoining a residential zoned property.~~

~~Fireworks retail sales. (Does not apply in the City of Union and City of Walton).~~

~~Multi family and/or attached dwelling units including customary accessory uses; designated resident parking shall be provided when dwelling units are part of a mixed use or multi use building or development.~~

Section 1003.3 Intensity

~~Section 1034 Intensity~~

- A. ~~The intensity of use in a Commercial Services (C-3) district shall not exceed 18,000 square feet of gross floor area per acre of land.~~

Section 1003.4 Minimum Size



~~Section 1035 Minimum Size~~

- A. The minimum size ~~and extent~~ of a Commercial Services district, ~~including all the contiguous private property so designated~~, shall not be less than three (3) acres.

Section 1003.5 Minimum Standards

~~Section 1036 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. (~~Site plan review required for all permitted uses, See ARTICLE 30~~)

Section 1003.6 Specific Use Standards

- A. Eating and Drinking Establishment
1. Drive-in facilities shall only be allowed as an accessory use.
- B. Kennel
1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- C. Multi Family Dwelling Unit
1. Designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.
- D. Radio and TV Station
1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- E. Sales and leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises
1. Required buffer yards shall be provided around any display or storage area.
- F. Townhouse Dwelling Unit
1. Designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.
- G. Veterinary Animal Hospital or Clinic
1. Boarding of animals shall be prohibited.

SECTION 1004 COMMERCIAL FOUR (C-4)

- A. The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Districts will ~~Such districts shall~~ be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum ingress and egress ~~and ingress~~ for the local population.

Section 1004.1 Principally Permitted And Accessory Uses

~~Section 1041 Principally Permitted Uses~~



BOONE COUNTY
PLANNING COMMISSION

- A. Table 5-4, in Section 505.3, identifies the principally permitted and accessory uses within the C-4 district.

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
5. Department stores or general merchandise stores;
6. Gasoline filling stations, automotive repair facilities and wash facilities;
7. Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities
8. Furniture stores;
9. Hardware stores;
10. Recreation centers, gymnasiums, clubs and similar athletic uses;
11. Medical, dental or optical clinics;
12. Travel agencies;
13. Legal, architectural, engineering, accounting, insurance and real estate services;
14. Photo finishing services;
15. Florists, excluding greenhouses;
16. Shoe repair and dry cleaning services;
17. Day care centers;
18. Beauty and barber services and tanning salons;
19. Veterinary services and pet grooming services;
20. Bakery stores;
21. Apparel shops;
22. Drug store;
23. Garden and landscaping sales and supplies including florist greenhouse;
24. Fire stations and related services and police stations;
25. Laundromats and self-service washing and drying;
26. Opticians and optical goods;
27. Household electronics sales;
28. Paint and wallpaper stores;
29. Carpet stores;
30. Books, stationery, newspapers, greeting cards, magazines and related media;
31. Sporting goods stores;
32. Video stores;
33. Churches, synagogues, temples and other places or religious assembly for worship;
34. Funeral homes and crematoriums excluding cemeteries or mausoleums;
35. Liquor, beverage, drug and proprietary stores;
36. Auto parts and accessories stores;



- 37. ~~Hotels and motels including convention facilities;~~
- 38. ~~Fireworks retail sales (Does not apply in the City of Union and City of Walton);~~
- 39. ~~Farmers marts (Applies to unincorporated Boone County only).~~

SECTION 1042 Accessory Uses

~~Accessory uses, building and structures customarily incidental and subordinate to any of the permitted uses including:~~

- 1. ~~Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:~~
 - a. ~~Stages and similar assembly areas;~~
 - b. ~~Auditoriums, exhibition halls and other public assembly spaces;~~
 - c. ~~Amusement centers;~~
 - d. ~~Tennis courts and swimming pools;~~
 - e. ~~Play lots, tot lots, recreation centers and similar athletic uses;~~
 - f. ~~General leisure, ornamental and other park spaces;~~
- 2. ~~Signage (See ARTICLE 34);~~
- 3. ~~Parking (See ARTICLE 33);~~
- 4. ~~Temporary buildings incidental to construction;~~
- 5. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with SECTION 3154;~~
- 6. ~~A dwelling unit of the property owner, or owner operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~Appropriate storage of a recreation vehicle or unit;~~
 - e. ~~The keeping and use of appropriate household pets;~~
- 7. ~~Retail sale of motor fuels;~~
- 8. ~~The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);~~
- 9. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
- 10. ~~Recycling collection containers.~~

Section 1004.2 Conditional Uses And Criteria

~~Section 1043 Conditional Uses and Criteria~~

- A. ~~Table 5-4, in Section 505.3, identifies those uses which are conditionally permitted within the C-4 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; and/or b) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses to the district:~~
 - 1. ~~Mini-warehouses or storage facilities;~~
 - 2. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~



Section 1004.3 Intensity

Section 1044 Intensity

- A. The intensity of use in a Commercial Four ~~(C-4)~~ district is 13,000 square feet of gross floor area per 4 acre of land, up to a maximum of. ~~The maximum intensity for any principally permitted use or accessory use shall not exceed~~ 100,000 square feet.

Section 1004.4 Minimum/Maximum Size

Section 1045 Maximum/Minimum Size

- A. The minimum size ~~and extent~~ of a Commercial Four ~~(C-4)~~ district, ~~including all the contiguous private property so designated,~~ shall not be less than three (3) acres.

Section 1004.5 Minimum Standards

Section 1046 Minimum Standards

- A. See SECTION 3111 for dimensional standards. ~~(Site Plan Review required for all permitted uses, See ARTICLE 30)~~

Section 1004.6 Specific Use Standards

- A. Automotive Leasing or Rental
 - 1. Storage shall be limited to a maximum of fifty (50) vehicles.
 - 2. Required buffer yards shall be provided around any display or storage area.
- B. Automotive Sales
 - 1. Storage shall be limited to a maximum of fifty (50) vehicles.
 - 2. Required buffer yards shall be provided around any display or storage area.
- C. Body-Art Services
 - 1. Shall only be allowed when not adjoining a residential zoned property.
- D. Eating and Drinking Establishment
 - 1. Drive-in facilities shall only be allowed as an accessory use.
- E. Motorcycle Sales
 - 1. There shall be no outside storage.
- F. Truck and Trailer Rental
 - 1. The display of trucks and trailers shall only be permitted in the side or rear yards.



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SECTION 1100 OFFICE ONE (O-1)

- A. The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

Section 1100.1 Principally Permitted And Accessory Uses

~~Section 1111 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the O-1 district.

~~The following uses are permitted:~~

- ~~1. Bank related services or credit unions;~~
- ~~2. Business and personal credit services and title services;~~
- ~~3. Security brokers, investment services and finance companies;~~
- ~~4. Insurance agents, brokers and services;~~
- ~~5. Real estate agents, brokers and management services;~~
- ~~6. Real estate management services and builders offices excluding any outside storage equipment and the like;~~
- ~~7. Photographic services;~~
- ~~8. Eating and drinking establishments including alcoholic beverages;~~
- ~~9. Direct mail and advertising services;~~
- ~~10. Stenographic services and other duplicating and mailing services;~~
- ~~11. News agencies and employment services;~~
- ~~12. Business and management consulting services and associations;~~
- ~~13. Motion picture, audio-visual and similar media production and distribution services;~~
- ~~14. Medical, dental, or optical clinics;~~
- ~~15. Legal, engineering, architectural, education and scientific research services;~~
- ~~16. Accounting, auditing and bookkeeping services;~~
- ~~17. Charitable and social services administration offices;~~
- ~~18. Professional membership organizations and labor organizations and civic associations;~~
- ~~19. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;~~
- ~~20. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, As determined by the Zoning Administrator;~~
- ~~21. Veterinary services not including the boarding of animals;~~
- ~~22. Business colleges and trade schools;~~
- ~~23. Recreation centers, gymnasiums and other related recreational facilities;~~



- 24. ~~The retail sale of office supplies and equipment;~~
- 25. ~~Funeral homes and crematoriums excluding cemeteries or mausoleums;~~
- 26. ~~Beauty and barber services and tanning salons.~~
- 27. ~~Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31;~~

SECTION 1112 Accessory Uses

~~Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:~~

- 1. ~~Recreation uses or spaces of integral relation to the developed portions of the district including:~~
 - a. ~~Temporary exhibit spaces;~~
 - b. ~~Aquariums, botanical gardens and other natural exhibitions;~~
 - c. ~~Stages and similar assembly areas;~~
- 2. ~~Accessory uses for an office facility:~~
 - a. ~~Garages and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
- 3. ~~Signage (See ARTICLE 34);~~
- 4. ~~Parking (See ARTICLE 33);~~
- 5. ~~Automatic teller machines;~~
- 6. ~~Single family dwelling unit;~~
- 7. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
- 8. ~~Recycling collection containers.~~

Section 1100.2 Conditional Uses And Criteria

~~Section 1113 Conditional Uses~~

- A. ~~Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the O-1 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; and b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.~~
 - 1. ~~Day care centers;~~
 - 2. ~~Convenient stores;~~
 - 3. ~~Laundering, dry cleaning and dyeing services, including self service;~~
 - 4. ~~Shoe repair, shoe shining and hat cleaning services;~~
 - 5. ~~Florists, excluding greenhouses;~~
 - 6. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).~~

Section 1100.3 Intensity

~~Section 1114 Intensity~~

- A. ~~The maximum total intensity of all uses in an Office One district shall not exceed 16,000 square feet of gross floor area per acre.~~



Section 1100.4 Minimum Size

~~Section 1115 Minimum Size~~

- A. The minimum size or extent required of an Office One District is one (1) acre.

Section 1100.5 Minimum Standards

~~Section 1116 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. ~~(Site Plan Review is required for all permitted uses) (See ARTICLE 30).~~

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.

~~No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.~~

Section 1100.6 Specific Use Standards

- A. Within the City of Florence, no dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) district as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) district.
- B. Radio and TV Station
1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Veterinary Animal Hospital of Clinic
1. Boarding of animals shall be prohibited.

SECTION 1101 OFFICE TWO (O-2)

- A. The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.

Section 1101.1 Principally Permitted And Accessory Uses

~~Section 1121 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the O-2 district.

~~The following uses are permitted:~~

1. ~~All principally permitted uses of an Office One (O-1) District;~~
2. ~~Retail sales of newspapers and magazines, drugs, and proprietary goods;~~
3. ~~Banking and credit union services, including drive-through teller services.~~
4. ~~Convenient stores;~~
5. ~~Laundering, dry cleaning and dyeing services, including self-service;~~
6. ~~Shoe repair, shoe shining and hat cleaning services;~~



7. Florists, excluding greenhouses;
8. Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31.

SECTION 1122 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
 - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
 - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
 - c. Historic sites, structures, monuments and other exhibits available for public viewing;
 - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
 - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
 - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - h. Swimming beaches and swimming pools;
 - i. Picnicking, hiking areas, exercise trails and other recreational uses;
 - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
3. Postal, travel and transportation ticket or forwarding services;
4. Detective, protective and other police services;
5. Signage (See ARTICLE 34);
6. Parking (See ARTICLE 33);
7. Automatic teller machines;
8. Retail defined as:
 - a. Books and stationery;
 - b. Florists excluding greenhouse or outdoor storage or growing areas;
 - c. Cigars and cigarettes;
 - d. Beauty and barber services;
9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;
10. Recycling collection containers.

Section 1101.2 Conditional Uses And Criteria

Section 1123 Conditional Uses and Criteria

- A. Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the O-2 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose



and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district.

1. ~~Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;~~
2. ~~The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;~~
3. ~~Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;~~
4. ~~Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;~~
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Day care centers;
9. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

Section 1101.3 Intensity

~~Section 1124 Intensity~~

- A. The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

Section 1101.4 Minimum Size

~~Section 1125 Minimum Size~~

- A. The minimum size or extent required of an Office Two district is three (3) acres.

Section 1101.5 Minimum Standards

~~Section 1126 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. (Site Plan Review required for all permitted uses) (See ARTICLE 30)

Section 1101.6 Specific Use Standards

- A. Automotive Leasing or Rental
 1. Shall be limited to a maximum of fifty (50) vehicles.
- B. Radio and TV Station
 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Veterinary Animal Hospital or Clinic
 1. Boarding of animals shall be prohibited.

SECTION 1102 INDUSTRIAL ONE (I-1)

- A. The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to



a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district. This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

Section 1102.1 Principally Permitted And Accessory Uses

Section 1131 Principally Permitted Uses

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the I-1 district.

~~Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:~~

- ~~1. All principally permitted uses in an Office Two (O-2) zone;~~
- ~~2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding refining or processing of biodiesel, the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;~~
- ~~3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;~~
- ~~4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;~~
- ~~5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;~~
- ~~6. Furniture and fixtures;~~
- ~~7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;~~
- ~~8. Printing industries;~~
- ~~9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;~~
- ~~10. Soaps and other detergents;~~
- ~~11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;~~
- ~~12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;~~
- ~~13. Electric and electronic equipment;~~
- ~~14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.~~



15. Research and development facilities;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Detective and protective services;
29. Photo-finishing and other photographic laboratories;
30. Electrical repair and armature rewinding services;
31. Reupholstery and furniture repairing and refinishing services;
32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water well drilling, septic and other special construction trade offices, supply, storage and related activities;
33. Postal services and related storage, distribution and transfer activities;
34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. Truck stops;
43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;



- 47. ~~Landscape contracting, grounds keeping, and wholesale nurseries;~~
- 48. ~~Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31.~~
- 49. ~~Crematoriums.~~

SECTION 1132 Accessory Uses

~~Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:~~

- 1. ~~Recreational uses or spaces of integral relation to the purposes of the district defined to be:~~
 - a. ~~Nature preserves, wildlife sanctuaries, open spaces and other natural areas;~~
 - b. ~~Historic sites, structures, monuments and other exhibits available public viewing;~~
 - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
 - d. ~~Golf course and tennis courts;~~
 - e. ~~Swimming beaches and swimming pools;~~
 - f. ~~Picnicking, hiking areas, exercise trails and other recreational uses;~~
 - g. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;~~
 - h. ~~Recreation/Health centers.~~
- 2. ~~The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;~~
- 3. ~~Railroad right-of-way including switching and marshaling trackage and freight terminals;~~
- 4. ~~Marine freight terminals;~~
- 5. ~~Employment services;~~
- 6. ~~Signage (See ARTICLE 34);~~
- 7. ~~Parking (See ARTICLE 33);~~
- 8. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with SECTION 3154;~~
- 9. ~~Food service for office, manufacturing or distribution uses;~~
- 10. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
- 11. ~~Recycling collection containers.~~

Section 1102.2 Conditional Uses And Criteria

~~Section 1133 Conditional Uses and Criteria~~

- A. ~~Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the I-1 district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.:~~
 - 1. ~~Uses in which the primary business activity involves the following:~~
 - a. ~~the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum;~~
 - b. ~~bag cleaning;~~



- c. ~~blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;~~
- d. ~~creosote treatment;~~
- e. ~~distillation of bones, coal or wood;~~
- f. ~~enameling, japanning or lacquering;~~
- g. ~~radium or radioactive elements;~~
- h. ~~crushing or other reduction or waterproofing;~~
- i. ~~the storage of chemicals; The permission of such uses will be decided on an individual basis;~~
- 2. ~~Poultry and small game dressing and packing;~~
- 3. ~~Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;~~
- 4. ~~Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;~~
- 5. ~~Gasoline filling stations and wash services;~~
- 6. ~~Labor unions and similar labor associations;~~
- 7. ~~Day care centers;~~
- 8. ~~Hotels and motels;~~
- 9. ~~Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;~~
- 10. ~~Retail sales or leasing of new and used motor vehicles;~~
- 11. ~~Wholesale vehicle sales or auctions;~~
- 12. ~~Churches, synagogues, temples and other places of religious assembly for worship;~~
- 13. ~~Kennels for household pets; City of Florence only — kennels for household pets only when not adjoining a residential zoned property;~~
- 14. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);~~
- 15. ~~Fireworks retail sales. (Does not apply in the City of Union and City of Walton).~~

Section 1102.3 Intensity

~~Section 1134 Intensity~~

- A. The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

Section 1102.4 Minimum Size

~~Section 1135 Minimum Size~~

- A. The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 1102.5 Supplemental Zoning Map Amendment Standards

~~Section 1137 Supplemental Zoning Map Amendment Standards~~

- A. Zoning Map Amendment applications which request the I-1 ~~district~~zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in SECTION 1610 ~~SECTION 1609~~ "Design Standards" in conjunction with the provisions of ARTICLE 3 "Amendment."



Section 1102.6 Specific Use Standards

- A. Kennel
 - 1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- B. Radio and TV Station
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.

SECTION 1103 INDUSTRIAL TWO (I-2)

- A. The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

Section 1103.1 Principally Permitted And Accessory Uses

~~Section 1141 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the I-2 district.

~~The following uses are permitted:~~

- 1. ~~Any principally permitted use of an Industrial One (I-1) district.~~

~~Also permitted are uses which involve the manufacture, assembly, processing, treatment, or storage of the following:~~

- 2. ~~Acids, creosote, biodiesel, or petroleum products;~~
- 3. ~~Bag cleaning;~~
- 4. ~~Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;~~
- 5. ~~Corrosion of aluminum, copper, iron, tin, lead or zinc;~~
- 6. ~~Distillation of alcohol, coal, or wood;~~
- 7. ~~Electroplating;~~
- 8. ~~Enameling, japanning, or lacquering;~~
- 9. ~~Grinding, sandblasting, cutting, washing, or other reduction or waterproofing;~~
- 10. ~~Poultry and small game products;~~
- 11. ~~Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;~~
- 12. ~~Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction;~~
- 13. ~~Heavy machinery, transportation vehicles and equipment (heavy);~~
- 14. ~~Tobacco products;~~
- 15. ~~Chemicals and allied products;~~
- 16. ~~Petroleum and coal products;~~



17. Rubber and plastics products;
18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;
20. Wholesale trade of paints, varnishes, chemicals, and allied products;
21. Railroad and marine craft rights-of-way including switching and marshaling yards;
22. Electric generating plants and regulating substations and water treatment storage, and distribution plants;
23. Asphalt and concrete plants;
24. Commercial stockyards;
25. Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31;
26. Kennels for household pets; City of Florence only kennels for household pets only when not adjoining a residential zoned property.

SECTION 1142 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Auditorium exhibition halls and other public or miscellaneous assembly;
 - c. Golf courses and tennis courts;
 - d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;
3. Public transit stations and terminals;
4. Signage (See ARTICLE 34);
5. Parking (See ARTICLE 33);
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with SECTION 3154;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;
8. Recycling collection containers.

Section 1103.2 Conditional Uses And Criteria

Section 1143 Conditional Uses and Criteria

- A. Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the I-2 district, The following uses and appropriate accessories subject to the approval and qualifications of



the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. ~~Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;~~
2. ~~Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use;~~
3. ~~Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations;~~
4. ~~Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;~~
5. ~~Gasoline filling stations and wash services;~~
6. ~~Labor unions and similar labor associations;~~
7. ~~Day care centers;~~
8. ~~Retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage.~~
9. ~~Wholesale vehicle sales or auctions;~~
10. ~~Concentrated animal feeding operations;~~
11. ~~Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;~~
12. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).~~
13. ~~Fireworks retail sales. (Does not apply in the City of Union and City of Walton).~~
14. ~~Solid waste transfer stations subject to the following standards.~~
 - a. ~~All transfer activities shall occur within an approved building.~~
 - b. ~~Solid waste transfer stations may be open to the public only between 7:00 AM and 5:00 PM. Internal operations may be conducted between 6:00 AM and 6:00 PM.~~
 - c. ~~The solid waste transfer station shall be staffed during hours of operation.~~
 - d. ~~Solid waste shall not be stored on the premises for more than 24 hours and must be stored in the building. No solid waste may be stored outdoors, including any waste that is in or on vehicles or trailers.~~
 - e. ~~The hours of operation shall be clearly posted at the site's entrance.~~
 - f. ~~All doors shall be kept closed when the solid waste transfer station is not open for business.~~
 - g. ~~The perimeter of the site's vehicular area shall be fenced with a minimum 8 foot high chain link fence, or comparable type fence, which will confine waste within the site. The type, height, and placement of fencing must also meet all other applicable requirements of this order (refer to Sections 3153 and 3655). Fencing shall include a gate(s) which is closed and locked when the solid waste transfer station is closed for business.~~
 - h. ~~An odor control plan shall be submitted with the Conditional Use Permit application for evaluation and approval by the Board of Adjustment. A Conditional Use Permit shall not be granted without an effective odor control plan in place.~~



- i. ~~A parcel or lot containing a solid waste transfer station shall not be located within 600 feet of a parcel containing a single family residence, or within 600 feet on an Agricultural District, Conservation District, or a Residential District~~
- j. ~~No runoff from waste materials shall leave the subject property or enter any stream.~~
- k. ~~Solid waste transfer stations shall comply with all applicable local ordinances and state and/or federal statutes and regulations.~~

Section 1103.3 Intensity

~~Section 1144 Maximum Intensity~~

- A. The maximum intensity of uses in an Industrial Two district shall not exceed 22,000 square feet of gross floor area per acre.

Section 1103.4 Minimum Size

~~Section 1145 Minimum Size~~

- A. The minimum size and extent of an Industrial Two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

Section 1103.5 Supplemental Zoning Map Amendment Standards

~~Section 1147 Supplemental Zoning Map Amendment Standards~~

- A. Zoning Map Amendment applications which request the I-2 ~~district~~zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in SECTION 1610 ~~SECTION 1609~~ "Design Standards" in conjunction with the provisions of ARTICLE 3 "Amendment."

Section 1103.6 Specific Use Standards

- A. Kennel
 - 1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- B. Radio and TV Station
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.

SECTION 1104 INDUSTRIAL THREE (I-3)

- A. Surface Mining District The following regulations shall apply in all Industrial Three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

Section 1104.1 Principally Permitted And Accessory Uses

~~Section 1151 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the I-3 district.

~~The following uses are permitted:~~



1. Any customary agricultural use or structure, excluding dwellings;
2. Essential services and public utilities in accordance with applicable regulations of the Public Service Commission, Department of Transportation, or Federal Power Commission;
3. Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission;
4. Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage, loading and unloading from rail, river or highway vehicles in conformance with A Surface Mining Special Use Permit issued by the Planning Commission;
5. Sexually Oriented Business as defined in ARTICLE 40 and applicable standards in ARTICLE 31.

SECTION 1152 Accessory Uses

Customary accessory uses and structures including operations required to maintain or support any use permitted in this zone on the same site as the permitted use such as maintenance shops, power plants, offices, food service facilities and caretaker or watchman quarters.

Section 1104.2 Conditional Uses And Criteria

Section 1154 Conditional Uses and Criteria

- A. Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the I-3 district. The following uses are permitted as geographic transitions between the uses Principally Permitted in the I-3 District and the existing and permitted uses of adjoining districts. Conditional Uses are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:
 - a) the activity is provided primarily in support of and obtains its trade from the employees of the district and employees and residents of the adjoining areas; b) the activity represents an appropriate land use transition between the mining related activities in the I-3 District and the existing and permitted uses of adjoining areas and districts; c) the use, building or structure is subservient to and not of scale, nature, trade or character which will compete, detract or conflict with the purpose and permitted uses of the I-3 District and adjoining districts; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the adjoining districts.
1. All Principally Permitted Uses and Conditional Uses in the Small Community (SC) Overlay District except residential uses and Bed and Breakfast Inns;
2. Historic sites and structures, and other monuments and exhibits available for public viewing;
3. Miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;
4. Tennis courts, ice skating, roller skating, riding stables, and bowling;
5. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, and other athletic uses and structures;
6. Fishing lakes and fishing lake access, and indoor target ranges;
7. General leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
8. Landscape and plant nurseries including greenhouses, garden and landscape sales, but excluding outdoor display and storage of equipment and vehicles.

Section 1104.3 Application And Process

Section 1156 Application and Process



A. Applications for Industrial Three District zoning shall be processed in three stages as follows:

1. STAGE I – APPLICATION

a. If a site is not currently zoned I-3, then a Zoning Map Amendment application must be submitted in accordance with ARTICLE 3 of this document. Applications for Industrial Three (I-3) District zoning shall include a development plan with the following information in triplicate:

i A written description of the proposed operation addressing each of the following:

(a) Ultimate Land Use Plan: the use of the land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a Professional Engineer, licensed in the State of Kentucky, and shall include the following:

- (1) A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.
- (2) Applications for Surface Mining District zoning shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application.;
- (3) Metes and bounds description of the property for which the zone change is required.;
- (4) A list of the names and current mailing addresses of all abutting property owners. Property located on public right-of-ways opposite the site are considered to be abutting the site. Current mailing address is the address on file at the Property Valuation Office at the Boone County Courthouse.;
- (5) The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding ~~under ARTICLE 4.83E~~ shall include these costs.;
- (6) A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;
- (7) The time frame of proposed final closure plans.;
- (8) A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays.;
- (9) Contemporaneous Reclamation Plan: a written description, prepared by a Professional Engineer licensed in the State of Kentucky, which establishes operational design plans for keeping reclamation operations, including backfilling, grading, soil preparations, and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other



- natural resources and aesthetic values, during operations shall include the following.;
- (10) A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under A.1.a.i.(a).~~(12) paragraph 3,~~ of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below.;
 - (11) A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete.;
 - (12) A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan.;
 - (13) General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations.;
 - (14) A detailed site description and overview of the operations.;
 - (15) Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations.;
 - (16) Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below.;
 - (17) Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings.;
 - (18) Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky



Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation.;

- (19) Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads.;
- (20) A site plan of the site drawn to a scale of one (1) inch equal not more than one hundred (100) feet showing:
 - (i) Proposed ultimate land use after full reclamation.;
 - (ii) Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials.;
 - (iii) Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists.;
 - (iv) Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures.;
 - (v) All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures.;
 - (vi) Location, dimension, and description of proposed buffer strips, screening, and embankments.;
 - (vii) General layout of proposed development showing proposed limits of excavation and all proposed structures.;
 - (viii) All existing structures on the property and within **two hundred (200)** feet of the property lines on adjacent property.;
 - (ix) Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than **ten (10)** feet.;
 - (x) All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment.;
 - (xi) Names of abutting property owners.;
 - (xii) The total area of the property owned or leased by the applicant;
 - (xiii) A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of **one (1)** inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and



archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown.;

(xiv) STAGE II - PUBLIC HEARING

a. Upon receipt of the application, development plan, and required fees, the Planning Commission will conduct a public hearing in accordance with Kentucky Revised Statutes. The development plan shall be available for public inspection at the Planning Commission office during the required public notice time period and shall be presented at the public hearing.

(xv) STAGE III - DEVELOPMENT PLAN APPROVAL AND/OR RECOMMENDATION

Following the public hearing, the Planning Commission shall approve or disapprove the development plan. When the Planning Commission finds that changes in the development plan are necessary prior to approval, and based on information developed in the public hearing, the applicant shall be given thirty days in which to submit a revised development plan. No revisions shall be made other than those discussed at the public hearing and ordered by the Planning Commission. If the development plan is approved, the Planning Commission shall make a recommendation for a Zoning Map Amendment to the appropriate legislative body. The recommendation shall contain the findings of fact developed at the public hearing in support of the zone change. If the development plan is disapproved, the Planning Commission shall make a recommendation to deny the zone change to the appropriate legislative body with a copy of the recommendation to the applicant. The recommendation shall contain the reasons for denying the zone change.

Section 1104.4 Special Use Permit Application

~~Section 1158 - Special Use Permit Application~~

- A. After zoning approval has been granted by the legislative unit or if a site is currently zoned I-3, the developer shall file an application for a Surface Mining Special Use Permit. The application shall include the following information in triplicate:
1. A site plan of the site drawn to a scale of one (1) inch equal to not more than **one hundred (100)** feet showing:
 - a. All information shown on the approved site plan of the Development Plan.;
 - b. Dimension, location of all proposed structures.;
 - c. Typical cross-section through site showing limits of excavation, location of embankments, location of buffer strips, species and density of proposed plantings.;
 - d. Erosion control measures.;
 - e. Location, width and surface types of access road to public road.;



- f. Description of Active Area minimization, and time frame of contemporaneous reclamation of each section. This includes an itemized cost estimate of the reclamation of all property to be disturbed. Estimate will include cost of removing and disposing of structures, grading, fertilizing, seeding, mulching, and planting costs of the final preparations for the Ultimate Land Use Plan.
2. Copies of applications for permits and/or licenses from local, State and Federal agencies having jurisdiction.;
3. Statement that the Planning Commission shall be furnished a copy of all inspection reports from the Kentucky Department of Natural Resources and Environmental Protection.;
4. Contemporaneous Reclamation Plan, which is a written description, prepared by a professional engineer licensed in the State of Kentucky, which establishes operation design plans for keeping reclamation operations, including backfilling, grading, soil preparations and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:
 - a. A detailed site description and overview of the operations.;
 - b. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations.;
 - c. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan.;
 - d. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete.;
 - e. A detailed description of the division of property into sections (each section no larger than the maximum "Active Area" under ~~A.4.c.paragraph 3~~ of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below.
5. Ultimate Land Use Plan, which is the use of land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a professional engineer, licensed in the State of Kentucky, and shall include the following:
 - a. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays.;
 - b. The time frame of proposed final closure plans.;
 - c. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible.;
 - d. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under ~~Section 1104.4.A.6 1158.F~~ shall include these costs.
6. A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation times an escalation factor approved by the Planning Commission. The escalation factor shall be based on the average annual rate of inflation as published by the U.S. Bureau of Labor Statistics for the preceding five years times the number of years or fraction thereof proposed in the schedule of development. The bond shall be in a form approved by the



legislative body having jurisdiction. Additional bond may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted.†

7. Applications for Surface Mining Special Use Permits shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application.†
8. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

Section 1104.5 Performance Requirements

~~Section 1160 Performance Requirements~~

- A. Development and reclamation of the site shall be in accordance with the following definitions and criteria:
 1. Time Limit: The approved facility shall be in substantial operation one year after approval of the Surface Mining Special Use Permit. The applicant, or permittee, shall be subject to annual review by the Planning Commission to assure the permittee's compliance with the Development Plan, Contemporaneous Reclamation Plan, and the Ultimate Land Use Plan as approved by the Planning Commission.
 2. The active mining area, as defined in the Development Plan, shall be maintained at or below the approved permitted size. The reclamation area, as described in the Development Plan, shall be reclaimed contemporaneously as set forth in the Contemporaneous Reclamation Plan and as expeditiously as possible. A map shall be submitted annually by the permittee to the Planning Commission showing the status of the affected area and reclamation.
 3. Failure to complete contemporaneous reclamation of inactive areas will result in disallowance of advancement. If the Planning Commission determines that the development and reclamation of the site has not proceeded in accordance with the approved or amended time frames and plans, the Planning Commission shall notify the permittee of its finding. If the noncompliant activity is not corrected within forty-five (45) days of written notification, the Surface Mining Special Use Permit shall be revoked. If revoked, the permittee shall apply for a Surface Mining Special Use Permit. In addition, a public hearing may be held to rezone the site based upon the recommendation from the Planning Commission and action from the legislative body.
 4. All mining operations and reclamation activity shall be completed no later than twelve (12) years after approval of the Surface Mining Special Use Permit. The Special Use Permit shall be extended for another twelve (12) years depending on the following criteria:
 - a. The site is in compliance with its currently approved plans.†
 - b. No pending violations, either in the past or currently, still exist on the site.
 5. All provisions in the Industrial Three (I-3) zoning classification still apply in the above extension process. Also, any unapproved changes on the site or to the approved plans shall require a new application submittal. Major amendments to the scope of the operation as permitted by the current Surface Mining Special Use Permit shall be submitted for review and approval by the Planning Commission in accordance with Section 1104.2. Major amendments include exceeding the scope or size of the operation beyond that approved through the current Surface Mining



Special Use Permit, altering supplemental conditions of approval, or altering any plan element of substantive effect. Minor amendments do not involve exceeding the scope or size of the operation beyond that currently approved, do not involve alterations in any supplemental conditions of approval, and do not involve altering any plan element of substantive effect. Minor amendments may be approved by the Zoning Administrator.

6. Operations: The approved facility shall be operated at all times in accordance with the following rules and regulations:
 - a. Contemporaneous Reclamation Plan: All operations must be conducted in a manner consistent with the Contemporaneous Reclamation Plan. In addition, hours of operation designations must be maintained. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit.;
 - b. Ultimate Land Use Plan: The operations must be maintained in a manner consistent with the Ultimate Land Use Plan including but not limited to soil conservation etc. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit.;
 - c. Solid Waste Disposal: All solid waste generated by operations on this site shall be disposed of in accordance with the current regulations of the Kentucky Division of Solid Waste which are incorporated herein by reference.;
 - d. Air Pollution: All operations on the site shall be in compliance with the regulations and standards of the Kentucky Division of Air Pollution which are incorporated herein by reference.;
 - e. Water Pollution: All operations on the site shall be in compliance with the rules and regulations and standards of the Kentucky Division of Water Quality and the Corps of Engineers, Department of the Army, which are incorporated by reference.;
 - f. Noise Pollution: All operations on the site shall be in compliance with the rules, regulations and standards of the Kentucky Department of Natural Resources and Environmental Protection and the Kentucky Department of Mines and Minerals.;
 - g. Blasting: All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by reference.;
 - h. Operations: No land, building or structure shall be used or occupied in any manner which causes injury, detriment, nuisance or annoyance to any considerable number of people. Operations which endanger the comfort, repose, health or safety of any person or which causes or has a natural tendency to cause injury or danger to residences, business or other properly zoned uses shall not be conducted. All operations shall employ recognized equipment and procedures of the industry in question to minimize objectionable elements or conditions adversely affecting the surrounding properties. Operation of equipment shall be in accordance with the standards of the industry and the Kentucky Department of Labor.;
 - i. Drainage: Natural drainways in the area of land affected by the operation shall be kept free from over burden. Such drainways shall be identified on the map submitted with the application. If, in the operation it is necessary to cross such a drainway, proper drainage structures shall be provided. Sufficient water retarding structures and silt dams constructed to the approval of the Planning Commission shall be placed in all natural drainways on every operation before the work begins. The proposed location of such dams and structures shall be indicated on the map submitted as part of the special use permit application.;



- j. Highwalls: Where the operation produces a bench or solid rock highwall, at least one suitable access shall be provided to lands above the highwall within each ~~four thousand~~ (4,000) feet of distance along the bench. Any water accumulating on a bench where the drainage is off the operation shall be pumped or siphoned into a natural or constructed drainway. The moving of over burden to release such water shall be prohibited unless a drainway can be constructed with the approval of the Commission.;
- k. Revegetation and Restoration: Requirements for revegetation and demonstration of successful restoration of soil productivity are set forth in "Kentucky Prime Farmland and Crop Production Restoration After Mining," Kentucky Department for Surface Mining Reclamation and Enforcement in consultation with the U.S. Soil Conservation Service, June 1985. This document is incorporated herein by reference.;
- l. Spoil: Spoil or over burden removed shall be placed, graded and stabilized so that soil erosion, surface disturbance and stream sedimentation will be minimized. All grading must be kept current and shall be completed before necessary equipment is removed from the operation.;
- m. Adjacent Property: The conduct of mining and the handling of refuse and other mining wastes shall be done in such a way as to reduce adverse effects in the area and to protect the public and adjoining landowners from damage to their lands, streams, and property.;
- n. Final Cleanup: Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed or buried, and shall be consistent with the Ultimate Land Use Plan.;
- o. Plan Revisions: Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval.;
- p. Access Roads: The access road shall be that section of road beginning at its junction with any public road and ending at the pit which the operator uses as a haul road. Use of a pre-existing private road or any portion thereof by the operator requires:
 - I That the haul road be kept open and in condition that local traffic can use it without damage to their means of transportation.;
 - II That if disturbance by the operator shall make the road impassable, a detour of comparable usability shall be provided.;
 - (a) Paths or trails between pits for the temporary movement of equipment shall not be considered as access roads but nevertheless shall be part of the area affected.;
 - (b) No road shall be constructed up a stream channel proper. Where it is necessary to locate a road parallel to a stream, it should be placed as far as possible from the stream so as to leave a filter strip between road and stream. A filter strip shall be defined as an area of forest or field left untouched and undisturbed by the operator during road construction and road maintenance.;
 - (c) The grading of an access road shall be such that:
 - (I) No sustained grade shall exceed ten percent (10%).;
 - (II) The maximum pitch grade shall not exceed ten percent (10%) for three hundred (300) feet.;
 - (III) There shall not be more than three hundred (300) feet of maximum pitch grade for each 1,000 feet of road construction.
 - (d) The grade on switch back curves must be reduced to less than the approach grade and shall not be greater than five percent (5%).;



- (e) A ditch shall be provided on both sides of a through-cut and on the inside shoulder of a cut-fill sections, with ditch relief cross drains being spaced according to grade. Water shall be intercepted before reaching a switch back or large fill and led off. Water on a fill or switch back shall be released below the fill, not over it.;
- (f) Ditch relief structures will be installed, where possible, according to the following table of spacing in terms of percent of ditch line grade on the basis of **one hundred (100)** sq. in. opening per culvert; (12" dia. round corrugated metal pipes have 113 sq. in. open area)

DITCH LINE GRADIENT	SPACING OF CULVERTS (shall not exceed)
2%	600'
3%	500'
4%	400'
5%	320'
6%	275

- (g) If drainage structures are required in order to cross a stream channel, they shall be such as not to affect the normal flow of the stream. Consideration will be given to the time of year the stream is crossed and the length of time the stream channel is used, but in no event, and under no condition, will the normal flow of the stream be affected or the sediment load of the stream be materially increased.;
- (h) Cut slopes shall not be more than 2:1 in soil and more than 0:1 in rock.;
- (i) All fill and cut slopes shall be seeded during the first planting and/or seeding season after the construction of the road.;
- (j) If a berm is produced in skimming the road, it shall not be left on the ditch side.;
- (k) Roads shall not be surfaced on top with any acid producing material which will produce a runoff of acid, the surface being that part of the road exposed to the elements of wind, rain, and sun.;
- (l) No bridges, culverts, stream crossings, etc. may be removed until the reclamation is completed.;
- (m) When an access road is to be abandoned and shall no longer be used as a road by the operator, the landowners, or the state or national forest services, surface drainage to minimize erosion and vegetative cover shall be provided. Regardless of the future use of the road, adequate surface drainage shall be provided. Abandoned means that the operator has ceased to use the road and has not turned the road over to another party for their use. When adequate surface drainage and vegetative cover has been provided, the operator shall be relieved of all further obligations in maintaining said road.;
- (n) Should the Planning Commission determine that modifications are necessary because of topography or particular watershed situations, the Planning Commission may make such modification.;
- (o) All grades referred to in this regulation shall be subject to a tolerance of two percent (2%) grade. All measurements referred to in this regulation shall be subject to a tolerance of ten percent (10%) of measurement.;



- q. Excavation: No excavation shall be done outside the limit established by projecting a line sloping inward from a property line or right-of-way line at one foot horizontal to one foot vertical.;
- r. Embankment: All excavation in excess of ten (10) feet below original ground elevation shall be surrounded by embankments of not less than ten (10) feet high and ten (10) feet high and ten (10) feet wide at the top. Exterior slopes of this embankment shall be no steeper than three feet horizontal to one foot vertical. The top and slopes of the embankment shall be promptly fertilized and seeded to legumes and perennial grasses.;
- s. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4'), constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his mining permit. Such sign shall be maintained during the life of the operation. Failure to post such sign shall be grounds for the revocation of the permit.;
- t. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Planning Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator.;

Section 1104.6 I-3 District Compatibility Standards

Section 1162 I-3 District Compatibility Standards

A. All Principally Permitted Uses are subject to the following compatibility standards:

- 1. Setbacks/Buffer Yards from Adjoining DistrictsZones and Uses: A minimum two hundred (200) foot buffer yard shall be maintained where the I-3 districtzone adjoins any residential districtzone, agricultural districtszones where there is an existing residence on the lot adjoining the I-3 districtzone, and the Small Community (SC) overlay districtzone; no activity may occur within this two hundred (200) foot buffer yard. A minimum one hundred (100) foot buffer yard shall be maintained from all other districtszones (except the I-3 and I-4 districtszones) and agricultural districtszones where there is no existing residence on the lot adjoining the I-3 districtzone; no activity may occur within this one hundred (100) foot buffer yard. Processing plants and other structures used for materials handling and related purposes shall be setback an additional one hundred fifty (150) feet from the one hundred (100) foot and two hundred (200) foot buffer yards; other mining activities may occur within this one hundred fifty (150) foot additional set back. A minimum fifty (50) foot buffer yard shall be maintained from Conditional Uses within the I-3 districtzone, and along public streets where an I-3 district is the adjoining zone across a public street or road. Tree cover shall be maintained and/or provided throughout the entire buffer yard area. Existing tree cover shall be retained and incorporated into required buffer yards. Where there is not continuous forest cover in a buffer yard, the following shall be provided:
 - a. Berms which are at least ten (10) feet high from the centerline of the adjoining public street when the buffer yard adjoins a street, or from the property line when the buffer yard adjoins another tract, shall be constructed, unless such construction would necessitate the removal of existing forest cover. If construction of ten (10) foot high berming would necessitate the removal of existing forest cover, berms shall be constructed to the highest height possible without removing existing forest cover or exceeding a 3:1 slope. Berming shall meander in the buffer yard when viewed from plan view.



- b. Native hardwood trees which are a minimum of two (2) inch caliper at planting shall be installed at a minimum density of one tree per one hundred fifty (150) square feet for the first fifty (50) feet of a buffer yard from the adjoining districtzone or use; the hardwood tree seedling mixture outlined in Section 1104.7 SECTION 1164 shall also be provided in this area. For any remaining area in a buffer yard, at least one tree shall be installed per two hundred fifty (250) square feet of area - between fifty (50) and seventy (70) percent of these trees shall be evergreen trees that are a minimum of six (6) feet in height at planting and the remainder shall be hardwood trees that are a minimum of two (2) inch caliper at planting; either tree mixture in Section 1104.7 SECTION 1164, or a combination of both tree seedling mixtures, shall also be provided for any remaining area in a buffer yard. All planting materials shall be evenly distributed within a buffer yard from a quantitative standpoint, although formal, rectilinear planting configurations are prohibited. Planting materials shall be selected based on compatibility with soil types, and at least four different species of trees shall be provided for each tree group (hardwood and evergreen).
 - c. Where the difference in topographical elevation between the area to be mined and an adjoining, upslope residential districtzone, or agricultural districtzone where there is an existing residence on the adjoining lot, is fifty (50) feet or greater, berming shall be provided at the top of the slope in accordance with the standards in subsection A above. In this instance, the minimum planting size for the hardwood trees within the first fifty (50) feet of the buffer yard shall be increased to four (4) inch caliper. All required buffer improvements adjoining a specific phase of mining work shall be completed before any mining work within said phase commences, however, overburden may be removed and used in the construction of the required berms within such phase.
2. Setback/Buffer Yards from Adjoining Mining Uses in I-3 and I-4 districtsZones: Buffer Yard A as per SECTION 3645 shall be provided.
 3. Ohio River frontage: Where an I-3 zoned site adjoins the Ohio River, a buffer yard that is at least twenty-five (25) feet wide shall be maintained along the shoreline, outside of the one hundred (100) year flood plain. A line of hardwood trees which are a minimum of two (2) inch caliper at planting shall be installed along the shoreline at a minimum ratio of one (1) tree per ten (10) linear feet, and the hardwood seedling mixture from Section 1104.7 SECTION 1164 shall also be provided in the minimum twenty-five (25) foot wide buffer yard. Any existing tree cover along the shoreline shall be maintained and credited towards the tree planting requirements. These requirements do not apply in instances where port activities occur directly on the Ohio River.
 4. Height: The maximum building height for a mining operation is fifty (50) feet from the original ground elevation.
 5. Maximum Intensity: There are no minimum or average building intensities for Principally Permitted Uses in the I-3 district.
 6. Dust Control and Driveways: Dust control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding runoff and sediment control. The truck washing facility must be a minimum of two hundred (200) feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this two hundred (200) feet. Driveways shall be angled through the buffer yard adjoining the street frontage as to not create a direct viewshed into the mining area from a public road. Curb cuts/driveways shall be constructed as per the standards in ARTICLE 32 for industrial uses. All exiting trucks will be covered with tarps that will control dust emissions. All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into these regulationsthis order and are Special Use Permit requirements.



- 7. Clearing: Clearing of existing vegetation within a specific phase of mining work shall not occur more than six (6) months prior to planned excavation of said phase.
- B. All Conditional Uses are subject to the following compatibility standards:
 - 1. Building Setbacks, Height, and Intensity: All Conditional Uses in the I-3 district shall be subject to the Commercial One (C-1) district standards for building setbacks and height. Building intensity shall not exceed 8,000 square feet of gross building area per acre of land.
 - 2. Landscaping: All Conditional Uses in the I-3 district shall be subject to the landscaping requirements in **ARTICLE 36**. For the purposes of the Buffer Yard requirements in **SECTION 3645**, the Commercial One (C-1) district standards shall be used for the "developing use zone" requirements, except that Buffer Yard A shall be used when a Conditional Use in the I-3 ~~districtzone~~ abuts any other part of an I-3 ~~districtzone~~.
- C. Signage: Principally Permitted and Conditional Uses in the I-3 district shall be subject to the signage requirements in Section 3407.2 ~~SECTION 3450~~ Small Community Overlay District Signage.

Section 1104.7 Reclamation

~~Section 1164 Reclamation~~

- A. Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Reclamation (Title XXVIII, Mines and Minerals KRS Chapter 350 Strip Mining) and additionally, the Boone County Planning Commission.
- B. Criteria
 - 1. Slopes: All earthen banks shall be left with a slope of no greater than three feet horizontal to one foot vertical.;
 - 2. Vegetative Cover: The type and number per acre of trees, shrubs, ground cover or legumes to be planted shall be approved by the Planning Commission in conjunction with the County Agricultural Extension Agent and the following guidelines:
 - a. The objective in re-vegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result.;
 - b. Appropriate re-vegetation shall be seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices.;
 - c. When planting is completed, the operator shall file a copy of the planting report with the Planning Commission on a form to be furnished by the Division of Reclamation.;
 - d. The Planning Commission finding that some flexibility is required in the administration of regulations, where special conditions warrant, may provide for exceptions to the regulation, consistent with the requirements of the Division of Reclamation. All such exceptions shall be presented to the Planning Commission for its approval or rejection.;
 - e. On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded and planted to legumes, perennial grasses, and trees, except as hereinafter provided:;
 - I Roads shall be seeded to legumes and perennial grasses only - no trees being required. This vegetative requirement for roads may be modified if, in the opinion of the Commission, the roadway will not contribute serious off-site damage to the public or to adjacent property owners.;
 - II On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the Commission.;



- III Shrubs for wildlife may be planted to include border plantings, clump planting and intervening strips, at a 6' x 6' spacing. These plantings shall not exceed twenty percent (20%) of the total area planted.;
- IV Where a seam or stratum of solid rock makes vegetation impractical, none shall be required.;
- f. Re-vegetation of the area shall be subject to the following requirements:
 - I All legume seed, except Black Locust, shall be inoculated.;
 - II All Black Locust and Serices Lespedeza seed shall be scarified except when used in fall and winter seeding.;
 - III Experimental planting and/or seeding of trees, shrubs, legumes and perennial grasses not normally recommended, is encouraged in limited quantities provided that no more than twenty percent (20%) of the total area shall be planted in these species.;
 - IV Scarification of the soil, when it has become crusted and hard, is required prior to the seeding of legumes and perennial grasses.;
 - V The application of fertilizer shall be required as set out in subsection (X) below;
 - VI Tree seedling mixtures shall be as follows:

Hardwood mixtures shall consist of two or more of the following:	
European Alder	Red Gum
Sycamore	Cottonwood
Red or Silver Maple	River Birch
Green or White Ash	Red Oak
Black Locust	Hybrid Poplar

The use of European alder and Black locust nurse trees are encouraged but the Black locust shall not exceed twenty-five percent (25%) and/or the European alder fifty percent (50%) of the total mixture. Black locust shall not be mixed with Sycamore and Cottonwood except in a block or belt type of plantings.

Conifer mixtures shall consist of two or more of the following:	
Virginia Pine	Loblolly Pine
Pitch Pine	White Pine
Shortleaf Pine	Scotch Pine

- VII One of the following mixtures shall be used for direct seeding of trees:

Mixture One:	
Black Locust	2 lbs./acre
Serices Lespedeza	5 lbs./acre
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Fescue	10 lbs./acre
Mixture Two: (use at least two of the Pines)	
Loblolly Pine	1 lbs./acre
Virginia Pine	½ lb./acre
Shortleaf Pine	½ lb./acre



Kobe and/or Korean Lespedeza	15 lbs./acre
KY 31 Fescue	10 lbs./acre
Mixture Three:	
Black Locust	2 lbs./acre
Bi-color Lespedeza	5 lbs./acre
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Fescue	10 lbs./acre
Mixture Four: (use at least two of the Pines)	
Loblolly Pine	1 lbs./acre
Virginia Pine	½ lb./acre
Shortleaf Pine	½ lb./acre
Bi-color Lespedeza	5 lbs./acre
KY 31 Fescue	15 lbs./acre

VIII Shrubs for wildlife planting shall be one or more of the following:

Mixture One:	
Bi-color Lespedeza	Arrowwood
Autumn Olive	Tatarian
Silky Dogwood	Honeysuckle
Japonica Lespedeza	Coral Berry

Additional species with demonstrated ability to survive as shown by planting tests will be allowed.

IX Legume and perennial grass seed mixture shall be in the following species and rates:

Mixture One: (for outslopes and other areas where herbaceous competition with trees is not a problem)	
KY 31 Tall Fescue	15 lbs./acre
Weeping Love	2 lbs./acre
Kobe and/or Korean Lespedeza	5 lbs./acre
Serices Lespedeza	15 lbs./acre

Note: Love grass will improve the chances of getting cover in dry years. One half of the Fescue could be replaced with domestic rye grass.

Mixture Two: (for areas where herbaceous vegetation could compete with slow growing conifers and hardwoods)	
Kobe and/or Korean Lespedeza	10 lbs./acre
KY 31 Tall Fescue	15 lbs./acre

- X Minimum fertilizer requirements for grasses and legumes at time of seeding shall be as follows: 100 2 5 lbs. of Phosphorus (P 0) per acre 100 lbs. of Nitrogen (N) per acre
- XI On selected sites a wide choice of other pasture and forage species and rates of seeding which will provide suitable cover are in accordance with acceptable



agricultural practices shall be permitted. Information regarding approved species and mixtures may be obtained from the Division of Reclamation.

- g. Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been achieved. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season.;
 - h. Annual grasses and small grains shall be considered only as a tool in establishing temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover.;
 - i. Standards for legumes and perennial grasses - there shall be established at least a seventy percent (70%) ground cover. Bare areas shall not exceed one-fourth (1/4) acre (100' x 100') in size nor total more than thirty percent (30%) of the area seeded.;
 - j. Standards for woody plants - there shall be six hundred (600) or more woody plants living per acre, including volunteers. Distribution of stems must be fairly uniform, with no areas larger than one-fourth (1/4) acre (100' x 100') in size of substandard stocking.;
3. Time Limit: Restoration of disturbed areas shall begin as soon as possible. Except for areas in constant use such as haul roads, access roads, stock pile areas and processing areas, restoration shall begin according to the approved Development Plan but in no case any later than one year of final extraction.;
 4. Release Bond: The bond required by Section 1104.4 of these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. No more than **fifty percent (50%)** of this bond may be retained for a period of up to **eighteen (18)** months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

Section 1104.8 Minimum Size

~~Section 1168 Minimum Size~~

- A. The minimum size and extent of an Industrial Three (I-3) district, including all the contiguous private property so designated, shall not be less than fifty (50) acres.

Section 1104.9 Minimum Standards

~~Section 1169 Minimum Standards~~

- A. All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:
 1. The supplemental parking and loading regulations of this ordinance.;
 2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment.;
 3. Any condition which may be governed by the Northern Kentucky Independent District Health Department.;
 4. Site Plan Review required for all permitted uses (See ARTICLE 30).;

Section 1104.10 Specific Use Standards

- A. Eating and Drinking Establishment
 1. Franchise style fast food establishments shall be prohibited.
- B. Greenhouse



1. This use includes landscape and plant nurseries, garden and landscape sales.
 2. There shall be no outdoor display and/or storage of equipment or vehicles.
- C. Motorcycle Sales
1. There shall be no outside storage.
- D. Radio and TV Station
1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- E. Veterinary Animal Hospital or Clinic
1. Boarding of animals shall be prohibited.

SECTION 1105 PROFESSIONAL OFFICE ONE (O-1A)

(THIS ZONING DISTRICT APPLIES TO THE CITY OF FLORENCE ONLY)

- A. The purpose of the Professional Office One district is to create a low density, low rise office environment to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Professional Office One district should accommodate smaller scale and independent office uses which need not be located within a larger, consolidated Office Two district or which do not need to be located within a larger, consolidated Office Two district or which do not need or desire to locate in a commercial district. Professional Office One districts will be located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.
- B. No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Professional Office One (O-1A) districtzone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Professional Office One (O-1A) districtzone.

Section 1105.1 Principally Permitted And Accessory Uses

~~Section 1181 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the O-1A district.

~~The following uses are permitted:~~

1. ~~Bank related services (including drive-through facilities);~~
2. ~~Business and personal credit services and title services;~~
3. ~~Security brokers, dealers and flotation services and finance companies;~~
4. ~~Insurance agents, brokers and services;~~
5. ~~Real estate agents, brokers and management services;~~
6. ~~Real estate services and builders offices excluding any outside storage equipment and the like;~~
7. ~~Holding and investment services;~~
8. ~~Photographic services;~~
9. ~~Eating and drinking establishments including alcoholic beverages;~~
10. ~~Direct mail and advertising services;~~
11. ~~Stenographic services and other duplicating and mailing services;~~
12. ~~News syndicate services and employment services;~~
13. ~~Business and management consulting services and associations;~~
14. ~~Motion picture, audio visual and similar media production and distribution services;~~



15. Medical, dental or optical clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Welfare and charitable administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, As determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges and trade schools;
24. Recreation centers, gymnasiums and other related recreational facilities.

SECTION 1182 Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Directional and incidental signage (See ARTICLE 34);
4. Parking (See ARTICLE 33);
5. Temporary buildings incidental to construction;
6. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;
7. Recycling collection containers.

Section 1105.2 Conditional Uses And Criteria

Section 1183 Conditional Uses

- A. Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the O-1A district, The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; and b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.
 1. Single-family or multi-family dwelling units provided the structure was originally designed for residential use, including:



- a. ~~Private garage and parking;~~
- b. ~~Structures such as fences and walls;~~
- c. ~~Buildings such as storage sheds;~~
- 2. ~~Day care centers;~~
- 3. ~~Retail and sales of drugs and proprietary goods;~~
- 4. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).~~

Section 1105.3 Intensity

~~Section 1184 Intensity~~

- A. The maximum total intensity of all uses in a Professional Office One district shall not exceed 20,000 square feet of gross floor area per acre.

Section 1105.4 Minimum Size

~~Section 1185 Minimum Size~~

- A. There is no minimum size or extent required of a Professional Office One District.

Section 1105.5 Minimum Standards

~~Section 1186 Minimum Standards~~

- A. See SECTION 3111 for dimensional standards. ~~(Site Plan Review is required for all permitted uses) (See ARTICLE 30).~~

Section 1105.6 Specific Use Standards

- A. Multi Family Dwelling Unit
 - 1. Shall only be allowed in a structure that was originally designed for residential use.
- B. Radio and YV Station
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Single Family Dwelling Unit
 - 1. Shall only be allowed in a structure that was originally designed for residential use.
- D. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.

SECTION 1106 INDUSTRIAL FOUR (I-4)

(THIS ZONING DISTRICT APPLIES TO UNINCORPORATED BOONE COUNTY ONLY)

- A. Subsurface Mining District The purpose of this district is to regulate subsurface mining, excavation, extraction, processing, storage, conveying, loading, and hauling of stone and similar natural resources, as well as industrial processes using these natural resources as raw materials. These regulations are designed to protect the public health, safety, and welfare by ensuring that the subsurface mining and associated activity does not adversely impact the environment or surrounding land uses.

Section 1106.1 Applicability

~~Section 1188 Applicability~~



- A. The I-4 districtzone regulates both the underground mining and the associated surface activity of a subsurface mine. All mined areas, including those owned or leased by the mining operation and those where mining rights have been obtained are subject to these regulations.

Section 1106.2 Geographic Requirements

~~Section 1189 Geographic Requirements~~

- A. Any I-4 zoning district must be located within 1,500 feet of an existing interstate interchange ramp, as measured along the centerlines of the roadway route. The access driveway must directly access an arterial road as classified by the Boone County Zoning Regulations and the Boone County Transportation Plan. The Planning Commission may also allow access to an existing or planned collector or subcollector road within an industrial zoning district, as long as the affected roadways are constructed to standards of the BOONE COUNTY SUBDIVISION REGULATIONS. All affected roadways must contain adequate lane width or shoulders, and full center and edge striping. The proposed access point must also be able to meet all requirements in ARTICLE 32, Transportation Management of the Boone County Zoning Regulations for trucks, including minimum spacing, corner clearance, and sight distance. If these conditions do not exist, the Planning Commission shall require that they be provided or constructed. Trucks must not exceed the posted weight limits for the affected roadways. The 1,500 feet requirement may be waived if a proposed I-4 districtzone is surrounded by the Airport (A) zoning district and the proposed development would not adversely affect public roadways between the site and the affected interchange.
- B. Any I-4 districtzone shall not be located within 3,000 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area. Any part of the proposed I-4 districtzone district boundary that is designed to solely accommodate access to the I-4 districtzone is exempt from the 3,000 foot requirement. However, no mining or related activities may take place in any portion of an I-4 districtzone exempt from the 3,000 foot requirement for access purposes.
- C. I-4 zoning shall not be placed where topographic conditions preclude a complete visual screen from a major public thoroughfare.
- D. Geographic Guidelines
1. The location of an I-4 districtzone should not cause the provision of centralized water or sanitary sewer service in an area not planned in the current Comprehensive Plan for such services.
 2. The I-4 districtzone should not be located near any existing high-tech industries that have sensitive manufacturing, processing, or handling operations affected by ground vibration, or near churches or other public land uses involving structures sensitive to vibration.

Section 1106.3 Principally Permitted And Accessory Uses

~~Section 1190 Principally Permitted Uses~~

- A. Table 5-5, in Section 505.4, identifies the principally permitted and accessory uses within the I-4 district.

~~The following uses are permitted:~~

1. ~~Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials. Surface mining is not permitted.~~
2. ~~River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities.~~
3. ~~Agriculture (A-1) zone principally permitted uses # 2-14, and Conservation (Cons) zone principally permitted uses #1 and 2.~~



SECTION 1191 Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site.
2. Trucking operations.
3. Rail loading and unloading facilities.
4. Electric generating and similar power plants to serve the site.
5. Dust and noise mitigation operations.
6. Temporary Buildings incidental to construction only.
7. Maintenance shops and facilities to serve equipment directly utilized for a principally permitted use.
8. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any office activity related to a principally permitted use.
9. Food service facilities.
10. Caretaker or watchman quarters.

Section 1106.4 Conditional Uses And Criteria

Section 1192 Conditional Uses

Table 5-5, in Section 505.4, identifies those uses which are conditionally permitted within the I-4 district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted use; and b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Asphalt mixing plants and concrete mixing plants.
2. Principally permitted and Conditional uses of the Industrial One (I-1) zone and Recreation (R) zone.
3. Post-mining uses within a vacated room and pillar mine including:
 - a. Warehousing of non-hazardous materials.
 - b. Storage, computer tapes and other records
 - c. Climate controlled storage or manufacturing operations that do not involve hazardous materials.

Section 1106.5 Application For Zoning

Section 1193 Application for Zoning

- A. Applications for a zoning map amendment to an I-4 zoning district shall undergo a public hearing, and contain a detailed Concept Development Plan. The application form shall contain signatures of all mine operators, property owners, and lessors party to the development.

Section 1106.6 Public Hearing By Planning Commission

Section 1194 Public Hearing by Planning Commission

- A. A public hearing shall be scheduled and conducted in accordance with the public notice requirements and action requirements in ARTICLE 3 of this Code. In addition to these requirements, all property owners within one (1) mile of the proposed I-4 district zone will be notified by letter fourteen (14) days before the public hearing.



Section 1106.7 Approval By Planning Commission

~~Section 1195 Approval by Planning Commission~~

- A. Action on a zoning map amendment for the I-4 ~~districtzone~~ shall follow the pertinent sections in ARTICLE 3 of this code.

Section 1106.8 Required Contents Of Concept Development Plan

~~Section 1196 Required Contents of Concept Development Plan~~

- A. A detailed vicinity map showing the area within a three (3) mile radius of the center of the proposed site. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and ~~archeological~~ ~~archaeological~~ sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices, existing zoning, and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown.;
- B. A development plan of the site drawn to a scale of one (1) inch equal to not more than two hundred (200) feet showing:
1. The total area of the property owned or leased by the applicant.;
 2. Names of abutting property owners.;
 3. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment.;
 4. Existing and proposed contours of the site and all property within two hundred (200) feet, shown with intervals sufficient to show existing and proposed drainage, but not more than ten (10) feet.;
 5. All existing structures on the property and within two hundred (200) feet of the property lines on adjacent property.;
 6. General layout of proposed development showing proposed limits of excavation and all proposed structures.;
 7. Clear delineation of which lands will be subject to ownership, lease, and mineral rights ownership.
 8. Location, dimension, and description of proposed buffer strips, screening, and embankments.;
 9. All existing public roads abutting the site, width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures.;
 10. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work.
 11. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials.;
 12. Proposed interim and ultimate land uses.;
- C. A three dimensional computer generated model which depicts all surface and subsurface operations and ~~a floppy disk which contains~~ the model in digital format. The model shall be in a format that is compatible with the Planning Commission's geographic information system.
- D. A written description of the proposed operation addressing each of the following:
1. Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings.;
 2. A detailed site description and overview of the operations.;



3. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations.;
- E. Ultimate Land Use Plan: the use of the land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a Professional Engineer, licensed in the State of Kentucky, and shall include the following:
1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays.;
 2. The time frame of proposed final closure plans.;
 3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible.;
 4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 1106.13 SECTION 11104 shall include these costs.;
- F. Consistent with ARTICLE 3, a list of the names and current mailing addresses of all abutting property owners and all property owners whose property is within one (1) mile of the proposed I-4 districtzone.
- G. Metes and bounds description of the property for which the zone change is required.;
- H. A written consent by the applicant and owner of the property that a Certificate of Land Use Restriction describing the conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.
- I. The applicant shall provide sufficient information in order for the Planning Commission to contract an independent report on potential blasting impacts on surrounding land. This report shall project anticipated vibration conditions, measured by peak particle velocity and vibration frequency, for an area of one (1) mile radius from the proposed mining site by taking into account the geology and topography of the area.
- J. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

Section 1106.9 Special Use Permit Application

Section 1197 Special Use Permit Application

- A. Where an I-4 zoning district exists, a proposed subsurface mine or an expansion of a mine must undergo the review for a Subsurface Mining Special Use Permit. No application shall be approved until all requirements as described below are completed. The Special Use Permit application and any associated Site Plan application must be approved by the full Boone County Planning Commission at a regular Planning Commission business meeting.

Section 1106.10 Public Notification

Section 1198 Public Notification

- A. Prior to application for a Subsurface Mining Special Use Permit, the applicant shall publish a Notice of Intent to Mine in the legal section of the local newspaper of largest circulation not less than ten (10) days or more than thirty (30) days before application to the Planning Commission. This Notice shall



identify the applicant, the property owner, the proposed location, extent of subject area, and that subsurface mining activity will be proposed.

Section 1106.11 Contents Of Application

~~Section 1199 Contents of Application~~

- A. The application shall include the common name and geologic title of the mineral extracted and the following:
1. Vicinity Map - A vicinity map at a scale of one (1) inch equals 2000 feet. The map shall include the site boundary as well as the area within a one-mile radius of the boundary. It shall also indicate any historical or archaeological sites, public facilities, and environmentally sensitive and geologic hazard areas.
 2. Existing Conditions Map - An existing conditions plan, using a scale of at least one (1) inch equals one hundred (100) feet, shall be submitted including the following information: The total area of the property owned (or leased) by the applicant shall be shown. It should also show all public and private rights-of-ways and easements of record on or abutting the property. Also, provide existing contours of the site and all property within two hundred (200) feet that show drainage courses, retention and detention basins, septic tanks, as well as the names and locations of all creeks, streams, or other bodies of water. Also show any wells. Show any existing structures and identify by type. Show the location of all existing structures on adjoining property within 1,500 feet of the common property lines and edge of leased area, as well as all roads within two hundred (200) feet of the property. Any existing above ground or underground storage tanks must be shown.
 3. Mining Plan - A mining plan, using a scale of at least one (1) inch equals two hundred (200) feet, shall be submitted including the following information: The total area of the property and mineral rights owned (or leased) by the applicant shall be shown with the area to be mined clearly labeled. Also, any proposed new or modified right-of-ways or easements are to be shown. Proposed contours are to be shown (including drainage, retention, storm water retention basins, septic tanks, etc.). All existing structures to be removed and any temporary structures (including roads and parking lots) are to be shown. A general layout of the development that includes a cross section is to be shown. The location, dimension, and description of proposed buffer strips, screening, fencing, embankments, and stockpiles are to be included. A geologic section, ventilation shafts, mining boundary, and pillar layout is to be shown on the plan. Any proposed above-ground or underground storage tanks must be shown. The Planning Commission may request that specific areas of the site be shown at a scale of one (1) inch equals one hundred (100) feet.
 4. Operations Descriptions - A detailed written description of the proposed operations addressing each of the following: The method of mining and processing; estimated life of operation and reserves; hours of operation; dust control; noise control; equipment storage; maintenance areas; topsoil control; erosion control; existing hydrology (including ground water levels); water pollution control methods of surface and ground water; shipping and delivery spillage control; blasting timetable and method; disposal control for all solid wastes generated; subsidence control including roof support factor of safety calculation; and overburden and stockpile control.
 5. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, streams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation,



- treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;
6. Transportation Plan - A transportation plan shall be planned in relationship to the adjoining roadway system and interchange to minimize the impact of traffic, dust, and vehicle noise on areas outside the mining site and shall include information on product shipping and operational deliveries.
 7. Prior Permits - The applicant/owner/operator shall list mining permits of any type issued under the laws of Kentucky or any other state, or the Federal Government which have been revoked or had a bond (or other security deposit) forfeited within five years prior to the date of application.
 8. Reclamation plan describing time frame for all land estimated to be affected by the operation; proposed land use after reclamation is complete; portal closure methods; surface grading including final drainage plans; final ground water elevation; revegetation techniques including plant species, seeding rates, tree species, and size; specific reclamation/revegetation techniques for coping with critical areas such as steep slopes, high drainage flow, or poor soil conditions. Revegetation efforts shall be carried out in accordance with Section 1104.7.
 9. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

Section 1106.12 Performance Requirements

~~Section 11100 Performance Requirements~~

- A. All subsurface mining operations in the I-4 ~~district~~ shall meet the following requirements:
 1. Time Limit: The approved facility shall be under substantial construction one year after approval of the Subsurface Mining Special Use Permit. If no work has taken place, the mine operator or property owner shall provide written explanation of the status of the project, and the Planning Commission may consider holding a public hearing to rezone the site. The Reclamation Areas as described in the Development Plan shall be reclaimed within one year of abandonment. Failure to complete reclamation of inactive areas shall result in disallowance of advancement until these inactive areas are reclaimed or are in the process of being reclaimed. Extensions of these time limits may be approved by the Planning Commission upon written request. If the Commission determines that development and reclamation of the site has not proceeded in accordance with the proposed time frame, a public hearing may be held to rezone the site and the appropriate recommendation made to the legislative body having jurisdiction.‡
 2. Excess excavated stone and spoil shall be handled in either of the following manners, or a combination thereof:
 - a. As soon as adequate space exists within the mine, excess excavated stone and spoil shall be stored in the underground mine area, as opposed to on the surface. The mining operation shall be designed to accommodate this waste storage method.
 - b. Excess excavated stone and spoil shall be used as construction material for the construction of berms along the boundaries of the site that are visible to public view. The berming constructed under this requirement may be also used to fulfill berming requirements stated below. Any site grading must be kept current and shall be completed before necessary equipment is removed from the operation.‡
 3. All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by



reference. These regulations establish the Uniform Municipal Authority, which provide that local governments cannot adopt blasting limits more stringent than the Department of Mines and Minerals. Local blasting limits may be set during the permit or zone change review for each mining operation on case by case through agreement between the operator and local government and/or planning unit. These agreements must be reviewed in relationship to the Uniform Municipal Authority to determine if valid. Ongoing seismic monitoring both on-site and off site shall occur as required. All such records shall be provided to the Planning Commission upon request. The mine operator shall use precision blast initiators to control peak particle velocity, vibration frequency, and detonation intervals to closely control blast design.

4. Blasting shall be designed to comply with 805 KAR 4:020 which governs the amount of explosives a blaster can use based on the distance to the nearest structure. The Planning Commission or Fiscal Court may require a minimum distance between a blast and adjoining public or residential uses based on specific site considerations. Blasting shall take place only between the hours of 8:00 AM and 9:00 PM., Monday through Friday.
5. The mine operator shall produce accurate blast reports, prepared by a civil or mining engineer registered in Kentucky, as required in 805 KAR 4:050 and described in Department of Mines and Minerals publications. Copies of all documentation shall be provided to the Boone County Planning Commission office upon request.
6. A pre -blast survey, prepared by a licensed professional blasting engineer, to the generally accepted standards and with the normal public notification practices of the industry, shall be conducted if requested by a property owner within a one (1) mile radius or by the Planning Commission. The Planning Commission shall have the right to hire consultants to review any pre-blast survey. The results of any pre-blast survey shall be filed with the Boone County Clerk's office.
7. The mine operator shall follow the Federal Mine Safety and Health Regulations 30 CFR 57.
8. No trucking activity shall occur on Saturday after daylight hours or on Sunday. The Planning Commission and Fiscal Court can impose additional restrictions on nighttime trucking activity depending on specific site considerations.
9. Dust Control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding water runoff and sediment control. The truck washing facility must be a minimum of five hundred (500) feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this five hundred (500) feet. All exiting trucks will be covered with tarps that will control dust emissions. All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into this order and are Special Use Permit requirements.
10. The operator of each subsurface mine shall by January first of each year produce new or updated maps of all mine activities. The maps shall be accurate and of professional quality, prepared by a civil or mining engineer registered in Kentucky, and be prepared in digital format to be compatible with the Boone County Geographic Information System (GIS). Three (3) paper copies and one digital copy of the Maps shall be submitted to the Planning Commission.
11. Berms shall be provided along all public roads and along all property lines where disturbed limits are located within five hundred (500) feet, unless the construction of such berms would necessitate the removal of existing forest cover. Berms shall be used to screen the mining operation and to mitigate the impacts of such operation from adjoining properties and public rights-of-way. Berms shall be a minimum of ten (10) feet in height. Existing forest or tree cover shall be maintained in all setback areas with the exception of the access road which connects surface operations to the public road. Additional berming requirements, including increased berm



- height, and/or retention of existing tree features or planting of additional landscape buffering, may be required through the Concept Development Plan review.
12. Points of entry to property containing a mining operation must be secured and monitored for both active and inactive operations. Upon closure of the mine, the owner shall take immediate steps to secure all underground mine openings.
 13. Revegetation and Restoration: Requirements for revegetation, restoration, soil stabilization, and erosion control are outlined in the Industrial Three (I-3) ~~district~~ zone requirements and the Boone County Subdivision Regulations.
 14. Final Cleanup: Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed, and shall be consistent with the Ultimate Land Use Plan. Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection.;
 15. Plan Revisions: Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval.;
 16. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4') with a maximum size of thirty-two (32) square feet, constructed of wood or other durable material, and clearly identify the name of the operator and number of the mining permit. Such sign shall be maintained during the life of the operation.
 17. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator.;

Section 1106.13 Bonding

Section 11101 Bonding

- A. A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation shall be provided. The amount of the bond shall be adjusted at five (5) year intervals, on the date of the approval of the Special Use Permit, to reflect an updated estimate of reclamation costs. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bonds may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted.
 1. Bond - An applicant shall not disturb surface acreage or extend any underground shafts, tunnels, or operations prior to issuance of a permit and approval of a performance bond covering areas to be affected by the new and/or continued operation of mining.
 2. After submission of a permit application in order to conduct mining operations has been approved, but before such a permit is issued, the applicant shall file a bond to the estimated cost of reclamation. The reclamation costs shall be determined based upon information submitted by the applicant and any other information available. The bond shall be approved by the Boone County Planning Commission.
 3. Bond Forfeiture - A bond for a permit area shall be forfeited if the Planning Commission finds that:



- a. The permittee has violated any of the terms, regulations, or conditions of the bond and has failed to take corrective action.;
 - b. The permittee has failed to conduct the mining and reclamation operations in accordance with the regulations and/or conditions of the permit within the time required, and the Planning Commission has determined that it is necessary, in order to fulfill the requirements of the permit, to have someone other than the permittee correct or complete reclamation.;
 - c. The permit for the area or increment under bond has been revoked or the operation terminated, unless the permittee assumes liability to the satisfaction of the Planning Commission for completion of the reclamation work and is diligently and satisfactorily performing such work.
 - d. The permittee has failed to comply with an approved compliance schedule.
 - e. The permittee has become insolvent, been adjudicated as bankrupt, filed a petition in bankruptcy or for a receiver, or had a receiver appointed by any court.
4. Use of Forfeited Fund - The appropriate legislative body shall utilize funds collected from bond forfeiture to complete the reclamation plan on the permit area on which bond coverage applied, as well as covering administrative expenses. The owner shall be responsible for any deficiencies in funds required for completion of the reclamation. Funds remaining after reclamation shall be returned to the person from whom the forfeiture proceeds were received.
5. Bond Release - No portion of the guarantee contained in the release of the bond will be released until after final inspection and evaluations of vegetation cover. There shall be allowed a reduction in the bond amount for all reclamation completed at that time. To release the bond, the operator shall file with the Planning Commission a written report stating under oath that reclamation has been completed on certain acreage and submit the following:
- a. Identification of the operation, permit number and street address.;
 - b. A description of the area of land affected by the operation within the period of time covered by such report with sufficient certainty to enable it to be located and distinguished from other lands.;
 - c. A copy of the Reclamation Plan indicating the area that has been reclaimed and that is being submitted for bond release; The boundary shall be surveyed by a licensed surveyor and the completed reclamation shall be certified by licensed civil or mining engineer.
6. Release of Bond: The bond required by these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. Up to **fifty percent (50%)** of this bond may be retained for a period of up to **eighteen (18)** months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

Section 1106.14 General Requirements

~~Section 11102 General Requirements~~

- A. The minimum front yard setback of any surface activity, including storage, stockpiling, buildings, accessories, excluding any entrance drive or roadway shall be **two hundred (200)** feet.
- B. The minimum side and rear yard setbacks of any surface activity, including storage, stockpiling, buildings, accessory uses, and pavement shall be **two hundred (200)** feet.
- C. The maximum building height permitted for a mining operation is **fifty (50)** feet.
- D. All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:
 1. The supplemental, parking and loading, and signage regulations of this ordinance.;



2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky of law of the United States regulating nuisances and environment.;
 3. Any condition which may be governed by the Northern Kentucky Independent District Health Department.;
 4. Site Plan Review is required for all permitted uses (See ARTICLE 30).;
 5. A-1, Conservation, Recreation, and I-1 uses permitted in the I-4 ~~districtzone~~ by reference shall follow the normal dimensional standards for said ~~districtszones~~ stated in SECTION 3111.
- E. Regulations regarding access road construction shall include the requirements described in Section 1104.5.A.6.p (I-3) of this article.

Section 1106.15 Intensity

~~Section 11103 Maximum Intensities~~

- A. Not applicable.

Section 1106.16 Minimum Size

~~Section 11104 Minimum Size~~

- A. The minimum extent of an Industrial Four (I-4) district, including all the contiguous private property so designated, shall not be less than two hundred (200) acres, unless the operation is surrounded by the Airport (A) zoning district.
- B. The maximum size of surface operations for any one mine operation, including circulation, storage, and accessory uses, shall be two hundred fifty (250) acres.

Section 1106.17 Inspection And Enforcement

~~Section 11105 Inspection and Enforcement~~

- A. The mine operator(s) shall provide copies of all permits and approvals from all state and federal agencies which regulate the mine operation to the Planning Commission. On a monthly basis, the mine operator(s) shall submit copies of all geo-technical, blasting, water quality, air quality, noise emission, and seismic monitoring reports, that were prepared in the preceding month, to the Boone County Planning Commission. The mine operator(s) shall also submit a monthly report to the Boone County Planning Commission that describes the following matters for the preceding month: all inspections conducted by any state or federal agency(ies); any notices of violation or orders to take corrective action issued by any state or federal agency(ies); the number and nature of any citizen complaints made to the mine operator(s); the estimated volume of product and excavated material transported from the site in terms of gross tonnage; and, an estimate of the number of haul trucks used to transport product or excavated materials from the site.
- B. Regular on-site inspections shall be conducted by the Planning Commission on a quarterly basis to ensure compliance with these regulations and the terms of the Subsurface Mining Special Use Permit. In addition, Planning Commission personnel may inspect a mine operation at any time during normal business hours. The mine operator(s) shall allow Planning Commission personnel access to all areas of a mine operation.
- C. The role of the Zoning Administrator and/or Zoning Enforcement Officer regarding violations of the I-4 ~~districtzone~~ requirements shall be to inform the appropriate state or federal agency of possible violations of state and/or federal requirements, or to take enforcement action pursuant to ARTICLE 4 of this order to remedy any violation(s) of these regulations. In addition to the provisions of ARTICLE 4, a violation of any I-4 ~~districtzone~~ requirement can result in the revocation of the Special Use Permit by the full Boone County Planning Commission at a regular Planning Commission Business Meeting. The



mine operator shall be notified of the Business Meeting by certified or registered mail at least fourteen (14) days prior to the Business Meeting.

Section 1106.18 Specific Use Standards

- A. **Aquarium, Arboretum, Botanical Garden, Wildlife Preserve, and Natural Exhibitions**
 - 1. Uses within this category are limited to wildlife preserve sanctuaries, habitats, cultures and related activities.
- B. **Kennel**
 - 1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- C. **Radio and TV Station**
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- D. **Veterinary Animal Hospital or Clinic**
 - 1. Boarding of animals shall be prohibited.



ARTICLE 12 PUBLIC FACILITIES DISTRICT

Contents:

ARTICLE 12 PUBLIC FACILITIES DISTRICT

SECTION 1200 PUBLIC FACILITIES (PF)

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Section 1200.3 Intensity

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Section 1200.5 Minimum Standards

Section 1200.6 Specific Use Standards

SECTION 1200 PUBLIC FACILITIES (PF)

- A. The purpose of this article is to provide a specific zoning classification for a variety of public facilities to promote the proper location of these uses and ensure their long-term continuity and compatibility with adjacent land uses.

Section 1200.1 Mandatory Referral for Public Facilities

See SECTION 213 "Statutory Exemptions."

Section 1200.1 Principally Permitted And Accessory Uses

Section 1211 Principally Permitted Uses

- A. Table 5-6, in Section 505.5, identifies the principally permitted and accessory uses within the PF district.
- B. ~~Federal, state, regional, county, and local and other governmental and public utility offices and facilities including executive, legislative, judicial, administrative and U. S. offices, post offices.~~
- C. ~~Police, fire, civil defense and other protective and related services;~~
- D. ~~Primary, elementary, middle and junior high, secondary, and high schools;~~
- E. ~~Community colleges, colleges and universities;~~
- F. ~~Vocational or trade schools, professional schools, business colleges, and special training and schooling facilities;~~
- G. Hospital complex;
- H. ~~Medical, dental or optical clinics;~~
- I. Mental health facility, inpatient;
- J. Elderly housing facility;
- K. Nursing home;
- L. Substance abuse treatment facility, inpatient;
- M. Substance abuse treatment facility, outpatient;
- N. ~~Cemeteries and mausoleums including funeral houses and crematoriums;~~



- O. Libraries, museums, art and craft galleries, conservatories and cultural exhibits;
- P. Churches or religious assembly uses including apartment dwelling units related to the religious use;
- Q. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
- R. Day care centers;

SECTION 1212 Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:
 - a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;
 - b. Historic sites, structures, monuments, and other exhibits available for public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf driving ranges;
 - e. Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;
 - f. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;
 - g. Swimming beaches and swimming pools;
 - h. Yachting, boat rental, boat access sites, and other marina activities;
 - i. Camping, picnicking, hiking areas, trails and other recreational uses;
 - j. Hunting and fishing grounds;
2. Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:
 - a. Private garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping of security dogs, etc.;
3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
4. Signage (See ARTICLE 34);
5. Parking (See ARTICLE 33);
6. Temporary buildings incidental to construction;
7. Blueprinting and photocopying services;
8. Cafeterias, food service for employees;
9. Books, stationery, and limited sales of office supply articles;
10. Postal services;
11. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;
12. Recycling collection containers.

Section 1200.2 Conditional Uses and Criteria



~~Section 1213 Conditional Uses and Criteria~~

- A. ~~Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the PF district. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.;~~
- B. ~~Telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices;~~
- C. ~~Travel, transportation or promotional event ticketing and forwarding services;~~
- D. ~~The writing, publishing, and production of newspapers, periodicals, books and related media;~~
- E. ~~Retail sale of drug and proprietary goods (Not Applicable within the City of Florence);~~
- F. ~~Amphitheaters, theaters, playhouses, and other entertainment assemblies;~~
- G. ~~Stadiums, arenas, field houses, and other sports assembly uses and structures;~~
- H. ~~Prisons and other correctional institutions;~~
- I. ~~Military bases and reservations;~~
- J. ~~All principally permitted uses in an Office One (O-1) zone;~~
- K. ~~Transitional housing facilities (Not Applicable within the City of Florence);~~
- L. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 1200.3 Intensity

~~Section 1214 Intensity~~

- A. The maximum total intensity of all uses in a Public Facility district shall not exceed 25,000 square feet of gross floor area per acre.

Section 1200.4 Minimum Size

~~Section 1215 Minimum Size~~

- A. There are no minimum size or extent of land common of Public Facilities uses or districts; rather a district may include a single private or public lot of record, if the general performance of the specified use and its affected land so merits.

Section 1200.5 Minimum Standards

~~Section 1216 Minimum Standards~~

- A. All permitted, accessory and conditional uses, buildings, or structures in this district are subject to:
 - 1. Any resolution or order of Boone County or the Commonwealth of Kentucky or law of the United States regulating nuisances, environment and safety.;
 - 2. Any prior conditions which may be prescribed by the Northern Kentucky Independent District Health Department governing provision for or operation of the use, building or structure and its environs.;
 - 3. All permitted uses subject to local zoning regulations must meet the requirements of ARTICLE 30, Site Plan Review.;



4. See SECTION 3111 for dimensional standards for uses that are governed by local zoning regulations.

Section 1200.6 Specific Use Standards

- A. Veterinary Animal Hospital or Clinic
 1. Boarding of animals shall be prohibited.



ARTICLE 13 AIRPORT DISTRICT

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ARTICLE 13 AIRPORT DISTRICT

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SECTION 1300 AIRPORT (A)

- A. The purpose of this article is to provide a specific zoning classification for aviation, industrial, service and commercial uses related to or compatible with Airport operations. In addition, it is the intent of the Airport zone to ensure compatibility between airport facilities and operations and the surrounding land uses. It is furthermore the intent of this Article that the Airport notify the Commission of any proposed development or construction within this zoning district in order to determine the type of review and its associated impact.

Section 1300.1 Principally Permitted And Accessory Uses

~~Section 1305 Permitted Uses~~

- A. ~~Table 5-6, in Section 505.5, identifies the principally permitted and accessory uses within the A district.~~

~~The following uses are permitted:~~

- ~~1. Private and public airports, including runways and landing fields for aircraft and helicopters;~~
- ~~2. Terminals (including retail and commercial uses), hangars, and other facilities necessary for the safe and efficient operation of the Airport;~~
- ~~3. Commercial, office and industrial uses and facilities serving the needs of airport users;~~
- ~~4. Postal services and related storage, distribution and transfer activities;~~
- ~~5. Vehicle rental/leasing businesses;~~
- ~~6. Hotels and motels;~~
- ~~7. Farming uses;~~
- ~~8. Outdoor recreation uses such as athletic fields, golf courses, golf driving ranges, bike trails and open space areas but excluding outdoor theaters and outdoor music amphitheaters.~~
- ~~9. Principally Permitted uses of the I-1 District numbered 1-24 (applies to the City of Florence and Unincorporated Boone County only).~~

SECTION 1310 Accessory Uses



~~Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:~~

- ~~1. parking lots and garages;~~
- ~~2. Fences and walls;~~
- ~~3. Maintenance facilities;~~
- ~~4. signage;~~
- ~~5. Recreational trails.~~
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with SECTION 3154;~~
- ~~7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;~~
- ~~8. Recycling collection containers;~~
- ~~9. Car washes and retail sale or dispensing of motor fuels which are an integral function of a permitted use and which do not enlarge or overpower the activities of permitted uses.~~

Section 1300.2 Conditional Uses And Criteria

~~Section 1320 Conditional Use and Criteria~~

- A. ~~Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the A district, The following uses and appropriate accessories are~~ subject to the approval and qualifications of the Board of Adjustment ~~and Zoning Appeals~~ provided: ~~aA) the activity is an integral and subordinate function of an Airport district or zone but not directly related to an Airport;~~ ~~bB) the proposed activity will further add to, not detract from, the creation of a multi-purpose transportation modal system, and~~ ~~cC) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.;~~
- ~~1. Day care centers;~~
 - ~~2. Recreational uses such as batting cages, miniature golf, go cart tracks and indoor recreational centers;~~
 - ~~3. Private commercial parking lots;~~
 - ~~4. Gasoline filling stations;~~
 - ~~5. Cemeteries;~~
 - ~~6. Kennels for household pets;~~
 - ~~7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).~~

Section 1300.3 Intensity

~~Section 1325 Intensity~~

- A. There are no maximum building intensities for Airport related uses. Any industrial, commercial, recreational and office uses not related to the Airport have a maximum building intensity and other dimensional standards based upon the corresponding I-1, C-2 and R zoning district requirements.

Section 1300.4 Minimum Size

~~Section 1330 Minimum Size~~

- A. The minimum size of an Airport district is fifty (50) acres.

Section 1300.5 Minimum Standards



~~Section 1340 – Minimum Standards~~

- A. See ARTICLE 31 for Performance Standards. Site Plan Review required for all non-Airport related uses. (See ARTICLE 30.)

Section 1300.6 Kentucky Airport Zoning Commission

~~Section 1350 – Kentucky Airport Zoning Commission~~

- A. Airports are also under the jurisdiction of the Kentucky Airport Zoning Commission as authorized in Chapter 183 of the Kentucky Revised Statutes as it pertains to the safe and proper use of an airport.

Section 1300.7 Specific Use Standards

- A. Kenel
 - 1. Within the City of Florence, kennels are only allowed when not adjoining a residential zoned property.
- B. Radio and TV Station
 - 1. Relay, transmitting or receiving towers, or similar free standing equipment shall be prohibited.
- C. Veterinary Animal Hospital or Clinic
 - 1. Boarding of animals shall be prohibited.



ARTICLE 14 RESERVED

Contents:

ARTICLE 14 Reserved



ARTICLE 15 PLANNED DEVELOPMENT DISTRICT (PD)

Contents:

ARTICLE 15 PLANNED DEVELOPMENT DISTRICT (PD)

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SECTION 1500 INTENT

- A. This article establishes ~~is to provide~~ a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of ~~providing~~ ~~proving~~ substantial benefit to the community over the conventional ~~districts and standards~~ ~~districting and other regulations~~ in these regulations, ~~this order~~ but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.
- B. ~~Since Planned Development is an overlay zone, there is always an underlying zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying zone, whether they are permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article.~~
- C. ~~The intensity of use in a Planned Development zone may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zoning district. It may also have overall intensity that is less than the maximum intensity of the underlying zone. Density, open space, infrastructure and other land use factors and impacts are significant in reviewing any Planned Development. Where building intensity is increased on a particular portion of a Planned Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community~~



~~open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Development.~~

- D. ~~A Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to ARTICLE 3. In the case that a specific land use or corridor study has been adopted for an area within a Planned Development district, intensity and open space recommendations of that study shall apply to specific development sites within the study area.~~
- E. The Planned Development district zone promotes, provides, and creates:
1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities.;
 2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure.;
 3. A development pattern which preserves historically significant structures, preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.;
 4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure.;
 5. A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies.;
 6. A signage package that emphasizes consistency and the minimal use of signs.

SECTION 1501 GENERAL PROVISIONS

~~SECTION 1500 INTENT~~

- A. The following general provisions apply to the Planned Development district:
1. ~~This article is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed-use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.~~
 2. Since Planned Development is an overlay district zone, there is always an underlying district zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying district zone, whether they are principally permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article.



3. The intensity of use in a Planned Development district zone may exceed the maximum intensity permitted in the underlying zoning district by up to ~~no more than~~ fifty percent (50%) ~~percent the maximum intensity permitted in the underlying zoning district. It may also have overall intensity that is less than the maximum intensity of the underlying zone.~~ Density, open space, infrastructure and other land use factors and impacts are significant in reviewing any Planned Development. Where building intensity is increased on a particular portion of a Planned Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Development.
4. A Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to ARTICLE 3.
5. In the case that a specific land use or corridor study has been adopted for an area within a Planned Development district, intensity and open space recommendations of that study shall apply to specific development sites within the study area.

~~The Planned Development zone promotes, provides, and creates:~~

1. ~~A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;~~
2. ~~A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure;~~
3. ~~A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;~~
4. ~~More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;~~
5. ~~A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies;~~
6. ~~A signage package that emphasizes consistency and the minimal use of signs.~~

SECTION 1502 PROVISIONS GOVERNING PLANNED DEVELOPMENTS

~~SECTION 1510 Provisions Governing Planned Developments~~

- A. Because of the special characteristics of Planned Developments, ~~planned developments~~, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles in these regulations ~~of this order~~, the provisions of this article shall prevail. In those instances where there are specific regulations for various special area studies, those regulations shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in these regulations ~~this order~~.

SECTION 1503 PERMITTED USES

~~SECTION 1511 Permitted Uses~~

- A. Uses listed as principally permitted, accessory or conditional uses in the underlying district zone are allowed within a Planned Development district as long as the requirements of this article have been



met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying district zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

- B. It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1504 INTENSITY

~~SECTION 1512 Intensity~~

- A. The intensity of use in a Planned Development district may exceed the maximum intensity permitted in the underlying zoning district by up to ~~no more than~~ fifty percent (50%) ~~percent the maximum intensity permitted in the underlying zone district.~~

SECTION 1505 MINIMUM SIZE

~~SECTION 1513 Minimum Size~~

- A. The minimum district size ~~or area~~ required for a Planned Development overlay district is ~~shall be no less than~~ five (5) acres.

SECTION 1506 PLANNED DEVELOPMENT CRITERIA

~~SECTION 1514 Planned Development Criteria~~

- A. Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.
 1. Mixed Use Development and Pedestrian Orientation: Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by SECTION 1501 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.
 2. In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multipurpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian



environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

3. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a Planned Development ~~planned development~~ itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of these regulations ~~this order~~ when needed to address impacts of the proposed development.
4. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying district zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publicly dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
5. **Multi-Modal Transportation System:** Planned Developments ~~developments~~ shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and ~~43~~ 43. Multi-modal facilities should connect to existing and future facilities that lie outside of the site.
6. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section ~~43~~ 43 "Open Space" and Section ~~76~~ 76 "Landscaping."
7. **Landscaping:** Substantial landscaping shall be provided in a Planned Development ~~planned development~~ with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.



8. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.
9. For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects. Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.
10. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
11. Signage: A consistent signage theme shall be provided within a Planned Development ~~planned development~~. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
12. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a Planned Development ~~planned development~~ shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
13. Conformance with Comprehensive Plan: All Planned Developments ~~planned developments~~ shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.
14. Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.



15. A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.
16. Such conditions shall be made a part of the terms under which the development is approved in accordance with ARTICLE 3. Any violation of such conditions shall be deemed a violation of these regulations ~~this order~~.

SECTION 1507 PROCEDURE

~~Section 1515 Procedure~~

- A. After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a Planned Development overlay ~~planned development zoning~~ district or classification may be applied to any other existing district in ~~these regulations~~ this order. The zoning of property with a Planned Development overlay district and an underlying district zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", ~~which gives notice that a development for that property has been approved pursuant to this article~~. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from ~~an the property~~ owner of the property in question.
- B. Development proposals ~~For development plans on sites~~ within the Houston-Donaldson Study Corridor Overlay (HDO) District shall follow the procedures in the current Houston-Donaldson Study Houston-Donaldson Study Area, ~~the recommended implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.~~

SECTION 1508 PRE-APPLICATION MEETING

~~Section 1516 Pre-Application Meeting~~

- A. If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of ~~these regulations~~ this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, ~~these regulations, this order~~ and this article.

SECTION 1509 CONCEPT DEVELOPMENT PLAN

~~Section 1517 Concept Development Plan and Utilization of an Underlying Zone in a Planned Development~~



- A. The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development district zone. ~~The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed.~~ If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in SECTION 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying district zone (formerly ~~also~~ called a "Utilization of an Underlying District Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in SECTION 303.
- B. The submitted Concept Development Plan shall contain a narrative enumerating the benefits of the proposal.

SECTION 1510 PUBLIC HEARING BY PLANNING COMMISSION

~~Section 1518 Public Hearing by Planning Commission~~

- A. Upon receipt of an application for approval of a Concept Development Plan or a Zoning Map Amendment involving the Planned Development overlay district Overlay District, the Planning Commission shall hold at least one public hearing, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in SECTION 305 of these regulations ~~this order~~.

SECTION 1511 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION

~~Section 1520 Approval in Principle by Planning Commission~~

- A. Within sixty (60) days of receipt of an administratively complete application for a Concept Development Plan, as defined in SECTION 306, and after the public hearing required by SECTION 1510 has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements, and standards of ~~these regulationsthis order~~; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. If approved by the legislative body or Fiscal Court, this approval in principle shall constitute a commitment to the general layout of the project, planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the BOONE COUNTY SUBDIVISION REGULATIONS unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source. Final action on the Commission's recommendation of either approval or denial of the Concept Development Plan is taken by the legislative body or Fiscal Court having jurisdiction.

SECTION 1512 ACTION BY LEGISLATIVE BODY OR FISCAL COURT

~~Section 1521 Action by Legislative Body or Fiscal Court~~

- A. Final action for approval or denial of a Planned Development designation or a Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from



the Commission's recommendation the legislative body or Fiscal Court may take final action to approve or deny the Planned Development zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When a Planned Development zoning designation is approved, the subject property so zoned shall be designated "PD" on the Official Zoning Map with the underlying district as part of its zoning classification. Upon approval of a Concept Development Plan to utilize this zoning classification, the notation "CD" shall be placed on the Official Zoning Map. A Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or Planned Development zoning as part of a map amendment shall be filed within thirty (30) days of final action as explained in SECTION 210. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

SECTION 1513 AMENDMENTS TO AN APPROVED CONCEPT DEVELOPMENT PLAN

~~Section 1522 Amendments to an Approved Concept Development Plan~~

- A. Major amendments to an approved Concept Development Plan that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure described in this Article. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.

SECTION 1514 SUBDIVISION AND SITE PLAN APPROVALS

~~Section 1525 Subdivision and Site Plan Approvals~~

- A. After approval of the Concept Development Plan by the Legislative Body or Fiscal Court, or determination by the Planning Commission that the developer's plans are consistent with a specific study that applies to impacts the development site, the developer shall proceed to Subdivision Review and/or Site Plan Review. Provisions for subdivision review are stated in the BOONE COUNTY SUBDIVISION REGULATIONS and for Site Plan Review are outlined in ARTICLE 30 this Zoning Order.



ARTICLE 16 EMPLOYMENT PLANNED DEVELOPMENT DISTRICT (EPD) RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (RPD)

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SECTION 1600 Intent

- A. This Article establishes the Employment Planned Development (EPD) and Residential Planned Development (RPD) districts which generally follow the Planned Development model. The intent of this Article is to provide two flexible zoning districts which allow unique combinations of uses and create high quality design which cannot be effectively achieved under other zoning districts ~~a more flexible and creative zoning procedure, which offers a variety of land uses only if they are properly designed and community impacts are addressed.~~ The EPD and RPD districts are not used in combination with ~~Unlike ARTICLE 15, this Article does not have an underlying zoning district because they are intended to promote creativity in living and business environments through compliance with the adopted comprehensive plan and the qualitative standards outlined herein. This Article encourages the creation of substantial density in designed parts of a site and the creation and/or retention of open space, amenities, and natural features in other parts of a site, consistent with clustering and urbanistic approaches, and enhancing community design throughout a development. The objectives of the EPD and RPD districts are as follows: ~~This article allows for the combination of differing uses not normally located near each other under conventional zoning, but would permit these combinations of uses if design standards or controls are in place to make the proposed uses compatible. ARTICLE 16 is established to allow an applicant the opportunity to design and construct a planned development,~~~~



which ties more closely with all of the Elements in the Boone County Comprehensive Plan and encourages cluster development instead of suburban sprawl where convenience is the result of different uses locating next to each other. Clustered development is typically defined as the placement of structures (attached or detached), utilities and roads in close proximity to each other, which is normally not permitted under conventional zoning regulations or subdivision regulations in order to make cost effective use of infrastructure, to preserve or enhance certain natural characteristics of the land, and to create more substantial and useable open spaces. This unique type of development usually occurs as a result of the size of a parcel of land, the existing topography of a parcel, the high cost of public improvements, or other natural conditions of a parcel. Clustered development can be represented in many forms with regard to residential, recreational, commercial, office and industrial uses.

- B. ARTICLE 16 is divided into two zoning districts or two different types of planned development. Briefly, Employment Planned Development (EPD) is a zoning district, which depicts a major employment center and may consist of industrial, office or commercial uses in a planned development setting. To a limited extent, residential uses may be permitted in an Employment Planned Development district. In contrast, Residential Planned Development (RPD) is a zoning district, which comprises a significant residential population and may consist of a variety of housing types such as but not limited to single-family detached lots, apartments, townhouses, landminiums, condominiums and duplexes in a planned development setting. To a limited extent, office, commercial and recreational uses may be permitted in a Residential Planned Development district.
- C. The Employment Planned Development and Residential Planned Development districts allow flexibility in comparison to the remainder of the Boone County Zoning Regulations by offering innovative approaches and design to implementing the goals and objectives and other elements of the Boone County Comprehensive Plan and so consistent with the Boone County Comprehensive Plan. However, any exceptions to the normally applicable development standards in the Employment Planned Development or Residential Planned Development districts must be requested in writing in the Concept Development Plan application pursuant to ARTICLE 3. Those requirements relate to height, density, use, building configuration, building setbacks, open space, access, internal circulation, parking, lighting, signage, landscaping and utility construction. The objectives of this article consist of the following:
1. To provide a variety of housing types, employment opportunities and recreational and commercial services to achieve a balanced, cohesive and inter-related community.;
 2. To provide for an orderly and creative arrangement of land uses in relation to each other and to the entire community.;
 3. To allow for a mixture of land uses based upon the existing and planned road networks in order to assure safe and efficient transportation patterns.;
 4. To allow for a more efficient use of land by clustering development resulting in a smaller network of utilities and streets.;
 5. To provide ~~some~~ flexibility in building density in exchange for significant open space and amenities and intensity of developable land.;
 6. To facilitate high quality architecture, signage and landscape design, and community arrangement that is more appropriate than what would otherwise be possible through the strict application of the zoning regulations.
 7. ~~To demonstrate that the proposed design and building layout would be more appropriate than what would be possible through the strict application of the zoning regulations;~~
 8. To provide for functional, aesthetic, and beneficial use of open space.;
 9. To preserve or protect the natural features of the site and public views.;



10. To coordinate stage development with of this type in a manner which can be accommodated by the timely provision of public utilities, public facilities, public services, and public road improvements.

SECTION 1601 EPD AND RPD DISTRICTS DEFINED

SECTION 1600 INTENT

The intent of this Article is to provide a more flexible and creative zoning procedure, which offers a variety of land uses only if they are properly designed and community impacts are addressed. Unlike ARTICLE 15, this Article does not have an underlying zoning district. This article allows for the combination of differing uses not normally located near each other under conventional zoning, but would permit these combinations of uses if design standards or controls are in place to make the proposed uses compatible. ARTICLE 16 is established to allow an applicant the opportunity to design and construct a planned development, which ties more closely with all of the Elements in the Boone County Comprehensive Plan and encourages cluster development instead of suburban sprawl where convenience is the result of different uses locating next to each other. Clustered development is typically defined as the placement of structures (attached or detached), utilities and roads in close proximity to each other, which is normally not permitted under conventional zoning regulations or subdivision regulations in order to make cost effective use of infrastructure, to preserve or enhance certain natural characteristics of the land, and to create more substantial and useable open spaces. This unique type of development usually occurs as a result of the size of a parcel of land, the existing topography of a parcel, the high cost of public improvements, or other natural conditions of a parcel. Clustered development can be represented in many forms with regard to residential, recreational, commercial, office and industrial uses.

- A. The ARTICLE 16 is divided into two zoning districts or two different types of planned development. Briefly, Employment Planned Development (EPD) district, is a zoning district, which depicts a major employment centers which center and may consist of industrial, office, and/or of commercial uses in a planned development setting. Residential, civic, and institutional To a limited extent, residential uses may be permitted in an Employment Planned Development district as secondary or support uses. The In contrast, Residential Planned Development (RPD) district is a zoning district, which comprises a significant residential populations population and shall may consist of a variety of housing types such as but not limited to single family detached lots, apartments, townhouses, landominiums, condominiums and duplexes in a planned development setting. Office, To a limited extent, office, commercial, civic, and recreational uses may be permitted in a Residential Planned Development district as secondary or support uses.
- B. The Employment Planned Development and Residential Planned Development districts allow flexibility in comparison to the remainder of the Boone County Zoning Regulations by offering innovative approaches and design which implement the adopted comprehensive plan and create high quality living and business environments. Flexibility in the normally applicable development standards in these regulations can be considered and potentially approved. Any to implementing the goals and objectives and other elements of the Boone County Comprehensive Plan and so consistent with the Boone County Comprehensive Plan. However, any exceptions to the normally applicable development standards in the Employment Planned Development or Residential Planned Development districts must be requested in writing in the Concept Development Plan application pursuant to ARTICLE 3. Those requirements relate to height, density, use, building configuration, building setbacks, open space, access, internal circulation, parking, lighting, signage, landscaping and utility construction. The objectives of this article consist of the following:
- C. To provide a variety of housing types, employment opportunities and recreational and commercial services to achieve a balanced, cohesive and inter-related community;



- D. ~~To provide for an orderly and creative arrangement of land uses in relation to each other and to the entire community;~~
- E. ~~To allow for a mixture of land uses based upon the existing and planned road networks in order to assure safe and efficient transportation patterns;~~
- F. ~~To allow for a more efficient use of land by clustering development resulting in a smaller network of utilities and streets;~~
- G. ~~To provide some flexibility in building density and intensity of developable land;~~
- H. ~~To demonstrate that the proposed design and building layout would be more appropriate than what would be possible through the strict application of the zoning regulations;~~
- I. ~~To provide for functional, aesthetic and beneficial use of open space;~~
- J. ~~To preserve or protect the natural features of the site and public views;~~
- K. ~~To stage development of this type in a manner which can be accommodated by the timely provision of public utilities, public facilities, public services and public road improvements.~~

SECTION 1602 PROVISIONS (APPLICATION AND PROCEDURE) GOVERNING EMPLOYMENT PLANNED DEVELOPMENTS AND RESIDENTIAL PLANNED DEVELOPMENTS

~~SECTION 1601 Provisions (Application and Procedure) Governing Employment Planned Developments and Residential Planned Developments~~

~~Because of the special characteristics of EPDs and RPDs, special provisions governing the development of land for this purpose are required.~~

- A. ~~The following general provisions apply to the EPD and RPD districts:~~
 - 1. ~~Whenever there is a conflict or difference between the provisions of this Article article and those of other articles in these regulations of this order, the provisions of this Article article shall prevail. Subjects not covered by this Article article shall be governed by the respective provisions found elsewhere in these regulations or be modified pursuant to a formal, written request for an exception through the approval of a Concept Development Plan this order or be modified under the authority of the Planning Commission.~~
 - 2. ~~Planned Development (PD) districts, in contrast to EPD and RPD districts, Existing planned developments either proposed by an applicant and approved by the appropriate legislative body or Fiscal Court or a specialized land use and zoning study are subject to the provisions of the ARTICLE 15 of these regulations and are the Boone County Zoning Regulations and not subject to the provisions of this Article.~~
 - 3. ~~The EPD or RPD district notation or designation on a parcel of land does not prohibit all uses. The EPD or RPD designation is intended to allow some uses or activities which are compatible with the surrounding land uses. Compatibility and the intensity of a proposed such use or uses shall be reviewed for compliance with the being subject to the review provisions of this Article.~~
 - 4. ~~EPD and RPD districts shall be approved by the appropriate legislative body or Fiscal Court. EPD and RPD districts shall originate from the Planning Commission, appropriate legislative body or Fiscal Court, or an a private property owner of the property in question. If a legislative unit and/or the Planning Commission initiates the rezoning of a parcel to EPD or RPD, an the property owner of the property in question will be required to submit a Concept Development Plan application for action before the Planning Commission and the appropriate legislative body or Fiscal Court before development may commence.~~



5. Upon approval by the Boone County Planning Commission and the appropriate legislative body or Fiscal Court, an EPD or ~~and an RPD district~~ shall ~~may~~ be applied in the same manner as other conventional zoning districts in these regulations ~~lieu of any other existing district in this order.~~ Upon approval of the Zoning Map Amendment application by request and ~~Concept Development Plan~~ from the appropriate legislative body, ~~the Official Zoning Map shall be annotated for the land area involved shall be designated as so that the district name includes the notation "EPD" or "RPD;" on the Official Zoning Map.~~ These two planned development districts shall be approved by the legislative body or Fiscal Court in the manner provided in ARTICLE 3 of the Boone County Zoning Regulations. Upon approval of a Concept Development Plan in a EPD or RPD district, which may occur simultaneously with the approval of a Zoning Map Amendment, the Official Zoning Map designation shall be annotated for the land area involved with the notation "CD".

SECTION 1603 PERMITTED USES

SECTION 1602 Permitted Uses

- A. The following provisions apply to uses in the EPD and RPD districts:
 1. In any proposed Employment Planned Development (EPD) or Residential Planned Development (RPD) district, the number and type of permitted uses are flexible. Proposed uses may be approved as part of a Concept Development Plan if they are compatible with adjoining land uses, conform to the objectives and standards of this article, and ~~advance fit in with~~ the character of the overall project.
 2. Each Concept Development Plan application ~~developer or applicant~~ is required to define in detail the ~~types of proposed uses~~ type of residential and employment uses.
 3. Commercial, office, civic, and indoor/outdoor recreational uses are permitted in a Residential Planned Development district only if they appear on a neighborhood scale and ~~serve the are oriented towards convenience of~~ commercial, office, civic, and indoor/outdoor recreational needs of the district's residents. Commercial, office, civic, and indoor recreational uses are allowed in a Residential Planned Development district at a maximum of one hundred (100) gross 80 square feet of floor area ~~commercial/office/recreational use~~ per one (1) residential dwelling unit ~~or lot~~.
 4. There is no maximum limit on the amount of land devoted to outdoor or passive recreation ~~and/or retained or created natural areas~~ (e.g. open space).
 5. Short term rentals in residential dwelling units are a Conditional Use in existing Residential Planned Development districts and are subject to the Conditional Use Permit procedure in ARTICLE 2 and the Standards for Short Term Rentals in SECTION 3191. (This applies to Unincorporated Boone County and the City of Florence Only).
 6. ~~Residential Conversely, residential~~ uses are allowed in an Employment Planned Development district to the extent permitted in the following table:-

Total Acreage of Site	Use Cannot Exceed*
1-100 acres	15%
100+ acres	25%

*Defined ~~defined~~ as the percentage of the total project land area uses devoted to residential uses. This table does not apply to mixed-use buildings where at least 50% of the floor area is used for non-residential purposes.

~~The developer or applicant may use those uses listed in any of the zoning classifications of this order so as to describe the type of residential, commercial, office or industrial use to occur in the appropriate planned development district. (e.g. discount retail, specialty retail, light industrial and office/research shall be further defined as to examples of typical tenants).~~



SECTION 1604 MINIMUM SIZE

SECTION 1603 Minimum Size

- A. The minimum size or area for an Employment Planned Development district or a Residential Planned Development district shall not be less than twenty (20) acres.

SECTION 1605 MINIMUM STANDARDS

SECTION 1604 Minimum Standards and Amendments to Concept Development Plan

- A. The Employment Planned Development district and the Residential Planned Development district are ~~shall be minimally~~ subject to the supplemental performance and development standards of these regulations, ~~of this order,~~ unless superseded by any special requirements, conditions ~~or other particulars~~ imposed by the Planning Commission and appropriate legislative body or Fiscal Court in conjunction with the approval of a Zoning Map Amendment and/or Concept Development Plan ~~during the Concept Development Planned application and hearing phases described in this article~~. Such ~~special~~ conditions may include but are not ~~be~~ limited to provisions governing parking, signage, common open space, lands or facilities, disposition of open land, mitigation of impacts, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

~~Amendments to the approved Concept Development Plan involving changes in the proposed uses, intensity, or other elements must be submitted to the Planning Commission for review and approval. The Boone County Planning Commission's Technical Committee will review and evaluate all changes. If the changes are deemed to be minor in nature, the Technical Committee may approve the changes and the applicant or developer may proceed with site plan review or subdivision review. If the changes are deemed to be major or substantial, then the applicant or developer shall be required to file an application before the Boone County Planning Commission for a change in a previously approved Concept Development Plan and a new Public Hearing will be scheduled in accordance with the provisions in this article.~~

SECTION 1606 MAXIMUM INTENSITY AND DENSITY

SECTION 1605 Maximum Intensity and Density

~~Intensity is a unit of measurement defining the level of activity in acres or square footage of all uses in relation to the overall size of the entire site.~~

~~Density is defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres or square footage in relation to a portion of an overall site.~~

- A. Generally, ~~the~~ ~~The~~ maximum building intensity for Employment Planned Development districts consists of the following:

Industrial/Office Uses = ~~25,000~~ 20,000 s.f./acre

Commercial Uses = ~~20,000~~ 15,000 s.f./acre

- B. Greater intensities than these can be permitted if:
 1. Multi-story multi-story buildings and multi-level parking are utilized and the amount of green space or other community amenities is increased; and/or
 2. The development includes dedication of appropriate developable land for public facilities and/or public recreation uses in addition to preserving any developmentally sensitive areas as open space; and/or
 3. Mixed-use buildings are utilized within a tightly arranged urban setting can be shown to increase. Necessary infrastructure, including fire protection must be adequately provided.



- C. Generally, the development intensity permitted in Residential Planned Development districts shall be consistent with the Future Land Use Map of the adopted Boone County Comprehensive Plan. Proposed developments shall ~~be planned in clusters and~~ provide an innovative design as outlined in the intent, objectives and standards of this article. ~~Greater overall development intensity may be granted if the development includes dedication of appropriate developable land for public facilities and/or public recreation uses in addition to preserving developmentally sensitive areas as open space. Any increase in intensity over that recommended by the Comprehensive Plan must be shown by the applicant to be appropriate in terms of infrastructure, adjacent land uses and zoning, and provision of public land.~~

SECTION 1607 PRE-APPLICATION AND PROCEDURE

~~SECTION 1606 Pre-Application and Procedure~~

~~The developer shall meet with the Boone County Planning Commission staff prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.~~

- A. If a property owner proposes and Employment Planned Development or Residential Planned Development district, or to submit a Concept Development Plan in an existing EPD or RPD district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Zoning Map Amendment or Concept Development Plan application. The purpose of the meeting will be to discuss early and informally the purpose and effect of these regulations and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, these regulations, and this Article.
- B. Submittal and Contents of Application for Approval of a Zoning Map Amendment to EPD or RPD or Concept Development Plan in an existing RPD or EPD District.
1. The Planning Commission shall require that the Concept Development Plan and an application form be submitted for the development or redevelopment of property located in an existing or a proposed EPD or and RPD district zone. The Concept Development Plan may be filed with the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a Zoning Map Amendment, then the proposal is subject to the criteria in SECTION 308 as well as the provisions of this Article. If the Concept Development Plan does not involve a zone change, then the proposal is subject only to the provisions of this Article. The contents of the Concept Development Plan submittal shall include the items listed in SECTION 303.
 2. The Planning Commission may recommend, and the legislative body or Fiscal Court may recommend or approve, the proposed Employment Planned Development or Residential Planned Development district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site. The legislative body's or Fiscal Court's approval in principle of the Concept Development Plan shall constitute a commitment to the general layout of the project, the planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of these regulations ~~this order~~ or the BOONE COUNTY SUBDIVISION REGULATIONS unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.
- C. Public Hearing by Planning Commission



1. Upon receipt of an application for approval of a ~~the planned development district request or~~ Concept Development Plan or a Zoning Map Amendment involving the Employment Planned Development or Residential Planned Development district, the Planning Commission shall hold at least one public hearing, ~~within thirty (30) days of receipt of the application,~~ after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in SECTION 305 of this order.

SECTION 1608 LAND USE STANDARDS

SECTION 1607 Land Use Standards

- A. No application or Concept Development Plan shall be approved for an Employment Planned Development district or a Residential Planned Development district under the provisions of this article unless each district and application fulfills the following standards.
 1. The planned development shall generally conform to the adopted Comprehensive Plan with respect to type, character and intensity of use and impact on public facilities, services and road network. The intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions. When applicable, the design mechanisms recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element may be employed. Deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems.;
 2. The planned development shall efficiently utilize the site, and shall protect and preserve the scenic assets and natural features by incorporating existing trees, streams, tree lines along property lines, cemeteries, and topographic features into the site design. The retention of such features may also fulfill portions of the Open Space and Recreational Uses and landscaping requirements in SECTION 1610 ~~SECTION 1609~~. The development shall include the provision that designated natural areas and developmentally sensitive areas as identified on the Future Land Use maps in the adopted Boone County Comprehensive Plan will constitute permanent open space or be dedicated to public or semi-public organizations for recreational or common use.;
 3. Where appropriate, the planned development shall include developable land that is unbuilt and be available for purchase or donation to public agencies for public recreation or public facility building sites. This provision of land can constitute one reason for increased development densities on portions of the site or even an increased overall development intensity in relation to the Boone County Comprehensive Plan, provided other public facilities and services are adequately provided.;
 4. The planned development shall not hinder nor deter development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan.;
 5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and adequate for the uses proposed. The applicant shall make provision for such facilities or utilities which are not presently available or shall construct such facilities for the eventual connection into a public system.
- B. This flexible approach to planned development is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted either one of the two types of planned development zoning districts, the Concept Development Plan ~~property~~



~~owner or developer~~ must demonstrate ~~the~~ achievement of the above objectives and standards. In addition, a proposal ~~property owner or developer's request~~ for a planned development shall ~~would~~ be assessed in terms of its impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services. This demonstration must be in written and/or graphic form as part of the Concept Development Plan submittal. In summary, the proposal must demonstrate ~~property owner or developer is responsible to present~~ why the subject plan is unique and requires special consideration that can only be fulfilled by the EPD or RPD zoning district. Equally as important is that the property in question could be unique with certain qualities and/or amenities that warrant the special consideration of the EPD or RPD district. Proposed developments that cannot be shown to meet these standards may be more appropriately developed under conventional zoning districts.

SECTION 1609 COMPATIBILITY ASSESSMENT STANDARDS

~~SECTION 1608~~ Compatibility Assessment Standards

- A. The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of compatibility of the existing conditions of the site. Each Concept Development Plan application applicant ~~or developer~~ is required to address the following issues in a written and/or graphic manner.
1. How does the proposed project affect the natural features of the site (e.g. soils, topography, drainage areas).?;
 2. Describe in detail the existing road network (e.g. closest arterial road and/or interstate access) that would be used to travel to this proposed project. What is the condition of this road system.? What is the expected impact of the proposed development on the public road system.?
 3. Where is the closest public sanitary sewer line and water line, which could serve this site? What is the capacity of these lines and what would be needed to accommodate this development with existing lines.?
 4. Indicate the location of schools, which would serve the proposed development. What impact would this development have on the school system? Indicate the availability and adequacy of police and fire protection services.;
 5. Demonstrate how the proposed project will impact vehicular traffic or parking in the area and at what level would traffic or parking conditions become unsafe.;
 6. Demonstrate how the proposed project will impact the view for adjoining property owners.;
 7. Demonstrate how the proposed project will impact storm water runoff.;
 8. Demonstrate how the proposed project will impact the demand for additional governmental services. (e.g. fire protection, police protection, etc.).;
 9. Demonstrate how the proposed project will affect the need for off-site public utilities.

SECTION 1610 DESIGN STANDARDS

~~SECTION 1609~~ Design Standards

- A. The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of the design standards contained in this section. Each Concept Development Plan application applicant ~~or developer~~ is required to demonstrate how the proposal ~~proposed~~ Concept Development Plan fulfills the following design standards in a written and/or graphic manner. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.



1. Height: The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site, and meet airport clearance regulations.
2. Placement or location of buildings: Consideration shall ~~should~~ be given to the most appropriate location of buildings based upon access and direct visibility. The location of any building should not interrupt a continuous visual pattern from public view or a public street. Building location should be planned to accomplish a transition with the landscaped areas, pedestrian areas, and parking areas. Building setbacks can vary in order to allow appropriate building location. The setback on the perimeter of the planned development district shall be large enough to protect the privacy and amenity of adjoining uses both existing and anticipated.
3. Preliminary Building Design or Architecture: Building design should be designed in a compatible architectural style if part of a large commercial, residential, industrial or office center. Individual buildings not part of larger development should be compatible with surrounding structures. Sites which are subject to architectural requirements through adopted land use studies shall follow said requirements. All structures shall have a consistent design treatment on all facades. The unified architectural style or building design shall also apply to materials, colors, roof types and entrances, and shall include traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.
4. For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.
5. Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.
6. Scale and Pedestrian Orientation: Consideration shall be given to the scale of each building and architectural detail, which relates to the size of an individual and the natural environment. In general, planned developments shall have a pedestrian scale and orientation. In rendering this decision, emphasis should be given to building mass and how it relates to open space.
7. In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multipurpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multipurpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing



- buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.
8. Elevation: The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side and rear elevation of any building from a public road. Exposed foundations and building elevations from a public street should be minimized.
 9. Historic and Prehistoric Features: Historic features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
 10. Paved Surfaces: Emphasis should be placed on preserving at a reasonable rate the amount of open space. The interior road system, sidewalk system, and parking lot should be designed with this in mind. Paved surface refers to cement, brick pavement, asphalt, cobblestone, or other similar type surfaces. Parking areas should be treated with decorative elements, fence, or wall extensions, plantings, berms as other means so as to screen parking areas from public view or soften their visual impact. Large parking lots shall be designed with landscaped islands, parking lots and driveway aisles should be either asphalt or concrete. Landscaped entrances with trees and bushes should be encouraged near the entrances of any commercial, retail or industrial development and any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
 11. Fences, Walls and Landscaped Berms: Consideration should be given to brick walls, fences and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line or adjacent to a road. These fences, walls and/or berms shall be designed and maintained in relationship with character of the surrounding land uses and structures.
 12. Landscaping: Consideration should be given to the ~~predominance of a~~ quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscaped areas, and quantity and quality of landscape materials) within the developed portions of the site. Landscaping details will be evaluated on the entire site and surrounding any proposed structure and shall be reviewed in relation to adjacent properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public's benefit. Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. Plantings should be used to soften the impact of parking and loading areas. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public. The use of landscape design guidelines is required for multi-phased projects.
 13. Open Space and Recreational Uses: Residential Planned Developments shall make a provision for preserving open space and devoting an appropriate portion of the site to meet the recreational (either active or passive recreation) needs of the residential population at a minimum, and such open spaces are strongly encouraged in Employment Planned Developments. These spaces may be provided in the form of linear parks, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide linear parks with multi-purpose paths, activity or scenic areas, or to protect stream corridors, is strongly advocated. Any site proposed



- to be publicly dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
14. Signage: Signage should be designed to protect the visual order of any site and to minimize the impact of adjacent properties. Consideration should be given to the number, location, size and height of any building mounted sign or free-standing sign. a consistent signage theme shall be provided within a planned development. Except ~~in~~ ~~on~~ residential areas, building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
 15. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible.
 16. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area subject to public view from a public street if not used both for stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area subject to public view from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties.
 17. Transportation Design: Principal vehicular access shall be from major streets and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Maximum separation of vehicular traffic on major roads from pedestrian and recreational areas shall occur. The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans.
 18. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described above.
 19. Location of Land Uses: Land uses shall be located primarily for convenience to the service area and compatibility with the adjoining land uses. If conflicting land uses are intended to be located near each other, measures shall be taken to mitigate the impact of the uses upon each other.

SECTION 1611 FINDINGS AND ACTION BY PLANNING COMMISSION AND LEGISLATIVE UNIT

~~SECTION 1610 Findings Necessary For a Zoning Map Amendment or Concept Development Plan Approval In an EPD Or RPD District~~

~~Each application shall conform to the criteria in SECTION 308 of the Boone County Zoning Regulations in presenting the basis for granting a Zoning Map Amendment or approval of a Concept Development Plan in an EPD or RPD district. In addition, each application shall be in conformance with the standards and requirements stated in this Article.~~



~~Section 1611 Action by Planning Commission and Legislative Unit~~

- A. Within sixty (60) days of receipt of an administratively complete application for a Concept Development Plan, as defined in SECTION 306, and after the public hearing required in this article has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations as mentioned in the objectives section of this article. If the Concept Development Plan involves a Zoning Map Amendment, then the proposal is subject to the criteria in SECTION 308 as well as the provisions of this Article. If the Concept Development Plan does not involve a zone change, then the proposal is subject only to the provisions of this Article. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.
- B. Final action for approval in principle, or denial of an EPD or RPD zoning district or Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission's recommendation, the legislative body or Fiscal Court may take action to approve or deny the EPD or RPD zoning map designation or Concept Development Plan application. Approval shall be by ordinance. ~~When an EPD or RPD zoning designation is approved, the subject property so zoned shall be respectively designated "EPD" or "RPD" on the Official Zoning Map. Upon approval of a Concept Development Plan to utilize either classification, the notation "CD" shall be placed on the Official Zoning Map, a Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or EPD or RPD zoning district designation shall be filed within 30 days of final action as explained in SECTION 210. Upon approval, the Official Zoning Map shall be amended as described in SECTION 1602.~~ If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

~~SECTION 1612 ACTION BY PLANNING COMMISSION AND LEGISLATIVE UNIT~~

~~SECTION 1611 Action By Planning Commission and Legislative Unit~~

~~Within sixty (60) days of receipt of an administratively complete application for a Concept Development Plan, as defined in SECTION 306, and after the public hearing required in this article has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations as mentioned in the objectives section of this article. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.~~



~~Final action for approval in principle, as described in SECTION 1607, or denial of an EPD or RPD zoning district or Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission's recommendation, the legislative body or Fiscal Court may take action to approve or deny the EPD or RPD zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When an EPD or RPD zoning designation is approved, the subject property so zoned shall be respectively designated "EPD" or "RPD" on the Official Zoning Map. Upon approval of a Concept Development Plan to utilize either classification, the notation "CD" shall be placed on the Official Zoning Map. a Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or EPD or RPD zoning district designation shall be filed within 30 days of final action as explained in SECTION 210. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.~~

SECTION 1612 AMENDMENTS TO AN APPROVED CONCEPT DEVELOPMENT PLAN

- A. ~~Major amendments to an approved Concept Development Plan that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure described in this Article. Minor adjustments to an approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.~~

SECTION 1613 SUBSEQUENT REVIEWS AFTER CONCEPT DEVELOPMENT PLAN APPROVAL

~~SECTION 1612 Subsequent Reviews After Concept Development Plan Approval~~

- A. ~~After the appropriate legislative body or Fiscal Court has approved a Concept Development Plan in an EPD or RPD zoning District, the applicant or property owner may proceed through the subdivision review or site plan review approval process by the Boone County Planning Commission. Subdivision review requirements can be found in the BOONE COUNTY SUBDIVISION REGULATIONS and site plan review requirements are outlined in ARTICLE 30 the Boone County Zoning Regulations.~~



ARTICLE 17 HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY DISTRICT (HDO)

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ARTICLE 17 HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY DISTRICT (HDO)

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SECTION 1700 INTENT

- A. The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study. Specifically, the purpose of this overlay district in conjunction with the underlying zoning district and **ARTICLE 15** of the Boone County Zoning Regulations is to:
1. To provide a framework to guide appropriate development for future growth in a key location in Boone County.;
 2. To further detail and compliment the Comprehensive Plan for this area because of the vital nature of the area.;
 3. To evaluate potential development in terms of land use, traffic and water/sewer in order to avoid overloading infrastructure.;
 4. To provide architectural design review and special district signage regulations that provide for appropriate exterior appearance to the general public and which exhibit excellence in design, and encourage overall development themes based on land use and locational considerations.

SECTION 1701 LOCATION AND DEFINITION

- A. The Houston-Donaldson Study Corridor Overlay District (HDO) is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth and in addition to those specified by **ARTICLE 15** of the Zoning Regulations, the underlying zoning district and the described in the 2013 Houston-Donaldson Study. The boundaries or location of the HDO are identified in Figure 1.1 of the 2013 Houston-Donaldson Study and shall be designated by the suffix HDO. The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 1702 APPLICABILITY AND REVIEW

- A. The Houston-Donaldson Study Corridor Overlay District (HDO) application and review requirements shall be applied to all properties identified on Figure 1.1 of the 2013 Houston-Donaldson Study and other applicable articles of this zoning order. Specific land uses, building intensities and zoning of parcels in the study area are identified in the "Land Use Recommendations," "Infrastructure,"



"Development Design and Signage Requirements," and "Current Zoning and Recommended Changes" chapters of the 2013 Houston-Donaldson Study. Application and review procedural requirements are specified in the 2013 Houston-Donaldson Study as well as other appropriate articles in this zoning order.

SECTION 1703 REVIEW PROCEDURES

The development review and approval procedures are outlined in the "Zoning Process" section in Chapter 5 "Development Design and Signage Requirements" of the 2013 Houston-Donaldson Study.

A. Procedure

1. Two basic review tracks are possible within the Houston – Donaldson Overlay District. Portions of the Study Area that are outside of the Houston-Donaldson Overlay District shall follow the standard review procedures outlined in the Boone County Zoning Regulations and Boone County Subdivision Regulations. For the areas within the Houston-Donaldson Overlay District, an expedited "short" review process is available to encourage new development, new uses, physical alterations to a building and/or site, and redevelopment to comply with the Study's recommendations. A "long" review process is available for proposals that do not comply with the Study's recommendations. These two review tracks are as follows:
 - a. Short Review Process: Administrative site plan review per ARTICLE 30, subdivision review as applicable per the Boone County Subdivision Regulations, and the Design Review process described in Section 1703.B upon the Long Range Planning Committee determining that the Short Review Process Criteria outlined below have been fulfilled. Certain use changes that are subject to the Tenant Finish procedure and projects which are developed in accordance with a previously approved Concept Development Plan may follow the Short Review Process as described further below.
 - b. Long Review Process: Prior to the administrative Site Plan, Subdivision Review, and Design Review processes, the development proposal must be approved through the Concept Development Plan or Zoning Map Amendment process per ARTICLE 3 and/or ARTICLE 15. Both processes involve a Public Hearing before the Planning Commission, a recommendation by the Planning Commission to the Florence City Council or the Boone County Fiscal Court, and a final decision by the Florence City Council or Boone County Fiscal Court, depending on the jurisdiction of the request.

B. Review Processes Overview

1. **Step One**
 - a. Pre-application Meeting: Applicant meets with staff for a pre-application conference. Applicant presents proposed uses or project to staff and is informed of The Houston – Donaldson Study requirements.
2. **Step Two**
 - a. Long Range Planning/Comp Plan Committee Determination: The Long Range Planning Committee determines, at an announced Committee meeting, whether the proposal follows the Short Review Process per Step Three or Long Review Process per Step Four, based upon the submittal information. This determination is given in written form and is based upon the Criteria for Determining Review Process outlined below. Action by the full Boone County Planning Commission is not necessary for Step Two.
3. **Step Three**
 - a. Short Review Process: If the determined process is the Short Review Process, then the applicant applies for Major Site Plan or Minor Site Plan review based on ARTICLE 30, and/or subdivision review, and the Design Review process as described in Section 1703.B.



4. Step Four

- a. Long Review Process: If it is determined that the applicant is to follow the Long Review Process, the applicant submits an application through either the Concept Development Plan or Zoning Map Amendment procedure. This includes public notification, a public hearing before the Planning Commission, committee review and action, full Planning Commission action, and final action by either the City of Florence City Council or Boone County Fiscal Court depending on the jurisdiction of the request. When the Long Review Process is required, the administrative site plan review subdivision review and design review outlined in Step Three occur after approval of the Concept Development Plan or Zoning Map Amendment application.

C. Criteria for Determining Review Process

1. Tenant Finishes:

- a. Proposals that only involve a change to a use that is in compliance with the approved Concept Development Plan, and which will occupy space in an existing building with no physical alterations or additions to the building or site (excluding signage) are subject to the administrative Tenant Finish procedure.

2. Previously Approved Concept Development Plans:

- a. In the event that a developed site or a previously approved Concept Development Plan is proposed to change from its initial use to a new use and/or the purpose changes to the site or building, the proposed use or improvements shall be evaluated by the Zoning Administrator. The Zoning Administrator shall evaluate any previously approved Concept Development Plan, conditions of approval, minutes, letters, and all other evidence. The Zoning Administrator shall determine whether the proposed use requires application for a Concept Development Plan or Change in Concept Development Plan.
- b. Concept Development Plan approvals that were granted prior to the adoption of The Houston – Donaldson Study are valid as originally approved, including any supplemental conditions of approval. Projects proposed to be developed pursuant to a previously approved Concept Development Plan may follow the Short Review Process.

3. New Development, Site Redevelopment, Changes or Additions to Building or Site:

- a. The Short Review Process may be followed provided the Long Range Planning Committee determines that:
 - i. The proposal follows the recommendations in the Land Use Recommendations chapter in this chapter as they relate to the specific site and surrounding vicinity. Proposed uses that are not listed in the underlying district text may still qualify for the Short Review Process if they follow the recommendations in this document. Proposed uses that are listed in the underlying district text (Principally Permitted Uses or Conditional Uses) may not necessarily qualify for the Short Review Process if they do not follow the Land Use Recommendations chapter. The Goals and Objectives of both the Houston – Donaldson Study and the current Boone County Comprehensive Plan may also be consulted in this determination.
 - ii. The proposal follows all applicable standards and requirements in SECTION 1707. The proposal also follows any applicable provisions in the Section 3407.5.
 - iii. The proposal does not present unknown or undue impacts on infrastructure or public services based on the recommendations in the Houston – Donaldson Study, such as water, sanitary and storm sewer, traffic impacts, public schools, and emergency services.
- b. If the Long Range Planning/Comp Plan Committee determines that any of the above criteria are not met, then the proposal must follow the Long Review Process. The property owner



and the Long Range Planning/Comp Plan Committee can agree to conditions in writing to make the proposal consistent with the Houston – Donaldson Study.

SECTION 1704 Design Review for Architecture, Site Design, and Signage

All development within this overlay district shall be reviewed for conformance with the applicable portions standards and requirements in Chapter 5 “Development Design and Signage Requirements” of the 2013 Houston-Donaldson Study. The Site Plan and Design Review applications shall be submitted concurrently.

SECTION 1704 LAND USE RECOMMENDATIONS

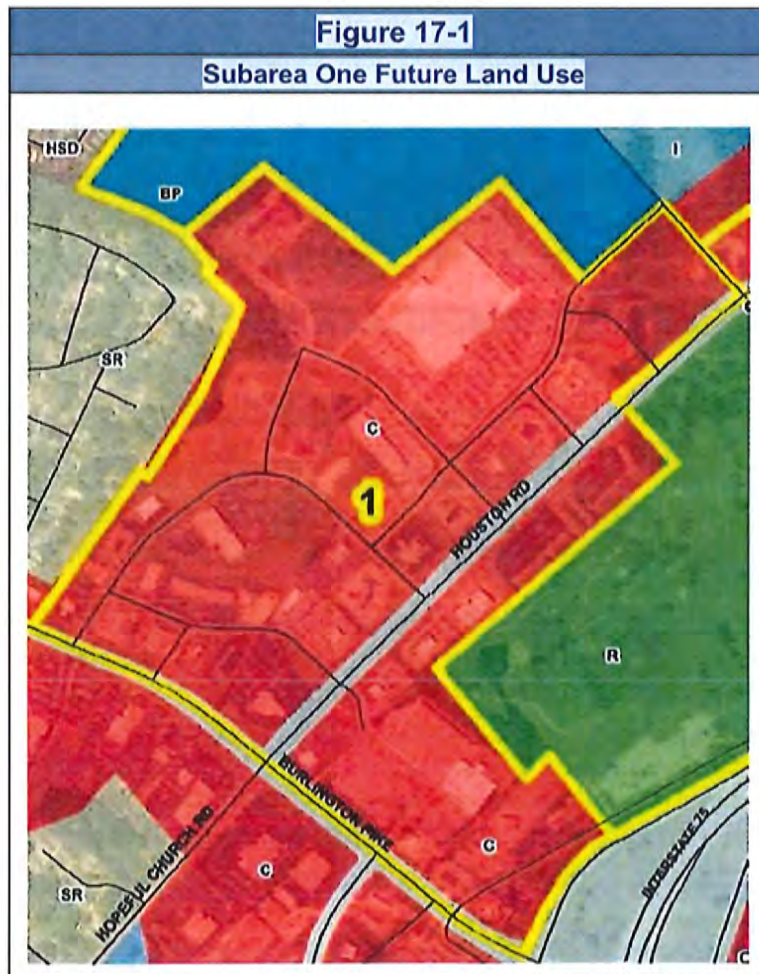
A. Introduction

1. The Boone County Planning Commission updated the Boone County Comprehensive Plan in 2012 and is updating the Boone County Zoning Regulations at the same time as this study is being written. While the Houston – Donaldson Study is not intended to replace either the Comprehensive Plan or the Zoning Regulations, it is intended to compliment those documents and to suggest specific strategies and land uses to fulfill the intentions those documents and their respective visions.
2. Many of the land use strategies in this chapter are the result of suggestions from the consultants that the Planning Commission hired during the planning stages of the Houston – Donaldson Study to look at the traffic issues and marketability of the Study Area.
3. This section is divided into eight subsections, one for each Subarea as defined in the Background Studies. Each section will look at the Future Land Use designations for each Subarea, as well as development and redevelopment strategies. These strategies will include specific land use recommendations and suggestions for possible development scenarios where applicable.

B. Development and Redevelopment Opportunities/Strategies

1. Subarea One

- a. The Future Land Use for Subarea One is entirely Commercial (Figure 17-1). According to the Comprehensive Plan, this includes, “Retail, corporate and professional office, interchange commercial, indoor commercial, restaurants, services, etc.” Based on the existing uses in the Subarea, the entire Subarea is in alignment with the Comprehensive Plan.



- b. Subarea One is largely built out and has little development opportunity. What opportunity does exist can mostly be found on Merchants Street. This area is not one for primary retail development and should be developed as support services due to issues of limited access and visibility. Examples of this include the automobile-related development that has already occurred in this area or possibly a long term care facility for seniors, provided that such a facility is not set up as a short/long term senior residential facility. The facility is envisioned to be a place where patients from the Gateway Rehabilitation Center could go for recuperation before either going home or to a permanent care facility.
- c. There are also available vacant parcels near the corner of KY 18 and Woodspoint Drive, one of which is occupied by a former gas station. It is recommended that these properties be combined and developed as a single project site. This single project site is recommended to be retail commercial in nature and may or may not include the continued use of the gas station. This site has excellent development and/or redevelopment opportunity due to its high visibility from I-75 and its easy access. Existing parcels on the opposite side of Woodspoint Drive should be redeveloped in the same manner. The development/redevelopment of the Houston Road/Woodspoint Drive intersection area is



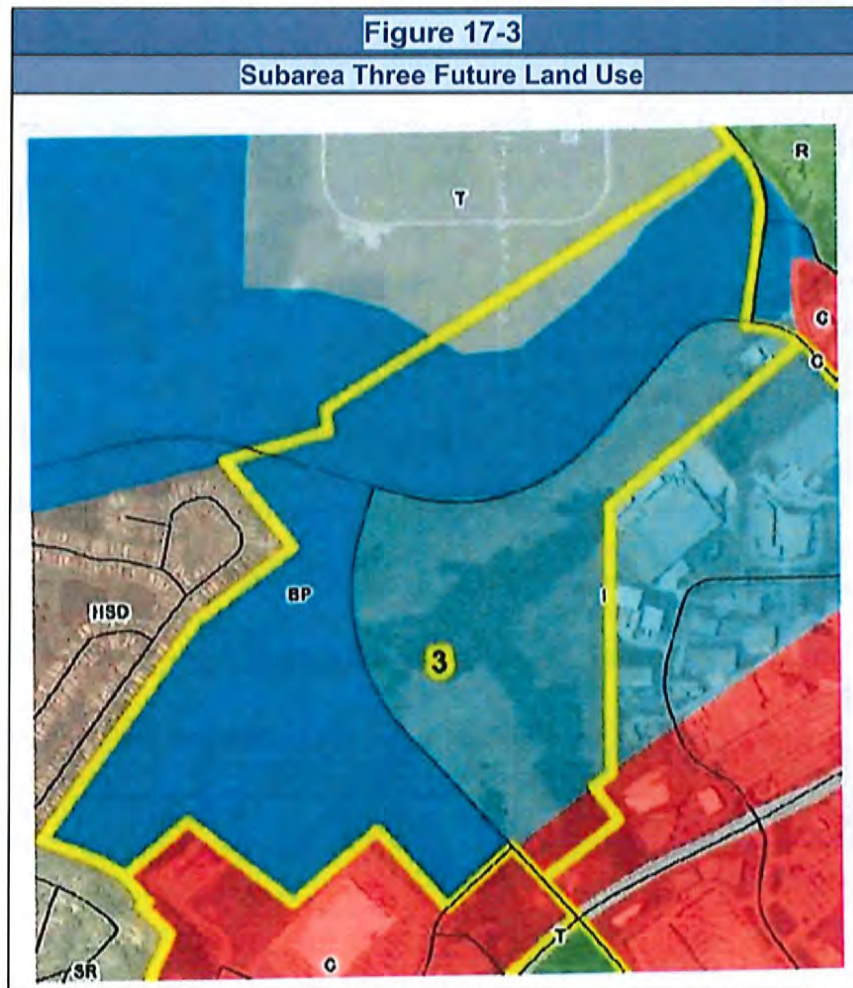
- recommended to be aesthetically harmonious with existing surrounding land uses and cleaned up environmentally as much as is needed for new development.
- d. It is not recommended that any new "big box" commercial development happen in Subarea One. If one of the existing large scale retail centers should vacate, the site should be redeveloped as such or, alternatively, could be redeveloped as a campus-like setting for office uses. In addition, no permanent residential development, either single family or multiple family, is recommended in Subarea One.
 - e. In summary, the Planning Commission makes the following recommendations for the future of Subarea One:
 - i. Future development and/or redevelopment in Subarea One should be of commercial or office type land uses and not of light industrial or residential uses.
 - ii. Support services on Merchants Drive, such as automobile service related development, offices, or short/long term senior residential facilities.
 - iii. The properties at the KY 18/Woodspoint Drive intersection should be combined and developed as a single entity.
 - iv. The development of the KY 18/Woodspoint Drive intersection as a retail node.
 - v. New development in Subarea One should be aesthetically harmonious with existing surrounding land uses so as to fit into the built landscape.
2. Subarea Two
- a. The Future Land Use designation for Subarea Two is entirely Recreation (Figure 17-2). According to the Comprehensive Plan, this includes, among other things, golf courses. As Subarea Two is made up of entirely of the World of Golf recreation center, the entire Subarea is in alignment with the Comprehensive Plan.



- b. This is the World of Golf facility. Florence City Council made the long term decision to retain ownership of the World of Golf recreation center as green space in the heart of the City, a decision which was detailed in the Background Study. The result was the City's decision to invest in the facility to ensure it remains a viable regional attraction for years to come. The World of Golf center continues to be an active recreation green space.
 - c. The Planning Commission does not recommend any changes in the land use for Subarea Two. The Planning Commission does recommend, and in fact the City requires, that the World of Golf center maintain pedestrian access to the cemetery on the site. Furthermore, the Planning Commission recommends that environmental practices for the World of Golf center continue to be reviewed and updated as required.
3. **Subarea Three**
 - a. The Future Land Use for Subarea Three is made up of two designations (Figure 17-3). Roughly two thirds of the property is Business Park while the remainder is designated as Industrial. Both of these designations allow office, warehousing and research, and light industrial/manufacturing land uses. The Business Park designation additionally allows for office and research uses and is intended to be developed in a campus like setting. Based



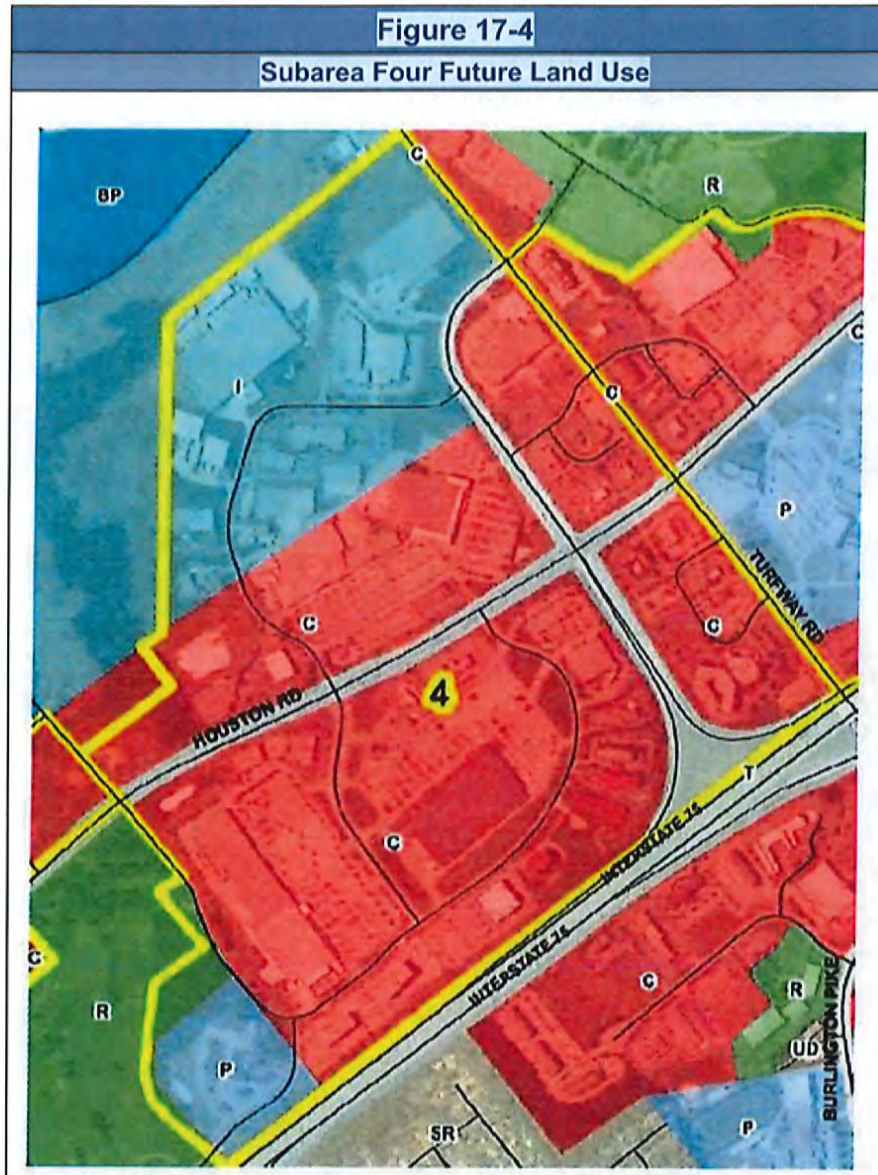
on the allowed uses and on what is known of the Airport's wishes for the future development of this property, the entire Subarea is in alignment with the Comprehensive Plan and is zoned appropriately.



- b. Subarea Three is the Airport Property. The Airport prefers that this property develop in an airport related light industrial/commercial/office land use, such as the ZF Steering Systems expansion. The zoning and future land use for the Airport Property is in place for this type of development. This development should happen in a park like or campus setting with large building setbacks, low floor area ratio, pedestrian and recreation facilities, consistent architecture and signage, extensive landscaping, and an attractive entrance. Any pedestrian facilities should link up and connect to the CVG Trail. This trail is the first leg of the proposed "Friends of CVG Trail", a proposed 22-mile paved trail that is envisioned to eventually completely circle CVG Airport.
- c. Most of the Airport Property is undeveloped. However, there are two parcels that ZF Steering Systems utilized to expand their business. ZF Steering Systems leases this property from the Airport. ZF Steering System's lease arrangement may be a model for development for the rest of the Airport Property, as it was a unique partnership between the



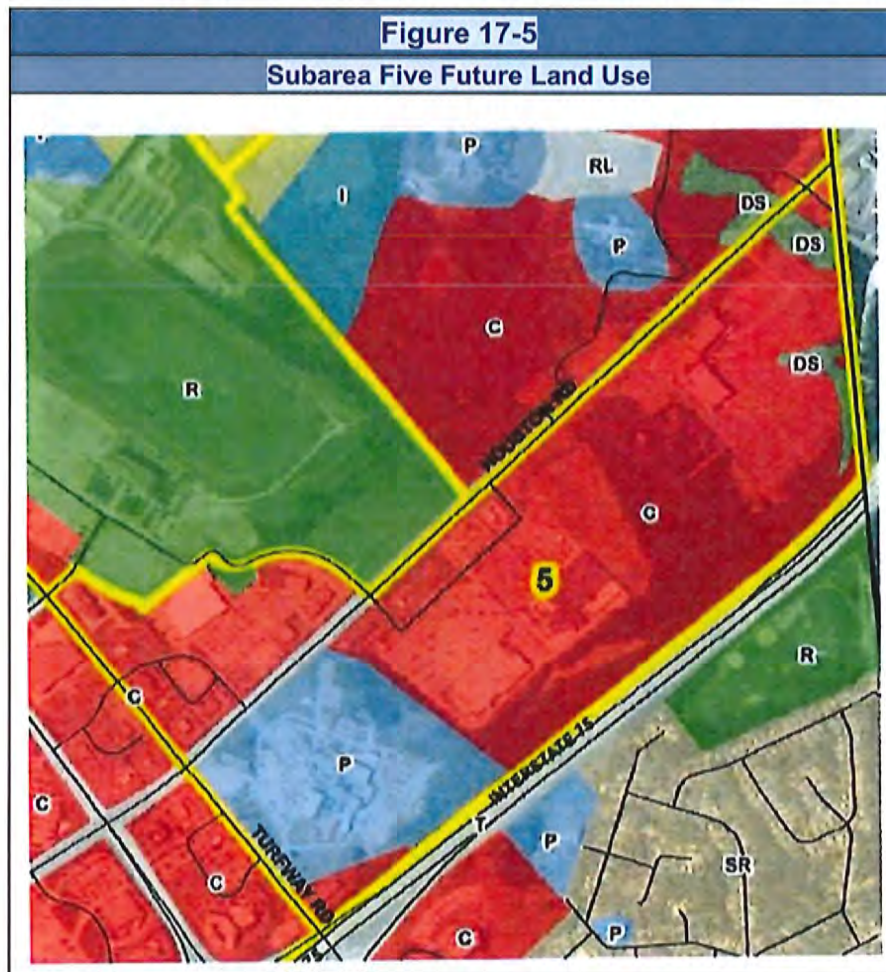
- company, the City of Florence, Boone County Fiscal Court, and the Kenton County Airport Board. On the other hand, although the Airport has no plans to sell any of the Airport Property at this time, that possibility exists. In any case, the land use recommendations do not change.
- d. There is a tremendous opportunity for new growth on the Airport Property. However, as this property is in the way of one of the CVG runways, none of the future development will be residential. In addition the development that does occur will have to adhere to height restrictions as determined by the Federal Aviation Agency (FAA) and the Kentucky Airport Zoning Commission. The Future Land Use map and the Airport both agree that the property should develop in an aviation-related or compatible commercial, light industrial, or office land uses.
 - e. While there is tremendous opportunity for new development in this subarea, it is important to note that the identified development parcels currently do not have water or sewer services readily available. This issue will need to be addressed before successful development in this subarea can occur.
 - f. In summary, the Planning Commission makes the following recommendations for the future of Subarea Three:
 - i. The land should be developed as aviation related or compatible commercial, light industrial, or office uses.
 - ii. The development of Subarea Three should take place in a consistent, campus-like setting.
 - iii. Pedestrian facilities should be developed and connected to the CVG Trail.
4. **Subarea Four**
- a. The Future Land Use for Subarea Four is made up of three designations (Figure 17-4). Most of the Subarea is designated as Commercial. The northern portion of the Subarea is designated as Industrial. Finally, there is a small piece of property designated as Public/Institutional. Looking at the uses allowed in these districts, the entire Subarea is in alignment with the Comprehensive Plan.



- b. Most of Subarea Four is built out and economically viable. The cluster of office buildings on Meijer Drive are important to the city's and the region's marketing efforts for gaining corporate or corporate support offices. It is recommended that the unfinished retail building be completed and that office space be leased. In the alternative, the unfinished retail building could be razed and developed for office or medical office type uses.
- c. It is recommended that future land use efforts in Subarea Four be focused on redevelopment and that, if and when such development occurs, that it aesthetically fits in with the surrounding land uses.
- d. In summary, the Planning Commission makes the following recommendations for the future of Subarea Four:



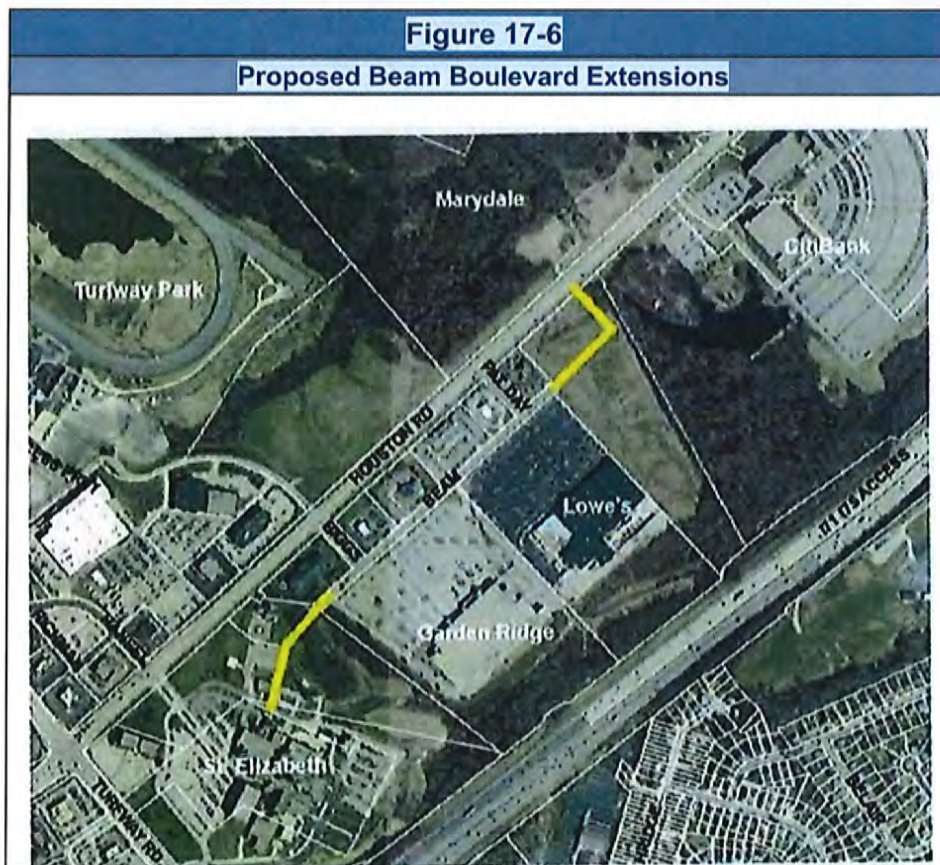
- i Future development and/or redevelopment in Subarea Four should be of commercial or office type land uses and not of light industrial or residential uses, except for the light industrial area on Spiral Drive.
 - ii Existing office and retail structures on Meijer Drive be either completed or occupied.
 - iii That redevelopment in Subarea Four aesthetically fit in with the existing land uses.
5. Subarea Five
- a. The Future Land Use for Subarea Five is made up of two designations (Figure 17-5). Most of the Subarea is designated as Commercial. However, the St. Elizabeth campus on the south end of the Subarea is designated as Public/Institutional. Looking at the uses allowed in these districts, the entire Subarea is in alignment with the Comprehensive Plan.



- b. There is a significant redevelopment opportunity in Subarea Five in the current Garden Ridge site. Although Garden Ridge is in operation at the time of this writing, the tenant only occupies half of the structure, meaning that there is a vacant big box retail space available for redevelopment. One possibility for the future of the site is that, if Garden Ridge ever was to close, the St. Elizabeth hospital could buy that site and expand northward. Another



- option would be for a new commercial or public facility use to move into the vacant half of the building or to redevelop the site. Both scenarios for the potential redevelopment of the Garden Ridge site are within the vision of the Houston – Donaldson Study. Either of these scenarios are acceptable to the Planning Commission. If St. Elizabeth does expand onto the current Garden Ridge site, then the Public/Institutional designation should be extended to the north in future updates of the Comprehensive Plan.
- c. Subarea Five also has a development opportunity between Lowe's and the Citibank property. The vacant parcel is a potential new commercial area. Possibilities for the site include fast food, coffee shops, or local retail or convenience stores with or without an attached gas station. All of these uses were noted in the market study as needed assets on north Houston Road and would cater to the morning and afternoon traffic that Subarea Five experiences. Care should be taken to assure property access to the back portion of the property if and when development happens.
 - d. In any case, Beam Boulevard should be extended and turned perpendicularly to intersect with Houston Road. If this were done and then connected to the St. Elizabeth property to the south, this would solve an internal traffic problem for the hospital and increase overall traffic flow and connectivity (Figure 17-6). This proposed intersection with Houston Road should be across from the proposed road on the Marydale Property.

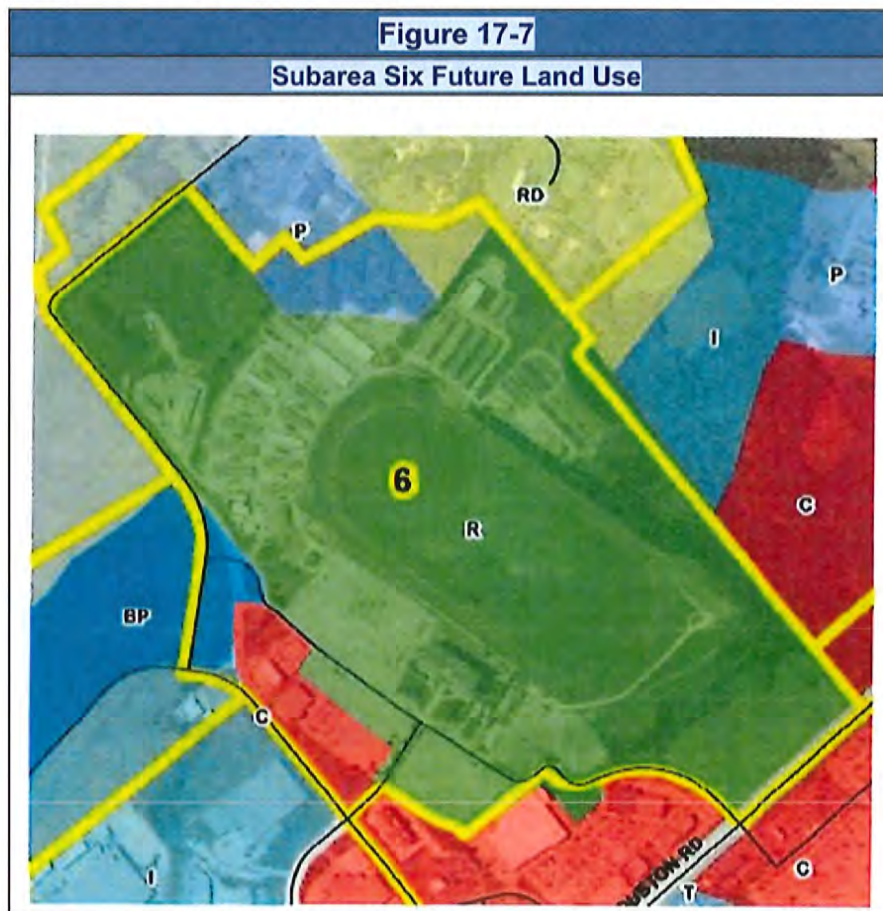




- e. In summary, the Planning Commission makes the following recommendations for the future of Subarea Five:
 - i. Future development and/or redevelopment in Subarea Five should be of commercial or office type land uses and not of light industrial or residential uses.
 - ii. Any future development and/or redevelopment in Subarea Five should be made to conform and blend in with the existing built environment.
 - iii. The Garden Ridge building should either fill in or be taken over and utilized by St. Elizabeth hospital or other health care provider.
 - iv. If the Garden Ridge site is taken over by St. Elizabeth, the Future Land Use designation of the site should be changed to Public/Institutional.
 - v. The vacant parcel between Lowe's and Citibank should be developed as multiple, smaller scale shops, such as local retail or food/coffee establishments.
 - vi. Beam Boulevard should be extended onto the vacant parcel and turned ninety degrees to intersect with Houston Road.

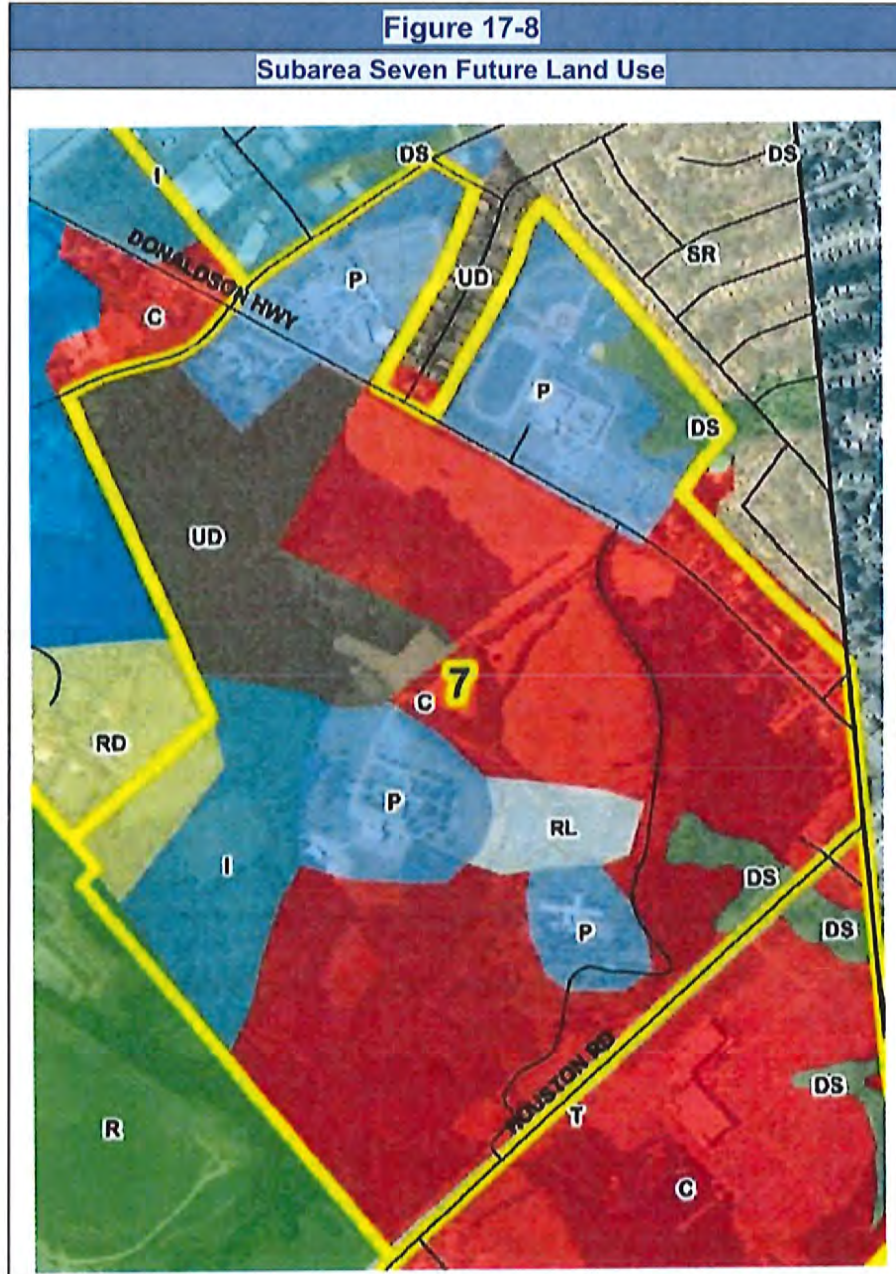
6. Subarea Six

- a. Most of the Future Land Use for Subarea Six is made up of Recreation (Figure 17-7). This accounts for the Turfway Park race track and an adjoining property fronting on Houston Road. There is also a small Commercial designation in front of Turfway's parking lot. In reviewing the land uses allowed in these districts, the entire Subarea is in alignment with the Comprehensive Plan.





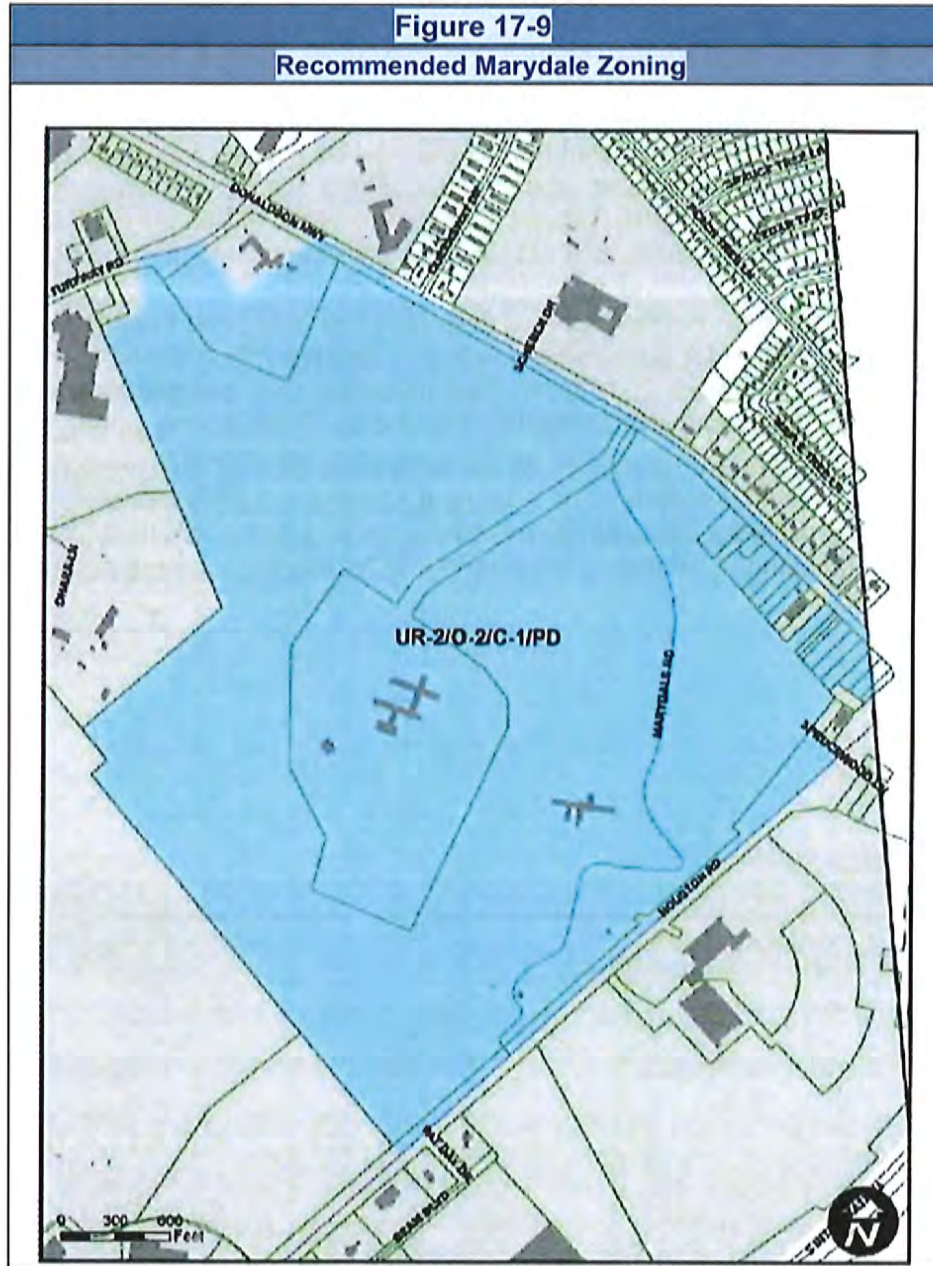
- b. Subarea Six is the Turfway Park area. The owners of Turfway remain committed to horse racing but are also prepared to move forward with a business plan that adds a casino and entertainment complex to the horse racing business, should Kentucky approve casino gambling. This arrangement of a casino associated with a horse race track is called a racino, which is allowed by the underlying zoning of the property.
 - c. Turfway Park's property adjoins Houston Road. This area is subject to an approved Concept Development Plan for a future entertainment/mini convention center, but it could be used in the future for local commercial and small business land uses.
 - d. There is a third option for Turfway Park if horse racing and casino gambling fall through in the future, and that is complete redevelopment of Subarea Six. If that ends up being the case, the Planning Commission recommends that the redevelopment be complementary to and at the same mixed use ratio as that recommended for the Marydale Property (Subarea Seven) below.
 - e. Regardless of the future land uses, redevelopment, or development of the Subarea, there are several issues worth considering for the future in Subarea Six. The newly completed Aero Parkway intersects at Turfway Road across from the NKY Realtors Association building. A future road and pedestrian connection to Aero Parkway and the associated CVG Trail through Subarea Six should be considered. This connection could be extended through the adjacent Marydale property to Queensway Drive to connect the Cherry Hill subdivision to the Study Area. Additionally, Turfway Road should be redesigned at some point to remove the existing 90-degree curve. This would result in a triangular parcel that would be approximately 5 acres in area. Turfway Park may consider donating this resulting acreage as potential green space. This would serve to help protect the Gunpowder Creek watershed and act as a passive park that should be connected to the CVG Trail.
 - f. In summary, the Planning Commission makes the following recommendations for the future of Subarea Six:
 - i. The existing recreational use or horse racing business should be maintained and improved. One way involves the expansion of the business into a racino if allowed by the State of Kentucky.
 - ii. If the horse racing business vacates the site, Subarea Six should be redeveloped in a mixed use format similar in nature to the Marydale site (Subarea Seven) to the north.
 - iii. The ninety-degree curve in Turfway Road should be redesigned and softened.
 - iv. The resulting leftover property after Turfway Road's realignment should become a passive park.
 - v. A connection to the future Phase II of the CVG Trail should be made, potentially from the passive park resulting from the potential redesign of Turfway Road.
7. Subarea Seven
- a. No Subarea in the Houston – Donaldson Study Area faces such potential uncertain new development more than Subarea Seven, otherwise known as Marydale (Figure 17-8). That is because the Planning Commission is recommending a very flexible future development for future land uses, their ratio, and their placement on the site. The site lends itself to any number of conceptual developments. Such concepts could more than double in size if combined with the adjacent Turfway Park property (Subarea Six).



- b. Elements of the approved Concept Development Plan are reflected in both the 2035 Future Land Use Map. The 2035 Future Land Use map retains the five Diocesan sites as Public Facilities, but most of the eastern two-thirds of Marydale is shown as Commercial, including all of the road frontages of Houston and Donaldson. The tributary of West Fork Dry Creek that drains Lake Mary and the entire site is coded as Developmentally Sensitive. A large wooded area between the Passionists Nuns Convent and the north end of Lake Mary is shown as Urban Density Residential, while the mixed fields and woods to the southwest of the Seminary and abutting the Turfway property is shown as Industrial.



- c. The Urban Density Residential and Industrial designations shown on the zoning and 2035 Future Land Use maps stem from recommendations made in the 1992 Houston – Donaldson Study, which called for an east/west road connection from Houston to Turfway along the north side of Turfway Park. Even if that connection is not made, the residential use is still reasonable for that part of the site, as it abuts the existing Gallenstein residential property to the southwest and could connect via Queensway to the large Cherry Hill subdivision on the north side of Donaldson. The Industrial One designation in the rear acreage of the Marydale property makes little sense for many reasons, including: (1) it is landlocked, (2) it abuts existing and potential future residential, (3) it would affect a significant portion of the drainage area for Lake Mary and hence Dry Run, and (4) it would be a disincentive for businesses looking to develop office space there, which is the primary goal of the approved 2002 CDP. The Industrial One designation on the Future Land Use map should be removed during the next update of the Boone County Comprehensive Plan.
- d. It is recommended that Marydale be developed as a single development and not parceled up into smaller sections. The Planning Commission recommends that most of Subarea Seven be rezoned into a single mixed use zoning district of UR-2/O-2/C-1/PD (Figure 17-9). This is envisioned to allow a wide variety of future development potentials.



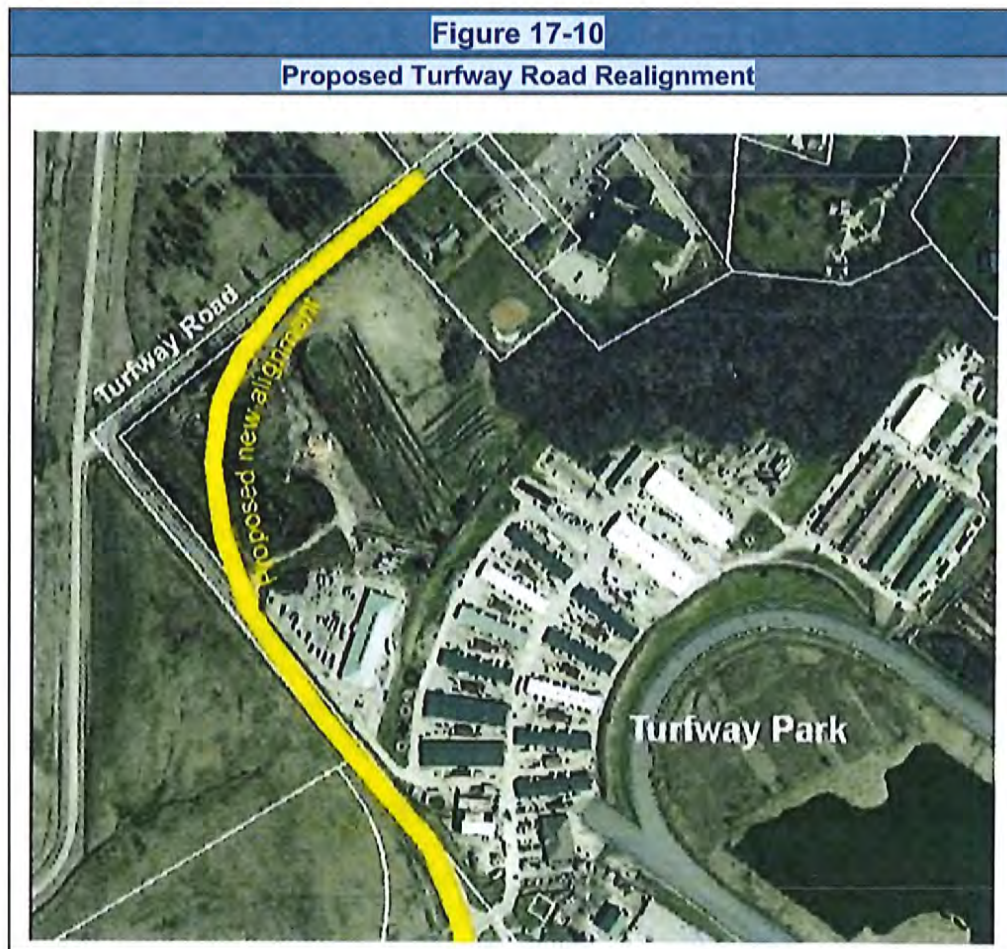
- e. In terms of future development in Subarea Seven, everything hinges on the disposition of the Marydale property. At present, it is one of the most scenic sites in the Northern Kentucky region and features tree-lined drives, lake/wetland, broad open spaces, woodlots, and unexpected vistas. The Seminary building is unique, both architecturally and historically. The Seminary building, together with the Retreat House, could form the heart of a multitude of different redevelopment concepts.
- f. The office use approved in the existing Concept Development Plan is appropriate, although development of six separate office sites on the property with no other uses does not serve



- the property well. A mixed-use development focused around a strong corporate campus is more appropriate. A nearly self-contained town could be planned around a major headquarters, including high-density residential, and service-oriented business. Such a development should maximize the site's existing amenities (e.g., Camp Mary and the mixed forest/open space) and utilize the existing tree lined drives for pedestrian access both within and outside of the site. Additionally, anything built on the Marydale site should avoid putting additional strain on the already heavily developed Dry Creek Watershed.
- g. Within the framework of the recommended UR-2/O-2/C-1/PD zoning, it is recommended that the Marydale property generally develop with the following mix of land uses:
 - i Residential = 25-35%
 - ii Office = 25-35%
 - iii Green Space = 20-25%
 - iv Small Scale Commercial = 20-25%
 - h. As noted, the Planning Commission is flexible on the exact mix of land uses within this general framework and encourages creative designs.
 - i. It is recommended that the office space develop as a major office campus, such as a headquarters of a regional or national scale company, and not be divided up around the site. One possible consideration is that the office campus incorporates at least the main block and formal façade of the historic St. Pius Seminary building.
 - j. It is recommended that Lake Mary and portions of its tributaries and downstream area remain as green space. This would serve the purposes of watershed protection, site beautification, and buffering the west side of adjacent existing single family residential in Subarea Eight. The green space could also connect to the Marydale Priests Cemetery, which will remain on the site and is an important landscape feature which needs to be protected in the future. The existing tree lined drives should remain as pedestrian/recreational paths, although light vehicular access would be acceptable for maintenance of the lake.
 - k. It is recommended that Lake Mary be encircled by a non-motorized path. This would effectively create a passive park in the middle of Marydale. A civic/town commons could then be considered for the bluff overlooking the lake on the east side of St. Pius Seminary. This location has a scenic view of the lake and could function as a gathering space for both office workers and residents. The monumental facade of the seminary forms a backdrop for the commons, which has a commanding view to the east over Lake Mary and beyond. Taken together, they form a combination of unique amenities that would be a significant attractor in the region, especially when marketed in conjunction with an expanded Turfway entertainment destination.
 - l. The west side of Houston Road is seen as local commercial with frontage primarily on the internal road. The south side of Donaldson Highway would have a mix of local commercial and multi-family residential land uses, serving as both support services and buffer for the residential on the north half of the Marydale site and existing residential and schools on the north side of Donaldson Highway. Residential development on the Marydale property should be a mix of higher density (e.g., condos, senior housing, multifamily, etc.), rather than low density single family.
 - m. If Subarea Six should redevelop in the future, there is a potential interconnectedness of Subareas Six and Seven and it is worth looking at both Subareas together to consider their potential connectivity. This Study proposes several suggestions for infrastructure improvements to tie Subareas Six and Seven together.



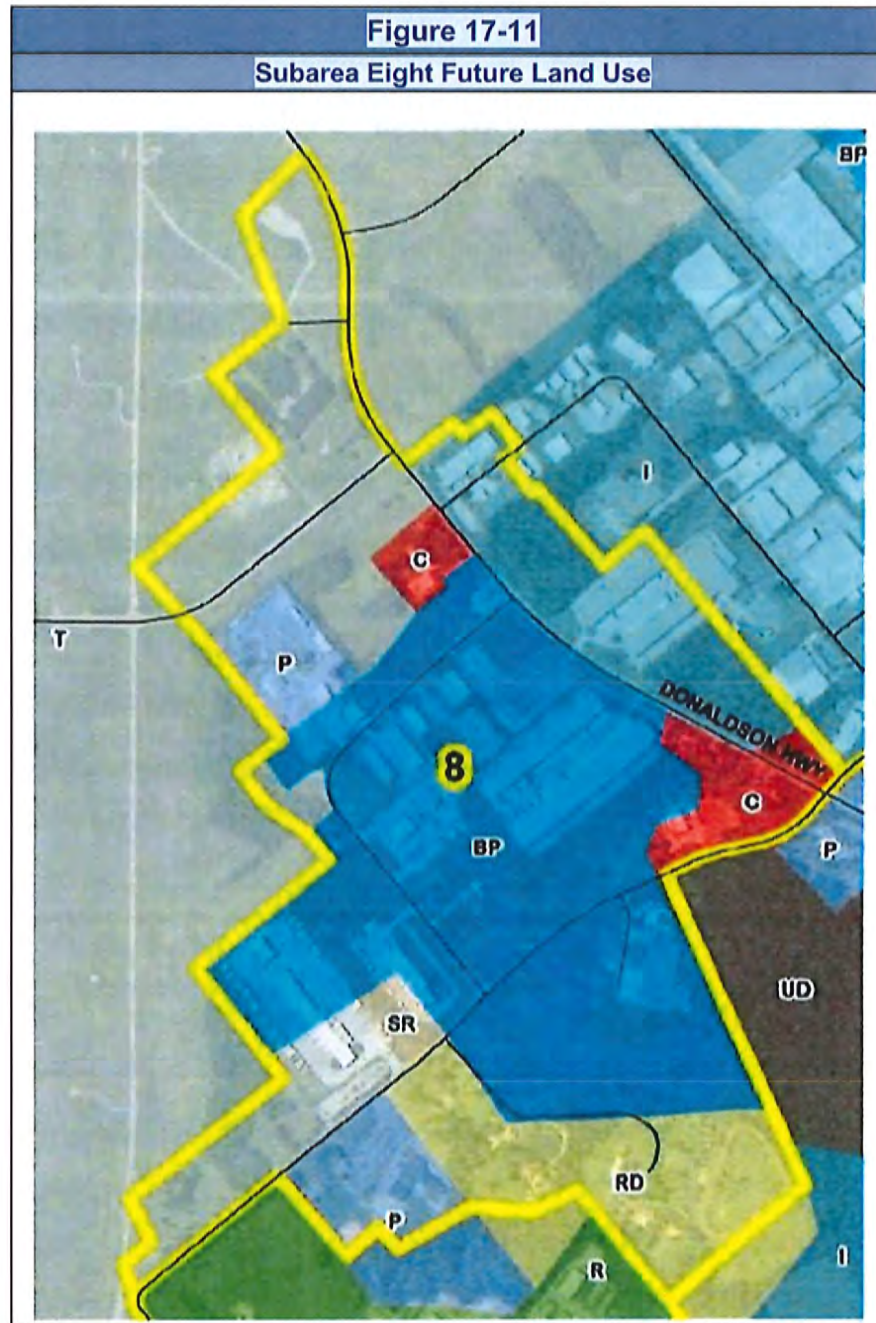
- n. Road and pedestrian connections are critical to the future development of Subareas Six and Seven. One recommendation for the combined Subareas includes a major connection through Marydale from Queensway Drive south across Turfway Road to Beam Boulevard as well as a connection to the west through the Turfway site to Aero Parkway. The exact location of the westward connection cannot be identified as it is dependent on Caesars' plans for the Turfway site.
- o. As noted in the recommendations for Subarea Six, the existing 90-degree bend in Turfway Road on the west side of Turfway Park should be redesigned with consideration given to making a public park/CVG Trail access site from the triangular parcel that will remain (Figure 17-10). It is recommended that a secondary road system encircle both sites from Queensway Drive east along Donaldson Highway and south along Turfway Road. From there, it would cross the Turfway property to Aero Parkway. Both roads are recommended to include pedestrian facilities to permit pedestrian access through the sites, to the CVG Trail, and adjacent developments such as Citibank.



- p. In summary, the Planning Commission recommends the following for the future of Subarea Seven:



- i Marydale should be developed as a single campus-like mixed use development using a single mixed use zoning category called UR-2/O-2/C-1/PD, as shown in Figure 17-9.
 - ii The future development of Marydale should be at the recommended mixed use ratio.
 - iii The future Office development should be developed as an office campus and not be divided up.
 - iv The main block and formal façade of the historic St. Pius Seminary building should be incorporated into an office design.
 - v Existing tree lined access roads on the site should be preserved and saved as non-motorized facilities.
 - vi Lake Mary should be buffered by green space and surrounded by non-motorized facilities.
 - vii Green space should be developed on the site to buffer existing adjacent single family residential located in Subarea Eight.
 - viii A road connection from Queensway Drive to Aero Parkway, as described above, should be constructed.
8. **Subarea 8**
- a. Most of the Future Land Use designation in Subarea Eight is Business Park (Figure 17-11), which reflects the mostly Light Industrial nature of the Subarea's land uses, which also includes recreational and residential. The Future Land Use map does designate two Commercial areas that are intended to serve as local business nodes.



- b. A pocket of a few single family homes is tucked away on O'Hara Lane and shielded from the vehicular and industrial activity surrounding it. Care should be taken in order to continue to shield this residential enclave from the impacts of development and redevelopment. If the single family use should ever discontinue, the Future Land Use designation of the residential section should be reevaluated.



- c. Subarea Eight represents the northernmost edge of the Houston – Donaldson Study Area. It serves as the northwestern entry point into the Houston – Donaldson Study Area and has very little land available for new development.
- d. Phase II of the CVG Trail is proposed to run north through this area from its current terminus at Turfway Road and Aero Parkway. There are several opportunities on Airport owned property to incorporate parking for this phase of the CVG Trail and connections to the trail system should be encouraged where possible. It is recommended that Phase II of the CVG Trail be constructed. To that end, the Planning Commission encourages Friends of CVG to work with public agencies for possible funding opportunities.
- e. There are a few opportunities for infill development consisting of industrial/business park developments in the Subarea that have been identified. One small pocket of commercial is suggested at the intersection of Turfway Road and Donaldson Highway, while another is suggested near the intersection of O'Hara Road and Donaldson Highway. It is intended that these commercial nodes be local retail commercial development that could support the remaining residential uses along Donaldson Highway.
- f. Another issue worth considering in Subarea Eight is the John Hunt Morgan Escape Trail Markers. During the Civil War, John Hunt Morgan escaped from Kentucky through Boone County, and his route went through the modern day Subarea Eight. It is recommended that historical markers be constructed to designate points on the escape route.
- g. There is one final issue that could affect Subarea Eight. The CVG Airport has recently completed its five year Master Plan. The Airport Master Plan shows a future north-south runway on its Airport layout plan from the 2035 Master Plan. This north-south runway is described as being shown as a placeholder to "protect land use compatibility." Under the current projected forecast scenarios, an additional runway would not be needed until beyond 2035.
- h. In summary, the Planning Commission makes the following recommendations for the future of Subarea Eight:
 - i. Existing single family residential lots on O'Hara Drive should continue to be buffered from nearby industrial uses.
 - ii. Residentially zoned properties on the Airport Property should be rezoned to Airport (A) to bring them into conformance with the Future Land Use map. • Phase II of the CVG Trail should be pursued.
 - iii. Local retail Commercial nodes on Donaldson Highway at the intersections of Turfway Road and O'Hara Road should be developed.
 - iv. Historical markers commemorating the John Hunt Morgan Escape should be erected.
 - v. Any future development on the western edge of the Subarea should respect the conceptual placement of the potential fourth CVG runway.

SECTION 1705 SUBAREA GOALS AND OBJECTIVES

- A. The 2010 Boone County Comprehensive Plan contains the Goals and Objectives for the entire county. While these Goals and Objectives are important, the Houston – Donaldson Study looks at the Study Area more specifically than did the Comprehensive Plan. It is therefore important that there be further Goals and Objectives to evaluate the Study Area and help gauge the future success of the land use recommendations for the Study Area. Furthermore, the Houston – Donaldson Study's Goals and Objectives are not intended to replace Goals and Objectives of the 2010 Boone County Comprehensive Plan but to enhance them as they apply to the Study Area.
- B. In general, the Boone County Comprehensive Plan identifies the Study Area as a future business district of Boone County. The 2010 Future Land Use Map details the planned uses for the Study Area



by depicting planned areas of commercial, residential, industrial, and recreational, and public facilities uses.

- C. In addition to the Future Land Use Map and the Land Use Element, the Business Activity, Transportation, Recreation, and Environmental Elements of the 2010 Boone County Comprehensive Plan are also important to the Houston – Donaldson Study.
- D. The Business Activity Element indicates that the Houston Road corridor is one of the most important areas of Boone County for office and commercial development. This has been found to be the case during the research for the background studies. The Houston – Donaldson Study's Goals and Objectives are geared toward helping to make sure that the successful business climate that has evolved continues while making sure that further growth is able to happen in a complementary fashion.
- E. The Transportation Element and its Goals and Objectives state that the Level of Service of important roadways be maintained or improved and that roadway capacities be protected. This is especially important for the Houston Road corridor, because of its dual function of serving both substantial future development and serving through traffic demands between I-75 and developed areas of Boone County and the City of Florence. The Transportation Element encourages bicycle and pedestrian pathway systems as part of a developing suburban transportation network.
- F. The Recreation Element and its Goals and Objectives indicate that recreational facilities should be provided throughout Boone County and the City of Florence through public and private efforts, as well as cooperative efforts. This is achieved in the Study Area by the presence of the World of Golf recreation center, the bike lanes on Houston Road, and the non-motorized paths that have been built in the form of sidewalks and shared use paths, especially Phase I of the CVG Trail, a facility that should be expanded in the future when possible with the construction of Phase II.
- G. The Environment Element and Goals and Objectives recommend that the integrity of the natural environment be protected where possible. This is being pursued in the Houston – Donaldson Study's Goals and Objectives through watershed protection.
- H. The Goals and Objectives follow the Recommendations chapter of the Houston – Donaldson Study and serve as a checklist to gauge the future success of those land use recommendations.
- I. In past editions of the Houston – Donaldson Study, one set of Goals and Objectives was applied to the entire Study Area. While this might have been adequate for the needs of the past, the Study Area is diverse enough that one set of Goals and Objectives is no longer appropriate. Analysis of the Study Area for the background studies shows us that each one of the background Study Areas has separate needs and, therefore, different Goals and Objectives. Because of this, the Goals and Objectives are divided into eight sections. Each section correlates with the background area that it references.
- J. Subarea One - South Entrance
 1. Goal: Maintain the successful business climate of the South Entrance Subarea.
 - a. Objectives:
 - i Continue to consistently apply the Design Standards for future development and/or redevelopment.
 - ii Continue to support the Commercial, Office, and Industrial uses in their current locations, as well as the current zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.
 - b. Goal: Enhance the non-motorized system in the South Entrance Subarea.
 - i Objectives:
 - (a) The bike lane deficiency on Houston Road near the intersection with Burlington Pike (KY 18) should be addressed.
 - (b) Disconnects in the sidewalk network within the Subarea should be filled in.



- (c) Link the non-motorized facilities in the Subarea Three (Airport Subarea) with the non-motorized facilities in Subarea One.
 - c. Goal: Protect the integrity of the Gunpowder Creek Watershed.
 - i Objectives:
 - (a) Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff.
 - (b) The 100-year floodplain should be considered during redevelopment of properties and avoided entirely in the event of new development in the Subarea.
- K. Subarea Two - World of Golf
 - 1. Goal: The World of Golf facility is preserved and supported.
 - a. Objectives:
 - i Maintain the World of Golf site in an effort to retain recreational opportunities in the City of Florence.
 - 2. Goal: Protect the integrity of the Gunpowder Creek Watershed.
 - a. Objectives:
 - i Urge the maintenance staff for the World of Golf facility to review groundskeeping practices to ensure that no chemicals are entering the Gunpowder Creek Watershed.
- L. Subarea Three - Airport Property
 - 1. A. Goal: All development that takes place in the Subarea shall be of an aviation-related and/or compatible commercial, light industrial, or office land use.
 - a. Objectives:
 - i Continue to consistently apply the Design Standards for future development and/or redevelopment.
 - ii Continue to support the Commercial, Office, and Industrial uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.
 - 2. Goal: Enhance the non-motorized system in the Airport Property Subarea.
 - a. Objectives:
 - i Complete Phase II of the CVG Trail.
 - ii Incorporate non-motorized facilities within future developments in the Airport Subarea, making sure that they connect to existing facilities, including the CVG Trail.
 - iii Promote the existence of the CVG Trail with occasional small identification signs along the route where the trail runs parallel to developments or is visible from existing roadways in Subarea Three.
 - 3. Goal: Protect the integrity of the Gunpowder Creek Watershed.
 - a. Objectives:
 - i Use future development of properties in the Subarea for opportunities to apply efforts to improve stormwater runoff.
- M. Subarea Four - Turfway Business Park/Houston Lakes
 - 1. Goal: Maintain the successful business climate of the Subarea.
 - a. Objectives:
 - i Continue to consistently apply the Design Standards for future development and/or redevelopment.



- ii Continue to support the Commercial and Office uses and zoning classifications in future editions Boone County Zoning Ordinance and future editions of the Boone County Comprehensive Plan and its Future Land Use map.
 - 2. Goal: Enhance the non-motorized system in the South Entrance Subarea.
 - a. Objectives:
 - i Disconnects in the sidewalk network within the Subarea should be filled in.
 - ii Redevelopments in the Subarea should incorporate new internal sidewalks that connect to the Subarea's sidewalk system.
 - 3. Goal: Protect the integrity of the Gunpowder Creek Watershed.
 - a. Objectives:
 - i Use future development and/or redevelopment of properties in the Subarea for opportunities to apply efforts to improve quality and quantity of stormwater runoff.
- N. Subarea Five - North Houston Road
 - 1. Goal: Enhance the Commercial, Office, and Medical activity in the North Houston Road Subarea.
 - a. Objectives:
 - i Commercial uses should be designed to coordinate with surrounding land uses.
 - (a) The Garden Ridge site should be used or redeveloped as either a commercial or health care facility, either through the expansion of St. Elizabeth onto the site or through the development of a new medical facility.
 - b. Goal: Enhance the transportation system in the North Houston Road Subarea.
 - i Objectives:
 - (a) The extension of Beam Boulevard and connection to Houston Road should be considered.
 - (b) The extension of Beam Boulevard and its potential connection to the St. Elizabeth Hospital campus should be considered.
 - (c) Redevelopments in the Subarea should incorporate new internal sidewalks that connect to the Subarea's sidewalk system.
- O. Subarea Six - Turfway Park
 - 1. Goal: The gaps in the development of the Subarea should be filled in by the full utilization of the entire Property.
 - a. Objectives:
 - i The conceptual plan for the development of the vacant 20-acre parcel along Houston Road should be completed or reconsidered.
 - ii The northwest corner of the Subarea along Turfway Road should be developed.
 - 2. Goal: Transportation connections in Subarea Six and Seven should occur.
 - a. Objectives:
 - i Pedestrian links and roads between the Subarea and the Marydale to the north should be established.
 - ii Pedestrian links between the Subarea and the CVG Trail should be established.
 - iii Internal non-motorized access should be improved.
 - iv Find more ways to utilize vast surface parking year-round (e.g., lease some CVG Trail users).
 - v The 90-degree bend in Turfway Road should be removed for safety and capacity reasons.



3. Goal: Establish identity of the Subarea as a destination beyond horse racing.
 - a. Objectives:
 - i Another attraction such as dining, sports mall, casino, live entertainment, or other outdoor recreational venues should be constructed.
 - ii An overall marketing theme for the Subarea should be developed.
 - iii The parking area landscaping should be installed and/or beautified.
 - iv The entries into the Subarea should be developed into "gateways".
4. Goal: The land use recommendations for Subarea Six should be coordinated with an overall plan with development of Marydale (Subarea Seven).

- a. Objectives:
 - i Work with Marydale ownership to maximize the use and development of both sites.

P. Subarea Seven - Marydale

1. Goal: The land use recommendations for Subarea Seven should be coordinated with an overall plan with development of Turfway Park (Subarea Six).
 - a. Objectives:
 - i Development of Subarea Seven should avoid a "piecemeal" approach and developing chunks as the market demands.
 - ii Development should be coordinated with development of adjacent properties, especially Turfway.
2. Goal: The history and heritage of Subarea Seven should be considered.
 - a. Objectives:
 - i Consider maintaining elements of the Seminary and Retreat House in future development.
 - ii The local history of the Marydale Property should be recognized.
 - iii The on-site priests' cemetery and other shrines associated with Marydale's history should be protected.
3. Goal: Minimize environmental impact of development.
 - a. Objectives:
 - i Encourage sustainable, environmentally responsible, and resource efficient development.
 - ii Be mindful of stormwater, and the presence of water bodies, such as Dry Creek.
 - iii The parking area landscaping should be improved and incorporate non-structural stormwater techniques.
 - iv The unique landscape and viewsheds should be maintained.
4. Goal: Transportation connections in the Subarea should be improved.
 - a. Objectives:
 - i Establish safe pedestrian access to and from Turfway (Subarea Six), adjacent residential/schools, the CVG Trail, and businesses along Turfway.
 - ii The existing tree-lined drives should be preserved for non-motorized use.
 - iii An internal road network through the property should be developed and connect to adjoining properties.

Q. Subarea Eight - Turfway Road/Donaldson Highway

1. Goal: Establish a defined northwest 'entrance' into the Houston – Donaldson Study Area.



- a. Objectives:
 - i Utilize the CVG Airplane Viewing Area as part of an 'entrance' feature.
 - ii Promote the CVG Airplane Viewing Area as a destination point.
 - iii Enhance landscaping at this entranceway into the Study Area.
2. Goal: Incorporate the proposed CVG Trail into the fabric of Subarea Eight.
 - a. Objectives:
 - i Provide and properly identify parking opportunities for patrons of the CVG Trail as it develops.
 - ii Promote the existence of the CVG Trail with occasional small identification signs along the route where the trail runs parallel to developments or is visible from existing roadways in Subarea Eight.
 - iii Encourage future developments to connect to access points to the CVG Trail where possible.
 - iv Examine using underutilized parking lots in the area for CVG Trail patrons.
3. Goal: Ensure the wide mix of land uses exist without negatively impacting each other.
 - a. Objectives:
 - i Preserve the residential nature of O'Hara Lane by preserving the existing land use buffer between the residences and the surrounding industrial and recreation uses.
4. Goal: Ensure that the transportation network adequately handles traffic in the area.
 - a. Objectives:
 - i Examine the turning radiuses at both ends of O'Hara Rd and improve if necessary.
5. Goal: Development and redevelopment of Industrial land should be harmonious with surrounding land uses.
 - a. Objectives:
 - i Use adequate buffering when industrial property develops and/or redevelops to protect residential uses from negative impacts.
6. Goal: Promote the historic elements in Subarea Eight.
 - a. Objectives:
 - i Identify the John Hunt Morgan Escape Route through the area.
 - ii Promote the Historic Marker that identifies the Center of the U.S. Population in 1880 located at the CVG Airplane Viewing Area.

SECTION 1706 INFRASTRUCTURE

A. Introduction

1. The Infrastructure Chapter reflects the status of the public facilities in the Study Area and, where it applies, makes recommendations for the future development of those facilities. Many of the strategies in this chapter are the result of suggestions from the consultants that were hired during the planning stages of the Houston – Donaldson Study to look at the traffic issues within the Study Area.

B. CVG Airport

1. CVG Master Plan

- a. The Federal Aviation Administration (FAA) requires that airports review and update their Master Plans every five years. CVG has recently had their Master Plan update approved by the FAA and it has an effect on the Houston – Donaldson Study Area.



- b. The updated CVG Master Plan focuses on recent changes in the airport's air traffic. Although CVG still has more passenger travel and non-stop cities served than any other airport in the region, passenger traffic peaked in 2005 and has continued to decline ever since. According to OKI's Freight Plan, passenger traffic has fallen from a peak of twenty-two million to only six million today. This drop in passenger traffic has been due to the fact that Delta Airlines, the main airline serving CVG, downsized its hub operations in 2005 and 2006.
- c. At the same time that passenger traffic was decreasing, CVG's freight traffic began to increase thanks to DHL making CVG their main U.S. hub and one of only three global "super hubs" for DHL, along with similar hubs in Leipzig and Hong Kong. Since 2009, DHL has invested \$105 million in its operation at CVG and has more than doubled its operational capacity. DHL employs approximately 2,000 people and plans to hire several hundred more once it completes another \$47 million expansion in early 2013.

2. Air Cargo Park

- a. In 2011, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) adopted a regional freight plan. That plan recommended an air cargo facility to be built by CVG to enhance the airport's cargo capabilities. The concept of such an air cargo park would be to provide logistical services that would be superior to those offered by a typical warehouse or distribution center. An air cargo park is envisioned to be an intermodal hub where air freight could be offloaded, sorted and/or stored for distribution by either truck or air.
- b. In making their recommendation for an air cargo park, OKI devised a list of potential infrastructure improvements. One of those potential improvements is a connector road from the cargo park to Aero Parkway (identified as "future South Airfield Road" in the plan). According to the CVG Master Plan, the cargo park is envisioned on the western side of the airport, meaning that the cargo park itself would not be in the Houston – Donaldson Study Area. However, the Master Plan agrees with the OKI regional freight plan in that the cargo park needs to tie into Aero Parkway, which would affect traffic in the Houston – Donaldson Study Area due to increased truck traffic making its way to I-75 from the airport. Such an air cargo park may be built within the ten-year planning horizon of the Houston – Donaldson Study as it is shown on the CVG Master Plan's Proposed Projects and Timing Table with a 2023-2024 construction date.

C. Road Improvements

1. When the 1992 Houston – Donaldson Study was written, there were many needs that had to be met in the road system within the Study Area. At the time of this writing, most of those needs have been met. As an example, in 1992 Houston Road did not connect to Donaldson Highway. There are no longer identifiable major road projects such as that. As a result, the 2014-2017 Transportation Improvement Plan (TIP) does not list any projects within the Houston – Donaldson Study Area.
2. However, the 2014-2017 TIP is based on a larger document, the 2040 Regional Transportation Plan. That document shows one project within the Houston – Donaldson Study Area. That is the widening of Donaldson Highway from the Kenton County line to Mineola Pike. That project is listed as a recommended project but has not yet been funded.
3. Boone County also has an adopted Transportation Plan. The Boone County Transportation Study was completed in 2006 and is a countywide transportation plan. Several things have happened at the local, state, and federal levels since the adoption of that study that make it imperative that it being updated as soon as funding is available, including the 2012 adoption of a new federal transportation bill, MAP-21. In addition, several of the projects listing in that study have been completed. However, there is one project that is listed on the Operation Improvement Plan Project list that is still recommended for future consideration. That is the widening of Turfway



Road. This is a project that Planning Commission has proposed as part of the Houston – Donaldson Study and recommends that it be included in future transportation planning initiatives.

4. Beyond the major road improvements, there are several local road recommendations that the Houston – Donaldson Study makes. These local road improvements are largely based on the recommendations of the traffic consultant that the Planning Commission hired to look at the Houston – Donaldson Study Area early in the planning process. These local road improvements are detailed in the Land Use Recommendations chapter. This includes the proposed extension of Beam Boulevard and the intersection with Houston Road (Figure 17-6), the redesign of Turfway Road in Subarea Six to remove the ninety degree turn (Figure 17-10), and potential new local roads that would serve Subarea Seven when it develops.

D. **Non-Motorized Facilities**

1. There are two non-motorized infrastructure issues in the Houston – Donaldson Study Area. The first non-motorized issue is Phase II of the CVG Trail (Figure 17-12).

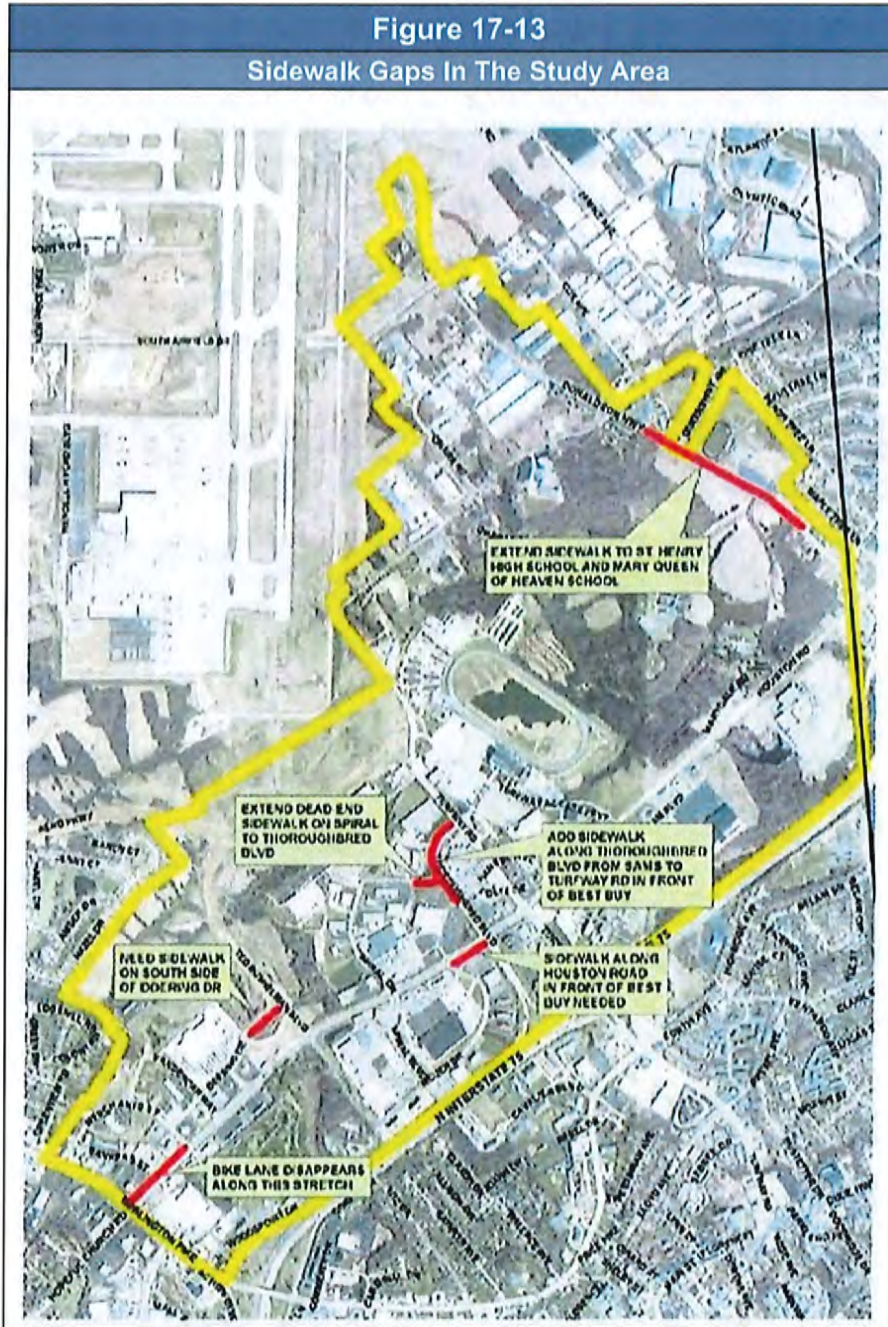


2. As discussed in the Background Study for Subarea Eight, the CVG Trail is a planned 22-mile shared use path that is envisioned to encircle the CVG airport. The goal of the CVG Trail is to provide safe facilities for walkers, runners, and bicyclists around the airport. The trail has been championed since 2007 by a group called Friends of CVG Trail, a private not-for-profit community group.
3. The first leg of the CVG Trail, known as Phase I, was completed as a part of the construction of Aero Parkway and Ted Bushelman Boulevard in 2012. Phase II of the CVG Trail is planned to be located adjacent to Subarea Eight along its west boundary and within airport property. Phase II is



planned to be approximately 3.3 miles length and is planned to extend north from the existing Phase I trail and connect to the CVG Airplane Viewing Area on Donaldson Highway.

4. The CVG Trail is only the first of the nonmotorized facility issues in the Houston – Donaldson Study Area. The second are the sidewalks. The Houston – Donaldson Study Area has an existing network of sidewalks that measures over 26.5 miles total in length. Thanks to this sidewalk system, even without the CVG Trail, the Houston – Donaldson Study Area has an impressive non-motorized system. However, the existing sidewalk network has gaps at certain points that should be filled in by making sidewalk connections. Making these sidewalk connections would involve filling these gaps, most of which are relatively minor (Figure 17-13). In addition, it is recommended that a non-motorized trail circle Subarea Seven. This proposed non-motorized facility should connect to the larger sidewalk system, as well as to the future Phase II of the CVG Trail.



5. In addition to the sidewalk gaps, Figure 17-13 also shows a needed bike lane improvement. Houston Road has striped bike lanes for most of its distance. However, this bike lane disappears at the southern end of the road as it nears the intersection with KY 18. It is recommended that the bike lane be completed.

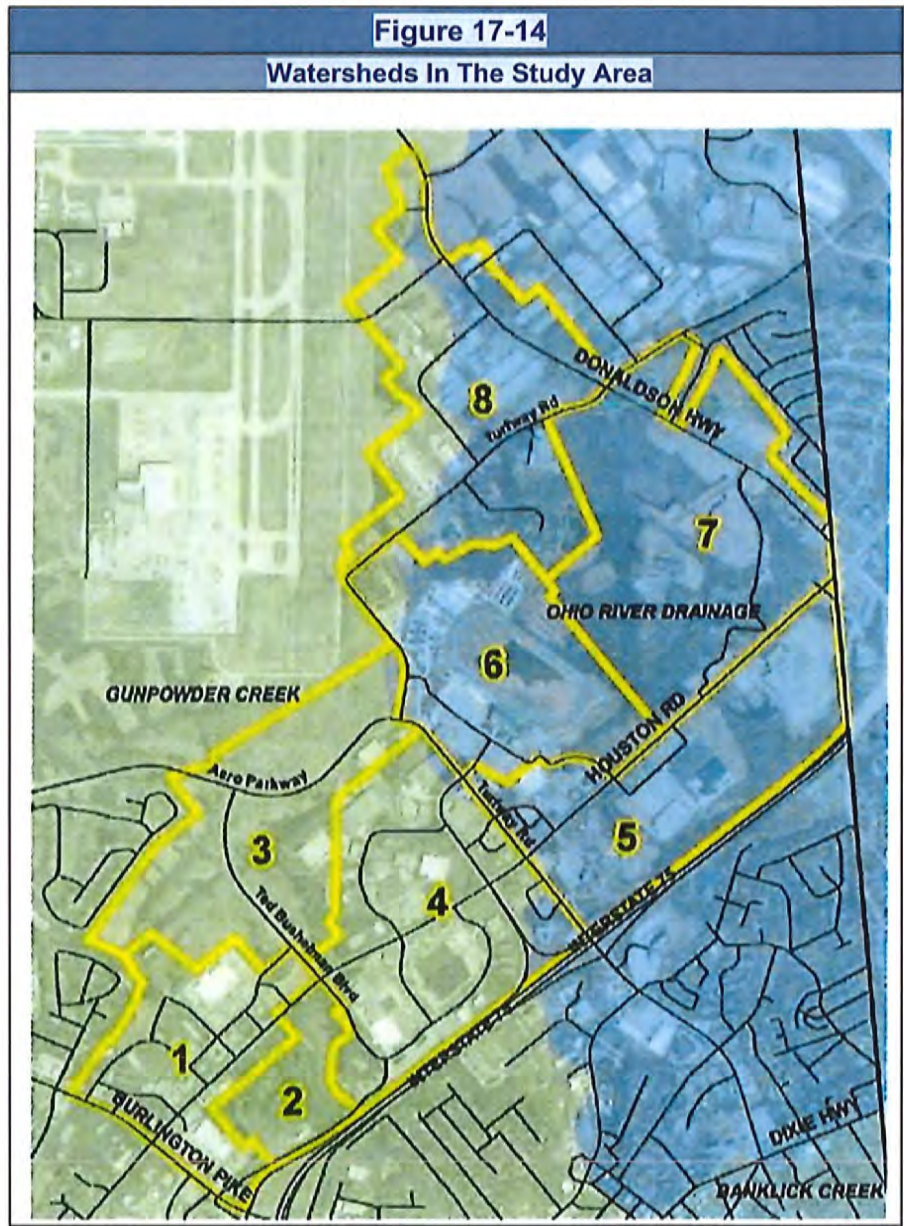
E. Stormwater

1. Nonpoint source runoff, commonly referred to as stormwater, has been identified as one of the leading causes of impairment to stream water quality throughout the state of Kentucky. Data



collection and analysis in the Gunpowder Creek Watershed between 2009 and 2012 demonstrate the connection between land use development and stormwater. Increased development, as well as improperly managed impervious surfaces, such as roads, parking lots, and rooftops, disrupts a watershed's hydrology, altering the natural flow regime which negatively impacts stream quality. Both stream system assessments and public education play important roles in stream quality as understanding existing conditions and promoting public stewardship are critical for protecting natural resources.

2. The Houston – Donaldson Study Area is divided into two different watersheds (Figure 17-14). The eastern side of the Study Area drains directly into the Ohio River via Dry Creek. The western side falls within the Gunpowder Creek watershed, which drains into the Ohio River in the southwestern part of Boone County.





a. **Gunpowder Creek**

- i At this time, the Boone County Conservation District is writing a Watershed Plan for the Gunpowder Creek watershed plan. This plan is based on two years of collected field data and subsequent analysis. Their data suggests that the water quality in the Gunpowder Creek watershed is graded a "C".
- ii The Gunpowder Creek watershed faces problems in the future that need to be evaluated and planned for today and has been under increasing pressure as development in the watershed continues to expand. Gunpowder Creek has been classified on the 303(d) List of Impaired Waters for high levels of sediment, bacteria, and nutrients. Nonpoint source pollution, due to hydromodification, habitat alteration, and sedimentation, is thought to be the leading cause of impairments in the watershed. Historic land uses such as agriculture also impact the lower portions of the watershed. The Cincinnati/Northern Kentucky International Airport (CVG), most of which lies in the Gunpowder Creek watershed, has a separate Total Maximum Daily Load (TMDL) for ethylene glycol. Most of the upper reaches of the watershed have been developed, including most of the land in the Houston – Donaldson Study Area.
- iii Significant impairments have already been identified in the Upper Gunpowder Creek Watershed. CVG was identified as a major source of pollution from de-icing operations and has taken mitigating steps in accordance with the approved TMDL developed to address ethylene glycol (KDOW, 1998). Additional TMDLs are under development by KDOW for other pollutants they have assessed and listed as causes of impairments in the creek and its tributaries.
- iv These are sedimentation/siltation, nutrient/ eutrophication biological indicators, organic enrichment (sewage) biological indicators, and fecal coliform (KDOW, 2008). These impairments are related to Boone County's rapid growth over the past decade and an increase in storm water runoff. The county will likely continue to grow for the foreseeable future. As a result, the threat to the Gunpowder Creek watershed from nonpoint source pollution will continue to grow unless proper Best Management Practices (BMPs) are taken. Based on the evidence of this growing threat, it is important that a clearer understanding of the situation facing the watershed be obtained.

b. **Ohio River**

- i The Gunpowder Creek watershed drains into the Ohio River, one of sixty-nine major tributaries in fifteen states. However, the water from the eastern half of the Houston – Donaldson Study Area drains directly into the Ohio River itself without flowing through a tributary. Much of this water is delivered via stormwater non-point source or through pipes that drain directly into the Ohio River.
- ii According to the Kentucky Waterways Alliance, threats to the Ohio River mainly include stormwater runoff, agricultural runoff, mercury deposition from coal-fired plants, industrial wastewater discharges, and millions of gallons of untreated sewage that flow into the river each year from sewer overflows. Of these, the issues that the Houston – Donaldson Study Area most affects are stormwater and sewer overflows. Both of these issues surface during rainfall events.

F. **TANK Transit Network**

1. The Transit Authority of Northern Kentucky (TANK) has provided transit services to Boone, Campbell and Kenton counties as well as downtown Cincinnati since 1973. TANK offers a



"Downtown Connection" taking people from their homes in Northern Kentucky to jobs downtown as well as service to work sites in the Northern Kentucky region, with fast "reverse-commute" bus service. TANK also operates express buses that travel the highway system, providing more direct access to the Downtown Cincinnati Central Business District. TANK operates 27 routes, through 19 Park & Ride locations, 365 days a year. TANK also operates the Regional Area Mobility Program (RAMP), a service for disabled citizens and the DayTripper program for seniors over age 60. In the 2009 Fiscal Year, TANK carried 3.7 million passengers to destinations throughout Northern Kentucky and downtown Cincinnati.

2. One of the routes TANK operates is the #1 Route. This is the route that travels to and from the Houston – Donaldson Study Area and is has more ridership than any other TANK bus route. The #1 Route travels from downtown Cincinnati down Dixie Highway and loops through the Mall Road area and the southern half of the Houston – Donaldson Study Area. At the time of this writing, TANK is proposing to change the #1 Route to a faster service by eliminating approximately three-quarters of the existing stops. This change is expected to result in a net increase in ridership and a higher frequency of busses, making it a more suitable route for commuters. The Houston – Donaldson Study Area would continue to be served by this new rapid bus system, although the number of stops would be reduced.
3. The Houston – Donaldson Study Area is also affected by the 2X Route, which is designed to deliver passengers to and from the CVG Airport. This route travels from Cincinnati to I-75 to I-275 and is the only route that has wifi for the riders. The route exits I-275 at the KY 212 interchange and loops through the airport, stopping at several places within. The route ultimately enters the Houston – Donaldson Study Area from the north at Turfway Road and Donaldson Highway after looping though the Circleport Business Park. The route then turns east from Turfway Road and travels along Donaldson Highway until stops again at Home at Commonwealth in Kenton County. As a result, although the 2X Route travels through the Houston – Donaldson Study Area and serves the CVG Airport, it does not directly serve the Study Area.
4. TANK also maintains two Park and Ride lots that serve the Houston – Donaldson Study Area. The first lot is in the parking lot of a restaurant at the southeast corner of Houston Road and Donaldson Highway and just inside the Boone County boundary line. The second lot is in the Turfway Park parking lot and located roughly behind the Target shopping center. Both of these Park and Ride lots serve the #1 Route.

SECTION 1707 DEVELOPMENT DESIGN REQUIREMENTS

- A. This section outlines the Site Design and Architectural Design Review requirements which apply to all buildings and sites in the Houston – Donaldson Study Area. These requirements are primarily aesthetic in nature and are intended to create and maintain substantive, high quality developments which are adaptable over time and conducive to a regional, automobile oriented multi-use activity center in accordance with the Study's objectives. If the proposed improvements are not subject to public view from a public street or adjoining property, the Zoning Administrator may determine that the Design Review procedure is not required.
- B. Compliance with the Site Design requirements shall be determined through the applicable Site Plan process as required by ARTICLE 30. Compliance with the Architectural Design Review requirements shall be determined through the Design Review process that is described later in this section. The Site Plan and Design Review applications shall be submitted concurrently. Seven (7) sets of full size architectural elevations, one (1) letter or legal size set of architectural elevations and color rendering, material samples or product literature, and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Design Review application. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.



- C. For additions or exterior modifications to existing buildings, the Architectural Design Review requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.
- D. The requirements in this section supersede the normal requirements of the Boone County Zoning Regulations. When specific standards or requirements are not outlined in this document, the normal requirements of the zoning regulations shall apply. Exceptions or modifications to either the Site Design or Architectural Design Review requirements, and flexibility in development standards, may be granted by the Planning Commission through the Design Review procedure upon finding that the proposal will create an equivalent or superior solution to the requirement in question, or is necessary to better meet the recommendations, requirements, intent, goals, and objectives in the Study document as a whole, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.
- E. Site Design Requirements
1. Site Arrangement:
 - a. Improvements shall be arranged on a site so that:
 - i Large blank walls are not directly visible along street frontages or areas frequented by the public.
 - ii No more than 60 percent of the parking and vehicular areas for outlot type developments shall be placed in a front yard or corner side road.
 - iii A minimum 20 foot wide landscaped area is provided between the right-of-way and on-site improvements. For sites with multiple street frontages, the landscape area width may be reduced to 10 feet for secondary frontages along local or subcollector roadways. Such approval shall be granted through the Design Review process.
 2. Landscape/Green Space Area:
 - a. Landscaping shall be provided in accordance with ARTICLE 36 "Landscaping" of the zoning regulations. Additionally, a minimum of 22 percent of the overall site area shall be devoted to landscaping as permanent green space. The computation of this green space ratio can include areas such as landscaped parking lot islands and peninsulas, landscape areas along street frontages and building frontages, buffer yards, water features and sculptural elements, and storm management facilities which are integrally designed as part of the landscape. Storm water management facilities that are placed in front yards or corner side yards must be designed as an integral, visual part of the site's landscape.
 3. I-71/75 Streetscape:
 - a. The pavement surface of any parking or vehicular area which adjoins the I71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.
 4. Pedestrian Facilities:
 - a. Each development or land use within the Study Area shall provide pedestrian sidewalk connections to other developments, recreation and public or civic facilities, and public open space areas, if appropriate. These connections are in addition to sidewalk connections between the building, parking, and street normally required by Article 33 of the zoning regulations. Comprehensive pathway/sidewalk systems which logically connect destinations



shall be provided in multi-lot developments. Access easements shall be of a paved surface and shall not use gravel.

- b. Outdoor spaces with fixed seating, landscaping, and other pedestrian oriented improvements shall be provided at a main building entrance for multi-tenant and multi-building retail and office developments, and other major developments with a high volume of pedestrians such as public facilities. These outdoor spaces shall be surfaced with decorative pavers or concrete treated to appear as unit pavers. Crosswalks on public and private roadways within planned development should also have a tactile, decorative surface such as cast in place units made to look like unit pavers or concrete treated to appear as such.

5. Site Furniture:

- a. Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, railings around outdoor seating areas, and street/regulatory signage. There are no proprietary specifications or requirements for site furniture, or prototypes which must be followed. Rather, site furniture must be architectural grade and the various items selected for any given site must visually correlate to one another as components of an overall design system. Also, site furniture must use neutral or dark colors, and shall not use wood or wood products.

6. Underground Utilities:

- a. All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.

F. Design Review Process

1. Complete Design Review applications shall initially be reviewed by the Boone County Planning Commission's staff, who will then report their findings and conclusions to the appropriate committee of the Planning Commission. The Committee shall evaluate the proposal and Staff input, and then formulate a recommendation on the application to the full Boone County Planning Commission. Upon consideration of the Committee's recommendation, the full Planning Commission shall vote to approve, approve with conditions, or deny the application at a regularly scheduled Business Meeting. The Planning Commission's decision shall be based upon the requirements stated in this section, and any applicable conditions of approval from previous Zoning Map Amendment, Concept Development Plan, or Board of Adjustment applications for which compliance is to be determined through the Design Review process.
2. Complete Design Review applications must be received at least fourteen (14) days in advance of a Planning Commission Business Meeting in order to be considered at said meeting. Final action on Design Review applications shall occur within sixty (60) days of submission to the Planning Commission's office. An approval of a Design Review application shall be valid for two (2) years.

G. Architectural Design Review Requirements

1. Previously Approved Design Standards:

- a. Sites which are subject to Design Review type standards, requirements or conditions from a prior zoning approval such as a Zoning Map Amendment, Concept Development Plan, or Board of Adjustment application shall be evaluated for compliance with said standards, requirements, or conditions.

2. Relationship to Neighboring Structures:

- a. Building design shall correlate to adjoining structures, and those in the same overall center or subdivision if applicable, through the use of comparable and compatible facade composition, materials, colors, roof forms, and stylistic or thematic traits.

3. Architectural Style:



- a. Developments with multiple uses, owners, and/or tenants are encouraged to use architectural designs from a single recognized academic style.
4. Massing and Proportions:
 - a. The overall three dimensional envelope of the building shall be proportionate in terms of length, width, and height. Individual components on building facades, such as windows, doors, projections, placement of design details, and changes in footprint, rooflines and forms, materials, and colors, shall also be proportionate to one another and balanced on the overall structure. Three dimensional relief may be added with the provision of projections such as covered walkways/arcades, canopies, and simple fabric awnings, and/or by providing jogs or breaks in the building footprint.
 - b. For large scale structures such as anchor style retail buildings, parking structures, and civic/institutional buildings, the amount of detailing and fenestration will need to be adjusted to match the scale and function of the building. The exterior walls of larger office/commercial buildings can be designed to appear as a collection of multiple zero lot line buildings or tenants.
5. Façade Composition and Detailing:
 - a. Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the lower portion of the exterior wall along the foundation (or entire ground floor for multi-story buildings) from the upper portion of the wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice or projecting eave.
 - b. Main public building entrances shall be emphasized in the facade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or by changing the building materials, detailing, or color around the entrance opening.
 - c. Detailing should be used at the base, top of facades, openings, transitions, and across large wall expanses to reduce monotony and provide a finished appearance and dimension throughout. This could include: defined window sills and lintels, masonry quoins, soldier courses, herringbone or tile detailing, or medallions; recessing windows, storefront units, and/or doors within the façade to provide "punched" openings that create shadow lines and three-dimensional relief; metalwork, specialty glass, and signature light fixtures; and alternating materials, finish textures, colors, and/or size or shape of unit materials such as brick or stone on a facade. Corporate trademark features which uniquely identify one specific company shall not be used in the building design unless they meet the requirements of this chapter and can be readily removed or adapted without scarring the building for future occupants.
6. Building Materials:
 - a. The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a highly textured, fluted, or unit masonry appearance. These materials shall have an integral color. Architectural grade metals such as Alucobond type products are also permitted. Glass curtain walls used in conjunction with these materials are also permitted. Other materials such as EIFS/stucco, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas. EIFS/stucco and precast concrete wall panels with a similar light texture finish may be used as a primary building material for industrial buildings which are



- larger than 100,000 square feet and not located along collector or arterial roadways, and may be used on rear facades which are not subject to public view for other structures.
- b. Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl or aluminum siding, or hard board type materials are not permitted. Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows.
 - c. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal. Other types of decorative metal roofing can be evaluated on a case-by-case basis and approved if they are integral to the overall design of the structure.
7. Building Material Colors:
- a. Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing. The color of pitched roof materials shall complement, yet contrast with the exterior wall materials. Color schemes shall use at least two colors to highlight building features and details, create contrast, and to avoid monotony and starkness in the overall building design. A consistent color scheme shall be provided on all facades so that the appearance of a rear or service side of the building is minimized.
8. Roof Types and Shapes:
- a. Parapet designs which have a defined cornice line and pitched roofs are permitted. Pitched roof forms shall appear complete and symmetrical when viewed from public vantage points both on and off the subject site. Mansard or other "stage set" type designs are not permitted.
9. Screening, Accessory Structures, and Retaining Walls:
- a. Mechanical Equipment Screening:
 - i. All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted, the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens or mansards are not permitted. Roof mounted equipment on flat roofed buildings shall be painted to match the roof surface material if it is visible from adjoining sites or roadways that are at a higher elevation. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.
 - b. Loading/Unloading/Service Areas:
 - i. Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.
 - c. Trash Enclosures and Accessory Structures:
 - i. Garbage storage areas and accessory structures shall be placed in the side or rear yard only, excluding corner side yards. Garbage storage areas shall be enclosed per



the requirements of SECTION 3151 of the zoning regulations. Additionally, garbage enclosure structures and accessory structures shall be constructed with the same materials, colors, and design detailing as the principal building.

d. Retaining Walls:

- i. Retaining walls shall be constructed of brick, architectural grade CMU, concrete which is formed to have a unit masonry appearance, or segmental retaining wall blocks. The face material shall have a texture and integral color which correlates to the materials used for the principal building. Plain faced CMU and/or materials with a painted finish are not permitted.



ARTICLE 18 PARKWAY CORRIDOR STUDY OVERLAY DISTRICT (PO)

Contents:

ARTICLE 18 PARKWAY CORRIDOR STUDY OVERLAY DISTRICT (PO)

SECTION 1800 INTENT

SECTION 1801 LOCATION AND DEFINITION

SECTION 1802 APPLICABILITY AND REVIEW

SECTION 1803 ZONING PROCESS

SECTION 1804 PLAN CONCEPTS

SECTION 1805 OFFICE, COMMERCIAL, AND INDUSTRIAL PROJECT DESIGN REQUIREMENTS

SECTION 1806 TRANSPORTATION IMPROVEMENTS

SECTION 1800 INTENT

- A. The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. The original Parkway Corridor Study and its boundaries, adopted in 1986, were evaluated in light of changes in the area, new objectives, the Boone County Comprehensive Plan, and other recent studies. The result of this evaluation is the Central Florence Strategic Plan, An Update of the Parkway Corridor Study.
- B. The intent of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study is to further develop the city's central neighborhoods and to link existing and/or planned business, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center. The Plan is also intended to fulfill the following objectives:
1. Develop each neighborhood's unique assets and amenities, and establish each area as an identifiable neighborhood within the city center.
 2. Provide a detailed strategy for creating the "urban center" envisioned by the Parkway Corridor Study and identified in the 2005 Boone County Comprehensive Plan.
 3. Create architectural identity unique to the city center.
 4. Enhance quality of life through improvement of the physical environment.
 5. Create employment, recreation, and entertainment opportunities within the study area.
 6. Create a mixed-use service and retail environment which will primarily serve current and future market needs east of I-75 and will not compete with the regional market west of I-75.
 7. Recommend public improvements and actions for strengthening identities of individual neighborhoods – such as was done in the Dream Street Study.
 8. Subdivide the study area into sections – existing characteristics and recommendations for land use, vehicle and pedestrian access, site design, etc.
 9. Determine how future development proposals will be reviewed, such as Planned Development Overlay(s) (PD) and/or short review/long review/technical design review/or other processes.

SECTION 1801 LOCATION AND DEFINITION

- A. The Parkway Corridor Study Overlay District is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth, in addition to those specified by ARTICLE 15 of the Boone County Zoning Regulations and the underlying zoning district,



and are described in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. The boundaries or location of the (PO) are described and identified in Chapter 7 "Zoning Process" of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study and shall be designated by the suffix "PO". The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 1802 APPLICABILITY AND REVIEW

- A. The Parkway Corridor Study Overlay District (PO) shall be applied to all properties identified in Chapter 7 "Zoning Process" of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. Detailed review procedures, which work in tandem with the requirements of ARTICLE 15 "Planned Development District," are outlined in Chapter 7 "Zoning Process" of the Plan as well as other appropriate articles in this zoning order. Specific land uses, zoning, and development standards are outlined in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study.

SECTION 1803 ZONING PROCESS

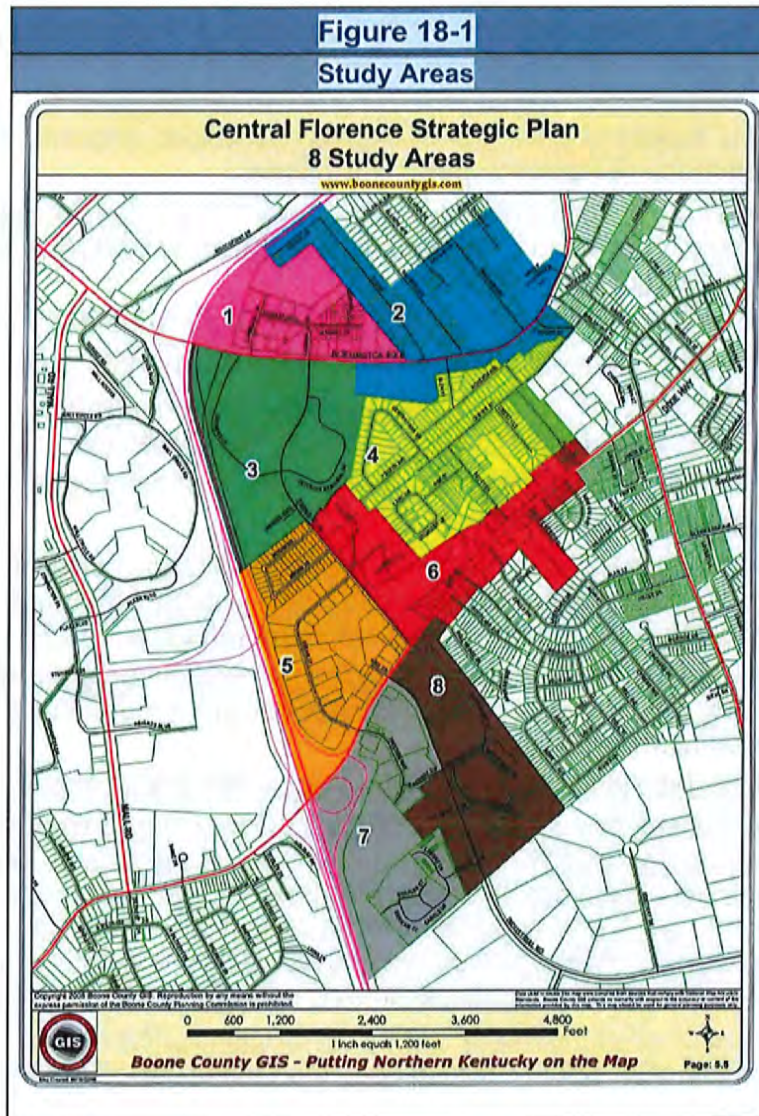
- A. Two basic review tracks are possible within the Central Florence Strategic Plan area for all areas except for those which are outside of the Planned Development (PD) overlay district. Areas outside of the Planned Development (PD) overlay district follow the standard review procedures outlined in the Boone County Zoning Regulations and Boone County Subdivision Regulations. For the areas within the Planned Development (PD) overlay district, an expedited "short" review process is available to encourage new development, new uses, physical alterations to a building and/or site, and redevelopment to comply with the Study's recommendations. A "long" review process is available for proposals that do not comply with the Study's recommendations. These two review tracks are as follows:
1. Short Review Process: Administrative site plan review and subdivision review as applicable per ARTICLE 30 of the Boone County Zoning Regulations and ARTICLE 2 of the Boone County Subdivision Regulations upon the Zoning Administrator determining that the Short Review Process Criteria outlined below have been fulfilled. Certain use changes are subject to the Tenant Finish procedure, and projects which are developed in accordance with a previously approved Concept Development Plan may follow the Short Review Process as described further below.
 2. Long Review Process: Prior to the administrative site plan and subdivision review processes, the development proposal must be approved through the Concept Development Plan or Zoning Map Amendment process per ARTICLE 3 "Amendment" and ARTICLE 15 "Planned Development District" of the Boone County Zoning Regulations. Both processes involve a Public Hearing before the Planning Commission, a recommendation by the Planning Commission to the Florence City Council, and a final decision by the City Council.
- B. Zoning Administrator Criteria for Determining Review Process:
1. Tenant Finishes for Principally Permitted Uses: Proposals that only involve a change to a use that is Principally Permitted in the underlying zone, and which will occupy space in an existing building with no physical alterations or additions to the building or site (excluding signage) are subject to the administrative Tenant Finish procedure.
 2. Previously Approved Concept Development Plans: Concept Development Plan approvals that were granted prior to the adoption of the Central Florence Strategic Plan are valid as originally approved, including any supplemental conditions of approval. Projects proposed to be developed pursuant to a previously approved Concept Development Plan may follow the Short Review Process.



3. New Development, Site Redevelopment, Changes or Additions to Building or Site, Other Use Changes: The Short Review Process may be followed provided the Zoning Administrator determines that:
 - a. The proposal follows the recommendations in SECTION 1804 as they relate to the specific site and surrounding vicinity. Proposed uses that are not listed in the underlying zone text may qualify for the Short Review Process if they follow the "Plan Concepts" and "Zoning for Plan SubAreas" recommendations, and plan maps. Proposed uses that are listed in the underlying zone text (Principally Permitted Uses or Conditional Uses) may not necessarily qualify for the Short Review Process if they do not follow the "Plan Concepts" and "Zoning for Plan Sub-Areas" recommendations, and plan maps. The current Boone County Comprehensive Plan may also be consulted in this determination.
 - b. The proposal follows all applicable development standards outlined in SECTION 1805 and Section 3407.6. The proposal also follows any applicable provisions in SECTION 1806.
 - c. The proposal does not present unknown or undue impacts on infrastructure or public services based on the recommendations in the Central Florence Strategic Plan, such as water, sanitary and storm sewer, traffic impacts, public schools, and emergency services.
 4. If the Zoning Administrator determines that any of the above criteria is not met, then the proposal must follow the Long Review Process.
- C. Review Processes Overview
1. Step One - Pre-application Meeting
 - a. Applicant meets with staff for a pre-application conference. Applicant presents proposed uses or project to staff and is informed of Central Florence Strategic Plan requirements.
 2. Step Two - Zoning Administrator Decision
 - a. Zoning Administrator determines whether the proposal follows the Short Review Process, per Step Three, or the Long Review Process, per Step Four, based upon the submittal information. This determination is given in written form and is based upon the criteria identified in Subsection B, above.
 3. Step Three - Short Review Process
 - a. If the determined process is the Short Review Process, then the applicant applies for a Site Plan based on ARTICLE 30 and/or subdivision review.
 4. Step Four - Long Review Process
 - a. If it is determined that the applicant follow the Long Review Process, then the applicant shall submit an application through either the Concept Development Plan or Zoning Map Amendment Procedure, pursuant to ARTICLE 3.

SECTION 1804 PLAN CONCEPTS

- A. This section outlines the initial planning concepts and recommendations for the Study Area as a whole as well as for various sub-areas, which are identified in Figure 18-1. These concepts are based upon the existing conditions documentation and analysis, evaluation of socio-economic data, relevant data and findings from other timely studies, input from public officials, and other observations. These are also the basic concepts presented at the two initial public workshops. These initial concepts are further "operationalized" and refined by the later sections of this Study which detail specific methods and procedures for implementation.



B. Overall

1. Create integrated signage system where individual neighborhoods/districts are given identity with place names; various signs should use the same basic design elements but not the same design at each location – these can include follies and sculpture.
2. Provide stylized design improvements at major intersections (traffic signal hardware, crosswalk surfacing, light standards, etc.) – Dream/U.S. 42, Industrial/U.S. 42, Ewing/U.S. 42, Ewing/KY 18, and perhaps Ewing/Dream Street; use such improvements at Dream/U.S. 42 intersection to bridge the barrier created by U.S. 42 between Dream Street and the stadium district to the south and to create a gateway into the city from the interchange (some of these improvements have already been initiated).
3. Provide a streetscape plan along the I-75 right-of-way to enhance/frame business frontages (not screen), but provide screening by the Miriam Drive/Coreta Drive neighborhoods.
4. From a zoning perspective, allow projects which implement the plan recommendations and standards by right, but require Concept Development Plan approval otherwise.

C. Commerce Drive (Area 1)



1. Encourage low to moderate turnover commercial uses, or those whose peak hours don't coincide with the street network; except where adjoining residences, a strictly controlled use list is not necessary.
 2. Building designs should use "natural" materials and colors; following the normal street frontage landscaping requirements is appropriate for this area.
 3. Provide a master sign district for this area along KY 18 (coordinate with major intersection facelift); could provide at the KY 18/Commerce intersection to display business names with very brief instructions for access at Cardinal Drive.
 4. Promote idea that Cardinal Drive should become the main entrance due to the traffic light.
- D. KY 18 (North Side – East of Cardinal; South Side – East of Glen) (Areas 1 & 2)
1. Encourage local consumer services and retail with interconnected parking lots; discourage car sales lots and other uses with large open lots and outdoor display.
 2. Promote idea that redevelopment in this area should include the consolidation of parcels.
- E. Tanners Lane Area (Area 3)
1. Open up" the Tanners Gate site into a higher profile site; currently has poor visibility and clandestine access – needs a pronounced access point on Ewing w/ lighting, monuments, landscaping, fountains, et al, and some sort of identity element on I-75.
 2. Goodwill/TJs sites could benefit from a façade improvement program (for facades that face both Tanners and I-75; KY 18 sites could benefit from such a program as well) or it could be a good site for redevelopment for office use.
 3. Provide street frontage landscape and sidewalks on Tanners if current development remains.
 4. Advocate the redevelopment of the TA site into an office headquarters due to truck traffic congestion with access onto Ewing Blvd. – this would be a unique, signature building designed by a renowned architect/firm; this site could be expanded to include the mini-warehouse, Goodwill and TJ's sites and could involve the vacation of Tanner's Lane; this redevelopment could also include the Waffle House and former Social Security sites (currently occupied by Family Nurturing Center), although these lots do not appear critical for such a project.
 5. Encourage the removal of the industrial looking buildings and promote new office development to go with the existing office uses. Perhaps open the area up for office (destination) uses.
- F. Dream Street (Area 5)
1. Maintain interchange business orientation of the southern section of Dream Street, and further create/emphasize low turnover commercial and local services in the northern section of Dream Street. Encourage the redevelopment of sites, particularly the uses or existing buildings that have located on Dream Street for over 25 years.
 2. Create design standards which define basic building envelopes (roof styles, materials, and colors); allow fairly liberal use of corporate identity in signage and trim/accent colors in the southern section, and a more reserved approach in the northern section (use same basic building design guidelines in both sections, just different detailed requirements).
 3. Monohan property to the east of Dream Street is developed using just Ewing for access versus a through street (through street is preferred), a "pedestrian boulevard" with a 10 foot wide surface and street tree-like plantings should be provided to link Dream Street and the Monohan development.
 4. Redevelopment of tobacco shop with interchange type business.
 5. Follow Dream Street Study signage recommendations and provide other mechanisms/incentives for removal of pylon signs.
- G. Miriam Drive (Area 5)



1. Develop the Miriam Drive area into a more secluded residential enclave; provide entry monuments along Ewing, sidewalks along at least one side of the street, and improve the landscape buffer around the perimeter.
- H. US 42 East (Area 6)
1. Further develop the intermixed office and multi-family theme existing in the area; encourage multi-story buildings with smaller setbacks from U.S. 42, full brick structures with masonry detailing and complete, simple pitched roofs (gabled or hipped), with parking provided at the sides and rear.
 2. Provide street frontage landscaping via “naturally” arranged hardwood and evergreen trees versus a formal street tree scheme.
 3. Allow National Register listed residences to be converted to office uses without demolition.
- I. Other Residential Areas (Areas 2, 4, and 6)
1. Plantation Apartments/Vineyard/Scott-Center Area/Kathryn Utz Area – Maintain viability through property and infrastructure maintenance and codes enforcement; finish sidewalk system within the single family area, use integral curbswalks where necessary due to grades and/or where there are narrow building setbacks; “bull nose” style parking lanes may be added where parking problems are identified to prevent/remedy where citizens have graveled/paved right-of-way for private parking; Promote Higher intensity; Upgrade amenities; Add a scenario for office redevelopment in area 6.
- J. Stadium District (Area 7)
1. Emphasize the stadium district as a year round entertainment district – a fun place; include a live music venue and at least one good quality restaurant; probably need at least three or four establishments to create a critical mass.
 2. Arrange development in stadium district as a tight-knit neighborhood allowing for easy pedestrian travel between establishments (avoid suburban style segregated projects on individual lots surrounded by parking); permit at least some shared parking with stadium.
 3. Promote little to no setback requirements, maximize building intensity, other public and private recreational uses.
 4. Create special signage and landscaping regulations for the entire district.
 5. Master Sign District to help advertise and direct traffic to recreational venues.
- K. Sussex Drive (Area 8)
1. Advocate the assembly of parcels and redevelopment of the area as a “back office”/service area (call centers, billing and claims offices, etc. – employment type centers that don't need visibility or routine access for the public and customers); the Florence Bowl property is not critical to redevelopment – if it remains, reasonable access needs to be maintained.
 2. Redevelopment would create a campus of multi-story buildings; architectural controls appear only to be important for the first building or tier of buildings immediately visible from the Industrial Road for the Sussex Drive portion of this area.
 3. Provide a master sign for this area along Industrial Road, irrespective of whether a redevelopment occurs.
 4. Because of the close proximity to Northern Kentucky Industrial Park, some of this area could also be rezoned to industrial without large scale redevelopment. Widened roads will serve the industrial uses.
 5. Realign Columbia Drive so that there is direct access between Industrial Road and Sussex Drive.
 6. Promote Master Sign District to help advertise and locate “hidden” businesses.



SECTION 1805 OFFICE, COMMERCIAL, AND INDUSTRIAL PROJECT DESIGN REQUIREMENTS

- A. The design requirements outlined herein apply to the districts specified in this Article, in addition to the provisions outlined elsewhere in this Article - these requirements supercede the normal requirements of the Boone County Zoning Regulations. When specific development standards or requirements are not outlined in this Article, the normal requirements of the Boone County Zoning Regulations shall apply. Specific, individual requirements in this section may be modified by the Zoning Administrator provided the proposal will create an equivalent or superior solution to the requirement in question, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.
- B. For additions or exterior modifications to existing buildings, these design requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.
- C. Compliance with these requirements shall be determined through the applicable Site Plan process as required by ARTICLE 30. Architectural elevations and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Site Plan application in addition to the materials listed in ARTICLE 30.
- D. General Requirements (All Areas)
1. Utilities: All utilities shall be provided underground. Mechanical Equipment Screening: All mechanical equipment within the districts outlined in this section shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted, the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens are not permitted. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.
 2. Building Materials: Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl siding, or hard board type materials are not permitted (unless they are permitted in the architectural design guidelines of a particular study area). Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows.
 3. Building Intensity: Building intensity or density shall follow the requirements for the underlying zone. For sites that are within the Planned Development (PD) overlay zone, additional intensity may be requested per the requirements of ARTICLE 15 through the formal Concept Development Plan procedure.
- E. Area 1 – Commerce Drive
1. Intent: To reinforce a cohesive commercial district which has varying, unrelated land uses.
 2. Streetscape/Street Frontage Landscaping: A minimum of one large canopy street tree per every 40 feet of street frontage shall be provided within the Commerce Drive and Commerce Place rights-of-way. The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required



landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.

3. Architectural Design:

- a. Materials/Colors: Exterior walls shall be constructed of "natural" appearing materials such as stucco/EIFS, architectural grade CMU, or brick which are red or red/brown or have light natural tones such as those in the beige/tan/warm grey range; siding type materials shall not be used. Other materials and colors may be used for trim and detailing. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, or standing seam metal.
- b. Roof Shape: Parapet designs which have a defined cornice line and pitched roofs are permitted. Mansard or other "stage set" type designs are not permitted.

F. Area 3 – Tanners Lane

1. Intent: To create a high profile, interrelated office and employment district with signature architecture that corresponds to the adjoining districts, with a unique, signature office building on the TA site should it redevelop, surrounded by a high quality office campus.
2. Streetscape/Street Frontage Landscaping: The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence. Additionally, a minimum of one large canopy street tree per every 40 feet of street frontage shall be provided along the south side of KY 18 and along any street or common/shared driveway within the interior of the Tanners Lane area; these trees shall have a formal, regularly spaced arrangement. If the TA site along KY 18 is redeveloped, a large architectural fountain or sculpture shall be provided in the front yard area within an axial alignment with the front building entrance.
3. Building and Parking Location: For sites along KY 18 and I-71/75, no more than twenty five percent (25%) of all on site parking may be located between the buildings and these respective right-of-way lines.
4. Architectural Design:
 - a. Materials/Colors: Only high grade materials indicative of a class A office development and which have a "solid" appearance are permitted, such as clay brick, precast concrete, steel, or steel and glass. EIFS and other masonry products may be used for wainscots, knee walls, trim, and detailing. Exterior walls shall have rich, natural tones.
 - b. Facade Treatment: Highly articulated or embellished three dimensional detailing shall be provided on all facades. All buildings should be multi-story.
 - c. Roof Shape: Parapet designs which have a defined cornice line and full pitched roofs are permitted. Mansard or other "stage set" type designs are not permitted.

G. Areas 2, 5, and North Part of 8 – KY 18 Area, Dream Street Area (including Monohan Subdivision site along Ewing Boulevard and adjoining U.S. 42 area), and Contiguous C-2 and C-3 Area on Southeast Corner of U.S. 42/Industrial Road Intersection

1. Intent: To reinforce cohesive commercial districts which serve both interstate and local needs and act as geographic bridges between adjoining districts to serve local pedestrians and motorists.
2. Streetscape/Street Frontage Landscaping:
 - a. The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either



depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.

- b. For sites along KY 18, a minimum of one large canopy street tree per every 40 feet of street frontage shall be provided in/along the KY 18 right-of-way; these trees shall have a formal, regularly spaced arrangement.

3. Architectural Design:

- a. Materials/Colors: Exterior walls shall be constructed of "natural" appearing materials such as stucco/EIFS, architectural grade CMU, or brick which have subdued natural tones such as those in the beige/tan/warm grey, brown, red-brown, or red ranges; siding type materials shall not be used. White or exceptionally dark colors are not permitted. Other materials and colors may be used for trim and detailing. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, or standing seam metal.
- b. Facade Treatment: Architectural detailing such as defined window sills or lintels, transoms, masonry bands or alternate masonry courses, medallions, three dimensional cornice lines, etc., shall be provided on all facades. Signage or other exterior graphics shall not be integrally constructed as part of the exterior walls.
- c. Roof Shape: Parapet designs which have a defined cornice line and pitched roofs are permitted. Mansard or other "stage set" type designs are not permitted.

H. Area 6 – U.S. 42 and Ewing Boulevard

1. Intent: To reinforce and further define a higher density, suburban strip style campus character with naturalistically arranged landscaping.
2. Building and Parking Location: Buildings shall be located close to the U.S. 42 right-of-way with parking generally located at the side and rear of buildings. The maximum depth for parking areas between buildings and the U.S. 42 right-of-way shall be the width of one standard driveway, which runs parallel to the right-ofway, which is double loaded with parking stalls. No more than fifty percent (50%) of all on site parking may be located in the front yard area.
3. Streetscape/Street Frontage Landscaping: Clusters of a variety of large hardwood trees (such as red oak, pin oak, red maple, and lindens) and evergreen trees (such as blue spruce, hemlock, and austrian pine) shall be provided along all street frontages. The clusters shall be informal groupings spread throughout the street frontage area; formal axial or rectilinear planting arrangements are not permitted. Although the street frontage landscaping requirements in ARTICLE 36 must still be fulfilled, the clusters of trees required herein shall be credited towards the street frontage landscaping requirements.
4. Architectural Design:
 - a. Materials/Colors: Exterior walls shall be constructed of brick (clay only, although architectural grade CMU or stone may be used for knee walls) which have natural tones such as those in the beige/tan/warm grey, brown, red-brown, or red ranges. White or exceptionally dark colors are not permitted. Trim and detailing may be any masonry or pre-cast product. Window framing and doors may use other colors. All colors must be warm tones.
 - b. Facade Treatment: Defined masonry detailing shall be provided, minimally to include defined window sills or lintels; masonry detailing, such as quoins, soldier courses, herringbone detailing, or medallions can be substituted for the defined sills or lintels. Windows and doors shall be recessed within their openings ("punched" openings) to create shadow lines and three-dimensional relief. Facade treatments which emphasize or over-scale the main public entrance shall be provided.



- c. Roof Shape: Gabled and hipped roof designs which have a minimum 4/12 pitch shall be used. The pitched roof shall cover the entire structure. Multiple pitched forms and secondary roof elements, such as dormers, are permitted. Roofing materials shall be architectural grade, three dimensional asphalt shingles, clay tile, or slate. Standing seam metal roofing with darker, neutral tones, such as browns or grays, are also permitted.
- I. Area 7 – Stadium District
 1. Intent: To create a tight knit, multi-story, walkable urban-like entertainment district.
 2. Building Location:
 - a. Lots Fronting on Freedom Way and Safeway Drive
 - i. Front Yard – 10 foot maximum
 - ii. Rear Yard – No setback required
 - iii. Side Yards – Zero lot line required for interior side lines. This standard may be increased up to a 20 foot maximum side yard setback on one side of the property in cases where a driveway connects the street to the side and/or rear yard of the property.
 - b. Lots Fronting on Industrial Road
 - i. Front Yard – 20 foot minimum/50 foot maximum
 - ii. Rear Yard – No setback required
 - iii. Side Yard – 10 foot minimum yard setback for interior side lines.
 3. Additional Access: A pedestrian/service vehicle street is recommended to run north-south, approximately parallel to Freedom Way and Industrial Road. If constructed, all adjoining properties shall provide improved, public pedestrian access to this pedestrian/service vehicle street.
 4. Parking: No on site parking may be provided on any individual site within the Stadium District except for handicapped parking and spaces for service/delivery vehicles. Any on-site parking shall be shared between multiple buildings and/or sites.
 5. Streetscape/Street Frontage Landscaping: A minimum of one large canopy street tree per every 40 feet of street frontage, preferably within sidewalk wells, shall be provided along Freedom Way and Safeway Drive.
 6. Architectural Design:
 - a. Materials/Colors: Exterior walls shall be constructed of brick (clay or pigmented concrete but not CMU except for knee walls) which are in the brown, red-brown, or red range. Trim and detailing may be any masonry or pre-cast product and may also be in the beige/tan/warm grey color range; tile detailing may also be used. Window and storefront framing, doors, and tile detailing may use other colors. All colors must be warm tones. CMU, EIFS, or metal siding in deep natural colors may be used for facades on recreational buildings on the stadium property that are not visible from public roadways.
 - b. Facade Treatment: Defined masonry detailing shall be provided, minimally to include defined window sills and lintels, and three dimensional cornice lines; masonry detailing, such as quoins, soldier courses, herringbone detailing, or medallions can be substituted for the defined sills, lintels, or three dimensional cornice. Windows and storefront units shall be recessed within their openings (“punched” openings) to create shadow lines and three-dimensional relief. Windows other than storefront type units shall have a vertical height to width orientation. Italianate style arched windows, transoms, and main/public entrances which are recessed behind the exterior facade are preferred. Facade projections, such as fabric awnings and roof awnings/canopies at street level, and shingle style projecting signs are encouraged.

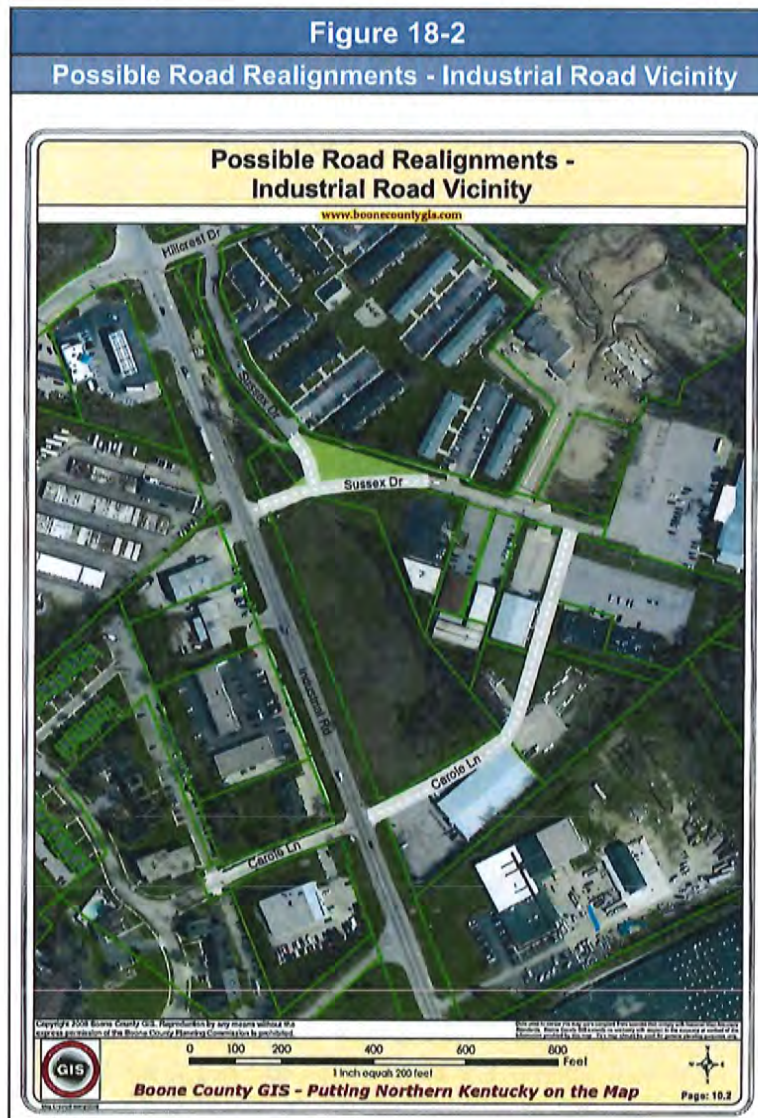


- c. Roof Shape: Parapet designs which have no apparent pitch from ground level shall be utilized for buildings along Freedom Way and Safeway Drive. Gabled and hipped roof designs may, in addition to parapet designs, be used for buildings along Industrial Road provided the pitched roof covers the entire structure and has at least a 4/12 pitch. Materials for pitched roofs shall be architectural grade, three dimensional asphalt shingles, clay tile, slate, or standing seam metal.
- J. Area 8 – Sussex Drive and Columbia Drive (Area Recommended for O-2/I-1/PD district)
 - 1. No supplemental design requirements other than those described in the General section.

SECTION 1806 TRANSPORTATION IMPROVEMENTS

A. Industrial Road

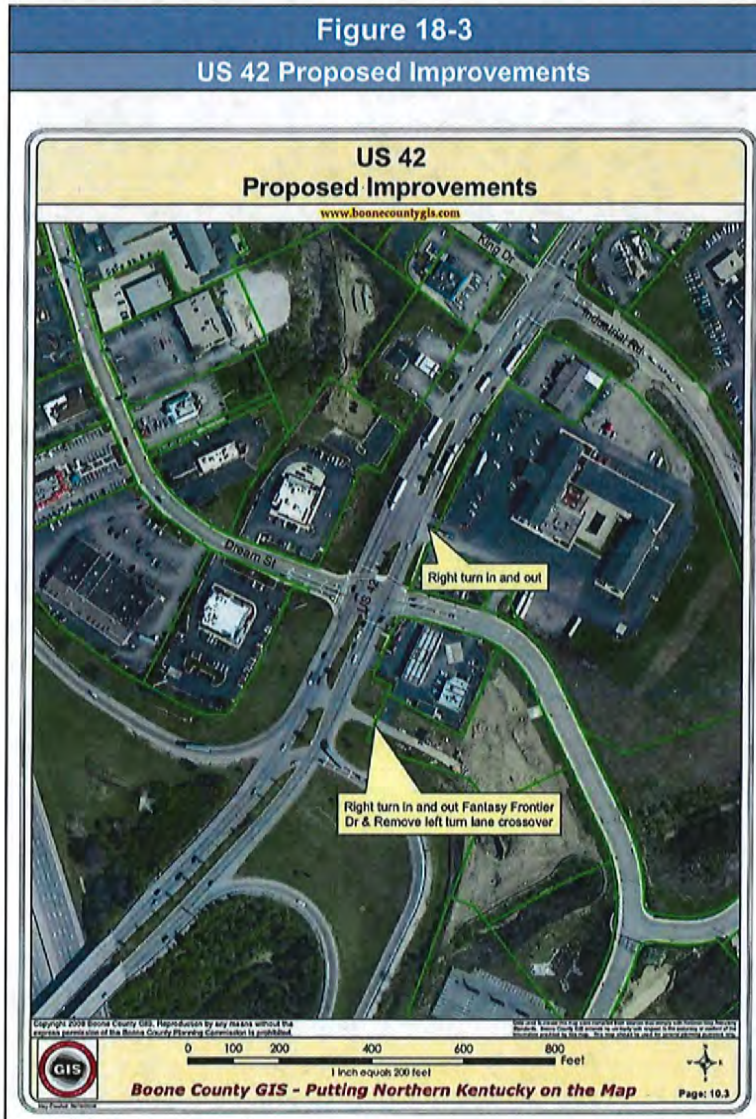
- 1. Currently, Industrial Road is being widened from 2 lanes to 5 lanes to benefit the employers in the Northern Kentucky Industrial Park. Construction is underway to the intersection of U.S. 25. The widening of Industrial Road will also benefit patrons of the Champion Window Field by allowing for more traffic movements and capacity (see Figure 18-2).

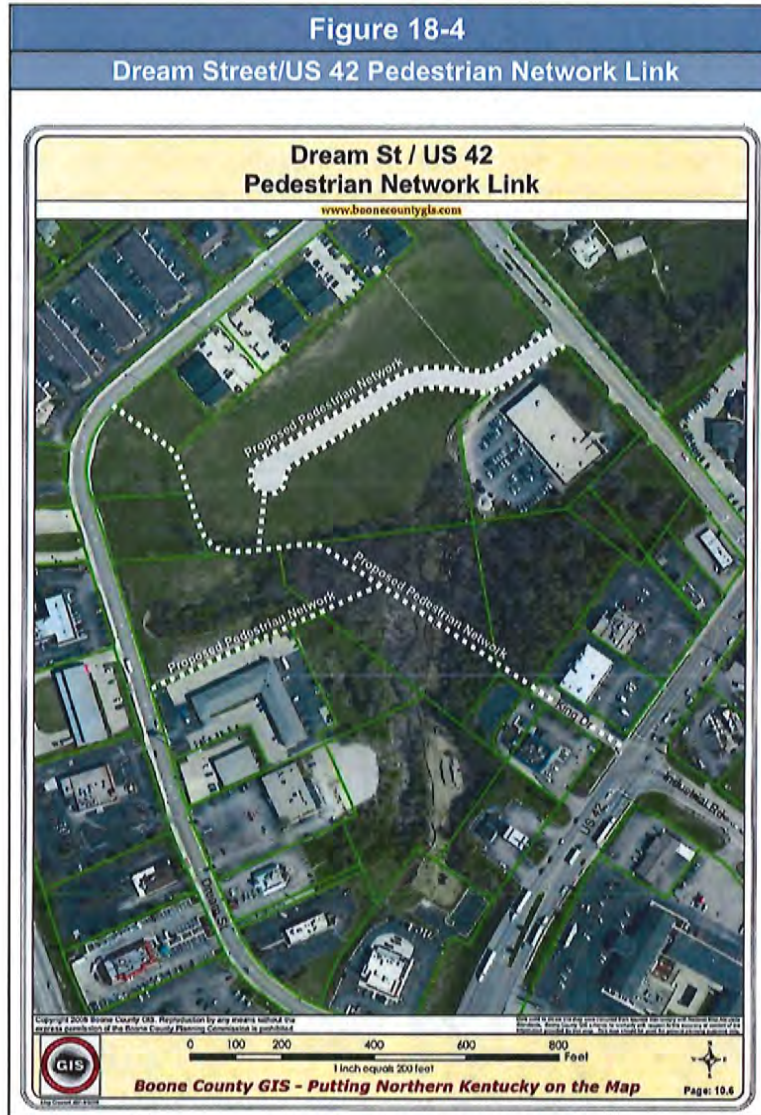




B. U.S. 42

- Several changes to U.S. 42 were identified. The first proposed change involves redesigning the existing Fantasy Frontier Drive to right turn in and out near the existing BP gas station. In addition, it is recommended that the westbound left turn lane crossover be removed to avoid potential turning conflicts. A second change includes making an existing curb-cut serving the Quality Inn & Suites and Dunkin Donuts a right-turn in and right-turn out due to the projected increase in traffic using Freedom Way (see Figure 18-3 and Figure 18-4).





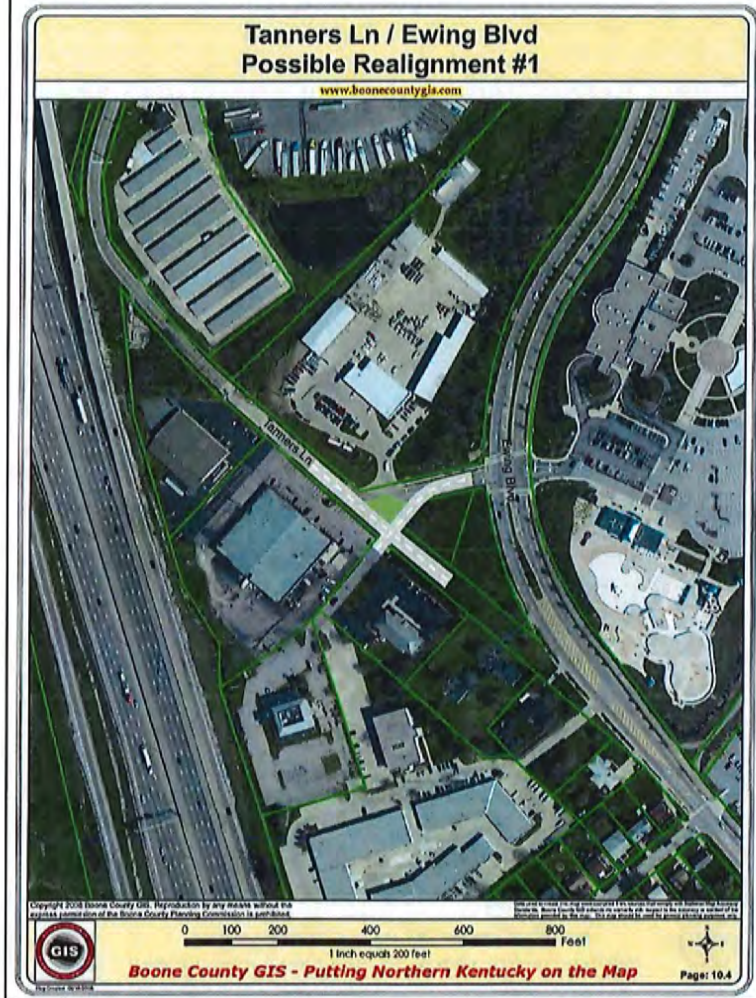
C. **Tanners Lane**

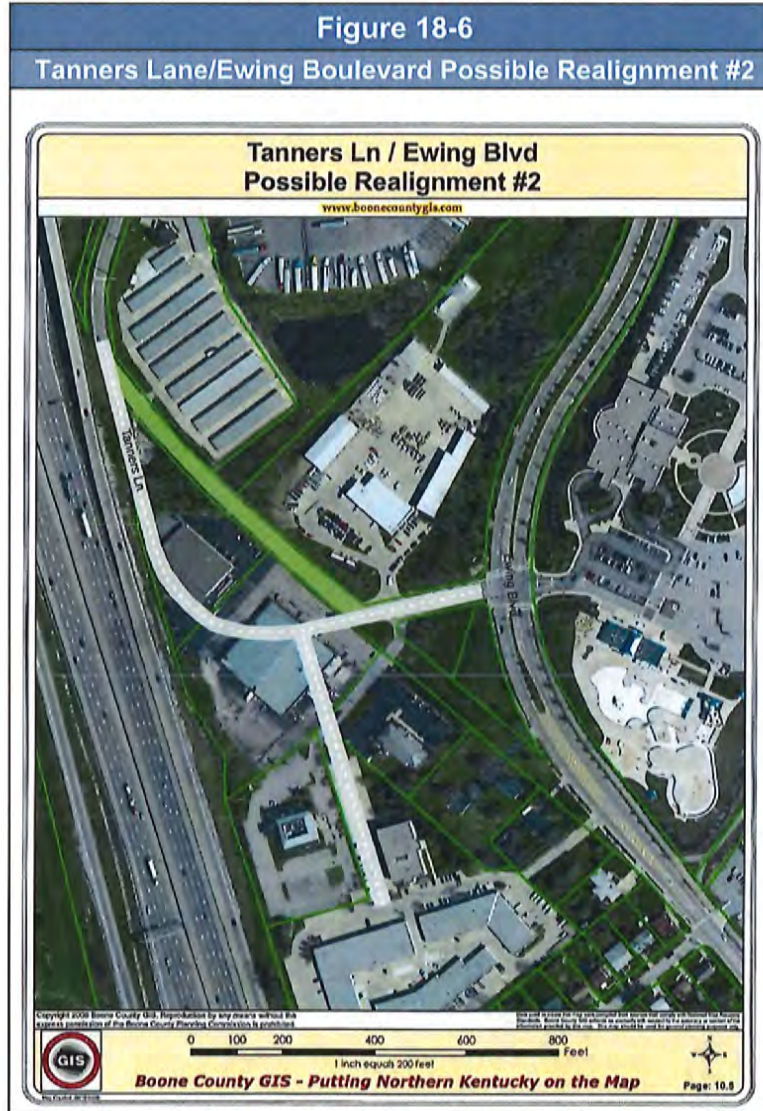
1. A recommended improvement is to realign Tanners Lane with the existing road network leading back to the existing office buildings and the former Moore's Nautilus building. Further, the realignment will allow some extension of the road network to serve the existing residential properties located along Ewing Boulevard. These properties may redevelop into office uses. The new alignment will better serve the existing office properties (see Figure 18-5 and Figure 18-6).



Figure 18-5

Tanners Lane/Ewing Boulevard Possible Realignment #1





- D. I-75 / U.S. 42 Interchange The updated Boone County Transportation Plan recommends the reconfiguration of the I-75/U.S. 42 Interchange to provide for a more direct connection between I-75 and Industrial Road to the Northern Kentucky Industrial Park. It would remove truck and auto traffic from the heavily congested section of U.S. 42 - the heart of the Central Florence Strategic Plan. The project would also include a recommendation to re-align the northbound entrance and exit ramps.



ARTICLE 19 LAND USE STUDY I-75/TURFWAY ROAD INTERCHANGE OVERLAY DISTRICT (TRO)

Contents:

ARTICLE 19 LAND USE STUDY I-75/TURFWAY ROAD INTERCHANGE OVERLAY DISTRICT (TRO)

SECTION 1900 Intent

SECTION 1901 Location & Definition

SECTION 1902 Applicability and Review

SECTION 1900 Intent

The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the Land Use Study I-75/Turfway Road Interchange Study. Specifically, the purpose of this overlay district in conjunction with the underlying zoning district and ARTICLE 15 of the Boone County Zoning Regulations is to:

1. Collect and analyze all relevant information about the study area. This material would be assembled utilizing various public agencies, personal interviews with land owners, potential land users, and individuals in the community;
2. Assemble the information gathered in an orderly framework for utilization during the study and also by the Planning Commission in the future;
3. Develop alternative options and specific recommendations for review of both the Boone County Planning Commission and the Florence City Council;
4. Recommend land use alternatives;
5. Prepare a final land use plan and report for the study area.

SECTION 1901 Location & Definition

The Land Use Study I-75/Turfway Road Interchange District Overlay District (TRO) is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth and in addition those specified by ARTICLE 15 of the Boone County Zoning Regulations, the underlying zoning district and those described in the Land Use Study I-75/Turfway Road Interchange Study. The boundaries or location of the TRO are identified on pages 4-2 to 4-6 of the Land Use Study I-75/Turfway Road Interchange Study and shall be designated by the suffix TRO. All portions of this Study Area west of I-75 are now governed by the Houston Donaldson Study Corridor Overlay District. The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 1902 Applicability and Review



~~The Land Use Study I-75/Turfway Road Interchange Overlay District (TRO) application and review requirements shall be applied to all properties east of I-75 as identified on pages 4-2 to 4-6 of the Land Use Study I-75/Turfway Road Interchange Study and other applicable articles of this zoning order. Application and review procedural requirements are specified in the Land Use Study I-75/Turfway Road Interchange Study as well as other appropriate articles in this zoning order. Specific land uses, building intensities and zoning of parcels in the study area are identified in the "Recommendations" section of the Land Use Study I-75/Turfway Road Interchange Study. Concept Development Plan review and action by the Boone County Planning Commission and the appropriate legislative unit are required. Concept Development Plan Review and action either for approval or disapproval are required before the Boone County Planning Commission. Final action on the recommendation of the Planning Commission is made by the appropriate legislative unit. As part of the formal review of the Concept Development Plan, a Public Hearing shall be required. All notification and procedural requirements for the Boone County Planning Commission to take action of approval or disapproval for each Concept Development Plan shall be made in accordance with ARTICLE 3 and 15 of this zoning order. Subsequent reviews are required as outlined in Articles 15 and 30 of the Boone County Zoning Regulations.~~



ARTICLE 20 SMALL COMMUNITY OVERLAY DISTRICT

Contents:

ARTICLE 20 SMALL COMMUNITY OVERLAY DISTRICT

SECTION 2000 INTENT

SECTION 2001 PRINCIPALLY PERMITTED USES

SECTION 2002 ACCESSORY USES

SECTION 2003 CONDITIONAL USES AND CRITERIA

SECTION 2004 INTENSITY

SECTION 2005 MINIMUM STANDARDS

SECTION 2006 BURLINGTON TOWN STRATEGIC PLAN DESIGN STANDARD

SECTION 2007 SPECIFIC USE STANDARDS

SECTION 2000 INTENT

- A. The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.
- B. The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by ~~these regulations~~this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.

SECTION 2001 PRINCIPALLY PERMITTED USES

~~Section 2010 Principally Permitted Uses~~

~~All principally permitted uses of the basic underlying district(s);~~

~~Detached single family residences;~~

~~Bed and Breakfast Inns and hotels with four or less guest rooms;~~

~~Duplexes and multi-family residential units if the use is located within an existing building which requires no building additions which increase the square footage of the structure.~~

- A. The following uses are principally permitted
 - 1. All principally permitted uses of the underlying district
 - 2. Single Family Dwelling Unit
 - 3. Bed and Breakfast Inns and hotels with four or less guest rooms
 - 4. Two Family Dwelling Unit if the use is located within an existing building which requires no building additions which increase the square footage of the structure
 - 5. Multi Family Dwelling Unit if the use is located within an existing building which requires no building additions which increase the square footage of the structure
- B. The following commercial uses are principally permitted if they are located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces:



1. Eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments;
2. Grocery stores and supermarkets, retail sales of meat, fish, seafood, dairy and poultry products, bakery, produce and specialty foods;
3. Liquor, beverage, drug and proprietary stores;
4. Banking services (excluding drive-thru facilities) savings and loan associations, credit unions and other credit services, title services, security brokers, dealers and finance companies;
5. Accounting, auditing and bookkeeping services;
6. Postal services, direct mail and advertising services;
7. Medical, dental or optical clinics;
8. Veterinary services and pet grooming services, but not including the boarding of animals;
9. Beauty and barber services and tanning salons;
10. Day care centers;
11. Motion pictures theaters, play houses, puppet shows and similar entertainment (indoors only);
12. Art, music and dancing schools, libraries and museums;
13. Apparel stores, general merchandise, mail ordering houses, shoe stores, specialty clothing or boutiques;
14. Jewelry stores and repair;
15. Household electronics sales;
16. Art, craft and hobby supplies and products, gifts and novelties;
17. Furniture, home furnishings antiques and used merchandise including furniture repair and upholstery;
18. Books, stationery, newspapers and magazines;
19. Florists excluding greenhouses;
20. Sporting goods including bicycles;
21. Hardware stores, retail sales of paint, glass and wallpaper stores, draperies, curtains, and floor coverings;
22. China, glassware and metal ware including repairs and services;
23. Photographic services;
24. Churches, synagogues, temples and other places of religious assembly for worship;
25. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
26. Dry cleaning services (excluding cleaning on site), shoe repair and tailoring;
27. Welfare and charitable services;
28. Funeral homes (excluding crematoriums), cemeteries or mausoleums;
29. Primary, elementary, middle and junior high, secondary, and high schools, community colleges, colleges and universities, vocational or trade schools, business colleges, and special training and schooling facilities;
30. Business associations and professional membership organizations including civic, social and fraternal organizations;
31. Art and craft galleries and similar exhibit space;
32. Aquariums, botanical gardens, and other natural exhibitions;
33. Passive open space;



- 34. Video stores;
- 35. Bike shops excluding exterior storage;
- 36. Short term rentals. (Applies to Unincorporated Boone County Only)

SECTION 2002 ACCESSORY USES

All accessory uses, buildings, and structures permitted in the basic, underlying district(s) are permitted in the SC overlay district. In addition, uses that are customarily and incidental to the uses permitted as principally permitted uses or conditional uses will also be permitted by right within the SC overlay district, including the following:

- 1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
- 2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
- 3. Accessory dwelling units;
- 4. Signage (See ARTICLE 34);
- 5. Parking (See ARTICLE 33);
- 6. Temporary buildings incidental to construction;
- 7. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with SECTION 3154;
- 8. Manufacturing, refinishing or production of crafts and household items sold on premises.

SECTION 2003 CONDITIONAL USES AND CRITERIA

~~Section 2012 Conditional Uses and Criteria~~

- A. The following uses and appropriate accessory uses may be permitted subject to the approval and conditions of the Board of Adjustment ~~and Zoning Appeals~~ provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and c) historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- B. All conditional uses specified for the basic, underlying zoning district shall be conditional uses in the SC Overlay district unless permitted as a principally permitted use by SECTION 2001.;
- C. Additional conditional uses are as follows:
 - 1. Any use that requires a drive-through, pursuant to SECTION 3155;
 - 2. Gasoline filling stations and automobile repair facilities and wash services for vehicles;



3. Dry cleaning services;
4. Garden and landscaping sales including florist greenhouses, lawn furniture and the like;
5. Funeral homes with crematoriums;
6. Motorcycles sales excluding outside storage;
7. Recreation centers, gymnasiums, clubs and similar athletic uses;
8. Police, fire, civil defense and other protective and related services;
9. The writing, publishing, and printing of newspapers, periodicals, and books;
10. Bed and Breakfast Inns and hotels with more than four guest rooms;
11. Franchise style fast food establishments;
12. Small-scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances;
13. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
14. The Principally Permitted uses number **B.1 5** through **B.36 39** shall be conditional uses if they are located within an existing building which is larger than 2,500 square feet, requires any major exterior alterations or additions which increase the size of use or structure, requires more than ten parking spaces, or requires the construction of a new building on a vacant lot;

SECTION 2004 INTENSITY

~~Section 2014 Intensity~~

- A. When the underlying ~~districtzone~~ is agricultural or residential, the maximum intensity for residential uses shall be **fifty (50)** percent greater than that permitted by the underlying ~~districtzone~~.
- B. When the underlying ~~districtzone~~ is not agricultural or residential, the maximum intensity for residential uses ~~shall be is twelve (12)~~ dwelling units per acre.
- C. There is no maximum building intensity for commercial, office, and public facility uses provided all other requirements of these ~~regulationsthis order~~ are met.

SECTION 2005 MINIMUM STANDARDS

~~Section 2015 Minimum Standards~~

- A. All permitted, accessory and conditional uses, buildings and structures in the SC overlay district are subject to the supplemental, parking and loading, landscaping and signage regulations of this order unless exempted by the Board of Adjustment and Zoning Appeals when literal conformance to such regulations would be to the detriment of the district. All uses in this article are subject to Site Plan Review as specified in ARTICLE 30, or Zoning Permits as specified in ARTICLE 4 of this Zoning Order as applicable.
- B. Setback standards within the Small Community Overlay District shall be as follows:
 1. ~~Front Yard and Corner Side Yard: The following requirements apply for residential structures when the underlying zone is agricultural or residential.~~
 - a. The minimum required front yard and corner side yard shall be the shortest front yard setback of those lots within two hundred (200) feet of the site, on the same, respective street frontage. The maximum required front yard shall be the average of the front yard setbacks of those lots within two hundred (200) feet of the site, conform to the setbacks of adjacent principal structures on the same, respective street frontage.;



- b. If no principal structure exists on lots within two hundred (200) feet of the site, on the adjoining lots on the same street frontage, then the minimum required front yard and corner side yard setbacks shall be the average of the front yard setbacks of those lots within two hundred (200) feet of the site, conform to the setbacks of adjacent principal structures across the respective street.;
 - c. If no principal structure exists on lots within two hundred (200) feet of the site, on the adjoining lots on the same street frontage or across the respective street, then the front yard setback shall be twenty (20) feet maximum. and the corner side yard setback shall be one half of the front yard setback;
 - d. The required front yard for commercial, office, and public facility uses, and residential uses when the underlying zone is not agricultural or residential, shall be 20 feet maximum. The required corner side yard shall be one half of the front yard setback;
2. **Corner Side Yard:** The minimum corner side yard setback shall be one-half of the front yard setback.
 3. **Side Yard:** 5 feet minimum; Ten (10) feet or the minimum required Buffer yard width, as regulated by SECTION 3645, whichever is greater.
 4. **Rear Yard:** 20 feet minimum when adjacent to private property; 10 feet minimum when adjacent to an alley. Ten (10) feet or the minimum required Buffer Yard width, as regulated by SECTION 3645, whichever is greater.
- C. Certain circumstances may arise where a modification in the setback is necessary or desired. When these situations occur, a variance may be requested, in accordance with the provisions of ARTICLE 2. All uses within the Small Community Overlay, regardless of the underlying zoning designation, shall be subject to the sign regulations found within Section 3407.2 of ARTICLE 34.

SECTION 2006 BURLINGTON TOWN STRATEGIC PLAN DESIGN STANDARD

~~Section 2020 Burlington Town Strategic Plan Design Standards~~

- A. Construction proposals in the SC overlay district that are within the Burlington Town Plan Strategic Plan area, and that require site plan review (major or minor), are subject to the following specified design standards: ~~contained in that Plan. The design standards are outlined in pages 17 through 19 of the Burlington Town Plan Strategic Plan in the sections entitled Site Layout, Architectural Details/Ornamentation for Existing Historic Buildings, Exterior Siding, Windows and Doors, Building Roofs, and New Construction and Additions.~~
1. **Site Layout**
 - a. Non-residential building facades facing public street shall be designed as the building front.
 - b. Sidewalk connections shall be provided to all existing and planned sidewalks, and to alleyways.
 - c. Off-street parking shall be located on the side and/or rear of the primary building.
 - d. On-street and shared parking can fulfill parking requirements if demonstrated to the Zoning Administrator that they are sufficient.
 2. **Architectural Details/Ornamentation for Existing Historic Buildings:**
 - a. Existing architectural details and ornamentation, including existing porch elements, shall be retained, maintained, and repaired where necessary with matching materials. Removal shall only occur in cases of substantial deterioration and every effort shall be made to replicate removed elements with materials and design matching the original.
 - b. All replacement materials shall be similar to the original materials of the detail or ornamentation in question or be appropriate to the style of the building.



- c. Removal of existing brick chimneys and replacement with metal or other materials is not permitted.
3. **Exterior Siding**
 - a. Exterior metal wall sheeting is not permitted.
 - b. Replacement of existing exterior wood siding and corner boards shall be with new wood to match original wood.
 - c. In no case shall an historic brick or stone building be covered with any type of siding.
4. **Windows and Doors**
 - a. Existing windows and doors shall be retained and repaired as needed. Repair or replacement of deteriorated window and door elements should imitate the original elements in dimension, profile, size, shape, arrangement and pattern. Window and door repair must reuse as much of the original material as possible.
 - b. When window and door replacement is unavoidable, new units should match original design as closely as possible.
 - c. The installation of modern picture windows, bay windows, or other openings not in scale with the building shall not be installed on the main or side facades. The addition of large windows or walk-out (i.e., sliding) glass doors on the rear facade or side facades which are not readily visible is discouraged but permitted.
 - d. The use of glass block in foundation windows is not permitted on front or readily visible side facades.
5. **Building Roofs**
 - a. Historic roof materials, such as metal or slate shall be retained, maintained and repaired when necessary. They should not be replaced just to match any new construction if not deteriorated.
 - b. The application of composition shingles to replace deteriorated composition or metal standing seam roofs is acceptable.
 - c. Roof forms and pitch shall not be altered on the main facade. Alterations shall not occur on side facades where such alterations would be visible from the street. Alterations in the rear one-half to one-third of a building may be allowable if not readily visible from the major street facade(s). In no instance should more than one-story be added to any existing building.
 - d. Original box gutters shall be retained and maintained, or repaired or replicated.
 - e. If soffits are damaged, they should be repaired or replaced with wood or solid non-vinyl materials to replicate the original materials.
 - f. Skylights are permitted as long as they are located in the rear one-third to one-half of a building depending on visibility from the street facade(s).
6. **New Construction and Additions**
 - a. Proposed new construction or additions to existing structures shall be designed to be consistent with existing buildings within the same street block. The developer or builder shall submit architectural plans for review by the Technical/Design Review Committee. The Committee may contract with a registered architect to help review the proposal according to the following detailed standards:
 - i. The height of new construction shall be compatible with existing structures on the block.
 - ii. The floor area of new construction shall be compatible with existing structures on the block.



- iii New construction shall be compatible with existing structures on the block in terms of number and spacing of window and door openings.
 - iv Materials of new construction shall be compatible with existing buildings on the block. The texture and color of brick or wood siding should be carefully considered to ensure compatibility with existing buildings. Frame buildings should maintain materials and design found throughout the community.
 - v Roofs for new construction should be consistent with existing structures on the block. New construction may have roofing which changes roof lines in the rear one-half or one-third of the building in a stepped fashion if not readily visible from the major street facade(s).
 - vi Siding of new construction shall be compatible with existing buildings on the block. Traditional or new technological materials that replicate traditional materials should be used instead of vinyl or aluminum siding. Painted concrete block should not be used.
 - vii Exposed concrete foundations or retaining walls shall be faced with brick or stone, screened, or painted to complement the rest of the building. Interlocking block with opportunity for vines or ground cover vegetation is encouraged for retaining wall applications.
 - viii HVAC and other mechanical equipment must be screened or camouflaged from public view whether on roof or ground.
 - ix Additions to historic buildings in the Small Community Overlay Zone must conform to the setback requirements listed above. Additions to historic buildings shall not occur on a main facade or readily visible side facade. Additions shall follow existing roof lines, trim lines, material and massing of the building.
- B. Review of construction proposals for compliance with these design standards shall be performed by the Planning Commission staff through the site plan procedure. Proposals subject to these standards shall submit architectural drawings as outlined in SECTION 3004.C.22-3004, #21.

SECTION 2007 SPECIFIC USE STANDARDS

- A. Duplex Dwelling Unit
 1. Shall only be allowed if the use is located within an existing building which requires no building additions which increase the square footage of the structure.
- B. Eating and Drinking Establishment
 1. Franchise style fast food establishments shall be prohibited.
- C. Motorcycle Sales
 1. There shall be no outside storage.
- D. Multi Family Dwelling Unit
 1. Shall only be allowed if the use is located within an existing building which requires no building additions which increase the square footage of the structure.



ARTICLE 21 HISTORIC LANDMARK/HISTORIC DISTRICT OVERLAY DISTRICT (H)

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SECTION 2100 PURPOSE, APPLICABILITY, AND ACTIVITIES

~~Section 2100 Purpose~~

- A. The purpose of this article is to encourage protection and preservation of certain areas and neighborhoods or individual properties designated as having substantial prehistoric and/or historic significance and/or architectural integrity. This article is intended to promote the preservation and protection of neighborhoods, areas, places, buildings, structures, sites, and objects having a special or distinctive character or a special prehistoric/historic, aesthetic, architectural or cultural interest or value, and which serve as visible reminders of the history and heritage of Boone County, the Commonwealth of Kentucky or this Nation. This preservation, protection, perpetuation, and use is found to be a public necessity, and is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people. Additionally, the article is a requirement for continued participation ~~permits the county to participate~~ in the Federal Certified Local Government program.

~~Section 2102 Applicability of Historic Overlay Regulations~~

- B. Applicability of Historic Overlay Districts
 - 1. The H Landmark and District Classifications and these regulations are established in addition to the underlying ~~districtzone~~ district and regulations pertaining to said underlying district. Where there are conflicts between the procedures and regulations herein established for Historic Landmark or District Overlays and other procedures and regulations in ~~these regulations~~**this order**, the provisions of this Article shall apply.

~~Section 2103 Historic Preservation Activities~~

- C. Historic Preservation Activities
 - 1. These regulations provide a means to systematically review and protect, as necessary, neighborhoods, areas, places, and buildings, structures, sites, and objects of special and/or distinctive prehistoric, historic, architectural, cultural, or aesthetic significance.

SECTION 2101 DEFINITIONS

- A. As used in this article, the following terms shall mean:

Building: A structure created to shelter human activity.



Certificate of Appropriateness: The document, issued by the Historic Preservation Review Board and the Planning Commission, which gives approval for alterations or additions to, or potential demolition of a building, structure or site in a Historic Overlay District or at the site of a Historic Landmark. A Certificate of Appropriateness must be issued prior to the issuance of a building permit. A Certificate of Appropriateness may contain conditions relating to the proposed work.

Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of Interior and the Kentucky Heritage Council.

Demolition: Any act that destroys in whole or in part a building, structure, site, or object in a historic overlay district or on a historic landmark site.

District: A geographically definable area - urban or rural, small or large - possessing a significant concentration, linkage, or continuity of buildings, structures, sites, and/or objects united by past events or aesthetically by plan or physical development.

Fiscal Court: The Boone County Fiscal Court.

Historic District: An area of archaeological, architectural, historical, or cultural significance to the County, State, or nation ~~that meets one or more of the criteria contained in SECTION 2113 of this article~~ and has been designated by Boone County. The district shall include all lots within the boundaries of the district.

Historic Landmark: A building, structure, site, or object of architectural, historical, or cultural significance to the County, State, or nation ~~that meets one or more of the criteria listed in SECTION 2113 of this article~~ and has been designated by Boone County. A landmark shall include a historical site that was the location of a significant historical event. A landmark shall include the entire lot containing a landmark, including, related buildings and structures and the land that provides the grounds, the premises, and the setting for the landmark.

HPRB: The Boone County Historic Preservation Review Board.

Kentucky Heritage Council (KHC): The State Historic Preservation Office

National Register of Historic Places: The US Federal government's official list of historic buildings, sites, districts, structures, and objects considered worthy of preservation for their historical significance.

Object: A thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment, such as statuary in a designed landscape.

Planning Commission: The Boone County Planning Commission.

Site: The place where a significant event, or pattern of events, occurred. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

Structure: A work made up of interdependent and interrelated parts in a definable pattern of organization. Generally constructed by man, it is often an engineering project.

SECTION 2102 HISTORIC PRESERVATION REVIEW BOARD

Section 2104 ~~Historic Preservation Review Board~~

- A. A Historic Preservation Review Board (HPRB), as established by Boone County, ~~that meets the requirements of the Federal Certified Local Government program~~, provides advice and recommendations to the Planning Commission and Fiscal Court on matters pertaining to the implementation of this Article or in furthering the stated purpose of this Article.



~~Section 2105~~ **Membership**

1. **Membership of the HPRB**

- a. The Historic Preservation Review Board shall consist of a minimum of seven members, to be appointed pursuant to the agreement to form a joint planning unit in Boone County and KRS 100.127 (3). The members shall have a demonstrated interest in historic preservation, or local history, and at least two members shall have training or experience in a preservation-related profession such as architecture, history, archaeology, architectural history, planning or a related field. Two professional members shall be appointed to the Board unless such persons are not available to serve. Board membership may also include a developer, a realtor, community businessperson, or other related professions. Members of the Board shall serve without compensation. In addition, each Board member shall be required to attend, or view online, at least one informational/educational workshop per year, approved by the State Historic Preservation Office.
- b. Three of the members shall be appointed for three years, two for two years, and one for one year. Subsequently, members shall be appointed for three years. When vacancies occur, a new member shall be selected within sixty (60) days of the vacancy.

~~Section 2106~~ **Meetings**

2. **Meetings of the HPRB**

- a. Meetings shall be held at regularly scheduled times and shall be held no less than four times per year. Special meetings can be called by the Chairman or in his/her absence, the Vice-Chairman, or at the request of the Planning Commission. Recommendations by the HPRB shall be made by a majority vote of those members at any meeting where a quorum of members is present. The Rural/Open Space Planner, or a designee shall prepare the minutes of the Board's meetings which shall be available for public inspection. The HPRB shall prepare and keep on file at the Planning Commission office, a written annual report of activities, cases, decisions, qualifications of members and other work. These shall be available for public inspection. The Planning Commission may provide staff and financial assistance to the HPRB. In addition, the HPRB will adopt rules of order and procedure that shall be available for public inspection.

~~Section 2108~~ **Powers and Duties**

3. **Powers and Duties of the HPRB**

- a. The HPRB shall take action necessary and appropriate to accomplish the purposes of this article. These actions include, but are not limited to, acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation, conducting a survey of historic buildings and areas and preparing a plan for their preservation; recommending the designation of historic districts and individual landmarks; regulating changes to designated local landmarks and districts including proposed alterations, and new construction; adopting guidelines for changes to designated property; working with and advising the federal, state and county and city governments on historic preservation issues including any federally funded project which comes under Section 106 review; and advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation. In addition, these actions may include initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs including the preparation of publications and the placing of historic markers.

~~Section 2107~~ **Notification Procedure**

4. **Notification Procedure**



- a. When property is under review by the HPRB, notice of the hearing shall be posted conspicuously on the property for a minimum of fourteen (14) consecutive days immediately prior to the hearing. Notice of the meetings shall be published in a newspaper of general circulation at least once, but may be published two or more times, provided that one publication occurs within seven (7) to twenty-one (21) days prior to the meeting. Such published notice shall state, at a minimum, the date, time, place, and type of meeting.

SECTION 2103 NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES

~~Section 2109 Nomination to the National register of Historic Places~~

- A. The County, through the Historic Preservation Review HPRB, shall initiate all local nominations to the National Register of Historic Places and shall request the chief elected official and the HPRB to submit recommendations on each proposed nomination to the National Register.

1. ~~Section 2110 Hearing for Nomination to the National register of Historic Places~~

Hearing for Nomination to the National Register of Historic Places

- a. A public hearing shall be scheduled to hear comments on the nomination. Such public hearing shall be conducted at the next regularly scheduled HPRB meeting night provided the nomination was received a minimum of ~~forty-five (45) fifteen (15)~~ working days prior to the HPRB meeting. The hearing will be the first agenda item. ~~All notifications for the hearing must follow the procedure established within SECTION 2106.~~
2. ~~Section 2111 Notification to the Kentucky Heritage Council~~
 3. Notification to the Kentucky Heritage Council
 - a. Within sixty (60) days of receipt of the nomination, the recommendations of the chief elected official and the HPRB (favorable or not) shall be forwarded to the Kentucky Heritage Council (KHC). At the same time, notification shall be sent to the property owner and/or applicant as to their opinion regarding the eligibility of the property. If both the HPRB and the Chief elected official recommend that a property not be nominated, the KHC will so inform the property owners, the state Review HPRB and the State Historic Preservation Officer and the property will not be nominated unless an appeal is filed with the SHPO under the regulations established for the appeals process which is outlined in the National Historic Preservation Amendments Act of 1980. If either or both the HPRB and the chief elected official agree that the property should be nominated, the nomination will be scheduled for the review by the Kentucky Historic Preservation Review Board (KHPRB). The opinion or opinions of the HPRB and the chief elected official will be presented to them for their consideration.
 - b. After considering all opinions, the KHPRB shall make its recommendation to the State Historic Preservation Officer (SHPO). The final decision by the SHPO may be appealed by the HPRB, chief elected official, or the property owner under the aforementioned appeals process.

SECTION 2104 ESTABLISHMENT OF HISTORIC LANDMARKS AND DISTRICT OVERLAYS

~~Section 2112 Establishment of Historic Landmarks and District Overlays~~

- A. An application for establishment of a Historic Landmark or Historic District Overlay may be filed only by the Historic Preservation Review Board, the Planning Commission, the legislative body with jurisdiction over the subject property(s), the owner(s) of the subject property(s), or by a person with written



authorization of the owner(s) for Landmark or Districts in the unincorporated areas of the county. The owner's permission is not required for property within the incorporated areas of the county. Said application shall be filed with the Historic Preservation Review Board in such form as the HPRB may require and in accordance with the requirements and procedures provided for in ARTICLE 3. Upon the filing of an application, the HPRB shall promptly notify the Planning Commission.

- B. The procedure for the establishment of a Historic Landmark/District Overlay shall be as follows:
1. Application for Zoning Action
 - a. An application for the establishment of a Historic Landmark or District Overlay may be filed only by the Historic Preservation Review Board, the Planning Commission, the legislative body with jurisdiction over the subject property(s), the owner(s) of the subject property(s) or by a person with written authorization of the owner(s) for Landmarks or Districts in the unincorporated areas of the county. The owner's permission is not required for property within the incorporated areas of the county. Said application shall be filed with the Historic Preservation Review Board in such form as the HPRB may require and in accordance with the requirements and procedures provided in ARTICLE 3. Upon the filing of an application the HPRB shall promptly notify the Planning Commission.

~~Section 2113 Recommendation by Historic Preservation Review Board~~

2. Recommendation by the Historic Preservation Review Board
 - a. If the applicant is a party other than the HPRB, that body shall review the application at the next regularly scheduled business meeting, provided the application was received fifteen (15) working days prior to the meeting, and make an official recommendation to the Planning Commission. The HPRB's recommendation shall be forwarded to the Commission for action. The recommendation for an overlay shall strongly consider the desire of the land owner(s), present and intended use (as known), and be based upon the request meeting one or more of the following criteria:
 - I. Its value as a visible reminder of the cultural heritage of the area, state, or nation.;
 - II. Its location as a site of a significant local, state, or national event.;
 - III. Its identification with a person or persons who significantly contributed to the development of the area, state, or nation.;
 - IV. Its identification as the work of a master designer, builder, or architect, whose individual work has influenced the development of the area, state, or nation.;
 - V. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance.;
 - VI. Its distinguishing or unusual characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.;
 - VII. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures, united by past events or aesthetically by plan or physical development.;
 - VIII. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

~~Section 2114 Hearing for Zoning Action~~

3. Hearing for Zoning Action
 - a. A public hearing before the Planning Commission shall be scheduled to hear comments on the Historic Landmark/District Overlay. All notifications for the hearing must follow the procedures established within ARTICLE 3. At this hearing, the HPRB, ~~through the Rural/Open Space Planner~~, shall report on the relationship between the proposed designation and the



future land use of the county as noted in the Boone County Comprehensive Plan. Additionally, comments by the applicant and other individuals shall be heard.

~~Section 2115 Recommendation by Planning Commission~~

4. Recommendation by Planning Commission

- a. After receiving the recommendation of the Historic Preservation Review Board and conducting a public hearing, the Commission shall vote to approve or deny the request at their next regularly scheduled business meeting. The Commission's recommendation must be based on the HPRB's recommendation and a finding of fact as required in SECTION 308 of this ordinance.
- b. Results of the Commission vote shall then be sent to the appropriate legislative body or Fiscal Court.

~~Section 2116 Action by City Council or Fiscal Court~~

5. Action by City Council or Fiscal Court

- a. Within ninety (90) days of receipt of the recommendation from the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the legislative body or Fiscal Court ~~overturn denies or modifies~~ the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action, and the applicant shall be notified. ~~This decision is to be sent to the KHC and signed by the chief elected official.~~

SECTION 2105 DEVELOPMENT IN HISTORIC OVERLAY DISTRICTS OR TO HISTORIC LANDMARKS

~~Section 2117 Development in Historic Overlay Zones or to Historic Landmarks~~

- A. The Building Inspector shall issue no building permits for the construction, demolition, alteration, change in exterior appearance, moving, of any building, structure, site or object in a Historic Overlay ~~District~~Zone or a Historic Landmark, except as authorized under this article.

~~Section 2118 Action by Historic Preservation Review Board~~

B. Action by Historic Preservation Review Board

1. Upon the filing of an application for a building permit in a Historic District or affecting a Historic Landmark, the Building Inspector and Zoning Administrator shall promptly notify the HPRB of such application. The applicant must also complete an application for a Certificate of Appropriateness (COA) and a COA must be approved prior to the issuance of a zoning or building permit. The HPRB shall then discuss the application at their next business meeting, as long as the application is received a minimum of fifteen (15) working days prior to that meeting. The HPRB shall require the submission of any or all of the following items (unless they do not apply to a specific proposal): architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all portions of proposed structures facing streets, and elevation photographs for perspective drawings showing proposed structures and all such existing structures as are within one hundred (100) feet of the Historic District or Landmark and are substantially related to it visually or by reason of function, traffic generation or other characteristics.
2. In its review of the material submitted, the HPRB shall examine the architectural design and the exterior surface, treatment of the structures on the site in question, and their relationship to other structures within the area, and other pertinent factors affecting the appearance and efficient functioning of the district or landmark. Conformance with the standards and guidelines in the



Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and design guidelines tailored to each historic district, if such guidelines have been adopted, shall be the basis for the HPRB's decision. The HPRB shall not consider any interior arrangements. The HPRB shall vote to approve or disapprove the application within ninety (90) days after the application is filed for a building permit with the Building Inspector.

~~Section 2119 Approval by HPRB~~

C. Approval by Historic Preservation Review Board

1. If the HPRB approves the application for a COA in a Historic District or at the site of a Historic Landmark, it shall immediately forward its recommendations in writing, stating the reasons for such approval to the Planning Commission. The Commission shall promptly cause a COA to be issued to the applicant, and shall at the same time transmit a copy of said certificate to the Building Inspector. Upon receipt of the COA, the Building Inspector shall issue the building permit if it meets all other requirements of the law. The Building Inspector shall inspect the construction or alteration approved by such certificate from time to time and report to the HPRB and the Commission any work not in accordance with such certificate.

~~Section 2120 Disapproval by Historic Preservation Review Board~~

D. Disapproval by Historic Preservation Review Board

1. If the Historic Preservation Review Board denies an application for a COA in a Historic District, it shall promptly transmit a written statement of the reasons for such disapproval to the Planning Commission and send a copy of that statement to the applicant.

~~Section 2121 Appeal Process~~

E. Appeal Process

1. In the event the Historic Preservation Review Board denies an application for a building permit COA in a Historic Overlay, the applicant for said permit may appeal to the Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within thirty (30) days after the notice of appeal is filed with the Commission. The Commission shall give notice of the Public Hearing ~~in accordance with SECTION 2114 of this order~~. If the Commission votes to recommend that the application for a building permit be approved, it shall issue a COA to the applicant and transmit a copy to the Building Inspector.
2. If the Commission votes to uphold the HPRB's denial of a COA, it shall transmit its decision in writing to the Building Inspector. In such cases, no building permit shall be issued by the Building Inspector on said application for a period of six (6) months from the date of the decision of the Commission. During this period, representatives from the Planning Commission, the HPRB and the applicant shall undergo meaningful discussions for the purpose of finding a method to resolve the issues resulting in the Commission's denial of the COA. The Commission shall also investigate the feasibility of preserving the historic structure or the integrity of the historic district through such actions as leasing, sub-leasing, or acquisition of all or part of interest in the property.

~~Section 2122 Failure of Historic Preservation Review Board to Act~~

F. Failure of Historic Preservation Review Board to Act

1. Upon failure of the HPRB to take action upon any case within ninety (90) days after the application for a building permit has been filed with the Building Inspector, and unless a mutual agreement between the HPRB and the applicant has been made for an extension of said time, the application shall be deemed to be approved and the Planning Commission shall promptly issue a COA as provided herein above.



SECTION 2102 Applicability of Historic Overlay Regulations

The H Landmark and District Classifications and these regulations are established in addition to the underlying zone district and regulations pertaining to said underlying district. Where there are conflicts between the procedures and regulations herein established for Historic Landmark or District Overlays and other procedures and regulations in this order, the provisions of this Article shall apply.

SECTION 2103 Historic Preservation Activities

These regulations provide a means to systematically review and protect, as necessary, neighborhoods, areas, places, and buildings, structures, sites, and objects of special and/or distinctive prehistoric, historic, architectural, cultural, or aesthetic significance.

SECTION 2104 Historic Preservation Review Board

A Historic Preservation Review Board (HPRB), as established by Boone County, provides advice and recommendations to the Planning Commission and Fiscal Court on matters pertaining to the implementation of this Article or in furthering the stated purpose of this Article.

SECTION 2105 Membership

The Historic Preservation Review Board shall consist of a minimum of seven members, to be appointed pursuant to the agreement to form a joint planning unit in Boone County and KRS 100.127 (3). The members shall have a demonstrated interest in historic preservation, or local history, and at least two members shall have training or experience in a preservation related profession such as architecture, history, archaeology, architectural history, planning or a related field. Two professional members shall be appointed to the Board unless such persons are not available to serve. Board membership may also include a developer, a realtor, community businessperson, or other related professions. Members of the Board shall serve without compensation. In addition, each Board member shall be required to attend at least one informational/educational workshop per year, approved by the State Historic Preservation Office.

Three of the members shall be appointed for three years, two for two years, and one for one year. Subsequently, members shall be appointed for three years. When vacancies occur, a new member shall be selected within 60 days of the vacancy.

SECTION 2106 Meetings

Meetings shall be held at regularly scheduled times and shall be held no less than four times per year. Special meetings can be called by the Chairman or in his/her absence, the Vice Chairman, or at the request of the Planning Commission. Recommendations by the HPRB shall be made by a majority vote of those members at any meeting where a quorum of members is present. The Rural/Open Space Planner, or a designee shall prepare the minutes of the Board's meetings which shall be available for public inspection. The HPRB shall prepare and keep on file at the Planning Commission office, a written annual report of activities, cases, decisions, qualifications of members and other work. These shall be available for public inspection. The Planning Commission may provide staff and financial assistance to the HPRB. In addition, the HPRB will adopt rules of order and procedure that shall be available for public inspection.

SECTION 2107 Notification Procedure



When property is under review by the HPRB, notice of the hearing shall be posted conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing. Notice of the meetings shall be published in a newspaper of general circulation at least once, but may be published two or more times, provided that one publication occurs within seven (7) to twenty one (21) days prior to the meeting. Such published notice shall state, at a minimum, the date, time, place, and type of meeting.

SECTION 2108 Powers and Duties

The HPRB shall take action necessary and appropriate to accomplish the purposes of this article. These actions include, but are not limited to, acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation, conducting a survey of historic buildings and areas and preparing a plan for their preservation; recommending the designation of historic districts and individual landmarks; regulating changes to designated local landmarks and districts including proposed alterations, and new construction; adopting guidelines for changes to designated property; working with and advising the federal, state and county and city governments on historic preservation issues including any federally funded project which comes under Section 106 review; and advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation. In addition, these actions may include initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs including the preparation of publications and the placing of historic markers.

SECTION 2109 Nomination to the National Register of Historic Places

The County, through the Historic Preservation Review HPRB, shall initiate all local nominations to the National Register of Historic Places and shall request the chief elected official and the HPRB to submit recommendations on each proposed nomination to the National Register.

SECTION 2110 Hearing for Nomination to the National Register of Historic Places

A public hearing shall be scheduled to hear comments on the nomination. Such public hearing shall be conducted at the next regularly scheduled HPRB meeting night provided the nomination was received a minimum of fifteen (15) working days prior to the HPRB meeting. The hearing will be the first agenda item. All notifications for the hearing must follow the procedure established within SECTION 2106.

SECTION 2111 Notification to the Kentucky Heritage Council

Within sixty (60) days of receipt of the nomination, the recommendations of the chief elected official and the HPRB (favorable or not) shall be forwarded to the Kentucky Heritage Council (KHC). At the same time, notification shall be sent to the property owner and/or applicant as to their opinion regarding the eligibility of the property. If both the HPRB and the Chief elected official recommend that a property not be nominated, the KHC will so inform the property owners, the state Review HPRB and the State Historic Preservation Officer and the property will not be nominated unless an appeal is filed with the SHPO under the regulations established for the appeals process which is outlined in the National Historic Preservation Amendments Act of 1980. If either or both the HPRB and the chief elected official agree that the property should be nominated, the nomination will be scheduled for the review by the Kentucky Historic Preservation Review Board (KHPRB). The opinion or opinions of the HPRB and the chief elected official will be presented to them for their consideration.

After considering all opinions, the KHPRB shall make its recommendation to the State Historic Preservation Officer (SHPO). The final decision by the SHPO may be appealed by the HPRB, chief elected official, or the property owner under the aforementioned appeals process.



SECTION 2112 Establishment of Historic Landmarks and District Overlays

The procedure for the establishment of a Historic Landmark/District Overlay shall be as follows:

Application for Zoning Action

An application for the establishment of a Historic Landmark or District Overlay may be filed only by the Historic Preservation Review Board, the Planning Commission, the legislative body with jurisdiction over the subject property(s), the owner(s) of the subject property(s) or by a person with written authorization of the owner(s) for Landmarks or Districts in the unincorporated areas of the county. The owner's permission is not required for property within the incorporated areas of the county. Said application shall be filed with the Historic Preservation Review Board in such form as the HPRB may require and in accordance with the requirements and procedures provided in ARTICLE 3. Upon the filing of an application the HPRB shall promptly notify the Planning Commission.

SECTION 2113 Recommendation by Historic Preservation Review Board

If the applicant is a party other than the HPRB, that body shall review the application at the next regularly scheduled business meeting, provided the application was received fifteen (15) working days prior to the meeting, and make an official recommendation to the Planning Commission. The HPRB's recommendation shall be forwarded to the Commission for action. The recommendation for an overlay shall strongly consider the desire of the land owner(s), present and intended use (as known), and be based upon the request meeting one or more of the following criteria:

1. Its value as a visible reminder of the cultural heritage of the area, state, or nation;
2. Its location as a site of a significant local, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the area, state, or nation;
4. Its identification as the work of a master designer, builder, or architect, whose individual work has influenced the development of the area, state, or nation;
5. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance;
6. Its distinguishing or unusual characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
7. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures, united by past events or aesthetically by plan or physical development;
8. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

SECTION 2114 Hearing for Zoning Action

A public hearing before the Planning Commission shall be scheduled to hear comments on the Historic Landmark/District Overlay. All notifications for the hearing must follow the procedures established within ARTICLE 3. At this hearing, the HPRB, through the Rural/Open Space Planner, shall report on the relationship between the proposed designation and the future land use of the county as noted in the Boone County Comprehensive Plan. Additionally, comments by the applicant and other individuals shall be heard.

SECTION 2115 Recommendation by Planning Commission



After receiving the recommendation of the Historic Preservation Review Board and conducting a public hearing, the Commission shall vote to approve or deny the request at their next regularly scheduled business meeting. The Commission's recommendation must be based on the HPRB's recommendation and a finding of fact as required in SECTION 308 of this ordinance.

Results of the Commission vote shall then be sent to the appropriate legislative body or Fiscal Court.

SECTION 2116 Action by City Council or Fiscal Court

Within ninety (90) days of receipt of the recommendation from the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the legislative body or Fiscal Court denies or modifies the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action, and the applicant shall be notified. This decision is to be sent to the KHC and signed by the chief elected official.

SECTION 2117 Development in Historic Overlay Zones or to Historic Landmarks

The Building Inspector shall issue no building permits for the construction, demolition, alteration, change in exterior appearance, moving, of any building, structure, site or object in a Historic Overlay Zone or a Historic Landmark, except as authorized under this article.

SECTION 2118 Action by Historic Preservation Review Board

Upon the filing of an application for a building permit in a Historic District or affecting a Historic Landmark, the Building Inspector and Zoning Administrator shall promptly notify the HPRB of such application. The applicant must also complete an application for a Certificate of Appropriateness (COA) and a COA must be approved prior to the issuance of a zoning or building permit. The HPRB shall then discuss the application at their next business meeting, as long as the application is received a minimum of fifteen (15) working days prior to that meeting. The HPRB shall require the submission of any or all of the following items (unless they do not apply to a specific proposal): architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all portions of proposed structures facing streets, and elevation photographs for perspective drawings showing proposed structures and all such existing structures as are within one hundred (100) feet of the Historic District or Landmark and are substantially related to it visually or by reason of function, traffic generation or other characteristics.

In its review of the material submitted, the HPRB shall examine the architectural design and the exterior surface, treatment of the structures on the site in question, and their relationship to other structures within the area, and other pertinent factors affecting the appearance and efficient functioning of the district or landmark. Conformance with the standards and guidelines in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and design guidelines tailored to each historic district, if such guidelines have been adopted, shall be the basis for the HPRB's decision. The HPRB shall not consider any interior arrangements. The HPRB shall vote to approve or disapprove the application within ninety (90) days after the application is filed for a building permit with the Building Inspector.

SECTION 2119 Approval by HPRB

If the HPRB approves the application for a COA in a Historic District or at the site of a Historic Landmark, it shall immediately forward its recommendations in writing, stating the reasons for such approval to the Planning Commission. The Commission shall promptly cause a COA to be issued to the applicant, and shall at the same time transmit a copy of said certificate to the Building Inspector. Upon receipt of the COA, the Building Inspector shall issue the building permit if it meets all other requirements of the law. The Building Inspector shall inspect the construction or alteration approved by such certificate from time to time and report to the HPRB and the Commission any work not in accordance with such certificate.



SECTION 2120 Disapproval by Historic Preservation Review Board

If the Historic Preservation Review Board denies an application for a COA in a Historic District, it shall promptly transmit a written statement of the reasons for such disapproval to the Planning Commission and send a copy of that statement to the applicant.

SECTION 2121 Appeal Process

In the event the Historic Preservation Review Board denies an application for a building permit COA in a Historic Overlay, the applicant for said permit may appeal to the Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within thirty (30) days after the notice of appeal is filed with the Commission. The Commission shall give notice of the Public Hearing in accordance with SECTION 2114 of this order. If the Commission votes to recommend that the application for a building permit be approved, it shall issue a COA to the applicant and transmit a copy to the Building Inspector.

If the Commission votes to uphold the HPRB's denial of a COA, it shall transmit its decision in writing to the Building Inspector. In such cases, no building permit shall be issued by the Building Inspector on said application for a period of six (6) months from the date of the decision of the Commission. During this period, representatives from the Planning Commission, the HPRB and the applicant shall undergo meaningful discussions for the purpose of finding a method to resolve the issues resulting in the Commission's denial of the COA. The Commission shall also investigate the feasibility of preserving the historic structure or the integrity of the historic district through such actions as leasing, sub-leasing, or acquisition of all or part of interest in the property.

SECTION 2122 Failure of Historic Preservation Review Board to Act

Upon failure of the HPRB to take action upon any case within ninety (90) days after the application for a building permit has been filed with the Building Inspector, and unless a mutual agreement between the HPRB and the applicant has been made for an extension of said time, the application shall be deemed to be approved and the Planning Commission shall promptly issue a COA as provided herein above.

SECTION 2106 DEMOLITION IN HISTORIC DISTRICTS OR OF HISTORIC LANDMARKS

Section 2123 Demolition in Historic Districts or of Historic Landmarks

- A. No permit for the demolition of all or any part of a structure in a Historic Overlay shall be issued by the Building Inspector unless the Commission shall certify that the demolition permit may be issued through the issuance of a COA. The procedure for issuance of such a certificate shall be as provided by SECTION 2104 and SECTION 2105 2115 through 2120. The HPRB and the Commission shall review the importance of preservation of said structure, the KHC will be notified for assistance, and a means of preserving the structure shall be sought.



ARTICLE 22 RESERVED

Contents:

ARTICLE 22 RESERVED

[The following text is extremely faint and largely illegible. It appears to be a table of contents or a list of sections, but the specific details cannot be discerned.]



ARTICLE 23 FLORENCE MAIN STREET ZONING STUDY (FMS)

Contents:

ARTICLE 23 FLORENCE MAIN STREET ZONING STUDY (FMS)

SECTION 2300 INTENT/PURPOSE

SECTION 2301 LOCATION

SECTION 2302 APPLICABILITY AND REVIEW

SECTION 2303 PRINCIPALLY PERMITTED USES

SECTION 2304 ACCESSORY USES

SECTION 2305 CONDITIONAL USES

SECTION 2306 DEVELOPMENT STANDARDS

SECTION 2307 DESIGN REQUIREMENTS

SECTION 2300 INTENT/PURPOSE

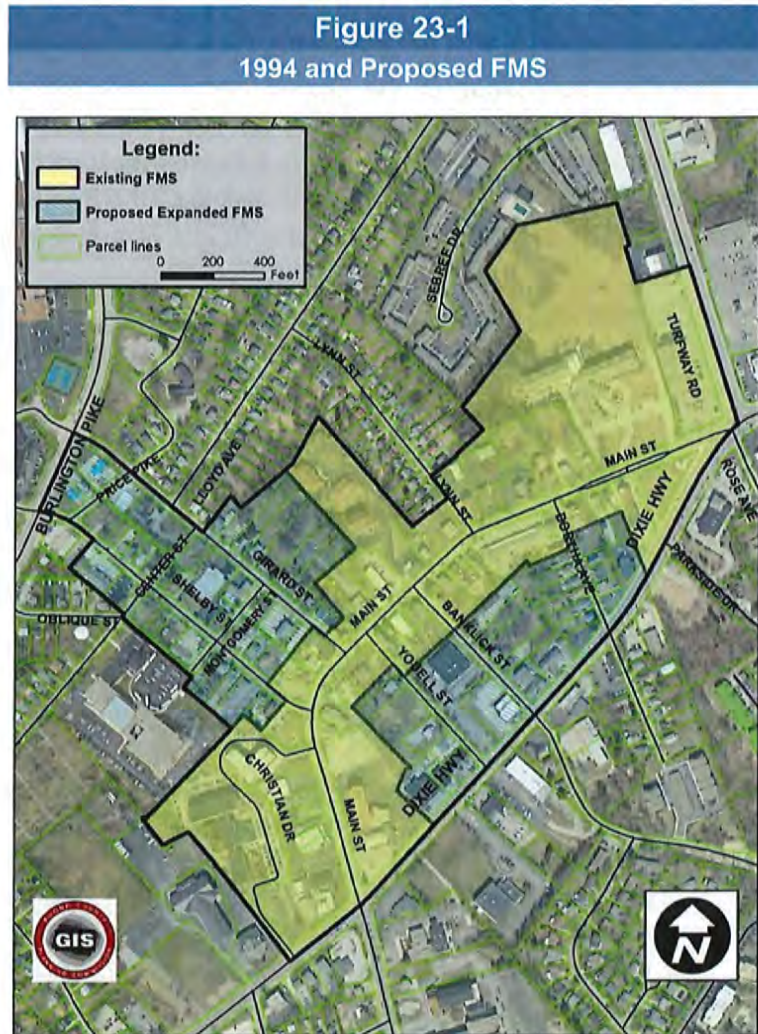
- A. The Florence Main Street (FMS) District consists of an eclectic mix of buildings dating from the 1840s to the 2000s with a range of uses, building types, and architectural styles. The core of pre-1960 structures in Stringtown, as the area was once called, is complemented by later buildings that provide context and reflect the history of Florence Main Street's development over time. The FMS District and associated development and design standards were originally created in 1994.
- B. After 25 years of development under the 1994 FMS zoning, the City of Florence determined that an update was appropriate and retained three consulting firms to address key issues. Sullebarger Associates updated the historic architectural survey along Main Street and completed additional survey work in adjacent areas. Yard & Company and Calfee Zoning, in conjunction with a committee of Boone County Planning Commission (BCPC) staff, City staff, and architectural-engineering professionals, reviewed and analyzed the 1994 FMS zoning and subsequent impact. These initiatives identified several objectives:
 - 1. Update ARTICLE 23 text and the zoning map in the zoning regulations.
 - 2. Expand the FMS district to include additional blocks to the north and south.
 - 3. Create user-friendly development standards and design requirements.
 - 4. Revise and streamline the review process to emphasize standards over procedure.
 - 5. Implement standards that promote an active, walkable, mixed-use district.
- C. The intent of these updated standards and review process is to preserve and protect the existing character of the businesses and residences found along Main Street in Florence, Kentucky, and to promote their continued vitality. Florence Main Street affords the opportunity to create a strong community identity and pedestrian environment; therefore, the zoning should encourage and promote this type of development. The purpose of this zoning district is to:
 - 1. Provide a mixing of commercial, professional and residential uses.
 - 2. Establish, protect and promote neighborhood and community identity.
 - 3. Establish a more urban character that provides needed community services.
 - 4. Promote and protect pedestrian activity.
 - 5. Establish and maintain the district as an authentic 24-hour daily destination.
- D. The variety of land uses and authenticity found on Main Street cannot be practically accommodated by the other existing basic zoning districts established. Therefore, the use of the FMS district will promote



more flexibility and mixing of uses essential to maintaining the vitality, viability, and character of Main Street.

SECTION 2301 LOCATION

- A. The original boundaries included in the 1994 Florence Main Street Study, and the proposed new boundaries of the Florence Main Street (FMS) district, are shown on Figure 23-1. The expanded boundary includes all parcels immediately abutting Main Street between Dixie Highway and Turfway Road, all parcels located between Main Street and Dixie Highway, southeast of Main Street, and all parcels oriented toward Girard Street and Shelby Street between Burlington Pike and Main Street.



SECTION 2302 APPLICABILITY AND REVIEW

- A. New Building Construction, Demolition of Buildings, Building Additions
 - 1. Development proposals shall follow the following process:
 - a. Pre-Application Meeting: the applicant shall meet with staff for a pre-application meeting at which the applicant shall present the proposed uses and other project details and staff will inform the applicant of the study's goals, standards, and recommendations.



- b. The applicant will be required to submit a Certificate of Appropriateness (COA) application. The application shall include a set of plans containing the applicable items of SECTION 3004 and SECTION 403.
 - c. Staff will determine if the proposal meets the requirements of this Article as well as the other regulations contained herein.
 - d. If staff determines that the COA can be approved, the Zoning Administrator shall provide a copy of the approved application to the applicant.
 - e. The applicant will be required to submit a Site Plan application or a Zoning Permit application, as applicable, only when a COA is required.
 - i. The Site Plan application or the Zoning Permit application can be submitted simultaneously with the COA or after the COA has been approved.
 - ii. The Site Plan application or the Zoning Permit application cannot be approved until the COA has been approved.
 - f. If the COA cannot be approved, the Zoning Administrator will provide the applicant with a copy of the denied application, along with the bases of the denial.
 - i. The applicant may file an appeal to the Board of Adjustment, pursuant to SECTION 203245.
 - g. A COA shall not be required for ordinary maintenance and repairs intended to correct deterioration, and where no change is made to the appearance of the building or grounds.
 - i. Ordinary maintenance and repairs include:
 - (a) Building Maintenance Repairs
 - (1) Interior changes not impacting exterior appearance
 - (2) Repainting per PAINT requirements under Design Requirements
 - (3) Caulking, weather-stripping, reglazing windows
 - (4) Replacing window glass, as long as window shape and/or style are not altered
 - (5) Small surface repairs, such as deteriorated siding, porch flooring or steps, or roofing materials as long as replacements match the existing in materials, design, and color
 - (6) Replacement of gutters and downspouts, or existing roof ventilators on rear slopes, as long as the shape and color matches the original element in materials, design, and color
 - (7) Repair or replacement of exterior mechanical equipment (e.g. HVAC), providing there is no change to appearance of the building
 - (8) Installation of house numbers or mailboxes compatible with the original
 - (b) Site Maintenance Repairs
 - (1) Minor landscaping unless the entire yard or site is being replaced
 - (2) Repairs to fences, walks, and driveways as long as replacement materials match the existing or original materials, details, and color
 - (3) Repair of yard or house lighting with the same wattage bulbs
- B. Change of Use, Accessory Structures and Uses, and Signs
- 1. For a change of use, the applicant will be required to submit a Tenant Finish Permit application, pursuant to SECTION 400.
 - 2. For an accessory structure and use, the applicant will be required to submit either a Zoning Permit or a Site Plan.



3. For a sign, the applicant will be required to submit a Sign Permit application, pursuant to SECTION 3405.

SECTION 2303 PRINCIPALLY PERMITTED USES

- A. Table 5-6, in Section 505.5 identifies the principally permitted and accessory uses within the FMS district.
- B. Art gallery
- C. Body art services
- D. Brewpub
- E. Business and trade school
- F. Business support services
- G. College and University
- H. Cultural exhibits
- I. Day care center
- J. Duplex dwelling unit
- K. Eating and drinking establishments
- L. Elderly housing facility
- M. Financial services
- N. Funeral homes (excluding crematoriums), cemeteries or mausoleums
- O. Heritage Tourism
- P. Historic sites and structures, monuments and other exhibits
- Q. Medical, dental, optical clinics
- R. Microbrewery
- S. Microdistillery
- T. Mixed use buildings
- U. Multi family dwelling unit
- V. Nursing home
- W. Office
- X. Personal service
- Y. Postal services
- Z. Recreation, Commercial
- AA. Recreation, Non-Commercial
- AB. Religious assembly
- AC. Residential care facility for handicapped persons
- AD. Retail
- AE. School
- AF. Short term rental
- AG. Single family dwelling unit
- AH. Studios for artists, designers, photographers, musicians, and sculptors
- AI. Townhouse dwelling unit
- AJ. Veterinary animal hospital or clinic



SECTION 2304 ACCESSORY USES

- A. Accessory dwelling units
- B. Automatic teller machines
- C. Customary accessory buildings and uses
- D. Fences
- E. Home Occupation
- F. Outside storage, display, loading, uncrating or unpacking areas
- G. parking located in the side or rear of the lot
- H. Recreation, Passive
- I. recycling collection containers
- J. Signs

SECTION 2305 CONDITIONAL USES

- A. Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the FMS district. ~~The following uses and their customary accessory uses are~~ subject to the approval and qualifications of the Board of Adjustment provided: a) the activity is an integral and subordinate function of a permitted use, and functions to preserve and protect the existing character of businesses and residences found along Main Street; b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented environment; c) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district.
 - 1. Hotel
 - 2. Horse related uses, ~~including riding and boarding stables, as defined in KRS 100.111(2)(c)~~
 - 3. Safety Services

SECTION 2306 DEVELOPMENT STANDARDS

- A. The mixing of uses can occur within one building or within multiple buildings located on the same site.
- B. When uses are mixed in the same building, residential uses shall be located on floors above non-residential uses or in the rear of the building.
- C. Minimum Lot Size: None.
- D. Minimum Frontage: None.
- E. Maximum Intensity: None.
- F. Setback Requirements
 - 1. New construction shall meet the requirements of Section 2306.H, Building Typology.
 - 2. Additions to existing buildings located ten (10) feet or less from the front property line shall meet the requirements of Section 2306.H, Building Typology.
 - 3. Additions to existing buildings located more than ten (10) feet from the front property line shall meet the following requirements:
 - a. Front Yard: Ten (10) feet maximum.
 - b. Side Yard: None required.
 - c. Corner Side Yard: None required.
 - d. Rear Yard:
 - i Ten (10) feet minimum when a residential use adjoins any other use.



- ii Twenty (20) feet minimum when a non-residential use adjoins a residential use.
- iii Ten (10) feet minimum when a non-residential use adjoins a non-residential use.

G. Developments shall comply with the applicable requirements of ARTICLE 31 SUPPLEMENTAL PERFORMANCE STANDARDS.

H. Building Typology:

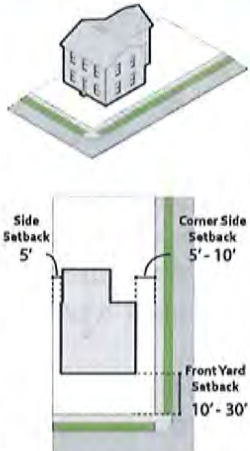

1. The purpose of building typology is to allow flexibility while maintaining a traditional Main Street character and to encourage mixed uses. Building form is emphasized over building use in the FMS District. This subsection presents the standards for building types permitted within the district, primarily in graphic form. Each type is also briefly described and illustrated with photos of representative examples. Use descriptions are illustrative of ways buildings could be used. See Table of Building Typologies.
2. New construction shall follow one of the defined Building Typology standards set within this Section.
3. Additions and modifications to existing buildings should follow the standards for the closest corresponding Building Typology as identified in this Section.

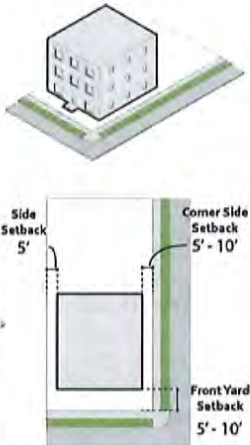

Table 23-1
Building Typology

<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> N/A	<u>Signage Requirement</u> N/A	<u>Minimum Ground Floor</u> N/A	<u>Illustration</u>	<u>Examples</u>
Small House	Small single unit principal structure on a small lot that may have office or commercial uses. Usually a small footprint building in a small lot with minimal setbacks, less than three (3) stories high with a gabled roof and front stoop/porch.	<u>Parking Location</u> N/A	<u>Maximum Building Width</u> N/A	<u>Maximum Height</u> 3 stories		
<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> N/A	<u>Signage Requirement</u> N/A	<u>Minimum Ground Floor</u> N/A	<u>Illustration</u>	<u>Examples</u>



Table 23-1
Building Typology

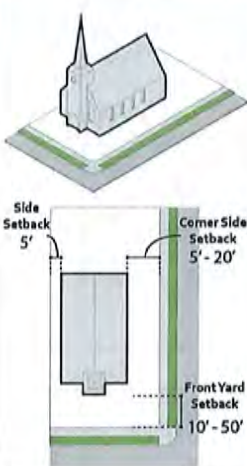

<p>Large House</p>	<p>Larger principal structure on a medium to large lot that may have two (2) or more dwelling units, office, commercial or mixed uses. Usually a moderate footprint building on a larger lot with deeper setback, at least two (2) stories high with gabled roof and front porch.</p>	<p><u>Parking Location</u> Rear, Side</p>	<p><u>Minimum Building Width</u> 60'</p>	<p><u>Maximum Height</u> 4 stories</p>		
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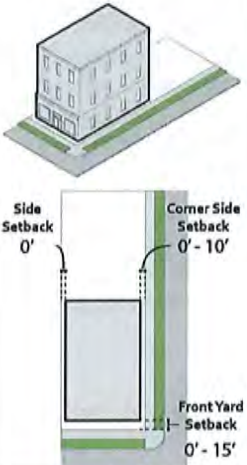

<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> N/A	<u>Signage Requirement</u> N/A	<u>Minimum Ground Floor</u> 12'	<u>Illustration</u>	<u>Examples</u>
<p>Multi-Plex</p>	<p>Multi-unit, multi-story, residential structure with a minimum of four (4) units that may have ground floor storefronts. This type includes multi-unit residential developments of all sizes within the district. Typically at least two (2) stories with minimal setback, flat roof, horizontal windows and prominent entrance.</p>	<p><u>Parking Location</u> Rear, Side</p>	<p><u>Maximum Building Width</u> N/A</p>	<p><u>Maximum Height</u> 4 stories</p>		

<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> Main Street, Shelby Street, Girard Street	<u>Signage Requirement</u> No Awning, Canopy, Window Signs	<u>Minimum Ground Floor</u> 12'	<u>Illustration</u>	<u>Examples</u>



Table 23-1
Building Typology

<p>Civic</p>	<p>Small to large principal structure typically built for public uses such as government, churches, libraries and schools. Variable lot size and includes a broad range of building sizes/styles, frequently with a grand entrance and/or landscaped approach.</p>	<p><u>Parking Location</u> Rear, Side</p>	<p><u>Maximum Building Width</u> N/A</p>	<p><u>Maximum Height</u> N/A</p>		
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<u>Building Typology</u>	<u>Description</u>	<u>Location Requirements</u> Main Street, Shelby Street, Girard Street	<u>Signage Requirement</u> No Free Standing Signs	<u>Minimum Ground Floor</u> 12'	<u>Illustration</u>	<u>Examples</u>
<p>Main Street Mixed Use</p>	<p>Medium to large structure, typically attached, intended to provide mixed uses with ground level retail or service uses and upper floor services or residential. At least two (2), often differentiated, stories with a flat or parapet roof and vertical emphasis, including windows. This type is suited to the central part of the district including Main Street frontages and the blocks to the north along Shelby and Girard Streets (see Figure 23-2).</p>	<p><u>Parking Location</u> Rear, Side</p>	<p><u>Maximum Building Width</u> 120'</p>	<p><u>Maximum Height</u> 4 stories</p>		

<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> Dixie Highway, main Street (2+ story only)	<u>Signage Requirement</u> Monument Signs on Dixie Highway only	<u>Minimum Ground Floor</u> 12'	<u>Illustration</u>	<u>Examples</u>
<p>Flex</p>	<p>Medium to larger principal structure, usually detached, 1 - 3 stories tall on a large lot with parking. Building forms are typically boxy with flat or</p>	<p><u>Parking Location</u> Rear, Side</p>	<p><u>Maximum Building Width</u> 80'</p>	<p><u>Maximum Height</u> 3 stories</p>		



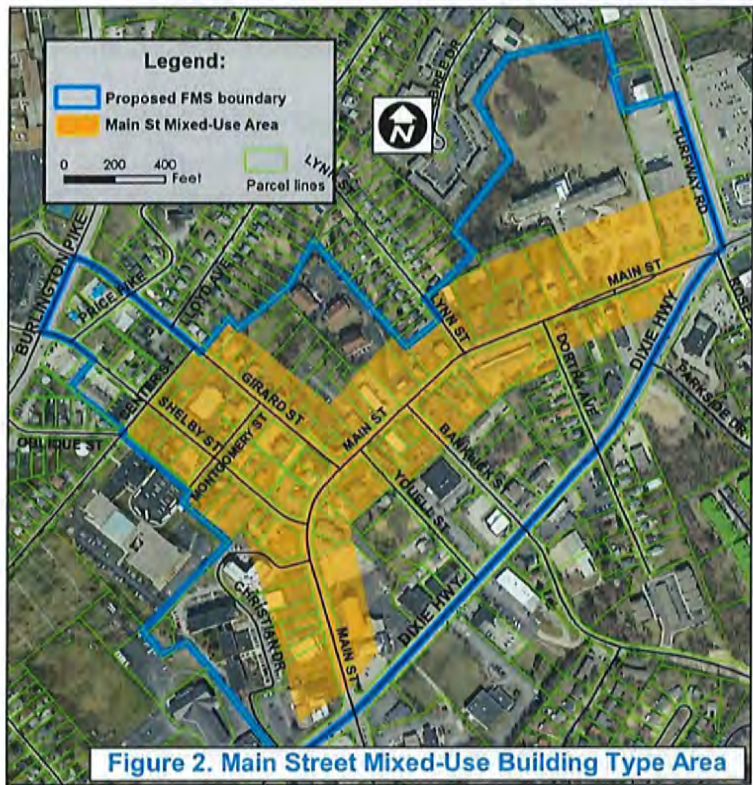
Table 23-1
Building Typology

<p>low pitched roofs. They may be single use or mixed use with vertical mix of uses such as ground floor industrial, service, or retail uses and upper floor service or residential. This type includes one (1) story commercial buildings on Dixie Highway and Main Street; new buildings on Main Street must be a minimum of two (2) stories.</p>					
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<u>Building Typology</u>	<u>Description</u>	<u>Location Requirement</u> Accessory Only	<u>Signage Requirement</u> No Free Standing Signs	<u>Minimum Ground Floor</u> N/A	<u>Illustration</u>	<u>Examples</u>
Carriage House	A detached accessory structure at the rear of a lot that may be residential, home office, small commercial, mixed use or accessory to such functions. They usually echo the principal structure in both form and style.	<u>Parking Location</u> Side, Front	<u>Maximum Building Width</u> 36'	<u>Maximum Height</u> 2 stories		



Figure 23-2
Main Street Mixed-Use Boundary



I. Fences

1. Fences shall meet the requirements of **SECTION 3655**, except as modified herein.
2. Fences shall be compatible with the design and material of the building and block. Cast iron, dark architectural steel, or milled wood "picket" style fences are most appropriate in front yards.
3. Chain link, plastic, PVC, split rail and other "rustic" wood, unmilled dimensional lumber, and similar materials shall be prohibited.
4. Fences shall be designed to have an opacity of fifty percent (50%) or less.
5. Fences and walls having a height of forty-two (42) inches or less shall be permitted in front yards.
6. Fences and walls having a height greater than forty-two (42) inches shall be permitted for an enclosed courtyard.

J. Landscaping

1. Landscaping shall meet the applicable requirements of **ARTICLE 36**.
 - a. Buffer yard widths identified in **ARTICLE 36** shall not be required to exceed setback requirements of **ARTICLE 23**.
 - b. All other provisions of **ARTICLE 36** shall be met.

K. Parking

1. Parking shall meet the requirements of **ARTICLE 33**, except as modified herein. Fractional parking space numbers shall be increased to the next whole number.
 - a. Residential (one bedroom units or studio units): 1.5 spaces per unit
 - b. Residential (two or more bedroom units): 2 spaces per unit



- c. Lodging: 1 space per guest room or suite
 - d. Office: 1 space per 500 square feet of gross floor area
 - e. Retail: 1 space per 500 square feet of gross floor area
 - f. Cultural exhibits, religious assembly, theaters, auditoriums: 1 space per 6 seats that are used simultaneously
 - g. Eating and drinking establishments: 1 space per 4 seats, indoor dining only
2. Non-residential uses that are located within **six hundred fifty (650)** feet of a municipal parking lot shall be allowed to reduce their required parking by a maximum of ten percent (10%).
 3. Joint use agreements, per **SECTION 3320**, may be used to meet the required parking space requirements.

SECTION 2307 DESIGN REQUIREMENTS

- A. The purpose of the Design Requirements is to provide a unified direction for new construction and alterations to existing buildings while maintaining the eclectic historic character of Main Street in terms of scale, rhythm, and massing. New construction should not attempt to recreate a particular historical time period or architectural style. This Section is designed to help make Main Street a pleasant, accessible, and authentic place for residents, visitors and business owners.
- B. The Design Requirements listed herein supersede the normal requirements of the zoning regulations. When specific design requirements are not identified, the regulations of this ordinance shall apply.
- C. The Zoning Administrator will have the authority to consider minor adjustments to individual design elements of a proposal, provided the adjustment will create an equivalent or superior solution to the element in question, and the proposal does not diminish the design character which would otherwise be created by adherence to the stated requirement.
- D. General maintenance and repair, including some routine maintenance or repair requires regulation to ensure that original materials are not damaged in the process.
- E. Requirements – Rehabilitation and Maintenance, Major Additions, and Minor Additions.
 1. When possible, historically significant structures and details should be maintained or rehabilitated rather than replaced, demolished or rebuilt.
 2. The Zoning Administrator may allow the use of alternative renovation and maintenance strategies, not listed herein, and not specifically prohibited if it is demonstrated by the applicant that the methods will produce an equivalent or superior solution to the requirement in question without compromising or significantly altering the structure or building detail.
 3. Rehabilitation and Maintenance. The following shall be utilized when a COA is required:
 - a. Masonry
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Cleaning only when necessary, preferably with low-pressure water
 - (b) Repainting previously painted masonry
 - (c) Use of mortar mixes compatible with the original in color, texture and composition
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Sandblasting or harsh chemical cleaning
 - (b) Painting previously unpainted masonry and use of sealants in most instances
 - (c) Covering original masonry with any type of siding or stucco
 - (d) Replacing missing brick with an incompatible alternate material



- (e) Mortar type, color, width, profile, texture, or composition differing from the original;
- b. Materials
 - i Permitted renovation and maintenance strategies and materials:
 - (a) Replacement siding matching the original in width, profile, or texture
 - (b) Cementitious board when replacing wall areas previously covered with synthetic siding
 - (c) Preservation of architectural details such as cornices, lintels, corner board, and posts
 - ii Prohibited renovation and maintenance strategies and materials:
 - (a) Replacing repairable wood siding
 - (b) Synthetic siding including vinyl, aluminum, composite shingle, formstone, brick veneer, synthetic stucco, and EIFS
 - (c) Replacement siding with not matching the original in width, profile or texture
 - (d) Re-finishing painted woodwork for a "natural" look
 - (e) Covering or altering historic details
- c. Roofs and Gutters
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Maintaining original roof form and materials
 - (b) Replacement roof coverings that match the original (standing seam metal, slate, tile, etc.)
 - (c) Inconspicuous locations for roof mounted equipment
 - (d) Retention and reconstruction of box gutters
 - (e) Painting gutters and downspouts to match building trim, unless copper is used
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Altering roof pitch or raising roof height
 - (b) New roofing materials that obscure architectural details such as chimneys, dormers, or brackets
 - (c) New dormers or skylights visible from the public ROW
 - (d) Replacing box gutters with the possible exception in extreme cases of half-round gutters on side and rear facades
- d. Windows, Doors and Shutters
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Replacements matching originals in size, design, and materials
 - (b) Storm windows of anodized aluminum or baked enamel with finish to match window frames
 - (c) Storm doors with large expanses of glass and made of wood or dark anodized metal
 - (d) Wooden screen doors
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Replacing repairable historic doors and windows
 - (b) Using tinted or solarized glass
 - (c) Changing window glazing pattern or size



- (d) Infilling window or door openings or changing the size of openings
 - (e) Obscuring historic windows with storm windows
 - e. Porches and Awnings
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Replacement porch design and materials match the original, including railings, supports, and roof form
 - (b) Reconstruction based on historic photos and approved materials
 - (c) New porches and decks may be appropriate when not visible from the public ROW
 - (d) Fabric or canvas awnings that do not obscure architectural details may be appropriate
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Adding, removing or replacing historic porches and elements
 - (b) Enclosing a porch to create an interior space
 - (c) Reroofing a porch with a different material
 - (d) Repairs with non-matching new materials including vinyl, aluminum, and dimensional lumber
 - (e) Internally lit awnings or canopies
 - (f) Metal awnings, with the exception of some mid-20th Century buildings
 - f. Paint
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Painting previously unpainted masonry or wood
 - (b) Gentle cleaning of existing paint in good condition as an alternative to repainting
 - (c) Surface prep by low impact methods such as scraping and sanding when possible
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Use of intense bright colors such as fluorescents on walls and trim or dark colors (e.g., black) on walls
 - (b) Potentially destructive paint removal by methods such as sandblasting or blow torch
 - (c) Artistic murals not approved by the City of Florence
- 4. Site Improvements and Maintenance - Any site improvement or maintenance requiring a COA shall adhere to the following:
 - a. Driveways and Parking Areas
 - i Permitted renovation and maintenance strategies and materials include:
 - (a) Parking screened per **ARTICLE 31**
 - (b) Parking areas that maintain the setback of their respective block
 - (c) New parking areas and garages located behind the principal building with driveway to the rear
 - ii Prohibited renovation and maintenance strategies and materials include:
 - (a) Parking that obscures primary facades of historic buildings
 - (b) Circular driveways or small frontage parking pads
 - (c) Removing historic buildings to provide parking



- (d) Parking located in the front of the primary façade or on the ground floor in the front
- b. Access Modifications (Ramps and Fire Escapes)
 - i The design of additional means of access to meet safety or ADA requirements shall be compatible with the historic building being accessed. Work shall not obscure, change, or destroy character-defining features.
 - (a) Ramps shall be sited alongside facades with entrances on the front whenever possible.
 - (b) Fire escapes shall be located on side or rear facades.
 - (c) Ramps visible from the public right-of-way shall be of concrete or masonry materials with metal or wood handrails.
 - (d) Railing elements of ramps and fire escapes shall not be utilitarian or overly ornate but stylistically appropriate to the building they serve.
 - (e) Ramps and fire escapes shall be installed without damaging or removing historic building materials and shall be reversible.
 - (f) In some cases, interior modifications such as elevators may be more feasible than exterior access modifications.
 - c. Lighting Fixtures
 - i See SECTION 3316 for lighting requirements. Lighting fixtures on buildings shall not detract from the building or general character of the street. While lighting should be sufficient for safety needs, it shall be carefully planned and adhere to the following:
 - (a) When present, existing historic light fixtures shall be preserved.
 - (b) New light fixtures shall be contemporary in design and/or based on existing historic examples within the district.
 - (c) Designs shall be compatible with the building's age and style.
 - (d) Fixtures shall be made of brass, copper, iron or painted metal.
 - (e) New lighting designs which evoke a false sense of history (such as "Colonial Williamsburg" style carriage lights on a mid-20th Century building) shall be prohibited.
 - (f) When necessary, security and foot lighting shall be unobtrusive and installed on secondary facades
- 5. Additions
 - a. Minor Additions
 - i Minor work shall consist of cosmetic alterations to the front or side of a building or rear additions that increase the original structure's square footage by less than fifty percent (50%).
 - ii Major work shall consist of new construction, any addition to the front or side façade of a building, or rear additions that increase the original structure's square footage by fifty percent (50%) or more.
 - b. Major Additions: The design of major additions to historic buildings shall consider the block-level factors for new construction, but focus more closely on the building to be modified. In addition, major additions shall:
 - i Follow the Building Typology in this Article unless incompatible with existing structures on the block or functionally incompatible with the site.



- ii Be contemporary in design and compatible with the building, while being clearly differentiated from it.
- iii Not damage or remove existing historic materials and be designed to avoid compromising the building form/materials if removed in the future.
- iv Conform to the materials requirements specified in the above design requirements.
- v Avoid the front façade or readily visible side façade of a building.
- vi Additions visible from the public right-of-way shall be treated in a more formal architectural manner, be complementary in design yet differentiated from the main building yet compatible with the historic materials, features, size, proportion and massing (this requirement is only for additions that are visible from the public right-of-way).
- vii Follow existing roof lines, materials, style and massing of the building.
- viii Not re-orient the building's primary entrance from the front to the side or rear unless located on a corner lot, within a courtyard cluster of re-development, or when dividing multiple use spaces within a single building as determined appropriate by the Zoning Administrator.

6. New Construction

- a. Preservation of the character and defining features of the FMS does not prohibit new construction, either as infill development or replacement. However, the design of new construction shall consider the existing visual characteristics of the block and adjacent buildings. Key factors include building shape, age, setback, architectural style, height, width, materials, detailing, roof form, spacing of window and door openings, and floor-to-ceiling heights.
- b. The design of new construction shall consider the existing visual characteristics of the block and adjacent buildings. Key factors include building shape, age, setback, architectural style, height, width, materials, detailing, roof form, spacing of window and door openings, and floor-to-ceiling heights.
- c. New Construction: New construction shall:
 - i Follow the Building Typology in this Article unless incompatible with existing structures on the block or functionally incompatible with the site.
 - ii Be contemporary in design but compatible with existing buildings on the block in design and form, respecting building scale, proportion, character and materials.
 - iii Not mimic historic styles or create a false sense of history.
 - iv Conform to the materials requirements specified in the above design requirements.
 - v Screen HVAC and other mechanical equipment pursuant to SECTION 3635.

7. Demolition

- a. Demolition of historic structures (those over 50 years at the time of application) in the Florence Main Street District is discouraged. All alternatives shall be explored before demolition is considered. Proposed demolition of a building in the FMS District will require a Certificate of Appropriateness as well as a Demolition Permit from the Boone County Building Inspector. A demolition permit shall not be issued until the COA has been approved.
 - i The demolition of a building will be allowed only when one or more of the following factors applies:
 - (a) Demolition has been ordered by a public official for public health and safety reasons.



- (b) The owner can demonstrate, to the satisfaction of the Zoning Administrator, that the building cannot be reused, or that its full or partial use will not bring a reasonable economic return.
- (c) The demolition request pertains to an accessory structure of a different period, inappropriate addition or other structure that the Zoning Administrator deems non-contributing to the district's historic significance.
- (d) Demolition will be allowed if it can be shown that this action will not have a negative or adverse impact on the integrity of the FMS District.
- (e) The demolition is consistent with plans or policies adopted by the City of Florence.

ARTICLE 24 WALTON DOWNTOWN DISTRICT (WD)

Contents:

ARTICLE 24 WALTON DOWNTOWN DISTRICT (WD)

SECTION 2400 INTENT

SECTION 2401 PRINCIPALLY PERMITTED USES

SECTION 2402 ACCESSORY USES

SECTION 2403 CONDITIONAL USES AND CRITERIA

SECTION 2404 INTENSITY

SECTION 2405 MINIMUM STANDARDS

SECTION 2400 INTENT

- A. The intent of this article is to provide for the development and maintenance of Walton's Main Street where an integrated variety of business and residential uses comprise the Walton downtown area. The purpose of the district is to facilitate development along Main Street where the unique circumstance of having rail roads that parallel Main Street on both sides creates a situation that inhibits growth and opportunity for Walton. The creation of a mixed-use central business district is essential to the vitality, viability, and well-being of Walton and encourages a variety of new growth that cannot practically be accommodated by other zoning districts established by ~~these regulations~~this order.

SECTION 2401 PRINCIPALLY PERMITTED USES

1. Banking services, savings and loan associations, credit unions and other credit services;
2. Real estate management services, operators, agents, brokers, lessors and real estate subdivision and development services, operative builders and related services;
3. Security brokers, dealers and flotation services, investment services and finance companies, personal credit and title services;
4. Employment services, news agencies;
5. Consumer and mercantile credit, adjustment and collection services;
6. Business associations and professional membership organizations including civic, social and fraternal organizations;
7. Accounting, auditing and bookkeeping services, insurance carriers and agents;
8. Medical, dental or optical clinics;
9. Legal services, engineering and architectural services, education and scientific research services;
10. Veterinary services and pet grooming services;
11. Beauty and barber services and tanning salons;
12. Day care centers;
13. Laundering, dry cleaning and dyeing services including self-service;
14. Stenographic and other duplication and mailing services;
15. Travel arranging, transportation ticket and public event or promotional booking agencies;
16. Radio and television broadcasting studios excluding transmitting stations and towers;
17. Postal services and packaging services;
18. Welfare and charitable services, social services administration offices;



19. Department stores, mail order houses, direct retail selling organizations of general merchandise, auction house facilities;
20. Furniture, home furnishings including specialty and floor coverings, draperies, curtains, and upholstery, china, glassware and metal ware, specialized upholstery and furniture repair or refinishing services;
21. Family clothing, specialty clothing or boutiques, shoe stores and other apparel retail trade, alteration and garment repair and custom tailoring, shoe repair, shoe shining and hat cleaning services;
22. Household electronics sales, watch, clock, and jewelry repair and sales
23. Sporting goods including bicycles;
24. Hardware stores and rental equipment, paint, glass and wallpaper stores;
25. Manufacturing, refinishing, or the production of crafts and woodwork products for the household;
26. Automobile dealerships, auto parts and accessories stores, auto, truck, and trailer rentals, rental equipment;
27. Motorcycle sales or bike shops;
28. Eating establishments which may include alcoholic beverages;
29. Grocery stores and supermarkets, stores with retail sales of meat, fish, seafood, dairy and poultry products, fruit and vegetable stores, bakeries, candy, nut and confectionery stores, florists;
30. Convenience stores, gasoline filling stations, video stores;
31. Liquor, beverage, drug and proprietary stores, retail sale of office supplies and equipment;
32. Art, craft, hobby supplies and products, gifts and novelties;
33. Antiques and used merchandise;
34. Books, stationery, newspapers and magazines;
35. Churches, synagogues, temples, and other places of religious assembly for worship;
36. Funeral homes and crematoriums excluding cemeteries or mausoleums;
37. Recreation centers, gymnasiums, clubs and similar athletic uses;
38. Art, music and dancing schools, libraries, museums, business colleges, trade schools, buildings including public facilities;
39. Arcades and other amusement centers, motion picture theaters (indoor), bowling alleys, skating rinks;
40. Hotels, motels, bed and breakfast inns;
41. Mixed use buildings with the principally permitted uses noted herein on any floors and apartment or dwelling units on second or third floors only;
42. Attached and detached dwelling units including:
 - a. private garage and parking;
 - b. structures such as fences and walls;
 - c. buildings such as storage sheds;
 - d. the keeping and use of appropriate household pets;
43. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses that fulfill the objectives of this district as determined by the Zoning Administrator;

SECTION 2402 ACCESSORY USES

- A. Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses defined to be:



1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Public parks, commons, squares and plazas;
2. Accessory dwelling units;
3. Family day care;
4. Temporary buildings incidental to construction;
5. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with SECTION 3154;
6. Signage (see SECTION 2405 and ARTICLE 34);
7. Parking (see SECTION 2405 and ARTICLE 33);
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with SECTION 3155;

SECTION 2403 CONDITIONAL USES AND CRITERIA

- A. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the residents, employees or users of the district's permitted uses; ~~or~~ b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.
1. Automobile repair facility;
 2. Small equipment and engine repair and service;
 3. Plumbing, electrical, building material, and home and garden supply;
 4. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);

SECTION 2404 INTENSITY

- A. The maximum density for residential uses in the Walton Downtown district shall be eight dwelling units per acre. There shall be no maximum density for building area per acre provided that all other standards of this article are met. There shall also be no minimum lot size or minimum lot dimensions within this district.

SECTION 2405 MINIMUM STANDARDS

- A. All principally permitted, accessory and conditional uses, buildings and structures in the Walton Downtown district are subject to the following size, height, setback, landscaping, signage, and parking requirements.
- B. Minimum Size
1. There is no minimum size or extent required for the Walton Downtown District.
- C. Height Limitation
1. The maximum height for any structure within this district shall not exceed forty (40) feet.
- D. Setback Requirement



1. The Walton Downtown District shall have no minimum front, side, or rear yard setback requirements for buildings that are used for principally permitted or conditional uses. Accessory use structures shall be required to be placed behind principal structures. It is suggested that new building construction generally conform with the front yard setbacks of adjacent existing buildings or structures. Buildings shall not be permitted to be located on lots in such a manner as to cause driver visibility impairment and shall meet adequate site distances of **SECTION 3217 of ARTICLE 32**. This shall be determined during the Site Plan Review or Zoning Permit process.

E. Landscaping

1. The Walton Downtown District shall comply with **ARTICLE 36** where setbacks are provided and for any parking area or loading area located on site.

F. Signage

1. The Walton Downtown District shall comply with all signage requirements stated in **Section 3407.2 of ARTICLE 34**.

G. Parking

1. Buildings or structures not containing residences, with a gross floor area of 7,500 square feet or less shall not be required to provide on-site parking. Any building or structure not containing residences, which exceeds 7,500 square feet shall be required to provide one (1) parking space on-site for every **two hundred fifty (250) s.f.** increment over 7,500 square feet. Residences, regardless of size, are required to provide on-site parking. One (1) parking space shall be provided on-site for each dwelling unit. Mixed use structures or buildings that contain residences are required to provide one (1) parking space on-site for every dwelling unit and one (1) parking space for each **two hundred fifty (250) s.f.** increment over 7,500 square feet. With the exception of the minimum required number of parking spaces stated above, all off-street parking shall comply with the requirements of **ARTICLE 33**.



ARTICLE 25 UNION TOWN PLAN DISTRICTS SECTION

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ARTICLE 25 UNION TOWN PLAN DISTRICTS SECTION

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SECTION 2510 ADDITIONAL DESIGN CRITERIA FOR NEOTRADITIONAL RESIDENTIAL DEVELOPMENT

SECTION 2511 OTHER PERTINENT ARTICLES OF THE BOONE COUNTY ZONING REGULATIONS

SECTION 2500 UNION TOWN PLAN ZONING DISTRICTS PURPOSE AND INTENT



- A. Zoning implementation methodology includes two main courses of action. First, three zoning districts are created, the Union Town Center (UTC), the Union Commercial (UC), and the Union Neighborhood Office (UNO) zones. Secondly, a Union Town Overlay District (UTO) is established to provide an incentive to develop the residential, recreation, and public facilities land uses of the Study Area in a certain manner. Both methods establish the potential for “higher” or more dense development in most areas than the existing zoning would allow under the current regulations.
- B. The potential for a shortened review process and the density represented in the Plan are the incentives for developers to develop according to the Plan recommendations. Property owners and developers have a choice to develop under existing zoning or to take advantage of the opportunity described in the Union Town Plan. If the developer provides the items defined in detail in **SECTION 2509**, Design Criteria, of the Plan, then the project can potentially develop to the densities shown on the Plan and bypass a public hearing process or zone change. Existing and *Union Town Plan* Proposed zoning are shown in Resolution Exhibit “B”.
- C. A special sign district is a part of the *Union Town Plan*.
- D. Detailed architectural design plans are required for all individual structures within the Union Town Center (UTC), Union Commercial (UC), and Union Neighborhood Office (UNO) zoning districts. A separate design review application shall be submitted at the same time as Site Plan Review for commercial, institutional, and office uses. Certificate of Occupancy permits or zoning permits shall not be approved until the pertinent design review approval has been granted by the Planning Commission.

SECTION 2501 APPLICABILITY AND REVIEW

- A. As described in this Article, these regulations contain three conventional zoning districts that describe permitted uses, dimensional requirements, and minimum standards. The remainder of the Study Area is proposed to retain its current zoning under the Union Town Overlay District. As proposed, this zoning overlay would allow a greater density than the current zoning as long as certain development impacts are addressed. The Union Town Plan recommendations are specific enough, however, to allow the Planning Commission to consider proposed developments for a shortened review process. If deemed consistent with the recommendations of the Union Town Plan for the subject area, the development may be found eligible for normal site plan and subdivision review processes to occur without requiring a zone change, or the review of a Concept Development Plan, or other public hearing processes. Of course, a developer or property owner can at any time apply for other zoning districts and be subject to the normal Zoning Map Amendment process described in **ARTICLE 3** of the Boone County Zoning Regulations.

SECTION 2502 UNION COMMERCIAL (UC)

- A. The purpose of the Union Commercial (UC) zone district is to allow for the protection of existing commercial uses, but also to bring them into conformance with the Union Town Plan over time. The location of the UC zone district allows limited additional commercial uses or limited expansion of existing commercial uses in areas that have historically supported them, but does not promote a continuous or extensive strip of commercial development. The permitted uses are designed to serve the immediate area and accommodate the demands of an expanding Union area population. The type and scale of commercial uses is not intended to be of a highway commercial nature or bring significant numbers of patrons into the Study Area that would not otherwise be in the area. Residential development can also occur in the UC districtzone. The extent of the UC districtzone is shown as commercial land use on the Union Town Plan.

Section 2502.1 Principally Permitted Uses

- 1. Detached single-family dwelling units;



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2. Attached town house-style dwelling units;
3. Eating and drinking establishments including alcoholic beverages, and drive-through, franchise style fast food establishments;
4. Hardware stores;
5. Grocery stores and supermarkets;
6. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
7. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services including drive-through facilities;
10. Insurance carriers and agents;
11. Real estate and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
14. Medical, dental or optical clinics;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Day care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Alteration, and garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry stores;
23. Household electronics sales;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Florists excluding greenhouses;
28. Sporting goods including bicycles;
29. Draperies, curtains, upholstery and floor coverings;
30. Paint, glass, and wallpaper stores;
31. Photo finishing services;
32. Funeral homes and crematoriums excluding cemeteries or mausoleums;
33. Furniture, home furnishings including specialty and floor coverings;
34. Specialized upholstery and furniture repair or refinishing services;
35. Apparel stores;
36. China, glassware and metalware;
37. Legal services, engineering, and architectural services;
38. Title abstracting services, holding and investment services;
39. Advertising services including direct mail;
40. Business and management consulting services, credit services;
41. Employment services;



42. Consumer and mercantile credit reporting, adjustment and collection services;
43. Travel arranging, transportation ticket and public event or promotional booking agencies;
44. Radio and television broadcasting studios excluding transmitting stations and towers;
45. Art, music and dancing schools, libraries and museums;
46. Welfare and charitable services;
47. Business associations and professional membership organizations including civic, social and fraternal organizations;
48. Art and craft galleries and similar exhibit space;
49. Aquariums, botanical gardens and other natural exhibitions;
50. Churches, synagogues, temples and other places of religious assembly for worship;
51. Real estate management services and builders offices excluding any outside storage;
52. Photographic and stenographic services;
53. Business colleges and trade schools;
54. Retail sale of office supplies and equipment;
55. Generic professional offices;
56. Video rental and sales; ~~and~~
57. Storm water management facilities designed in accordance with ARTICLE 3 of the Boone County Subdivision Regulations (site plan review required);
58. Expansion of existing auto repair uses, provided the expansion meets the requirements of the Union Town Plan;

Section 2502.2 Accessory Uses

- A. Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:
 1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences, walls, and satellite dishes;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit;
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
Private stable or other keeping and use of pets and animals. Signage (see ARTICLE 34);
 2. Parking (according to ARTICLE 33 and Section 2505.92576-7. Streetscape and Improvements);
 3. Delivery areas with no outside storage or unpacking;
 4. Temporary buildings incidental to construction;
 5. Retail sales of motor fuels;
 6. Automatic teller machines attached to the principle structure; ~~and~~
 7. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

Section 2502.3 Conditional Uses And Criteria

1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);



2. Sales and leasing of new and used motor vehicles when operated in conjunction with an existing automotive repair facility and requiring the storage of no more than twelve (12) inventory vehicles on the premises. (Applies to the City of Union only);

Section 2502.4 Intensity

- A. The maximum intensity of a residential use in a Union Commercial (UC) ~~district~~ district shall not be greater than six (6) dwelling units per one (1) acre. The maximum intensity of a commercial or office use in a Union Commercial (UC) ~~district~~ district shall not exceed 15,000 square feet of gross floor area per acre of land.

Section 2502.5 Minimum Lot Size

- A. The minimum lot size in the Union Commercial (UC) ~~district~~ district is 4,000 square feet.

Section 2502.6 Design Standards

- A. Development in the UC ~~district~~ follows SECTION 2505~~2523~~.

SECTION 2503 UNION TOWN CENTER ZONE (UTC)

- A. The Union Town Center (UTC) ~~district~~ shall be located in areas that are immediately adjacent to the intersections of Old U.S. 42, new U.S. 42, existing Mt. Zion Road and the possible re-alignment of new Mt. Zion Road. This area shall include what has been historically considered the town center. The purpose of the Union Town Center (UTC) ~~district~~ district is to allow for a condensed commercial and residential area that is pedestrian scale and creates a sense of place for the surrounding area. Mixed use development with buildings designed to accommodate commercial uses on the first level and office or residential uses on the second level are encouraged. The UTC ~~district~~ district allows commercial, office and residential uses in a concentrated area which does not promote a continuous or extensive strip of commercial development along the new U.S. 42. The UTC ~~district~~ district corresponds to the Town Center Land Use Classification on the 2000 Union Town Plan Land Use Map.
- B. The permitted uses are designed to serve the immediate area and accommodate the demands of an expanding population, but not to replicate the "big box" retail that exists along Houston Road and Mall Road. The type and scale of commercial uses is not intended to be of a highway commercial nature, or bring significant numbers of patrons into the Union Town Study Area that would not otherwise be in the area.
- C. As the Union Town Plan Land Use Map depicts, Phase II of the Union Town Center ~~district~~ can develop as office or residential, but is not recommended to develop as commercial until undeveloped property of Phase I is fifty percent built out. However, the Long Range Planning/Comprehensive Plan Committee shall have the ability to review commercial or other land uses in the Phase II Town Center area before fifty percent build out of Phase I if the proposed development offers a unique, well designed plan that establishes or reinforces the Town Center Concept beyond the minimum requirements contained in the Union Town Plan. The Committee shall recommend a course of action to the full Planning Commission for a vote. The developer can then apply to the Planning Commission for the appropriate review.

Section 2503.1 Principally Permitted Uses

1. Detached single-family dwelling units;
2. Attached town-house and row-house style dwelling units;
3. Eating and drinking establishments including alcoholic beverages, and drive-through and franchise style fast food establishment;
4. Hardware stores;



5. Grocery stores and supermarkets;
6. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
7. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services (including drive-through facilities);
10. Insurance carriers and agents;
11. Real estate and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
14. Medical, dental or optical clinics;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Day care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Alteration, and garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry stores;
23. Household electronics sales;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Florists excluding greenhouses;
28. Sporting goods including bicycles;
29. Draperies, curtains, upholstery and floor coverings;
30. Paint, glass, and wallpaper stores;
31. Photo finishing services;
32. Funeral homes and crematoriums excluding cemeteries or mausoleums;
33. Furniture, home furnishings including specialty and floor coverings;
34. Specialized upholstery and furniture repair or refinishing services;
35. Apparel stores;
36. China, glassware and metalware;
37. Legal services, engineering, and architectural services;
38. Title abstracting services, holding and investment services;
39. Advertising services including direct mail;
40. Business and management consulting services, credit services;
41. Employment services;
42. Consumer and mercantile credit reporting, adjustment and collection services;
43. Travel arranging, transportation ticket and public event or promotional booking agencies;
44. Radio and television broadcasting studios excluding transmitting stations and towers;



45. Art, music and dancing schools, libraries and museums;
46. Business associations and professional membership organizations including civic, social and fraternal organizations;
47. Art and craft galleries and similar exhibit space;
48. Aquariums, botanical gardens and other natural exhibitions;
49. Churches, synagogues, temples and other places of religious assembly for worship;
50. Security brokers, investment services and finance companies;
51. Real Estate management services and builders offices excluding any outside storage;
52. Photographic and stenographic services;
53. Charitable and social services administration offices;
54. Business colleges and trade schools;
55. Retail sale of office supplies and equipment;
56. Residential in accordance with this article;
57. Video rental and sales;
58. Generic professional offices; ~~and~~
59. Storm water management facilities designed in accordance with ARTICLE 3 of the BOONE COUNTY SUBDIVISION REGULATIONS (site plan review required);
60. Federal, state, regional, county, and local and other governmental offices;
61. Police, fire, civil defense and other protective and related services;
62. Primary, elementary, and secondary schools;
63. Junior colleges, colleges, and universities;
64. Vocational or trade schools, professional schools, and special training and schooling facilities;
65. Hospital complexes and mental health facilities, inpatient;
66. Elderly housing facilities and nursing homes;
67. Libraries, museums, art and craft galleries, conservatories and cultural exhibits;
68. Churches or religious assembly uses, including apartment dwelling units related to the religious use;
69. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeways, pedestrian mall systems and similar uses;
70. Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail;

Section 2503.2 Accessory Uses

1. Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:
2. Accessory uses for a dwelling unit including:
 - a. Private garages and parking;
 - b. Structures such as fences, walls, and satellite dishes;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit;
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities; ~~and~~
3. Signage (see ARTICLE 34);
4. Parking (according to ARTICLE 33 and Section ~~2505.9~~2505-9. Streetscape and Improvements);



5. Delivery areas with no outside storage or unpacking;
6. Temporary buildings incidental to construction;
7. Retail sales of motor fuels;
8. Automatic teller machines attached to the principle structure; ~~and~~
9. Storage of materials must be located in the principal structure; no commercial or office outbuildings are permitted.

Section 2503.3 Conditional Uses And Criteria

1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

Section 2503.4 Intensity

- A. The intensity of new residential uses in a Union Town Center (UTC) zoning district shall be a minimum of three (3) dwelling units per one (1) acre and a maximum of eight (8) dwelling units per one (1) acre. There is no maximum intensity of commercial or office use in a Union Town Center (UTC) zoning district as long as all parking, landscaping, and other requirements of ~~these regulations~~ ~~this order~~ are supplied.

Section 2503.5 Minimum District Size

- A. The minimum size and extent of a Union Town Center (UTC) zoning district, including all the contiguous private property so designated, shall not be less than five (5) acres.

Section 2503.6 Design Standards

- A. Development in the UTC ~~district~~ ~~zone~~ follows SECTION 2505.

SECTION 2504 UNION NEIGHBORHOOD OFFICE ZONE (UNO)

Section 2504.1 Principally Permitted Uses

1. Generic professional offices;
2. Banking services including drive-through facilities;
3. Insurance carriers and agents;
4. Real estate and related services;
5. Accounting, auditing and bookkeeping services;
6. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
7. Medical, dental, or optical clinics;
8. Veterinary services and pet grooming services but not including the boarding of animals;
9. Legal, engineering, architectural, education and scientific research services;
10. Accounting, auditing and bookkeeping services;
11. Charitable and social services administration offices;
12. Professional membership organizations and civic associations;
13. Storm water management facilities designed in accordance with ARTICLE 3 of the BOONE COUNTY SUBDIVISION REGULATIONS (site plan review required);
14. Churches or religious assembly uses, including apartment dwelling units related to the religious use;
15. Day care centers;



16. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeways, pedestrian mall systems and similar uses;

Section 2504.2 Accessory Uses

Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garages and parking
 - b. Structures such as fences, walls, and satellite dishes;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit;
 - e. Private recreational courts, fields, swimming pools, or similar recreational activities; ~~and~~
2. Signage (see ARTICLE 34);
3. Parking (according to ARTICLE 33 and Section 2505.92505-9. Streetscape and Improvements);
4. Delivery areas with no outside storage or unpacking;
5. Temporary buildings incidental to construction;
6. Automatic teller machines attached to the principle structure; ~~and~~
7. Storage of materials must be located in the principal structure; no commercial or office outbuildings are permitted.

Section 2504.3 Conditional Uses And Criteria

1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);

Section 2504.4 Intensity

- A. The maximum intensity in a UNO ~~districtzone~~ district shall not exceed 20,000 square feet of gross floor area per acre of land.

Section 2504.5 Minimum Lot Size

- A. The minimum lot size in the UNO ~~districtzone~~ district is 20,000 square feet.

Section 2504.6 Design Standards

- A. Proposed office development in the Rural Suburban/Union Neighborhood Office (RS/UNO) ~~districtzone~~ located adjacent to Whispering Trails Drive must have access through neighboring parcels, adjacent development, or directly from new U.S. 42, and shall not be accessed from Whispering Trails. Development in the UNO ~~districtzone~~ follows SECTION 2505. (Refer to Union Ordinance Number 2007-013 regarding access to the property at the southeast corner of U.S. 42 and Whispering Trails)

SECTION 2505 DESIGN REQUIREMENTS FOR UTC, UC, AND UNO ZONING DISTRICTS

1. Setbacks
 - a. Principally Permitted Structures
 1. Front Yard Minimum - ten (10) feet from the right-of-way line.
Front Yard Maximum - fifty (50) feet from the right-of-way line.
 2. Rear Yard Minimum Setback - twenty (20) feet from property line.



3. Side Yard Minimum Setbacks - five (5) feet from property line.
- b. Accessory Structures - The following setbacks shall apply to any accessory structure in the district: All accessory structures shall be located in the rear yards at least five (5) feet from all property lines.
2. Height - Maximum height of any structure is fifty (50) feet.
3. Impervious Space - No more than eighty percent (80%) of the site can be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
4. Interior Open Space - The minimum shall be provided:
 - a. Pedestrian/Bike Connections - At critical points in the development linking the Town Center with green space as depicted on the 2000 Union Town Plan Land Use Map and other areas including other residential developments, parks, churches and schools.;
 - b. Civic/Public Space - all developments shall provide some form of a public gathering place, such as a landscaped picnic table area or a decorative bus stop area, that is fronted on at least one (1) side by a public street when the site abuts a public street.;
 - c. Landscaped entryways
 - d. Pedestrian/Bike Path - developers shall construct a **ten feet (10')** minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
5. Utilities - All utilities except for street lights must be located underground. Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
6. Building Orientation - All structures shall front toward existing Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 when the subject site adjoins one of these roads. Any drive-through windows, automatic teller machines, or gasoline pump canopies must be located on the side or rear building facades away from these roadways.
7. Fences - Fences shall conform to SECTION 3655 of the Boone County Zoning Regulations. The UNO and UC zoning districts must provide a post and rail, horse-style fence in the front setback.
8. Architecture

The following architectural standards shall serve to guide the Planning Commission's Technical/Design Review Committee. Deviations from these standards shall be weighed by the Committee to determine the appropriateness of the design with the overall intent of the 2000 Union Town Plan and the extent of which the site is visible from public view.

- a. Materials - All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.
- b. Garage/Loading/Unloading Doors - If the dwelling unit contains an attached garage or the principal structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principal structure faces and in the case of a single family dwelling unit, the garage wall shall be extended or recessed at least two (2) feet from the front facade. This garage wall shall contain at least two (2) windows giving the garage an appearance of being a finished room within the dwelling unit.
- c. Entrance - All buildings shall have their main entrance on the primary street with an equally defined rear entry from the parking area.



- d. Building Length - No building which fronts on to current Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 shall have a continuous unbroken facade along that road of greater than **one hundred fifty (150)** feet.
 - e. Roof - All residential buildings shall have a sloped or pitched roof.
9. Streetscape and Improvements
- a. Street Connections - Street connections shall be provided in accordance with SECTION 305 - N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - of the Boone County Subdivision Regulations.
 - b. Street Trees
 - 1. Spacing - Street trees shall be planted along the affected side of all public streets adjoining the development on average forty (40) feet apart on center. They can be on the right-of-way with permission of the street owner.
 - 2. Caliper Width - Street trees shall have a minimum of a two and one-half (2.5) inch caliper.
 - c. Sidewalks - Sidewalks at least **five (5)** feet wide are required on both sides of all local, collector and arterial streets and at least **four (4)** feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.
 - d. Parking Requirements
 - 1. Location - All parking shall be located in the side or rear of all buildings. Buildings along New U.S. 42 shall be considered to front toward that road. Exceptions to this requirement can be considered by the Zoning Administrator through the waiver procedure in the case of existing buildings, and renovations or additions to existing buildings, only if the proposed development advances the recommendations of the Union Town Plan and intent of this Article.
 - 2. Minimum/Maximum Number of Spaces
 - a. Retail/Office - minimum of one (1) space per **three hundred (300)** feet of gross floor area and a maximum of one (1) space per **two hundred (200)** feet of gross floor area. Adequate shared parking arrangements are permitted upon approval of the Zoning Administrator.
 - bb. Multi-family Residential - two (2) spaces per dwelling unit.
 - e. Bicycle Racks - All businesses and office space that is 3,000 square feet or more shall provide and maintain bicycle parking and security features.
 - f. Street Lights - Decorative, vintage street lights are required in the UTC districtzone for all streets at a minimum spacing of at one hundred (100) feet. In the UC and UNO districtszones, they are required at each drive or pedestrian entrance and at any intersection with new U.S. 42.
 - g. Street Furniture - Decorative waste receptacles and street furniture including benches shall be provided in front of each commercial or office building of over 3000 square feet.
 - h. Interior Driveway Connections - Parking lots for adjacent uses shall be connected.

SECTION 2506 TECHNICAL/DESIGN REVIEW COMMITTEE

- A. A function of the Boone County Planning Commission's Technical/Design Review Committee shall be to review architectural design plans for all proposed structures or the remodeling of existing structures within the Union Town Center (UTC) Union Commercial (UC) and Union Neighborhood Office (UNO) zoning districts. The Planning Commission staff will provide technical support, and prepare reports for the Technical/Design Review Committee. For proposed buildings in these three districtszones located in the Union City Limits a member of the Union City Commission shall serve as an adjunct committee member. For proposed buildings in these three districtszones located in the unincorporated areas a member of the Boone County Fiscal Court or designee shall serve as an adjunct committee member.



The committee shall seek professional architectural advice on a case by case basis. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.

1. Members - The Technical/Design Review Committee shall consist of members who are appointed by the Chairman of the Boone County Planning Commission.
2. Review Criteria - The Board shall consider the following topics while reviewing the minimum standards (~~SECTION 25052523~~) within each zoning district for a proposed development:
 - a. Building height;
 - b. Building scale and mass;
 - c. Building facade design and relationship of materials;
 - d. Type, size and location of windows and doors;
 - e. Relationship of colors and accents;
 - f. Entrances and porch projections;
 - g. Architectural details;
 - h. Roof types and shapes;
 - i. Lighting;
 - j. Retaining walls, fences, or similar structures;
 - k. Drive-through windowsStorage areas; ~~and~~
Dumpster areas;

- B. A member of the Planning Commission staff will present submitted design information to the Technical/Design Review Committee at a scheduled Committee meeting. At a regular Planning Commission Business Meeting, staff will present the design information to the full Planning Commission along with the Technical/Design Review Committee's recommendation. The full Planning Commission shall then vote within 30 days of application, approval, approval with conditions, or denial of the design.

SECTION 2507 RESIDENTIAL, AGRICULTURAL, AND OTHER DISTRICTS

- A. These proposed zones include the Union Town Overlay (UTO) ~~districtzone~~. All residential developments follow the process described below, unless the applicant elects to pursue a zoning map amendment. Agricultural uses may follow the requirements and review procedures described in the Boone County Zoning Regulations for the underlying zoning district. Proposed development can occur according to the underlying ~~districtzone~~ uses and density without any special review. Any property owner may apply for a zoning map amendment at any time. However, if a developer wishes to pursue the short review process within an area that contains the overlay ~~districtzone~~, the following steps must be taken:
 1. Pre-application meeting with Planning Commission staff to familiarize the applicant with the process and criteria for review, and to allow staff comment on the proposed development in light of the Union Town Plan.
 2. Application to full Planning Commission as an official business item to determine if the project is eligible for the shortened review process. Minimum requirements for application include an application form and fee, and a conceptual development plan.
 3. The Long Range Planning/Comprehensive Plan Committee evaluates the request and makes recommendation in the form of a written report within two regular business meetings to the full Planning Commission. The full Planning Commission votes to determine the review process that the specific request should follow. The Committee Report may contain conditions which help



make the application consistent with the Union Town Plan. The applicant and property owner should agree to these conditions or place them on the submitted development plan.

4. If the Planning Commission votes that the request does not meet the recommendations of the Union Town Plan, or the request presents unanticipated potential impacts on public infrastructure, then the applicant should apply for a zoning map amendment under the Boone County Zoning Regulations. If the Planning Commission determines that the request does meet the recommendations of the Union Town Plan, and that no extenuating potential impacts on public infrastructure are foreseen, the applicant can make application for Preliminary Plat or Site Plan Review, whichever is appropriate. These processes are described in the Boone County Zoning Regulations and the BOONE COUNTY SUBDIVISION REGULATIONS.
5. Regardless of which review process is determined for a specific request, an official letter from the Planning Commission shall advise the respective legislative body of the decision. The letter shall include a copy of the Committee Report, any written agreements on conditions, and any minutes of pertinent meetings.

SECTION 2508 DENSITY IN THE UNION TOWN OVERLAY (UTO) DISTRICT

- A. In order to achieve the development density and location of density proposed in the Union Town Plan, the items in Section 2503.5, Design Criteria, must be provided. Minimum lot sizes are not specified, however, each development must meet the maximum densities described on the Union Town Plan Map. Green areas designated on the Union Town Plan Land Use Map shall be included in the density calculation for the lowest immediately adjoining density area on the map. Developments of one lot or several lots under conveyance plat review must also meet the density to avoid unbuildable remnant parcels. The incentive here is to allow flexibility in lot size and placement, as well as dwelling unit placement in relation to topography and other site issues. In addition, as an extra incentive, if the developer submits a development plan that contains a complete true neotraditional design and layout package (grid street system, alleys, traditional house design, small front setbacks, street trees, etc.) for a full development or a section of a development, then moderate density areas depicted on the Union Town Plan at 2.2 dwelling units per acre can be developed at a maximum density of 4.0 dwelling units per acre. Areas where significant man made site features, such as the retention ponds shown on the Union Town Plan Map can be developed at the lowest adjacent residential density represented on the map if the feature is not constructed for some reason.

SECTION 2509 DESIGN CRITERIA FOR ALL RESIDENTIAL AND AGRICULTURAL DEVELOPMENT

- A. Building Orientation - the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road must face (contain a typical designed front facade) toward the roadway. They can be served by combined driveways, private streets or alleys, or rear entrance. Maximum building height in high density areas will be a total of three levels.
- B. Building Materials - The first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall not contain vinyl or aluminum siding.
- C. Exposed concrete foundations shall be finished with brick, stone, or material having that appearance. Concrete foundations can be exposed at a maximum of two feet if screened with landscaping.
- D. Garages - Attached and detached garages of the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be rear or side-entry only with garage doors at least ninety degrees from those roadways.
- E. Setbacks - Building setbacks from Old U.S. 42, New U.S. 42, and Hathaway Road generally follow topography and are depicted on the Union Town Plan Land Use Map. All other principal structure



setbacks shall be determined by the developer. Accessory structures shall be ten (10) feet from all property lines.

- F. Utility/Cable Boxes - Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
- G. Open Space - A minimum of five percent (5%) of the total development shall be retained as publicly accessible open space in the form of pocket parks, or recreation areas surrounding a lake or pond. The body of water can only be considered a part of the five percent if the entire shoreline is publicly accessible. Purely designated landscape areas do not satisfy this requirement. The proposed bike/pedestrian path area along old U.S. 42 can be counted toward this total on this particular part of the Study Area.
- H. Pedestrian/Bike Path - developers shall construct a ten feet (10') minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
- I. Fences - Installation of a three or four rail post and board style horse fence is required within the setbacks for Old and New U.S. 42, and Hathaway Road for all developments.
- J. At the entrance of all new developments, ornamental street lights are required. These street lights must be depicted and approved as part the Subdivision Plat review process.
- K. Street trees are required along New U.S. 42 on average of forty (40) feet on center.
- L. Sidewalks at least five (5) feet wide are required on both sides of all local, collector and arterial streets and at least four (4) feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.
- M. The first three hundred (300) feet of a street entering a new residential development directly accessed from new U.S. 42 shall be a boulevard with landscaping in the middle. The only permitted driveway cuts will be for UNO ~~district~~ development as shown on the 2000 Union Town Plan.
- N. Main streets shall contain no private driveway access where described on the 2000 Union Town Land Use Plan.
- O. A Sign package shall be submitted in accordance with the Union Town Special Sign District.
- P. Parking for townhouse or multi-family dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be located outside of the setback and screened from public view from these roads by the building or a berm with landscaping.

SECTION 2510 ADDITIONAL DESIGN CRITERIA FOR NEOTRADITIONAL RESIDENTIAL DEVELOPMENT

- A. To achieve the 4.0 maximum dwelling units per acre density, the development, as reviewed by the Long Range Planning/Comprehensive Plan Committee, must meet the following Neo-Traditional Design Standards:
 - 1. Housing Layout
 - a. A common architectural theme shall be established and used on all houses through out the development.
 - b. All houses must be rear-accessed via an alley or accessed in front on a single-loaded street.
 - c. Garage doors on single-loaded streets may not face the street from which they are accessed.
 - d. At least fifty percent (50%) of the house must be located on a set-to line no further than 20' from the street right-of-way line.



- e. Vinyl and Aluminum siding is prohibited on all facades that are visible from the street excluding rear accessed alleys. Houses like a traditional cape cod where windows extend out from the roof may use siding on the portions of the windows that extrude from the roof.
 - f. All houses must have a porch, or at the minimum, brick steps leading up to the front of the house.
 - g. An ornamental fence shall be designed and used throughout the entire development. The front yards of all houses must contain at least ten (10) feet of this fencing.
 - h. An ornamental house light (attached and detached from the house on a pole) must be designed and used on all houses within the development.
 - i. All houses must have a pitched roof.
2. Landscaping/Green Space
 - a. All streets must have street trees no less than twenty (20) feet apart.
 - b. Street trees must be at least 4" in diameter.
 - c. At least ten percent (10%) of the total acreage of the subdivision must be developed in the form of a pocket park. a pocket park must be created for every twenty (20) houses/units in the development. A pocket park must contain at the minimum, a bench/sitting area and shade trees. The pocket park shall be surrounded by the same fencing material used in front of the houses.
3. Street Design
 - a. No cul-de-sac or dead-end streets.
 - b. All street where the houses are accessed in the rear via an alley way must have sidewalks on both sides of the street at a minimum of five (5) feet in width. Single-loaded streets shall have one sidewalk located on the opposite side of the street from where the houses sit - at least eight (8) feet wide.
 - c. All intersections of streets must be paved with brick or stone.
 - d. All entries to developments must contain at least a two hundred (200) feet long landscaped boulevard.
 - e. An ornamental street sign must be designed and used throughout the development.
 - f. An ornamental street light must be designed and used throughout the development. Street lights cannot be spaced further than two hundred (200) feet.
 - g. At least one corner of a street intersection must contain a minimum one hundred (100) square foot planted or paved (brick or stone) sitting area.
 - h. Raised curbs are required on all streets.

SECTION 2511 OTHER PERTINENT ARTICLES OF THE BOONE COUNTY ZONING REGULATIONS

- A. Landscaping areas and provisions in both incorporated and unincorporated areas shall be constructed according to ARTICLE 36, LANDSCAPING, of the Boone County Zoning Regulations. With the exception of buffer yards required between differing ~~districts~~~~zones~~, in instances where the landscape areas required by ARTICLE 36 are wider than the building setbacks required by SECTION 2505~~2523~~ for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) ~~districts~~~~zones~~, the maximum required width for such landscape areas shall not exceed the setback dimensions required by Section 2505.~~12503-3~~.



ARTICLE 26 MALL ROAD OVERLAY DISTRICT (MR)

Contents:

ARTICLE 26 MALL ROAD OVERLAY DISTRICT (MR)

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SECTION 2600 INTENT

- A. The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and The Mall Road District Study. The Mall Road District Study is comprised of two separate documents entitled the Existing Conditions Report and the Plan Recommendations Report. The Mall Road (MR) Overlay District is to be used in conjunction with an underlying districtzone and the Planned Development overlay district per ARTICLE 15 of these regulationsthis order as described in CHAPTER 1 of the Plan Recommendations Report. The Mall Road District Study and the resulting Mall Road (MR) Overlay District are intended to fulfill the following objectives that are outlined in CHAPTER 1 of the Plan Recommendations Report.
1. Facilitate a mixed-use district which includes a realistic variety of 24 hour functions including retail, service, office, residential, and entertainment uses, while maintaining Mall Road as a local and regional shopping destination. Encourage redevelopment for sites with obsolete projects.
 2. Capitalize on the assets afforded by each of the eight sub-areas, and tailor the land use recommendations to the sub-areas when applicable.
 3. Include urbanistic qualities in all recommendation topics per the prior documents and conclusions outlined in the Existing Conditions Report, yet acknowledge that the overall Study Area must still effectively function as a suburban shopping area which relies on automobile travel.
 4. Create architectural standards which will establish high quality design and "timeless" aesthetic attributes to the built environment, and which will be adaptable to changing occupants and tenant needs over time.
 5. Rework the Mall Road Commercial Sign District to correlate to the recommended architectural standards, address contemporary signage issues, and provide appropriate scale and legibility.
 6. Create site design standards which correlate to the recommended architectural standards and the overall Study recommendations.
 7. Establish parking standards which effectively serve the District's needs and do not result in large amounts of routinely unused surface parking.
 8. Enhance connectivity between sites and travel routes for all modes of transportation. Make nonmotorized modes of transportation convenient for short trips.
 9. Recommend specific types of business incentives which would facilitate implementation of the Study's recommendations.



10. Provide an expedited review process for routine projects such as Tenant Finish applications, and development/redevelopment proposals which fulfill the objectives, recommendations, and standards recommended in this Study.

SECTION 2601 LOCATION AND DEFINITION

- A. The Mall Road (MR) Overlay District is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth, in addition to those specified by ARTICLE 15 of the Boone County Zoning Regulations and the underlying zoning district, are described in the Plan Recommendations Report of The Mall Road District Study. The boundaries or location of the MR overlay district/zone are described and identified in CHAPTER 1 "Introduction" and the "Establishment of Mall Road (MR) Overlay District" section of CHAPTER 2 "Recommended Development Concepts and Development Review Process" of The Mall Road District Study Plan Recommendations Report, and shall be designated by the suffix "MR". The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 2602 Applicability and Review

~~The Mall Road (MR) Overlay District shall be applied to all properties identified in CHAPTER 1 "Introduction" of The Mall Road District Study Plan Recommendations Report. Detailed review procedures, which work in tandem with the requirements of ARTICLE 15 "Planned Development District," are outlined in CHAPTER 2 "Recommended Development Concepts and Development Review Process" of The Mall Road District Study Plan Recommendations Report, as well as other appropriate articles in this zoning order. Specific land uses, zoning, design, development, and signage standards are outlined in the The Mall Road District Study Plan Recommendations Report.~~

SECTION 2602 REVIEW PROCESS

- A. Two basic review tracks are possible within the Mall Road (MR) Overlay District. Portions of the Study Area that are outside of the Mall Road (MR) Overlay District shall follow the standard review procedures outlined in the Boone County Zoning Regulations and Boone County Subdivision Regulations. For the areas within the Mall Road (MR) Overlay District, an expedited "short" review process is available to encourage new development, new uses, physical alterations to a building and/or site, and redevelopment to comply with the Study's recommendations. A "long" review process is available for proposals that do not comply with the Study's recommendations. These two review tracks are as follows:
 1. Short Review Process: Administrative site plan review and subdivision review as applicable per ARTICLE 30 of the Boone County Zoning Regulations and ARTICLE 2 of the Boone County Subdivision Regulations upon the Zoning Administrator determining that the Short Review Process Criteria outlined herein have been fulfilled. Certain use changes that are subject to the Tenant Finish procedure, certain Minor Site Plans, and projects which are developed in accordance with a previously approved Concept Development Plan may follow the Short Review Process as described herein.
 2. Long Review Process: Prior to the administrative site plan and subdivision review processes, the development proposal must be approved through the Concept Development Plan or Zoning Map Amendment process per ARTICLE 3 "Amendment" and/or ARTICLE 15 "Planned Development District" of the Boone County Zoning Regulations.
- B. Review Processes Overview
 1. Step One - Pre-application Meeting: Applicant meets with staff for a pre-application conference. Applicant presents proposed uses or project to staff and is informed of The Mall Road Study requirements.



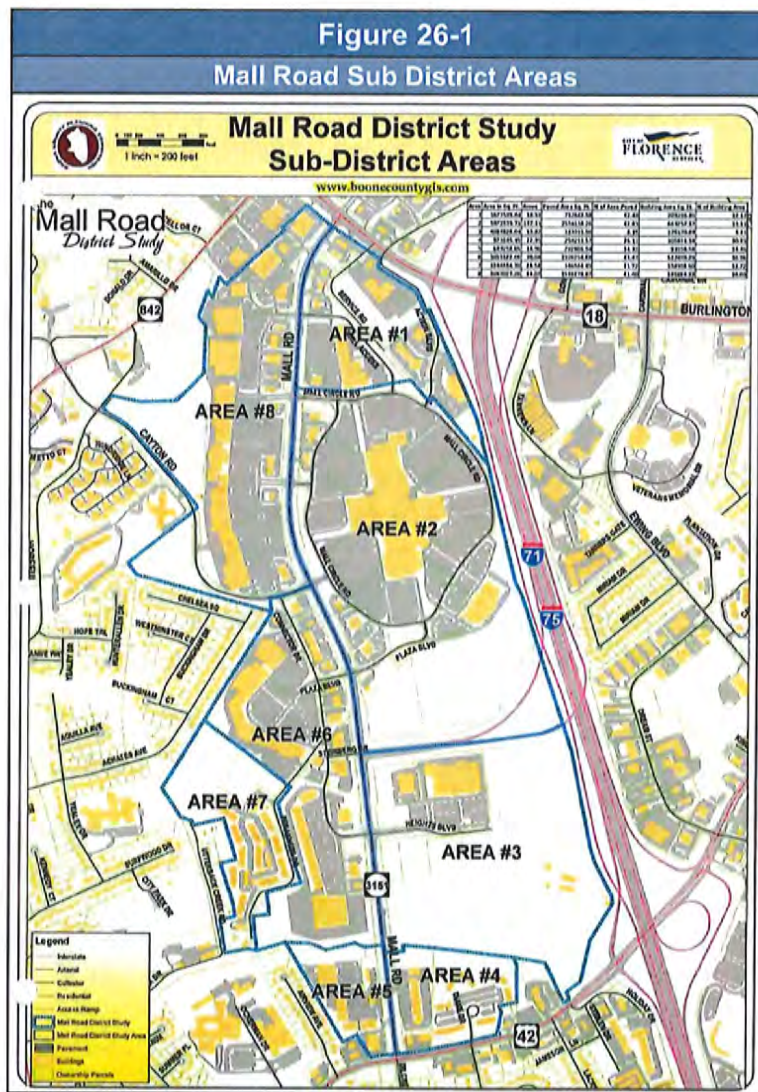
2. Step Two - Zoning Administrator Determination: Zoning Administrator determines whether the proposal follows the Short Review Process per Step Three or Long Review Process per Step Four, based upon the submittal information. This determination is given in written form and is based upon the "Zoning Administrator Criteria for Determining Review Process" outlined below.
3. Step Three - Short Review Process: If the determined process is the Short Review Process, then the applicant applies for Major Site Plan or Minor Site Plan review based on ARTICLE 30 of the Boone County Zoning Regulations and/or subdivision review.
4. Step Four - Long Review Process: If it is determined that the applicant follow the Long Review Process, then the applicant submits an application through the either Concept Development Plan or Zoning Map Amendment procedure. When the Long Review Process is required, the administrative site plan and subdivision reviews outlined in Step Three occur after approval of the Concept Development Plan or Zoning Map Amendment application.

C. Zoning Administrator Criteria for Determining Review Process

1. Tenant Finishes for Principally Permitted Uses: Proposals that only involve a change to a use that is Principally Permitted in the underlying district, and which will occupy space in an existing building with no physical alterations or additions to the building or site (excluding signage) are subject to the administrative Tenant Finish procedure.
2. Minor Changes or Additions to Building or Site: Proposals that involve a use that is Principally Permitted in the underlying district and that involve changes or additions to an existing building, or parking additions, that qualify as a Minor Site Plan as described in ARTICLE 30 of the Boone County Zoning Regulations are subject to said process.
3. Previously Approved Concept Development Plans: Concept Development Plan approvals that were granted prior to the adoption of The Mall Road District Study are valid as originally approved, including any supplemental conditions of approval. Projects proposed to be developed pursuant to a previously approved Concept Development Plan may follow the Short Review Process.
4. New Development, Site Redevelopment, Changes or Additions to Building or Site Subject to Major Site Plan, Other Use Changes: The Short Review Process may be followed provided the Zoning Administrator determines that:
 - a. The proposal follows the recommendations in the "Recommended Land Use and Development Concepts" section in this Article as they relate to the specific site and surrounding vicinity. Proposed uses that are not listed in the underlying district text may still qualify for the Short Review Process if they follow the recommendations in this section. Proposed uses that are listed in the underlying zone text (Principally Permitted Uses or Conditional Uses) may not necessarily qualify for the Short Review Process if they do not follow the "Recommended Land Use and Development Concepts" section. The objectives outlined in Chapter 1 "Introduction" and the current Boone County Comprehensive Plan may also be consulted in this determination.
 - b. The proposal follows all applicable standards and requirements in SECTION 2604 and design requirements in SECTION 2605. The proposal also follows any applicable provisions in SECTION 2606.
 - c. The proposal does not present unknown or undue impacts on infrastructure or public services based on the recommendations in The Mall Road District Study, such as water, sanitary and storm sewer, traffic impacts, public schools, and emergency services.
5. If the Zoning Administrator determines that any of the above criteria is not met, then the proposal must follow the Long Review Process.

SECTION 2603 RECOMMENDED LAND USE AND DEVELOPMENT CONCEPTS

- A. This section outlines both the recommended land uses and broad-scope development design concepts for each of the Study Area's 8 sub-districts as shown on Figure 26-1. The text of this section shall be used in determining whether a development proposal qualifies for either the Short Review Process or Long Review Process as described under the "Zoning Administrator Criteria for Determining Review Process" outlined in SECTION 2602. The text of this section shall also be considered by the Planning Commission and Florence City Council for any proposal that is subject to the Long Review Process.

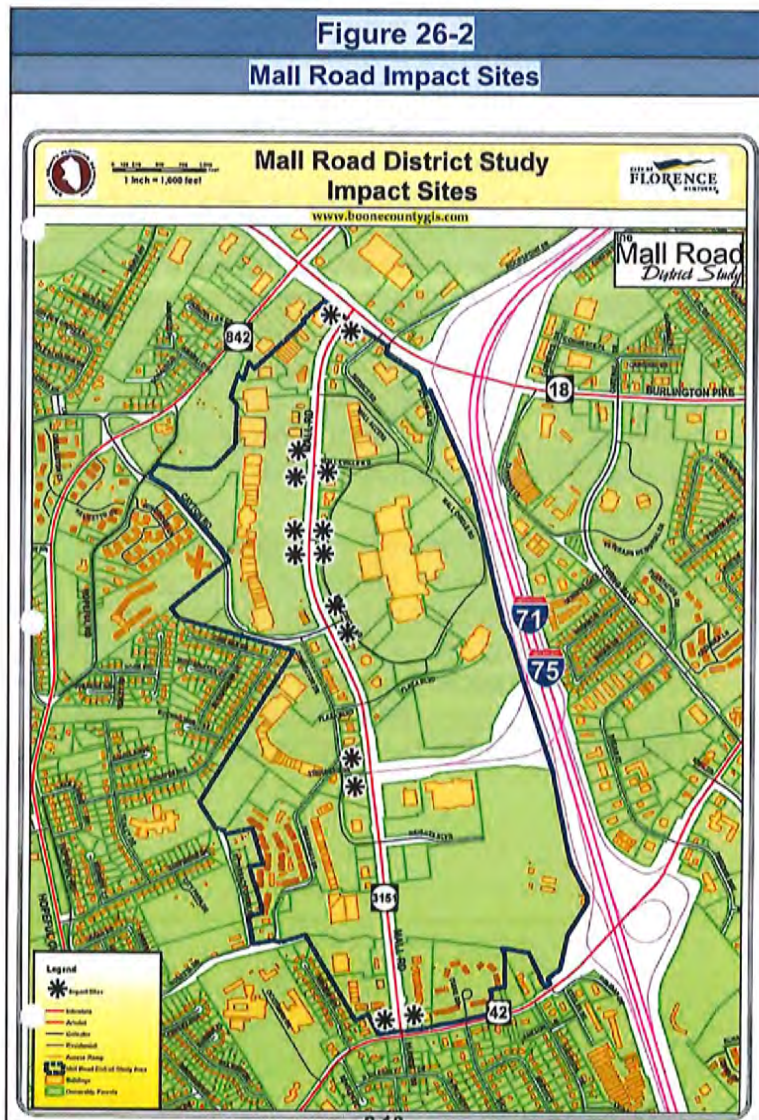


B. Area 1

- Commercial and office uses that are Principally Permitted in the respective underlying zone are recommended provided they do not include outside storage or display (including motor vehicle dealer display) along KY 18 or Mall Road, and all business functions occur indoors. Motor vehicle dealers that are Principally Permitted in the underlying C-3 district are appropriate for sites whose primary frontage is Action Boulevard. Additionally, residential uses are appropriate in this Area, except for on ground floors.
- Service Road is recommended to be either: 1.) upgraded and extended as a combination connector road between KY 18 and Mall Circle Road and an access road for the adjoining properties, or 2.) altogether removed with driveway interconnections provided between sites. If



- upgraded and extended, which is the preferred option from a planning perspective, it should include a defined and channelized right-in/right out intersection at KY 18, and the current right-of-way alignment may need to be adjusted for optimal roadway geometrics. It should also include sidewalk and street tree improvements along the entire alignment. Integral curbswalks are recommended along Service Road.
3. The existing small car dealer site along KY 18 between Service Road and Action Boulevard is recommended to be redeveloped in accordance with the standards outlined in this document. Outlots/frontage buildings are appropriate along the entire length of Mall Road in this Area, and along a reconstructed Service Road. New development or redevelopment should site buildings in closer proximity to the street with the majority of the parking and vehicular areas placed at the side and rear of the buildings. An interconnected pedestrian system should be provided throughout this Area with obvious pedestrian links between individual sites and the larger circulation system. Shared access points should be provided where possible. Direct access onto Mall Road or KY 18 should be avoided if feasible with access into individual sites provided from internal drives and secondary roads.
 4. The southeast corner of the Mall Road/KY 18 intersection is an "Impact Site" per Figure 26-2. Any redevelopment of this site should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality signature architectural design which uses visually substantive building materials.



C. Area 2

1. Further development is recommended to occur throughout this Area to increase density, increase activity levels, shorten distances between activities, and decrease the amount of open surface parking. This Area, combined with Area 8 across Mall Road, should be reinforced as the main activity center in the overall Study Area. In addition to commercial and office uses that are Principally Permitted in the underlying C-2 zone, entertainment, recreation, hospitality, and other uses which help to diversify functions and create a 24 hour environment are sought. Additionally, residential uses are appropriate in this Area, except for on ground floors. Development design must be responsive to the view into this Area from I-71/75. A formal landscaping scheme with large trees and seasonal color is recommended to be added around the water tower site.
2. The Mall itself is anticipated to remain, however, building additions and cosmetic facade improvements to the Mall are recommended. In particular, additions which house new entertainment and recreation functions are encouraged, as are building improvements which help to further define and emphasize the main pedestrian and vehicular entrances, particularly those on the east side and west side facing Mall Road. Facade improvements which help reduce the apparent scale of the overall building, add architectural detailing, and help create the appearance



that the structure is a combination of multiple zero lot line buildings are encouraged. Amenities such as water features, sculptures, flag pole arrangements, and/or landscaping with bright seasonal color within civic "square" type settings are encouraged at the main entry points to the Mall. The addition of a green space or square in the Mall parking area is encouraged to reduce the amount of surface parking and to create a space for an outdoor event venue as discussed in SECTION 2604. These spaces would be "civic space plazas" as outlined in SECTION 2605. Additions to the Mall should be sited so that they bridge the span between the Mall, new development around Mall Circle Road, and Mall Road into a comfortable walking distance. Defined, separate pedestrian paths should be provided to new development around Mall Circle Road and Mall Road, with the main pedestrian spines being covered with arcades. A interconnected pedestrian system around Mall Circle Road which also links new outlot development is also recommended. The use of multi-level parking structures is particularly encouraged, as are shared parking facilities in general. Active business functions may occur on the lower level(s) of a parking structure.

3. Additional development around the perimeter of this Area including along Mall Circle Road, Plaza Boulevard, and Mall Road, is recommended. Multi-story buildings are encouraged for this additional development, as are shared parking facilities including parking structures. For development along Mall Road, this will entail relocating the portion of Mall Circle Road that is parallel to Mall Road eastward to provide sufficient depth for new outlots. No direct access for individual lots should occur from Mall Road. Mall Circle Road itself should be redeveloped as a shared private development street/driveway per the standards in SECTION 2604, or similar approach which creates the effect of an urban "street," even if this occurs incrementally as additional development occurs. Development or redevelopment immediately along Mall Road should be sited in close proximity to said road to create a "street wall" effect with the primary facades facing Mall Road. Separate turn lanes need to be provided at the main intersections within this Area, including along Mall Circle Road. Other new structures around the perimeter of this Area should be sited in close proximity to Mall Circle Road or Plaza Boulevard. Access to any development in the southern-most portion of this Area that is currently vacant should occur from Plaza Boulevard or other internal route and not from Mall Road.
4. The corners at the intersections of Mall Road with Mall Circle Road at the northwest corner of this Area, and the Mall connector drives at the approximate midpoint along Mall Road and across from Cayton Road, are "Impact Sites" per Figure 26-2. Any redevelopment of these sites should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality signature architectural design which uses visually substantive building materials.

D. Area 3

1. Because this Area is large and substantially undeveloped, several options are appropriate. Development of this Area can occur as a single-purpose, multi-use, or mixed-use district, although any development should be interconnected with an integral neighborhood or campus style layout with a common architectural theme for either the overall Area or recognizable phases within it. Development design must be responsive to the view into this Area from I-71/75. At least one formal public gathering space which serves the overall Area is recommended. Options for this Area include:
 - a. Commercial uses per the underlying C-2 district requirements. Commercial uses should generally be placed in closer proximity to Mall Road.



- b. Entertainment, recreation, hospitality, and/or civic uses. A large destination facility(ies) such as an ice center, bowling center, multi-purpose recreation center, concert venue, hotel, convention center, museum, IMAX theater, church, educational facility such as a school, business or community college, et al are recommended. The design of any major facility of these types should be as an iconic, stand-alone structure which includes an over-scaled public entrance with a formal civic space between the entrance and the street (a "civic space plaza" per SECTION 2605). "Clean" public facilities which do not include operations such as outside storage, vehicle fleet parking, vehicle maintenance/shop functions, larger scale transmission antennas, etc., are also appropriate under this option. Any regional destination or attraction should be placed where it is recognizable from I71/75.
 - c. Residential uses. These may be intermixed within multi-use/mixed-use buildings or freestanding. Any type(s) of freestanding residential structures may occur within a close knit traditional neighborhood setting provided the density is at least twelve (12) units per acre. Residential development should include neighborhood support or service type businesses. The physical layout should front buildings close to internal streets, include integral curb walks, street trees, and separate parking lanes along the streets. Parking and vehicular areas should largely be placed to the rear of buildings along alleys or driveways which serve a comparable function.
 - d. A combination of the options outlined above.
2. The existing auto parts store which includes auto repair services is anticipated to remain. A TANK transit hub is planned to be constructed along the south side of Heights Boulevard on the second lot eastward from the intersection with Mall Road. The former Old Time Pottery building is being renovated for a church. If vacated in the future, it could be reused for entertainment/recreation purposes, a civic/public assembly use, or a destination boutique big box user. This site could also be redeveloped with a project that was integrated into the overall development of this Area. If feasible, the existing dwelling near the US 42 interchange is recommended to be retained and incorporated into any development of this site. The existing cemetery should be retained in accordance with the cemetery requirements in the zoning regulations and subdivision regulations.
 3. The provision of transportation connections (vehicular and pedestrian) which can be readily navigated through this Area and to the surrounding sites and major street network is critical. These are also mentioned in SECTION 2606 and should include:
 - a. A connection to Mall Road Center, the extension of Diane Drive into this Area, and a connection to the site along US 42 that is immediately to the east of Area 4 and outside of the Study Area, provided they are feasible due to the creek crossing and grade issues.
 - b. Streets which interconnect between the temporary dead end of Heights Boulevard, US 42 near the interchange across from Holiday Drive, and Mall Road at the approximate midpoint between Heights Boulevard and Mall Road Center in Area 4. The new intersection at US 42 should be restricted to either right-in only or right-in/right-out only. This interconnecting system should include the Diane Drive extension if it is feasible.
 - c. A frontage road parallel Mall Road. No direct access for individual lots should occur from Mall Road. The south end of this frontage road could serve as the connection to Mall Road Center.
- E. Area 4
1. Commercial and office uses that are Principally Permitted in the underlying C-2 district are recommended provided they do not include outside storage or display and all business functions occur indoors. Additionally, residential uses are appropriate in all office/commercial buildings in this Area, except for on ground floors.



2. The auto repair uses on the northeast corner of the Mall Road/US 42 intersection are recommended to be redeveloped with an office/commercial building. This corner is an "Impact Site" per the Impact Site Map per Figure 26-2. Any redevelopment of this site should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality signature architectural design which uses visually substantive building materials.
3. The Brook Run Apartments site is recommended to be further developed or redeveloped. The recommended options for this site include the following:
 - a. Any type of residential use(s) with a density of at least twelve (12) units per acre.
 - b. Office and/or commercial uses that are Principally Permitted in the C-2 district.
 - c. Any type of residential use(s) with a density of at least twelve (12) units per acre, plus a tier of office/commercial buildings along US 42 which contain uses that are Principally Permitted in the C-2 district.
4. Regardless of the specific use(s) opted for the Brook Run site's US 42 frontage, the buildings should be oriented towards US 42 and placed in closer proximity to the street. Likewise, the physical layout should front buildings close to internal streets/drives, include integral curb walks, street trees, and separate parking lanes along the streets/drives. Parking and vehicular areas should largely be placed to the rear of buildings along alleys or driveways which serve a comparable function. Diane Drive should be extended northward as an interconnection with Area 3's road system under any redevelopment scenario, provided it is feasible as discussed in the Area 3 text.
5. The Mall Road Center development is anticipated to remain. A connection between this property and Area 3 should be made, such as to the recommended frontage road, provided it is feasible as discussed in the Area 3 text. Vehicular and pedestrian connections should be made between each of the three properties in this Area.

F. Area 5

1. The existing Walgreens on the northwest corner of the Mall Road/US 42 intersection is anticipated to remain. If the site is vacated, it should be redeveloped with a commercial/office building. This corner is an "Impact Site" per Figure 26-2. Any redevelopment of this site should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality signature architectural design which uses visually substantive building materials.
2. The remainder of the sites in this Area, particularly the multi-tenant retail center and the former Circuit City site, are recommended to be assembled and redeveloped as a single project with either of two options.
 - a. This site could be redeveloped as a tight-knit residential project with at least ten (10) units per acre. Because the site is relatively small and confined, any residential project should have attached and/or multi-family units.
 - b. The site could be redeveloped for commercial and office uses that are Principally Permitted in the C-2 zone provided they do not include outside storage or display and all business functions occur indoors. Under this option, residential uses are appropriate except for on the ground floors of buildings that immediately front Mall Road. Additionally, buildings will



need to be arranged so that a direct viewshed from Mall Road is provided for commercial building frontages that are not located immediately along the road.

3. The physical layout of either option should front buildings close to Mall Road and the internal streets/drives, include integral curb walks, and street trees. Parking and vehicular areas should largely be placed to the rear of buildings and away from Mall Road. Existing tree cover along the north boundary, west boundary, and at the southwest corner of this Area, should be maintained as part of the required buffering.
4. A connection between this Area and the sites at/near the northeast corner of the US 42/Airview Drive should be evaluated as part of any redevelopment. A combination vehicular and pedestrian connection should be made between this Area and Area 6 to the north as an extension of the Connector Drive alignment, provided it is feasible due to the creek crossing, and grade and alignment issues. These connections are also mentioned in SECTION 2606.

G. Area 6

1. Substantial redevelopment is recommended to occur in this Area, especially to the north of the Florence Center property. This will involve widening Steinberg Drive into a two way, grand boulevard entrance, reconfiguring the streets and properties around the Armed Forces Recruiting Building into a regular grid, and providing a viewshed to the west from Mall Road and the I-71/75 off ramp. Steinberg Drive is initially envisioned to contain four lanes, at least for the section between Mall Road and Connector Drive, with sidewalks that are at least 8 feet wide on both sides of the street, regularly spaced decorative street lamps, and matched street trees. The area north of Steinberg Drive is recommended to be redeveloped or further developed with a combination of office and commercial uses that are Principally Permitted in the underlying C-2 district along Mall Road and Connector Drive, provided they do not include outside storage or display and all business functions occur indoors. Residential uses are also appropriate in these office/commercial buildings, except for on ground floors. These office and commercial uses should transition westward through a tier of multi-use or mixed-use buildings and to attached and/or multi-family residential structures in the west part of this Area. This section should include at least one formal public gathering space which can be used for outdoor events and which can provide a viewshed into the site from Mall Road (a "civic space plaza" per SECTION 2605).
2. This portion of Area 6 should be arranged in a grid or grid-like configuration which extends into the undeveloped portions of Area 7. If public streets are not used, shared private development streets/driveways should be provided for the main internal access corridors. Existing tree cover along the west boundary of this Area should be maintained as part of the required buffering. At least one hard surfaced pedestrian connection with substantial lighting should be provided between this Area or Area 7 and Achates Avenue. A common architectural theme for either the overall Area or recognizable phases within it should be provided.
3. The physical layout of the area north of Steinberg Drive should front buildings close to internal streets, include integral curb walks, street trees, and separate parking lanes along the streets. Parking and vehicular areas should largely be placed to the rear of buildings along alleys or driveways which serve a comparable function. Buildings will need to be arranged so that direct viewsheds from Mall Road are provided for commercial building frontages that are not located immediately along the road.
4. The existing Florence Center development is anticipated to remain. If redevelopment does occur on this site, it should follow the basic use and layout scheme recommended above for the area north of Steinberg Drive, and include multiple connections with Preakness Drive. Additional development and redevelopment of outlots along Mall Road is recommended, with storefronts and pedestrian entrances facing the street(s). Outlot buildings should be placed in close proximity to Mall Road with parking placed substantially to the side and rear of the lots. Pedestrian improvements such as gathering spaces, seating, low-scaled lighting, and street trees are



recommended along public sidewalks. No direct lot access should occur on Mall Road. Shared access points should be provided, as well as vehicular and separate, defined pedestrian connections between adjoining lots and buildings.

5. The lots on both the northwest and southwest corners of the Steinberg Drive/Mall Road intersection are "Impact Sites" per Figure 26-2, contingent upon the widening of Steinberg Drive as discussed above. Any redevelopment of either site should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street frontages; and include unique, high quality signature architectural design which uses visually substantive building materials.
6. The entire alignment of Connector Drive through this Area should be improved as a single identifiable alignment with one standard street section design, sidewalks on both sides of the street, and the elimination or drastic reduction in the amount of minor parking lot driveways that intersect with it. This standard alignment should span between Cayton Road at the north to the south boundary of this Area, and should be included within the recommended vehicular and pedestrian connection to Area 5, provided it is feasible as discussed in the Area 5 text. This scope of work may also include reconfiguring the current southern-most alignment of Connector Drive between Florence Center and the Mall Road/Heights Boulevard intersection from a radial curve to a T intersection.

H. Area 7

1. The existing Paddock Club Apartment complex is anticipated to remain. The undeveloped section of the Area should be configured in a grid pattern which extends from Area 6 as discussed above. The eastern part of this undeveloped section is recommended to contain a transitional combination of multi-use or mixed-use buildings that house office, commercial, and potentially residential uses.
2. The western part of this undeveloped section is recommended for any type(s) of freestanding residential structures within a close knit traditional neighborhood setting, provided multi-story structures are provided. The physical layout of both sections should front buildings close to the internal streets/drives and include integral curb walks and street trees. Parking and vehicular areas should largely be placed to the side and rear of buildings.
3. A gated emergency access drive between this Area and Utterback Creek Road is recommended. A street connection for routine public use is not recommended at this point. A hard surfaced pedestrian connection with substantial lighting should be provided between this Area and the Yealey Elementary School campus to the west. At least one hard surfaced pedestrian connection with substantial lighting should be provided between this Area or Area 6 and Achatas Avenue. Existing tree cover along the common boundaries between this Area and the adjoining properties outside of the overall Study Area should be maintained as part of the required buffering.

I. Area 8

1. Substantial new development and/or redevelopment is recommended to occur in the Area, particularly from north to south between the Mall Access road at the north end of Florence Marketplace in Area 1 and Cayton Road. The Florence Square portion of this Area, combined with Area 2 across Mall Road, should be reinforced as the main activity center in the overall Study Area.
2. A combination of office and commercial uses that are Principally Permitted in the underlying C-2 zone are recommended, provided they do not include outside storage or display and all business functions occur indoors. Residential uses are also appropriate in these office/commercial buildings, except for on ground floors. These office and commercial uses should transition westward through a tier of multi-use or mixed-use buildings and to attached and/or multi-family



residential structures in the west part of this Area, with a combination vehicular/pedestrian connection to Cayton Road. If this area is developed in conjunction with the existing retail development to the east, it may be appropriate to allow for the continuation of retail in this area. Public facility/institutional/civic uses are also appropriate in the west part of this Area. This section should include at least one formal public gathering space which can be used for outdoor events and which can provide a viewshed into the site from Mall Road (a "civic space plaza" per SECTION 2605). Existing tree cover along the common boundaries between the western part of this Area and the adjoining properties outside of the overall Study Area should be maintained as part of the required buffering. Also, landscaping along Cayton Road should include informal clusters of evergreen trees, hardwood trees, and berming versus a rigid street tree scheme.

3. The Florence Square portion of this Area should be arranged in a grid or grid-like configuration which extends into the undeveloped portion to the west near Cayton Road. This extension would involve at least some level of demolition of existing structures. The vacant movie theater is assumed to be a reasonable candidate for demolition due to its apparent functional obsolescence, although a direct alignment from one of the existing Mall Road access points is preferred. If public streets are not used, shared private development streets/driveways should be provided for the main internal access corridors and include integral curb walks and street trees.
4. Buildings are recommended to be provided immediately along the main east-west vehicular corridors, especially those which extend from the intersections of Mall Road with Mall Circle Road and the Mall connector drive at the approximate midpoint of the Mall property in Area 2. Buildings may face each other across the intervening spaces in the grid, and buildings will need to be arranged so that direct viewsheds from Mall Road are provided for commercial building frontages that are not located immediately along the road. A common architectural theme for either the overall Area or recognizable phases within it should be provided.
5. Should the area between the Mall Access road at the north end of Florence Marketplace in Area 1 and Mall Circle Road be redeveloped, the grid configuration and the same basic development concepts recommended for office/commercial structures in Florence Square should be followed. Should the area between the Mall Access road at the north end of the Village at the Mall center in Area 1 and KY 18 be redeveloped, the individual sites should be reconfigured to have recognizable, continuous vehicular and pedestrian interconnections which extend from the basic grid configuration recommended for the remainder of this Area. A hard surfaced pedestrian connection with substantial lighting should be provided between the northern portion of this Area and Hopeful Church Road in the proximity of Chancellor Drive. A vehicular connection in this same area which aligns with Chancellor Drive at Hopeful Church Road is recommended if the car dealership at this point along Hopeful Church Road should redevelop.
6. Development or redevelopment immediately along Mall Road should site the buildings in close proximity to said road to create a "street wall" effect with the primary facades facing Mall Road, with parking placed substantially to the side and rear of the lots. Pedestrian improvements such as gathering spaces, seating, low-scaled lighting, and street trees are recommended along public sidewalks. No direct lot access should occur on Mall Road. Shared access points should be provided, as well as vehicular and separate, defined pedestrian connections between adjoining lots and buildings.
7. The lots on the southwest corner of the Mall Road/KY 18 intersection, the northwest and southwest corners of the Mall Road/Mall Circle Road intersection, and the northwest and southwest corners of the Mall Road/Mall connector drive intersection at the approximate midpoint of the Mall property in Area 2, are "Impact Sites" per Figure 26-2. Any redevelopment of these sites should: place the building immediately at the road intersection without any intervening vehicular areas; include a multiple story building (or high parapet or other means to provide additional height to a single level building) to create a larger scale and to anchor the building to the intersection; include broad storefronts or other form of substantial fenestration on both street



frontages; and include unique, high quality signature architectural design which uses visually substantive building materials. The buildings at the Mall Road/Mall Circle Road and Mall Road/Mall connector drive intersections would establish the approximate building lines for additional building development along the main east-west vehicular corridors recommended for this Area.

8. There are two main north-south shared vehicular drives which run through this Area. The first alignment acts as a frontage road to Mall Road and runs between the site on the southwest corner of the Mall Road/KY 18 intersection and Cayton Road (includes individual parking lot connections), and aligns with Connector Drive at the intersection with Cayton Road. The second alignment runs across the strip center building frontages between HH Gregg and Cayton Road. These two routes should be improved as single identifiable alignments with one standard street section design throughout the Area, sidewalks on both sides of the street, and the elimination or drastic reduction in the amount of minor parking lot driveways that intersect with them. The shared private development street/driveway approach outlined in SECTION 2604 may be used for these routes. Minimizing the number of minor intersections is particularly important for the first alignment which most closely parallels Mall Road (Connector Drive extension). Separate turn lanes need to be provided at the main intersections within this Area. Additionally, the section of the north-south frontage road that parallels Mall Road (Connector Drive extension), will need to be moved to the west at the HH Gregg entrance drive from Mall Road, with the appurtenant intersection at the northwest corner of the Taco Bell lot being reconfigured into a T fashion.

SECTION 2604 DEVELOPMENT STANDARDS

- A. Development proposals in the Mall Road (MR) Overlay District shall follow the standards outlined in this section. These standards may be adjusted by the Zoning Administrator if necessary to better meet the recommendations discussed in the other chapters of this document. Additionally, variances may be requested for the dimensional standards outlined in this chapter per the Board of Adjustment procedures that are outlined in ARTICLE 2 of the Boone County Zoning Regulations. For topics not addressed in this section, the standards set forth in the Boone County Zoning Regulations shall be followed.
- B. Building Setbacks
 1. Front and Corner Side Yards:
 - a. Thirty (30) feet minimum along KY 18 and US 42, fifteen (15) feet minimum along Mall Road, and ten (10) feet minimum all other street frontages. For residential units, the minimum setback is twenty (20) feet where a parking pad or driveway is provided between the building and street or other vehicular way.
 - b. Twenty-five (25) feet maximum for outlot or frontage buildings along all streets, except KY 18 and US 42, when parking is not provided between the building and the street. When parking is provided between an outlot or frontage building and the street, the building may be setback far enough from the street to provide the required minimum street frontage and building landscaping, one two-way driveway that is double loaded with parking spaces, and a walkway and/or covered arcade across the front of the building, but no further.
 2. Front and Corner Side Yards for Impact Sites:
 - a. The minimum front yard and corner side yard for "Impact Sites" as discussed in SECTION 2603 and identified on Figure 26-2 is five (5) feet.
 - b. The maximum front yard and corner side yard for these "Impact Sites" is fifteen (15) feet.
 3. Side Yards*:



- a. Five (5) feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line.
 - b. Ten (10) feet minimum when adjoining a shared private development street/driveway or other main circulation drive.
 - c. Fifty (50) feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.
4. **Rear Yards*:**
- a. Five (5) feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line.
 - b. Ten (10) feet minimum when adjoining a shared private development street/driveway or other main circulation drive.
 - c. Fifty (50) feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.
- C. *NOTE: With the exception of buffer yards required between properties within the Mall Road (MR) Overlay District and properties outside of the MR district, in instances where the landscape areas required by ARTICLE 36 of the Boone County Zoning Regulations are wider than the building setbacks required herein, the required width for such landscape areas shall not exceed the building setback dimensions stated in this document.
- D. For proposed building additions to pre-existing structures that do not meet the current setback requirements, refer to SECTION 206 "Single Non-Conforming Lots of Record and Subdivisions, and Non-Conforming Setbacks" of the Boone County Zoning Regulations.
- E. Height
1. The maximum permitted building height in this district is eight (80) feet.
- F. Intensity
1. There is no maximum intensity or density of building area per acre provided that all other applicable standards and requirements are met. Where applicable, minimum residential densities are outlined in SECTION 2603. The minimum recommended residential densities may be reduced through either the Zoning Administrator Determination review, Zoning Map Amendment, or Concept Development Plan process as applicable if a specific proposal otherwise achieves the land use and design character recommended for the specific Area or Sub-District, and meets the objectives outlined in SECTION 2600.
- G. Underground Utilities
1. All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.
- H. Shared Private Development Streets/Driveways
1. There are currently several driveway interconnections which function as frontage roads of sorts in the Study Area. These are described in Chapter 8 "Transportation Conditions and Utilities" in the Existing Conditions Report and do not directly serve parking spaces, but function as vehicular connections or "mini-streets" between adjoining parking areas, sites, and public streets.
 2. As new development or redevelopment occurs along these alignments, or new shared private development streets/driveways are developed, they shall be designed or redesigned to appear as actual "streets," even if they are in fact private driveways. Such shared private development streets/driveways serve as interconnections between two or more properties and/or parking areas and a public street(s), or function as a main access into a multi-building or multi-tenant center, and do not immediately serve parking spaces.



3. The design of a shared private development street/driveway shall include raised box curbs, a five (5) foot wide integral curb walk on at least one side (both sides were indicated in Chapter 2 for specific sites), formal marked crosswalks at intersections, consistent architectural grade street lights, and street frontage landscaping per SECTION 3620 of the zoning regulations. The integral curb walk's width may be included in the minimum required width for the street frontage landscaping, and this landscaping shall be credited as the required street frontage or buffer yard plantings per SECTION 3620 or SECTION 3645 as applicable for the adjoining site/lot. Sidewalk connections shall be provided between each adjoining development site and the integral curb walk. The pavement width shall be per the driveway standards in ARTICLE 33 of the zoning regulations, and a formal shared access easement shall be recorded. These improvements shall be made as development or redevelopment occurs, including on an incremental site by site basis along existing alignments, unless incremental construction is demonstrated to be unfeasible or unsafe. Shared private development streets/driveways must follow the Manual on Uniform Traffic Control Devices (MUTCD).
- I. Outdoor Event Venues in Commercial or Office Developments
 1. Commercial or office developments which contain at least 100,000 gross square feet of building area may use surplus parking or other hard surfaced areas (such as a civic space plaza as discussed in chapter 4) for outdoor events such as music or theater performances, festivals, carnivals, and similar entertainment or "public square" events which do not primarily involve the sale of goods. The event location shall not detract from the minimum amount of parking required for the development combined with the maximum number of estimated spaces needed for the outdoor event. The event location shall also not be within any landscape area.
 2. The event location shall be approved through the Site Plan procedure per ARTICLE 30 of the zoning regulations. A Temporary Commercial Display (TCD) Permit per ARTICLE 35 is not required. This provision does not alleviate the need for any other permits or licenses, or compliance with other regulations, which are outside of the zoning regulations.
- J. Parking
 1. The amount of parking spaces provided shall be in accordance with SECTION 3325 of the zoning regulations, with the following differences to the minimum required amount of spaces for the Mall Road (MR) Overlay District.
 2. Freestanding single user office/commercial buildings.
 - a. 3 spaces per 1,000 gsf.
 3. Office/commercial/eating and drinking establishments in multi-tenant/multi-building developments or freestanding single user buildings which have a formal shared parking agreement with at least one other site. Formal shared parking agreements must be recorded in the Boone County Clerk's office.
 - a. 25,000 total gsf or less: 3 spaces per 1,000 gsf of office/commercial floor area plus 1 space per 2 seats for eating and drinking establishments.
 - b. 25,001 to 50,000 total gsf: 3 spaces per 1,000 gsf of office/commercial floor area plus 1 space per 4 seats for eating and drinking establishments.
 - c. 50,001 total gsf and over: 3 spaces per 1,000 gsf.
 4. The minimum number of required parking spaces can be further reduced by ten percent (10) percent for spaces that are specifically provided in multi-level parking structures. For example, if a minimum of 1,500 parking spaces is required for a large development and 800 spaces are provided in surface lots, the remaining 700 required spaces could be reduced to 630 if they were provided in a multi-level parking structure ($700 \times 10\% = 70$; $700 - 70 = 630$).
 5. The following provisions stated in SECTION 3325 of the zoning regulations regarding the maximum number of permitted spaces still apply to the Mall Road (MR) Overlay District.



6. The maximum number of parking spaces which may be provided, for all uses except for single family dwellings, is thirty (30) percent greater than the required minimum number, unless a parking study acceptable to the Zoning Administrator is provided which demonstrates that a specific use or proposal has a greater parking need or demand.

K. Landscaping

1. Landscaping shall be provided in accordance with SECTION 3605 "Landscape Review Procedure" of the zoning regulations. Several alternate requirements or options to the normal ARTICLE 36 requirements are stated in this document. Compliance with these alternate requirements or options shall be deemed to be in compliance with the stated sections from ARTICLE 36. Other provisions specific to the Mall Road (MR) Overlay District include:

- a. Street Trees: The installation of street trees is recommended or specified in several instances in this document, including along public streets and private drives or shared private development streets/driveways which function as "streets." In such instances, the trees selected shall be limbed and matched along each specific street or lot frontage where they are installed. The trees selected shall be regularly placed with an average spacing of 35 feet to 40 feet on center. Acceptable street trees include: Elm (American or Patriot), Autumn Gold Gingko (male), Honeylocust, Littleleaf Linden, London Planetree, Maple (Autumn Blaze or Red), and Japanese Zelkova. Where space does not permit these trees, smaller trees including Akebono Yoshino Cherry, Canada Red Chokecherry, Crabapple, Kousa Dogwood, Ivory Silk Japanese Tree Lilac, or other smaller trees with comparable characteristics may be substituted. The smaller trees shall be regularly placed with an average spacing of 25 feet to 30 feet on center. The minimum installation size for street trees shall be 2 inch caliper.
- b. Landscaping for Impact Sites: Additional provisions apply for the landscaping required by SECTION 3620 "Landscaping Along Street Frontages" for "Impact Sites" as discussed in SECTION 2603 and identified on the Impact Sites Map in Figure 26-2. The trees and shrubs required by SECTION 3620 shall be regularly spaced in a formal linear arrangement in the area between the building and the adjoining streets. The arrangement of the plantings shall correlate to the spacing or width of windows and/or bays on the adjoining building facades. At least one half of the selected shrubs shall have a vibrant seasonal color.
- c. I-71/75 Streetscape: The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.

- L. NOTE: With the exception of buffer yards required between properties within the Mall Road (MR) Overlay District and properties outside of the MR district, in instances where the landscape areas required by ARTICLE 36 of the Boone County Zoning Regulations are wider than the building setbacks required herein, the required width for such landscape areas shall not exceed the building setback dimensions stated in this document.

M. Street Frontage Plazas

1. In lieu of the street frontage landscaping required by SECTION 3620 of the zoning regulations, a hardscaped plaza may be substituted for the area immediately between the building and street or shared private development street/driveway, provided there is no parking in this area. The plaza shall be surfaced with decorative pavers, or concrete treated to appear as such, and shall include benches or seats, and a noncommercial focal point such as a sculpture, fountain or other water feature, and/or raised planter(s) with landscaping. Bollards or other decorative obstructions shall



be used where needed to separate the plaza from vehicular areas. Aside from the focal point, the minimum landscaping required in the plaza is three large canopy trees per 100 linear feet of width. These trees shall be from Plant List A in ARTICLE 36 of the zoning regulations and they may be planted within wells. A sidewalk connection shall be provided from the plaza to any adjoining public sidewalk, integral curb walk along a shared private development street/driveway, or an abutting plaza or sidewalk on a neighboring site.

2. The plaza may be used for outdoor seating and serving for eating and drinking establishments. Any portion used for seating/serving area may be enclosed with a maximum 4 foot high architectural grade metal railing which has an open design.

SECTION 2605 DESIGN REQUIREMENTS

- A. This chapter outlines the aesthetic or cosmetic design requirements that apply to all buildings and sites in the Mall Road (MR) Overlay District, including parking structures, except for those which are exclusively detached or attached single family residential. These requirements are not intended to create or replicate any specific architectural style, although they are reflective of commercial and office structures which were customarily constructed from the late 19 through the mid 20 century. The design requirements are intended to create structures which are visually interesting and substantive, have "timeless" aesthetic characteristics, and which are adaptable over time. They are also intended to help establish more "urban" aesthetic qualities and human scale in the context of a regional, suburban shopping district, and establish design consistency without replication between sites. Based on these objectives, standardized corporate franchise/chain style architectural designs shall not be used unless they meet the design requirements set forth and can be reasonably adapted for future users without leaving earlier "trademark" features behind. It is recognized that there may be instances when corporate architecture is considered appropriate or even preferred for specific reasons. In these situations, deviation from these requirements may be considered.
- B. These requirements supersede the normal requirements of the Boone County Zoning Regulations. When specific development standards or requirements are not outlined in this document, the normal requirements of the Boone County Zoning Regulations shall apply. Specific, individual requirements in this chapter may be modified by the Zoning Administrator provided the proposal will create an equivalent or superior solution to the requirement in question, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.
- C. For additions or exterior modifications to existing buildings, these design requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design may be used. These design concepts are available at the Planning Commission office.
- D. Compliance with the design requirements in this chapter shall be determined through the applicable Site Plan process as required by ARTICLE 30 of the zoning regulations. Architectural elevations and sufficient design details which demonstrate compliance with these requirements shall be submitted as part of the Site Plan application in addition to the materials listed in ARTICLE 30. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.
- E. Architectural Design
 1. Building Materials:
 - a. The primary exterior wall materials shall include brick, architectural grade CMU, stone, tile, or concrete which is formed to have a unit masonry appearance. These materials shall have an integral color. Other materials such as EIFS/stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete may be used for trim, detailing, and incidental or secondary wall areas.



- b. Only architectural grade materials shall be used. Flimsy or synthetic appearing exterior wall materials, such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl siding, or hard board type materials are not permitted. Snap-in grids or applied mullions are not permitted in windows; only mullions which physically separate window glass into multiple panes shall be used for divided light type windows. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or standing seam metal. Other types of decorative metal roofing can be evaluated on a case-by-case basis and approved if they are integral to the overall design of the structure.
2. Exterior Wall Colors:
 - a. Exterior walls shall primarily use colors which are reflective of rich, natural tones such as those in the red, red-brown/terra cotta, brown, clay, beige/tan/blond, mustard, and/or warm gray ranges. White or exceptionally dark colors are not permitted. Other colors may be used for trim and detailing.
 3. Facade Composition:
 - a. Facades shall be designed to have a defined base, mid section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the wainscot or knee wall (or entire ground floor for multi-story buildings) from the upper portion of the exterior wall. Additionally for multi-story buildings, a change in the fenestration pattern between the ground floor and the upper floors can be employed. The top or cap effect should be created through the provision of a three dimensional detail(s) which breaks or jogs the wall plane from the roof such as a defined cornice, brackets, corbels, projecting eave, exposed rafter tails, et al.
 - b. Tangible masonry detailing shall be provided such as defined window sills and lintels, quoins, soldier courses, herringbone or tile detailing, or medallions. Windows and storefront units shall be recessed within their openings ("punched" openings) to create shadow lines and three-dimensional relief. Windows/openings other than storefront type units shall have a vertical height to width orientation. Transoms and main/public entrances which are recessed behind the exterior facade are preferred. For office/commercial buildings, broad storefronts which allow direct visibility into the building interior shall be provided for building frontages along public sidewalks, streets, and private access drives which function as "streets." Facade projections, such as simple fabric awnings and roof awnings/canopies at street level, and shingle/blade style projecting signs, are encouraged for building frontages along public sidewalks, streets, and private access drives which function as "streets." Firmly structured awnings with an "inflated" or plastic appearance shall not be used.
 - c. For "Impact Sites" as discussed in SECTION 2603 and identified on Figure 26-2, at least one type of facade projection is required along both of the street/access drive frontages at the intersection corner where the building is located. Multi-story buildings are preferred on "Impact Sites." If one story, they shall use a taller ceiling height with an extended parapet to create height and scale commensurate with a multi-story building to anchor the structure to the intersection corner. The arrangement of bays and openings on the primary facades of buildings on "Impact Sites" shall align with the landscaping along the adjoining street frontages as discussed in the Landscaping section herein.
 - d. For large scale structures such as anchor style retail buildings, parking structures, and civic/institutional buildings, the amount of detailing and fenestration will need to be adjusted to match the scale and function of the building. The exterior walls of larger office/commercial buildings can be designed to appear as a collection of multiple zero lot line buildings or tenants. No exterior wall for large scale structures should exceed 150 feet



in length without being interrupted by a minimum 5 foot horizontal change or jog in the footprint.

4. **Public Entry Points:**

- a. The main public building entrances for all buildings, except for the individual doorways into in-line multi-tenant spaces or bays, shall be placed along the adjoining public street frontages or private access drives which function as "streets." Public entrances may be placed on other frontages as well. These main public entrances shall be emphasized in the facade design by methods such as recessing the entrance behind the exterior facade, providing an over-scaled entrance feature which projects outward from or above the exterior facade, placing the doorway within a three dimensional archway, providing an awning or roof awning/canopy, and/or a changing the building materials, detailing, or color around the entrance opening.
- b. For "Impact Sites" as discussed in SECTION 2603 and identified on Figure 26-2, at least one main, emphasized pedestrian entrance should be placed at the corner of the intersection where the building is located or along the primary street frontage. For civic/public/institutional uses, the main entrance(s) should be placed symmetrically on the primary facade(s) with over-scaled features which emphasize or highlight it as discussed above; formal plazas or squares which align with the main entry points in an axial manner may also be employed (refer to civic space plazas below).

5. **Roof Shape:**

- a. Parapet designs which have a defined cornice line and pitched roofs are permitted. Pitched roof forms shall be complete and symmetrical, and span the entire building massing on which they are placed. Mansard or other "stage set" type designs are not permitted.

F. **Screening**

1. **Mechanical Equipment Screening**

- a. All mechanical equipment shall be screened. Ground mounted equipment shall be screened either with landscaping or enclosed with an enclosure structure which uses the same materials, colors, and design detailing as the principal building. If roof mounted, the equipment shall be screened by a parapet wall (for flat roofed buildings) which is designed and constructed as an integral part of the overall building; applied, "stage set" style mechanical equipment screens are not permitted. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.

2. **Loading/Unloading/Service Areas**

- a. Loading/unloading and/or service areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as "streets" including shared private development streets/driveways. Any such area shall be enclosed with a screen wall which is at least 8 feet high and which uses the same materials, colors, and design detailing as the building which it serves. Alternatively, dense landscape hedging which will provide year round screening and that will grow to at least 8 feet high without routinely overtaking the planting space may be considered.

3. **Trash Enclosures**

- a. Garbage storage areas shall be placed in the side or rear yard only, excluding corner side yards and along access drives which function as "streets" including shared private development streets/driveways. Garbage storage areas shall be enclosed per the requirements of SECTION 3151 of the zoning regulations. Additionally, the required enclosure structure shall be constructed with the same materials, colors, and design detailing as the principal building.

G. **Site Features**



1. Civic Space Plazas

- a. The provision of civic space plazas is recommended for several areas in SECTION 2603. These are larger scale plazas which generally serve multi-building developments as opposed to the smaller scale street frontage plazas described in SECTION 2604. These spaces should be centrally located within the development they serve, and sited to create visibility for the adjoining businesses. They should be surfaced with pavers and/or decorative concrete in at least two different colors and/or textures. Fixed seating such as benches or combination bench walls/landscape planters should be provided. Moveable seating, Identity Elements as described below, and formally arranged landscaping are also recommended for these spaces.
- b. In addition to casual or informal use, civic space plazas may also be used for activities such as the following:
 - i. Outdoor seating for adjoining eating and drinking establishments.
 - ii. Outdoor event venues in commercial or office developments as described in SECTION 2604 provided the stated requirements for this purpose are fulfilled.
 - iii. Temporary commercial displays (TCDs) provided the requirements of ARTICLE 35 of the zoning regulations are fulfilled.

2. Identity Elements

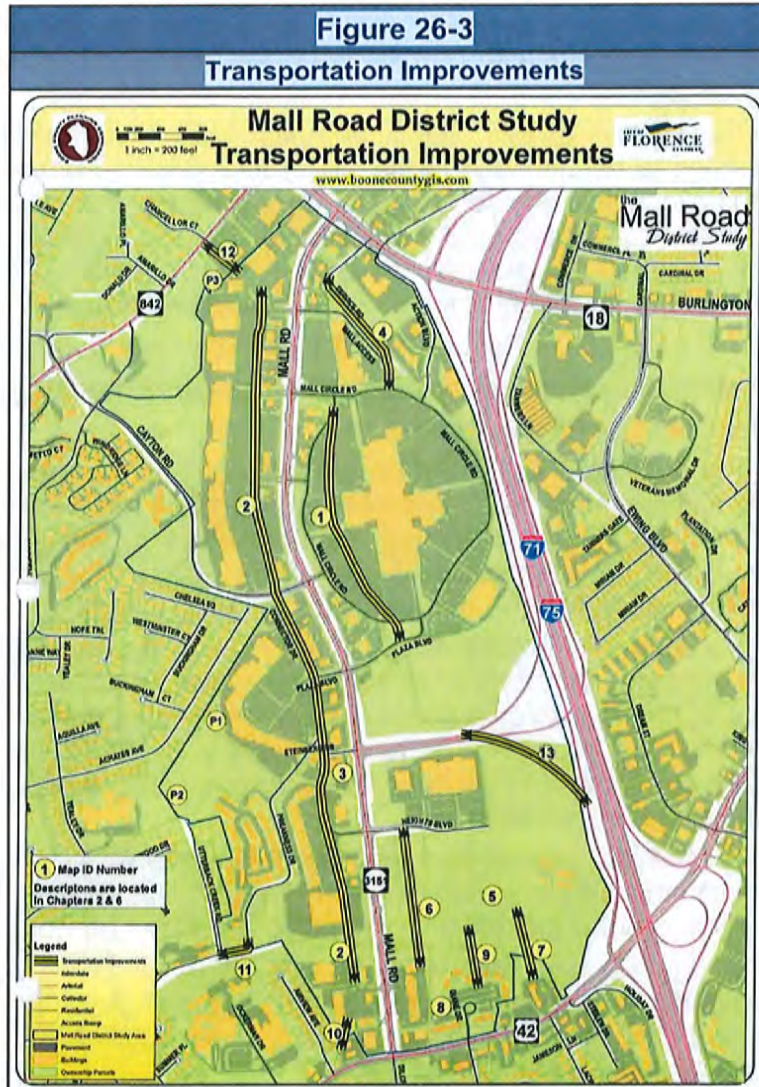
- a. Identity or “personality” features such as flag pole arrangements, water features, follies, monuments or walls, and public art are encouraged throughout the Study Area, especially along the street frontages of Impacts Sites as shown on Figure 26-2, the main vehicular entrances and building entrances in larger multibuilding/multi-tenant developments, street frontage plazas as described in SECTION 2604, and civic space plazas as described immediately above. There are no prescribed setbacks for identity elements, however, they may not be located in vision triangles as prescribed by ARTICLE 32 of the zoning regulations, or within required buffer yards as outlined in SECTION 3645. Identity elements which contain any type of “sign” as defined by ARTICLE 40 of the zoning regulations will need to conform to the requirements of ARTICLE 34, which may include obtaining a Sign Permit.

3. Site Furniture

- a. Site furniture includes items such as benches/seating and outdoor tables, light fixtures and masts, waste receptacles, bollards, bicycle racks, railings around outdoor seating areas, and street/regulatory signage. There are no proprietary specifications or requirements for site furniture, or prototypes which must be followed. Rather, site furniture must be architectural grade and the various items selected for any given site must visually correlate to one another as components of an overall design system. Also, site furniture must use neutral or dark colors, and shall not use wood or wood products.

SECTION 2606 TRANSPORTATION AND CONNECTIVITY IMPROVEMENTS

- A. This section provides a summary of specific transportation and connectivity improvements that are recommended to be undertaken in the Study Area. They are based on the recommendations provided by TEC Engineering, Inc., who was retained to advise the Planning Commission on transportation and connectivity issues, and the information compiled in the Existing Conditions Report. Most of these improvements are also discussed in SECTION 2603. These improvements are indicated on the Transportation Improvements map on Figure 26-3.



1. **Realignment of Mall Circle Road (Map ID 1)**
 - a. The portion of Mall Circle Road that is parallel to Mall Road is recommended to be relocated eastward to provide sufficient depth for new outlots. No direct access for individual lots should occur from Mall Road. Mall Circle Road itself should be redeveloped as a shared private development street/driveway per the standards in SECTION 2604, or similar approach which creates the effect of an urban “street,” even if this occurs incrementally as additional development occurs. This realignment is discussed in the Area 2 text of SECTION 2603.
2. **Connector Drive (Map ID 2)**
 - a. This roadway is recommended to be better delineated and separated from the existing parking lots, including the private section of the alignment which extends northward from Cayton Road. This could be accomplished with curbing, different pavement, type or color, and eliminating or drastically reducing the amount of minor parking lot driveways that intersect it. SECTION 2603 discusses the use of a single identifiable alignment with one



- standard street section design for each area where the roadway is located. SECTION 2603 also discusses the use of a shared private development street/drive for the section north of Cayton Road.
- b. The private section of this alignment which extends northward from Cayton Road is recommended to be extended to the site at the north end of the Study Area in a defined, continuous alignment. The south end of Connector Road is recommended to be extended southward to Area 5, provided it is feasible due to the creek crossing, and grade and alignment issues. Additionally, improved traffic control needs to be evaluated and addressed for the intersection of Connector Drive and Cayton Road.
3. Steinberg Drive at I-71/I-75 Off Ramp and Mall Road Intersection (Map ID 3)
 - a. Recommended improvements are outlined in the Area 6 text of SECTION 2603.
 4. Street/Vehicular Connections and Extensions
 - a. Service Road to Mall Circle Road (Map ID 4): Service Road is recommended to be upgraded and extended as a combination connector road between KY 18 and Mall Circle Road and an access road for the adjoining properties, or altogether removed with driveway interconnections provided between sites if the extension is not feasible. Recommended improvements are outlined in the Area 1 text of SECTION 2603.
 - b. Area 3 Interconnections (Map ID 5): Streets which interconnect between the temporary dead end of Heights Boulevard, US 42 near the interchange across from Holiday Drive, and Mall Road at the approximate midpoint between Heights Boulevard and Mall Road Center in Area 4 are recommended. The new intersection at US 42 should be restricted to either right-in only or right-in/right-out only. This interconnecting system should include the Diane Drive extension if it is feasible.
 - c. Mall Road Parallel Frontage Road in Area 3 (Map ID 6): A frontage road parallel to Mall Road is recommended to extend between Heights Boulevard and Mall Road Center in Area 4. No direct access for individual lots should occur from Mall Road.
 - d. Area 3 to Site East of Area 4 Along US 42 (Map ID 7): A vehicular connection is recommended between the southeast part of Area 3 and the site along US 42 that is immediately to the east of Area 4 and outside of the Study Area, provided it is feasible due to the creek crossing and grade issues.
 - e. Area 4 Interconnections (Map ID 8): A vehicular connection is recommended between the Mall Road Center development and Diane Drive. Vehicular and pedestrian connections are recommended between each of the three properties in Area 4.
 - f. Diane Drive Extension (Map ID 9): Diane Drive is recommended to be extended from Area 4 northward as an interconnection with Area 3's road system under any redevelopment scenario, provided it is feasible due to the creek crossing and grade issues.
 - g. Area 5 to Northeast Corner of US 42/Airview Drive Intersection (Map ID 10): A connection between Area 5 and the sites at/near the northeast corner of the US 42/Airview Drive should be evaluated as part of any redevelopment.
 - h. Preakness Drive/Rosetta Drive Connection (Map ID 11): Both streets currently dead end near each other and are recommended to be connected into a continuous alignment. The need for any additional right-of-way and potential flooding issues/storm water management will need to be further evaluated.
 - i. North End of Area 8 to Hopeful Church Road at Chancellor Drive (Map ID 12): A vehicular connection is recommended if the car dealership at this point along Hopeful Church Road should redevelop.
 5. Construct New I-75 Southbound Entrance Ramp (Map ID 13)

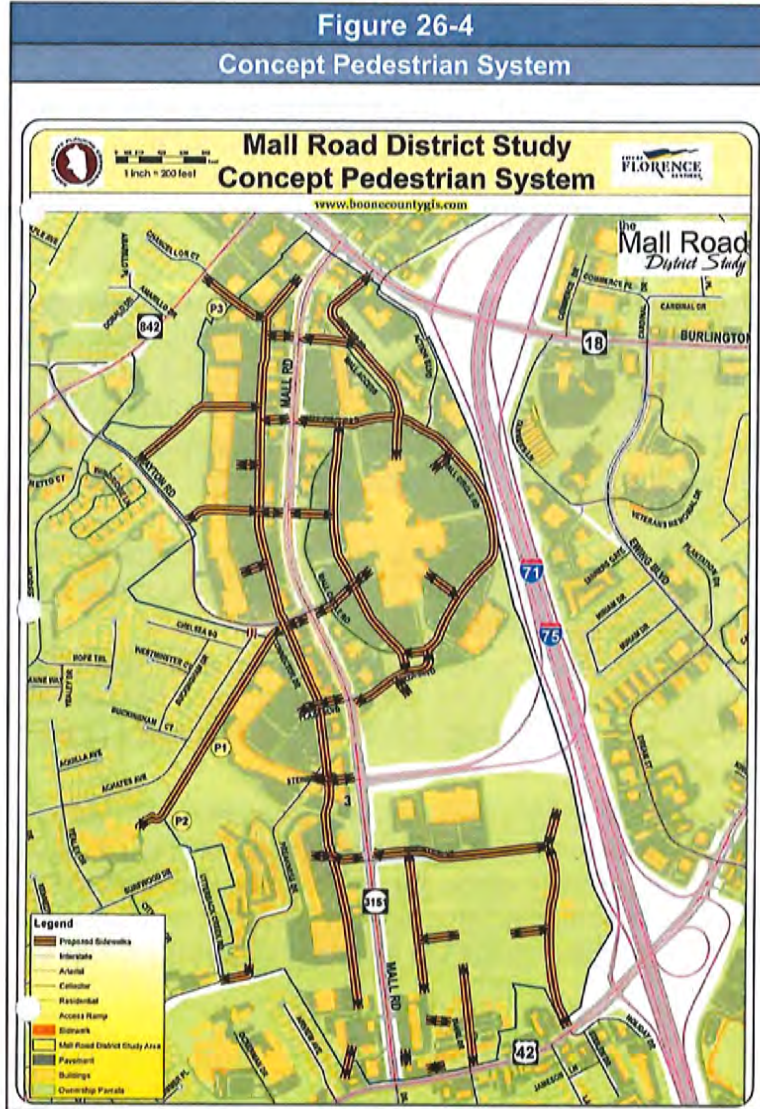


- a. In order to alleviate traffic congestion during peak times at the KY 18 and US 42 intersections, it is recommended that a I-75 southbound entrance ramp from Mall Road be constructed. This would provide full access to and from Mall Road from three separate I75 interchanges. Such an improvement also allows for "mid-block" access to I-75 south from Mall Road without having to travel to KY 18 and US 42, thus preserving these intersections or corridors for more local traffic use. This improvement is also being recommended in the update of the State's Six Year Transportation Plan.
6. **Pedestrian Improvements**
- a. Overall: Recommendations and requirements for pedestrian circulation and connectivity are outlined in several sections of this document. An overview depiction of these recommendations and requirements is shown on the Concept Pedestrian System map on Figure 26-4. Specific pedestrian connections recommended in this document include:
 - i Area 6 or Area 7 to Achates Avenue (Map ID P1): At least one hard surfaced pedestrian connection with substantial lighting between Area 6 or Area 7 and Achates Avenue.
 - ii Area 7 to the Yealey Elementary School Campus (Map ID P2): A hard surfaced pedestrian connection with substantial lighting between Area 7 and the Yealey Elementary School campus.
 - iii Area 8 to Hopeful Church Road at Chancellor Drive (Map ID P3): A hard surfaced pedestrian connection with substantial lighting between the north end of Area 8 and Hopeful Church Road in the proximity of Chancellor Drive.
7. **Signage and Wayfinding**
- a. A uniform wayfinding signage system is recommended for the Study Area. In addition to identifying the locations of major destinations, it should advocate the use of the main secondary streets and frontage roads including Connector Drive, a realigned Mall Circle Road, the Mall Road parallel frontage road and interconnections recommended for Area 3, and should direct drivers to the US 42 interchange (especially for northbound traffic).



Figure 26-4

Concept Pedestrian System





ARTICLE 27 GRAVES ROAD INTERCHANGE STUDY

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ARTICLE 27 GRAVES ROAD INTERCHANGE STUDY

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SECTION 2705 DEVELOPMENT STANDARDS

SECTION 2700 PURPOSE

- A. The new I-275/Graves Road Interchange provides an opportunity to create a unique gateway to Boone County's Hebron and Bullittsville areas and should be characterized by "attractive building designs, pleasant and efficient site layouts, effective, and reserved, signage, tasteful lighting, beautiful landscaping, open space, and enhanced pedestrian accessibility that will create a place not typical of most interstate interchanges". The new Graves Road (KY 495) should become a unifying corridor



through the area by connecting the communities of Bullittsville and Hebron with a mix of land uses working in support of each other as well as the existing uses in the area. It is the goal of these regulations to not only encourage and attract new businesses, employers, and residents to live and work, but also to create a special place that accommodates the various uses that rely on the interchange as a means of transportation.

- B. In order to achieve the goals of the I-275/Graves Road Interchange Study:
 - 1. The following zoning districts are created:
 - a. Graves Road Residential (GR-R)
 - b. Graves Road Commercial (GR-C)
 - c. Graves Road Business Park (GR-BP)
 - 2. A Special Sign District is created.
 - 3. Design requirements for architectural design screening are created.

SECTION 2701 APPLICABILITY AND REVIEW

- A. Two basic review tracks are possible within the Graves Road districts. Two basic review tracks are possible within the Graves Road districts.
- B. Portions of the study area that are outside of the Graves Road districts shall follow the standard review process outlined within this ordinance.
- C. For properties within one of the three Graves Road districts, identified in SECTION 2700.B.1, an expedited "Short Review" process is available to encourage new development, new uses, and redevelopment that complies with the study's recommendations. A "Long Review" process is available for proposals that do not comply with the study's recommendations.
- D. Development proposals within one of the three Graves Road districts, identified in SECTION 2700.B.1, shall follow the following process:
 - 1. Pre-Application Meeting: The applicant shall meet with staff for a pre-application meeting at which the applicant shall present the proposed uses and other project details and staff will inform the applicant of the study's goals and recommendations.
 - 2. Zoning Administrator Determination:
 - a. The Zoning Administrator shall determine whether the proposal will follow the Short Review Process or the Long Review Process based on the following criteria:
 - I The proposal follows the recommendations in the respective Focus Area description of Section 4.1 of the study as they relate to the specific site and surrounding vicinity. The objectives outlined in Chapter 1 of the study and the current comprehensive plan may also be used in this determination.
 - II The proposal is included in the list of Principally Permitted or Conditional Uses of the specified zoning district.
 - III The proposal follows all applicable standards and requirements of SECTION 2705.
 - IV The proposal follows the applicable provisions in "Traffic Analysis in Chapter 3 of the study.
 - V The proposal does not present unknown or undue impacts on infrastructure or public services based on the recommendations in the study, such as water, sanitary and storm sewer, transportation, public schools, and emergency services.
 - b. If all five of the above criteria can be met, the zoning administrator shall determine that the Short Review Process shall be used.
 - c. If any of the five criteria cannot be met, the zoning administrator shall determine that the Long Review Process shall be used.



- d. The determination of the Zoning Administrator shall be given to the applicant in written form.
- E. Short Review Process: If the determination has been made that the Short Review Process shall be used, the applicant shall apply for Site Plan Review and/or subdivision review, as applicable.
- F. Long Review Process: If the determination has been made that the Long Review Process shall be used, the applicant shall apply for a Zoning Map Amendment and/or Concept Development Plan review, pursuant to the requirements of **ARTICLE 3**. Following approval by the legislative body, the applicant shall apply for Site Plan and/or subdivision review, as applicable.
 - 1. If A Site Plan, pursuant to **ARTICLE 30**, is not submitted within two (2) years from the date of approval of a Concept Development Plan by the legislative body, the Concept Development Plan shall be deemed to have been expired.



SECTION 2702 GRAVES ROAD RESIDENTIAL (GR-R)

Section 2702.1 Purpose

- A. The purpose of the Graves Road Residential (GR-R) district is to provide for a compact, high suburban density residential environment that permits a variety of residential uses and densities and acts as an appropriate transition between other districts.

Section 2702.2 Principally Permitted and Accessory Uses

- A. Table 506, in Section 505.5, identify the principally permitted and accessory uses within the GR-R district.

Section 2702.3 Conditional Uses

- A. Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the GR-R district, subject to the approval and qualifications of the Board of Adjustment provided: (a) the activity is an integral and subordinate function of a permitted use; (b) the activity will not contradict the character of the district; (c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district; and (d) is consistent with the goals and recommendations of the study.

Section 2702.4 Intensity

- A. Residential uses in the GR-R district shall have a maximum intensity of eight (8) dwelling units per acre, except for apartment units which shall have a maximum intensity of twelve (12) dwelling units per acre.

Section 2702.5 Minimum Size



- A. There is no minimum size required for a Graves Road Residential district.

Section 2702.6 Minimum Standards

- A. See ARTICLE 31.

Section 2702.7 Development Standards

- A. Developments in the GR-R district shall follow the requirements of SECTION 2705.

SECTION 2703 GRAVES ROAD COMMERCIAL (GR-C)

Section 2703.1 Purpose

- A. The purpose of the Graves Road Commercial (GR-C) district is to provide for and encourage a mix of retail and office as well as some residential uses. It is the goal of this district to provide for commercial uses and activities that support both the local neighborhood residential base as well as serving the business functions proposed in and around the interchange area. Development in this district will be designed to provide for central and convenient access for vehicular, pedestrian, and multi-modal traffic within the district's facilities and shopping spaces.

Section 2703.2 Principally Permitted and Accessory Uses

- A. Table 5-6, in Section 505.5, identify the principally permitted and accessory uses within the GR-C district.

Section 2703.3 Conditional Uses

- A. Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the GR-C district, subject to the approval and qualifications of the Board of Adjustment provided: (a) the activity is an integral and subordinate function of a permitted use; (b) the activity will not contradict the character of the district; (c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district; and (d) is consistent with the goals and recommendations of the study.

Section 2703.4 Intensity

- A. The intensity of use in a Graves Road Commercial district shall not exceed 15,000 square feet of gross floor area per acre of land.

Section 2703.5 Minimum Size

- A. There is no minimum size required for a Graves Road Commercial district.

Section 2703.6 Minimum Standards

- A. See ARTICLE 31.

Section 2703.7 Development Standards

- A. Developments in the GR-C district shall follow the requirements of SECTION 2705.

SECTION 2704 GRAVES ROAD BUSINESS PARK (GR-BP)



Section 2704.1 Purpose

- A. The purpose of the Graves Road Business Park (GR-BP) district is to provide for a mixture of professional office, research business commercial, and light industrial uses with the idea of supporting the primary function of the area as a professional corporate office center. This district shall be designed, constructed, and managed on an integral basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Section 2704.2 Principally Permitted and Accessory Uses

- A. Table 5-6, in Section 505.5, identify the principally permitted and accessory uses within the GR-BP district.

Section 2704.3 Conditional Uses

- A. Table 5-6, in Section 505.5, identifies those uses which are conditionally permitted within the GR-BP district, subject to the approval and qualifications of the Board of Adjustment provided: (a) the activity is an integral and subordinate function of a permitted use; (b) the activity will not contradict the character of the district; (c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district; and (d) is consistent with the goals and recommendations of the study.

Section 2704.4 Intensity

- A. The intensity of use in a Graves Road Business Park district shall not exceed 20,000 square feet of gross floor area per acre of land.

Section 2704.5 Minimum Size

- A. There is no minimum size required for a Graves Road Business Park district.

Section 2704.6 Minimum Standards

- A. See ARTICLE 31.

Section 2704.7 Specific Use Standards

- A. Facilities which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products, or laboratories conducting educational or medical research or testing shall not exceed 20% of the overall area of the GR-BP district.
- B. Financial services such as banks, savings and loans, credit unions, and title services, specifically prohibiting same day loan/cash checking establishments shall not exceed 20% of the overall area of the GR-BP district.
- C. Wholesale storage and distribution, manufacturing, and assembly of finished products or parts, including sorting and kitting, warehousing, and sales of such products, but excluding basic industrial processing, shall be limited to a maximum building size of 350,000 square feet of gross floor area and shall not exceed 45% of the overall area of the GR-BP district.
- D. Hotel or motel, including conference/meeting centers shall not exceed 20% of the overall area of the GR-BP district.
- E. Use percentages shall be calculated as follows:
 - 1. The use percentages shall be calculated separately for that portion of the GR-BP district located to the east of the centerline of new Graves Road and the area to the west of the centerline of new Graves Road.



2. The use percentages shall be calculated based upon the acreage of development. At the time of submission, the applicant shall identify the acreage of development for all uses encompassed within the limits of the application.
3. The use percentages shall be applied at the time of final approval of a concept development plan, site plan, or tenant finish permit.

Section 2704.8 Development Standards

- A. Developments in the GR-BP district shall follow the requirements of SECTION 2705.

SECTION 2705 DEVELOPMENT STANDARDS

- A. Development Standards: The following development standards apply to all developments within the GR-R, GR-C, and GR-BP districts. Deviation from these requirements may be considered by the Zoning Administrator provided the proposal will: (1) create an equivalent or superior solution to the requirement in question; and (2) not compromise the character of the standards intended by the normal requirement (~~see Boone County Planning Commission Resolution Number R-21-003-A, Boone County Fiscal Court Ordinance Number 2021-10, and letter from the Boone County Fiscal Court, dated December 13, 2021~~).

1. Building Setback

- a. Front Yard and Corner Side Yard

- I Thirty (30) feet minimum from the right-of-way of any on/off ramp.
- II Fifteen (15) feet minimum from the right-of-way of Graves Road (KY 495) or Petersburg Road (KY 20).
- III Ten (10) feet minimum from the right-of-way of any other street.
- IV For residential uses, twenty (20) feet minimum where a parking pad or driveway exists between the building and street or other vehicular way.
- V For outlots or frontage buildings along streets, except for Graves Road (KY 495) or Petersburg Road (KY 20), when parking is not provided between the building and a street, twenty-five (25) feet maximum.
- VI For outlots or frontage buildings along streets, except for Graves Road (KY 495) or Petersburg Road (KY 20), when parking is provided between the building and a street, the setback shall be determined to be the minimum width to provide for the required landscaping, a two-way driveway that is double loaded with parking spaces and a walkway, or a covered arcade across the front of the building.

- b. Side Yard and Rear Yard

- I Five (5) feet minimum when adjoining another development site within the Graves Road Special Sign District.
- II Zero (0) feet when the adjoining development along the same property line has a zero (0) foot setback.
- III Ten (10) feet minimum when adjoining a shared private development street, driveway, or other main circulation drive.
- IV Fifty (50) feet minimum when adjoining a residential use or residential district other than the GR-R district. NOTE: in instances where the landscaped areas required by ARTICLE 36 are wider than the building setbacks required herein, the required width for such landscaped areas shall not exceed the building setback dimensions required herein.



2. Building Height
 - a. The maximum building height shall not exceed sixty (60) feet.
3. Utilities
 - a. All new utility lines shall be placed underground.
 - b. Existing overhead utility lines shall be placed underground when a site develops or redevelops.
4. Shared Private Development Streets/Driveways
 - a. Where practical, connections from the proposed development site shall be provided to adjacent properties to accommodate the internal movement of vehicles and pedestrians.
 - b. Shared private development streets/driveways shall be provided as development or redevelopment occurs, including on an incremental site by site basis, unless incremental construction is demonstrated to be impractical or unsafe. Shared private development streets/driveways shall be designed and constructed to meet the following requirements:
 - I The edge of the shared private street/driveway shall use a raised box curb.
 - II A minimum ten (10) foot wide shared use path shall be provided on at least one side of the shared private street/driveway with a minimum four (4) foot wide integral curb and sidewalk on the other side.
 - (i) The integral curb and sidewalk width may be included in the minimum required width for the street frontage landscaping, and this landscaping shall be credited as the required street frontage or buffer yard plantings per Section 3620 or section 3645, as applicable, for the adjoining lot.
 - III Formal marked crosswalks shall be provided at intersections.
 - IV Architectural grade street lights shall be installed.
 - V Street frontage landscaping, pursuant to SECTION 3620, shall be installed.
 - VI Pavement width shall be per the driveway standards in ARTICLE 33.
5. Sidewalks
 - a. Sidewalk connections shall be provided between each adjoining development site and any integral curb and sidewalk.
6. Parking
 - a. Parking areas shall be provided in accordance with ARTICLE 33, with the following exceptions:
 - I Free standing single user office/commercial buildings – 3 spaces per 1,000 gsf.
 - II Office/commercial/eating and drinking establishments in multi-tenant/multi-building developments or free standing single user buildings with a shared parking agreement with at least one other site:
 - (i) 25,000 total gsf or less – 3 spaces per 1,000 gsf of office/commercial plus 1 space per 2 seats for eating and drinking establishments.
 - (ii) 25,001 to 50,000 gsf – 3 spaces per 1,000 gsf of office/commercial plus 1 space per 4 seats for eating and drinking establishments.
 - (iii) Over 50,000 gsf – 3 spaces per 1,000 gsf.
7. Landscaping
 - a. Landscaping shall be provided in accordance with ARTICLE 36, with the following exception:
 - i BUFFER YARD D – 100 FOOT WIDTH



Landscaping required per 100 linear feet at 100 feet wide:

- 20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, AND
- 11 Large Trees - Plant List A, AND
- 40 Shrubs - Plant List C

8. Street Frontage Plazas

- a. In lieu of the street frontage landscaping required by SECTION 3620, a hardscaped plaza may be substituted for the area immediately between the building and street or shared private development street/driveway, provided there is no parking in this area.
- b. The plaza shall be surface with decorative pavers, or concrete treated to appear as decorative pavers.
- c. The plaza shall be provided with benches or seats and a non-commercial focal point such as a sculpture, fountain or other water feature, and/or raised planter(s) with landscaping.
- d. Bollards, or other decorative obstructions shall be used where needed to separate the plaza from vehicular areas.
- e. Aside from the focal point, the minimum landscaping required in the plaza shall be three (3) large canopy trees from Plant List A (see ARTICLE 36) per 100 linear feet of width. These trees may be planted within wells.
- f. A sidewalk connection shall be provided from the plaza to any adjoining public sidewalk, integral curb and sidewalk along a shared private development street/driveway, or an abutting plaza or sidewalk on an adjacent site.
- g. The plaza may be used for outdoor seating and serving for eating and drinking establishments.
- h. Any portion of the plaza that is used for seating and serving may be enclosed with a railing having a maximum height of four (4) feet, constructed from architectural grade metal, and having an minimum opacity of forty percent (40%).

B. Design Requirements: The following design requirements apply to all non-residential developments within the GR-R, GR-C, and GR-BP districts. Deviation from these requirements may be considered by the Zoning Administrator provided the proposal will: (1) create an equivalent or superior solution to the requirement in question; and (2) not compromise the character of the standards intended by the normal requirement ~~(see Boone County Planning Commission Resolution Number R-21-003-A, Boone County Fiscal Court Ordinance Number 2021-10, and letter from the Boone County Fiscal Court, dated December 13, 2021).~~

1. Architectural Design

- a. Building Materials
 - i. Primary exterior wall materials shall be brick, architectural grade Concrete Masonry Units (CMU) tile, and stone or concrete with an integral color.
 - ii. EIFS, stucco, architectural grade metals, wood or cement board siding, glass block, and precast concrete shall only be used on trim, detailing, and incidental or secondary wall areas.
 - iii. Substandard or synthetic appearing exterior wall materials such as ribbed, industrial style metal siding, T-111, EIFS systems with visually pronounced joints (not including designed scoring or reveals), plain faced CMU, vinyl siding, and hard board shall be prohibited.



- iv Visible roof materials shall be architectural grade dimensional shingles, tiles, slate, copper, or standing seam metal.
- v Other types of decorative roofing will be considered and evaluated on a case-by-case basis.
- b. Façade Composition
 - i Facades shall provide visual interest and scale by using variations in color, horizontal planes, materials, fenestration, patterns, height, or similar techniques.
 - ii Front facades shall be designed to have a defined base, mid-section, and top or cap. This can be accomplished by differentiating the material, finish, and/or color of the wainscot, knee wall, or entire ground floor from the upper portion of the exterior wall. A change in the fenestration pattern between floors may be used for multi-story buildings.
 - iii A simplified expression of the front façade design and materials may be used on rear and side facades not abutting an arterial or collector street.
- c. Roof Forms
 - i Pitched roofs and flat roof with a defined parapet line shall be utilized.
 - ii Roof/wall junctures shall employ varied parapet heights, articulated cornices, or similar treatments.
 - iii Mansard roofs and other "stage set" type roofs are prohibited.
- d. Windows and Entrances
 - i Windows and storefront units shall be recessed within their openings ("punched" opening) to create shadow lines and three-dimensional relief.
 - ii Windows/opening, other than storefront units shall have a vertical height to width orientation.
 - iii Transom and main/public entrances which are recessed behind the exterior façade are preferred.
 - iv For non-residential buildings, broad storefronts which allow direct visibility into the building interior shall be provided for building frontages along public sidewalks, streets, and private shared private development streets/driveways.
 - v Snap-in grids or applied mullions are not permitted in windows. Only mullions which physically separate window glass into multiple panes shall be used for divided light type windows.
 - vi The main public building entrances, except for the individual doorways into in-line multi-tenant spaces or bays, shall be placed along the adjoining public street frontage or shared private development street/driveway.
 - vii Main public entrances shall be emphasized in the façade design by methods such as recessing the entrance behind the exterior façade, providing an over-scaled entrance feature which projects outward from or above the exterior façade, placing the doorway within a three-dimensional archway, an awning or roof awning/canopy, and/or a change in the building materials, detailing, or color around the opening.
- e. Exterior Wall Colors
 - i Exterior wall colors shall reflect rich, natural tones such as those in the red, red-brown, terra cotta, brown, clay, beige, tan, blond, mustard, and/or warm gray ranges.
 - ii Exceptionally dark colors are prohibited, except when used on trims.
 - iii Other colors may be used for trim and detailing.
- f. Site Furniture



- i Site furniture such as benches, seating, tables, waste receptacles, bollards, and bicycle racks shall be architectural grade and the various items selected for any given site shall visually correlate to one another as components of the overall design.
- ii Site furniture shall be of a neutral or dark color and shall not use wood or wood products.
- iii Light fixtures and masts, fences, railings around outdoor seating areas, and street/regulatory signage shall have a black finish (painted, anodized, or vinyl coated).

2. Screening

a. Mechanical Equipment

- i All mechanical equipment shall be screened from public view.
- ii Ground mounted equipment shall be screened with landscaping or enclosed with a structure using the same design palate as the principal building.
- iii Roof mounted equipment shall be screened by a parapet wall (for flat roof construction) which is an integral part of the building.
- iv Roof mounted equipment on pitched roof construction shall be wholly contained within the roof structure.
- v Applied, "stage set" style mechanical equipment screens shall be prohibited.

b. Loading/Unloading /Service Areas and Trash Enclosures

- i Loading/unloading/service areas and trash enclosures shall be placed in the side or rear yard only, excluding corner side yards.
- ii Such areas shall be enclosed with a screen wall at least eight (8) feet in height using the same design palate as the principal building.
- iii Dense landscape hedging of comparable height, and that provides year round screening, may be considered.
- iv Trash storage areas shall be enclosed per the requirements of SECTION 3151. The enclosure structure shall use the same design palate as the principal building.
- v No outside storage will be permitted in the GR-R, GR-C, or GR-BP districts, unless sufficiently screened.

3. Additional Site Design Requirements

- a. Vertical concrete surfaces, such as retaining walls in excess of thirty (30) inches in height and forty-eight (48) inches in width, shall have an architectural treatment.
- b. The architectural treatment shall generally be of the "stacked stone" variety with at least $\frac{3}{4}$ inch reveal.
- c. The architectural treatment shall be surrounded by a four (4) inch chamfered smooth border.



ARTICLE 28 RESERVED

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ARTICLE 28 RESERVED



ARTICLE 29 RESERVED

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ARTICLE 30 SITE PLAN REVIEW

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ARTICLE 30 SITE PLAN REVIEW

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SECTION 3000 INTENT

- A. The purpose of this article is to provide a procedure for the review of Site Plans of proposed developments which impact adjacent properties and public infrastructure. Further, this article is written for the benefit of a property owner or developer so as to meet the minimum design standards and requirements listed in these regulations ~~this Zoning Order. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.~~

SECTION 3001 AUTHORITY

- A. The purpose of Site Plan Review is to protect the public health, safety, and general welfare of Boone County. The provisions and requirements in this article are written in accordance with Kentucky Revised Statute Chapter 100 K.R.S. 100 and shall be administered to ensure orderly growth and development of Boone County. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses ~~or~~ in zoning districts where Site Plan Review is required except in accordance with these the regulations in this Zoning Order and with the requirements stated in this article. All ~~such~~ Site Plans shall be reviewed by the Boone County Planning Commission and a determination either approving or rejecting such plans shall be made in accordance with the requirements of these regulations ~~this article and other applicable articles of this order.~~
- B. The Planning Commission shall not be given the power to impose any additional regulations not included in these regulations or the Boone County Subdivision Regulations this Zoning Order with the exception of specific public or private improvements, such as stormwater, sanitary sewer water, and road construction as adopted by the appropriate legislative body of Boone County. The Planning Commission shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of these regulations or the Boone County Subdivision Regulations this article and Zoning Order. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the improvements construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of SECTION 3008. Site Plan Review is required when specified by the individual



zoning district, when the proposal is beyond the scope of a Zoning Permit as specified in ARTICLE 4, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in SECTION 3002.

SECTION 3002 PROCEDURE

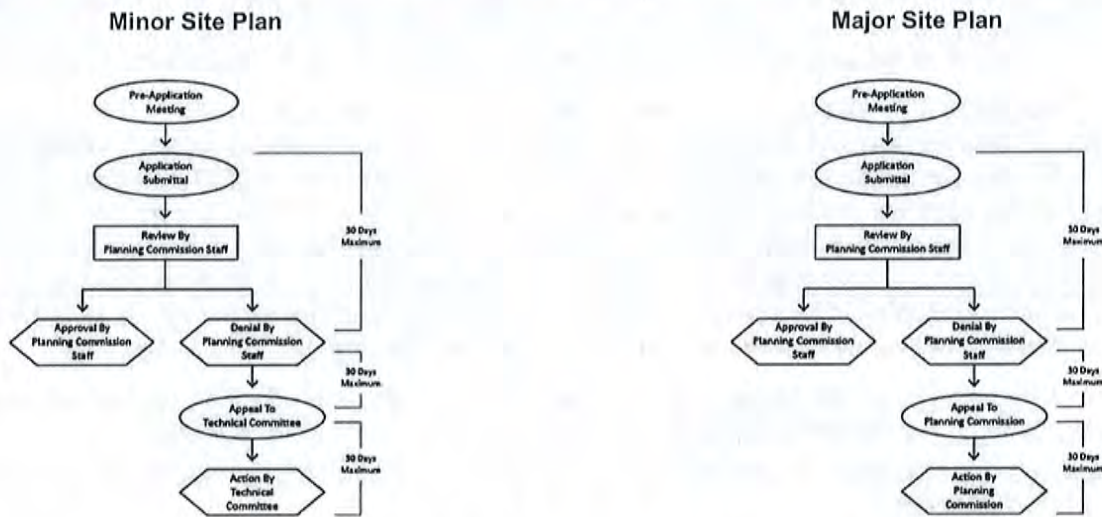
- A. Prior to the submittal of an application for Site Plan Review ~~and approval before the Planning Commission~~, each applicant, property owner, or developer is required to have a pre-application meeting with the Boone County Planning Commission's staff. This meeting shall occur within sixty (60) days of submitting the formal site plan application. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and to allow the applicant the opportunity to present a plan for building construction and/or site work. ~~At~~ such a meeting, the staff will be able to discuss any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also permit the Zoning Administrator to determine whether the applicant, property owner, or developer will follow the Minor Site Plan Review procedure or the Major Site Plan Review procedure. Both types of procedures are shown in Figure 30-1 and are described as follows: ~~below~~.
1. Minor Site Plan: Site Plans are required for all principally permitted, conditional, or accessory uses, except for single family residential uses, and are reviewed by the Boone County Planning Commission's staff, and involves the following:
 - a. No exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.).
 - b. No grading work or a minimal amount of grading work.
 - c. No more than twelve (12) parking spaces.
 - d. No more than a fifteen percent (15%) increase of the existing building square footage.
 - e. No additional access points or curb cuts.
 - f. Loading areas that are less than 10,000 square feet.
 - g. Does not involve the construction of a new building upon demolition of an existing building.
 2. Major Site Plan: Site Plans are required for all principally permitted, conditional, or accessory uses, except for single family residential uses, and are reviewed by the Project Review Committee and other outside agencies in addition to the Boone County Planning Commission's staff, and involves any of the following:
 - a. Exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.).
 - b. Grading work.
 - c. More than twelve (12) parking spaces.
 - d. New building construction or more than a fifteen percent (15%) increase in the existing building square footage.
 - e. Access points or curb cuts.
 - f. Loading areas in excess of 10,000 square feet.
 - g. Construction of a new building, regardless of size, upon demolition of an existing building.

~~**Minor Site Plan:** A Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than 12 parking spaces, no more than a 15% increase of the existing building square footage, no additional access points or curb cuts, loading areas that are less than 10,000 square feet, and does not involve the construction of a new building upon demolition of an existing building. Minor Site Plans are required for uses that are principally permitted and conditional. Minor Site Plans are reviewed by the Boone County Planning Commission's Staff.~~



Major Site Plan: A Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 15% increase in the existing building square footage, access points or curb cuts, a loading area in excess of 10,000 square feet, or construction of A new building regardless of size upon demolition of an existing building. Major Site Plans are required for uses principally permitted and conditional. Major Site Plans are reviewed by the Project Review Committee and other outside agencies in addition to the Boone County Planning Commission's Staff.

Figure 30-1
Site Plan Review Process



- B. Accessory structures which are not required to obtain a Building Permit are subject only to the Zoning Permit procedure. For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is four (4) feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County Subdivision Regulations if applicable, is required if a proposed retaining wall is greater than four (4) feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.

SECTION 3003 APPLICATION AND APPROVAL

- A. An applicant, property owner, or developer shall ~~is required to~~ file an application, one (1) full set of paper plans, one (1) full set of plans in pdf file format, ~~seven copies of a Site Plan~~ and a fee in the offices of the Boone County Planning Commission.
- B. Action in the form of approval or denial of a Minor Site Plan is by the Planning Commission's Staff ~~only~~ and shall occur within thirty (30) calendar ~~40 working~~ days of when the application plan is officially submitted to the Boone County Planning Commission's office in complete form. Appeal of the ~~action Staff denial~~ of a Minor Site Plan shall be made to ~~is possible before~~ the Technical Committee at its next regularly scheduled meeting after written notification is made by the ~~appellant applicant~~ to the Zoning Administrator within thirty (30) calendar days of the ~~action Staff denial~~. Final action for approval or



denial on the appeal of a Minor Site Plan shall be made by the Technical Committee and shall occur within thirty (30) calendar days of the date when the written notification of appeal was filed.

- C. Action in the form of approval or denial of a Major Site Plan is by the Planning Commission's Staff ~~only~~, in consultation with the Project Review Committee, and shall occur within ~~forty-five (45) calendar~~ 30 calendar days of when the application Site Plan is officially submitted to the Boone County Planning Commission's office in complete form. Appeal of the action of a Major Site Plan shall be made to the full Planning Commission, upon the recommendation of the Technical Committee, at its next regularly scheduled Business Meeting after written notification is made by the appellant to the Zoning Administrator within thirty (30) calendar days of the action. Final action for approval or denial on the appeal of a Major Site Plan shall be made by the full Planning Commission and shall occur within thirty (30) calendar days of the date when written notification of appeal was filed. ~~Upon approval of a site plan application, a Certificate of Land Use Restriction that specifies "site plan approval and improvements" shall be recorded for the real property in question as specified in SECTION 210.~~

~~Appeal of the Staff denial of a Major Site Plan is possible before the full Planning Commission, upon the recommendation of the Technical Committee, at its next regularly scheduled Business Meeting after written notification is made by the applicant to the Zoning Administrator within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Major Site Plan shall be made by the full Planning Commission and shall occur within thirty (30) days of the date when the written notification of appeal was filed. In addition, all time limits for both types of reviews can be extended only by mutual agreement by the Planning Commission and the applicant, property owner or developer. Finally, reasons for denial of a Minor Site Plan and Major Site Plan by the Planning Commission shall be given to the applicant in written form.~~

- D. All time limits for Minor or Major Site Plan reviews can be extended by mutual agreement by the Planning Commission and the applicant, property owner, developer, or appellant.
1. Each extension shall be in thirty (30) calendar day increments, unless otherwise identified on the appropriate form.
 2. There shall be only two (2) allowed extensions.
- E. Upon approval of a site plan, a Certificate of Land Use Restriction that specifies "site plan approval and improvements" shall be recorded for the real property in question, as specified in SECTION 210.
- F. If a site plan is denied, reasons for such denial shall be provided to the applicant in written form.
- G. Any waiver of a Site Plan requirement, exclusive of dimensional requirements, can only be issued by the Zoning Administrator. Such a waiver may be granted due to unusual or extreme circumstances inherent in the project site and if the use and the requested waiver does not adversely affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other Site Plan requirements.

SECTION 3004 SITE PLAN REQUIREMENTS

- A. All Minor ~~minor~~ Site Plans shall be in the form of a scaled drawing containing ~~submitted to the Boone County Planning Commission shall be in accordance with this article and shall contain~~ the following information, where applicable:
1. Dimensions of the site or lot.;
 2. Location and width of all public and private streets, driveways, and other vehicular circulation areas
- B. ~~Location and width of all public and private streets, driveways, and other vehicular circulation areas;~~
3. Location of all existing and proposed structures.;
 4. The proposed use ~~of at~~ the site.;
 5. Square footage, footprint dimensions, and height of proposed building or addition, and required building setbacks.;



6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles.;
 7. Location of any proposed parking spaces and existing dimensions and access points.;
 8. Peak hour trip generation information pertaining to any drive through facility.
 9. Statement pertaining to "no grading or utility construction necessary for construction of building addition or site work.;"
 10. A copy of the approved Demolition Permit if the proposal includes demolition work.
 11. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.
- C. All Major Site Plans shall be in the form of a scaled drawing containing submitted to the Boone County Planning Commission in accordance with this article shall contain the following information, where applicable:
1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark.;
 2. A scale not smaller than one (1) inch equals one hundred (100) feet.;
 3. A stamp or seal of a Kentucky registered professional engineer, architect, landscape architect or land surveyor; the scope of work performed by such professionals in conjunction with a site plan submission is limited to that permitted by their respective licensing authorities. If grading and/or storm sewer construction work are being proposed, a Kentucky registered professional engineer shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Kentucky registered professional engineer is required for grading and stormwater construction work.;
 4. The present zoning of the subject property and all adjacent properties.;
 5. All existing and proposed public and private right-of-ways and streets.;
 6. All abandoned streets.;
 7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. If necessary, the Boone County Planning Commission may request a geotechnical report of a specific site.;
 8. Location of existing and proposed structures on the property with each existing and proposed use noted.
 9. -Height of existing and proposed structures.;
 10. Dimensions of each lot or property boundaries.;
 11. Proposed housing units proposed on the property depicting location, arrangements, height, number of or units in each building, and where applicable, location and dimensions of all lots.;
 12. Location and arrangement of all common open space areas and recreational facilities.;
 13. Location size and type of all landscaping features (e.g. berms, walls fences, planting material), including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance (See ARTICLE 36).
 14. Location, orientation, lighting, materials, size, and height of signs (See ARTICLE 34).;
 15. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed) (It is advised that each applicant contact the appropriate legislative unit to determine the necessary storm sewer, water, and sanitary sewer requirements);
 - a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances.;



- b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.;
 - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quality of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. ~~Show location of all detention/retention ponds~~ (See ARTICLE 31 for Design Standards).;
 - d. Other utilities (e.g., electric, telephone, etc.), including the type of service and the width of easements, if information is available.;
 - e. ~~NOTE: It is advised that each applicant contact the appropriate legislative unit to determine the necessary storm sewer, water, and sanitary sewer requirements.~~
16. Location of all off-street parking, loading and/or unloading and driveway areas, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces (See ARTICLE 33);;
- a. ~~The~~ type of surfacing.;
 - b. ~~Width~~ and depth of parking stalls, including disabled stalls.;
 - c. ~~Driveway~~ angle width.;
 - d. ~~Traffic~~ flow areas for one way traffic.;
 - e. ~~Angle~~ of parking spaces ~~used~~.;
 - f. ~~Number~~ of parking spaces and loading spaces.;
17. Peak hour trip generation information pertaining to any drive through facility.
18. Circulation system details that include the following:
- a. Pedestrian walkways, including alignment, grades, type of surfacing, and widths (For public sidewalk requirements, see ARTICLE 31 of these regulations and ARTICLE 3 of the Boone County Subdivision Regulations).;
 - b. ~~NOTE: For public sidewalk requirements, see ARTICLE 31 of the Boone County Zoning Regulations and ARTICLE 3 of the BOONE COUNTY SUBDIVISION REGULATIONS.~~
 - c. Streets, including alignment, grades, type of surfacing, width of pavement, and right-of-ways, ~~and~~ whether public or private.;
 - d. Provisions for access management, which may include, but are not limited to: ~~a~~ frontage roads (public or private); ~~;~~ coordination of curb cuts, ~~and;~~ curb cut connections providing access ~~accessible~~ to adjoining properties.;
 - e. Location of all above ground and underground storage tanks.;
 - f. Location of dumpsters.;
 - g. Location of outdoor storage areas.;
19. Construction or installation details for the following:
- a. ~~Paving~~ paving, curbing, and sidewalk sections.;
 - b. ~~Handicap accessible wheelchair~~ ramps and/or curbs.;
 - c. ~~On-site~~ on-site traffic/vehicular regulatory signs, including ~~handicap disabled~~ parking stall signage.;



- d. ~~Curbeurb~~ cuts.;
 - e. ~~Trashgarbage storage~~ area enclosure or screening.;
 - f. ~~Sitesite~~ lighting fixtures and photometric plan.;
20. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. A Best Management Practice document shall be provided for developments over one (1) acre in size ~~showing. Show~~ all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage).;
 21. If the proposed site was part of a zone change request, ~~submit~~ a copy of the approved concept development plan, or show the relationship of the location of the proposed structure(s) to the approved zone change request.;
 22. ~~TrafficEach applicant shall be required to submit traffic~~ information estimating at a minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Planning Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to (See ARTICLE 32) be submitted for review by the Boone County Planning Commission.;
 23. Architectural information including the location of man doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design, shall be provided for sites within the Houston-Donaldson Study Corridor Overlay District (refer to the Houston-Donaldson Study), or proposals that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval.;
 24. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archeological sites (See ARTICLE 31).;
 25. Location of parking lot and driveway lights and their illumination on the project site and adjoining properties (See Design Standards in ARTICLE 31).;
 26. A copy of the approved Demolition Permit if the proposal includes demolition work.;
 27. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.;
 28. For a proposed Sexually Oriented Business, the applicant shall submit a drawing based upon an accurate scale demonstrating compliance with the standards outlined in Section 3198 of these regulations.;
- D. The aforementioned information ~~required~~ may be combined in any suitable and convenient manner so long as the ~~data~~ required information is clearly indicated.
 - E. The Applicant shall submit a written response to the review comments with their revised plans.
 - F. For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section not the entire development plan.

SECTION 3005 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

- A. The approval of a Site Plan shall be for a period not to exceed two (2) years. If no grading work or building construction has begun within two (2) years after approval is granted, the approved Site Plan shall ~~will be~~ void. Prior to the two (2) year expiration date, a one ~~One~~ (1) year extension of an approved Site Plan may be granted upon request to the Zoning Administrator ~~prior to the two year expiration date.~~



SECTION 3006 COMPLETION OF SITE PLAN CONSTRUCTION WORK AND REQUIREMENTS

- A. All requirements of the approved Site Plan must be completed within six (6) months of building occupancy unless an extension is granted by the Zoning Administrator upon request. Completed site construction work will be inspected by the Planning Commission's Zoning Inspector when the applicant receives a certificate of building occupancy and thereafter if necessary. If no building construction is being proposed, all site construction work if begun, is to be completed within six (6) months. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

SECTION 3007 APPROVAL OF SITE PLANS BY THE BOONE COUNTY PLANNING COMMISSION

- A. Property involving a conditional use and/or a variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district.

SECTION 3008 CHANGES OR AMENDMENTS

- A. The Zoning Administrator, in reviewing a Site Plan, may authorize minor adjustments from the approved Site Plan, provided that the adjustments do not:
1. ~~Affect~~ affect the ~~spacial~~ special relationship of structures.;
 2. ~~Change~~ change land uses.;
 3. ~~Increase~~ increase overall density.;
 4. ~~Alter~~ alter circulation patterns (vehicular and pedestrian).;
 5. ~~Decrease~~ decrease the amount and/or usability of open space or recreation areas.;
 6. ~~Affect~~ affect other applicable requirements of these regulations ~~this zoning order~~.
- B. Any amendments to plans, except for the minor adjustments which may be permitted by the Zoning Administrator as noted above, shall be made in accordance with the procedure required by ~~these regulations this zoning order~~, subject to the same limitations and requirements as those under which such plans were originally approved. Such review of changes shall involve submittal of application and a review fee.



ARTICLE 31 SUPPLEMENTAL PERFORMANCE STANDARDS

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SECTION 3100 INTENT

- A. The purpose of this article is to set forth in a consolidated manner the exact physical, environmental, operational and other performance or design standards which must be met by each and all districts, uses, buildings, structures, or any alterations of lands; and also to clarify areas where problems are frequently encountered.

SECTION 3110 CONTROLS APPLICABLE TO DISTRICTS

- A. The requirements listed in Table 31-1 shall be applicable to each district. The following regulations shall govern height, intensity, open space, setbacks and other aspects.

SECTION 3111 OPEN SPACE AND CLUSTER RESIDENTIAL SUBDIVISIONS

- A. Open Space and Cluster Residential Subdivisions are permitted in accordance with ARTICLE 31 of the Boone County Zoning Regulations.



- B. These regulations are intended to provide for the development of residentially and agriculturally zoned property in Open Space or Cluster Residential Subdivisions as an alternative to Conventional Subdivisions. A Conventional Subdivision generally covers the entire buildable portion of a site with residential lots. Both Open Space and Cluster Residential Subdivisions permit the same overall gross density of total dwelling units per total acres and the same permitted uses as a Conventional Subdivision under the existing zoning district, however lot dimension and setback requirements are less restrictive. This permits greater unit per acre net densities on portions of the site and permits the same maximum number of dwelling units as would be permitted under a Conventional Subdivision. Both types of subdivision designs may enable more dwelling units than could normally be achieved for a Conventional Subdivision. Open Space Residential Subdivisions are permitted under certain standards within the A-1, A-2 and RSE zoning districts. Cluster Residential Subdivisions are permitted under certain standards within the RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 zoning districts. The remnant land not designated as building lots is required to be left undeveloped, and must serve the purpose of effective buffering, passive recreation, protection of significant vegetation, significant historic preservation or scenic qualities.
- C. The potential applicant should advise Planning Commission staff at pre-application meetings for Preliminary Plat Review if he/she intends to submit a plan designed to meet the Open Space or Cluster Residential Subdivision requirements. This will affect the dimensional standards and open space standards which the proposed subdivision will be required to meet. a subdivision designed under either of these two options will also likely result in a greater built density than most Conventional subdivision designs for the same site. The Open Space Residential Subdivision is permitted in relatively low density zoning districts, and is generally intended to promote a rural character. Therefore, a three step process is described in these regulations to make sure the proposed development meets the intent of conserving open space and benefitting individual home sites. The Cluster Residential Subdivision is intended to allow the clustering of dwelling units within the more dense residential zoning districts to enable cohesive, visible, and accessible open space that noticeably affects the character of the subdivision and addresses the impacts of the increased density on portions of the site.

Table 31-1

ZONING DISTRICT	MAXIMUM INTENSITY	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	MINIMUM FRONTAGE	MAX. HEIGHT	MINIMUM YARD SETBACKS:		
						FRONT:	REAR:	SIDE:
A-1	1 d.u. or farmstead per 5 acres	30 acres	217,800	150'	45'	80'	25'	10'
A-2	1 d.u. per 2 acres	20 acres	80,000	150'	45'	60'	25'	10'
RSE	1 d.u. per acre	5 acres	40,000	100'***	45'	40'	40'	10'
RS	3 d.u. per acre	5 acres	12,000	75'	45'	40'	40'	10'
R-1F	4 d.u. per acre	5 acres	10,000	70'	45'	30'	30'	7' min./15' total
SR-1	4 d.u. per acre	5 acres	detached s.f.: 8,000	65'	45'	30'	30'	5' min./15' total
			duplex: 16,000	75'				#15'
			patio house: 8,000	60'				0' min./10' total
SR-2	8 d.u. per acre	5 acres	detached s.f.: 6,500	50'	45'	30'	30'	5' min./15' total
			duplex: 8,000	60'				#15'
			duplex #: 15,000	#70'				#15'



Table 31-1								
ZONING DISTRICT	MAXIMUM INTENSITY	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	MINIMUM FRONTAGE	MAX. HEIGHT	MINIMUM YARD SETBACKS:		
						FRONT:	REAR:	SIDE:
			patio house: 6,500	50'		25'	25'	0' min./10' total
			townhome: n/A	see ARTICLE 31				
SR-3	8 d.u. per acre	5 acres	detached s.f.: 6,500	50'	45'	25'	25'	5' min./15' total
			duplex: 8,000	60'		25'	25'	0' min./10' total
			patio house: 6,500	50'		20'	20'	0' min./10' total
			multi-family+: n/a	see ARTICLE 31				
UR-1	12 d.u. per acre	n/a	detached s.f.: 6,500	50'	45'	30'	30'	5' min./15' total
			duplex: 8,000	60'		30'	30'	0' min./10' total
			patio house: 6,500	50'		25'	25'	0' min./10' total
			multi-family+: n/a	see ARTICLE 31				
UR-2	20 d.u. per acre	n/a	detached s.f.: 6,500	50'	60'	20'	20'	5' min./10' total
			duplex: 8,000	60'				0' min./10' total
			patio house: 6,500	50'				0' min./10' total
			multi-family+: n/a	see ARTICLE 31				
UR-3	30 d.u. per acre	n/a	detached s.f.: 6,500	50'	70'	20'	20'	5' min./10' total
			duplex: 8,000	60'				5' min./10' total
			patio house: 6,500	50'				5' min./10' total
			multi-family+: n/a	see ARTICLE 31				
MHP	7 d.u. per acre	10 acres	4,000	40'	20'	20'	15'	5' min./15' total
C-1	8,000-11,000 sq. ft.	n/a	5,000	50'	45'	25'	20'	5' (20)*
C-2	12,000-15,000 sq. ft.	2 acres	5,000	50'	50'	30'	20' (50)*	10' (50)*
C-3	18,000 sq. ft.	3 acres	20,000	100'	50'	50'	20' (50)*	10' (50)*
C-4	13,000 sq. ft.	3 acres	10,000	100'	50'	30'	20' (50)*	10' (50)*
O-1	16,000 sq. ft.	1 acre	6,500	40'	45'	30'	20'	5' (20)*
O-2	30,000 sq. ft.	3 acres	12,000	40'	70'	30'	30'	10' (20)*
I-1	25,000 sq. ft.	5 acres	20,000	150'	50'	50'	30' (50)*	10' (50)*
I-2	22,000 sq. ft.	10 acres	100,000	250'	100'	50' (100)*	30' (100)*	20' (100)*
I-3	see ARTICLE 11				50'	50'	see ARTICLE 11	
I-4	see ARTICLE 11							



Table 31-1								
ZONING DISTRICT	MAXIMUM INTENSITY	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	MINIMUM FRONTAGE	MAX. HEIGHT	MINIMUM YARD SETBACKS:		
						FRONT:	REAR:	SIDE:
O-1A	16,000 sq. ft.	n/a	6,500	40'	45'	30'	20'	5' (20')*
FMS	12,000-15,000 sq. ft.	n/a	n/a	n/a	50'	10' max	20'^	n/a
	500 sq. ft. residential				30' ^			
PF	25,000 sq. ft.	n/a	20,000	n/a	70'	30'	10' (50')*	10' (50')*
A	25,000 sq. ft.	n/a	20,000	n/a	n/a	50'	30' (50')*	20' (50')*
Cons	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R	see ARTICLE 7	n/a	20,000	n/a	45'	30' (50')*	10' (50')*	10' (50')*

Table 31.1 Abbreviations:

d.u. = dwelling unit; s.f. = single-family; n/a = not applicable; GFA = gross floor area

***Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Open Space subdivision criteria of ARTICLE 3 of the BOONE COUNTY SUBDIVISION REGULATIONS.

NOTES:

*	When adjoining any of the following zoning districts: A-1, A-2, R, CONS, RSE, RS, SR-1, SR-2, SR-3, UR-1, UR-2, UR-3, MHP, and R-1F
**	The minimum lot frontage in the RSE district zone may be reduced to 80 feet when the lot utilizes public water and sanitary sewer systems.
+	Denotes apartments, condominiums, landominiums, and townhomes
#	Applicable to the City of Florence only
^	When a non-residential use adjoins an existing residential use
=	5 foot minimum side yard setback where a patio house adjoins a conventional single family dwelling
##	Green space requirement can be reduced to 20% for the entire development if the planned paved paths throughout the planned greenway(s) are implemented by the developer
###	Lot size in areas without public sewer service may need to be larger to accommodate private sewage treatment system requirements. Common leach field areas would require approval(s) from the State of Kentucky.
N.A.	Not Applicable

OPEN SPACE AND CLUSTER RESIDENTIAL SUBDIVISIONS

ZONING DISTRICT	MAXIMUM INTENSITY OF TOTAL SITE	MIN. GREEN SPACE AREA	MINIMUM LOT SIZE (sq. ft.)	MINIMUM FRONTAGE	MAX. HEIGHT	MINIMUM YARD SETBACKS:		
						FRONT:	REAR:	SIDE:
A-1	1 d.u. or farmstead per 5 acres	40%	20,000	90'	45'	30'	25'	10'
A-2	1 d.u. per 2 acres	40%	20,000	90'	45'	30'	25'	10'
RSE	1 d.u. per acre	40%	12,000	90'	45'	30'	25'	10'
RS	3 d.u. per acre	30%##	5,000	50'	45'	20', n/a on local street when driveway is alley	n/a on interior of development; 40' on perimeter where adjacent to RS or RSE zone; 30' on perimeter where adjacent to all other zones	5' min/10' total drainage and maintenance must be properly
SR-1	4 d.u. per acre	30%##	detached s.f.: 4,000 duplex: 8,000	50' 75'				



OPEN SPACE AND CLUSTER RESIDENTIAL SUBDIVISIONS									
ZONING DISTRICT	MAXIMUM INTENSITY OF TOTAL SITE	MIN. GREEN SPACE AREA	MINIMUM LOT SIZE (sq. ft.)	MINIMUM FRONTAGE	MAX. HEIGHT	MINIMUM YARD SETBACKS:			
						FRONT:	REAR:	SIDE:	
SR-2	8 d.u. per acre	30%##	detached s.f.: 4,000	50'	45'	accessed		designed	
			duplex: 8,000	75'					
SR-3	8 d.u. per acre	30%##	detached s.f.: 4,000	50'	45'				
			duplex: 8,000	75'					
UR-1	12 d.u. per acre	30%##	detached s.f.: 4,000	50'	45'				5'
			duplex: 8,000	60'					
UR-2	20 d.u. per acre	30%##	detached s.f.: 4,000	50'	45'	5'			
			duplex: 8,000	60'					
UR-3	30 d.u. per acre	30%##	detached s.f.: 4,000	50'	45'	5'			
			duplex: 8,000	60'					

Table 31.1 Abbreviations:

d.u. = dwelling unit; s.f. = single-family; n/a = not applicable; GFA = gross floor area

***Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Open Space subdivision criteria of ARTICLE 3 of the BOONE COUNTY SUBDIVISION REGULATIONS.

NOTES:

*	When adjoining any of the following zoning districts: A-1, A-2, R, CONS, RSE, RS, SR-1, SR-2, SR-3, UR-1, UR-2, UR-3, MHP, and R-1F
**	The minimum lot frontage in the RSE district zone may be reduced to 80 feet when the lot utilizes public water and sanitary sewer systems.
+	Denotes apartments, condominiums, landominiums, and townhomes
#	Applicable to the City of Florence only
^	When a non-residential use adjoins an existing residential use
=	5 foot minimum side yard setback where a patio house adjoins a conventional single family dwelling
##	Green space requirement can be reduced to 20% for the entire development if the planned paved paths throughout the planned greenway(s) are implemented by the developer
###	Lot size in areas without public sewer service may need to be larger to accommodate private sewage treatment system requirements. Common leach field areas would require approval(s) from the State of Kentucky.

D. Open Space Residential Subdivisions (within A-1, A-2, and RSE Zoning Districts)

1. The intent of permitting Open Space Residential Subdivisions within the Subdivision and Zoning Regulations is to preserve open space in Boone County while permitting smaller lots with narrower frontages, better topography, and larger buildable area in the A-1, A-2 and RSE zoning districts. Flexibility in street and right-of-way width and sidewalk requirements for genuine Open Space Residential Subdivisions are addressed in the BOONE COUNTY SUBDIVISION REGULATIONS, while lot dimension and building setback requirements are addressed in ARTICLE 31 of the Boone County Zoning Regulations.
2. Instead of the conventional subdivision design process where the site is initially engineered, a joint design process occurs where staff and the applicant work collaboratively to prepare an



Open Space Subdivision design. This is achieved through a three step process which includes meetings between the applicant and Planning Commission staff. The Open Space Subdivision design process is not required in any zoning district and is purely voluntary on the part of the property owner and/or developer. Certain design standards specified below are required for the subdivision to be approved as an Open Space Subdivision. If these standards cannot be met, the proposed lots within the subdivision must meet minimum conventional lot sizes and other dimensional standards of the applicable zoning district(s) and be reviewed as a conventional subdivision.

3. The three step design approach described below is to be used for Open Space Subdivision applications:
 - a. Step One - Identifying Primary and Secondary Conservation Areas
 - i. This step consists of identifying the land that should be permanently protected as private open space, which includes the Primary and Secondary Conservation Areas. Primary Conservation Areas include constrained lands (including inundated or flood prone areas and areas of slope greater than 20%) (see Figure 31-1), river and stream corridors, and any areas within the Developmentally Sensitive Future Land Use Classification as described in the Boone County Comprehensive Plan text (i.e., existing slope of twenty percent or greater for a height of 20 meters or more; 1 meter = 39.37 inches). The exact extent of the Developmentally Sensitive area is determined by site analysis and not from the general Future Land Use map. Secondary Conservation Areas (See Figure 31-2) include amenity-forming features of the property such as mature woodlands, greenways, trails, prime farmland, hedgerows, individual free-standing trees or tree groups, wildlife habitats and travel corridors, historic sites and structures, historic stone fences, cemeteries, scenic viewsheds, stream buffer areas, etc.

Figure 31-1
Primary Conservation Areas

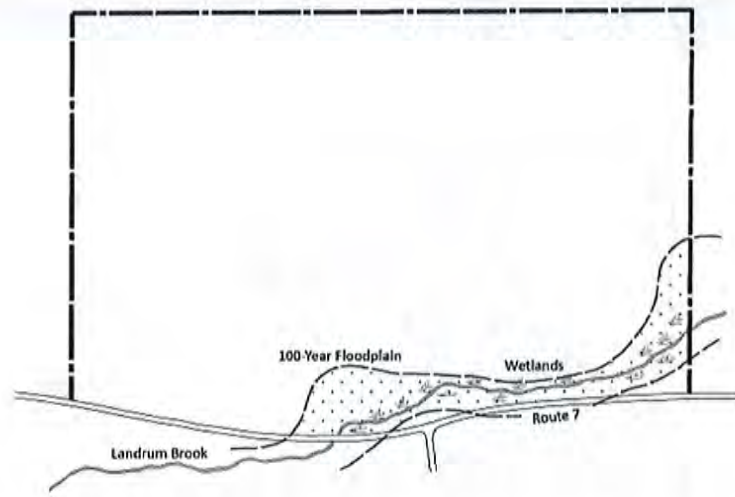


Illustration from Conservation Design for Subdivisions by Randall Arendt (1996).



Figure 31-2
Secondary Conservation Areas

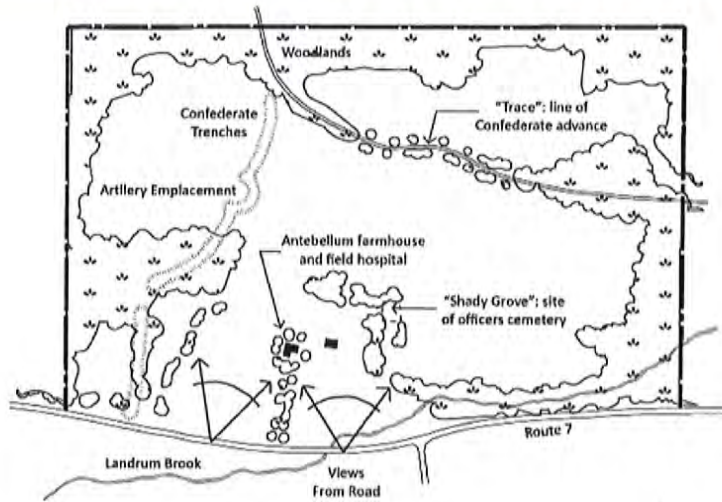


Illustration from Conservation Design for Subdivisions by Randall Arendt (1996).

- b. Step Two - Identifying Potential Development Areas
 - i. After determining these conservation elements, the remaining part of the property provides an estimate of the Potential Development Area (see Figure 31-3). In an Open Space Subdivision, the number of permitted units is based on the overall total site acreage multiplied by the permitted density in the zoning district(s).

Figure 31-3
Potential Development Areas

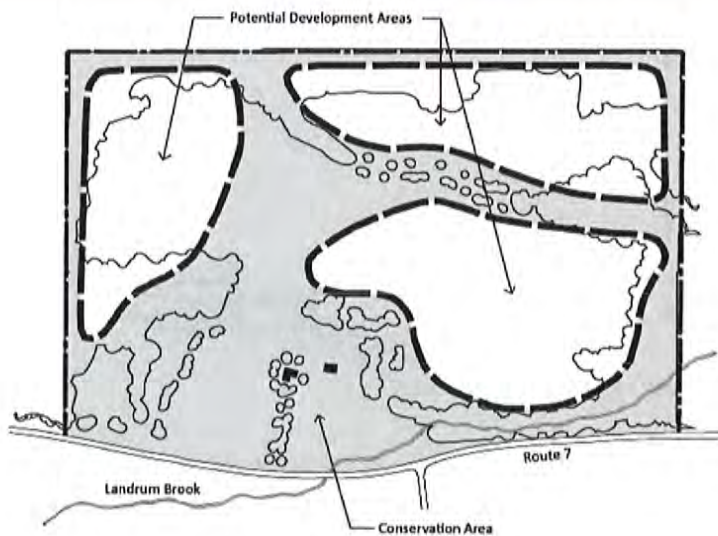




Figure 31-3

Potential Development Areas

Illustration from Conservation Design for Subdivisions by Randall Arendt (1996).

- c. Step Three - Locating Streets, Lot Lines and Housing Sites
 - i. This step involves locating and drawing in the streets, lot lines and housing sites within the Potential Development Area so that the views of the open space from each house are maximized and access to open space is maximized (Figure 31-4 and 31-5). The number of houses permitted is calculated by the gross site density permitted within the zoning district(s) for the entire site.

Figure 31-4

Locating Housing Sites

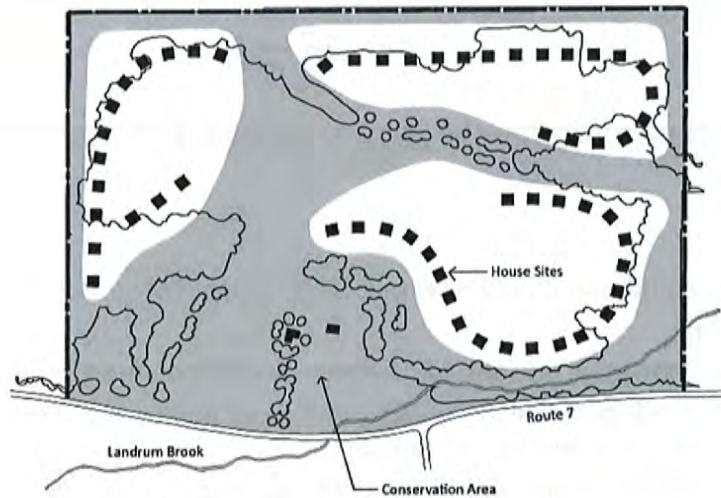


Illustration from Conservation Design for Subdivisions by Randall Arendt (1996).

Figure 31-5

Drawing In Lot Lines and Streets



Figure 31-5
Drawing In Lot Lines and Streets

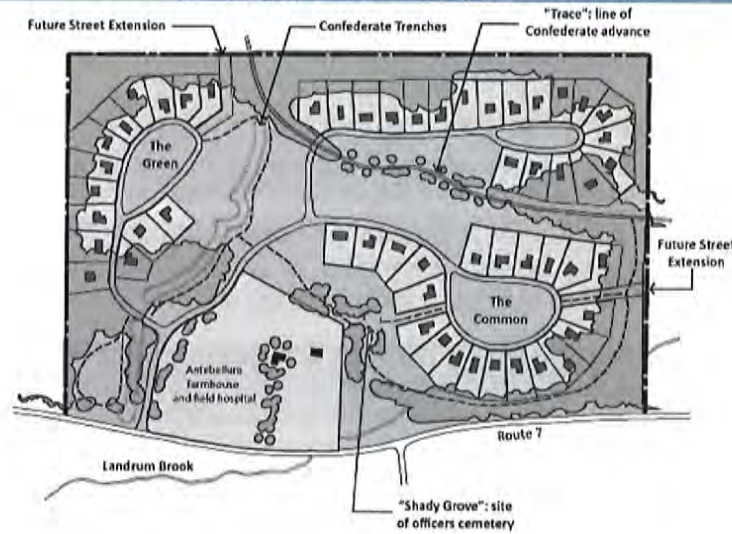


Illustration from Conservation Design for Subdivisions by Randall Arendt (1996).

4. Standards

a. The following standards must be met by an Open Space Subdivision design:

i. Layout:

- (a) Individual building lot frontage must be on the interior road network.
- (b) Each residential dwelling unit shall have a view of functional open space from the front or rear of the unit.
- (c) The development shall contain central, visible, and accessible open space.
- (d) Open space must be connected throughout the development by sidewalk or path.
- (e) Maintain view of open space from the existing main road into the site. The design shall buffer views of the dwelling units, particularly rear elevations, from the existing thoroughfare.
- (f) Provide entry treatment, including natural vegetation buffering as preferable to berming, along the property frontage.
- (g) Adjacent to existing single family residential units, Open Space Subdivision building setbacks from the development boundary must mirror the required minimum setbacks of the existing adjacent zoning district.
- (h) Wet stormwater retention areas may qualify for open space for the purposes of density calculation if properly designed to accommodate recreation.
- (i) To avoid developing mobile home parks in A-1 zoning districts where they are not permitted, mobile home lot sizes shall meet the existing minimum lot size of **five (5) acres**.
- (j) Sidewalks are required on one side of any street with residential lots fronting on it. Proper pedestrian crossings must be provided where sidewalks switch sides of a street. A path or trail can be substituted for a sidewalk requirement if



demonstrated to serve the same function. Trails and paths that substitute for a sidewalk must meet all disabilities requirements and standards. There is no specific surfacing requirement for other trails and paths.

- (k) Undevelopable or undesirable areas shall not constitute open space areas for an Open Space Subdivision if they do not serve such a function. It is the responsibility of the developer to demonstrate that the open space areas can serve one of the required uses, and is not just an attempt to increase density by accounting for undevelopable or undesirable land.
 - (l) The use of native tree and grass vistas and buffers is encouraged as an alternative to higher maintenance landscaping and ornamental plantings. The street trees required by SECTION 3619 of the Boone County Zoning Regulations may be clustered on individual lots versus dispersed across the lot's street frontage, and may include healthy, mature existing trees which are retained.
 - (m) Conserve a stream setback as outlined in these regulations, or as guided by the Boone County Conservation District based on stream classification.
 - (n) One way street loops are permitted. Streets are not required to have curb and gutter.
- ii Gross Density: Any Open Space residential subdivision shall be developed within the maximum permitted intensity of total dwelling units per total acreage as regulated in Table 31-1 of this Article for the affected A-1, A-2, RSE zoning district(s). Open Space subdivision design may allow a developer to attain the full permitted density on a site under the existing zoning whereas normal site constraints and infrastructure needs typically result in a lower gross density potential for a conventional subdivision design.;
 - iii Net Density: The maximum density of a portion of a Conventional or Open Space Residential Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in Table 31-1.4 of ARTICLE 31 of the Boone County Zoning Regulations.
 - iv Minimum Size of Open Space Residential Subdivision: Open Space subdivisions shall incorporate a minimum of six contiguous lots which is consistent with the definition of a major division of land within the BOONE COUNTY SUBDIVISION REGULATIONS.
 - v Open Space Areas: All subdivisions are encouraged to provide non-development areas for the purpose of preserving open space. Open Space Subdivisions are required to provide a combination of Primary and Secondary open space that totals at least the minimum percentage specified for the zoning district in Table 31-1.4. Sites that contain more than one zoning district shall provide the total percentage of open space based on the pro-rated acreage in each zoning district, however, the physical location of the open space may be concentrated on any of the affected zoning districts. The proposed open space areas shall be treated as permanent open space, and cannot be developed in the future. Open space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, significant historic preservation, private cemeteries, or effective buffering. These areas can be used for pasture land, crops, and tree production. Related recreation structures and agricultural outbuildings are permitted in the open space area. They also can serve the septic leach area needs of an Open Space Subdivision upon review and approval of the appropriate regulating agency. Utility easements are permitted to be located within Secondary Conservation Areas, but not in Primary Conservation Areas. It is particularly important during Step 1 of the



design process to make sure open space suits this objective and does not result in inaccessible, invisible perimeter strips that create maintenance issues. If the proposed development cannot meet the minimum percentage open space requirement in Table 31-1-4 for Primary and Secondary open space, pocket parks or stormwater retention/detention areas can qualify when designed as suitable private or HOA recreation space. At a minimum, private pedestrian access to the open space areas shall be provided.

- vi The open space portions of any subdivision shall be clearly designated during subdivision review, and referenced in a Certificate of Land Use Restriction filed at the Boone County Clerk's office. They shall be protected from development by an appropriate private restrictive covenant, scenic or conservation easement, or homeowner's agreement. The ownership and responsibility for continued maintenance of the open space areas is also required. These documents shall be submitted at the Final Plat review, and shall demonstrate long term financial stability of the proposed HOA.

E. Cluster Residential Subdivisions (within RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 Zoning Districts)

1. Design Concepts

- a. The intent of Cluster Residential Subdivisions is to provide highly visible and functional open spaces within residential subdivisions, and to allow the developer flexibility in lot size and dimensions to achieve these objectives. This type of subdivision will often allow the developer to build higher dwelling unit densities than normally experienced under conventional subdivision design by using reduced lot size and setback requirements.
- b. A Cluster Residential Subdivision will incorporate amenity-forming features of the property such as mature woodlands, stream valleys, trails, meadows, hedgerows, groups of prominent trees, notable wildlife habitats, historic sites and structures, historic stone fences, cemeteries, scenic views, etc. to provide interconnected, usable open space. In the design of the proposed subdivision, these types of features will be examined as to their connections within the site as well as to adjacent existing or future development if agreed to by the property owner.

2. Standards The following standards must be met by a Cluster Residential Subdivision design:

a. Layout:

- i Individual building lot access must be on the proposed development's interior road network.
- ii The development shall contain visible, and accessible private open space that makes a visual difference at street level. Small, fragmented open spaces are not desirable.
- iii Open space is recommended to be connected throughout the development by sidewalks and/or paths.
- iv Stream buffer areas and groundwater infiltration areas may provide an opportunity for the developer to achieve mitigation credits for use on the subject site or another site as arranged with the pertinent agencies.
- v Open space should be designed to coordinate with adjacent parcels and future development if agreed to by the neighboring property owner.
- vi Wet stormwater retention areas and lakes may qualify for open space for the purposes of density calculation if properly designed to accommodate recreation.
- vii A sidewalk is required on each side of the street with residential lot frontage. Proper pedestrian crossings must be provided where sidewalks switch sides of a street. A path or trail can be substituted for a sidewalk requirement if demonstrated to serve the



same function. Substituted trails and paths must meet all disabilities requirements and standards. There is no specific surfacing requirement for other trails and paths.

- b. Gross Density: In a Cluster Residential Subdivision, the number of permitted dwelling units on a site is based on the zoning density allowed for the total acreage of the site. It is calculated by multiplying the number of units permitted per acre in the existing zoning district by the total site acreage. Cluster Residential subdivision design may allow a developer to attain a greater overall density on a site under the existing zoning whereas normal site constraints and infrastructure needs typically result in a lower gross density potential for a conventional subdivision design.;
- c. Net Density: The maximum density of a portion of a Cluster Residential Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in Table 31-1.4 of ARTICLE 31 of the Boone County Zoning Regulations.
- d. Minimum Size of Cluster Residential Subdivision: Cluster Residential Subdivisions shall be a minimum of twenty (20) acres.
- e. Open Space Areas:
 - i All subdivisions, including conventional design, are encouraged to provide nondevelopment areas for the purpose of preserving open space. Cluster Residential Subdivisions are required to provide at least the minimum percentage specified for the pertinent zoning district in Table 31.1. Sites that contain more than one zoning district shall provide the total percentage of open space based on the pro-rated acreage in each zoning district, however, the physical location of the open space may be concentrated on any of the affected zoning districts. The proposed open space areas shall be treated as permanent open space, and cannot be developed in the future. Open space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, significant historic preservation, private cemeteries, wetland mitigation, stream mitigation, or effective buffering. These areas can be used for pasture land or cropland. Recreation structures and utility easements are permitted in the open space areas. It is particularly important during Step 1 of the design process to make sure open space suits the objectives of this article and does not result in inaccessible, invisible perimeter strips that create maintenance issues.
 - (a) Open Space
 - (b) Village, corner, side, and court green(s)
 - (c) Neighborhood corner park(s)
 - (d) Green boulevard street(s)
 - ii A Cluster Residential Subdivision offers flexibility in lot size and building setbacks, and to help address this impact, it must include the minimum open space identified in Table 31-1.4, and provide at least two of the four open space types described below. More than one of each type can be provided in the subdivision to help reach the minimum open space area on the site. Ponds and groundwater recharge areas can be counted toward the required open space percentage. Dry detention and wet retention areas can also be counted if they are "extended" basins with an increased capacity and perimeter vegetated recharge areas. Typical dry detention basins do not count toward the required open space percentage. Street trees must be of a large canopy variety suitable for this climate and acceptable to the owner of the street, and measure three (3) inches in caliper size when installed. Playground minimum specifications shall meet National Recreation Standards for the proposed number of dwelling units/population within the development.



F. For the purposes of this article, four main types of open space are considered to meet the development impacts:

1. Open Space

a. A linear, non-fragmented area established along a natural corridor, such as a stream valley, or along a manmade feature such as an old roadway converted to a recreational use, or along a fence row or other connecting feature. Open Space may be a part of a future network that provides recreational, transportation, ecological, and property value benefits. As indicated in Table 31-1, Dimensional Standards, a Cluster Residential Subdivision will have a minimum of **thirty percent (30%) percent** open space if trails are not constructed through the usable length of the planned open space, while the subdivision can have a minimum of **twenty percent (20%) percent** open space if the developer commits to building paved connecting trails throughout the open space. Main spine trails should be **ten (10)** feet wide, while intra-development connecting trails should be **eight (8)** feet wide. This open space type is required in the subdivision design when a suitable stream valley, meadow, or tree pattern exists, or the site forms part of a planned or existing trail network. Connections to sidewalks within developments must contain a wide or flared shape to the parcel to avoid narrow strips between houses, and must contain entry features such as landscaping, decorative fencing, planted mounds, lighting, and/or decorative trailhead signage. Suitable existing vegetation areas that will be retained can be applied toward the 30 percent (20 percent with trail construction) required open space in Table 31-1-4. Following are three examples of open space that meet the intent of these regulations.:

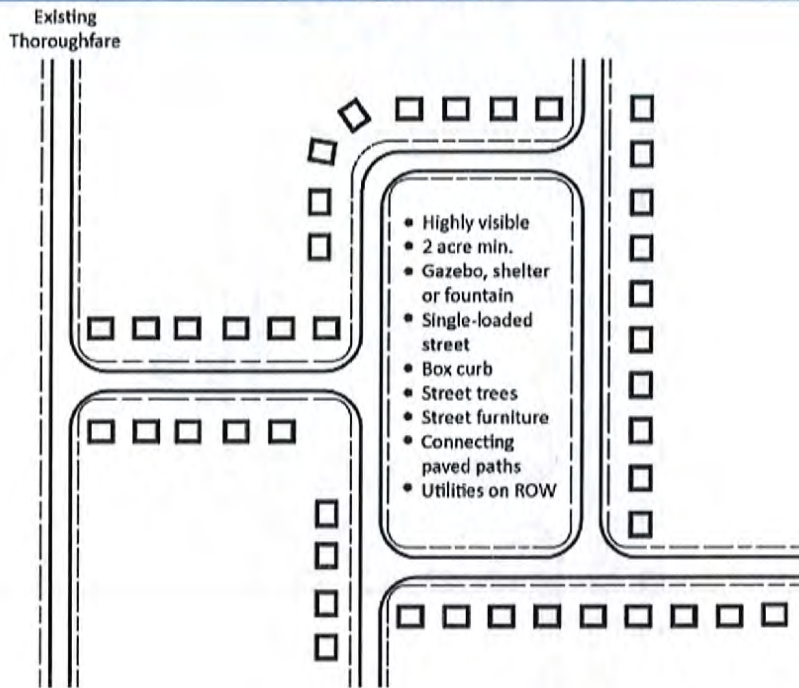
2. Village Green

a. This feature is a formal two-acre minimum community landscaped island and tree plantings within the center of a street or offset open space within an entrance or major street of the development. It shall include as a minimum: an open shelter type structure such **Figure 31-6 Drawing 1 - Village green 31-8.8** as a gazebo, a fountain or similar focal point, single-loaded street with sidewalk around the perimeter, box curb design, street trees around the perimeter, and appropriate paved pedestrian access to the structure(s). The emphasis should be on a grass commons type of area with shade trees rather than landscaping that is expensive to maintain. No utility boxes, manhole lids or similar should be located in the Green. One example of a Village Green is attached.:





Figure 31-6
Village Green



3. Corner, Side, and Court Greens

- a. These features can be smaller than the formal Village Green and can occur within the back streets of a development. They include shade trees, benches, paved connecting paths, box curbs at the street. Groundwater recharge can be designed into these features. No utility boxes, manhole lids or similar should be located in these areas.

Figure 31-7
Corner Green



Figure 31-7
Corner Green

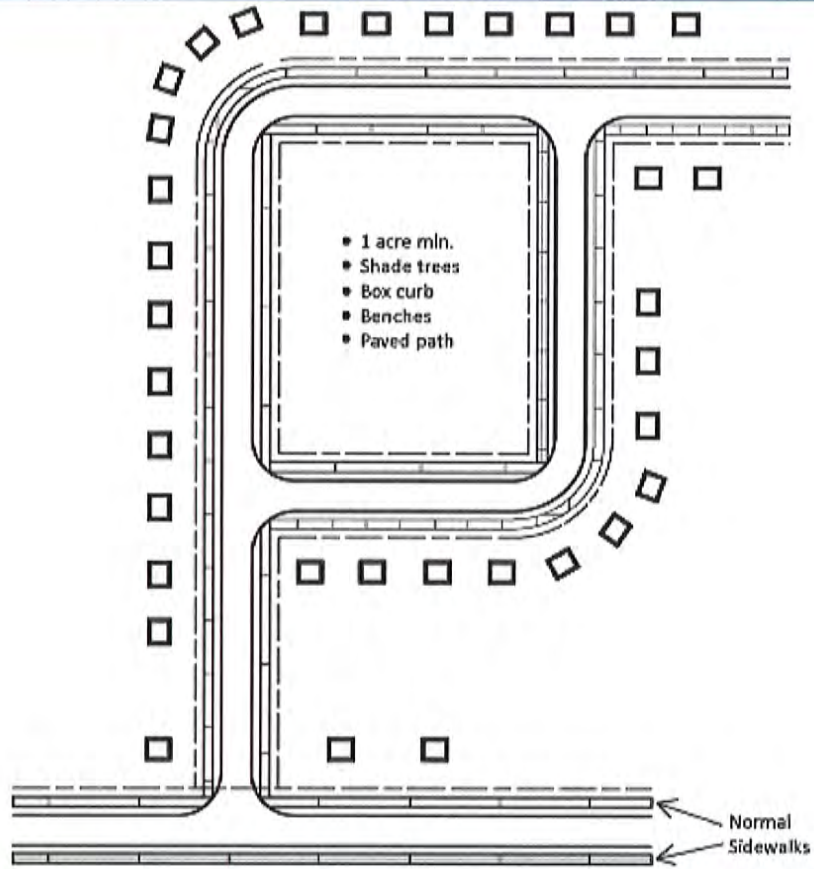
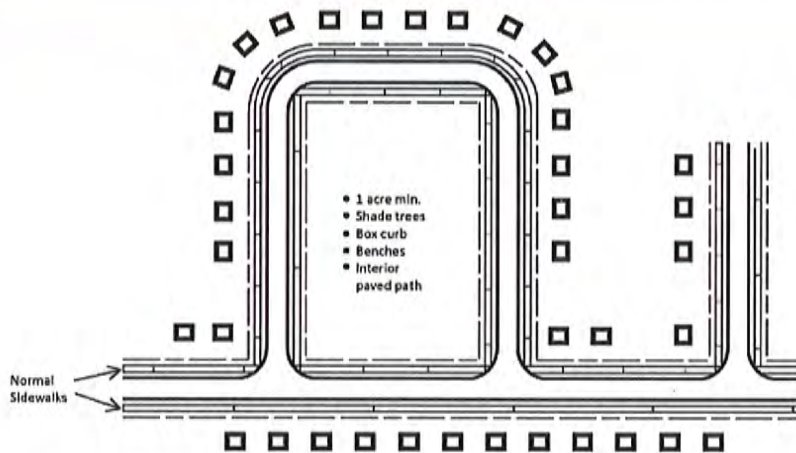


Figure 31-8
Side Green

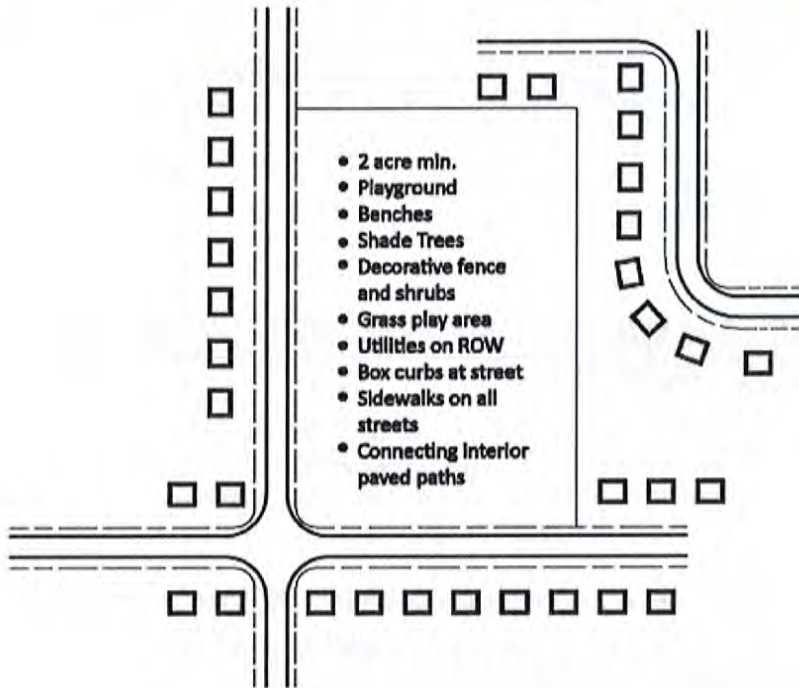


4. Neighborhood Corner Park



- a. This type of open space is a two-acre minimum neighborhood style park that is highly visible within the residential fabric. It shall contain as a minimum: a significant playground facility, a sidewalk along the adjacent streets, paved pedestrian paths to serve the playground, benches, and shade tree plantings. The adjacent street contains box curbs along the park. Decorative fence is required along all adjoining residential lots.

Figure 31-9
Neighborhood Corner Park

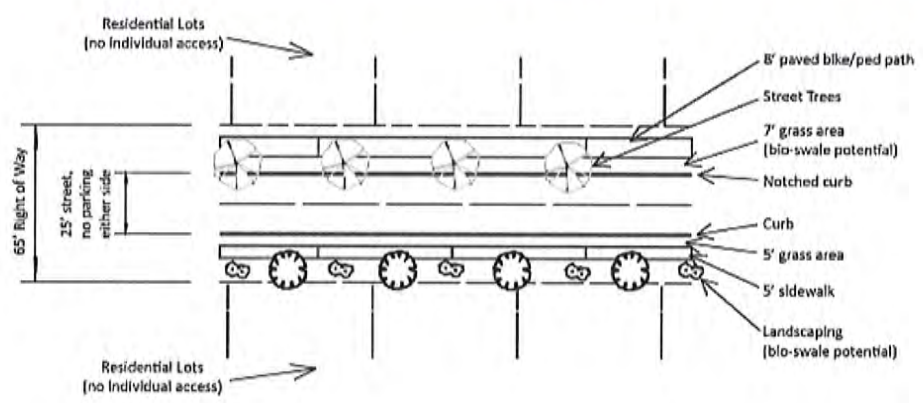


5. Green Boulevard Street

- a. This option contains a minimum sixty-five (65) foot wide right of way which has landscaping, and pedestrian/bike routes on both sides of the roadway. The street contains no individual driveway access. Streetscape improvements are required and must be detailed. These shall include as a minimum: street trees or trees near the right-of-way edge, decorative fence or berms, and wider grass areas than on a typical subdivision streetscape. The green areas along this street need to be HOA maintained, however, the developer can receive open space credit for the entire right-of-way of the subject street including the street area itself. The open space portions of any subdivision shall be clearly designated during subdivision review, and clearly described with use restrictions referenced on a Final Plat filed at the Boone County Clerk's office. They shall be protected from development by an appropriate restrictive covenant, scenic or conservation easement, public dedication, or homeowner's agreement. The ownership and responsibility for continued maintenance of the open space areas is also required. HOA documents shall be submitted at the Improvement Plan and Final Plat review stages, and shall demonstrate long term financial stability of the proposed HOA.



Figure 31-10
Green Boulevard Street



SECTION 3113 SINGLE-FAMILY DETACHED AND DUPLEX DWELLING UNITS ON A SINGLE RECORDED PARCEL

- A. Single family detached dwelling units and duplex dwelling units (including mobile homes in the A-1 zone) within Agricultural or Residential districts/zones shall be required to be individually placed on single lots of record unless required to obtain Site Plan approval by the underlying zoning district or ARTICLE 30.

SECTION 3114 ACCESSORY DWELLING UNIT REGULATIONS

- A. Where allowed, accessory dwelling units shall meet the following requirements:
 1. Shall only be allowed for detached single family dwellings that are not patio homes.
 2. Only one (1) accessory dwelling unit per lot shall be allowed.
 3. Shall only be allowed on lots having an area that are a minimum of 1.5 times the minimum lot area of the district in which it is located.
 4. Shall not occupy more than thirty-five percent (35%) of the total floor area of the principal structure.
 5. When located within a single family residence, an accessory dwelling unit shall either: (a) use an existing entrance for access; or (b) use a new entrance for access that is only located on the rear or side of the structure. The construction of an additional exterior ingress/egress doorway on the front or corner side of the structure shall be prohibited.
 6. When located within an accessory structure, an accessory dwelling unit shall be a Conditional Use within the RS, SR-1, SR-2, SR-3, R-1F, UR-1, UR-2, or UR-3 districts.
 7. When located within the SC, WD, or GR-R districts, the principal dwelling unit, together with the accessory dwelling unit, shall not exceed the maximum permitted density for the district in question.
 8. In addition to the required parking for the residence, a minimum of one (1) additional parking space shall be provided.

SECTION 3115 EXEMPTIONS FOR AGRICULTURAL PURPOSES



- A. Land used for agricultural uses, as defined in ARTICLE 40, are exempt from requirements for zoning permits, certificates of occupancy and height and yard standards for agricultural buildings, except that:
 1. Set back lines may be enforced for the protection of existing and proposed streets and highways.‡
 2. That all buildings and structures in flood areas designed under local flood protection control areas may be fully regulated.

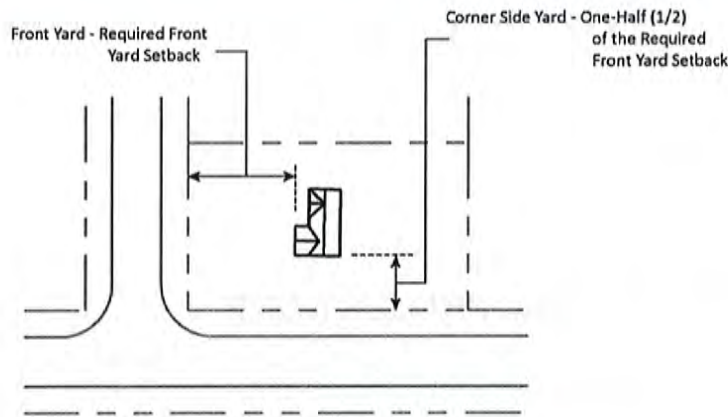
SECTION 3116 REGULATIONS FOR EMERGENCY SHELTERS

- A. Emergency Shelters shall meet the following requirements:
 1. If located in an Agricultural or Residential district, the facility shall be operated within an existing building having a minimum floor area of 5,000 square feet.
 2. The facility must be operated by a non-profit organization, a sponsoring agency, or government agency.
 3. The facility must provide continuous on-site staffing during the hours of operation.
 4. It shall be the responsibility of the shelter operator to notify the appropriate legislative unit(s) that a shelter is/will be in operation.

SECTION 3121 SETBACK REQUIREMENTS FOR CORNER LOTS

- A. On a corner lot, the front yard shall be determined by the orientation of the building located on the site. The corner side yard setback from the side yard right-of-way shall be a minimum of one-half (1/2) the required front yard setback. This corner side yard setback requirement regulates the location of the principal building and any associated accessory structures (refer to definition of "Yard, Corner Side" in ARTICLE 40).

**Figure 31-11
Corner Side Yard Setback**

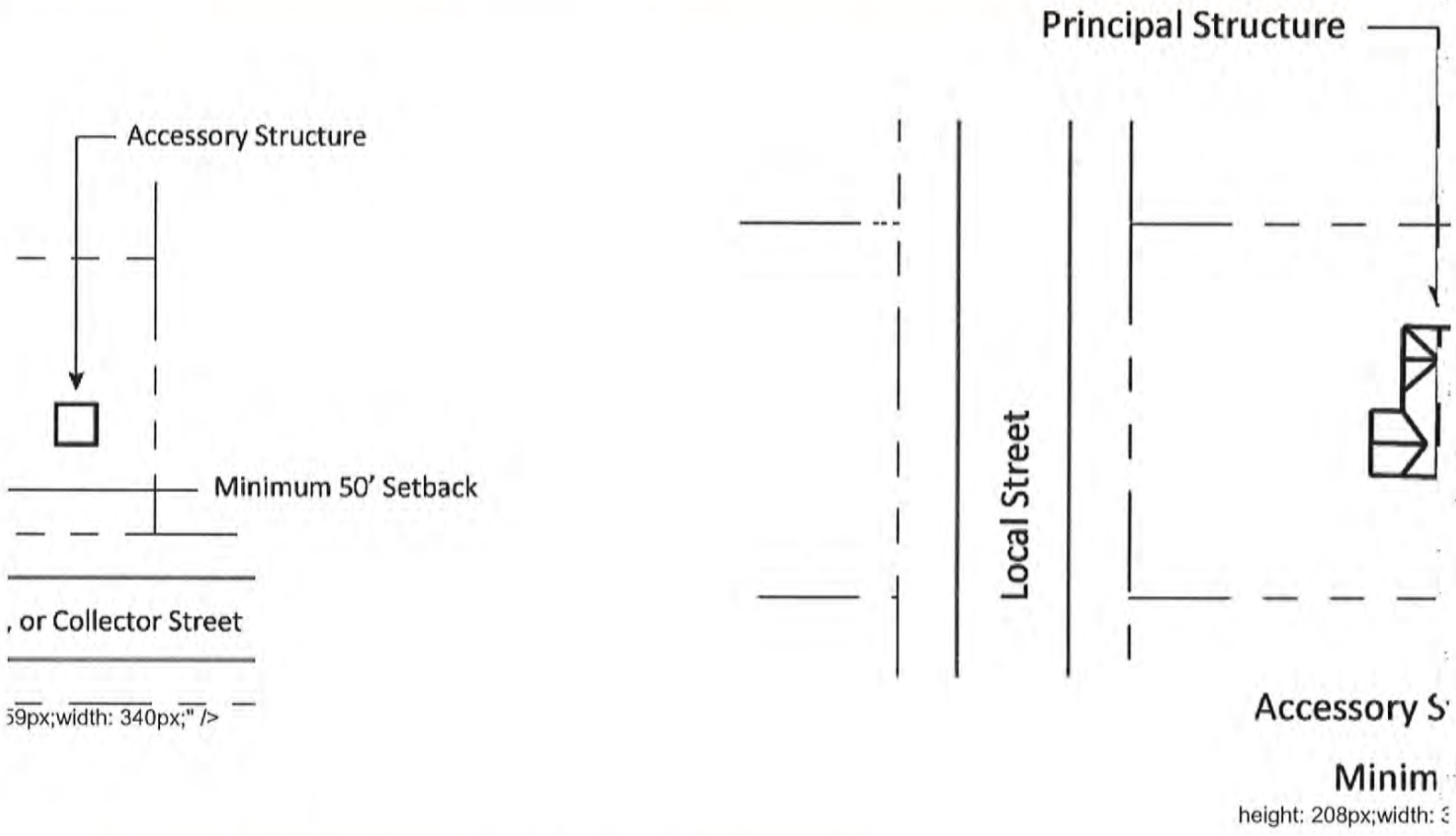


SECTION 3122 REAR YARD AND CORNER SIDE YARD SETBACK REQUIREMENTS ALONG FREEWAY, EXPRESSWAY, ARTERIAL AND COLLECTOR ROADS



- A. The setback for a rear yard or corner side yard which adjoins a freeway, expressway, arterial, or collector road, as classified in ARTICLE 32, shall be a minimum of fifty (50) feet for principal structures and twenty (20) feet for accessory structures.

Figure 31-12
Rear Yard and Corner Side Yard Setback Requirements
Along Freeway, Expressway, Arterial and Collector Roads



SECTION 3123 ARCHITECTURAL PROJECTIONS

- A. Open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. Chimneys, steps and staircases, and overhangs and gutters may extend up to two and one-half (2 ½) feet into a required front, side, or rear yard. However, such extensions into a required yard shall not impede, disrupt, or interfere with storm water flow and may need to be cantilevered above grade or necessitate the construction of a storm pipe system with drainage structures or other improvements to provide adequate site drainage.

SECTION 3124 EXCEPTIONS TO HEIGHT REGULATIONS



- A. Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, wind turbines for on-site power production and consumption, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 3130 Radioactivity or Electrical Disturbance

- A. ~~No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.~~

SECTION 3131 Vibration

~~No activity shall cause a vibration which is discernible without instruments on any adjoining lot or property.~~

SECTION 3138 Other General Provisions

- A. ~~The purpose of these supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.~~

SECTION 3140 Household Agriculture

~~Household agriculture, as defined in ARTICLE 40, is not permitted in the City of Florence.~~

SECTION 3142 HOME BUSINESSES AND HOME OCCUPATIONS

- A. The provisions of this section are intended to preserve and promote the residential character of neighborhoods while allowing limited commercial activity to take place. The following regulations are established to ensure that home businesses and home occupations are compatible with the neighborhood in which they are located.
- B. ~~Occupations of personal services, professional office or studios which are maintained or conducted solely within a dwelling will be permitted only if they meet all of the following performance standards:~~
 1. Home Business: Where allowed, home businesses shall meet the following requirements, in addition to any other conditions imposed by the Board of Adjustment:
 - a. The use is conducted entirely within a dwelling or in an accessory structure.
 - b. Other than members of the household residing on the premises, no more than one (1) person who is not a member of the household residing on the premises, may be engaged in the operation of the home business.
 - c. On site sales or services shall be limited to products and services related to the home business.
 - d. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a home business.
 - e. No home business shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration, discernable from abutting properties.
 - f. There shall be no pickup or delivery by business related commercial vehicles, except for U.S. mail and standard UPS/FedEx sized vehicles.
 - g. There shall be no outdoor display or storage of goods, equipment, or services that are associated with the home business.
 - h. No new entrance or separate driveway shall be permitted for the home business.



- i. No commercial vehicle associated with the home business shall be permitted on the premises, except within a completely enclosed garage.
- j. Signage shall be regulated by ARTICLE 34.
2. Home Occupation: Where allowed, home occupations shall meet the following requirements:
 - a. ~~The use is clearly incidental to the principal residential use;~~
 - b. The use is conducted entirely within a dwelling and not in an any accessory structure, buildings;
 - c. Only members of the household residing on the premises may be the primary owners/operators of such operation, in addition, no more than one (1) person, other than members of the household residing on the premises, shall be engaged in the operation of the home occupation, such operations;
 - d. No commodity shall be sold on the premises in connection with such home occupation.;
 - e. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a home occupation, non-residential use;
 - f. ~~No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;~~
 - g. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration discernible from abutting properties.
 - h. No customers or clients shall be permitted on the premises in connection with the home occupation.
 - i. There shall be no pickup or delivery by business related commercial vehicles, except for the U.S. mail and standard UPS/FedEx sized vehicles.
 - j. There shall be no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
 - k. No separate entrance or separate driveway shall be permitted for the home occupation.
 - l. No commercial vehicle associated with the home occupation shall be permitted on the premises, except within a completely enclosed garage.
 - m. ~~No signage or other on-premise advertising shall be used in conjunction with a Home Occupation.~~
 - n. Signage shall be regulated by ARTICLE 34.
- C. A Home Business or a Home Occupation Permit must be issued by the Planning Commission before any home business or home occupation is initiated.
- D. A Home Business or Home Occupation Permit may be revoked by the Zoning Administrator for noncompliance with the requirements of this section. ~~Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.~~
 1. The revocation notice must be provided to the property owner in writing, stating how the home business or home occupation is violating the requirements of this section.

SECTION 3147 TEMPORARY BUILDINGS

- A. Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work or snow removal ~~only~~ may be permitted in any district during the period construction work is in progress or during winter months, but such temporary facilities shall be removed upon completion of the construction work or in the spring. These temporary buildings, construction trailers, equipment, or materials cannot be used for advertisement of any kind. However, the temporary building or construction trailer may display the builder's and/or developer's names.



SECTION 3149 PARKING AND STORAGE OF CERTAIN VEHICLES

- A. The parking and storage of automobiles, recreational vehicles, trailers, and employment vehicles are permitted in accordance with the following standards:
1. Unlicensed vehicles and disabled vehicles shall be stored inside an enclosed building or structure. Disabled vehicles are those which are in any state of disassembly, unable to drive under their own power, or are otherwise not roadworthy for driving on public streets.
 2. Automotive vehicles shall be parked or stored on a paved surface, except where driveways and parking areas serving one single-family residence on a lot of one acre or more shall be exempt from this requirement (refer to SECTION 3314). However, this exception shall not apply inside the City of Florence.
 3. One recreational vehicle or one trailer, which does not exceed twenty-five (25) feet in length or nine (9) feet width, may be stored in a side yard (excluding corner side yard) or rear yard only and shall be stored or parked only on a paved surface, except where driveways and parking areas serving one single family residence on a lot of one acre or more shall be exempt from this requirement (refer to SECTION 3314). However, this exemption for one single-family residence on a lot of one acre or more shall not apply inside the City of Florence.
 4. Vehicles used for employment or business purposes that are larger than a full size pick-up or a full size van (larger than one ton), or commercial style vehicles, trailers, implements, and equipment regardless of size such as dump trucks, tow trucks, Bobcat style implements, and trailers carrying lawn service equipment, shall not be stored or parked within residential districts/zones.
 5. In multi-family, mobile home parks, or townhouse developments, storage of recreational vehicles and trailers or boats shall be in designated areas only. These designated areas shall be illustrated on the appropriate zoning permit or site plan.
 6. In employment or commercial districts, recreational vehicles or boats, shall be placed in designated storage areas only which are indicated on the approved Site Plan and not in any designated parking area.

The following provisions apply only to the City of Union (the provisions stated above do not apply to the City of Union):

~~Parking and/or storage of recreational vehicles, travel trailers, trucks, boats, and trailers used solely for the transport of the resident's recreational vehicle(s) is permitted in residentially zoned areas, provided all of the following conditions are satisfied:~~

- ~~a. No more than two (2) such vehicles may be parked or stored on a single dwelling's property.~~
- ~~b. No more than one (1) such vehicle may be parked or stored within the front yard of a dwelling.~~
- ~~c. Such vehicles shall not be occupied for living purposes.~~
- ~~d. Such vehicles shall be limited to those owned by the occupant of the dwelling.~~
- ~~e. Such vehicles shall not be parked where such parking or storage shall constitute a clear and demonstrable traffic hazard, or be a threat to public health or safety.~~
- ~~f. Such vehicles shall not be parked within the front yard where there is an existing driveway leading to the side or rear yard of the residence than can accommodate such vehicle.~~
- ~~g. Such vehicles parked in a front or side yard shall be parked on a paved surface.~~
- ~~h. Such vehicles parked in a front yard shall not exceed twenty five (25) feet in length, nor eight (8) feet six (6) inches in width, exclusive of accessory items such as antennas, masts, etc.~~
- ~~i. parking such vehicles in a front yard parallel to the front property line is prohibited except where a curved or circular driveway exists. In those cases, suitable screening of the vehicle shall be provided by the occupant of the premises.~~



Definitions:

- a. ~~Recreational vehicles, travel trailers, trucks, boats, and trailers~~ as referred to in this section shall mean vehicles, boats, vessels or other types of portable structures, with or without a mode of power, licensed or unlicensed, that are without permanent foundation, which can be towed, hauled, sailed, or driven, and are designed primarily for recreational, camping, fishing, sailing, and/or travel use, such as, but not limited to, travel trailers, motor homes, buses converted to recreational or other non-commercial uses, vans, trucks with or without camper shells, campers, camping trailers, motorcycles, off-road vehicles, aircraft, boats or other vessels.
- b. ~~Front yard~~ is that portion of the property measured from the front plane of the dwelling to the street, exclusive of sidewalks.
- c. ~~That any definition herein is in conflict with any definition in ARTICLE 40 shall control the definitions in this section.~~

SECTION 3151 REQUIRED TRASH AREAS

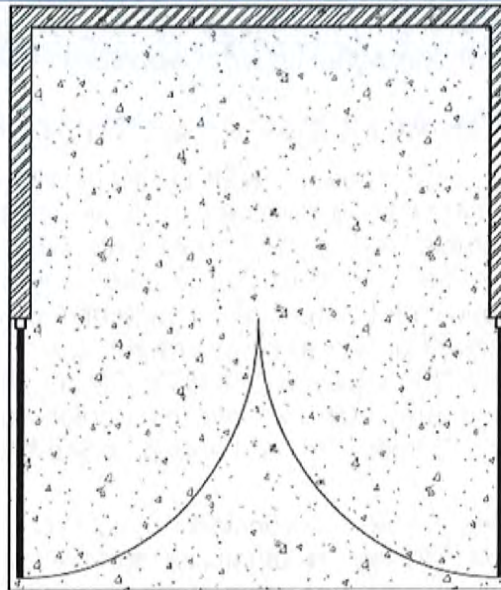
- A. All commercial, office, and employment uses that provide trash and/or garbage collection areas shall be completely enclosed within a structure to minimize their visual impact from public streets, internal circulation areas, and adjoining properties.
- B. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Zoning Administrator.
- C. ~~Within Unincorporated Boone County and the Cities of Union and Walton, s~~Such enclosure structure shall be constructed of brick or masonry walls and/or wooden fences which are a minimum of five (5) feet tall or one foot higher than the trash container to be screened. Chain link fences with slats are not acceptable enclosure materials.
- D. ~~Within the City of Florence, where such structure is visible from a public or private street, such enclosure structure shall be constructed with the same material(s) as the principal structure. If the principal structure is constructed of EIFS, then the enclosure structure shall be constructed with brick, stone, textured architectural grade block, or vinyl privacy fencing. Chain link fences with slats are not acceptable enclosure materials.~~
- E. ~~Within the City of Florence, where such structure is not visible from a public or private street, such enclosure shall be constructed with the same material(s) as the principal structure, brick, stone, textured architectural grade block, or vinyl privacy fencing. Chain link fences with slats are not acceptable enclosure materials.~~
- F. The gates or doors of the garbage collection area or dumpster enclosure shall be kept completely closed except at times when the area or dumpster is being serviced. Additional requirements are located within ARTICLE 36.

Figure 31-13
Trash Enclosure

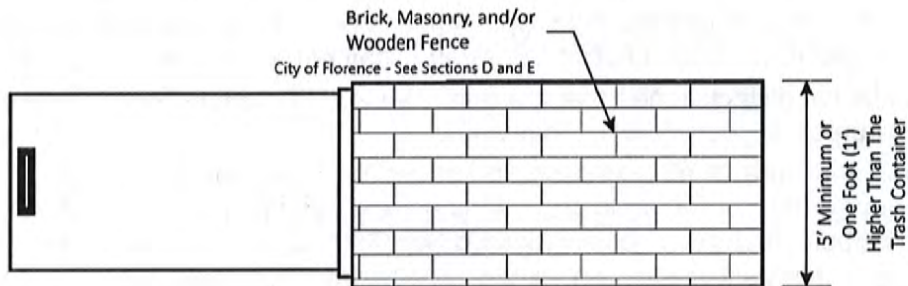
Plan View



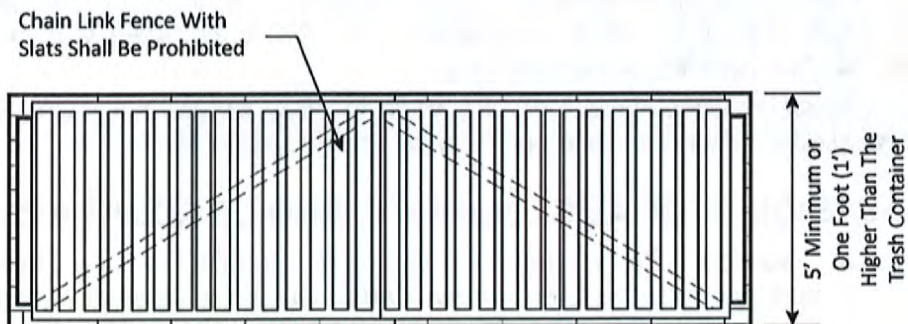
Figure 31-13
Trash Enclosure



Side Elevation



Gate Elevation



SECTION 3152 DESIGN STANDARDS FOR SHOPPING CART STORAGE

The following applies to the City of Florence only.



- A. All shopping cart storage areas shall be clearly identified on any required Site Plan, major or minor.
- B. Shopping cart storage areas shall only be permitted in approved designated areas.
- C. Shopping cart storage areas shall not be located within any required off-street parking space or drive aisle, and shall not be located in areas that impedes pedestrian circulation.

SECTION 3153 LOCATION OF ACCESSORY STRUCTURES OR USES

- A. Accessory structures or uses, as defined in ARTICLE 40 of this order (ordinance), shall be placed in the side or rear yard only, but not the corner side yard, and shall be no closer than five (5) feet to any property line in all zoning districts (refer to SECTION 3122 for setbacks along freeway, expressway, arterial, or collector roads). Accessory structures or uses may be located in the front yard area or corner side yard area in Agricultural zones or for agricultural uses located in other ~~districts~~ zones provided the respective front yard or corner side yard setback is met. (THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY ONLY). Roof structures that are open at the sides and/or partially enclosed structures that are used solely to house farmers marts may also be located in the front yard area or corner side yard area provided the respective front yard or corner side yard setback is met.
- B. For the purposes of this section, fences are considered accessory structures and may not be located in the front yard or corner side yard (except as otherwise permitted under SECTION 3655). However, the five (5) foot setback requirement does not apply to fences located in the side or rear yards (refer to SECTION 3655 for fencing requirements). Retaining walls which are an integral part of a grade may be located in any yard and are not subject to setback requirements. Gas pumps, automatic teller machines, guard shacks, and photo service facilities are permitted in the front yard, but shall be located at a sufficient distance from the property line in order to have safe internal traffic flow as per the requirements of ARTICLE 32 and ARTICLE 33 and shall not be located in required landscape areas.
- C. For lots in residential ~~districts~~ zones that are less than 20,000 square feet in area, except for land used for agricultural purposes, the following shall apply:
 - 1. The combined area of all accessory structures on a lot, not including open, outdoor swimming pools or other non-roofed structures, shall not exceed fifty percent (50%) of the gross floor area of the principal structure or seven hundred fifty (750) square feet, whichever is larger.
 - 2. A maximum of three roof covered accessory structures are permitted.
 - 3. Accessory structures shall not exceed the height of the principal structure.
- D. Within any Commercial or Employment district within the City of Florence, accessory structures shall be constructed with the same material(s) as the principal structure. If the principal structure is constructed of EIFS, then the enclosure structure shall be constructed with brick, stone, textured architectural grade block, or vinyl privacy fencing.
- E. Within any Commercial or Employment district within the City of Florence, accessory structures shall not have any exposed trusses or beams and all eaves shall be enclosed.

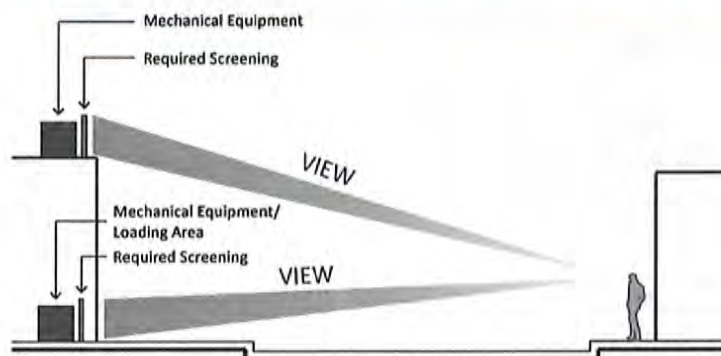
SECTION 3154 OUTSIDE STORAGE, DISPLAY, AND LOADING AREAS

- A. The purpose of this section is to regulate permanent or on-going outside storage, display, and/or loading areas in accordance with the following standards. Outside display of a temporary, seasonal, or occasional nature is regulated by ARTICLE 35.
 - 1. Sales, leasing, or rental display areas for vehicles such as recreational vehicles, trucks, and automobiles, are considered to be parking areas by ~~these regulations~~ ~~this order~~ and are subject to all applicable site plan requirements for parking areas including landscaping requirements and the parking area requirements of ARTICLE 33.



2. Other outside storage, display, and loading areas are permitted only when listed as a permitted use in the applicable zoning district, provided such activities are an integral function of the principal use.
3. Outside storage, display, and loading areas shall be located in the side or rear yard only, except in Industrial districts where they may also be located in the front yard and corner side yard. Outside storage, display, and loading areas shall not be located within areas that are required to be landscaped per ARTICLE 36 (this paragraph applies to unincorporated Boone County and cities of Walton and Union, except as provided in paragraph 5 of this Section for the City of Walton only). Outside storage, display, and loading areas shall be located in the side or rear yard only. Outside storage, display, and loading areas shall not be located within areas that are required to be landscaped per ARTICLE 36 (this paragraph applies to the City of Florence only).
4. In all zoning districts where outside storage, display, and loading areas are permitted, except for Industrial districts, such areas shall be screened and enclosed with a wall structure constructed of decorative masonry (excluding plain faced concrete blocks), EFIS, stucco, or other material which is the same or compatible with the texture and color of the materials of the principal building, excluding metal siding, wood fencing, or any type of link or wire fencing regardless of whether or not slats are used. The solid wall enclosure structure shall be high enough to screen the materials or products which are kept within the enclosure, although the area of the walls that are above the height of the materials or products contained within the structure, and any gates, may be constructed of architectural grade metal or wrought iron type fencing (excludes metal siding, wood fencing, and any type of link or wire fencing or gates). The solid wall enclosure structure shall adjoin, and be attached to, the principal building on the site.
5. Notwithstanding any other provisions of this Section 3154, outside storage, display, and loading areas for corner lots within the C-2 district that have frontage on two local streets, are immediately adjacent to an Industrial district, and have a minimum lot area of six (6) acres may be located within the front, rear, side, and corner side yards, but not within any area required to be landscaped per ARTICLE 36. In addition, outside storage, display, and loading may be located: (1) along the front of a building, provided that it is in a marked area and does not interfere with pedestrian movement; and (2) along the edge of designated off-street parking areas. All outside storage, display, and loading areas shall have no screening requirements except for those required along the perimeter of the lot (this paragraph applies to the City of Walton only).

Figure 31-14
Outside Storage, Display, Loading Area Screening





SECTION 3155 DRIVE-THROUGH FACILITIES

- A. Drive-through facilities are permitted only when listed as a permitted use in the applicable zoning district and in accordance with the following standards.
1. Drive-through facilities must be incidental and subordinate to the principal use of the property.
 2. The vehicular lane(s) serving a drive-through facility must be a minimum of **ten (10)** feet wide. This minimum **ten (10)** foot wide driving lane is for the exclusive use of the drive-through facility, and parking spaces cannot be situated so that vehicles must back into it.
 3. Canopies, awnings, or other structural components which are part of drive-through operations shall be attached to the principal building and have a design which is integral with the principal building by using the same materials, colors, and design details or stylistic features.
 4. Drive-through lanes, windows, canopies, or other structures, shall be located at the side or rear of the principal structure only and shall not directly adjoin street frontages which abut the front yard or corner side yard.
 5. Intercoms or other audio devices used in conjunction with a drive-through facility shall not be audible beyond the property line of the lot containing the drive-through facility.
 6. Signage for drive-through facilities shall conform to the requirements of **ARTICLE 34**.
 7. A single stacking space shall have a minimum width of **ten (10)** feet and a minimum length of **twenty (20)** feet.
 8. A stacking space does not include the space where the service is being conducted or the product is being dispensed.
 9. Stacking spaces shall be provided as follows (these requirements shall be the minimum that must be provided and the required amount of stacking spaces may be increased based upon the peak hour trip generation information required per **SECTION 3004**):
 - a. Car Wash, Automatic: a minimum of three (3) stacking spaces per drive through lane.
 - b. Car Wash, Self Serve: a minimum of four (4) stacking spaces per bay.
 - c. Eating and Drinking Establishment: A minimum of four (4) stacking spaces, per drive through lane, prior to the menu board/ordering station, plus one (1) stacking space at the menu board/ordering station, plus a minimum of four (4) stacking spaces between the menu board/ordering station and the pick up window.
 - d. Financial Services: A minimum of four (4) stacking spaces per window, ATM, dispenser, or other service machine.
 - e. Gasoline Filling Station: A minimum of two (2) stacking spaces per fuel island.
 - f. Uses not listed above: A minimum of three (3) stacking spaces per drive through lane.
 10. The zoning administrator may modify the requirements of subsection 9, based upon the submittal of a traffic/parking study.

SECTION 3156 PUBLIC RIGHT-OF-WAY

- A. Nothing in these regulations ~~this order~~ shall permit the placement of any structure or use in any public right-of-way except publicly owned uses or structures and mailboxes which are of a break away type construction.

SECTION 3157 RECYCLING COLLECTION CONTAINERS

- A. Dumpster style recycling collection containers for public use are permitted only when listed as an accessory use in the applicable zoning district and in accordance with the following standards.



1. One recycling collection container may be located in any yard area, but shall not be located in any area that is required to be landscaped.
2. Recycling collection containers must be placed on a hard paved surface and located outside of driveways and required parking spaces.
3. Recycling collection containers must either be enclosed per the requirements of SECTION 3151 or kept in a clean, new appearing condition. Recycling collection containers which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
4. If two or three recycling collection containers are kept on a site, all containers shall be kept within a common enclosure that conforms to the requirements of SECTION 3151. The common enclosure for multiple containers shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three containers may be kept on a single site.
5. Each recycling collection container shall be limited in size to ten (10) cubic yards and shall have a lid.
6. Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas and are subject to the requirements of SECTION 3151.

SECTION 3158 REQUIRED FENCING BETWEEN RESIDENTIAL DEVELOPMENTS AND AGRICULTURAL USES

- A. Development in all residential districts except for the RSE ~~district zone~~, that is subject to either the Major Division of Land procedure per the BOONE COUNTY SUBDIVISION REGULATIONS or Site Plan Review per ARTICLE 30 of ~~these regulations~~~~this order~~, shall provide a minimum four (4) foot high fence along the common boundary with an active agricultural operation or if the adjoining property is currently zoned A-1 or A-2. an active agricultural operation for the purposes of this section includes the raising of livestock or annual crops on at least 10 contiguous acres. This fencing shall be placed on the developing property and shown within an easement on the Final Plat if the development will be subdivided. The fencing may be placed on the property of the active agricultural operation by agreement with the property owner. Maintenance of the fence shall be the responsibility of the owner(s) of the property(ies) where the fence is located unless assigned to a specific party or entity such as a Homeowner's Association. The fencing material shall minimally be stock wire, although chain link, rail fencing with wire inserts, picket fencing, solid privacy fencing, and comparable materials are also acceptable. The finished side of this fencing may face towards the developing property. The fencing required by this section may be waived or an alternative fencing height proposed. Materials or fence location may be altered or the acceptance of an existing fence, upon agreement of all affected property owners.

SECTION 3159 PATIO HOME STANDARDS

- A. Patio homes are permitted only when listed as a permitted use in the applicable zoning district and in accordance with the following standards.
 1. A patio home may not exceed two (2) stories above finished floor level.
 2. Patio homes shall be oriented so that the side facades are proportionally longer than the front and rear facades. This requirement may be modified or waived when it is impractical due to physical limitations inherent in the site such as topography or shape of the development's parent tract.
 3. A uniform architectural program which must be followed by all patio homes within the same development shall be submitted and approved at the Preliminary Plat stage. The program shall include standards for consistent building massing, roof design, materials, and colors.



SECTION 3160 RESIDENTIAL TOWNHOUSE AND MULTI-FAMILY DESIGN STANDARDS

A. Intent

1. The purpose of this section is to provide a succinct and consolidated statement of the intensity, height, and setback requirements governing the development of townhouses and multi-family dwellings permitted in the various zone districts as provided in this order. In addition to the following standards, all townhouse and multi-family developments shall be designed in accordance with sound engineering principles particularly with regard to vehicular access, interior site circulation, and surface drainage. In addition, the development of townhouse and multi-family dwellings must comply with ARTICLE 30, Site Plan Review.

B. Design Standards For Multi-Family Development (Applies to the City of Florence only)

1. The exterior of each structure, excluding the roof and fascia, shall utilize a minimum of three (3) different building materials.
2. Each building façade shall include a minimum of two (2) distinct colors.
3. For every one hundred twenty (120) feet of facade length, there shall be a plane break along the façade comprised of a minimum five (5) feet in depth by twenty-five (25) feet in length, which shall be from grade to the highest story.
4. Facades of a multi-family residential development facing a public street shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than thirty (30) feet apart. Such wall offsets shall have a minimum depth of two (2) feet that extend from grade to the highest story of the building.
5. Facades of a multi-family residential development facing a private street shall incorporate wall offsets, in the form of projections or recesses in the facade plane, spaced no more than one hundred (100) feet apart. Such wall offsets shall have a minimum of five (5) feet by twenty-five (25) feet in length that extends from grade to the highest story of the building.
6. Compound shaped buildings comprised of building wings including, but not limited to, 'L', 'T', 'U', or 'E' shaped plans shall be articulated into a series of smaller, simple, discrete volumes. Articulation must include a minimum six (6) foot by six (6) foot recess at the intersection of two discrete volumes, accompanied by a minimum five (5) foot difference in height between the roof of each building wing and the recessed portion of the building.
7. Horizontal eaves longer than forty (40) feet shall be broken up by gables, building projections, or other articulation.
8. Where the side façade at the end of a building is oriented to a street, driveway, or common open space area, massing and level of detailing of the side façade shall be consistent with the front façade. Architectural treatments shall be provided which wrap around the side of the building.
9. All principal structures shall consist of a minimum of fifty (50) percent brick or stone. EIFS and Vinyl siding are prohibited.
10. All roofs shall have a minimum six (6) inch fascia.
11. Roof Design Standards:
 - a. Pitched roofs shall have a minimum six (6) inch fascia.
 - b. Pitched roofs shall have a minimum six/twelve (6/12) pitch over eighty (80) percent of the roof area, with no pitch flatter than four and one-half /twelve (4.5/12).
 - c. Flat roofs shall be concealed by parapet walls that extend at least three (3) feet above the roof level and have three-dimensional cornice treatments that project at least eight (8) inches outward from the parapet facade plane.



- d. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
12. Any development that includes a multi-family structure shall include recreational amenities primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the zoning administrator.
13. Building entry points shall be articulated with one (1) of the following:
 - a. Open space, plaza, or courtyard.
 - b. Special paving.
 - c. Seating.
 - d. Functional accent lighting.
 - e. Porches
14. Where possible, driveways and garage doors shall not face the adjacent public street.

SECTION 3161 DESIGN STANDARDS BY ZONE DISTRICT

- A. SR-2: Townhouses may be developed at a density not to exceed eight (8) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31-1-4. All townhouse structures shall maintain a thirty (30) foot front yard setback, thirty (30) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouse and accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse development as approved.
- B. SR-3: Townhouses and multi-family structures may be developed at a density not to exceed eight (8) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31-1-4. All townhouse structures and multi-family structures shall maintain a twenty-five (25) foot front yard setback, twenty-five (25) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouse and accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved.
- C. UR-1: Townhouses and multi-family dwellings may be developed at a density not to exceed twelve (12) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31-1-4. All townhouse and multi-family structures shall maintain a thirty (30) foot front yard setback, thirty (30) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouses, multi-family or accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved.
- D. UR-2: Townhouses and multi-family dwellings may be developed at a density not to exceed twenty (20) dwelling units per acre. No building shall exceed sixty (60) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31-1-4. All townhouse and multi-family structures shall maintain a twenty (20) foot front yard setback, twenty (20) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least ten (10) feet. All townhouse, multi-family, or accessory structures shall maintain a twenty (20) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved.
- E. UR-3: Townhouses and multi-family dwellings may be developed at a density not to exceed thirty (30) dwelling units per acre. No building shall exceed seventy (70) feet in height. Detached single family



dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31-1-4. All townhouse and multi-family structures shall maintain a twenty (20) foot front yard setback, twenty (20) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least ten (10) feet. All townhouse, multi-family and accessory structures must maintain a fifteen (15) foot setback from all property lines of adjacent property not included as part of the townhouse or multi-family development as approved.

- F. Setbacks Along Residential Condominium Streets: All structures along Residential Condominium Streets as defined in the BOONE COUNTY SUBDIVISION REGULATIONS, regardless of ~~district~~ ~~zone~~, shall maintain a minimum fifteen (15) foot front yard setback and ten (10) foot corner side yard setback. The front yard and corner side yard along Residential Condominium Streets shall be increased to twenty (20) feet where a driveway or parking pad is located between the building and street.
- G. Landominiums: The applicable density/intensity, setback, parking, landscaping, and other requirements outlined in ~~these regulations~~ ~~this order~~ shall be applied to the overall project site for landominium developments, versus individual buildings or lots within the overall project site. There is no required minimum lot size or lot frontage for individual lots or building sites within a multi-building/multi-lot landominium development.

SECTION 3162 HILLSIDE DEVELOPMENT GUIDELINES

- A. The purpose of these environmental standards is to guide the development of hillside sites so that this development is compatible with the environment and to protect those characteristics of the environment that have significant public value and which are vulnerable to damage by development. These standards are intended to protect the public and property owners from unsafe buildings or unstable land which would be caused by uncontrolled development; from significant damage or destruction of prominent hillsides and/or valleys caused by improper development; from significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships; from soil erosion and stream siltation; and from the destruction of mature and/or valuable trees and other vegetation.
- B. Hillsides where these standards apply have the following characteristics:
 - 1. Slopes of **twenty percent (20%)** or greater; and,
 - 2. Soil types identified in the Boone County Comprehensive Plan or Soil Survey of Boone, Campbell, and Kenton Counties as having development limitations; or,
- C. These hillsides may also have the following characteristics:
 - 1. Existence of geologic formations which limit development;
 - 2. Prominent hillsides which are readily viewable from a public thoroughfare from a significant historical site, from an established or planned nature preserve or park, or from an established small community district.;
 - 3. Hillsides which provide views of a major stream or valley.;
 - 4. Hillsides which function as community separators, or boundaries by their location or vegetation.;
 - 5. Hillsides which support a substantial natural wooded cover.
- D. The Boone County Planning Commission and prospective developers should utilize the following development guidelines for the construction of any type of structure on hillsides. The Planning Commission shall use these guidelines as general parameters for reviewing applicable development proposals subject to major subdivision, site plan, and zoning map amendment, or concept development plan reviews.
 - 1. Use irregular architectural edges to inter-lock buildings with hillside vegetation. Emphasize attachment with planting which overlaps building edges, especially at the foundation.;



2. Cluster new development, retaining surrounding tree cover and minimizing changes in topography.;
 3. Match scale of buildings to scale of terrain.;
 4. Retain the natural slope lines as seen in profile. Restore the vegetation lines which convey the slope lines.;
 5. Plan buildings to fit into hillside rather than altering the hillside to fit the buildings.;
 6. Maintain a clear sense of the hillside brow by sitting buildings back from it.;
 7. Maintain the natural appearance of the brow by retaining existing trees, planting new indigenous trees, and other landscape measures.;
 8. Stagger or step building units according to the topography.;
 9. Use narrow lanes, one-way streets and split-level roads to avoid excessive earth moving. Locate roadway stream crossings where grading is minimized.;
 10. Site buildings not only to provide views, but also to provide a variety of community and private viewing places.;
 11. Plan buildings, drives and parking areas to acknowledge the natural contour line of the site.;
 12. Meet large parking requirements with multiple small parking areas, and screen with planting, beams, and terraces.;
 13. Respect the site's conditions of steepness, soil, bedrock, and hydrology so as to insure hillside stability both during and after development. Utilize erosion control measures during and after grading activity.;
 14. Replant all cuts, fills and any other earth modification.;
 15. Respect and retain natural site features such as streams, slopes, ridge lines, wildlife habitat, plant communities, and trees.;
 16. Employ sufficient, and in some cases additional, stormwater runoff systems that control the amount and rate of flow of stormwater leaving the post-development site that could affect adjacent steep slopes. Use natural drainage courses wherever possible.;
 17. Clearly designate disturbed limits on the plan and in the field before site work begins.
- E. Additional guidelines are optional at the discretion of the developer and are considered to be advisory. These additional guidelines are listed in Development Guidelines for Greater Cincinnati Hillsides.

SECTION 3166 CEMETERIES

- A. An applicant, property owner or developer has the option either to (1) relocate an existing private family cemetery ~~preserve an existing private family cemetery and develop around it~~ or (2) preserve such a cemetery on site and develop around it. ~~relocate an existing cemetery.~~
- B. ~~In~~ When relocating a private family cemetery, an applicant, property owner or developer shall be required to follow applicable local and state laws, which include KRS 381.720 through KRS 381.750 and KRS 381.750 ~~and coordinate with the Kentucky Office of Vital Statistics.~~ Under KRS 381.755, only the Boone County Fiscal Court has the authority to declare a cemetery abandoned in unincorporated Boone County, which is required prior to relocation. An applicant is not required to appear before the Boone County Historic Preservation Review Board. However, with cemetery relocation or the relocation of graves, the Boone County Historic Preservation Review Board shall be notified in writing by the property owner or developer by supplying to the Board copies of applications and permits during the relocation procedure. The Historic Preservation Review Board has additional online resources for family cemeteries in Boone County, including recommended guidelines for relocation.
- C. ~~In~~ When ~~in~~ preserving a cemetery on site, while at the same time developing a parcel, an applicant, property owner or developer has the following options:



1. Transfer the existing cemetery as part of a buildable lot:- Ownership and maintenance of the cemetery would be transferred to the individual lot owner.
 2. Make the existing cemetery a separate lot:- Ownership and maintenance of the cemetery would be transferred by written agreement to either a subdivision Homeowners Association, the developer of the subdivision, a local legislative unit, or other suitable ~~an historical~~ organization such as an historical society, church, or non-profit dedicated to cemetery preservation.
- D. If a private family cemetery exists on a parcel of land and the exact location of graves sites is ~~not determined~~ unknown, a developer or property owner shall follow the procedures below. ~~is advised to follow the procedures and guidelines stated in the Boone County Cemetery Preservation Plan (pgs. 23-26).~~ Specifically, these requirements shall be followed if a developer or property owner wishes to preserve an existing cemetery, while at the same time subdivide their property. These regulations mentioned below apply only to private family cemeteries and not to active cemeteries- maintained and administered by an existing cemetery board, sexton, church, or other formal organization. Any waiver of these regulations is permitted under the authority of the Zoning Administrator.
1. **30 Foot Buffer.** No construction or disturbance of any type shall occur within 30 feet of an existing private family cemetery regardless of adjoining property lines or land ownership. This 30 foot building limitation is an exclusive cemetery easement. ~~Also~~ The 30 foot easement is required regardless of whether the cemetery is: (1) part of a building lot and is being conveyed as a separate lot; or (2) ~~— Also, this setback limitation—~~ may result in combining lots or making larger lots in the area where the cemetery is located. ~~The 30 foot limitation is in the form of An exclusive cemetery easement.~~
 2. **Boundary and Documentation.** Cemetery boundaries shall be determined by an applicant's professional archaeologist from the list of archaeologists approved by the Kentucky Heritage Council. The Boone County Historic Preservation Review Board shall review the work and information of the archaeologist. The archaeologist shall be responsible for determining the approximate boundaries of the cemetery and providing information on the history of the cemetery. The Boone County Historic Preservation Review Board ~~may will be responsible for monitoring~~ the field work of the archaeologist and ~~will reviewing~~ the final report, which must include:-
 - a. Map(s) ~~included in the final report must (1)~~ portraying the location and orientation of graves within the cemetery.
 - b. Map(s) ~~and (2)~~ depicting the location and orientation of the cemetery relative to the site and ~~at least three nearby~~ recognized landmarks such as public roads or benchmarks visible on a USGS map.-
 - c. ~~The final report must also~~ Description ~~be the~~ of field and archival methods and results used to document the cemetery, including any genealogical information gathered in the process.-
 - d. In addition to digital files, printed ~~Two~~ copies of the final report shall be submitted to the Boone County Historic Preservation Review Board (1 copy) and Boone County Planning Commission (1 copy).
 - e. The cemetery name, location, boundary, fence, thirty (30) Foot Buffer and pedestrian access (see #6 below) shall be specified on plans submitted to the Boone County Planning Commission. A statement regarding future ownership and maintenance shall also be made on the site plan or subdivision plan.
 3. **Fences and Walls.** Existing cemetery fences and walls shall be repaired and maintained ~~and repaired for security reasons~~, prior to any other site work or disturbance. ~~If there is no existing fence or wall, if a cemetery exists and a property owner or developer wishes to build on the lot where the cemetery is located, or if proposed to be a separate lot~~ the property owner or developer is required to erect a new permanent fence (if one does not exist) surrounding the cemetery. The new permanent fence shall be made of a material which is compatible with the



material of the proposed new structure(s) (e.g. stone fence, brick fence and wooden picket fence) and should also fit in with the character of the existing cemetery and surrounding residences or buildings. If a portion of an original fence or wall remains, and it is a compatible material (as above, and including cast iron fencing), the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. chain link fence, barbed wire fence, or farm fence), it ~~shall~~ should be replaced with a new fence made of an appropriate material. Although the permanent fence must be erected as soon as practical, a temporary fence (e.g., orange snow fencing, wire fence) must be erected and maintained at all times during site development and construction. ~~before the permanent fence or wall is constructed.~~

4. **Maintenance.** Weeds shall be removed from a cemetery on a routine basis during both site development and after construction is completed. Grass shall be mowed on a routine basis. All ironwork and stonework shall be inspected for damage. Repairs shall be made by the owner of the property. Other planting or foliage shall be pruned and be generally left in its natural state. All other debris or trash shall be removed from the cemetery during both site development and after construction is completed. ~~A statement by the property owner, applicant or developer shall be made on the site plan or subdivision plan regarding permanent cemetery ownership and maintenance.~~
5. **Recording Requirements.** A Certificate of Land Use Restriction and a deed restriction shall be recorded in the Boone County Clerk's office acknowledging the location, size, ownership and permanent maintenance responsibility of a cemetery. This information shall also be recorded on a Final Plat for a subdivision if not yet recorded.
6. **Public Access** shall be provided to the existing cemetery with a minimum 5 foot recorded ingress-egress pedestrian access easement ~~which connects to a public or private street. Also, public and private streets shall be designed or located to provide access to an existing cemetery.~~
7. **Signage.** If no sign or marker ~~is existing~~ for the cemetery, a metal sign which displays the name and date(s) of the cemetery shall be installed. This sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet.
8. ~~Under KRS 381.755, only the Boone County Fiscal Court has the authority to issue an order or resolution authorizing the relocation of a cemetery in Boone County. In some instances, the Kentucky Office of Vital Records may also approve the relocation of graves. an applicant is not required to appear before the Boone County Historic Preservation Review Board. However with cemetery relocation or the relocation of graves, the Boone County Historic Preservation Review Board shall be notified in writing by the property owner or developer by supplying to the Board copies of all State and local applications and permits during the relocation procedure.~~

SECTION 3168 STORM WATER MANAGEMENT, DRAINAGE, AND LOT GRADING

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3170 BASIC DESIGN CRITERIA FOR A STORM DRAINAGE SYSTEM

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3172 BASIC DESIGN CRITERIA FOR STORM WATER DRAINAGE CHANNELS, WATER COURSES, AND EROSION CONTROL

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.



SECTION 3174 BASIC DESIGN CRITERIA FOR STORM WATER RUNOFF CONTROL FACILITIES

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3176 DETENTION BASIN STANDARDS AND SPECIFICATIONS

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3180 RESIDENTIAL LOT GRADING AND DRAINAGE

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3182 MAINTENANCE OF RETENTION/DETENTION AREAS

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3184 STORM WATER QUALITY BMP SIZING REQUIREMENTS

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3186 FLOOD HAZARDS

- A. No development shall occur which is not in conformance with local flood protection control regulations adopted pursuant to the U.S. Department of Housing and Urban Development Federal Flood Insurance Program.

SECTION 3188 WATER SUPPLY AND SEWAGE DISPOSAL

- A. No use, building, or structure shall be conducted or constructed without the infrastructure to insure that sufficient water supply and sewage disposal capacity is available to meet the needs of the particular site's users and to protect the environment.

SECTION 3190 SOIL EROSION AND SLOPE CONTROL

- A. Refer to current BOONE COUNTY SUBDIVISION REGULATIONS.

SECTION 3191 STANDARDS FOR SHORT TERM RENTALS (APPLIES TO UNINCORPORATED BOONE COUNTY AND THE CITY OF FLORENCE ONLY)

- A. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
- B. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
1. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests, except for the following:
 2. There shall be a maximum occupancy of ten (10) persons, adult or children.
- C. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
- D. In addition to the required parking for the residence, a minimum of one (1) parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
- E. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.



- F. The property on which the short term rental is to be located shall not be located closer than ~~one thousand~~ (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
- G. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
- H. It shall be unlawful:
 - 1. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - 2. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
 - 3. To advertise or offer a short term rental without first registering the property in which the short term rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertising of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - 4. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
 - 5. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 - 6. To operate a short term rental without paying the required hotel occupancy taxes.
 - 7. To offer or allow the use of a short term rental in a manner which violates the City Noise Ordinance (O-16-95). (Applies to the City of Florence Only)
 - 8. To fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 - 9. Permit the use of the short term rental for any illegal purposes or any use not permitted by the residential zoning regulations.
- I. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per ARTICLE 4, or a Minor Site Plan or Major Site Plan per ARTICLE 30, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

SECTION 3192 AIRPORT NOISE CONTOUR - SOUND INSULATION

- A. Airport Noise Contours are adopted by the Kenton County Airport Board in order to identify:
 - 1. Existing and future non-compatible land uses based on airport operation and off-airport land uses, which have generated the need to develop a Noise Compatibility Program (NCP).
 - 2. Changes in non-compatible uses to be derived from proposed NCP measures.
- B. Airport Noise Contours are established in a specific geographic area of the County where consideration of the relationship between land use and airport generated noise is recommended. Airport Noise Levels are defined to encompass areas generally within a "Yearly Day-Night Average Sound Levels," (DNL) value of 65 or higher based upon current or projected aircraft operations while utilizing existing or planned facilities at the Cincinnati-Northern Kentucky International Airport.

Section 3192.1 Applicability Of Noise Contours



- A. The Planning Commission, in its consideration of reviewing and issuing any residential zoning permit and all Site Plan Review applications and subdivision plan/plat reviews, shall consider the impact of aircraft noise on the proposed use and shall advise the applicant of the relationship of the proposed development to existing or projected aircraft noise. Such permit, plan and plat approvals shall be contingent on the adopted Kenton County Airport Board Noise Exposure Maps and shall involve sound insulation measures.
- B. The Planning Commission shall consider Table 31-29, Land Use Compatibility with Yearly Day-Night Average Sound Levels. This Table identifies land uses that are "normally compatible" or "noncompatible" with various levels of noise exposure. The levels of noise exposure, in yearly day-night average sound levels (DNL) correspond to the contours shown on Airport Noise Exposure Maps. The table indicates compatibility of the land uses with the outdoor noise environment. By comparing the predicted or existing yearly DNL level at a particular site with the values given in the table the range of compatible uses may be determined.
- C. In using the land use compatibility table, the following shall be considered:
 - 1. DNL contours indicate the boundaries lines between areas of acceptable or unacceptable noise exposures for the various land uses in Table 31-29. The contours do indicate the trend in relative noise levels. However, topography, vegetation, and the location of buildings or walls may often affect the impact of noise on humans at a specific site.;
 - 2. DNL levels may vary somewhat above or below the predicted levels for a particular location, depending upon local topography and vegetation, and upon final aircraft loadings and operations.;
 - 3. When appropriate, noise level reduction may be achieved through incorporation of sound attenuation into the design and construction of a structure to achieve compatibility. However, more specific measurement and analysis is generally advisable prior to incurring the expense of such sound treatment. Also, where appropriate, Noise Level Reduction measures may be taken into account in determining the compatibility of indoor uses or activities. Inasmuch as this implies that windows and doors must be closed and that air conditioning or artificial ventilation must be used, due consideration should be given to the living environment and quality of life before using NLR to place individual residences or schools into a "compatible" designation. Consideration should also be given to the possible impacts upon outdoor and indoor-outdoor living and activities.;
 - 4. Compatibility designations in the table generally refer to the major use of the site. If the uses with greater sensitivity to noise are permitted at a site, the compatibility determination is based upon the use which is most adversely affected by noise.
- D. Where Noise Level Reduction (NLR) measures are recommended by Table 31-29, the Planning Commission shall request of the applicant such information as necessary to determine the extent of measures to be taken in design of a development.
- E. The Planning Commission shall maintain an appropriate map upon which DNL contours have been plotted at five unit increments from 65 DNL to 75 DNL as approved by the Kenton County Airport Board. The Planning Commission may furthermore ask the operators of the Airport for advice and comment on any matter concerning the relationship between the Airport and its activities and land use issues before the Commission.
- F. Noise Contour Information adopted by the Kenton County Airport Board currently exists for the years 1996 and 2003. This information appears in map form ~~and represent Figures 31.9 and 31.10.~~

Section 3192.1 Structures Requiring Protection



- A. All single family structures and the portion of non-residential structures in which noise-sensitive activities are conducted (e.g. research facilities, hotel sleeping rooms, meeting rooms and similar activities) are recommended to be built with the following building construction guidelines.
- B. Requirements for Noise Levels over 65 LDN - All structures regulated in this Article in noise-level area Ldn 65 shall meet the following guidelines:
 - 1. General
 - a. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
 - b. At the penetration of exterior walls by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.
 - c. Window and/or through-the-wall HVAC type units shall not be used.
 - d. Operational, vented fireplaces shall not be used.
 - e. All sleeping spaces shall be provided with a sound-absorbing ceiling and carpeted floor.
 - f. Through-the-wall/door mailboxes shall not be used.
 - 2. Exterior Walls
 - a. Masonry walls having a surface weight of at least 40 pounds per square foot do not require a furred interior wall. In areas over 70 Ldn, masonry walls having a surface weight of at least 75 pounds per square foot do not require a furred interior wall. At least one surface of concrete block wall shall be plastered or painted with heavy "bridging" paint.
 - b. Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with siding on sheathing, stucco or brick veneer.
 - i. Interior surface of the exterior stud walls shall be of gypsum board or plaster at least ½ inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding-on-sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.
 - ii. Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood or metal siding. The sheathing and facing shall weigh at least four pounds per square foot.
 - iii. All edges of the sheathing shall be sealed with resilient caulking.
 - iv. Insulation material at least two inches thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber or mineral wool.
 - 3. Windows
 - a. Glass of double-glazed windows shall be used and at least 1/8 inch thick.
 - b. Double-glazed windows shall employ fixed sash or efficiently weather-stripped operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed.
 - c. Glass of fixed-sash windows shall be sealed in an airtight manner with a nonhardening sealant, or a soft elastomeric gasket or glazing tape.
 - d. The perimeter of the window frame shall be sealed airtight to the exterior wall construction with a resilient sealant.
 - e. The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20 percent of the floor area.
 - 4. Doors



- a. All exterior side-hinged doors shall be solid-core wood or insulated or hollow metal at least 1.75 inches thick and shall be fully weatherstripped.
 - b. The glass of double-glazed sliding doors shall be at least 3/16 of an inch thick and separated by a minimum ½ inch airspace. The frame shall be provided with an efficiently airtight weatherstripping material.
 - c. The perimeter of door frames shall be sealed airtight to the exterior wall construction.
 - d. Glass in doors shall be set and sealed in an airtight nonhardening sealant, or a soft elastomeric gasket or glazing tape.
5. Roofs
- a. With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of ½ inch composition board, plywood or gypsum board sheathing topped by roofing as required.
 - b. If the underside of the roof is exposed, or if the attic or rafter space is less than six inches, the roof construction shall have a surface weight of at least six pounds per square foot, except that, in areas over 70 Ldn, the roof construction shall have a surface weight of at least nine pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.
 - c. Window or dome skylights shall be double glazed and separated by minimum ½ inch airspace. In areas over 70 Ldn, skylights are not permitted.
6. Ceilings
- a. Gypsum board or plaster ceilings at least ½ inch thick shall be provided where required by Section 5.0 (A)(5). Ceilings shall be substantially airtight, with minimum number of penetrations.
 - b. Glass fiber or mineral wool insulation at least six inches thick shall be provided above the ceiling between joists.
7. Floors
1. The floor of the lowest occupied rooms shall be slab on grade, below grade or over a fully enclosed basement. All door and window openings in the fully enclosed basement shall be tightly fitted.
8. Ventilation
- a. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air-supply requirements for various uses in occupied rooms, without need to open any windows, doors or other openings to the exterior.
 - b. Gravity vent openings in the attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least three feet in length, containing approved internal sound-absorbing duct lining. Each duct shall have a line 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.
 - c. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with one inch thick approved duct liner, and shall be at least five feet long with one 90-degree bend. In areas over 70 Ldn, the duct lining shall be at least 10 feet long.
 - d. All vent ducts connecting the interior space to the outdoors, excepting domestic range and dryer exhaust ducts, shall contain at least a ten (10) foot length of approved internal sound-absorbing duct lining. Each duct shall be provided with a line 90-degree bend in the duct such that there is no direct line of sight through the duct.
 - e. Duct lining shall be a coated glass fiber duct liner at least one inch thick, approved and suitable for the intended use.



- f. Domestic range and dryer exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination that allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and shall have the same free area as the vent duct.
- g. Building heating units with flues or combustion air vents shall be located in a closet or room closed off from the occupied space by doors.
- h. Doors between occupied space and mechanical equipment areas shall be solid-core wood or 20- gauge steel hollow metal at least 1.75 inches thick and shall be fully weatherstripped.

**Table 31-2
Land Use Compatibility**

LAND USES	Yearly Day-Nite Average Sound Level (LDN) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
	RESIDENTIAL					
Residential, other than mobile homes and transient lodgings	Y	N ¹	N ¹	N	N	N
Housing units						
Single units – detached						
Single units – semi-detached						
Single units - attached row						
Two units - side-by-side						
Two units - one above the other						
Apartments - walk up						
Apartments – elevator						
Group quarters						
Residential hotels						
Other residential						
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N ¹	N ¹	N ¹	N	N
PUBLIC USE						
Schools, hospitals and nursing homes	Y	25	30	N	N	N
Educational services						
Hospitals, nursing homes						
Churches, auditoriums and concert halls	Y	25	30	N	N	N
Cultural activities (including churches)						
Auditoriums, concert halls						
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y ²	Y ³	Y ⁴	Y ⁴
Railroad, rapid rail transit and street railway transportation						
Motor vehicle transportation						
Aircraft transportation						
Marine craft transport						



**Table 31-2
Land Use Compatibility**

LAND USES	Yearly Day-Nite Average					
	Sound Level (LDN) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
Highway and street right-of-way						
Parking	Y	Y	Y ²	Y ³	Y ⁴	N
COMMERCIAL USE						
Offices, business and professional	Y	Y	25	30	N	N
Finance, insurance and real estate						
Personal services						
Business services						
Professional services						
Other medical facilities						
Miscellaneous services						
Wholesale and retail - building materials, hardware and farm equipment	Y	Y	Y ²	Y ³	Y ⁴	N
Wholesale trade						
Retail trade - building materials, hardware and farm equipment						
Repair services						
Contract construction services						
Retail trade – general	Y	Y	25	30	N	N
Retail trade - general merchandise						
Retail trade – food						
Retail trade - automotive, marine craft, aircraft and accessories						
Retail trade - apparel and accessories						
Retail trade - furniture, home furnishings and equipment						
Retail trade - eating and drinking establishments						
Other retail trade						
Utilities	Y	Y	Y ²	Y ³	Y ⁴	N
Communications	Y	Y	25	30	N	N
MANUFACTURING AND PRODUCTION						
Manufacturing – general	Y	Y	Y ²	Y ³	Y ⁴	N
Food and kindred products – manufacturing						
Textile mill products – manufacturing						
Apparel and other finished products made from fabrics, leather and similar materials – manufacturing						
Lumber and wood products (except furniture) – manufacturing						
Furniture and fixtures – manufacturing						
Paper and allied products – manufacturing						
Printing, publishing and allied industries						
Chemicals and allied products – manufacturing						
Petroleum refining and related industries						
Rubber and miscellaneous plastic products – manufacturing						



**Table 31-2
Land Use Compatibility**

LAND USES	Yearly Day-Nite Average					
	Sound Level (LDN) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
Stone, clay and glass products – manufacturing						
Primary metal industries						
Fabricated metal products – manufacturing						
Miscellaneous manufacturing						
Photographic and optical	Y	Y	25	30	N	N
Professional, scientific and controlling instruments, photographic and optical goods: watches and clocks – manufacturing						
Agriculture (except livestock and forestry)	Y	Y ⁶	Y ⁷	Y ⁸	Y ⁸	Y ⁸
Agriculture (except livestock)						
Agriculture related activities						
Forestry activities and related services						
Hunting and fishing, resource production and extraction						
Fishing activities and related services						
Hunting activities and related services						
Other resource production and extraction						
RECREATIONAL						
Outdoor sports arenas and spectator sports	Y	Y ⁵	Y ⁵	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Amusements						
Parks						
Public Assembly						
Resorts and group camps						
Other cultural, entertainment and recreation						
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

KEY TO TABLE 31.9

Number in () Standard Land Use Coding Manual (SLUCM).

Y (Yes) Land Use and related structures compatible without restrictions.

N (No) Land Use and related structures are not compatible and should be prohibited.

25, 30 or 35 Land use and related structures generally compatible; measures to achieve Noise Level Reduction (NLR), outdoor to indoor, of 25, 30 or 35 must be incorporated into design of structure.

NOTES FOR TABLE

¹ Where the community determines that residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) or at least 25db and 30db should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 db, thus, the reduction requirements are often stated as 5, 10 or 15 db over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

² Measures to achieve NLR of 25db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

³ Measures to achieve NLR of 30db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

⁴ Measures to achieve NLR of 35db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.



Table 31-2 Land Use Compatibility						
LAND USES	Yearly Day-Nite Average					
	Sound Level (LDN) in Decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
* Land use compatible provided special sound reinforcement systems are installed.						
* Residential buildings require an NLR of 25.						
* Residential buildings require an NLR of 30.						
* Residential buildings are not permitted.						

SECTION 3197 REGULATIONS FOR CELLULAR TELECOMMUNICATION FACILITIES

Purpose

The purpose of these regulations is to facilitate the planning for and placement of cellular telecommunication facilities (see "Cellular Antenna Tower" and a Small Cellular Pole" definitions in ARTICLE 40 of these regulations) and services in the community in accordance with the requirements of KRS 100.985 – 100.987. In addition, it is intended to provide such facilities and services in coordination with the recommendations of the Boone County Comprehensive Plan and the Boone County Zoning Regulations.

In general, cellular antenna towers may be permitted administratively in any zoning district if the proposed facility is placed on an existing cellular antenna tower or other tall structure (utility tower, rooftop, water tank, silo, etc.) for co-location purposes and meets all the preferred application criteria in Table 1 below. If the proposed cellular antenna tower does not meet the preferred application criteria then it will be subject to Uniform Application process that is outlined in Table 2 below.

Small cellular poles may also be permitted administratively in any zoning district if the application requirements and design standards are met.

Section 3197.1 Purpose

- A. The purpose of these regulations is to facilitate the planning for and placement of cellular telecommunication facilities (see "Cellular Antenna Tower" and a Small Cellular Pole" definitions in ARTICLE 40 of these regulations) and services in the community in accordance with the requirements of KRS 100.985 - 100.987. In addition, it is intended to provide such facilities and services in coordination with the recommendations of the Comprehensive Plan and the Boone County Zoning Regulations.
- B. In general, cellular antenna equipment may be permitted in any zoning district through an administrative Uniform Application process if the proposed equipment is placed on an existing cellular antenna tower or other tall structure (utility tower, rooftop, water tank, silo, etc.) for co-location purposes and meets all the preferred application criteria in Table 31-3 below. If the proposed cellular antenna tower does not meet the preferred application criteria then it will be subject to Uniform Application process that is outlined in Table 31-4 below. All new cellular antenna towers and temporary towers shall be subject to the Uniform Application public hearing process that is outlined in Table 31-4 below.
- C. Small cellular poles may also be permitted administratively in any zoning district if the application requirements and design standards are met.

Section 3197.2 Cellular Antenna Towers



A. Existing Sites

1. Existing cellular telecommunication facilities in existence on the date of the adoption of these regulations are subject to the following provisions:
 - a. A wireless provider that replaces or adds ground equipment and/or equipment shelters within the limits of the existing fence compound and/or replaces antennas or other equipment at the same elevation (RAD center) on the tower shall be viewed as maintenance and repair and shall not be subject to zoning approval.
 - b. Any proposal by a wireless provider to add equipment at a RAD center on a cellular antenna tower, other than which they are currently located, shall be viewed as a co-location and is subject to approval by Boone County Planning Commission Staff.
 - c. All proposals to enlarge the fence compound shall be in conformance with the setback and fencing and landscaping standards found in the Uniform Application Design Guidelines. A Uniform Application shall be required to waive the setback and/or fencing and landscaping design guidelines if there is a proposal to enlarge the fence compound and the setback, fencing, or landscaping requirements cannot be met.
 - d. In the event an existing cellular telecommunication facility is damaged or destroyed for any reason, the tower and accessory structures may be repaired or rebuilt in the same location with the same physical dimensions and do not have to comply with these regulations.

B. Application Criteria and Processes

1. Table 31-3 below outlines which cellular telecommunication facilities can be approved through the administrative Uniform Application process ~~administratively by Staff~~ (preferred approval) and which are subject to the a Uniform Application public hearing process ~~(Public Hearing and action by the full Planning Commission)~~.

Table 31-3 Application Criteria	
Request	Preferred Approval
1. Co-locating on an existing cell tower and the overall height of the tower is not changed.	Yes
2. Modifying or replacing an existing cell tower, public Utility tower, or athletic stadium light tower for co-location purposes. The modified or replaced tower shall meet the following standards:	Yes, if all three standards are met. A Uniform Application shall be required if all three standards are not met.
A. The tower type (monopole, lattice, etc.) shall not change;	
B. The modification or replacement shall not cause the tower to be lit; and	
C. The modified or replaced tower can be up to Fifteen percent (15%) taller than the original structure unless a prior Planning Commission approval limited the overall tower height.	
Note: A 6 foot tall privacy fence, not less than eight (8) feet in height , shall enclose all proposed ground equipment and/or equipment shelters when they are located in a residential district zone or viewable from any residential property.	
3. Locating antennas on a public or private building or other tall structure (water tanks, silos, etc.) in non-residential districts zones. The overall height of the antennas shall be no more than 15 feet above the roofline or top of the structure.	Yes, if the standards are met. A Uniform Application shall be required if the standards are not met.
Note: This category does not apply to the construction of tower (stacking steel) on top of building or other structure.	
Note: A privacy fence, not less than eight (8) feet in height, shall enclose any proposed ground equipment or equipment shelters if they are viewable from any residence.	
4. Construction of a new tower or temporary tower in any zoning district.	No. A Uniform Application is required.
5. Any other proposal that does not meet the preferred approval criteria found in numbers 1, 2, and 3 of this chart.	No. A Uniform Application is required.



2. The Zoning Administrator or his designee shall determine if the request meets the preferred approval criteria in Table 31-34. If so, Planning Commission Staff shall process the submitted Uniform Application for the co-location or tower modification application and sign the zoning approval line on building permit application. The applicant shall furnish Planning Commission Staff with Federal Aviation Administration (FAA) and/or Kentucky Airport Zoning Commission approval letters if the request involves increasing the height of tower or tall structure, or involves antennas extending above the highest point of a building or tall structure.
3. Uniform Applications that do not meet the preferred approval criteria will follow the public hearing process outlined in Table 31-4 below.

Table 31-4 Uniform Application Process	
STEP 1	Applicant files the Uniform Application to Boone County Planning Commission and a public hearing date is set at the next scheduled Business Meeting.
STEP 2	Staff reviews the application in terms of its agreement with the appropriate sections of the Boone County Comprehensive Plan and the Boone County Zoning Regulations.
STEP 3	The Public Hearing is held (Staff Report presented, applicant's presentation, and public comment). A date is given for the Technical/Design Review Committee Meeting
STEP 4	The Technical/Design Review Committee meets and recommends approval or denial of the Uniform Application to the full Planning Commission.
STEP 5	The Full Planning Commission votes to approve or deny the Uniform Application at a scheduled Business Meeting.

C. Uniform Application Requirements

1. A Uniform Application and review fee shall be required for the construction of a tower, modified tower, rooftop, or other co-location that does not meet the preferred approval criteria in Table 31-34. The Uniform Application shall be submitted to the Boone County Planning Commission and shall contain the following information per KRS 100.9865 and 100.987:
 - a. Grid Map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area includes:
 - i All of the planning unit's jurisdiction; and
 - ii A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.;
 - b. Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower, including a time table for removal.;
 - c. Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040 and 278.280.
 - d. The full name and address of the applicant.;
 - e. The applicant's articles of incorporation, if applicable.;
 - f. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.;
 - g. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.;



- h. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.;
- i. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2).;
- j. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.;
- k. A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.;
- l. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.;
- m. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.;
- n. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.;
- o. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - i. Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
 - ii. Given the telephone number and address of the local planning commission; and
 - iii. Informed of his or her right to participate in the planning commission's proceedings on the application.;
- p. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.;
- q. A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction.;
- r. A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies.;
- s. A statement that:
 - i. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "{Name of applicant} proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - ii. A written notice, at least two (2) feet by four (4) feet in size, stating that "{Name of applicant} proposes to construct a telecommunications tower near this site" and



including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.;

- t. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.;
 - u. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.;
 - v. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and had concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities. ~~;~~ **and**
 - w. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
 - x. KRS 100.987 (6) states that the Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the local planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:
 - i Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
 - ii Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that.;
 2. KRS 100.987 (7) states the Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
 3. As a result, the Planning Commission shall require the applicant to document all existing cell towers and other tall structures (utility towers, building rooftops, church steeples, farm silos, water tanks, stadium light poles, etc.) within a mile of their search ring and provide written reasons why the colocation was unsuccessful. The Planning Commission may ask the applicant to provide a radio frequency analysis of a potential co-location site. This analysis shall document the coverage and/or capacity differences between the proposed cellular antenna tower site and the potential co-location site.
 4. Identifies the location of the towers or other structures on which the applicant attempted to co-locate. ~~;~~ **and**
 5. Lists the reasons why the co-location was unsuccessful in each instance.
- D. Public Notification of A Uniform Application



1. The public notification for the construction of a new or modified cellular telecommunications facility that does not meet the preferred approval criteria shall consist of the following:
2. A Public Hearing on the proposal shall be held by the Boone County Planning Commission to solicit input from the public. Notice of the date, time and location of such hearing shall be published once in a newspaper of general circulation ~~several circulations~~ in Boone County and shall appear not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the hearing is held. Notice of the Public Hearing shall be posted conspicuously on the subject site under review for at least fourteen (14) consecutive days immediately prior to the Public Hearing. The posting shall consist at least one sign, 2' x 2.5' in size constructed of durable material and shall depict the following information:

"A Wireless Communication Facility is proposed on this property. A Public Hearing will be held on (date and time) at location - name of building and location. For further information, contact the Boone County Planning Commission at 334-2196."

3. Notice of the Public Hearing shall be given by the Planning Commission at least fourteen (14) days in advance of the hearing, by first class mail, to an owner of every parcel of property within five hundred (500) feet of the base of the proposed communication facility, and adjoining property owners and to the appropriate legislative unit. It shall be the duty of the utility company proposing the facility to furnish to the Planning Commission the names and addresses of said property owners. Records maintained by the Property Valuation Administrator shall be relied upon conclusively to determine the identity and address of said owner.

E. Action by the Planning Commission

1. After holding the public hearing, Boone County Planning Commission will advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the Uniform Application is submitted or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the applicant to a specified date for the Planning Commission to issue a decision, the Uniform Application shall be deemed approved.
2. In taking action on an applicant's uniform application to construct a cellular antenna tower, the Planning Commission shall:
 - a. Review the uniform application in light of its agreement with the Comprehensive Plan Boone County Comprehensive Plan and Boone County Zoning Regulations;
 - b. Make a decision to approve or disapprove the uniform application;
 - c. If the Planning Commission disapproves of the proposed construction, it shall state the reason for disapproval in its written decision and may make suggestions, which in its opinion, better accomplish the objectives of the Boone County Comprehensive Plan and the Boone County Zoning Regulations.
3. In regulating the placement of cellular antenna towers, the Planning Commission shall not:
 - a. Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications commission concerning radio frequency emissions.
 - b. Institute a moratorium upon the siting of cellular antenna towers.
 - c. Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required building permit up to a maximum of \$2,500.



- d. Regulate the placement of antennas or related equipment on an existing structure. ~~or~~
- e. Require the submission of application materials in addition to those required in these regulations unless agreed by both parties.

F. Permitted Locations

1. Cellular telecommunication facilities are permitted in all zoning districts. To the largest extent feasible, applicants are encouraged to consider properties owned by local, state, or federal government for the location of cellular towers, if such properties are appropriate in view of surrounding land uses. Whenever possible, cellular antenna towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on adjoining properties and residential uses in the immediate area.
2. Non-Preferred Locations - The following locations shall be avoided unless no other reasonable site is available.
 - a. No cellular antenna tower shall be located in a residential zoning district unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.
 - b. No cellular antenna tower shall be located in or within a quarter mile (1,320 feet) of a Historic Landmark/Historic District Overlay District (H) or within a quarter mile of a National Register District or Property unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.
 - c. No cellular antenna tower shall be located within a Kentucky Scenic Byway as designated by the State of Kentucky or its viewshed, so as to have a negative impact on the scenic qualities of the roadway and the views from the roadway unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

G. Design Guidelines

1. Tower Design

- a. Stealth towers (such as clock towers, church steeples, flagpole towers, etc. with concealed antennas) shall be permitted in all zoning districts.
- b. Monopole towers shall be permitted in all zoning districts and shall have a grey or galvanized steel finish. The monopole and foundation shall be designed to accommodate as many colocators as possible.
- c. Lattice towers shall be permitted in non-residential zoning districts and shall have a grey or galvanized steel finish. The lattice tower and foundation shall be designed to accommodate as many co-locators as possible. Lattice towers shall only be permitted when the tower height is greater than 199 feet.
- d. Guyed towers shall be permitted in agricultural ~~districts~~~~zones~~ only and shall have a grey or galvanized steel finish. The guyed tower and foundations must be designed to accommodate as many colocators as possible. Guyed Towers shall only be permitted when the tower height is greater than **one hundred ninety-nine (199) feet**.

2. Tower Heights

- a. The overall height of a cellular antenna tower in a residential ~~district~~~~zone~~ shall be limited so it does not have to be lit or marked per FAA standards.
- b. The overall height of a cellular antenna tower in a non-residential ~~district~~~~zone~~ (except agricultural zones) shall be limited to **one hundred ninety-nine (199) feet**.
- c. The overall height of a cellular antenna tower in an agricultural ~~district~~~~zone~~ shall be limited to **three hundred fifteen (315) feet**.



3. Setback Requirements
 - a. Cellular antenna towers shall be setback a minimum of one (1) times the tower height (tower, antennas and lightning rod) from any public or private street. This setback requirement does not apply to freeways (I-71, I-75, and I-275) as defined by **ARTICLE 32** of the Zoning Regulations.
 - b. Cellular antenna towers shall be setback a minimum of two (2) times the tower height (tower, antennas, and lightning rod) from any residence or residentially zoned property.
 - c. Cellular antenna towers shall be setback a minimum of one (1) times the tower height (tower, antennas, lightning rod) from agriculturally zoned property.
 - d. Cellular antenna towers shall be setback a minimum of one-fourth ($\frac{1}{4}$) the tower height (tower, antennas, lightning rod) from any non-residentially zoned properties (does not apply to agriculturally zoned properties).
 - e. All accessory structures associated with the cellular antenna tower shall be located as close to the tower base or tower legs as possible. All accessory structures shall be located a minimum of twenty-five (25) feet from adjoining property lines.
4. Lighting
 - a. Cellular antenna towers shall not be lit, except as required by the Federal Aviation Administration (FAA).
5. Access and Parking
 - a. If applicable, a proposed access point on a public or private street shall meet the Transportation Management regulations found in **ARTICLE 32** of the Boone County Zoning Regulations regarding the number of curb cuts permitted on a property, spacing of driveways, and required sight distance.
 - b. The first twenty (20) feet of a proposed driveway (measured from the right-of-way line) that is used exclusively to access a cell tower site shall be improved with either asphalt concrete or portland cement concrete to minimize gravel from being carried onto public or private roads.
 - c. One parking space and/or turnaround area shall be provided immediately to the side of the cell tower compound.
6. Fencing and Landscaping
 - a. A wood privacy fence, ~~not less than eight (8) feet~~, shall enclose and screen the base of the cellular antenna tower and associated ground equipment. The height of the fence shall not exceed the limits that are found in SECTION 3655. In addition, the outside perimeter of the fence compound (except the access gate) shall be bound on all sides by a ten (10) foot wide landscaping buffer. The landscaping buffer shall contain one large evergreen tree from Plant List D (see **ARTICLE 36** of the Zoning Regulations) for every thirty (30) linear feet, or fraction thereof, of buffer boundary.
7. Signage
 - a. No signs and/or commercial advertising shall be located on the cellular antenna tower, on the fence surrounding the tower and equipment, or on any buildings accessory to the cellular antenna tower, with the exception of signs providing ownership, safety, and emergency information.
8. Mitigating Design Standards for Cellular Antenna Towers Proposed in Residential Zoning Districts and other Non-Preferred Location. The Planning Commission shall consider the following mitigating design standards.
 - a. The Planning Commission shall have the power to require a stealth tower in a residential zone or other non-preferred locations, using the following considerations:



- i Is the cellular antenna tower proposed at a location that minimizes adverse impacts on adjoining properties, residential uses, historic properties, or scenic byways?
 - ii Would a stealth tower design help mitigate these impacts and still allow the wireless provider(s) to fulfill their coverage objectives? If so, what type of stealth tower should be used?
 - iii How many wireless providers will be able to locate on the stealth tower? The applicant shall document the co-location opportunities on alternative stealth tower designs and a similarly sized monopole, lattice, or guyed tower.
- b. The Planning Commission shall have the power to impose additional landscaping requirements, which may include trees, shrubs, and fencing designed to complement the character of the surrounding area.
 - c. Design and building materials standards may be imposed on accessory buildings.
 - d. Asphalt or other hard surface parking may be required to complement the character of the surrounding area.

H. Temporary Cellular Antenna Towers

1. Temporary cellular antenna towers shall be subject to approval by the Boone County Planning Commission through the Uniform Application process. The tower shall be located on the subject site no more than six (6) months or a time period specifically agreed upon by the Planning Commission and the applicant. The 6 month or agreed upon time period shall start once Boone County Building Department issues a Building Permit. Temporary cellular antenna towers shall be limited to an overall height of seventy (70) feet and shall be subject to the same setback and fencing requirements (landscaping not required) as a permanent tower. Removal of the accessory structures and privacy fencing shall occur within thirty (30) days of the temporary cellular antenna tower being removed from the site. A temporary cellular antenna towers shall be permitted by right when a permanent cellular antenna tower has been approved for the same applicant and on the same property, until such time that the permanent facility is constructed.

I. Waiver of Requirements

1. When reviewing a Uniform Application, the Boone County Planning Commission can modify or waive any design guideline if there are special circumstances or conditions. Examples would be waiving the height limit because the permitted tower height does not allow the applicant to fulfill their coverage objectives or reducing setbacks requirements because there is mature vegetation in a portion of a site that will minimize the visual impact on the area and adjoining uses.
2. The following information shall be submitted by the applicant if the following Waivers are sought:
 - a. Tower Height Waiver - a written statement and propagation plots shall be submitted by the wireless provider's radio frequency department indicating why the increased tower height is needed to fulfill coverage objectives.
 - b. *Note: The wireless provider locating at the highest elevation of the tower shall submit this documentation in the event that a building to suit company, such as Crown Castle, proposes a new cellular antenna tower with a height waiver.*
 - c. Setback Waiver - Applicants shall submit an explanation indicating why the setback waiver is being sought. The applicant shall be responsible to identify other areas on the subject site where the setback(s) can be met or better achieved and where their coverage objectives will be met.

J. Kentucky Public Service Commission Notification

1. Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map



showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction of the cellular antenna tower until such notice has been made.

K. Appeal

1. A party aggrieved by a final action of the Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

Section 3197.3 Small Cellular Poles (applies to the City of Florence only)

A. Intent

1. These regulations seek to balance the public need for access to reliable telecommunication infrastructure and service against the potential adverse community land use impacts. The intent is to regulate the location and placement of telecommunication poles and associated equipment because such deployment can affect the aesthetics and visual character of the environment.

B. Pre-Application

1. Prior to submitting a Uniform Application, an applicant is required to contact the Boone County Planning Commission and request a pre-application meeting with Staff. The purpose of the pre-application meeting is to advise the applicant of the submittal procedure and requirements. It is recommended that the applicant arrange the pre-application meeting with not only the Staff, but also with any applicable utility providers, the local governmental entity and the property owner on which the Small Cellular Pole or co-location is proposed.

C. Application Submittal Requirements

1. All proposed Small Cellular Poles and co-locations shall be subject to administrative review and approval by the Staff of the Boone County Planning Commission based upon the application submittal requirements, design standards and review criteria outlined below. Written permission from the property owner either through the encroachment permit process or a letter from the private property owner is required to be submitted prior to construction or installation.

D. New Poles

1. A Uniform Application and fee are required to be submitted. In addition, the applicant and/or wireless provider shall provide a written coverage objective and accompanying propagation maps showing the existing and proposed coverage area for the proposed Small Cellular Pole site and all adjacent sites for the subject wireless provider. The required information shall demonstrate whether the proposed pole location is necessary to fill a gap of coverage. The applicant and/or provider shall also provide written proof that co-location on an existing utility pole, traffic control pole, or other structure are prohibitive or that there are no alternate sites that would have a lesser visual and land use impact while providing comparable service.
2. A statement by an authorized representative that the applicant and/or provider holds all, local state and federal applicable approvals (including but not limited to franchises, permits and licenses) to construct and operate the proposed Small Cellular Pole site.
3. A detailed site development plan, signed and sealed by a professional engineer or surveyor registered in Kentucky, showing the proposed location of the Small Cellular Pole and properly identifying all structures (e.g. buildings, utility poles, etc.) easements, right of ways, driveways, parking lots and other utilities (overhead and underground) within two hundred (200) feet of the proposed site (includes across the street). The plan shall also show all existing Small Cellular Poles or towers (cellular, electrical, water, etc.) that are located within 500 feet of the proposed new Small Cellular Pole location.
4. A vertical profile drawing showing dimensions, structure materials and color of the Small Cellular Pole signed and sealed by a professional engineer registered in Kentucky indicating the height of the pole and the placement of all antennas and equipment (including lighting). The applicant shall



also identify all projected noise levels from the proposed equipment and its impact on adjacent properties.

5. Written approval from the property owner stating the applicant has permission to construct a Small Cellular Pole on their property. In the case of public right-of-way, the review and approval of a Small Cellular Pole site by the Planning Commission is contingent on the issuance of an encroachment permit by the governmental entity.
6. Photographs from the proposed pole location taken in four directions.
7. Photographs and distance measurements of the utility poles that are nearest to the proposed pole site.

E. Co-locations

1. A Uniform Application and fee are required to be submitted. In addition, the applicant and/or wireless provider shall provide a written coverage objective and accompanying propagation maps showing the existing and proposed coverage for the proposed Small Cellular Pole site and all adjacent sites. The required information shall demonstrate whether the proposed co-location is necessary to fill a gap of coverage.
2. A statement by an authorized representative that the applicant and/or provider holds all, local state and federal applicable approvals (including but not limited to franchises, permits and licenses) to operate the proposed Small Cellular Pole site.
3. A detailed site development plan, signed and sealed by a professional engineer or surveyor registered in Kentucky, showing the proposed location of the Small Cellular antennas and equipment on the colocation structure and properly identifying all structures (e.g. buildings, utility poles, etc.) easements, right-of-ways, driveways, parking lots and other utilities (overhead and underground) within two hundred (200) feet of the proposed site (includes across the street).
4. A vertical profile drawing signed and sealed by a professional engineer registered in Kentucky indicating the height of the co-location structure and the proposed placement of all small cellular antennas and equipment (including lighting). The applicant shall also identify all projected noise levels from the proposed equipment and its impact on the adjacent properties.
5. Written approval from the property owner stating the applicant has permission to co-locate Small Cellular antennas and equipment on their property. In the case of the public right-of-way, the review and approval of a co-location by the Planning Commission is contingent on the issuance of an encroachment permit by the governmental entity.
6. Photographs of the from the proposed co-location site taken in four directions.

F. Processing of Application

1. The Planning Commission Staff shall review and take final action on an application for a new Small Cellular Pole within thirty (30) days of a completed application. This time period will not begin until the filing fee is submitted and the application is deemed complete by Staff. The Staff shall approve, approve with conditions, or deny the application. If the Staff does not make a final decision within the required thirty (30) days, the application shall be deemed to be approved as submitted. An applicant may request a written extension of the 30 day time limit for up to 30 additional days. Any party aggrieved by the final action of the Planning Commission Staff shall follow the Uniform Application appeals process under the provisions of KRS 100.985 to 100.987 and may further bring an action for review in any court of competent jurisdiction.

G. Design Standards

1. Small Cellular Poles and co-locations shall be permitted in all zoning districts, on private property and in the public right of way provided they meet these applicable regulations and they do not interfere with other utilities, functionality of sidewalks, visibility or other matters of public safety. The installation of a Small Cellular Pole and/or antennas and equipment is subject to the following Design Standards identified below:



- a. Small Cellular Poles shall not exceed thirty five (35) feet in height from grade. An antenna or similar type structure of six (6) feet or less in height can be installed on a pole and it does need to meet the 35 feet pole height requirement. Note - Small cell co-locations shall be limited to forty-one (41) feet in height. Co-locations more than 41 feet above grade shall be treated as a cellular antenna tower colocation.
- b. The utilization of existing utility, traffic control, or other previously erected poles is encouraged where feasibly possible.
- c. New Small Cellular Poles shall utilize materials, colors and textures that are generally compatible with existing structures in the immediate area. This includes neighboring buildings, utility poles and traffic control poles located on both public and private property. Architectural grade or some type of decorative metal with a dark finish is recommended. Stealth design/technology is also encouraged. Final determination and options of the required pole design and materials used will be at the discretion of the Planning Commission by the designated Zoning Administrator in order to be in substantial compliance with these regulations.
- d. New Small Cellular Poles shall maintain a minimum distance from the nearest residential structure equal to twice the height of the proposed pole.
- e. Noise levels from any antennas or equipment shall not be discernable at the closest principal residential structure. If noise levels are objectionable, the applicant shall muffle the sound to meet the requirements or eliminate the fan generating the noise or remove the pole, antennas, and equipment upon written notification.
- f. New Small Cellular Poles shall be designed and constructed to accommodate a minimum of two (2) service providers.
- g. If a Small Cellular Pole is proposed to be located in an area where there are underground utilities or where no adjacent overhead utilities exist, the applicant shall pursue options other than a stand alone overhead utility pole.
- h. A new Small Cellular Pole shall not be located within five hundred (500) feet of another existing Small Cellular Pole.
- i. Priority shall be given to located new Small Cellular Poles in the public right-of-way according to the hierarchy of roads: interstate, arterial, collector, sub-collector, alley, and local.
- j. Priority shall be given to Small Cellular Systems locating on existing utility poles in order to minimize the proliferation of poles and their impact on the community.
- k. Small Cellular Poles shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets including locating poles as close as possible to property lines, lot corners and away from the center of the property frontage.
- l. Any cable connecting antenna to the equipment box shall be flush mounted to the pole or co-location structure. In addition, the cable shall be fully contained in a metal or plastic conduit pipe that complements the pole or co-location structure. All such conduit pipes shall be properly secured and maintained by the applicant or property owner.
- m. No signage or advertising is permitted on a Small Cellular Pole or co-location site with the exception of public safety or emergency contact information.
- n. No lights are permitted on a Small Cellular Pole or co-location site unless it's a dual purpose decorative light pole or required by a federal agency or local government. No flash or beacon lighting is permitted.
- o. Every Small Cellular Pole and associated equipment must be removed at the cost of the owner/provider when it is no longer in use or when it has not been in operation for a continuous period of six (6) months. The Small Cellular Pole and associated equipment



must be removed with 90 days after receiving notice from the Boone County Planning Commission or a legislative unit.

- p. Any modification of an existing Small Cellular Pole or co-location site shall be required to be reviewed and approved by the Boone County Planning Commission Staff. Addresses for Small Cellular Poles and co-location sites shall be assigned by the Boone County Planning Commission.

H. Application Review Criteria

1. The review of each application shall be based upon the information submitted, the merits of the application, substantial compliance with these regulations and following criteria. The application shall be subject to administrative approval by the Staff of the Boone County Planning Commission:
 - a. Is the application consistent and in substantial compliance with the design standards for Small Cellular Poles as noted in these regulations?
 - b. Does the application minimize the adverse impacts on adjacent land uses and public safety?
 - c. Can the Small Cellular equipment be co-located onto an existing utility pole, structure, building, etc.? Has it been appropriately pursued by the applicant?
 - d. Does the proposed Small Cellular Pole conform with the visual character of the surrounding area (i.e., adjacent poles, primary structures etc.)?

I. Waiver of Standards or Requirements

1. When reviewing a Uniform Application for a Small Cellular Pole site, the Boone County Planning Commission can modify or waive any of the design standards or requirements in these regulations due to special circumstances, conditions or hardship. An applicant may file an application to waive such a requirement. The Planning Commission through its designee (Zoning Administrator) will review such application and the information provided by the applicant and make a final determination on the waiver request based on substantial compliance with the applicable standards and requirements.

Section 3198 STANDARDS RELATED TO A SEXUALLY ORIENTED BUSINESS PURPOSE, FINDINGS, AND RATIONALE RELATED TO SEXUALLY ORIENTED BUSINESSES

- A. Purpose: It is a purpose of these Zoning Regulations to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Boone County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the county. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.
- B. Findings and Rationale: Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Boone County Fiscal Court and to the legislative bodies of Florence, Walton, and Union, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427



U.S. 50 (1976); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); N.Y. State Liquor Authority v. Bellanca, 452 U.S. 714 (1981); Sewell v. Georgia, 435 U.S. 982 (1978); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Dallas v. Stanglin, 490 U.S. 19 (1989); and 600 Marshall Entm't Concepts, LLC v. City of Memphis, 705 F.3d 576 (6th Cir. 2013); Big Dipper Entm't, LLC v. City of Warren, 641 F.3d 715 (6th Cir. 2011); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); 729, Inc. v. Kenton County Fiscal Court, 515 F.3d 485 (6th Cir. 2008); Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County, 466 F.3d 391 (6th Cir. 2006); Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees, 411 F.3d 777 (6th Cir. 2005) (en banc); Bronco's Entm't, Ltd. v. Charter Twp. of Van Buren, 421 F.3d 407 (6th Cir. 2005); Little Mack Entm't II, Inc. v. Twp. of Marengo, 2008 W L 2783252 (W .D. Mich. July 17, 2008); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); 84 Video/Newsstand, Inc. v. Sartini, 2011 W L 3904097 (6th Cir. Sept. 7, 2011); Big Dipper Entm't, LLC v. City of Warren, 658 F. Supp. 2d 831 (E.D. Mich. 2009); Kentucky Restaurant Concepts, Inc. v. City of Louisville and Jefferson County, 209 F. Supp. 2d 672 (W .D. Ky. 2002); Restaurant Ventures of Lexington-Fayette Urban County Gov't, 60 S.W . 3d 572 (Ct. App. Ky. 2001); Mr. B's Bar & Lounge, Inc. v. Louisville, 630 S.W .2d 564 (Ct. App. Ky. 1981); Commonwealth v. Jameson, 215 S.W .3d 9 (Ky. 2007); LM Entm't, Inc. v. City of Mt. Sterling, 2009 W L 1974549 (Ky. Ct. App. July 10, 2009); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (5th Cir. 2002); Ocello v. Koster, 354 S.W .3d 187 (Mo. 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Heideman v. South Salt Lake City, 348 F.3d 1182 (10th Cir. 2003); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (W ash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 W L 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among A Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984;



Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: an Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), the Boone County Fiscal Court and the legislative bodies of Florence, Walton, and Union find:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the Fiscal Court and the municipal legislative bodies have a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects is the rationale for these regulations. Additionally, the interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in Boone County. The Fiscal Court and the municipal legislative bodies find that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.
4. The Boone County Fiscal Court and the legislative bodies of Florence, Walton, and Union hereby adopt and incorporate herein their stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

C. Standards Related to A Sexually Oriented Business

1. Separation of Uses and Distance - No sexually oriented business (as defined in ARTICLE 40) shall be located within 1,000 feet of any parcel of land or building used or occupied as a residence, government building or community facility, day care center, church, hospital, library, a business which serves alcoholic beverages and has a local/state liquor sales license, public and private parks, recreation center, interstate interchange (including the rights of way associated therewith), public or private school principally attended by students **eighteen** (18) years of age or younger, or a senior center. In addition, no Sexually Oriented Business (as defined in ARTICLE 40) shall be located within 1,000 feet of any other Sexually Oriented Business (as defined in ARTICLE 40) regardless of whether it is located in the unincorporated area or the City of Florence, City of Union or the City of Walton or in an adjacent city or county outside of Boone County.
2. Nonconformity - No legally established and permitted Sexually Oriented Business (as defined in ARTICLE 40) shall become nonconforming through the subsequent establishment of any of the above protected uses described in section 1; nor shall a Zoning Permit for such use be denied



based on the filing of a Zoning Permit application for one of the above protected uses subsequent to the filing of a Sexually Oriented Business application.

3. Measurement Method - Because this section of the zoning regulations requires a dimensional separation of uses, measurements shall be made in accordance with the following provisions: First, measurement shall be made from the proposed Sexually Oriented Business structure to the property line of the protected uses stated in Section 1 above. Second, this measurement shall be made by the shortest distance (straight line) between the proposed Sexually Oriented Business structure to the proposed Sexually Oriented Business structure to the property line of the buffered uses.
4. Zoning Permit/Tenant Finish Review and/or Site Plan Review - Where a Sexually Oriented Business as defined in ARTICLE 40 is required to submit an application for a Zoning Permit under ARTICLE 4 or for a Site Plan under ARTICLE 30, the application shall also include a drawing based upon an accurate scale demonstrating whether the Sexually Oriented Business complies with the separation standards set forth in subsection 1.

SECTION 3199 DESIGN STANDARDS FOR BUSINESS DISTRICTS

- A. For properties zoned for commercial, office and industrial use and located along the following roads:
 1. Turfway Road (I-75 to U.S. 42/U.S. 25 intersection)
 2. U.S. 25/U.S. 42 (County line to east boundary of Parkway Overlay District at Russell Street intersection)
 3. U.S. 25 (Main Street to Industrial Road)
 4. KY 18 (Turfway Road to I-75)
 5. U.S. 42 (I-75 to KY 237 [Pleasant Valley Road/Gunpowder Road], except for properties within the Mall Road District Study)
- B. The following design standards apply to all building improvements:
 1. Building Massing - All new building construction shall be of similar scale and massing to the mode of the buildings on the street. Multi-tenant structures which have individual, separate exterior entrances for different tenant spaces are to be designed to reflect individual buildings. If necessary, the use of projecting or recessed sections to reduce bulk sizes shall be used to avoid a continuous building line over 100 feet. All buildings shall be designed to have a pedestrian focus through the use of awnings, canopies, storefront windows, oversized doorways, etc. This includes adequate spacing for pedestrian entrances and safety.
 2. Architectural Style and Detail - New construction of buildings or building additions may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, thus respecting building scale, proportion, character and materials. The use of special architectural elements such as but not limited to towers, turrets and corner cut-offs are to be used at major street corners to accent structures.
 3. Primary Entrances - The primary entrance of a building shall be easily identifiable and face the primary street. Doors and entry ways shall follow traditional storefront design (a frame with differentiating infill material, usually recessed with an awning or overhang) and shall be compatible with the architectural style of the building.
 4. Windows - The front elevation of commercial and office buildings shall provide a minimum of 60% and a maximum of 85% window transparency. The front building elevation and those facing a public road shall include windows.
 5. Roofs - Roofs on primary and accessory buildings shall be pitched with overhanging eaves or be flat with articulated parapets and cornices. Roof materials shall be dimensional shingles or metal formed to resemble standing seams. If the roof is pitched, then the use of fascias, dormers and



gables is encouraged to provide visual interest. Dormers should only be utilized for when they will provide windows for interior occupied space and not as non-functional adornment.. Mansard and gambrel roofs are prohibited.

6. Awnings - Awnings may be constructed from heavy canvas, matte finish vinyl or fabric. A minimum 8' vertical clearance between the sidewalk and the lowest part of the awning shall be maintained. The color of the awning shall be an accent or complementary to the basic color of the building and shall not be illuminated. Sign copy on awnings is addressed in ARTICLE 34.
7. Building Materials - Exterior wall materials shall include stucco/EIFS, architectural grade CMU, stone, brick or precast concrete. Metal buildings are prohibited. It is recommended that no more than ~~30%~~50% of the front and side of a building facing a street shall be made of stucco/EIFS. Concrete block materials may only be used on the rear portion of a building. ~~Vinyl or~~ Fiber cement siding, which resemble traditional wood siding materials can be used but not to exceed 30% of the total amount of building materials used. Metal and vinyl materials may be used for incidental elements such as fascias and soffits.
8. Building Lighting - Building lighting shall be provided for security and pedestrian safety. Building lighting shall be limited to architectural grade fixtures.
9. Building Color - Building colors shall be low reflective, subtle, natural, neutral or earth tones, or ~~dark color~~ brick. The earth tones include shades of red, brown, gray and subtle shades of green and blue. The use of high intensity, bright (sharp contrast) or metallic color shall be prohibited, unless it is used for trim purposes. Color schemes shall be comprehensive and directly relate to the architectural design. Exterior colors shall be paired with features such as differing building materials, openings, and/or three dimensional changes in the facades.
10. Loading Areas/Docks - Loading areas/docks shall be incorporated into the overall design of the building so that the visual and acoustical impacts are contained. Screening should be accomplished by wing walls, which match the design and materials of the principal building or dense vegetation.
11. Mechanical Equipment - All mechanical equipment shall be screened, either with landscaping or a parapet wall designed to be compatible with the existing or proposed building material. This includes roof top and ground-mounted mechanical equipment.
12. Building Signage - Building signage shall be incorporated into the architectural design and the selection of building materials. Internally lit box cabinet sign, board signs, and signs or graphics painted directly on the exterior building walls are prohibited and individual channel letters are acceptable signs.

C. Application and Action

1. Specific, individual requirements in this section may be modified by the Zoning Administrator provided in the form of a written proposal will create an equivalent or superior solution to the requirement in question, and the proposal does not diminish the design character which would otherwise be created by the normal requirement.
2. For additions or exterior modifications to existing buildings, these design requirements shall be followed to the extent that they will produce a cohesive overall design in which the new improvements and original structure are compatible with one another when viewed from public vantage points. If compatibility between the new improvements and original structure is not feasible based on these requirements, retrofit design concepts prepared by KZF Design which may be used as examples are available from the Planning Commission.
3. As part of the Site Plan Review process, each applicant shall submit architectural drawings showing building materials, dimensions and elevations based upon the above design standards. The Boone County Planning Commission staff shall review and take action on the submitted



1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

design drawings. Any applicant can appeal the decision of the staff to the full Planning Commission within two weeks of the decision for final action.

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ARTICLE 32 TRANSPORTATION MANAGEMENT REGULATIONS

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ARTICLE 32 TRANSPORTATION MANAGEMENT REGULATIONS

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SECTION 3200 INTENT

- A. To promote effective multi-modal transportation including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. These regulations aim to improve the convenience and ease of movement of travelers on public roads and provide for the reasonable speeds and economy of travel while maintaining the capacity of the roadway. The location



and design of transportation facilities shall be in accordance with the following regulations. These regulations shall apply to all existing, planned, or proposed transportation facilities within unincorporated Boone County and the cities of Florence, Union, and Walton. These regulations shall also provide the basis for further detailing of acceptable street access for specific areas within the County, through special corridor/district studies conducted by the Planning Commission.

SECTION 3205 PROVISION FOR BICYCLE FACILITIES

- A. The Boone County Planning Commission and Kentucky Transportation Cabinet may provide for or require bike lanes, routes, or paths. Bicycle facilities are currently planned for Boone County in the current Boone County Transportation Plan, adopted Boone County and Florence pedestrian/bike path plans, the OKI Regional Bicycle Plan, and specific corridor plans.
- B. All bicycle facilities must be accompanied by appropriate pavement markings and signage and designed according to the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. These multimodal facilities must be incorporated into the design of circulation patterns of sites and in the location of access points. Such facilities shall be considered in the design of public streets by both developers and the applicable public works agency and reviewed in accordance with local and regional bicycle plans.

SECTION 3208 PROVISION FOR PEDESTRIAN NETWORK

- A. Sidewalk connections to adjacent developments and/or public rights-of-way shall be provided along public roads. New developments or re-development of existing sites shall provide sidewalks along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. Provisions shall be consistent with local pedestrian and multi-use trail plans.
- B. The width of the sidewalks shall be in conformance with the requirements of the BOONE COUNTY SUBDIVISION REGULATIONS. Wheelchair ramps shall be design in compliance with ADA standards and shall be installed at any pedestrian crosswalk which intersects with any ~~street~~At intersections and pedestrian crosswalks, wheelchair ramps shall be installed.

SECTION 3210 FUNCTIONAL ROADWAY CLASSIFICATION

- A. Roadways in Boone County shall be grouped into the following categories: ~~are grouped into categories based upon their function or use to insure that each roadway can operate at an acceptable level of service. Figure 2-4 of the 2006 Boone County Transportation Plan refers to existing functional classifications for analysis purposes, however, the lists in this ARTICLE 32 take into account the future needs of each roadway based on projected growth and other impacts described in the Transportation Plan, as well as the Boone Comprehensive Plan. The lists in this article are anticipated to grow in the future, especially with the future construction of Controlled Access Collectors that are conceptually described in the Transportation Plan. For developments specifically fronting on the affected portion of Dixie Highway (U.S. 25), the recommendations of the Dixie Fix Study should be followed. The classifications of roadways in Boone County are as follows:~~
 - 1. Freeway - A multi-lane divided highway having a minimum of two lanes in each direction for exclusive use of through traffic. Access is fully controlled, with full grade separation at interchanges.
 - 2. Expressway - A divided highway that serves through traffic. Access is partially controlled, with full or partial grade separations at major intersections.
 - 3. Arterial - High volume roadways that serve primarily through traffic at relatively high speeds. The provision of direct access to abutting land is subordinate to providing service to through traffic as facilitated through the following conditions:



- a. Direct private access to arterial roadways shall be permitted only when the property in question has no other reasonable access to the public roadway network.
- b. The design and location of allowable private access points must comply with all applicable sections of these regulations.
- c. Direct private access points to arterial roadways may be designated as "Temporary" and all requirements of SECTION 3233 shall apply.
4. Collector - Streets having the dual function of providing land access and traffic circulation service within residential, commercial, and industrial areas. Collector streets provide the connecting link between local streets and the arterial street network.
5. Sub-Collector - Streets that provide the greatest degree of access to abutting property. A sub-collector, while serving access to adjacent parcels, must facilitate traffic movement within a development. Service of through traffic on local streets is clearly subordinate and even discouraged by low posted speed limits, street design, and signing or signalization which causes frequent stops.
6. Local - Roadways which are designed to be used primarily for direct access to abutting properties.
7. Private - A privately owned and maintained street that provides access to abutting property for private users of such property.
8. Frontage Road (Service or Access Drive) - A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to adjoining properties.
9. Limited Access Residential - A subcollector or collector street with no direct access for individual lots. Such streets are intended to provide direct and safe circulation within and between developing residential areas and the major street network.
10. ~~**Freeway**— A multi-lane divided highway having a minimum of two lanes in each direction for exclusive use of through traffic. Access is fully controlled, with full grade separation at interchanges.~~
 - a. ~~*Freeway Roadways:*~~
 - i I-74
 - ii I-75
 - iii I-275
11. ~~**Expressway**— A divided arterial highway that serves through traffic. Access is partially controlled, with full or partial grade separations at major intersections.~~
 - a. ~~*Expressway Roadways:*~~
 - i ~~KY-212 (Airport Access Road)~~
12. ~~**Arterial**— High volume roadways that serve primarily through traffic at relatively high speeds. The provision of direct access to abutting land is subordinate to providing service to through traffic as facilitated through the following conditions:~~
 - a. ~~Direct private access to arterial roadways shall be permitted only when the property in question has no other reasonable access to the public roadway network;~~
 - b. ~~The design and location of allowable private access points must comply with all applicable sections of this regulation;~~
 - c. ~~Direct private access points to arterial roadways may be designated as "Temporary" and all requirements of Section 3234 shall apply.~~
 - d. ~~*Arterial Roadways:*~~
 - i ~~US-25 (Dixie Highway)~~



- ii US 42 (Highway 42)
- iii KY 8 (River Road)
- iv KY 14 (Verona Mudlick Road)
- v KY 14/16 (Mary Grubbs Highway, Walton-Verona Road, Glencoe-Verona Road)
- vi KY 16 (Walton-Nicholson Road)
- vii KY 18 (Burlington Pike, McVillie Road)
- viii KY 20 (Petersburg Road, Belleview Road)
- ix KY 236 (Donaldson Highway)
- x KY 237 (North Bend Road, Pleasant Valley Road, Camp Ernst Road)
- xi KY 338 (East Bend Road, Beaver Road, Richwood Road)
- xii KY 491 (Lebanon-Crittendon Road)
- xiii KY 536 (Mt. Zion Road, Hathaway Road, Rabbit Hash Road)
- xiv KY 842 (Houston Road, Hopeful Church Road, Weaver Road)
- xv KY 1017 (Turfway Road from US 25 to Aero Parkway, Aero Parkway)
- xvi KY 1018 (Houston Road, Hopeful Church Road, Weaver Road, Richardson Road)
- xvii KY 1292 (Beaver Road)
- xviii KY 1829 Industrial Road
- xix KY 3608 Idlewild Bypass
- xx Aero Parkway
- xxi Mall Road

13. **Collector**— Streets having the dual function of providing land access and traffic circulation service within residential, commercial, and industrial areas. Collector streets provide the connecting link between local streets and the arterial network.

a. *Collector Roadways:*

| | |
|--------------------------|-------------------------------|
| Beemon Lane | KY 3503 Sam Neace Drive |
| Big Bone Church Rd. | Limaburg Road |
| Beat Dock Road | Litten Lane |
| Brown Road | Longbranch Road |
| Bullittsville Road | Maier Road |
| Camp Ernst Road | Main Street (Florence) |
| Cayton Road | Mineola Pike |
| Coachtrail Drive | North Pointe Boulevard |
| Conner Road | Oakbrook Road |
| Conrad Lane | Old Lexington Pike |
| Cougar Path | Old Union Road |
| Courtney Road | Olympic Boulevard |
| Eads Road | Orleans Boulevard |
| Elijah Creek Road | Pebble Creek Way |
| Ewing Boulevard | Point Pleasant Road |
| Frogtown Connector Road | Rice Pike |
| Garrard Street | Richwood Road (east of US 25) |
| Graves Road | Rogers Lane |
| Grand National Boulevard | Salem Creek Road |
| Hanover Boulevard | Southpark Drive |



| | |
|---|------------------------|
| Hicks Pike | Springfield Boulevard |
| High Street Connector | Stephenson Mill Road |
| KY 8 Idlewild Bypass | Thornwilde Drive |
| KY 237 (Gunpowder Road) | Triple Crown Boulevard |
| KY 338 (Idlewild Road) | Violet Road |
| KY 717 (Thoroughbred Boulevard, Turfway Road north of Aero Parkway) | Waller Road |
| KY 1017 (Turfway Road) (Aero Parkway to Dolwick Road) | Waterloo Road |
| KY 1925 (Big Bone Road) | Wetherington Boulevard |
| KY 2846 (Tanner Road) | Williams Road |
| KY 2847 (Empire Road) | Woodspoint Drive |
| KY 2852 (Riddles Run Road) | Woolper Road |
| KY 2951 (Chambers Road) | Worldwide Boulevard |
| KY 3052 (Frogtown Road) | |
| KY 3076 (Mineola Pike, Dolwick Drive) | |
| KY 3159 Ted Bushelman Boulevard (Houston Road to Aero Parkway) | |

14. ~~Sub-Collector and Local~~ — Streets that provide the greatest degree of access to abutting property. A subcollector, while serving access to adjacent parcels, must facilitate traffic movement within a development. Service of through traffic on local streets is clearly subordinate and even discouraged by low posted speeds, street design, and signing or signalization which causes frequent stops.

B. Roadway classifications shall be designated on a list maintained by the Boone County planning Commission and is to be updated at least two (2) time every calendar year.

SECTION 3213 RECLASSIFICATION OF ROADWAYS AND ASSIGMENT OF NEW ROADWAYS

- A. The access classification of an existing or proposed roadway, through action of the Planning Commission, may be reviewed based upon a consideration of existing and projected traffic volumes, newly adopted transportation plans, changes in the existing and/or proposed character of lands adjoining the roadway, amended land use plans, ~~and~~ zoning (including Special District/Corridor Studies) and the availability of reasonable access to affected lands. ~~If T~~through its review, if the Planning Commission finds reasonable cause, it may recommend to the appropriate legislative unit(s) a modification, change, or assignment of a new access classification to an existing or proposed roadway within Boone County.
- B. The Planning Commission may also recommend to the appropriate legislative ~~unit(s) body~~ a change in the access classification of a roadway as part of a request for a zoning map amendment, when determined that the requested zone change, if approved, would significantly change the transportation function of the roadway.

SECTION 3215 MINIMUM SPACING OF DRIVEWAYS

- A. ~~In order to minimize the potential for accidents and delay to through vehicles,~~ Aall adjacent driveways onto public roadways must be separated by the minimum distance shown in Table 32-1-4. These minimum spacing requirements may be adjusted ~~slightly~~ ~~better~~ to accommodate minimum sight distance requirements if a ~~determination is made~~ ~~determined~~ by the Zoning Administrator that such adjustment is necessary to preserve the intent of these regulations.
- B. Measurements shall be taken from edge of pavement to edge of pavement.



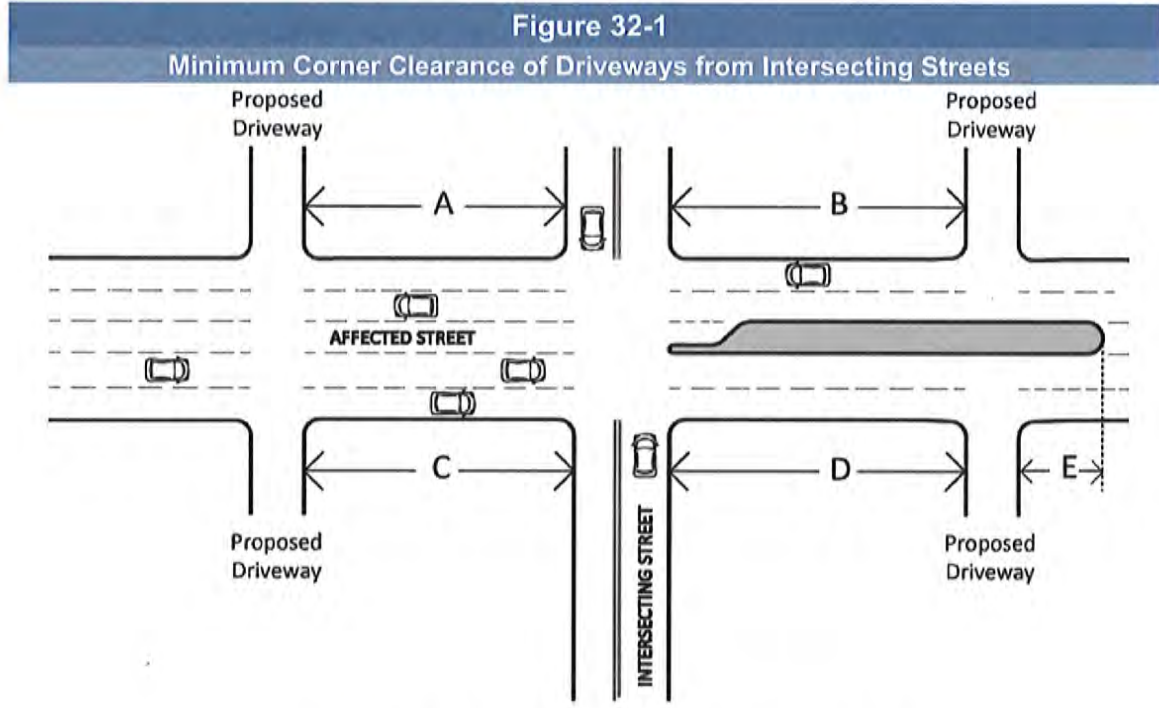
| Table 32-1
Minimum Spacing of Adjacent Driveways | |
|---|-------------------|
| Collector Roadways: | Arterial Roadways |
| < 40 M.P.H. = 185' | = 275' |
| > 40 M.P.H. = 230' | |

SECTION 3216 MINIMUM CORNER CLEARANCE OF DRIVEWAYS FROM INTERSECTING STREETS

A. The locations of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in Table 32-2.2.

| Table 32-2
Minimum Corner Clearances of Driveways from Intersecting Streets | | | | |
|--|----------|-----------|--|-------|
| SIGNALIZED INTERSECTION: | | | | |
| Item | Arterial | Collector | Commercial or Industrial Sub-Collector, Controlled Access Collectors | Other |
| A | 230' | 175' | 125' | 50' |
| B | 115' | 85' | 100' | 50' |
| C | 230' | 175' | 125' | 50' |
| D | 230' | 175' | 125' | 50' |
| E | 75' | 0' | 0' | 0' |
| NON-SIGNALIZED INTERSECTION: | | | | |
| Item | Arterial | Collector | Commercial or Industrial Sub-Collector, Controlled Access Collectors | Other |
| A | 115' | 75' | 75' | 50' |
| B | 115' | 85' | 85' | 50' |
| C | 85' | 85' | 85' | 50' |
| D | 115' | 75' | 75' | 50' |
| E | 75' | 0' | 0' | 0' |

Figure 32-1
Minimum Corner Clearance of Driveways from Intersecting Streets



Rotate 90 degrees for access controls on intersecting street
Measurements are edge of pavement to edge of pavement

SECTION 3217 MINIMUM SIGHT DISTANCE

- A. ~~All minimum sight distances at intersections shall meet the specifications of Chapter 902 of the current Kentucky Transportation Cabinet Highway Design Manual.~~
- B. Sight distances at intersections shall be determined by the Kentucky Transportation Cabinet, the County Engineer, or the City Engineer, depending on the entity that maintains that roadway.

SECTION 3220 PROVISION FOR MAINTAINING THE LEVEL OF SERVICE OF THE ROADWAY

- A. The Planning Commission may require that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

SECTION 3221 NUMBER AND LOCATION OF ACCESS POINTS

- A. ~~An encroachment permit shall be obtained from the appropriate legislative unit for whichever road is to be accessed.~~ Each existing tract of land is entitled to one access point provided that its location and design fulfill, as a minimum, the requirements of these regulations including the following:
 1. Where an undeveloped parcel adjoins another undeveloped parcel on collector, **sub-collector**, or arterial roadways, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided.



In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, ~~and shall also provide for dedication of right-of-way if the access should ever be developed into a public street.~~

2. A proposed development is permitted one access point for each five hundred (500) feet of site frontage. However, a single family dwelling in a residential or agricultural ~~district zone~~ may be granted one additional access point on a local or subcollector street where the lot frontage is at least one hundred (100) feet. All access points must be in compliance with all applicable sections of these regulations.
3. If a property has frontage on more than one street, access will be permitted only on those street frontages where standards contained in this ordinance and all other regulations can be met.
4. If a property cannot be served by any access point meeting these standards, the Planning Commission will designate one or more access point(s) based on traffic safety, operational needs and conformance to as many ~~much~~ of the requirements of these regulations as possible.

SECTION 3222 COORDINATION OF ACCESS POINTS

- A. Access points on opposite sides of ~~an the~~ arterial, collector, or ~~and~~ sub-collector roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Planning Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Planning Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.

SECTION 3223 CHANGE IN PROPERTY USE

- A. Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with SECTION 3240 of these regulations ~~this order~~.

SECTION 3224 EXISTING ACCESS

- A. Existing access points, even if not in use, may not be relocated, altered, or developed without approval of the Planning Commission.

SECTION 3225 TEMPORARY ACCESS POINTS

- A. Any access point that does not comply with one or more sections of this regulation may be designated as "Temporary" upon approval by the Planning Commission. Any access point so designated may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Planning Commission at such time as the particular use served by an access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting street, or a shared common driveway. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plan submitted for approval and also recorded as a Certificate of Land Use Restriction at the Boone County Clerk's office with the expiration date noted. An

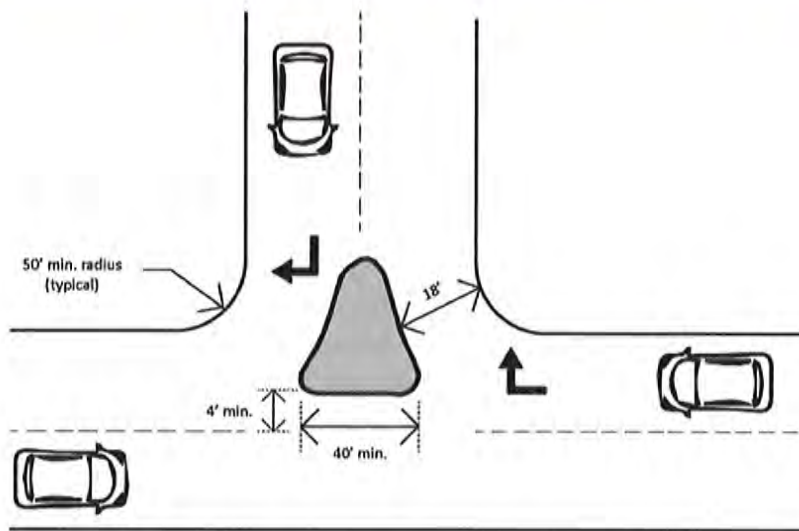


encroachment permit shall be obtained from the appropriate legislative unit for whichever road is to be accessed.

SECTION 3226 RESTRICTION OF TURNING MOVEMENTS

- A. Where necessary for the safe and efficient movement of traffic, the Planning Commission may require access points to provide for only limited turning movements (see Figure 32-2.2). Access points with restricted turning movements must still meet requirements for number and location of access points as specified in these regulations.

Figure 32-2
Right Turn In/Right Turn Out Access Design



SECTION 3227 CONSTRUCTION OF ACCESS POINTS

- A. Construction access may be granted to undeveloped property prior to development of a site plan if access is needed for construction or preliminary site access. Construction accesses are subject to removal, relocation, or redesign after final site plan approval.

SECTION 3230 DRIVEWAY DESIGN

- A. Design of driveway width, angle, grade, curb radii shall comply to the provisions of this section. Table 32-3.5 presents the required dimensions for driveway design based on rural or urban conditions. These dimensions should be adjusted upward as necessary to accommodate design vehicles. If center channelizing islands are used in a 2-way driveway, clearance widths of 1.5 to 2 feet should be added on both sides of the center island.



| Table 32-3
Recommended Basic Driveway Dimension Guidelines | | | | | | | | |
|---|---------|-----------|--------|---------------|---------|--------|---------------|---------|
| Dimension | | Reference | Resid. | Urban Commer. | Indust. | Resid. | Rural Commer. | Indust. |
| Width ¹ | Minimum | W | 10 | 15 | 20 | 10 | 15 | 20 |
| | Maximum | | 30 | 35 | 40 | 30 | 40 | 40 |
| Right-turn Radius ² | Minimum | R | 5 | 10 | 15 | 10 | 15 | 25 |
| | Maximum | | 15 | 20 | 2550 | 25 | 50 | 50 |
| Angle ³ | | A | 45 | 45 | 45 | 45 | 45 | 45 |

¹The minimum width of commercial driveways is intended to apply to one-way operation. In high pedestrian areas, the maximum basic width should be 30 feet.

²On the side of a driveway exposed to entry or exit by right-turning vehicles. In high pedestrian areas, the radii should be half the values shown. The maximum radii for major generator driveways can be higher than the values shown.

³Minimum acute angle measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian areas, the minimum angle should be 70 degrees.

Figure 32-3
Recommended Basic Driveway Dimension Guidelines



Figure 32-3
Recommended Basic Driveway Dimension Guidelines

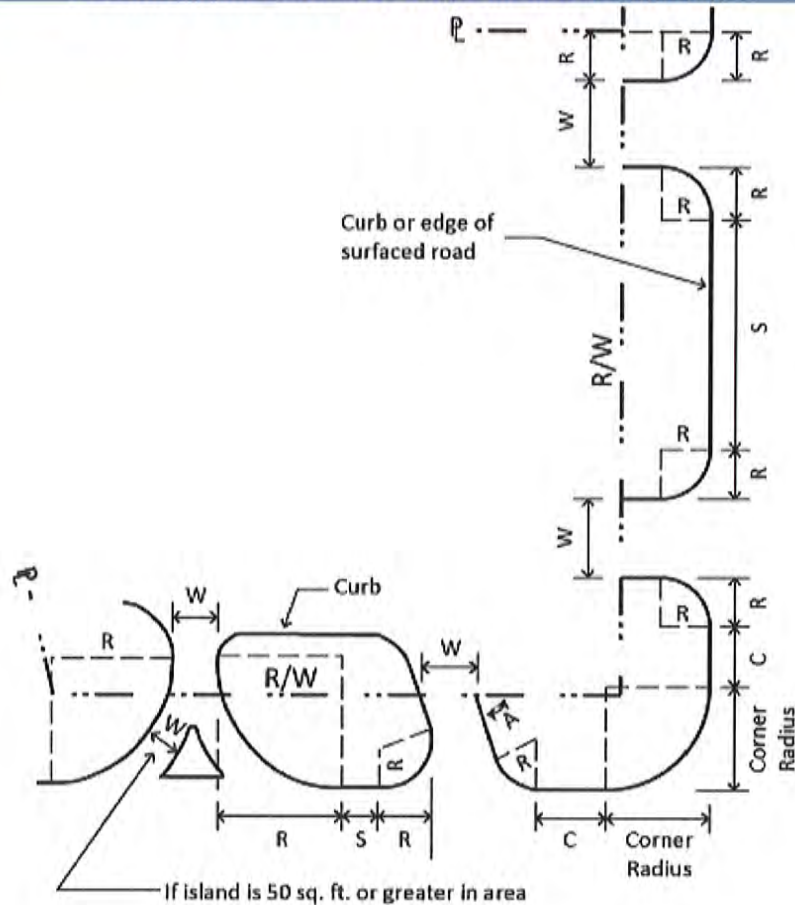
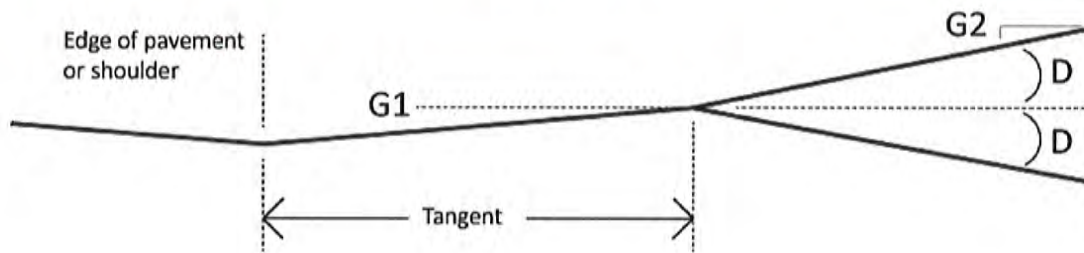


Figure 32-4
Driveway Design



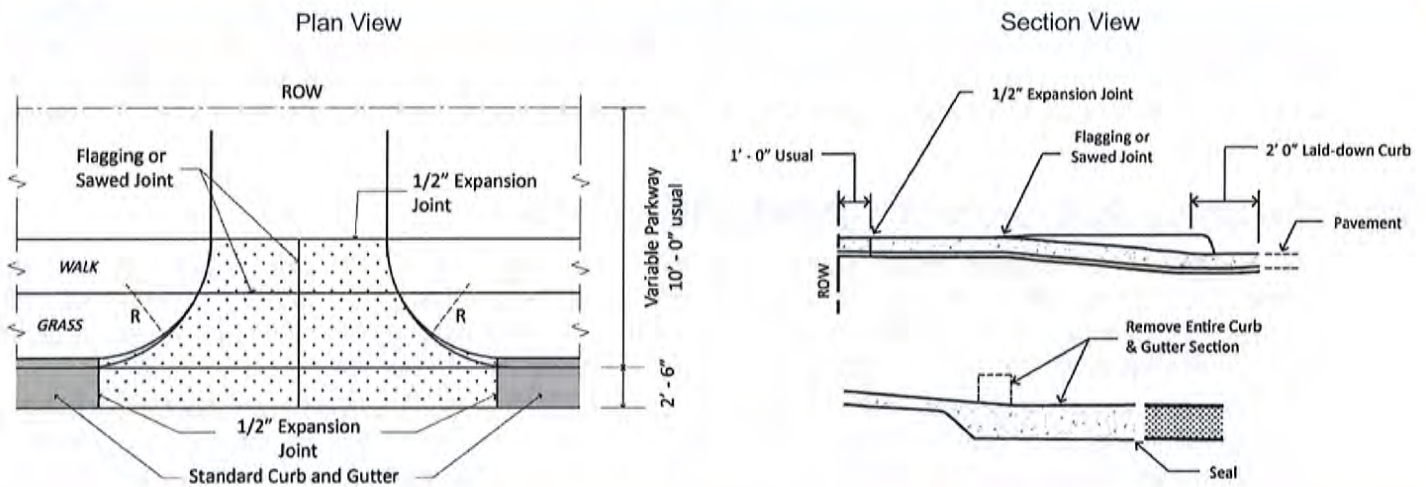
SECTION 3231 DRIVEWAY GRADES

- A. In high traffic areas, the grade of a driveway should reflect the design illustrated in Figure 32-4.4. Existing curbing should be completely removed to insure a safe and efficient access to the development. Where drainage of water flowing onto a roadway is anticipated, a swale (for non curbed areas with a ditch) or a curb modification ~~a trench drain~~ shall be installed as part of the driveway.



Figure 32-5.5 indicates recommended driveway grades. The value of G1 is limited by shoulder slopes and the presence of a sidewalk. In general, G1 should not exceed 8% and the change in grade between the driveway grade and street cross-slope should not exceed 10%. Driveway grades, G2 should not exceed 15% for residential driveways and 8% for commercial or industrial driveways. A level "landing" area should be provided at the approach to the roadway. However, the effect of a vertical curve on sight distances should also be considered. Concrete sidewalk sections are to be provided through curb cuts where existing sidewalks exist or are required.

Figure 32-5
Driveway Grade



| Suggested Max. Grade Change (D) | | |
|--|-----------|---|
| | Desirable | Maximum |
| High Volume | 0% | +/- 3% |
| Low Volume on Major or Collector Streets | +/- 3% | +/- 6% |
| Low Volume on Local Streets | +/- 6% | Controlled by vehicle clearance (+/- 15%) |

SECTION 3232 VEHICLE STORAGE/CIRCULATION

- A. No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family, duplex or townhouse residential uses on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the property. In addition, each portion of the development must have access to all other portions without using the adjacent street system. Where a proposed development includes a truck loading operation, adequate space must be provided such that all truck maneuvering is performed off street.
- B. Adequate stacking capacity must be provided for both inbound and outbound vehicles to facilitate safe movement. Inbound vehicle storage areas must be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk, or circulation within the development. Outbound vehicle storage areas must be provided to eliminate backup and delay of vehicles within the development.

SECTION 3233 SPACING RESTRICTIONS FOR SIGNALIZED ACCESS POINTS



- A. Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one quarter mile apart. The location and design of the signalized access points shall be determined by a traffic engineering study prepared by the developer and subject to the approval of the Planning Commission, as detailed in SECTION 3240. If the installation of a traffic signal is approved, the developer may be responsible for the cost of purchasing, installing, operating, and maintaining the signal equipment.

SECTION 3235 PROVISION OF EXCLUSIVE TURNING LANES AND DECELERATION LANES

- A. At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway. If the roadway in question has bike lanes, the developer shall also include adequate right-of-way for the bike lane and continue the bike lane through the access point. Acceleration lanes should be discouraged except for freeway applications.

SECTION 3236 PROVISION OF FRONTAGE ROADS

- A. The Planning Commission may require the use of frontage roads, backage roads, or driveway connections to provide access to property adjacent to arterial and collector roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction of such road.
- B. As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may the interconnecting of parking lots.

SECTION 3237 Approval of Access Points

- A. ~~A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Kentucky Transportation Cabinet for review and approval at the same time as plans are submitted to the Planning Commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies. Proposed access points along local public roadways must also be approved by the respective legislative unit.~~

SECTION 3238 APPROVAL OF ACCESS POINTS

- A. A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Kentucky Transportation Cabinet for review and approval at the same time as plans are submitted to the Planning Commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies. Proposed access points along local public roadways must also be approved by the respective legislative unit.
- B. An encroachment permit shall be obtained from the appropriate legislative unit for whichever road is to be accessed.
- C. All access to roadways for development purposes require Site Plan or Preliminary Plat and Improvement Plan (if applicable) approval from the Planning Commission. Access to collector and arterial roadways will only be permitted if no other reasonable access is possible.



- D. The Planning Commission (or Zoning Administrator where appropriate) will review development plans for compliance with these regulations at the earliest practical stage of plan review. These regulations shall be reviewed at the following stages unless otherwise designated by the Planning Commission or Zoning Administrator:

| Type of Development | Review Procedure |
|---|--|
| Subdivisions | Preliminary Plat Review, and if applicable, Improvement Plan |
| Planned Developments, Employment Planned Developments, Residential Planned Developments | Subdivision or Site Plan Review |
| Principally Permitted and Conditional uses in Commercial, Employment, Public Facilities, and Recreation <u>Districts</u> Zones | Site Plan Review |
| Conveyance Plats and Single Family Residential applications | Zoning Permit Review with building permit |

SECTION 3239 WAIVER OF REQUIREMENTS

- A. The Planning Commission through the official Zoning Administrator for the subject jurisdiction, may reasonably waive or modify, with conditions, the requirements of these regulations, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations. The Zoning Administrator can require a detailed traffic study from the applicant in order to make a determination.

SECTION 3240 TRAFFIC STUDIES

- A. Traffic studies may be required by the Planning Commission in order to adequately assess the impact of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, while the Planning Commission serves in a review capacity.
- B. The traffic study will be the responsibility of the applicant and must be prepared by a Licensed Kentucky professional engineer ~~professional individual or firm~~ with adequate experience in Transportation Engineering and Planning. Upon submission of a draft traffic study, the Planning Commission will review the study data sources, methods, and findings. Comments will be provided in a written form. The applicant/developer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. All studies must be approved by the Planning Commission before acceptance.
- C. The applicant should be notified at the pre-application stage whether a traffic study will be required, provided adequate information is available to the Planning Commission. If the proposed development appears to generate significant impact on the infrastructure, the applicant will be informed that a traffic study is required.
- D. Transportation consultants are required to discuss projects with the Planning Commission prior to starting the study. Topics for possible discussion at such meetings will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, methods for projecting build-out volume, and needs analysis of pedestrian/bicycle facilities. Specific requirements will vary dependent upon the specific site location being reviewed. No traffic study will be accepted unless the traffic study requirements of this regulation are met, and the applicant has a pre-application meeting with the Planning Commission.
- E. Traffic Study Format



1. In order to provide consistency and to facilitate Staff review of traffic studies, the following format shall be followed in the preparation of such studies by transportation consultants. The analysis shall be presented in a and logical sequence with footnotes where appropriate. A detailed description of what should be incorporated into a study is detailed in Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers. The following outline, taken from that document indicates the information that shall be included in a transportation study:

| Table 32-4 | | |
|---|--|--|
| Sample Table of Contents-Site Traffic Access/Impact Study Report | | |
| I. | Introduction and Summary | |
| | A. | Purpose of Report and Study Objectives |
| | B. | Executive Summary |
| | 1 | Site location and study area |
| | 2 | Development description |
| | 3 | Principal findings |
| | 4 | Conclusions |
| | 5 | Recommendations |
| | C. | Qualifications and experience of firm or individual(s) who prepared the study. |
| II. | Proposed Development (Site and Nearby) | |
| | A. | Off-site development |
| | B. | Description of on-site development |
| | 1 | Land use and intensity |
| | 2 | Location |
| | 3 | Site plan |
| | 4 | Zoning |
| | 5 | Phasing and timing |
| III. | Area Conditions | |
| | A. | Study Area |
| | 1 | Area of influence |
| | 2 | Area of significant traffic impact (may also be part of Chapter IV) |
| | B. | Study Area Land Use |
| | 1 | Existing land uses |
| | 2 | Existing zoning |
| | 3 | Anticipated future development |
| | C. | Site Accessibility |
| | 1 | Area roadway system (a. Existing; b. Future) |
| | 2 | Traffic volumes and conditions |
| | 3 | Transit service and Pedestrian/Bicycle facilities |
| | 4 | Existing relevant transportation system management programs |
| | 5 | Other as applicable |
| IV. | Projected Traffic | |
| | A. | Site Traffic (each horizon year) |
| | 1 | Trip generation (24 hour, AM peak hour and PM peak hour) |



Table 32-4
Sample Table of Contents-Site Traffic Access/Impact Study Report

| | | |
|-------|---|--|
| | 2 | Trip distribution |
| | 3 | Modal split |
| | 4 | Trip assignment |
| B. | Through Traffic (each horizon year) | |
| | 1 | Method of projections |
| | 2 | Trip generation (24 hour, AM peak hour and PM peak hour) |
| | 3 | Trip distribution |
| | 4 | Modal split |
| | 5 | Trip Assignment |
| C. | Total Traffic (each horizon year) | |
| V. | Traffic Analysis | |
| A. | Site Access | |
| B. | Capacity and Level of Service (including AM and PM peak hour LOS changes) | |
| C. | Critical Lane Analysis | |
| D. | Traffic Safety | |
| E. | Traffic Signals | |
| F. | Vehicle/Bicycle/Pedestrian Circulation and Parking | |
| VI. | Improvement Analysis | |
| A. | Improvements to accommodate base traffic | |
| B. | Additional improvements to accommodate site traffic | |
| C. | Alternative improvements | |
| D. | Status of improvements already funded, programmed, or planned | |
| E. | Evaluation | |
| VII. | Findings | |
| A. | Site accessibility | |
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2. The executive summary should be a one or two-page synopsis that concisely summarizes the study purpose, conclusions, and recommendations. Throughout the study, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to complete.



ARTICLE 33 OFF-STREET PARKING AND LOADING FACILITIES

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SECTION 3300 GENERAL REQUIREMENTS

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of ~~these regulations~~~~this order~~;
- B. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where there is a change of use, there shall be provided as many of such spaces as may be required by ~~these regulation~~~~this order~~;
- C. Whenever a building or structure constructed after the effective date of ~~these regulation~~~~this order~~ is changed or enlarges in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of ~~these regulation~~~~this order~~ is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

SECTION 3310 PARKING SPACE DIMENSIONS

- A. Parking spaces must be designed using the angles, layout and dimensions in Table 33-1.4.



| Table 33-1.1
Parking Area Dimensions | | | | | | |
|---|---|----|-------|-------|----|----|
| A | B | C | D | E | F | G |
| 0° | 8 | 23 | 8 | 23 | 20 | 12 |
| 30° | 9 | 18 | 17 | 18 | 20 | 15 |
| 45° | 9 | 18 | 19 | 12.67 | 20 | 15 |
| 60° | 9 | 18 | 20.17 | 10.33 | 24 | 20 |
| 75° | 9 | 18 | 19.67 | 9.33 | 24 | 20 |
| 90° | 9 | 18 | 18 | 9 | 24 | 20 |

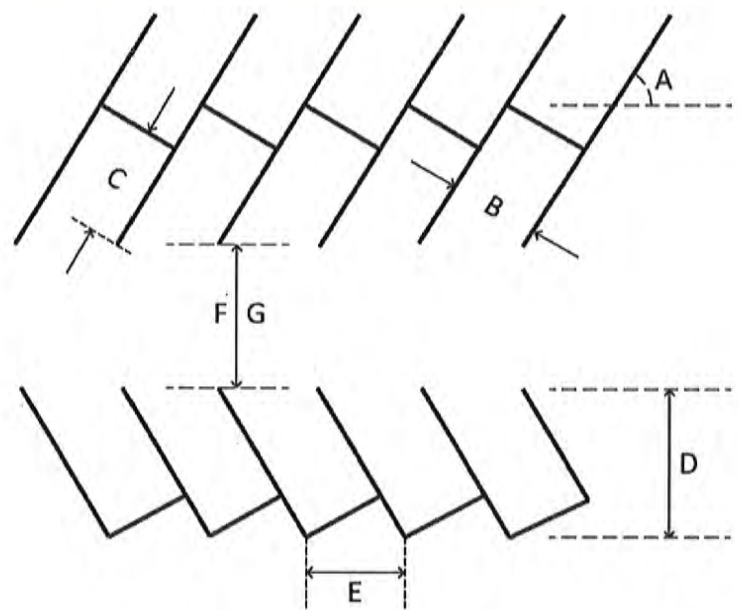
Dimensions in feet

Stall width (B) may be reduced by one foot for low turnover uses, excluding parallel parking.

Stall length (C) may be reduced by 2.5 feet when a clear overhang of 2.5 feet is provided.

Interior parking radii shall be a minimum 5 feet.

**Figure 33-1
Parking Area Dimensions**



- A - angle parking
- B - stall width
- C - stall length
- D - stall depth
- E - curb length
- F - two-way drive width or double loaded drive width
- G - one-way drive width or single loaded drive width

SECTION 3311 LOADING SPACE REQUIREMENT AND DIMENSIONS

- A. A loading space shall have minimum dimensions of not less than ten (10) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for

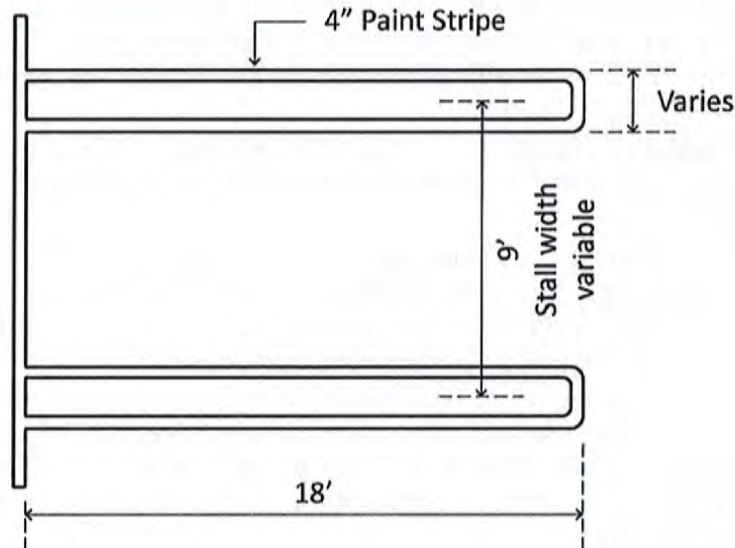


every building designed to house uses which require delivery of goods and having a modified gross floor area of up to ~~five thousand~~ (5,000) square feet. One loading space shall be provided for each additional ~~ten thousand~~ (10,000) square feet or fraction thereof designed for such uses. The Zoning Administrator shall have the power to reduce the number of required loading spaces based on the special circumstances of a particular use or site and to place appropriate conditions on such an exemption.

SECTION 3312 STRIPING AND SIGNAGE

- A. All parking areas shall be striped to facilitate the movement into and out of the parking stalls. This includes the delineation of access isles and permitted turning movements. The entrances and exits to the parking area shall be clearly marked. All signage and stripping will be adequately maintained to insure safe and efficient movement of vehicles (See Figure 33-2.2).

Figure 33-2
Striping of Parking Stalls



SECTION 3313 PARKING AND PASSENGER LOADING ZONES FOR THE DISABLED

- A. All accessible parking for the disabled shall conform to the applicable requirements in the 2013 2018 Kentucky Building Code. Detailed building code requirements that pertain to handicapped parking and accessibility are administered by Boone County Building Department.
- B. In any commercial or employment district, or wherever any townhouse or multi-family housing is provided, parking spaces for disabled people shall be provided as indicated on the following table:

| Parking Spaces for the Disabled | |
|---------------------------------|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |



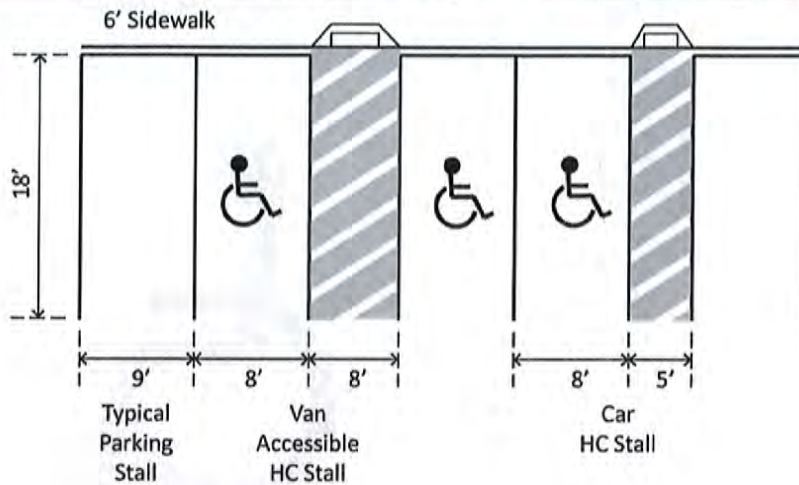
| Parking Spaces for the Disabled | |
|---------------------------------|-----------------------------------|
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2% of total |
| 1,001 and over | 20 plus 1 for each 100 over 1,000 |

1. Exceptions
 - a. This chart does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.
 - b. Groups R-2 and R-3 - At least **two percent (2%)**, but not less than one, of each type of parking space provided for occupancies in Group R-2 and R-3, which are required Accessible, Type A or Type B dwelling or sleeping units, shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.
 - c. Hospital outpatient facilities - At least **ten percent (10%)**, but not less than one, of care recipient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.
 - d. Rehabilitation facilities and outpatient physical therapy facilities - At least **twenty percent (20%)**, but not less than one, of the portion of care recipient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.
2. Van spaces - For every six (6) or fraction of six (6) accessible parking spaces, at least one (1) shall be a van accessible parking space. Van-accessible parking spaces shall be a minimum of eleven (11) feet in width and shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them.
 - a. Exception - Van parking spaces shall be permitted to be a minimum of eight (8) feet in width where the adjacent access aisle is a minimum of eight (8) feet in width.
3. Car spaces - Car parking spaces shall be a minimum of eight (8) feet in width and shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them.
4. Location - Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

Figure 33-3
Handicapped Parking



Figure 33-3
Handicapped Parking



5. Accessible routes within the site shall be provided from public transportation sites, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served. Exception - Other than in buildings or facilities containing or serving Type B units, an accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing for pedestrian access.
6. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. Exception - an accessible route is not required between accessible buildings, accessible facilities, accessible elements and accessible spaces that have, as the only means of access between them, a vehicular way not providing for pedestrian access.
7. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1 of ICC/ANSI A117.1-2003-2009. Signs identifying van parking spaces shall contain the designation "van accessible". Such signs shall be sixty (60) inches minimum above the floor of the parking space, measured to the bottom of the sign.
8. Passenger loading zones are typically required at institutional facilities such as assisted living facilities, hospitals and nursing homes. Passenger loading zones, when voluntarily provided, should also comply with these provisions:
 - a. Passenger loading zones shall provide a vehicular pull-up space 8 feet minimum in width and twenty (20) feet minimum in length. The space does not have to be marked because vehicles will only temporarily stop to load and unload passengers.
 - b. Passenger loading zones shall have an adjacent access aisle. The access aisle shall adjoin an accessible route. Access aisles serving vehicle pull-up spaces shall be five (5) feet minimum in width. Access aisle shall be marked to discourage parking in them.

Figure 33-4
Handicapped Parking Signage



Figure 33-4
Handicapped Parking Signage

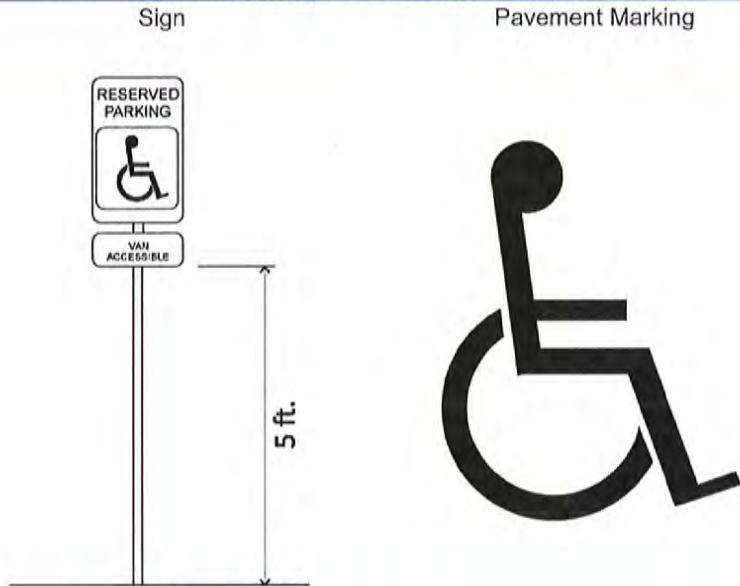
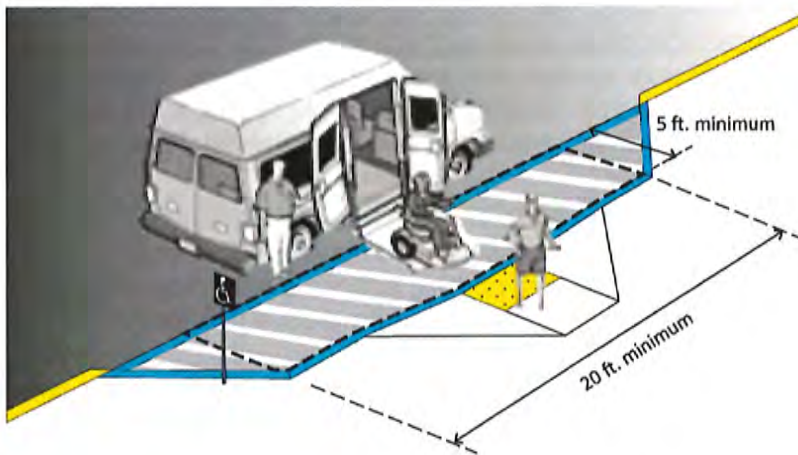


Figure 33-5
Passenger Loading Zone and Access Aisle



SECTION 3314 PAVING

- A. All parking and loading spaces set forth in SECTION 3311 and SECTION 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface.
- B. Within the City of Florence, all parking and loading/unloading areas shall be constructed with curbs along their perimeters. This requirements does not apply to single-family or two-family residential uses.



- C. Interlocking, concrete pavers that permit grass to grow through openings are an acceptable substitute for asphalt concrete or portland cement concrete for parking spaces and driveways that serve fifty (50) or less parking spaces, provided that at least fifty percent (50%) percent of the paver surface is exposed as the driving surface.
- D. Paved surfaces in vehicular areas shall be kept free from deterioration and maintained in a solid, integral pavement condition.
- E. Driveways and parking areas serving one single-family residence on a lot of one acre or more in size shall be exempt from this requirement, except in the City of Florence. However, an asphalt concrete or portland cement concrete apron, of a minimum of 19 feet in length for the width of the driveway, shall be provided from the edge of the paved portion of the street upon which the driveway is encroaching.
- F. For residential uses within residential districtszones, no portion of a front yard or corner side yard may be paved or otherwise covered with an impervious surface except for driveways, defined parking areas, sidewalks, and stoops and patios adjoining a building entrance.
- G. Exceptions to the above these requirements shall be determined by the Zoning Administrator upon written request of an applicant.
- H. ~~(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)~~ Provided that, fFor residential uses within residential districtszones, no more than forty-five percent (45%) of a front yard or corner side yard may be paved or otherwise covered with an impervious surface. (this requirement only applies to the City of Florence)

SECTION 3315 DRAINAGE

- A. All parking and loading areas shall provide for proper and approved drainage of surface water (See ARTICLE 30 and ARTICLE 31).

SECTION 3316 LIGHTING

- A. The following standards shall be applied to any development, except for single family and two family:
 1. Any parking area intended to be used during non-daylight hours shall be properly illuminated to avoid accidents.
 2. ~~During the Plan Review Process, the Zoning Administrator has the authority to require plans specifying foot candle minimums and illumination patterns when lighting is an integral part of a developments use (See Figure 33.6).~~
 3. Any lights used to illuminate any out-of-doors area shall be arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street (See ARTICLE 31).
 4. Measurable light shall be less than one (1) footcandle at all property lines.
 5. Exterior fixtures mounted on freestanding masts shall be downlit, and the light from exterior floodlights and wall packs mounted on buildings and similar structures shall be directed at forty-five (45) degrees or more below horizontal.

| Table 33-2
Proper Lighting Requirements | |
|--|---------------------|
| General Application | Average Footcandles |
| Building Exterior-Site Areas Adjacent to | |
| Active entrances-pedestrian or vehicle | 5.0 |
| Inactive entrances-normally locked | 1.0 |
| Vital locations or structures (security) | 5.0 |



| Table 33-2
Proper Lighting Requirements | |
|--|---------------------|
| General Application | Average Footcandles |
| Building Surroundings | 1.0 |
| Parking Areas | |
| High Activity | 3.6 |
| Medium Activity | 2.4 |
| Low Activity | 0.8 |
| Roadways-Non Dedicated and Private | |
| High Activity | 2.0 |
| Medium Activity | 1.0 |
| Low Activity | 0.5 |

SECTION 3317 LOCATION OF PARKING SPACES

- A. The following regulations shall govern the location of off-street parking spaces and areas:
 1. Parking spaces for all detached or semi-detached residential uses shall be located on the same lot as the use which they are intended to service.;
 2. Off premises parking spaces for recreation, commercial, employment, or infrastructure uses shall be located not more than seven hundred (700) feet from the principal use.;
 3. Parking spaces for attached residential uses shall be located not more than five hundred (500) feet from the principal use. Off-street parking spaces for any residential use may not be in any public or street right-of-way.

SECTION 3320 JOINT USE

- A. Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap. The use joint parking in lieu of required parking will require a written agreement between property owner and a parking study to be approved by the Zoning Administrator.

SECTION 3321 WHEEL BLOCKS

- A. Curbs, wheel blocks or other suitable devices must be provided to prevent vehicles from extending beyond a property line, pedestrian walk-way, or drainage area. A minimum of 2.5 feet should be provided for overhang of a vehicle. When a sidewalk is used as the wheel stop and overhang for a parking stall, the width of the sidewalk shall be no less than six (6) feet (See Figure 33-6 33.7; also refer to SECTION 3327).

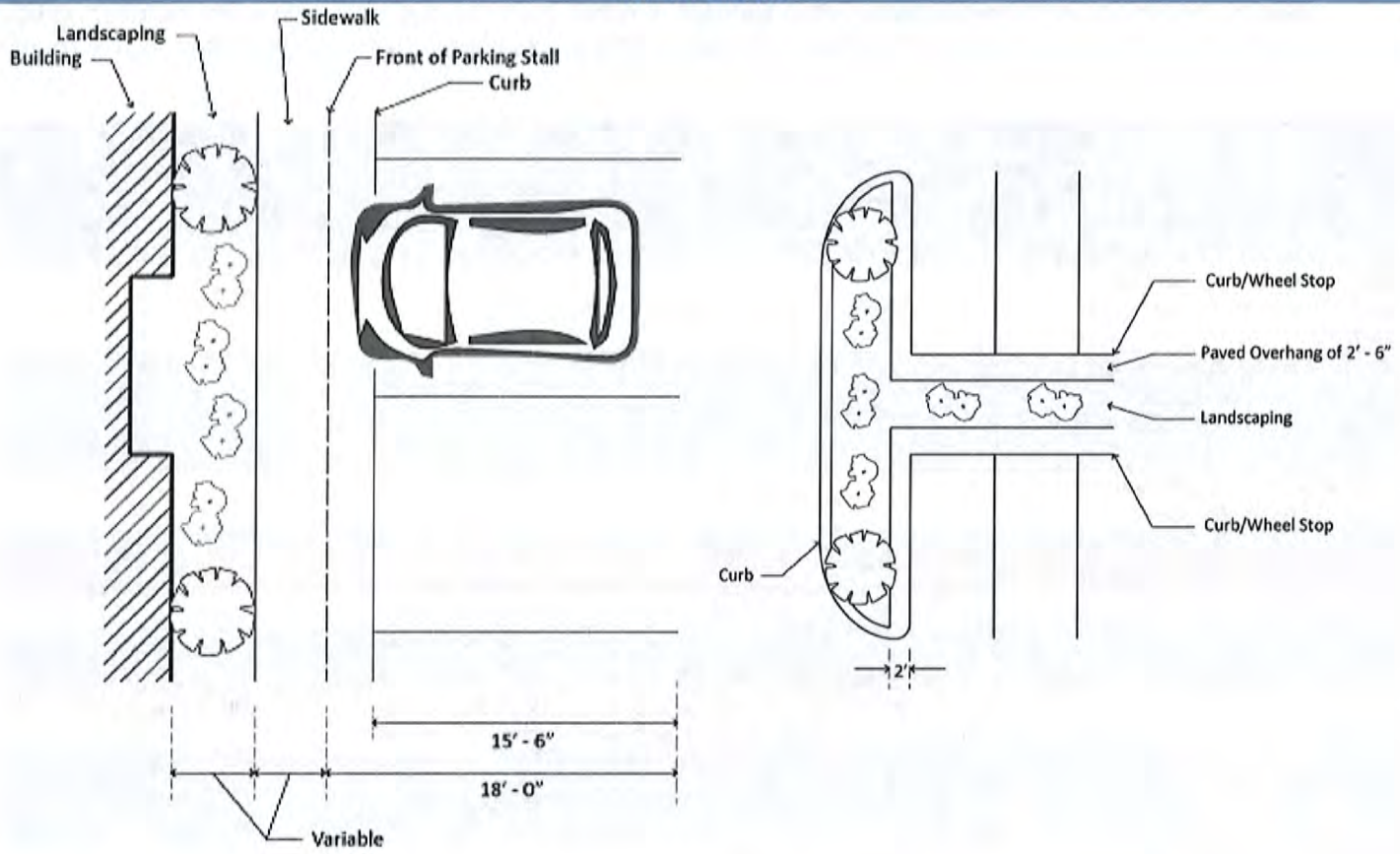
**Figure 33-6
Wheel Blocks**

Sidewalk

Island



Figure 33-6
Wheel Blocks



SECTION 3322 ACCESS

- A. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Any parking area, except for single-family residential, duplexes and townhouses shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. Where possible and appropriate, inter-connecting parking lots shall be provided for the purpose of reducing the number of local trips onto public streets.

SECTION 3323 INTERNAL DRIVEWAYS

- A. Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.

SECTION 3325 PARKING SPACE REQUIREMENTS



A. The following table outlines the formulas for determining the minimum number of required parking spaces. The maximum number of parking spaces which may be provided, for all uses except for single family dwellings, is thirty percent (30%) ~~percent~~ greater than the required minimum number, unless a parking study acceptable to the Zoning Administrator is provided which demonstrates that a specific use or proposal has a greater parking need or demand.

| USE / DISTRICT
(WHICHEVER IS MORE
RESTRICTIVE) | OFF-STREET PARKING CRITERIA |
|--|---|
| Recreational | |
| libraries, museums, and art craft galleries and other cultural exhibits | 1.00 space per 400 gross floor area (gfa.) |
| amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies | 1.00 space per four seats |
| stadiums, arenas, field houses and other sports assemblies | 1.00 space per four seats |
| auditoriums, exhibit halls and other public or miscellaneous assembly | 1.00 space per four seats |
| ice and roller skating rinks | 1.00 space per 100 sf. of floor area used for the activity |
| bowling alleys | 4.00 spaces per alley or lane plus 1.00 space per four seats or 1.00 space per 30 sf. of floor area used for restaurant, cocktail lounge or similar use |
| swimming pools | 1.00 space per 5 person capacity plus 1.00 space per four seats or 1.00 space per 30 sf. of floor areas used for seating purposes whichever is greater |
| tennis clubs | 2.00 spaces per court plus 1.00 space per 3 employees plus 1.00 space per 4 spectator seats plus 1.00 space per 2 seats in any eating/drinking area plus 1.00 space per 250 sf. for any retail area |
| gymnasiums/fitness clubs | 1.00 space per 200 gfa. |
| dance school studios, martial arts studios, and gymnastic schools | 1.00 space per 150 gfa. |
| Residential | |
| detached single-family and duplex dwelling types | adequate off-street parking must be provided for two vehicles |
| townhouse and multi-family dwelling types: efficiency and one bedroom units | 1.5 spaces per unit |
| townhouse and multi-family dwelling types: two or more bedroom units | 2.00 spaces per unit |
| mobile home park | 2.00 spaces per mobile home unit |
| Commercial | |
| when consolidated within integral centers in C-1, C-2, C-3, and C-4 districts | 4.00 spaces per 1,000 gfa. up to 30,000 sf. 3.00 spaces per 1,000 gfa. Thereafter |
| As individual retail stores | 1.00 space per 250 gfa. |
| furniture/home furnishing stores larger than 30,000 gfa | 1.00 space per 600 gfa. |
| banks, financial institutions and similar uses | 1.00 space per 250 gfa. |
| convenience stores with gas sales | 1.00 space per 250 gfa. plus 1.00 space per 2 gasoline pumps |
| other types of businesses or commercial outlet | 1.00 space per 300 gfa. |
| Employment | |



| USE / DISTRICT
(WHICHEVER IS MORE
RESTRICTIVE) | OFF-STREET PARKING CRITERIA |
|---|--|
| office, business, research and service uses in C-1, C-2, C-3, C-4 or O-1, O-2 I-1, I-2 or I-3 districts | 1.00 space per 250 gfa. Plus 1.00 space for each automobile used in the business, plus any additional parking area as required by SECTION 3326 |
| office condominiums | 1.00 space per 300 gfa. plus 1.00 space for each automobile used in the business, plus any additional parking area as required by SECTION 3326 |
| light and heavy manufacturing, transportation, and other industrial uses in an I-1, I-2 or I-3 district | 1.00 space per two employees on the largest shift for which the building is designed or 1.00 space per 1,000 gfa, whichever is greater, plus 1.00 space for each automobile used in the business, plus any additional parking area as required by SECTION 3326 |
| warehouse and distribution uses in I-1 or I-2 district | 1.00 space per employee on the largest shift for which the building is designed, plus 1.00 space for each automobile used in the business, plus any additional parking area as required by SECTION 3326 |
| <u>Any development that contains a building having twenty (20) or more tractor-trailer bay doors</u> | 1.00 space, having the minimum dimensions of 10' wide by 80' long, for every four (4) bay doors |
| Public Facilities | |
| Churches and other places of religious Assembly | 1.00 space per three seats |
| Hospitals | 1.00 space per bed |
| sanitariums, homes for the aged, nursing homes and similar uses | 1.00 space per 2 beds |
| elementary and junior high schools | 2.00 spaces per classroom plus, 1.00 space per 8 seats in auditorium or assembly halls |
| high schools | 1.00 space per 5 seats in assembly hall of greatest capacity on the school grounds or 1.00 space per 9 students - whichever is Greater |
| junior colleges, colleges and universities | 1.00 space per 4 students |
| business, vocational, trade and similar schools | 1.00 space per 2 students |
| public offices or buildings | 1.00 space per 400 gfa. |
| police, fire, utility and other service | 1.00 space per 2 employees on the largest uses shift for which the building is used plus 1.00 space for each motor vehicle maintained on the premises |
| Miscellaneous | |
| automotive repair facilities and gasoline service stations | 1.00 space per 2 gasoline pumps if applicable plus 2.00 spaces per service bay (access and circulation areas where a motor vehicle would be temporarily parked for the purpose of obtaining fuel from a gasoline pump shall not be considered acceptable parking spaces for the purpose of these regulations) |
| hotels, motels | 1.00 space per sleeping room plus 1.00 space per 2 employees |
| funeral homes | 1.00 space for every 3 seats based on maximum seated occupancy plus 1.00 space for each business vehicle maintained on the premises |
| (THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY, CITY OF UNION, AND CITY OF WALTON ONLY) | |
| eating and drinking establishments | 1.00 space for every 2 seats including wait area seating, plus 1.00 space for each 20 sf of open wait area, plus 1.00 space per 250 gfa of any retail area, plus 4.00 spaces per billiard table, plus 1.00 space per 100 gfa. of dance floor area; any drive-in service spaces shall not be credited towards required spaces |
| (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE ONLY) | |
| eating and drinking establishments | 1.00 space for every 2 seats including wait area seating, plus 1.00 space for each 20 sf of open wait area, plus 1.00 space per 250 gfa of any retail area, plus 4.00 spaces per billiard table, plus 1.00 space per 100 gfa. of dance floor area; any drive-in service spaces may be credited towards required spaces; up to 500 sf of outdoor dining shall be excluded from the parking space requirements |
| banquet and reception halls | 1.00 space for every 4 seats based on maximum seated occupancy |
| teen dance clubs | 1.00 spaces per 3 occupants based on maximum standing occupancy |



| USE / DISTRICT
(WHICHEVER IS MORE
RESTRICTIVE) | OFF-STREET PARKING CRITERIA |
|--|--|
| medical and dental clinics | 1.00 space per 200 gfa. |
| nursery and child care centers | 2.00 spaces per each instructor/care giver, plus 1.00 space per other employee, plus 1.00 space for each automobile used in the business, but not less than 6.00 spaces overall |
| kennels | 1.00 space for each employee on the largest shift, plus 1.00 space for each automobile used in the business; for overnight boarding, add 1.00 space for accommodations for every 20 animals; for animal day care, training, grooming, and comparable activities, add 1.00 space for each customer that can frequent the business at any given time |

SECTION 3326 GENERAL INTERPRETATIONS

- A. In the interpretation of this Article, the following rules shall govern:
 1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Administrator.;
 2. Fractional numbers shall be increased to the next whole number.;
 3. Where there is adequate public transit system or where for any other reason parking demand is unusually low, such as a use which customarily has a lower parking demand based on credible industry data, then the parking space provisions cited above may be reduced proportionately by the Zoning Administrator.
 4. In employment districts, wherever parking of large trucks, vans, or tractor-trailers is planned or may reasonably be expected, a parking area of sufficient size to accommodate such vehicles parked on site shall be required. Such parking areas shall be clearly designated and marked, and shall be exclusive of driveways, aisles, and other circulation areas. The provision of parking areas for such vehicles shall under no circumstances cause a reduction in the minimum required number of automobile parking spaces.

SECTION 3327 PEDESTRIAN/BICYCLE IMPROVEMENTS

- A. Sidewalk construction shall follow the construction requirements of the BOONE COUNTY SUBDIVISION REGULATIONS. Requirements for the provision of adequate pedestrian walkways are as follows:
 1. Walkways between parking areas, building entrances, and adjacent streets shall be provided.
 2. Within the interior of a parking lot, landscaping shall be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot.;
 3. Pedestrian walks shall be lighted.;
 4. At appropriate intervals/locations, street furniture should be provided along the pedestrian walk.
 5. Raised walkways shall be provided between buildings and immediately adjacent parking spaces (also refer to SECTION 3321).
- B. A sufficient number and type of bicycle racks and associated facilities shall be provided at the entrance to each development/building. The parking shall be located so as to provide safety, security and convenience for bicycle riders. As such these facilities shall be located a safe distance from pedestrian and vehicular traffic. The following requirements apply to multi-family residential, commercial, and employment uses located within the cities of Florence, Walton and Union, and along collector and arterial roads within Boone County:



1. Provide at least two spaces for each twenty-five (25) vehicular spaces required, with a minimum of four spaces for each development entrance/building. No more than one hundred (100) bicycle parking spaces shall be required for any individual development.;
2. Locate parking facilities outside of vehicular or pedestrian traffic ways, by providing either a minimum three foot separation, or a curb or other physical barrier.;
3. Parking facilities shall be constructed of durable, strong materials that can be permanently anchored to the ground and designed to allow the easy use of locks.
4. Sufficient lighting shall be provided.

SECTION 3328 ELECTRICAL VEHICLE CHARGING STANDARDS

- A. **PURPOSE:** To accommodate and promote electric vehicle charging throughout the County promoting the health, safety and general welfare of the community and preventing adverse impacts in the installation and use of electric vehicle chargers.
- B. Private Electric Charging Stations shall be allowed as a customary accessory structure in all districts and shall comply with the following requirements:
 1. Shall be included in the calculation for both the number of minimum and maximum number of spaces required under SECTION 3325.
 2. Must be solely for private use of the property owner, resident, or their non-paying guests.
 3. Must be located in a garage, on the exterior wall of the home or garage, or free standing pole adjacent to a parking space.
 4. Signage shall be prohibited.
 5. Canopies, for the purpose of covering just the electrical vehicle charging station, shall be prohibited.
 6. Lighting, for the purpose of just illuminating the electrical vehicle charging station, shall be prohibited.
 7. Shall not encroach into the required dimensions of the parking space, per SECTION 3310.
- C. Public Electric Charging Stations, except those that are located in a gasoline filling station, shall be allowed in a parking lot or parking garage and shall comply with the following requirements:
 1. Shall be included in the calculation for both the number of minimum and maximum number of spaces required under SECTION 3325.
 2. Shall be reserved for parking and charging of electric vehicles only.
 3. Signage shall be limited to a maximum sign area of six (6) square feet.
 4. Canopies, for the purpose of covering just the electrical vehicle charging station, shall be prohibited.
 5. Lighting, for the purpose of just illuminating the electrical vehicle charging station, shall be prohibited.
 6. Shall not encroach into the required dimensions of the parking space, per SECTION 3310.
 7. Shall not encroach into any required landscape buffer yard.



ARTICLE 34 SIGNS

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SECTION 3400 PURPOSE AND INTENT

Section 3400—Intent

- A. The purpose of this Article is to: coordinate the type, placement and physical dimensions of signs within the different districts/zones; to recognize the commercial communication requirements of all sectors of the business community; to recognize free speech; and to encourage the innovative use of design through Special Sign Districts. ~~This Furthermore, this~~ article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. ~~This Lastly, this~~ article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.
- B. As a basis for adopting these regulations, the legislative body finds:
1. Signs are an essential form of communication in the built environment, providing way-finding guides to residents, visitors, public safety officials, customers and potential customers of local businesses, delivery people and others.
 2. Signs provide communication on public issues. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression.
 3. Retailers and other businesses depend on signs to help people find their businesses, and, in a large and expensive media market like that of Cincinnati (a market which includes Boone County), many small businesses depend on signs as one of the most affordable forms of advertising.
 4. Signs may distract drivers and lead to deaths and injuries to pedestrians and cyclists as well as to drivers and passengers and to property damage. Moving, flashing and rapidly changing signs are particularly distracting to drivers. A proliferation of signs on a particular site or along the right-of-way can have the same effect as moving signs, as drivers try to sort through the visual noise to find the information that they want or need.
 5. The legislative body, with the advice of the Boone County Planning Commission and its professional staff, and with input from residents through the Our Boone County Plan 2040 planning process, have placed an increasing emphasis on preserving the sense of place and the design of the built environment; limiting the size, height and number of signs is an important tool in preserving a sense of place, a tool that accompanies the County's standards for landscaping.
 6. Our Boone County Plan 2040 recommends that policies, regulations and incentives be developed and implemented that preserve and improve the existing community fabric.
 7. Balancing these competing considerations is particularly difficult in residential areas, where people value both their visually appealing environments and their ability to communicate their opinions regarding candidates and public issues through yard signs.



8. In updating its ordinance, the legislative body has made a major effort to limit content as a factor in its sign regulations. After due consideration, however, it has concluded that one way to leave room for extensive free expression through signs in residential areas while limiting total sign clutter is to maintain significant limits on commercial signs in residential areas. Recognizing the importance of "for sale" and "for lease" signs in maintaining the occupancy of healthy neighborhoods, those signs must remain. There is a similar utility in providing 'for sale' yard signs, which allow people to dispose of unwanted items without sending them to a landfill.
9. Although time limits on signs can be arbitrary, a significant distinction between speakers expressing an opinion and signs is that "Speakers, however long-winded, will eventually come to the end of their remarks." Members of the legislative body have long noted that signs for political campaigns, as well as those advertising pancake breakfast's and spaghetti dinners for civic organizations, are often abandoned after the events, contributing to clutter long after they have served their purpose. Although such signs were once typically paper or cardboard that would eventually decay, many today are plastic and will remain until removed. Thus, despite the expressed concern of the Supreme Court with time limits, the legislative body finds that it has a substantial governmental interest in clarifying the status of signs for past events that thus no longer serve a purpose so that there is a legal basis for the legislative body to remove them or force their removal.
10. The legislative body has long allowed unlimited numbers of small signs bearing non-commercial messages to allow merchants and others to designate handicapped parking places, provide directions to ATM's and restrooms, warn of guard dogs and other hazards and provide a variety of other place-based information. With the prohibition of commercial messages on such signs, it has been the observation of legislative body members, and their professional staff, that property owners are judicious and appropriate in posting such signs. The legislative body thus finds that it has a substantial interest in allowing merchants and property owners freely to post necessary informational signs but without allowing an endless proliferation of commercial messages.
11. Although in the findings above, the legislative body has recognized the multiple values of signs in the built environment. Legislative body officials have concluded that there is no place for signs of overwhelming size and no relation to context in an urban and urbanizing environment. Although previous versions of these regulations followed the pattern of state and federal laws by defining such billboards as "off-premise" signs, this ordinance addresses the same issue by establishing a form of circuit breaker size limit, prohibiting very large signs on small lots, on vacant lots, or on lots with only small buildings.
12. These are complex public policy issues. The legislative body has attempted to balance the competing considerations in a way that it believes best protects the public health, safety and welfare of the citizens of Boone County, including its many valued businesses and the tens of thousands of visitors who arrive or pass through the County each month.

SECTION 3401 SCOPE, AUTHORITY AND APPLICABILITY

- A. This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within Boone County, on land that is either private or public over which the legislative body has land use regulatory authority.
- B. This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in Boone County, except as otherwise provided herein. All signs displayed in Boone County shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs, except as specified herein. No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.



- C. It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curbstone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest room, bus stop kiosk or shed, station building, tree, or the like or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed pursuant to SECTION 3401.D.
- D. Signs listed in this Section shall be exempt from the permit requirements of this Article; but shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to the following types of signs:
1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
 2. Signs installed by employees or officials of the legislative body or a state or federal agency in the course of their governmental duties.
 3. Signs required by a state or federal statute.
 4. Signs required by an order of a court of competent jurisdiction.
 5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message that is necessary to identify the use and/or provide contact information regarding the facility.
 6. Signs installed by a transit company with a franchise or other right to operate in the jurisdiction of the legislative body, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- E. This Article shall be administered, enforced and construed in accordance with the following policies:
1. **Discretionary Review:** When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.
 2. **Message Neutrality:** It is the legislative body's policy to regulate signs in a constitutional manner.
 3. **Regulations on Off-Premise Messages:** This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign ("off-premise commercial messages"). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.
 4. **Billboard Policy:** New billboards, as defined herein, are prohibited. The legislative body completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the legislative body, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the legislative body will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the legislative body affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The legislative body intends for this billboard policy to be severable and separately



- enforceable even if other provision(s) of this Article may be declared by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.
5. **Message Substitution:** Subject to the property owner's consent, a non-commercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal; without consideration of message content. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-premise commercial message in place of an on-site commercial message or a noncommercial message.
 6. **Regulatory Interpretation:** All regulatory interpretations of this Article are to be exercised in light of the legislative body's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a "structure" as defined herein, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.
 7. **Non-Communicative Aspects:** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
 8. **Mixed Use Districts and Overlay Districts:** In any district where both residential and nonresidential uses are allowed, the sign related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a district where a use of that type would be allowed, and nonresidential uses shall be treated as if they were located in a district where that particular use would be allowed.
 9. **Property Owner's Consent:** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.
 10. **Legal Nature of Sign Rights:** As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.
 11. **Severability**
 - a. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by SECTION 3401.E.11.b.



- b. Without diminishing or limiting in any way the declaration of severability set forth above, or elsewhere in this Article or these regulations, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.
- c. Without diminishing or limiting in any way the declaration of severability set forth above, or elsewhere in this Article or these regulations, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgement or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of these regulations is declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in SECTION 3401.E.11.b.
- d. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or other provisions of this Article or other provisions of these regulations are declared invalid or unconstitutional by the valid judgement or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

SECTION 3401 Government Signs

~~Excluded For the purpose of the order, "sign" does not include signs erected and maintained pursuant to and in discharge of any government function, or required by any law, order, or governmental regulations.~~

SECTION 3402 GENERAL REQUIREMENTS

~~Section 3402 General Requirements for All signs and Districts~~

~~The regulations contained in this section shall apply to all signs and all land use districts.~~

- A. No sign shall be located so that it obstructs access to or from a doorway, fire escape or required escape window.
- B. No sign shall be located so that it blocks the free air flow through windows in residential units.
- C. No sign located within a clear sight triangle shall obstruct the vision of motorists or pedestrians.
- D. No building mounted ~~part of any sign~~ shall extend above the top of the wall of the building, including parapets and architectural extensions (~~permanent or temporary~~) may be placed on or above the roof or parapet.

~~SECTION 3404 General Sign Setback Requirements~~

- E. No ~~permitted~~ sign may be placed in the public right-of-way or in any easement without written permission from the easement holder. ~~No sign will be permitted to obstruct traffic visibility at street or highway intersections (See SECTION 3217).~~
- F. Projecting signs are allowed in some zoning districts. No sign shall project over a public right-of-way unless the sign owner has obtained an encroachment permit for such sign.



- G. Any illuminated sign or lighting device shall employ only light omitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights except signs performing a public service function indicating time, temperature, or similar services ~~(as provided in SECTION 3430)~~. In no event shall an illuminated sign or lighting device be placed or directed so as to directly beam upon a public road, highway, street, sidewalk, or other vehicular or pedestrian system, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- H. No sign shall employ any parts of elements which revolve, rotate, whirl, spin or otherwise make use of motion so as to constitute a traffic hazard or nuisance.
- I. Building mounted signs shall not overhang the edge or corner of the wall or section of wall on which they are mounted (except for projecting signs).
- J. ~~No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs, and other signs as permitted by the legislative body or agency which owns the right of way. Removal of signs that are in violation of this section is the responsibility of the legislative body or agency which owns the right of way.~~
- K. The bottom edge of any free standing ~~pole~~ sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may need to be increased in the case where tractor trailer traffic would require a greater height clearance. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE ONLY.) The bottom of the sign structure on any free standing sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may need to be increased in the case where tractor-trailer traffic would require a greater height clearance.
- L. All signs must conform to building code requirements.
- M. Pursuant to KRS 100.111(21), signs are "structures" and signs legally existing prior to the enactment of these regulations relating to signs are entitled to exist the same as any other pre-existing, nonconforming structure under KRS 100.253. As such, a pre-existing, nonconforming sign may be kept, repaired, or replaced in a manner which maintains its pre-existing, nonconforming condition(s), provided such condition(s) is not enlarged ~~(refer to ARTICLE 2)~~.
- N. The property owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign. The property owner may assign such responsibility to a tenant or other party, but the property owner shall remain accountable for the maintenance.
- O. Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.
- P. Signs containing expressions which are protected by the First Amendment of the United States Constitution are permitted in all zoning districts. The permitted height and area of such signs must be in accordance with the ~~underlying zoning district~~ regulations contained herein. Under no circumstance will additional freestanding or building mounted signs be permitted because an establishment has opted to use their permitted signage as free speech.

SECTION 3403 Signs Prohibited in All Districts

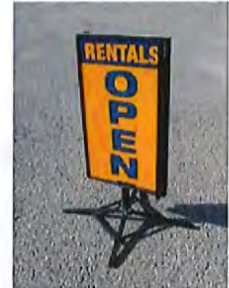
~~SECTION 3408 Signs Prohibited in All Districts~~

- A. The following types of signs are prohibited in all districts:
 - 1. Abandoned signs and support structures ~~(see abandonment definition in ARTICLE 40)~~.
 - 2. Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of lights, other similar moving devices or any sign that is temporary in nature due to its design or construction except as provided for in ~~SECTION 3409 SECTION 3420~~.



Figure 34-1

Prohibited Signs - Banners, Pennants, Posters, Ribbons, Streamers, Spinners



3. Signs imitating or resembling official traffic or government signs or signals.
4. Signs attached to trees, telephone poles, street lights, public benches, bus stops, or placed on any public property or public right-of-way.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-site signage. This does not apply to signs or lettering on vehicles operating during the normal course of business.
6. Portable signs (including portable signs mounted to poles, buildings, or other structures). (Exception: Sandwich board/A-frame signs permitted in the Florence Main Street (FMS), Walton Downtown (WD), and Small Community Overlay (SC) Districts ~~(See Sections 3446 and 3460)~~.)
7. Hot air balloons, spot lights or search lights.
8. New billboards.
9. Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilization of flashing or intermittent lights, or lights of changing degrees of intensity. Automatic changeable copy signs that conform with SECTION 3408.5.A.6.i or SECTION 3408.5.B.6.j are not subject to this limitation.
10. Signs, larger than thirty-two (32) square feet in area, on vacant lots in non-residential districts.
11. Roof signs.
12. Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments.
13. Any other sign not specifically permitted by these regulations ~~this order.~~

SECTION 3403 Measurement of Sign Area

~~The surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.~~



SECTION 3404 SIGNS NOT REQUIRING A PERMIT

SECTION 3406 ~~Signs Not Requiring a Permit~~

~~(The following signs may also be used for free speech without any time limit restrictions)~~

A. The following signs do not require a permit:

1. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located.
2. Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if free standing), that is not separately illuminated and that is not legible from the public right-of-way, from private or public property other than the property on which it is located, or from a distance measured vertically from the top of a structure to a point that is three (3) times the maximum height of the district.
3. Signs on mass transit vehicles operating in or passing through Boone County.
4. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
5. Signs installed by employees or officials of the legislative body, governmental authority, or a state or federal agency in the course of their governmental duties.
6. Signs required by a state or federal statute.
7. Signs required by an order of a court of competent jurisdiction.
8. Signs installed by public utilities in their rights-of-way/easement or on their facilities and bearing no commercial message other than such message that is necessary to identify the use and/or provide contact information regarding the facility.
9. Signs installed by a transit company with a franchise or other right to operate in the legislative body, where such signs are installed along its routes and relate to schedules or other information about the transit route.
10. Address numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area ~~Signs denoting the name and address of the occupants of the premises of two (2) square feet or less in area.~~
11. Temporary signs not greater than seven (7) square feet, allowed in residential, conservation and agricultural zoning districts for non-commercial messages.
12. Temporary ~~political~~ signs not greater than twelve (12) square feet, allowed in non-residential districts for non-commercial messages ~~placed outside a public street right-of-way. The signs shall be removed within one week after a final election.~~
13. Building mounted signs containing no commercial message and not larger than four (4) square feet in area.
14. Cultural decorations or displays of a non-commercial nature, mounted on private property, which pertain to cultural observances.
15. Cornerstones, foundation stones and memorial signs or tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated.



Figure 34-2

Signs Not Requiring A Permit - Cornerstones



16. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building.
17. Gravestones, when erected in a lawful cemetery.
18. Official flags of cities, the county, commonwealth, or any nation bearing no advertising material. Additionally, one fabric flag per lot that does not exceed fifteen (15) square feet in area and that bears a corporate or commercial name, emblem, and/or logo may be displayed or mounted on a permanent flag pole in non-residential districts.
19. Height bar/vertical clearance directional signs with no commercial message advertising matter.

Figure 34-3

Signs Not Requiring A Permit - Height Bar/Vertical Clearance





20. Sandwich Board/A-frame signs permitted in the Florence Main Street (FMS), Walton Downtown (WD), and Small Community Overlay (SC) Districts (See Sections 3446 and 3460).
21. Any sign that is four (4) square feet or less, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine.
22. ~~One temporary sign announcing the erection of a building, the development of a subdivision and/or any phase within a subdivision may be kept on-site for a period of sixty (60) days plus the construction period, as long as no permanent sign is erected on the project site or within the limits of the subdivision phase within that time period. Such signs shall not exceed eight (8) feet in height and fifty (50) square feet in area if located within a residential zoning district and eight (8) feet in height and one hundred (100) square feet in area if located within any other zoning district. Such temporary signs shall conform to the general requirements listed in SECTION 3402 and such other standards deemed necessary to accomplish the intent of this Article.~~
23. ~~One temporary sign not exceeding fifty (50) square feet in area, announcing special public or institutional events is allowed on site thirty (30) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.~~
24. ~~Temporary special event directional signage for community events is allowed seven (7) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.~~
25. ~~One (1) real estate sign per road frontage may be posted on an available property. The sign shall be limited to 12 square feet and 3½ feet in height in residential districts and 32 square feet and 8' in height in other districts. Regular open house signs shall be permitted one (1) week prior to the scheduled event and shall be removed by 9:00 p.m. the day of the event. A sold sign shall be removed by the seller of his or her agent within one week after the date of closing. Also, such signs, if constructed of a non-rigid material (such as a banner) must conform to the requirements of SECTION 3420 of this Article, including the issuance of a permit.~~
26. ~~Professional name plates of six (6) square feet or less in area.~~
27. ~~Signs advertising the sale of agricultural goods produced on the premises (such as fire wood, vegetable, etc.) of sixteen (16) square feet or less in area.~~

SECTION 3404 General Sign Setback Requirements

~~No permitted sign may be placed in the public right-of-way or in any easement without written permission from the easement holder. No sign will be permitted to obstruct traffic visibility at street or highway intersections (See SECTION 3217).~~

SECTION 3405 PERMITTING

Section 3405 Sign Permits

- A. Sign permits are required for all signs except those noted in SECTION 3404.
- B. In those cases where a sign permit is required, an application for said permit shall be filed with the Zoning Administrator or his/her designee. The application shall include, at minimum, the following information:
 1. Name and address of the applicant.
 2. Name, signature of authorization, and address of the owner of property on which the sign is to be located.
 3. A written description of the proposed sign including type of sign and supporting structure, method of illumination (if any) and construction materials to be used in the sign.



4. A sketch map of the property on which the sign is to be erected showing existing structures, rights-of-way lines, easements, and proposed location of the sign.
 5. A drawing of the proposed sign showing display area dimensions, height of sign from grade to bottom of sign, and height of sign from grade to top of sign, and any commercial message information to be conveyed on sign.
- C. Upon receipt of a full and complete application for a sign permit, Staff shall issue a permit or notify the applicant of any non-conformance with the provisions of this article within ten (10) working days. Failure to issue a permit or notify the applicant of any non-conformance does not constitute approval of the proposed sign. If the sign described in any sign permit has not been erected or installed within one (1) year from the date of issuance thereof, said permit shall expire without further notice. The permit may be extended upon request of the applicant prior the date of expiration for a period not to exceed six (6) months. The Zoning Administrator, or his/her designee, shall maintain a file of all applications for sign permits.

SECTION 3406 APPEALS

- A. Decisions on sign permit applications, as well as directives, orders, notices and all other sign related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

SECTION 3407 SIGNS PERMITTED BY DISTRICT

- A. In addition to other regulations within this Article, signs are allowed/prohibited in accordance with the following tables:

| Table 34-1
Agricultural, Recreation, and Conservation Districts | | | | | |
|---|-----|-----|---|------|-----------|
| Type Of Sign | A-1 | A-2 | R | CONS | Reference |
| Abandoned signs and support structures | - | - | - | - | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | - | - | - | - | Sec. 3403 |
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | E | E | E | E | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | E | E | E | E | Sec 3404 |
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | E | E | E | E | Sec. 3404 |



Table 34-1
Agricultural, Recreation, and Conservation Districts

| Type Of Sign | A-1 | A-2 | R | CONS | Reference |
|--|-----|-----|---|------|-------------|
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | - | - | - | - | Sec 3403 |
| Building mounted signs | - | - | P | - | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | E | E | E | E | Sec. 3404 |
| Canopy signs | - | - | - | - | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | E | E | E | E | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | E | E | E | E | Sec 3404 |
| Directional signs | - | - | - | - | Sec. 3408.3 |
| Drive through and menu boards | P | P | P | P | Sec. 3408.4 |
| Electronic message boards/screens | - | - | C | - | Sec 3408.5 |
| Entrance signs | P | P | P | - | Sec. 3408.7 |
| Free standing signs | P | P | P | P | Sec. 3408.6 |
| Height bar/vertical clearance directional signs with no advertising matter | E | E | E | E | Sec. 3404 |
| Hot air balloons, spot lights or search lights | - | - | - | - | Sec. 3403 |
| New billboards | - | - | - | - | Sec. 3403 |
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | E | E | E | E | Sec. 3404 |
| Portable signs | - | - | - | - | Sec. 3403 |
| Roof signs | - | - | - | - | Sec. 3403 |
| Sandwich board/A-frame signs | E | E | E | E | Sec. 3404 |
| Signs attached to trees, telephone poles, street lights, public benches, bust stops, or placed on any public property or right-of-way | - | - | - | - | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | E | E | E | E | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | - | - | - | - | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | - | - | - | - | Sec. 3403 |



Table 34-1
Agricultural, Recreation, and Conservation Districts

| Type Of Sign | A-1 | A-2 | R | CONS | Reference |
|--|-----|-----|---|------|-------------|
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | - | - | - | - | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | - | - | - | - | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | - | - | E | E | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | E | E | E | E | Sec. 3404 |
| Window signs | - | - | - | - | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited

Table 34-2
Residential Districts

| Type Of Sign | RSE | RS | SR-1 | SR-2 | SR-3 | UR-1 | UR-2 | UR-3 | MHP | R-1F | Reference |
|---|-----|----|------|------|------|------|------|------|-----|------|-----------|
| Abandoned signs and support structures | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | E | E | E | E | E | E | E | E | E | E | Sec 3404 |
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | - | - | - | - | - | - | - | - | - | - | Sec. 3404 |



Table 34-2
Residential Districts

| Type Of Sign | RSE | RS | SR-1 | SR-2 | SR-3 | UR-1 | UR-2 | UR-3 | MHP | R-1F | Reference |
|--|-----|----|------|------|------|------|------|------|-----|------|-------------|
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | - | - | - | - | - | - | - | - | - | - | Sec 3403 |
| Building mounted signs | - | - | - | - | - | - | - | - | - | - | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Canopy signs | - | - | - | - | - | - | - | - | - | - | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | E | E | E | E | E | E | E | E | E | E | Sec 3404 |
| Directional signs | - | - | - | - | - | - | - | - | - | - | Sec. 3408.3 |
| Drive through and menu boards | - | - | - | - | - | - | - | - | - | - | Sec. 3408.4 |
| Electronic message boards/screens | - | - | - | - | - | - | - | - | - | - | Sec 3408.5 |
| Entrance signs | P | P | P | P | P | P | P | P | P | P | Sec. 3408.7 |
| Free standing signs | P | P | P | P | P | P | P | P | P | P | Sec. 3408.6 |
| Height bar/vertical clearance directional signs with no advertising matter | - | - | - | - | - | - | - | - | - | - | Sec. 3404 |
| Hot air balloons, spot lights or search lights | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| New billboards | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Portable signs | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Roof signs | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Sandwich board/A-frame signs | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Signs attached to trees, telephone poles, street lights, public benches, bus stops, or placed on any public property or right-of-way | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | - | - | - | - | - | - | - | - | - | - | Sec. 3403 |



**Table 34-2
Residential Districts**

| Type Of Sign | RSE | RS | SR-1 | SR-2 | SR-3 | UR-1 | UR-2 | UR-3 | MHP | R-1F | Reference |
|--|-----|----|------|------|------|------|------|------|-----|------|-------------|
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | - | - | - | - | - | - | - | - | - | - | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | - | - | - | - | - | - | - | - | - | - | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | - | - | - | - | - | - | - | - | - | - | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | E | E | E | E | E | E | E | E | E | E | Sec. 3404 |
| Window signs | - | - | - | - | - | - | - | - | - | - | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited

**Table 34-3
Commercial Districts**

| Type Of Sign | C-1 | C-2 | C-3 | C-4 | Reference |
|---|-----|-----|-----|-----|-----------|
| Abandoned signs and support structures | - | - | - | - | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | - | - | - | - | Sec. 3403 |
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | E | E | E | E | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | E | E | E | E | Sec 3404 |
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | E | E | E | E | Sec. 3404 |



Table 34-3
Commercial Districts

| Type Of Sign | C-1 | C-2 | C-3 | C-4 | Reference |
|--|-----|-----|-----|-----|-------------|
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | - | - | - | - | Sec 3403 |
| Building mounted signs | P | P | P | P | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | E | E | E | E | Sec. 3404 |
| Canopy signs | P | P | P | P | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | E | E | E | E | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | E | E | E | E | Sec 3404 |
| Directional signs | P | P | P | P | Sec. 3408.3 |
| Drive through and menu boards | P | P | P | P | Sec. 3408.4 |
| Electronic message boards/screens | C | C | C | C | Sec 3408.5 |
| Entrance signs | - | - | - | - | Sec. 3408.7 |
| Free standing signs | P | P | P | P | Sec. 3408.6 |
| Height bar/vertical clearance directional signs with no advertising matter | E | E | E | E | Sec. 3404 |
| Hot air balloons, spot lights or search lights | - | - | - | - | Sec. 3403 |
| New billboards | - | - | - | - | Sec. 3403 |
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | E | E | E | E | Sec. 3404 |
| Portable signs | - | - | - | - | Sec. 3403 |
| Roof signs | - | - | - | - | Sec. 3403 |
| Sandwich board/A-frame signs | E | E | E | E | Sec. 3404 |
| Signs attached to trees, telephone poles, street lights, public benches, bust stops, or placed on any public property or right-of-way | - | - | - | - | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | E | E | E | E | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | - | - | - | - | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | - | - | - | - | Sec. 3403 |



**Table 34-3
Commercial Districts**

| Type Of Sign | C-1 | C-2 | C-3 | C-4 | Reference |
|--|-----|-----|-----|-----|-------------|
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | - | - | - | - | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | - | - | - | - | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | E | E | E | E | Sec. 3404 |
| Window signs | P | P | P | P | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited

**Table 34-4
Employment Districts**

| Type Of Sign | O-1 | O-1A | O-2 | O-1A | O-2 | I-1 | I-2 | I-3 | I-4 | Reference |
|---|-----|------|-----|------|-----|-----|-----|-----|-----|-----------|
| Abandoned signs and support structures | - | | | - | - | - | - | - | - | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | - | | | - | - | - | - | - | - | Sec. 3403 |
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | E | | | E | E | E | E | E | E | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | E | | | E | E | E | E | E | E | Sec 3404 |



Table 34-4
Employment Districts

| Type Of Sign | O-1 | 0-1A | O-2 | 0-1A | O-2 | I-1 | I-2 | I-3 | I-4 | Reference |
|--|-----|------|-----|------|-----|-----|-----|-----|-----|-------------|
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | E | | | E | E | E | E | E | E | Sec. 3404 |
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | - | | | - | - | - | - | - | - | Sec 3403 |
| Building mounted signs | P | | | P | P | P | P | P | P | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | E | | | E | E | E | E | E | E | Sec. 3404 |
| Canopy signs | P | | | P | P | P | P | P | P | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | E | | | E | E | E | E | E | E | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | E | | | E | E | E | E | E | E | Sec 3404 |
| Directional signs | P | | | P | P | P | P | P | P | Sec. 3408.3 |
| Drive through and menu boards | P | | | P | P | P | P | P | P | Sec. 3408.4 |
| Electronic message boards/screens | - | | | - | - | - | - | - | - | Sec 3408.5 |
| Entrance signs | P | | | P | P | P | P | - | - | Sec. 3408.7 |
| Free standing signs | P | | | P | P | P | P | P | P | Sec. 3408.6 |
| Height bar/vertical clearance directional signs with no advertising matter | E | | | E | E | E | E | E | E | Sec. 3404 |
| Hot air balloons, spot lights or search lights | - | | | - | - | - | - | - | - | Sec. 3403 |
| New billboards | - | | | - | - | - | - | - | - | Sec. 3403 |
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | E | | | E | E | E | E | E | E | Sec. 3404 |
| Portable signs | - | | | - | - | - | - | - | - | Sec. 3403 |
| Roof signs | - | | | - | - | - | - | - | - | Sec. 3403 |
| Sandwich board/A-frame signs | E | | | E | E | E | E | E | E | Sec. 3404 |



Table 34-4
Employment Districts

| Type Of Sign | O-1 | 0-1A | O-2 | 0-1A | O-2 | I-1 | I-2 | I-3 | I-4 | Reference |
|--|-----|------|-----|------|-----|-----|-----|-----|-----|-------------|
| Signs attached to trees, telephone poles, street lights, public benches, bust stops, or placed on any public property or right-of-way | - | | | - | - | - | - | - | - | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | E | | | E | E | E | E | E | E | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | - | | | - | - | - | - | - | - | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | - | | | - | - | - | - | - | - | Sec. 3403 |
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | - | | | - | - | - | - | - | - | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | - | | | - | - | - | - | - | - | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | E | | | E | E | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | E | | | E | E | E | E | E | E | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | - | | | - | - | - | - | - | - | Sec. 3404 |
| Window signs | P | | | P | P | P | P | P | P | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited

Table 34-5
Public Facility, Airport, and Special Study Districts

| Type Of Sign | PF | A | RPD | FMS | WD | UC | UNO | GR-R, GR-C, GR-BP | Reference |
|---|----|---|-----|-------------|-------------|-------------|-------------|-------------------|-----------|
| Abandoned signs and support structures | - | - | - | | | | | | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | - | - | - | Sec. 3407.1 | Sec. 3407.2 | Sec. 3407.3 | Sec. 3407.3 | Sec. 3407.8 | Sec. 3403 |



Table 34-5
Public Facility, Airport, and Special Study Districts

| Type Of Sign | PF | A | RPD | FMS | WD | UC | UNO | GR-R,
GR-C,
GR-BP | Reference |
|--|----|---|-----|-----|----|----|-----|-------------------------|-------------|
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | E | E | E | | | | | | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | E | E | E | | | | | | Sec 3404 |
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | E | E | E | | | | | | Sec. 3404 |
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | - | - | - | | | | | | Sec 3403 |
| Building mounted signs | - | - | - | | | | | | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | E | E | E | | | | | | Sec. 3404 |
| Canopy signs | P | P | P | | | | | | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | E | E | E | | | | | | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | E | E | E | | | | | | Sec 3404 |
| Directional signs | - | - | - | | | | | | Sec. 3408.3 |
| Drive through and menu boards | P | P | P | | | | | | Sec. 3408.4 |
| Electronic message boards/screens | C | - | - | | | | | | Sec 3408.5 |
| Entrance signs | P | - | - | | | | | | Sec. 3408.7 |
| Free standing signs | P | P | P | | | | | | Sec. 3408.6 |
| Height bar/vertical clearance directional signs with no advertising matter | E | E | E | | | | | | Sec. 3404 |
| Hot air balloons, spot lights or search lights | - | - | - | | | | | | Sec. 3403 |
| New billboards | - | - | - | | | | | | Sec. 3403 |



**Table 34-5
Public Facility, Airport, and Special Study Districts**

| Type Of Sign | PF | A | RPD | FMS | WD | UC | UNO | GR-R,
GR-C,
GR-BP | Reference |
|--|----|---|-----|-----|----|----|-----|-------------------------|-------------|
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | E | E | E | | | | | | Sec. 3404 |
| Portable signs | - | - | - | | | | | | Sec. 3403 |
| Roof signs | - | - | - | | | | | | Sec. 3403 |
| Sandwich board/A-frame signs | E | E | E | | | | | | Sec. 3404 |
| Signs attached to trees, telephone poles, street lights, public benches, bust stops, or placed on any public property or right-of-way | - | - | - | | | | | | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | E | E | E | | | | | | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | - | - | - | | | | | | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | - | - | - | | | | | | Sec. 3403 |
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | - | - | - | | | | | | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | - | - | - | | | | | | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | E | E | E | | | | | | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | E | E | E | | | | | | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | E | E | E | | | | | | Sec. 3404 |
| Window signs | - | - | - | | | | | | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited



**Table 34-6
Overlay Districts**

| Type Of Sign | UTC | PD | EPD | HDO | PO | SC | H | UTO | MR | Reference |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Abandoned signs and support structures | | | | | | | | | | Sec. 3403 |
| Animated, revolving, and moving signs, including those which create the appearance of animation, projection, revolving, or other movement, or utilizing flashing or intermittent lights, or lights of changing degrees of intensity | | | | | | | | | | Sec. 3403 |
| Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located | | | | | | | | | | Sec. 3404 |
| Any sign with a sign area of less than four (4) square feet in area and less than four (4) feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than on which it is located | | | | | | | | | | Sec 3404 |
| Any sign that is four (4) square feet or less in area, integrated into or on a coin operated machine, vending machine, gasoline pump, or automatic teller machine | | | | | | | | | | Sec. 3404 |
| Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of light, or other similar moving devices | Sec. 3407.3 | Sec. 3407.4 | Sec. 3407.4 | Sec. 3407.5 | Sec. 3407.6 | Sec. 3407.2 | Sec. 3407.4 | Sec. 3407.3 | Sec. 3407.7 | Sec 3403 |
| Building mounted signs | | | | | | | | | | Sec. 3408.1 |
| Building mounted signs containing no commercial message and not larger than four (4) square feet in area | | | | | | | | | | Sec. 3404 |
| Canopy signs | | | | | | | | | | Sec. 3408.2 |
| Cornerstones, foundation stones and memorial signs and tablets when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated | | | | | | | | | | Sec. 3404 |
| Cultural decorations or displays of non-commercial nature, mounted on private property, which pertain to cultural observances | | | | | | | | | | Sec 3404 |
| Directional signs | | | | | | | | | | Sec. 3408.3 |
| Drive through and menu boards | | | | | | | | | | Sec. 3408.4 |
| Electronic message boards/screens | | | | | | | | | | Sec 3408.5 |
| Entrance signs | | | | | | | | | | Sec. 3408.7 |
| Free standing signs | | | | | | | | | | Sec. 3408.6 |



**Table 34-6
Overlay Districts**

| Type Of Sign | UTC | PD | EPD | HDO | PO | SC | H | UTO | MR | Reference |
|--|-----|----|-----|-----|----|----|---|-----|----|-------------|
| Height bar/vertical clearance directional signs with no advertising matter | | | | | | | | | | Sec. 3404 |
| Hot air balloons, spot lights or search lights | | | | | | | | | | Sec. 3403 |
| New billboards | | | | | | | | | | Sec. 3403 |
| Official flags of cities, the country, commonwealth, or any nation bearing no advertising material | | | | | | | | | | Sec. 3404 |
| Portable signs | | | | | | | | | | Sec. 3403 |
| Roof signs | | | | | | | | | | Sec. 3403 |
| Sandwich board/A-frame signs | | | | | | | | | | Sec. 3404 |
| Signs attached to trees, telephone poles, street lights, public benches, bust stops, or placed on any public property or right-of-way | | | | | | | | | | Sec. 3403 |
| Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message | | | | | | | | | | Sec. 3404 |
| Signs imitating or resembling official traffic or governmental signs or signals | | | | | | | | | | Sec. 3403 |
| Signs, larger than twelve (12) square feet in area, on vacant lots in non-residential districts | | | | | | | | | | Sec. 3403 |
| Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-premise signage | | | | | | | | | | Sec 3403 |
| Signs using sounds, music, sound effects, noises, or other sound or noise making or transmitting device or instruments | | | | | | | | | | Sec 3403 |
| Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building | | | | | | | | | | Sec. 3404 |
| Temporary signs not greater than twelve (12) square feet in area in non-residential districts | | | | | | | | | | Sec. 3404 |
| Temporary signs not greater than seven (7) square feet in area in residential, conservation and agricultural districts for non-commercial messages | | | | | | | | | | Sec. 3404 |
| Window signs | | | | | | | | | | Sec. 3408.8 |

P - Permitted E - Exempt C - Conditional -- Prohibited

Section 3407.1 Florence Main Street

~~Section 3440 Special Sign Districts~~

~~Florence Main Street Special Sign District~~



~~The Florence Main Street Zoning Study generally affects property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road. The study sets specific regulations and procedures for signage in the area. Signs located within the Florence Main Street Study area shall conform to the requirements in ARTICLE 34 of this order that are not replaced by sections below, the Design Review Guidelines and those listed below. (See Boone County Planning Commission Resolution R-94-036-A and City of Florence Ordinance O-29-94)~~

- A. The Florence Main Street Special Sign District applies to those properties within the FMS district.
- B. The purpose of the special sign district is to promote the distinct character of the area and to provide signage that is envisioned by the study.
- C. Signs located in the FMS District shall be in accordance with **ARTICLE 34** of the Boone County Zoning Regulations, The Design Requirements in Section **D5**, and the following requirements. The Design Requirements illustrate the proper location, type and size of building mounted, projecting, window, canopy/awning, monument, and free-standing signs that can be erected in the FMS District.
 1. Building mounted, projecting, window, and canopy/awning signs shall be permitted, subject to the following provisions:
 - a. For single tenant buildings, the size of building mounted signs shall not exceed one (1) square foot of sign area per lineal foot of building width for the elevation upon which the sign is to be mounted.
 - b. For multi-tenant buildings, the size of building mounted signs shall not exceed one (1) square foot of sign area per lineal foot of building width for that portion of the building elevation occupied by an individual business.
 - c. Projecting signs cannot project more than four (4) feet into the right-of-way and the bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum size of a projecting sign cannot exceed sixteen (16) square feet. Permission from the right-of-way holder must be obtained in order to install a projecting sign.
 - d. Window signs (interior or exterior) shall not be allowed to cover more than twenty-five percent (25%) of the window on which it is located.
 - e. Canopy/awning signs will be permitted on all three (3) sides of the canopy/awning, provided the canopy/awning is attached directly to the principal building. The size of each sign will be determined by the canopy/awning/face upon which the sign is mounted and not the building width.
 - f. For single use buildings, signage shall only be permitted on a maximum of two (2) building elevations.
 - g. For multi-tenant buildings, signage shall only be permitted on a maximum of three (3) building elevations.
 - h. On any single building elevation for a single tenant building, only one building mounted sign, one projecting sign, one canopy/awning, sign and multiple windows signs will be allowed, or any combination thereof, provided the total sign area for all signs does not exceed thirty-two (32) square feet.
 - i. On any single building elevation for a multi-tenant building, only one building mounted sign, one projecting sign, one canopy/awning, sign and multiple windows signs will be allowed for each tenant, or any combination thereof, provided the total sign area for all signs does not exceed thirty-two (32) square feet.
 2. Architectural free standing and monument signs shall only be permitted according to the Building Typology and are limited to one (1) sign per site and shall not exceed eight (8) feet in height and thirty-two (32) square feet in size. Architectural free standing and monument signs shall be set in a landscaped area. In addition, architectural free standing and monument signs shall not be



located in any right-of-way, shall only be allowed in an easement with the permission of the easement holder, and shall not obstruct driver visibility.

3. A-frame signs will be permitted but shall not exceed eight (8) square feet in size. One sign shall be permitted per building entrance and can be located on the public sidewalk next to the building. The sign shall not be located in such a way as to obstruct movement along the sidewalk or driver visibility. The sign shall be removed at the close of business each day.
4. Murals shall require the approval of the City of Florence and may not be placed on the primary facades of a historic building or previously unpainted brick walls of a historic building.
5. Changeable copy signs, manual or electronic, shall be prohibited.

D. Design Requirements for Signs

1. Signs shall be compatible with the design of the buildings and not obscure any architectural details or features. Examples of appropriate signs which illustrate the FMS District sign requirements are shown below.
 - a. Where present, existing historic signs such as those painted on walls should be preserved and sensitively restored without making them look like new.
 - b. Signs shall be of a design and include materials that are compatible with the architectural design, form, scale, and exterior materials of the principal structure and scale and design of a small town "main street" pedestrian environment.
 - c. Durable materials used historically in the district and modern materials such as urethane board that appear similar to historic materials are encouraged. Rough, unfinished surfaces, plastic and glossy materials, and pressure-treated wood are not appropriate. Pin mounted metal lettering is allowed. Individually mounted plastic letters are not permitted.
 - d. Signs and support structures shall not damage or obscure significant architectural features of a building, including window/door frames, cornices, molding, or other ornamental feature.
 - e. Signs and their support structures must be able to be removed in the future without leaving evidence such as damaged surfaces or altered original materials or details.
 - f. Sign colors and lettering shall be compatible with the principal structure. Florescent, neon and reflective paints and materials are not permitted with the following exception: internally lit signs and neon sign elements are permitted only for the Multi-Plex, Flex, and Main Street Mixed Use building types.
 - g. Projecting signs shall be of wood or metal construction.
 - h. Sheet metal, flat board or plexi-glass cabinet type signs are not permitted building mounted designs.
 - i. Metal-framed canvas awnings are appropriate for most buildings in the FMS; metal awnings may be acceptable on some existing mid-20th Century buildings and new construction. Firmly structured awnings with an "inflated" or plastic appearance shall not be used.
 - j. Sign lighting should be indirect and sufficient to allow identification without detracting from the surrounding area.

Figure 34-4
Examples Of Sign Types Appropriate In The FMS District

BUILDING MOUNTED SIGNS

PROJECTING SIGNS



Figure 34-4

Examples Of Sign Types Appropriate In The FMS District



AWNING SIGNS

WINDOW and AWNING SIGNS



Figure 34-4

Examples Of Sign Types Appropriate In The FMS District



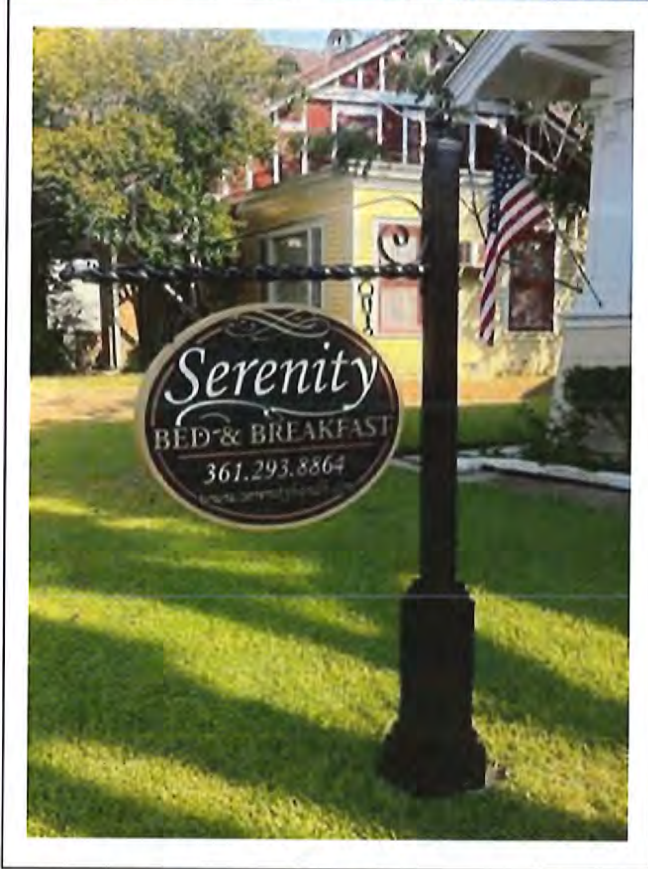
FREE STANDING SIGN

APPROPRIATE SIGN LIGHTING



Figure 34-4

Examples Of Sign Types Appropriate In The FMS District



Section 3407.2 Walton Downtown and Small Community Overlay

SECTION 3450 Small Community Overlay District and Walton Downtown District

Signage Building mounted and free standing signs located within Small Community (SC) Overlay and Walton Downtown (WD) Districts shall conform to the following requirements:

- A. Signs located within WD and SC districts shall conform to the following requirements:
 1. Business establishments may be permitted one (1) building mounted sign for each building elevation that is directly on, or has high visibility from any arterial, collector, or marginal access street (includes areas of major internal traffic circulation). The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width or lease space on which the sign is mounted. Building mounted signs shall not exceed **thirty-two (32)** square feet in size.
 2. Signs cannot project more than four (4) feet into the right-of-way or interfere with pedestrian traffic on sidewalks. Signs that project into a right-of-way will require written permission from the owner of the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs is **sixteen (16)** square feet.
 3. No sign shall be permitted to be located above the parapet wall on flat roofed buildings nor shall a sign be located on any roof plane of a pitched roof building or on or above the ridge line.



4. Individual parcels of land and mixed-use commercial projects shall be permitted a density of one (1) on premises, monument sign. The size of monument signs shall not exceed one half (½) square foot for each lineal foot of road frontage. Monument signs shall not exceed eight (8) feet in height and thirty-two (32) square feet in size and shall be set in an appropriately landscaped area.
5. Sandwich board/A-frame Signs - The purpose and intent of the sandwich board/A-frame sign is to provide pedestrian-scaled advertising for temporary events, such as daily lunch specials, sales, gatherings, etc. A sandwich board/A-frame sign is defined as a non-illuminated portable sign that does not exceed two (2) feet in width or six (6) feet in height. The sign may be double sided and can fold out forming a triangular A-frame shape when viewed from the side. Each business establishment is allowed a maximum of one sandwich board/A-frame sign. This type of sign is only to be displayed during normal operating hours of the individual business establishment and must be removed during non-operating hours. The sign must be located on-premise or within ten (10) feet of the business which it advertises, and cannot interfere with pedestrian or vehicular traffic. a Sign Permit for sandwich board/A-frame signs is not required.

Section 3407.3 Union Town Plan

~~Section 3440 Special Sign Districts~~

~~Union Town Plan Special Sign District~~

~~An approximate 1,850 acre site located in the City of Union and unincorporated Boone County as defined in the 2000 Union Town Plan. The following sections are intended to create a harmonious sign package for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts while providing for the proper identification of all developments. Signage in these districts is subject only to the sign permit process.~~

- A. The following sections are intended to create a harmonious sign package for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts while providing for the proper identification of all developments. Signage in these districts is subject only to the sign permit process.
 1. All sections of this Article ~~ARTICLE 34~~ not otherwise replaced by the subsections below shall apply.
 2. Permitted Sign Types
 - a. Residential Monument Entrance Signs - One (1) residential entrance sign shall be permitted in the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts at the major entry points to any residential development that involves the development of ten (10) dwelling units or more.
 - I Display - Seventy-five percent (75%) or more of the sign area shall display the name of the residential subdivision. No greater than twenty-five percent (25%) of the sign area can identify individual home builders or Realtors.
 - II Construction - Monument style with a brick and/or stone base.
 - III Size - Fifty (50) square feet or split into two (2) signs at a maximum size of twenty-five (25) square feet each. The sign is encouraged to have additional brick and/or stone surrounding the sign area.
 - IV Height - Six (6) feet from the ground to top of the sign. Any additional brick or stone areas can be higher.
 - V Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.



- b. Business Monument Entrance Signs - One (1) business entrance sign shall be permitted in the UNO, UTC and UC zone districts at the major entry points to any commercial, office or related development. Individual offices or businesses are not permitted a business monument entrance sign.
 - I Display - Fifty percent (50%) or more of the sign area shall display the name of the development. No greater than fifty (50%) of the sign area can identify individual tenants or out-lot tenants of the development.
 - II Construction - Monument style with a brick or stone base.
 - III Size - Sixty (60) square feet or split into two (2) signs at a maximum size of thirty (30) square feet each.
 - IV Height - Six (6) feet high from ground to top of sign which includes the base and additional brick, stone or masonry areas.
 - V Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.
- c. Monument Identification Signs - Individual businesses, offices, places of worship, schools, civic associations, libraries, museums, social clubs, societies or related uses excluding residential uses shall be permitted in the UC, UTC, UNO, and UTO zone districts.
 - I Display - No greater than thirty (30) percent of the sign area can be a manual, changeable, display area to identify seasonal events, specials, and sales. This type of signage is intended to take the place of Temporary Advertising Display permits.
 - II Construction - Monument style with a brick or stone base.
 - III Size - Forty-eight (48) square feet.
 - IV Height - Six (6) feet from the ground to top of sign which includes the base and additional brick or stone areas.
 - V Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.
- d. Off-Premise Monument Community Signs - One (1) off-premise community sign shall be permitted in the UC, UTC, and UNO zone districts at each corner of a street intersection which includes at least one (1) arterial or collector street for a maximum of four (4) such signs per intersection. Off-premise monument community signs shall be used to identify residential subdivisions and not be used to identify commercial, office or related uses.
 - I Display - The subdivision for which the sign identifies must be located within a distance of 1,000 feet from the sign. The sign area shall display the name of the subdivision only. Each sign can display the names of no more than four (4) subdivisions.
 - II Construction - Monument style with a brick or stone base.
 - III Size - Twenty-four (24) square feet.
 - IV Height - Four (4) feet from ground to top of sign which does not include the base and additional brick, stone or masonry areas.
 - V Location - Sign must be located outside of any vehicular sight triangle and at least two (2) feet from any property line. Signs must be located in a landscaped planting area.
- e. Building Mounted Signs - Building mounted signs shall be permitted for commercial, office and similar uses in the UTC, UNO and UC zone districts. One (1) building mounted sign is permitted for each building facade for a total of three (3) signs. Buildings that contain more than one tenant are permitted one (1) sign for each tenant. (1) Size - Twenty-four (24) square feet. (2) Height - Individual letters shall not exceed twenty-four (24) inches in height.



- f. Projecting Signs - are permitted in place of any building mounted sign in accordance with SECTION 3460-2. of the Boone County Zoning Regulations.
 - g. Canopy Signs shall conform to Section 3408.2 SECTION 3413.2.
 - h. Sandwich Board/A-frame Signs - one sign per establishment is permitted in the UTC and UC zoning districts to identify temporary events, such daily lunch specials, sales, gatherings, etc. This type of sign is intended to take the place of Temporary Advertising Display Permits.
 - I Size - Twenty-four (24) inches wide by thirty-six (36) inches high.
 - II Location - on premises, within twenty (20) feet of the business for which it advertises, and not to impede pedestrian circulation.
 - III Configuration - placed on the ground, not mounted on a pole or raised off the ground.
3. Additional Standards
- a. Illumination - If is a sign is to be illuminated, it shall be externally illuminated by a source that is concealed from public view. In the UNO and UC districts/zones only, internally illuminated channel letters are also permitted for building mounted signs.
 - b. Color - All signs shall contain a maximum of three (3) colors.

Section 3407.4 Planned Development, Employment Planned Development, and Historic

- A. Signs within the PD, EPD, and H districts shall follow the requirements of the underlying district.

Section 3407.5 Houston-Donaldson

- A. Sign requirements within the HDO district is to allow the Study Area to have sufficient signage for business purposes, while avoiding clutter and maintaining the character of the Houston Road and Donaldson Highway corridors. Proposals that meet these regulations can proceed directly to the Sign Permit review process with Boone County Planning Commission Staff. Proposals that do not meet these requirements shall be reviewed through either the Design Review, Concept Development Plan, Variance, or Special Sign District application processes. These regulations strongly encourage monument style signage and building mounted signage. Architectural freestanding signs are permitted to a limited degree for shopping centers. It should be noted that some properties within the Study Area are part of Special Sign Districts or Planned Development (PD) approvals that allow alternative signage. Property owners may continue to follow existing Sign District or Planned Development approvals or exercise the option of bringing their sites in compliance with these regulations. These regulations are organized in terms of different types of development, including commercial, office and industrial, and residential development. These regulations further address freestanding uses versus multi-tenant developments, as well as outlots within and out of larger developments. For the purpose of these regulations, all sections of this Article shall apply unless they have been specifically replaced below.

1. Permitted Signage By Type Of Land Use

a. Commercial/Retail/Shopping Centers

- I A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.
 - (i) One (1) architectural freestanding sign is permitted at the main development entrance where it meets a public street. The architectural freestanding sign shall include only the name of the center and the major anchor tenant unless the conditions below are met. The maximum size of such a sign shall be two hundred (200) square feet in area. The maximum height of such a sign shall be proportional to the road frontage along which the sign is to be located: up to two



hundred (200) feet of frontage allows a fifteen (15) foot tall sign, and more than two hundred (200) feet of frontage allows a twenty (20) foot tall sign. Multi-tenant signs may be permitted with one tenant panel per 100,000 square feet of gross floor area in the retail center with a maximum of four such panels per retail center. These multi-tenant panels shall be accessory to the main development identification portion of the sign.

(ii) One (1) monument style sign is permitted at each secondary entrance for the purpose of identifying the overall development. A secondary entrance shall be defined as a vehicular entry point where the development meets a public street. The monument sign(s) shall be a maximum of eight (8) feet tall and forty-eight (48) square feet in area and shall only advertise the name of the retail center.

(iii) Construction Standards

(1) Architectural Freestanding Signs - The sign shall meet the definition found in SECTION 4000 of the Zoning Regulations. Up to fifty percent (50%) of the sign area may be used as manually changeable copy display. Any proposed manually changeable copy display(s) shall be located beneath fixed copy signs.

(2) Monument Signs - The base and sides of the sign shall use construction materials and design details that match the dominant construction material of the principal building. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

II Individual Tenant Spaces Within Commercial/Retail/Shopping Centers

(i) Anchor tenants over 40,000 square feet in area shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.

(ii) Individual tenants spaces that are 40,000 square feet in area or smaller are permitted one building mounted sign. The permitted size of the building mounted sign shall be two square feet per each lineal foot of tenant space width on which the sign is mounted but shall not exceed one hundred (100) square feet in area. Corner tenant spaces can break their permitted square footage up and display it on the front and side facades if the side facade is visible from a public street or main development driveway. In such a case, the permitted signage can be broken into one sign area on the front facade and one sign area on the side facade.

(iii) Construction Standards

(1) Building Mounted Signs - Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.



III Freestanding Commercial Lots And Outlots Within Commercial/Retail/Shopping Centers

(i) One building mounted sign shall be permitted on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred (200) square feet in area. One monument sign shall also be permitted at maximum of eight (8) feet tall and twenty-four (24) square feet in area.

(ii) Construction Standards

(1) Monument Signs - The base and sides of the sign shall use construction materials and design details that match the dominant construction materials of the principal building. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

(2) Building Mounted Signs - Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

b. Office/Industrial Developments

I Office and Industrial Parks

(i) One (1) entrance monument sign that is up to ten (10) feet in height (measured from the grade of the street centerline) and one hundred (100) square feet at each entrance to the park from a public street are permitted. Such monument signs shall only announce the name of the subdivision or park.

(ii) Construction Standards

(1) The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block). The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

II Individual Lots Within Office Or Industrial Parks Or Freestanding Lots Within Employment Districts

(i) One (1) monument sign shall be permitted at maximum of eight (8) feet tall and forty-eight (48) square feet in area.

(ii) The amount of permitted building mounted signage shall be determined by the area of the building or tenant space.

(iii) Over 40,000 square feet: Individual building users or tenant spaces shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.



- (iv) 40,000 square feet in area or smaller: Individual buildings users or tenants spaces shall be permitted one building mounted sign for each facade that faces a public street or main development driveway. However, no more than two such sign shall be permitted. The permitted size of the building mounted sign shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed one hundred fifty (150) square feet in area.
 - (v) Construction Standards
 - (1) Monument Signs - The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block). The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.
 - (2) Building Mounted Signs - Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.
- c. Residential Uses
- I Refer to the residential district which most closely matches the type of development.

Section 3407.6 Parkway Corridor

- A. Sign requirements within the PO district is to advertise local businesses or recreational uses that have low visibility from arterial and collector roadways and to guide vehicle and pedestrian traffic to these hidden uses. Each of the Master Signs will be located in one of the following locations: (1) within the public right-of-way of an arterial or collector road or; (2) in a sign easement which is acquired by the City of Florence; or (3) on property which is owned by the City of Florence.
- 1. Master Sign Districts (see maps contained in the 2008 Central Florence Strategic Plan)
 - a. Commerce/Cardinal
 - b. Tanners Lane
 - c. Stadium District
 - d. Columbia/Sussex
 - 2. Master Sign Design Requirements
 - a. Type: Twelve (12) foot tall monument signs only
 - b. Base: Two (2) foot minimum masonry base
 - c. Design: Overall design, materials, and colors must comply with the architectural standards of the district in question, if applicable.
 - 3. Eligibility and Guidelines
 - a. Only businesses and recreational facilities which are wholly located within the Master Sign District Areas can advertise on the Master Signs.
 - b. Businesses or recreational uses which have frontage on an arterial or collector road will be prohibited from advertising on the Master Signs (doesn't apply to the Stadium District).
 - c. Businesses or recreational uses which have off-premise signs within the boundaries of the Central Florence Strategic Plan will be prohibited from advertising on the Master Signs.



- d. The Zoning Administrator will determine if businesses are eligible to advertise on a Master Sign when they have non-conforming signage. The Zoning Administrator will analyze if on site non-conforming signage is being reduced or eliminated and if it can be considered an equal trade-off for advertising on the Master Sign.
 - e. The advertising spaces on the sign will be divided into equal areas. The number of advertising spaces shall be based on the Master Sign District Maps. One space will be reserved for each numbered parcel.
 - f. Master signs will be reviewed through the Sign Permit Review process. A sign permit will be issued if the proposal meets the eligibility guidelines and design requirements listed above and SECTION 3410 of the Boone County Zoning Regulations.
4. Steps Required To Construct a Master Sign
- a. The City of Florence may acquire property or designate easements for the Master Signs. This will not be necessary if the sign is proposed within a state right-of-way.
 - b. Property owner(s) wishing to construct a Master Sign shall submit a Sign Permit application. The sign permit application must show the sign location, height and square footage of the proposed sign, and the construction materials. The submitted drawings will be used to determine if the proposed sign is in accord with the eligibility guidelines and design requirements of this Article. The Sign Permit application must contain the original signature of the property owner or easement holder.
 - c. Submit a Commercial Building Permit application to the Boone County Building Department.
 - I Note: The eligible property owners within the Master Sign District will be responsible for paying for the sign, maintenance, and the costs of any needed permits. It is anticipated that each eligible property owner will advertise on the sign and that the costs for the initial construction will be split evenly among the eligible property owners. The Boone County Planning Commission and/or the City of Florence will not be involved in financial negotiations or financial disputes between the eligible property owners.
 - II Note: Sign Permits are required for all face changes.

Section 3407.7 Mall Road

- A. Sign requirements within the MR district is to promote the mixed use district that is visualized by the study with high quality construction materials and to follow the recommendations of the county's comprehensive plan. Signage within the MR district shall comply with the following:
 1. All sections of this Article not otherwise replaced below.
 2. A density of one (1) architectural freestanding sign which identifies a shopping center, mixed use commercial, commercial subdivision, planned development, or single-use commercial development and its major access point shall be permitted in accordance with the following standards:
 - a. The sign shall not exceed twenty (20) feet in height.
 - b. The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No architectural freestanding sign shall exceed two hundred (200) square feet in area.
 - c. The base of the sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be



- constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
- d. Up to 50% of the area of any permitted architectural freestanding or monument sign may be used as manually changeable copy display. Proposed manually changeable copy display(s) shall be located beneath all fixed copy signs.
 - e. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the architectural freestanding or monument sign as a Conditional Use. Such message signs must conform to ARTICLE 2 and further shall be subject to the following minimum standards and requirements:
 - I The application for conditional use permit shall be accompanied by the following information:
 - (i) All of the information required in SECTION 3405 of this Article;
 - (ii) Identification of all thoroughfares from which the sign will be visible; and
 - II Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
 - (i) Such message boards and screens will be considered a part of the architectural freestanding sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or display screen.
 - (ii) All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - (iii) Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.
 - (iv) The message displayed on the board shall not change more than three (3) times per day.
 - (v) Messages shall be displayed in one color on a black background.
 - (vi) The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
 - (vii) Off-premise advertising shall be prohibited on the sign.
3. Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot based on the following standards:
- a. The sign shall not exceed eight (8) feet in height.
 - b. The maximum size of the sign shall not exceed sixty (60) square feet in area.
 - c. The base and sides of the sign shall use construction materials and design details that match the outlot building.
 - d. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - e. Single panel plexi-faced cabinets shall not be permitted.



- f. Up to fifty percent (50%) of the area of any permitted monument sign may be used for manually changeable copy. Any proposed manually changeable copy shall be located immediately on top of the sign base.
 - g. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the monument sign as a Conditional Use. Such message signs must conform to ARTICLE 2 and further shall be subject to the following minimum standards and requirements:
 - I The application for conditional use permit shall be accompanied by the following information:
 - (i) All of the information required in SECTION 3405 of this Article.
 - (ii) Identification of all thoroughfares from which the sign will be visible.
 - II Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
 - (i) Such message boards and screens will be considered a part of the monument sign; up to twenty percent (20%) of the permitted sign area can be in the form of an electronic message board or display screen.
 - (ii) All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
 - (iii) Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.
 - (iv) The message displayed on the board shall not change more than three (3) times per day.
 - (v) Messages shall be displayed in one color on a black background.
 - (vi) The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
 - (vii) Off-premise advertising shall be prohibited on the sign.
4. Sections 3402 and 3413 of the Boone County Zoning Regulations shall be used in determining permitted locations and the amount of building mounted signage that is permitted on a business. Permitted exceptions to SECTION 3413 are noted.
- a. The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District:
 - I Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.
 - II Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.
 - III Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.
 - b. Permitted Exceptions to the building mounted signage regulations found in SECTION 3413 of the Boone County Zoning Regulations are as follows:



- I Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more than thirty-two (32) square feet in size. Projecting signs shall have a minimum clearance of ten (10) feet over sidewalks and shall not be permitted to project over vehicular ways.
 - II Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to two (2) inches in height.
5. SECTION 3410 of the Boone County Zoning Regulations shall be used in determining the location, height, area, and number of entrance signs that are permitted for a residential development. The following standards shall apply to residential entrance signs:
- a. The base and sides of the sign shall use construction materials and design details that match or correlate to the residential structures on the lot.
 - b. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - c. Single panel plexi-faced cabinets shall not be permitted.
 - d. Electronically changeable message boards, electronic display screens, and manually changeable reader boards shall not be permitted.
6. Seasonal non-commercial banners for the advertising of holidays and special community events shall be permitted without the issuance of a Temporary Advertising Display Permit but are subject to the following standards:
- a. The banner shall be located on permanent brackets on a light standard.
 - b. The light standard shall be located in close proximity to Mall Road or a shared development private street.
 - c. The banner shall be no larger than sixteen (16) square feet in area and shall not obstruct sight distance.

Section 3407.8 Graves Road

- A. The Graves Road Special Sign District applies to those properties within the GR-R, GR-C, and GR-BP districts.
- B. The purpose of the special sign district is to promote the mixed use district envisioned by the study with high quality construction materials and to follow the recommendations of the comprehensive plan.
- C. For the purpose of the Graves Road Special Sign District, the following requirements shall apply:
 1. All provisions of ARTICLE 34 shall apply, except where modified as follows:
 - a. Free Standing Signs: A density of one (1) architectural free standing sign which identifies a shopping center, mixed use commercial, non-residential subdivision, planned development, or single use non-residential development shall be permitted in accordance with the following requirements:
 - I Road frontage shall be two hundred (200) feet or greater.
 - II The sign shall not exceed twenty (20) feet in height.



- III The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located, up to a maximum size of one hundred fifty (150) square feet.
 - IV The base of the sign shall be constructed of materials, colors, and design details comparable to one of the principal buildings on the site. A second option is for the support structures to have sculptural or artistic characteristics. A monument sign may be substituted as the permitted free standing sign. The base of the monument sign shall be constructed with materials, colors, and design details comparable to one of the principal buildings on the site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - V Manually changeable copy, frequently changing electronic changeable copy, and similar signs, as determined by the zoning administrator, shall be prohibited.
 - VI One (1) electronic message board or electronic display screen used solely to advertise infrequently changing alphanumeric or numeric messages (e.g., fuel prices, hotel room rates, etc.) shall be permitted on a free standing sign subject to the following restrictions:
 - (i) Such message boards or screens shall be considered a part of a permitted free standing sign, up to twenty percent (20%) or twenty (20) square feet, whichever is less, of the sign area can be in the form of an electronic message board or electronic display screen.
 - (ii) All such message boards or screens shall meet the minimum requirements of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- b. Monument Signs: Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, non-residential subdivision, or planned unit development, except for the lot upon which a free standing sign already exists, shall be permitted a density of one (1) on-premise monument sign for the purpose of identifying the tenant(s) on the lot, in accordance with the following requirements:
- I The sign shall not exceed eight (8) feet in height.
 - II The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located, up to a maximum size of sixty (60) square feet.
 - III The base of the sign shall be constructed of materials, colors, and design details comparable to one of the principal buildings on the site.
 - IV The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - V Plexi-faced cabinets shall be prohibited.
 - VI Manually changeable copy, frequently changing electronic changeable copy, and similar signs, as determined by the zoning administrator, shall be prohibited.
 - VII One (1) electronic message board or electronic display screen used solely to advertise infrequently changing alphanumeric or numeric messages (e.g., fuel prices, hotel room rates, etc.) shall be permitted on a free standing sign subject to the following restrictions:
 - (i) Such message boards or screens shall be considered a part of a permitted free standing sign, up to twenty percent (20%) or twenty (20) square feet, whichever is less, of the sign area can be in the form of an electronic message board or electronic display screen.



- (ii) All such message boards or screens shall meet the minimum requirements of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- c. Building Mounted Signs: Sections 3402 and 3413 shall be used in determining the permitted location and amount of building mounted signage, with the following exceptions:
 - I Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs, as determined by the zoning administrator, shall be permitted.
 - II Manually changeable copy, frequently changing electronic changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs, as determined by the zoning administrator, shall be prohibited.
 - III Building mounted signs shall be prohibited in residential developments, with the following exceptions:
 - (i) Professional nameplates, building addresses, and building numbers/letters that are six (6) square feet or less in area.
 - (ii) Projecting signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street/driveway.
 - (iii) Projecting signs will not be counted as one of the three permitted sign areas on a primary or secondary building façade, but the sign area shall be counted into the total square footage that is permitted on that building façade.
 - (iv) The maximum size of a projecting sign shall be thirty-two (32) square feet.
 - (v) Projecting signs shall have a minimum clearance of ten (10) feet over sidewalks and shall not be permitted to project over vehicular ways or rights-of-way.
 - (vi) Restaurants and entertainment uses shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances.
 - (vii) The accent banding shall not be counted as one of the three permitted sign areas on a primary or secondary building façade, but the sign area shall be counted into the total square footage that is permitted on that building façade.
 - (viii) Any neon or L.E.D. accent banding shall be limited to two (2) inches in height.
- d. Entrance Signs: SECTION 3410 shall be used in determining the permitted location, height, area, and number of entrance signs permitted for residential developments, with the following exceptions:
 - I The base and sides of the shall be constructed of materials, colors, and design details comparable to the residential buildings on the site.
 - II The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - III Plexi-faced cabinets shall be prohibited.
 - IV Manually changeable copy display areas, electronic message boards or electronic display screens shall be prohibited.

SECTION 3408 REGULATIONS BY TYPE OF SIGN

Section 3408.1 Building Mounted Signs



SECTION 3413 Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit
Building Mounted Signs (All Commercial, Employment, and Recreational Districts Except I-3)

- A. Building mounted signs shall be allowed in all Recreation, Commercial, and Employment districts, except for the I-3 district.
- B. A business establishment shall ~~may~~ be permitted building mounted signage for each building elevation directly on, or with ~~high~~ visibility from, any roadway ~~arterial, collector,~~ or marginal access street, including areas of major internal traffic circulation of a development. Under no circumstances shall signage be placed on more than three (3) building elevations on the same building or more than two (2) buildings under common ownership.
- C. The primary building elevation shall be permitted two (2) square feet of sign area per lineal foot of building width for the elevation upon which the sign is to be ~~it is~~ mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual business establishment.
- D. Any subordinate building additional elevations shall be permitted one (1) square foot of sign area per lineal foot of building width for the ~~same~~ elevation upon ~~on~~ which the sign is to be ~~it is~~ mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual business.
- E. Signs on awnings are considered in the total square footage of building mounted signs permitted for that elevation. Any commercial message and/or illuminated areas on the awning will be calculated for square footage.
- F. Up to twenty percent (20%) of the area of any permitted building mounted sign may be used for a manually changeable copy area.
- G. ~~Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted to for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage. Up to fifty percent of the area of any permitted building mounted sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.~~

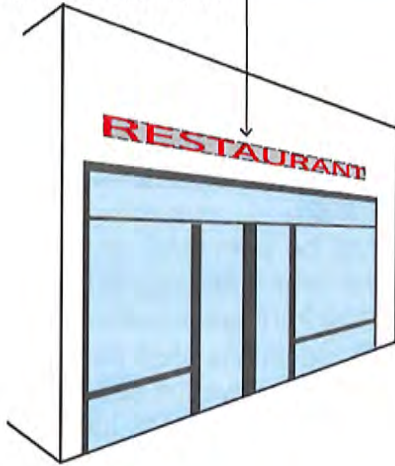
Figure 34-5
Building Mounted Sign Alternatives

Traditional

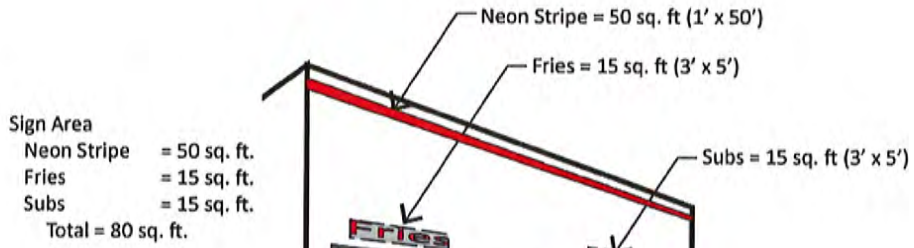


Figure 34-5
Building Mounted Sign Alternatives

Sign Area = 80 sq. ft (2' x 40')



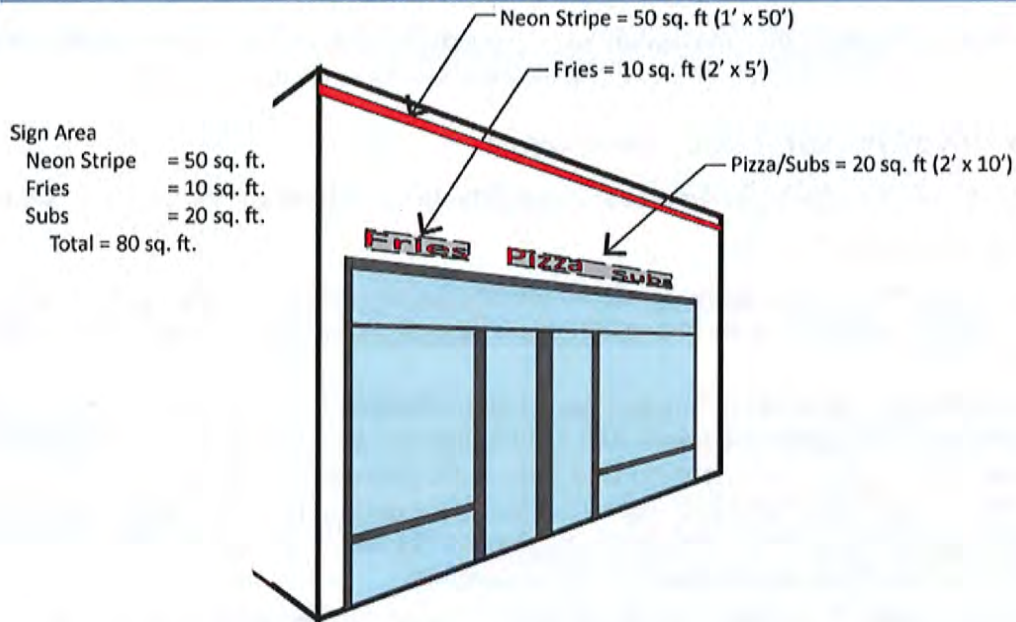
Alternative 1



Alternative 2



Figure 34-5
Building Mounted Sign Alternatives



Section 3408.2 Canopy Signs

~~SECTION 3413 Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit~~ ~~Freestanding Canopy Signs (All Commercial and Employment Districts)~~

- A. Signage on canopies that are attached to buildings shall be treated as building mounted signs.
- B. Signage on free standing canopies (i.e., gasoline, banks, etc.) shall be permitted in all Commercial and Employment districts subject to the following limitations:
 1. ~~Shall be allowed Canopy (on gasoline and other completely detached canopies) mounted signage is permitted~~ on no more than three (3) elevations of the canopy.
 2. The square footage allowed for canopy signs shall ~~may~~ not exceed twenty-five percent (25%) of the area of the fascia on which they are mounted and are figured within one rectangular sign area.
 3. The signs may not extend above or below the fascia of the canopy.
 4. A non-illuminated, two-dimensional horizontal stripe (paint, decal, etc.) consisting of a maximum of two (2) colors, including the background color, will be permitted ~~on no more than three (3) elevations of the canopy~~ and will not be counted as sign area. ~~The signs may not extend above or below the fascia of the canopy.~~

Section 3408.3 Directional Signs

~~SECTION 3412 Directional Signs Requiring a Permit~~

- A. One (1) directional sign shall be permitted near each entrance of a commercial, industrial, or office zoned property.
 1. Each sign shall have with a maximum sign area of six (6) square feet and maximum height of five (5) feet.



- B. ~~Advertising on such a sign shall minimally include the words "enter" "exit" or arrows.~~ Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, shall be permitted on any property.
 1. Each sign shall have a maximum sign area of ~~Such directional signs shall not exceed~~ ten (10) square feet and a maximum height of ~~in area and~~ five (5) feet ~~in height~~.

Section 3408.4 Drive Through-Menu Board Signs

~~SECTION 3413 Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit Drive-Through Signs or Menu Boards~~

- A. Establishments which have ~~Drive-Through establishments which have a~~ pick-up windows shall ~~will~~ be permitted ~~two (2) one (1)~~ drive-through/menu board signs along ~~sign or menu board~~ adjoining each drive-through lane.
- B. One of the allowed drive-through/menu board signs shall have a maximum sign area of ~~Menu boards shall not exceed six (6) feet in height and~~ forty-eight (48) square feet and a maximum height of six (6) feet ~~in size~~ if the sign is free standing and forty-eight (48) square feet in size if the sign is mounted to the building. The second allowed drive-through/menu board sign shall have a maximum sign area of twelve (12) square feet and a maximum height of six (6) feet if the sign is free standing and twelve (12) square feet in size if the sign is mounted to the building.
- C. No more than twenty-five percent (25%) of the sign area can be used for a commercial message. The remainder of the sign area shall be used for directory, menu items, instructions, or information.
- D. Drive-through/menu board signs may have an electronic message screen/panel, provided that the displayed message is displayed for a minimum of sixty (60) minutes.

Section 3408.5 Electronic Message Board/Screen Signs

~~SECTION 3430 Electronic Message Boards and Electronic Display Screens~~

- A. The following provisions apply ~~version of SECTION 3430 applies~~ to Unincorporated Boone County, City of Union, and the City of Walton ~~only~~.
 1. Automatic changeable copy signs shall be designated ~~The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use within the in~~ C-1, C-2, C-3, C-4, PF, and R zoning districts. ~~Such signs shall be prohibited in all other districts. Such message signs must conform to ARTICLE 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:~~
 2. ~~The application for conditional use permit shall be accompanied by the following information:~~
 3. ~~All of the information required in SECTION 3405 of this Article;~~
 4. ~~Identification of all interstate highways or other thoroughfares from which the sign will be visible; and~~
 5. ~~A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.~~
 6. ~~Electronic message boards/screens and electronic display screens as conditional uses,~~ shall conform, ~~at minimum~~ to the following requirements:
 - a. ~~Shall not exceed Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50%) of the permitted sign area on which it is located can be used as an electronic message board or electronic display screen.~~



- b. ~~All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~
- c. ~~Electronic message boards and electronic display screens shall not be permitted at intervals of less than six hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.~~
- d. Such technology shall be programmed so that the message or image on the sign changes no more often than every ~~The message displayed on the board or screen must be displayed for a minimum of five (5) seconds second intervals. In no instance can a message, or part thereof, flash on the message board.~~
- e. Apparent motion of the visual image message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction also applies to "scrolling" or "running" messages.
- f. Changes of images shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- g. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:
 - I All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions ~~Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.~~
 - II All electronic or digital display unit message boards shall meet the following pixel pitch requirements (Note: the pixel pitch requirements shall not apply to price boards, such as gas prices, hotel room rates, and other similar fixed price displays):
 - (i) ~~Full color and monochrome message boards shall meet the follow pixel pitch requirements:~~
 - (ii) A nineteen (19) mm pixel pitch or better resolution shall be required when the top of the message board is located thirty (30) feet or less above grade.
 - (iii) A twenty-five (25) mm pixel pitch or better resolution shall be required when the top of the message boards is located more than thirty (30) feet above grade.
 - (iv) ~~Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).~~
- h. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.
- i. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:
 - I A sign on which a one hundred (100) square foot or greater electronic or electro-mechanical message board is proposed shall not be erected within five hundred (500) feet of property falling in one of Boone County's residential districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.



- II A sign on which a twenty (20) square foot or more, but less than one hundred (100) square foot, electronic or electro-mechanical message board is proposed shall not be erected within two hundred (200) feet of property falling in one of Boone County's residential districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.
 - III A sign on which the electronic or electro-mechanical message board includes less than twenty (20) square feet of sign area shall not be erected within one hundred (100) feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.
 - j. Electronic message boards/ ~~or electronic display~~ screens which are used solely to display advertise infrequently changing alphanumeric and numeric messages (i.e., e.g.— gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the C-1, C-2, C-3, C-4, PF, A, and R Commercial One (~~C-1~~), Commercial Two (~~C-2~~), Commercial Services (~~C-3~~), Commercial Four (~~C-4~~), Public Facilities (~~PF~~) and Recreation (~~R~~) zoning districts subject to the following standards:
 - I Such message board/screen shall not exceed ~~boards and screens will be considered a part of a permitted free standing or building mounted sign; up to~~ twenty percent (20%) or twenty (20) square feet, whichever is less, (~~whichever is less~~) of the ~~permitted sign area on which it is located can be in the form of an electronic message board or electronic display screen.~~
 - II ~~All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~
- B. The following provisions apply ~~version of SECTION 3430 applies~~ to the City of Florence ~~only~~.
1. Automatic changeable copy signs shall be designated as a ~~The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as~~ Conditional Use within the ~~in~~ C-2 and C-3 zoning districts. Such signs shall be prohibited in all other districts. ~~message signs must conform to ARTICLE 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:~~
 2. ~~The application for conditional use permit shall be accompanied by the following information:~~
 3. ~~All of the information required in SECTION 3405 of this Article;~~
 4. ~~Identification of all interstate highways or other thoroughfares from which the sign will be visible; and~~
 5. ~~A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.~~
 6. Electronic message boards/ ~~and electronic display screens as conditional uses,~~ shall conform, ~~at minimum~~ to the following requirements:
 - a. Shall not exceed ~~Such message boards and screens will be considered a part of a permitted free standing or building mounted sign; up to~~ fifty percent (50%) of the ~~permitted sign area on which it is located can be used as an electronic message board or electronic display screen.~~
 - b. ~~All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~



- c. ~~Electronic message boards and electronic display screens shall not be permitted at intervals of less than six hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.~~
- d. Such technology shall be programmed so that the message or image on the sign changes no more than every ~~The message displayed on the board or screen must be displayed for a minimum of five (5) seconds second intervals. In no instance can a message, or part thereof, flash on the message board.~~
- e. Apparent motion of the visual image message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- f. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- g. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:
 - I All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.
 - II All electronic or digital display unit message boards shall meet the following pixel pitch requirements (Note: the pixel pitch requirements shall not apply to price boards, such as gas prices, hotel room rates, and other similar fixed price displays):
 - (i) A nineteen (19) mm pixel pitch or better resolution shall be required when the top of the message board is located thirty (30) feet or less above grade.
 - (ii) A twenty-five (25) mm pixel pitch or better resolution shall be required when the top of the message board is located more than thirty (30) feet above grade.
- h. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.
- i. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:
 - I A sign on which a one hundred (100) square foot or greater electronic or electro-mechanical message board is proposed shall not be erected within five hundred (500) feet of property falling in one of Boone County's residential districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.
 - II A sign on which a twenty (20) square foot or more, but less than one hundred (100) square foot, electronic or electro-mechanical message board is proposed shall not be erected within two hundred (200) feet of property falling in one of Boone County's residential districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.
 - III A sign on which the electronic or electro-mechanical message board includes less than twenty (20) square feet of sign area shall not be erected within one hundred (100) feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation



is maintained between the sign and any property zoned and exclusively used for a single-family use.

- j. Electronic message boards/screens which are used solely to display infrequently changing alphanumeric and numeric messages (i.e., gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the C-1, C-2, C-3, C-4, PF, A, and R districts, subject to the following standard:
 - I Such message board/screen shall not exceed twenty percent (20%) or twenty (20) square feet, whichever is less, of the sign area on which it is located.

Section 3408.6 Free Standing Signs

A. Free Standing Signs

- 1. In Agricultural, Residential, and Conservation residential districts, free standing signs shall be permitted subject to the following limitations:
 - a. Shall only be a monument sign.
 - b. Only one (1) monument style sign shall be permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, or societies.
 - c. This monument sign shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall be located on the premises of such institution. In agricultural districts, one freestanding sign that does not exceed eight (8) feet in height and thirty two (32) square feet in area, or one building mounted sign that does not exceed thirty two (32) square feet, is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, societies, or permitted businesses. The permitted sign shall be placed on the premises of such institution or business.
 - d. Up to fifty percent (50%) of the sign area may be used for manually changeable copy.
 - e. The street number address or address number range shall be displayed on the sign. The address or address range shall not be considered part of the permitted sign area.
 - f. If a free standing sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements:
 - I Shall not project more than four (4) feet from the face of the building.
 - II The bottom of the sign shall be at least ten (10) feet above grade.
 - III The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.
- 2. In the C-1 district, free standing signs shall be permitted subject to the following limitations:
 - a. Individual parcels of land which are not located within a shopping center, mixed use commercial development, commercial subdivision, or planned development shall be subject to the following regulations:
 - I Shall only be a monument sign.
 - II Shall be limited to one (1) sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.
 - III The maximum sign area shall not exceed one-half (1/2) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of one hundred (100) square feet.
 - IV The maximum height shall not exceed ten (10) feet.
 - V Up to fifty percent (50%) of the sign area may be used for manually changeable copy.



- VI The street number address or address number range shall be displayed on the sign. The address or address range shall not be considered part of the permitted sign area.
 - VII If a free standing sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements:
 - (i) Shall not project more than four (4) feet from the face of the building.
 - (ii) The bottom of the sign shall be at least ten (10) feet above grade.
 - (iii) The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.
- b. Shopping centers, mixed use commercial developments, commercial subdivisions, and planned developments shall be subject to the following regulations:
- I Shall only be a monument sign to identify the name of the development and its major tenants.
 - II Shall be limited to one (1) sign.
 - III The maximum sign area shall not exceed one-half (1/2) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of one hundred (100) square feet.
 - IV The maximum height shall not exceed ten (10) feet.
 - V Any parcel or out lot which is accessible from, or marketed as part of a shopping center, mixed use commercial development, commercial subdivision, or planned development (except for the lot where a monument sign is located) shall be permitted one (1) monument sign, having a maximum sign area of one-half (1/2) square foot of sign area per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of sixty (60) square feet, and having a maximum height of eight (8) feet. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.) Any parcel or out lot, which is accessible from, or marketed as part of a shopping center, mixed use commercial development, commercial subdivision, or planned development (except for the lot where an architectural free standing sign is located) shall be permitted one (1) monument sign, having a maximum sign area of one-half (1/2) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of sixty (60) square feet, and having a maximum height of eight (8) feet.
 - VI If a free standing sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements
 - (i) Shall not project more than four (4) feet from the face of the building.
 - (ii) The bottom of the sign shall be at least ten (10) feet above grade.
 - (iii) The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.
3. In the C-2, C-3, and C-4 districts, free standing signs shall be permitted subject to the following limitations:
- a. Individual parcels of land which are not located within a shopping center, mixed use commercial development, commercial subdivision, or planned development, shall be subject to the following regulations:
 - I Shall only be a monument or architectural free standing sign.
 - II Shall be limited to one (1) sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.



- III The maximum sign area shall not exceed one (1) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of two hundred (200) square feet (Unincorporated Boone County, City of Union, City of Walton) or up to a maximum of one hundred fifty (150) square feet (City of Florence).
- IV The maximum height shall be determined as follows (Unincorporated Boone County, City of Union, City of Walton):

| <u>Road Frontage</u> | <u>Maximum Sign Height</u> |
|----------------------|----------------------------|
| 50 feet or less | 15 feet |
| 51 to 100 feet | 20 feet |
| 101 to 200 feet | 25 feet |
| More than 200 feet | 30 feet |

- V The maximum height shall be determined as follows (City of Florence):

| <u>Road Frontage</u> | <u>Maximum Sign Height</u> |
|----------------------|----------------------------|
| 100 feet or less | 15 feet |
| More than 100 feet | 20 feet |

- VI Up to fifty percent (50%) of the sign area may be used for manually changeable copy.
- VII The street number address or address number range shall be displayed on the sign. The address or address range shall not be considered part of the permitted sign area.
- VIII If a free standing sign is not possible or desirable, each buildings shall be permitted one (1) projecting sign subject to the following requirements:
 - (i) Shall not project more than four (4) feet from the face of the building.
 - (ii) The bottom of the sign shall be at least ten (10) feet above grade.
 - (iii) The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.
- b. Shopping centers, mixed use commercial developments, commercial subdivisions, and planned developments, shall be subject to the following regulations:
 - I Shall only be a monument or architectural free standing sign to identify the name of the development and its major tenants.
 - II Shall be limited to one (1) sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.
 - III The maximum sign area shall not exceed one (1) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of two-hundred (200) square feet (Unincorporated Boone County, City of Union, City of Walton) or up to a maximum of one-hundred fifty (150) square feet (City of Florence).
 - IV The maximum height shall be determined as follows (Unincorporated Boone County, City of Union, City of Walton):

| <u>Road Frontage</u> | <u>Maximum Sign Height</u> |
|----------------------|----------------------------|
| 50 feet or less | 15 feet |



| | |
|--------------------|---------|
| 51 to 100 feet | 20 feet |
| 101 to 200 feet | 25 feet |
| More than 200 feet | 30 feet |

V The maximum height shall be determined as follows (City of Florence):

| <u>Road Frontage</u> | <u>Maximum Sign Height</u> |
|----------------------|----------------------------|
| 100 feet or less | 15 feet |
| More than 100 feet | 20 feet |

VI Any parcel or out lot, which is accessible from, or marketed as part of a shopping center, mixed use commercial development, commercial subdivision, or planned development (except for the lot where the above referenced identification monument or architectural free standing sign is located), shall be permitted one (1) monument sign, having a maximum sign area of one (1) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of one hundred (100) square feet, and having a maximum height of ten (10) feet.

VII If a free standing sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements:

- (i) Shall not project more than four (4) feet from the face of the building.
- (ii) The bottom of the sign shall be at least ten (10) feet above grade.
- (iii) The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.

4. in the PF, O-1, O-2, I-1, I-2, O-1A, I-4, EPD, R, and A districts, free standing signs shall be permitted subject to the following limitations:

- a. Shall only be a monument sign.
- b. Shall be limited to one (1) sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.
- c. The maximum sign area shall not exceed one-half (1/2) square foot per lineal foot of road frontage along the street where the sign is to be located, up to a maximum of one hundred (100) square feet.
- d. The maximum height shall not exceed ten (10) feet.
- e. Up to fifty percent (50%) of the sign area may be used for manually changeable copy.
- f. The street number address or address number range shall be displayed on the sign. The address or address range shall not be considered part of the permitted sign area.
- g. If a free standing sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements:
 - I Shall not project more than four (4) feet from the face of the building.
 - II The bottom of the sign shall be at least ten (10) feet above grade.
 - III The sign area shall not exceed one-half (1/2) square feet for each lineal foot of building width, up to a maximum of sixteen (16) square feet.



Section 3408.7 Entrance Signs

SECTION 3410 Entrance Signs Requiring a Permit

- A. In Agricultural, ~~and Residential, and zoning districts, including Residential Planned Developments districts,~~ entrance signs for residential developments shall be permitted subject to the following limitations:
1. Shall only be a monument sign.
 2. Shall only be permitted for a ~~any~~ residential subdivision that involves the construction of a new streets or for a ~~any~~ multi-family residential development, or section of a development, that contains twenty (20) or more dwelling units. An "~~entrance sign~~" is defined as a low profile (eight foot maximum height) monument style sign. Typically, entrance signs utilize masonry walls or similar structures and are placed within landscaped areas such as earthen berms. The sign may not obstruct visibility within vision triangles at curb cuts or intersections (see ARTICLE 32; Section 3218).
 3. Shall be limited to one ~~One~~ (1) entrance sign, ~~of~~ up to a maximum sign area of one hundred (100) square feet, ~~in area or two (2) entrance signs, each having a maximum sign area of up to fifty (50) square feet each shall be permitted for each entrance into the residential development from an arterial or collector street. Information conveyed on such signs shall be limited to the name of the development and the name of the owner, builder, or developer of the project. Entrance signs shall conform to the general requirements listed in SECTION 3402 and 3404.~~
 4. The maximum height of the sign shall not exceed ten (10) feet.
 5. Shall be located at the entrance into the residential development from either an arterial, collector, or subcollector street.
- B. In PF, O-1, O-2, I-1, I-2, O-1A, EPD, and A districts, entrance signs shall be permitted subject to the following limitations:
1. Shall only be a monument sign.
 2. Office and industrial parks shall be permitted one (1) entrance sign per entrance to such parks from a major thoroughfare.
 3. Regardless of the number of entrances to such developments, each office or industrial park shall be limited to a maximum of two (2) entrance signs.
 4. Each sign shall have a maximum sign area of one hundred fifty (150) square feet and a maximum height of ten (10) feet.
- C. In Recreation districts, entrance signs shall be permitted subject to the following limitations:
1. Shall only be a monument sign.
 2. Each development shall be permitted one (1) entrance sign per entrance to such parks from either an arterial or collector street.
 3. Regardless of the number of entrances to such developments, each development shall be limited to a maximum of two (2) entrance signs.
 4. Each sign shall have a maximum sign area of one hundred (100) square feet and a maximum height of ten (10) feet.

Section 3408.8 Window Signs

- A. Where window signs are allowed, they shall meet the following regulations:
1. Shall be included as part of the allowed sign area for a building mounted sign.
 2. Shall not cover more than twenty-five percent (25%) of the window on which it is located.



SECTION 3410 Entrance Signs Requiring A Permit

In Agricultural and Residential zoning districts, including Residential Planned Developments, entrance signs for residential developments shall be permitted for any residential subdivision that involves the construction of new streets or for any multi-family residential development that contains twenty (20) or more dwelling units. An "entrance sign" is defined as a low-profile (eight foot maximum height) monument style sign. Typically, entrance signs utilize masonry walls or similar structures and are placed within landscaped areas such as earthen berms. The sign may not obstruct visibility within vision triangles at curb cuts or intersections (see ARTICLE 32; Section 3218).

One (1) entrance sign of up to one hundred (100) square feet in area or two (2) entrance signs of up to fifty (50) square feet each shall be permitted for each entrance into the residential development from an arterial or collector street. Information conveyed on such signs shall be limited to the name of the development and the name of the owner, builder, or developer of the project. Entrance signs shall conform to the general requirements listed in SECTION 3402 and 3404.

SECTION 3411 Other Signs Permitted in Residential, Agricultural and Conservation Districts Requiring A Permit

In residential districts, one monument style sign is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, or societies. This monument sign shall not exceed eight (8) feet in height and thirty two (32) square feet in area and shall be located on the premises of such institution. In agricultural districts, one freestanding sign that does not exceed eight (8) feet in height and thirty two (32) square feet in area, or one building mounted sign that does not exceed thirty two (32) square feet, is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, societies, or permitted businesses. The permitted sign shall be placed on the premises of such institution or business.

SECTION 3412 Directional Signs Requiring A Permit

One (1) directional sign shall be permitted near each entrance of a commercial, industrial, or office zoned property with a maximum sign area of six (6) square feet and maximum height of five (5) feet. Advertising on such a sign shall minimally include the words "enter" "exit" or arrows. Signs directing and guiding traffic and parking on private property, such as drive thru lanes, shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

SECTION 3413 Signs Permitted in Commercial, Employment, and Recreational Districts Requiring A Permit

1. Building Mounted Signs (All Commercial, Employment, and Recreation Districts Except I-3)

A business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted.



~~Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage. Up to fifty percent of the area of any permitted building mounted sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.~~

2. **Freestanding Canopy Signs (All Commercial and Employment Districts)**

~~Canopy (on gasoline and other completely detached canopies) mounted signage is permitted on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted and are figured within one rectangular sign area. The signs may not extend above or below the fascia of the canopy. A non-illuminated, two-dimensional horizontal stripe (paint, decal, etc.) consisting of a maximum of two (2) colors, including the background color, will be permitted on no more than three (3) elevations of the canopy and will not be counted as sign area. The signs may not extend above or below the fascia of the canopy.~~

3. **Drive-Through Signs or Menu-Boards**

~~Drive-Through establishments which have a pick-up windows will be permitted one (1) drive-through sign or menu board adjoining each drive-through lane. Menu boards shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free-standing and forty-eight (48) square feet in size if the sign is mounted to the building.~~

4. **Freestanding/Monument Signs**

1. **Commercial One-District (C-1):**

- a. ~~Individual parcels of land which are not located within a shopping center, mixed-use commercial, commercial subdivision, or planned development shall be permitted a density of one (1) on-premises, monument sign (see ARTICLE 2, SECTION 204 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) monument sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages. The maximum size of the monument sign shall be no more than one-half (½) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No monument sign shall exceed one-hundred (100) square feet in area and ten (10) feet in height.~~
- b. ~~Shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on-premises, entrance monument sign, for the purpose of identifying the name of the development, its major tenant(s), and its major access point. (see ARTICLE 2, SECTION 204 regarding Board of Adjustment and Zoning Appeals authority regarding density). The maximum size of the entrance monument sign shall be no more than one-half (½) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No entrance monument sign shall exceed one-hundred (100) square feet in area and ten (10) feet in height.~~



In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced entrance monument sign is located) shall be permitted a density of one (1) on premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one half (1/2) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed sixty (60) square feet in area and eight (8) feet in height. ~~(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.)~~ In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free standing sign is located) shall be permitted a density of one (1) on premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one half (1/2) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed sixty (60) square feet in area and eight (8) feet in height.

2. ~~Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) Districts~~

~~(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS.)~~

- a. ~~Individual parcels of land which are not located within a shopping center, mixed use commercial, commercial subdivision, or planned development shall be permitted a density of one (1) on premises, architectural freestanding sign (see ARTICLE 2, SECTION 204 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) architectural freestanding sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.~~
- b. ~~Shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on premises architectural freestanding sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point. (see ARTICLE 2, SECTION 204 regarding Board of Adjustment and Zoning Appeals authority regarding density).~~

In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural freestanding sign is located) shall be permitted a density of one (1) on premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height.

- c. ~~In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of a architectural freestanding sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No freestanding sign in C-2, C-3, and C-4 districts may exceed two-hundred (200) square feet in area. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS.) In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of a architectural freestanding sign shall be no more than one (1) square foot of sign area per lineal foot of~~



road frontage along the street frontage where the sign is to be located. No freestanding sign in C-2, C-3, and C-4 districts may exceed one hundred fifty (150) square feet in area.

- d. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum height of a architectural free standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

| Road Frontage | Maximum Sign Height |
|-------------------|---------------------|
| 50 feet or less: | 15 feet in height |
| 51 to 100 feet: | 20 feet in height |
| 101 to 200 feet: | 25 feet in height |
| 201 feet or more: | 30 feet in height |

- d. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum height of a architectural freestanding sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

| Road Frontage | Maximum Sign Height |
|-------------------|---------------------|
| 100 feet or less: | 15 feet in height |
| 101 feet or more: | 20 feet in height |

3. Other Non-Residential Districts (PF, O-1, O-2, I-1, I-2, O-1A, I-1A, EPD, R and A)

- a. Uses in these zones shall be permitted a density of one (1) on-premise monument sign per parcel of land (See ARTICLE 2, SECTION 204 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) monument sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages. The maximum size for a monument sign for an office or industrial establishment shall not exceed one half (1/2) square foot of area per lineal foot of road frontage along the street frontage where the monument sign is to be located with a maximum allowable size of one hundred (100) square feet. The maximum height for an monument sign is ten (10) feet.
- b. Office and industrial parks shall be permitted one (1) entrance sign for each entrance to such parks from a major thoroughfare for a total of two (2) signs. Such signs cannot exceed one hundred fifty (150) square feet in area and ten (10) feet in height.
- c. Each development in a Recreation zoning district shall be permitted one (1) entrance sign for each entrance to such development from a major thoroughfare for a total of two (2) signs. Such signs cannot exceed one hundred (100) square feet in area and ten (10) feet in height each.

- 4. If a freestanding sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements: the sign shall not project further than four (4) feet from the face of the building; the bottom of the sign shall be at least ten (10) feet above grade; and the surface area of the sign shall not exceed one half (1/2) square feet for each lineal foot of building width, provided that no projecting sign shall exceed a maximum sign area of thirty two (32) square feet.



5. ~~Up to fifty percent of the area of any permitted freestanding sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.~~
6. ~~Freestanding signs must display the street number address or address number range of the business(es) that are being identified on the sign. The address or address range is not considered part of the permitted sign area (see diagram in SECTION 3403).~~

SECTION 3409 TEMPORARY ADVERTISING

Section 3420 Temporary Advertising Display Permits

- A. Temporary devices utilized for advertising or attracting attention to a permitted use in Commercial or, Employment, ~~or and~~ Recreation ~~zoning~~ districts, when not part of a sign, shall be permitted only under the following rules and procedures:
 1. A Temporary Advertising Permit shall be obtained prior to the placement, ~~out of doors,~~ of any combination of banners, poster, pennants, flags, ribbons, streamers, spinners, or other similar moving devices, as well as strings of lights or spot lights. The procedure for obtaining a Temporary Advertising Display Permit shall be the same as the procedure for obtaining a Sign Permit ~~as outlined in SECTION 3405~~ except that for Temporary Advertising Display Permits must contain the dates the advertising devices will be utilized.
 2. ~~Any Temporary Advertising Display shall meet all other safety and setback requirements of ARTICLE 34.~~
 3. A Temporary Advertising Display permit shall allow the use of temporary advertising devices for any establishment for a maximum of fourteen (14) consecutive days. Any establishment shall be allowed up to five (5) Temporary Advertising Display Permits in any one calendar year.
 4. A fee for Temporary Advertising Display permits shall be as set by the Planning Commission in its Schedule of Fees. The Planning Commission shall have the authority to charge a higher fee for such permits in the event that such displays are installed or used before the issuance of a permit. This higher fee must be directly related to any increased administrative costs associated with the permit's issuance.
 5. Temporary Advertising Displays shall not be permitted in any public right-of-way and shall not be attached to any public structure including, but not limited to, telephone poles, fire hydrants, and street signs.
 6. Temporary Advertising Displays must meet all other safety and setback requirements and performance standards of these regulations.
 7. Temporary Advertising Display permits can only be issued at the address where the business is operating.
 8. Freestanding signs or banners which are permitted under a Temporary Advertising Display permit shall not exceed ten (10) feet in height and one hundred ~~or~~ (100) square feet in area.
 9. Balloons or other inflatable devices larger than eighteen (18) inches across which are permitted under a Temporary Advertising Display permit must be cold air only and must be placed on the ground and not on a structure or vehicle (~~refer to SECTION 3402, #3~~). Hot air balloons, spot lights or search lights are not permissible (~~refer to SECTION 3403, #7~~).
 10. Temporary Advertising Display Permits are not required for banners displayed at any public or private school which instructs any grades between kindergarten and grade 12, such as elementary, primary, middle, junior high, secondary, and high schools. This exemption does not apply to non-school uses which may be education related such as day care centers, preschools, and tutoring services. The banners exempt from the permitting requirement in this section must pertain to academic or student achievements and/or activities, such as awards, clubs, or



athletics, and not for any commercial purpose such as fund raisers, festivals, sale of tickets for events on school grounds, or sale of any goods.

SECTION 3425 Off Premises Signs Permitted as a Conditional Use

The Board of Adjustment and Zoning Appeals may permit an off-premises sign as a conditional use in the I-1, and I-2 districts (See footnote below). Local information signs as conditional uses shall conform to Sections 205-267, inclusive, of this order, and further, shall be subject to the following minimum regulations and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in SECTION 3405 of this Article; and
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:
 - a. No sign shall be larger than eight hundred (800) square feet and no linear dimension shall exceed fifty (50) feet;
 - b. The maximum height of any sign shall not exceed thirty (30) feet;
 - c. All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right-of-way lines of any other thoroughfares;
 - d. Off-premises signs shall not be permitted at intervals of less than two thousand six hundred and forty (2,640) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

**** NOTE:** The City of Florence, Ordinance 0-29-80, allows off-premises signs in the I-1 zone only. Unincorporated Boone County, Ordinance 920.179, allows off-premises signs in the I-1 zone only.

The Board of Adjustment shall convey a copy of all off-premises sign conditional use applications and permits to the Zoning Administrator.

SECTION 3430 Electronic Message Boards and Electronic Display Screens

The following version of Section 3430 applies to Unincorporated Boone County, City of Union and City of Walton only.

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use in C-1, C-2, C-3, C-4, PF and R zoning districts. Such message signs must conform to ARTICLE 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
 1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in SECTION 3405 of this Article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and
 - c. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.
 2. Electronic message boards and electronic display screens as conditional uses, shall conform, at minimum to the following requirements:



- a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.
- b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- c. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.
- e. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.
- f. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.
- g. Full color and monochrome message boards shall meet the follow pixel pitch requirements:
A 19 mm pixel pitch or better resolution shall be required when the top of the message board is located 30 feet or less above grade.
A 25 mm pixel pitch or better resolution shall be required when the top of the message boards is located more than 30 feet above grade.
Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).

2. Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3), Commercial Four (C-4), Public Facilities (PF) and Recreation (R) zoning districts subject to the following standards:
 - a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.
 - b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

The following version of Section 3430 applies to the City of Florence only.

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as Conditional Use in C-2 and C-3 zoning districts. Such message signs must conform to ARTICLE 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:
 1. The application for conditional use permit shall be accompanied by the following information:
 - a. All of the information required in SECTION 3405 of this Article;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and



- c. ~~A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.~~
2. ~~Electronic message boards and electronic display screens as conditional uses, shall conform, at minimum to the following requirements:~~
 - a. ~~Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.~~
 - b. ~~All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~
 - c. ~~Electronic message boards and electronic display screens shall not be permitted at intervals of less than six hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.~~
 - d. ~~Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.~~
 - e. ~~The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.~~

ARTICLE 3 SECTION 3410 SPECIAL SIGN DISTRICTS

Section 3440 Special Sign Districts

A. Purpose And Intent

1. ~~The legislative bodies, or individual property owners, upon recommendation of the Planning Commission, may establish a special sign district to insure the proper development of special areas of the County.~~
2. ~~The effect of a special sign district shall be to modify, according to standards established by the Commission, the requirements, regulations, and the procedures for signs in the area included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county-wide policies for growth and development.~~

B. Procedure

1. ~~The creation of a Special Sign District shall be the same as for a Zoning Map Amendment, as outlined in ARTICLE 3.~~
2. ~~Applications for Special Sign Districts shall include all of the required information necessary for a Zoning Map Amendment, as well as the following:~~
 - a. ~~A design plan showing signage design at a scale of 1/2" = 1 ft.~~
 - b. ~~Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan.~~
 - c. ~~For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users.~~
 - d. ~~An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown.~~



- e. The color schemes, design features, and materials (excluding specific messages) for proposed signs.

C. Criteria For Approval

1. A Special Sign District shall be approved only if the legislative body finds that the proposed plan meets all of the standards set out in this article. If the legislative body finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the legislative body shall deny the application for plan approval:
 - a. Each proposed sign generally conforms with all applicable standards of this article.
 - b. The total amount of signage proposed for any building, wall, site, or portion of a site, generally conforms with all applicable standards of this article.
 - c. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:
 - I The number of public entrances to space leased to or controlled by each tenant or occupant;
 - II The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or
 - III The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.
 - d. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:
 - I The materials and design of all wall signs shall follow one design scheme;
 - II The materials and design of freestanding signs bearing commercial messages shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
 - III Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
 - IV If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
 - V The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.
 - e. A determination shall be made that any signage that is proposed as part of a Special Sign District that does not conform to the requirements of this Article must be superior to the signage allowed under this Article.

~~The legislative bodies, upon recommendation of the Planning Commission, may establish special sign districts to insure proper development of special areas of the County. Also, the majority of sign users within a district may petition the Planning Commission to establish standards and procedures for signs within their district for recommendations to the appropriate legislative unit. The creation of a special sign district shall be in conformance with ARTICLE 3 of this order. Applications for such Special Sign Districts shall include, at a minimum, the following criteria: objectives of the District; boundaries, sign types (height, materials, total sign area); sign locations; administration of District; illustrations and elevations; and, relationship to Comprehensive Plan. A map of all special sign districts shall be maintained in the Planning Commission offices.~~



The effect of a special sign district shall be to modify according to standards established by the Commission the requirements, regulations, and the procedures for signs in the area included as part of the district. The purpose of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or rehabilitation of areas of the County and to better achieve county wide policies for growth and development. The special sign district regulations may provide for the creation of a sign review board to review and approve proposals for the construction or erection of signs in the district. Except where certain duties are assigned to a sign review board, the Zoning Administrator shall be responsible for enforcing the regulations and requirements established in the special sign district.

1. **Special Sign Districts Proposed By the Planning Commission and Legislative Bodies**

A. **Mall Road Overlay Sign District**

The Mall Road Overlay Sign District applies to those properties which are within the Mall Road (MR) Overlay as part of the Mall Road District Study. The purpose of the sign district is to promote the mixed-use district that is visualized by the study with high quality construction materials and to follow the recommendations of the 2005 Boone County Comprehensive Plan. The Land Use Element found in the 2005 Comprehensive Plan states that "the minimal use of signs is encouraged; Signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Future Land Use Development Guidelines—Design, Signs, and Historic Preservation, pg. 142).

For the purpose of the Mall Road Overlay Sign District, the following standards shall apply:

1. All sections of ARTICLE 34 not otherwise replaced below;
2. A density of one (1) architectural freestanding sign which identifies a shopping center, mixed use commercial, commercial subdivision, planned development, or single-use commercial development and its major access point shall be permitted in accordance with the following standards:
 - A The sign shall not exceed 20 feet in height.
 - B The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No architectural freestanding sign shall exceed two hundred (200) square feet in area.
 - C The base of the sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
 - D Up to 50% of the area of any permitted architectural freestanding or monument sign may be used as manually changeable copy display. Proposed manually changeable copy display(s) shall be located beneath all fixed copy signs.
 - E One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. fuel prices, hotel room rates, etc.) shall be permitted on the architectural freestanding or monument sign as a Conditional Use. Such message signs must conform to ARTICLE



~~2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:~~

- ~~(1) The application for conditional use permit shall be accompanied by the following information:
 - ~~(a) All of the information required in SECTION 3405 of this Article;~~
 - ~~(b) Identification of all thoroughfares from which the sign will be visible; and~~~~
- ~~(2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
 - ~~(1) Such message boards and screens will be considered a part of the architectural freestanding sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or display screen.~~
 - ~~(2) All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~
 - ~~(3) Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.~~
 - ~~(4) The message displayed on the board shall not change more than three (3) times per day.~~
 - ~~(5) Messages shall be displayed in one color on a black background.~~
 - ~~(6) The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.~~
 - ~~(7) Off-premise advertising shall be prohibited on the sign.~~~~

~~3. Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot based on the following standards:~~

- ~~A The sign shall not exceed eight (8) feet in height.~~
- ~~B The maximum size of the sign shall not exceed sixty (60) square feet in area.~~
- ~~C The base and sides of the sign shall use construction materials and design details that match the outlot building.~~
- ~~D The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.~~
- ~~E Single-panel plexi-faced cabinets shall not be permitted.~~
- ~~F Up to 50% of the area of any permitted monument sign may be used for manually changeable copy. Any proposed manually changeable copy shall be located immediately on top of the sign base.~~
- ~~G One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. fuel prices, hotel room rates, etc.) shall be permitted on the monument sign as a Conditional Use. Such message signs must conform to ARTICLE 2, Sections 260-~~



~~267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:~~

- ~~(a) The application for conditional use permit shall be accompanied by the following information:
 - ~~(a) All of the information required in SECTION 3405 of this Article;~~
 - ~~(b) Identification of all thoroughfares from which the sign will be visible; and~~~~
 - ~~(b) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
 - ~~(a) Such message boards and screens will be considered a part of the monument sign; up to twenty percent (20%) of the permitted sign area can be in the form of an electronic message board or display screen.~~
 - ~~(b) All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.~~
 - ~~(c) Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.~~
 - ~~(d) The message displayed on the board shall not change more than three (3) times per day.~~
 - ~~(e) Messages shall be displayed in one color on a black background.~~
 - ~~(f) The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.~~
 - ~~(g) Off-premise advertising shall be prohibited on the sign.~~~~
4. ~~Sections 3402 and 3413 of the Boone County Zoning Regulations shall be used in determining permitted locations and the amount of building mounted signage that is permitted on a business. Permitted exceptions to SECTION 3413 are noted in Subsection 2 below:~~
- ~~a The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District:
 - ~~(a) Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.~~
 - ~~(b) Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.~~
 - ~~(c) Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.~~~~
 - ~~b Permitted Exceptions to the building mounted signage regulations found in SECTION 3413 of the Boone County Zoning Regulations are as follows:
 - ~~(a) Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three~~~~



permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more than 32 square feet in size. Projecting signs shall have a minimum clearance of 10 feet over sidewalks and shall not be permitted to project over vehicular ways.

- (b) Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to 2 inches in height.

- 5. SECTION 3410 of the Boone County Zoning Regulations shall be used in determining the location, height, area, and number of entrance signs that are permitted for a residential development. The following standards shall apply to residential entrance signs:

- A The base and sides of the sign shall use construction materials and design details that match or correlate to the residential structures on the lot.
- B The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.
- C Single panel plexi-faced cabinets shall not be permitted.
- D Electronically changeable message boards, electronic display screens, and manually changeable reader boards shall not be permitted.

- 6. Seasonal non-commercial banners for the advertising of holidays and special community events shall be permitted without the issuance of a Temporary Advertising Display Permit but are subject to the following standards:

- A The banner shall be located on permanent brackets on a light standard.
- B The light standard shall be located in close proximity to Mall Road or a shared development private street.
- C The banner shall be no larger than sixteen (16) square feet in area and shall not obstruct sight distance.

B. Special Sign Regulations, Houston-Donaldson Study Area

The Houston-Donaldson Study is a detailed, comprehensive land use plan for the Houston, Donaldson, and Turfway Road area. This Study sets specific regulations and procedures for signage within this area. Refer to the Houston-Donaldson Study for specific details, including the geographic boundaries of the Study area.

C. Florence Main Street Special Sign District

The Florence Main Street Zoning Study generally affects property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road. The study sets specific regulations and procedures for signage in the area. Signs located within the Florence Main Street Study area shall conform to the requirements in ARTICLE 34 of this order that are not replaced by sections below, the Design Review Guidelines and those listed below. (See Boone County Planning Commission Resolution R-94-036-A and City of Florence Ordinance 0-29-94)

- 1. The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width. Building mounted signs shall not exceed 32 square feet in size.



2. Signs cannot project more than four (4) feet into the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs will be 16 square feet.
3. No sign shall be permitted to be located above the roof line.
4. A density of one (1) sign per building frontage will be permitted for a maximum of three (3) building mounted signs.
5. Window signage will be permitted, but shall not become cluttered to the point where visibility into the store front is prevented.
6. Canopy signs will be permitted on all three (3) sides of the canopy. The size of each sign shall be determined by the width of the canopy upon which the sign is mounted and not the building width. No sign will be permitted on the building facade where a canopy sign is located.
7. Free standing signs shall not exceed eight (8) feet in height above ground level and 32 square feet in size. All free standing signs shall be set in an appropriately landscaped area. In addition, free standing signs shall be located out of all public rights of way and shall not obstruct a driver's visibility.
8. Multiple tenant buildings shall be permitted one building mounted sign or projecting sign per building facade. The area of the sign shall be calculated by the building frontage occupied by the individual establishment.
9. Portable signs shall be permitted but shall not exceed eight (8) square feet in size. The sign shall be of an "A" frame chalk board design. One sign will be permitted per entrance of the building and can be located within the public sidewalk next to the building. The sign shall not be located in such a way as to obstruct movement along the sidewalk or a driver's visibility. The sign shall be removed at the close of business each day.

D. **Union Town Plan Special Sign District**

An approximate 1,850 acre site located in the City of Union and unincorporated Boone County as defined in the 2000 Union Town Plan. The following sections are intended to create a harmonious sign package for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts while providing for the proper identification of all developments. Signage in these districts is subject only to the sign permit process.

1. All sections of ARTICLE 34 not otherwise replaced by the subsections below shall apply.
2. Permitted Sign Types
 - a Residential Monument Entrance Signs — One (1) residential entrance sign shall be permitted in the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts at the major entry points to any residential development that involves the development of ten (10) dwelling units or more.
 - (1) Display — Seventy five percent (75%) or more of the sign area shall display the name of the residential subdivision. No greater than twenty five percent (25%) of the sign area can identify individual home builders or Realtors.
 - (2) Construction — Monument style with a brick and/or stone base.
 - (3) Size — Fifty (50) square feet or split into two (2) signs at a maximum size of 25 square feet each. The sign is encouraged to have additional brick and/or stone surrounding the sign area.
 - (4) Height — Six (6) feet from the ground to top of the sign. Any additional brick or stone areas can be higher.



- (5) ~~Location – Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.~~
- b ~~Business Monument Entrance Signs – One (1) business entrance sign shall be permitted in the UNO, UTC and UC zone districts at the major entry points to any commercial, office or related development. Individual offices or businesses are not permitted a business monument entrance sign.~~
 - (1) ~~Display – Fifty percent (50%) or more of the sign area shall display the name of the development. No greater than fifty (50%) of the sign area can identify individual tenants or out lot tenants of the development.~~
 - (2) ~~Construction – Monument style with a brick or stone base.~~
 - (3) ~~Size – Sixty (60) square feet or split into two (2) signs at a maximum size of 30 square feet each.~~
 - (4) ~~Height – Six (6) feet high from ground to top of sign which includes the base and additional brick, stone or masonry areas.~~
 - (5) ~~Location – Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.~~
- c ~~Monument Identification Signs – Individual businesses, offices, places of worship, schools, civic associations, libraries, museums, social clubs, societies or related uses excluding residential uses shall be permitted in the UC, UTC, UNO, and UTO zone districts.~~
 - (1) ~~Display – No greater than thirty (30) percent of the sign area can be a manual, changeable, display area to identify seasonal events, specials, and sales. This type of signage is intended to take the place of Temporary Advertising Display permits.~~
 - (2) ~~Construction – Monument style with a brick or stone base.~~
 - (3) ~~Size – Forty-eight (48) square feet.~~
 - (4) ~~Height – Six (6) feet from the ground to top of sign which includes the base and additional brick or stone areas.~~
 - (5) ~~Location – Sign must be located outside of any vehicular sight triangle and at least five (5) feet from any property line. Signs must be located in a landscaped planting area.~~
- d ~~Off-Premise Monument Community Signs – One (1) off-premise community sign shall be permitted in the UC, UTC, and UNO zone districts at each corner of a street intersection which includes at least one (1) arterial or collector street for a maximum of four (4) such signs per intersection. Off-premise monument community signs shall be used to identify residential subdivisions and are not be used to identify commercial, office or related uses.~~
 - (1) ~~Display – The subdivision for which the sign identifies must be located within a distance of 1,000 feet from the sign. The sign area shall display the name of the subdivision only. Each sign can display the names of no more than four (4) subdivisions.~~
 - (2) ~~Construction – Monument style with a brick or stone base.~~
 - (3) ~~Size – Twenty-four (24) square.~~
 - (4) ~~Height – Four (4) feet from ground to top of sign which does not include the base and additional brick, stone or masonry areas.~~



- (5) ~~Location—Sign must be located outside of any vehicular sight triangle and at least two (2) feet from any property line. Signs must be located in a landscaped planting area.~~
- e ~~Building Mounted Signs—Building mounted signs shall be permitted for commercial, office and similar uses in the UTC, UNO and UC zone districts. One (1) building mounted sign is permitted for each building facade for a total of three (3) signs. Buildings that contain more than one tenant are permitted one (1) sign for each tenant. (1) Size—Twenty four (24) square feet. (2) Height—Individual letters shall not exceed twenty four (24) inches in height.~~
- f ~~Projecting Signs— are permitted in place of any building mounted sign in accordance to SECTION 3460—2. of the Boone County Zoning Regulations.~~
- g ~~Canopy Signs shall conform to SECTION 3413.2.~~
- h ~~Sandwich Board/A-frame Signs— one sign per establishment is permitted in the UTC and UC zoning districts to identify temporary events, such daily lunch specials, sales, gatherings, etc. This type of sign is intended to take the place of Temporary Advertising Display Permits.~~
 - (1) ~~Size—24 inches wide by 36 inches high.~~
 - (2) ~~Location— on premises, within 20 feet of the business for which it advertises, and not to impede pedestrian circulation.~~
 - (3) ~~Configuration— placed on the ground, not mounted on a pole or raised off the ground.~~

3. ~~Additional Standards~~

- a ~~Illumination— If is a sign is to be illuminated, it shall be externally illuminated by a source that is concealed from public view. In the UNO and UC zones only, internally illuminated channel letters are also permitted for building mounted signs.~~
- b ~~Color— All signs shall contain a maximum of three (3) colors.~~

2. ~~Special Sign Districts Proposed By Developers and Property Owners~~

A. ~~Commonwealth Park Special Sign District~~

~~A 16 acre site bounded by Turfway Road on the north, Houston Road on the west, the south-bound I-75/Turfway Road exit ramp on the south, and I-75 on the east (see Boone County Planning Commission Resolution R-09-87 and City of Florence Ordinance #0-6-87).~~

B. ~~Turfway Commercial Park Special Sign District~~

~~A 54.6 acre development site located south of I-75 and west of Burlington Pike is the Turfway Commercial Special Sign District (see Boone County Planning Commission Resolution R-25-87 and City of Florence Ordinance #0-2-88).~~

C. ~~Airport Exchange Business Park Special Sign District~~

~~An approximate 76 acre site bounded by Mineola Pike to the east, I-275 to the south, and Point Pleasant Road to the west (see Boone County Planning Commission Resolution R-07-89 and Boone County Ordinance 920.173).~~

D. ~~Richwood Park Commercial Subdivision Special Sign District~~

~~A 6.14 acre site located at the northeast quadrant of I-75 and Richwood Road (see Boone County Planning Commission Resolution R-95-019-A and Boone County Ordinance 920.310).~~

E. ~~Turfway Park Special Sign District~~



- A 210-acre site located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky (see Boone County Planning Commission Resolution R-95-031-A and Boone County Ordinance 920.319).
- F. **Limaburg Subdivision Special Sign District**
A 6.5-acre site located on the south side of KY 18 at its intersection with Limaburg Road. The north side of the Special Sign District is bound by KY 18, the east side is bound by Limaburg Road, the south side is bound by The Crossings at Oakbrook apartments, and the west is bound by undeveloped real estate (see Boone County Planning Commission Resolution R-95-001-A and Boone County Ordinance 920.300).
- G. **Corporex I Special Sign District**
A 32-acre site located at the southwest quadrant of I-275 and Mineola Pike comprises the Circleport I Special Sign District (See Boone County Planning Commission Resolution R-96-001-A and Boone County Ordinance 920.326).
- H. **Galerie Au Chocolate Special Sign District**
A 24-acre site located at 3380 Langley Drive (see Boone County Planning Commission Resolution R-02-005-A and Boone County Ordinance 02-05).
- I. **Kingsgate Station Special Sign District**
A 5-acre site located at the southeast corner of the KY 18/Kingsgate intersection (see Boone County Planning Commission Resolution R-02-013-A and Boone County Ordinance 02-12).
- J. **Answers in Genesis Special Sign District**
An approximate 48-acre site located at 2800 Bullitsburg Church Road and 2754 Deck Lane (see Boone County Planning Commission Resolution R-04-022-A).
- K. **Jeff Wylor Honda Special Sign District**
An approximate 10-acre site located at 949 Burlington Pike (see Boone County Planning Commission Resolution R-05-015-A and City of Florence Ordinance O-25-05).
- L. **Mall Road Shoppes Special Sign District**
An approximate 2.33-acre site located at 7901 Mall Road (see Boone County Planning Commission Resolution R-06-017-A and City of Florence Ordinance O-20-06).
- M. **St. Luke Hospital West Special Sign District**
A 24-acre site located at 7380 Turfway Road (see Boone County Planning Commission Resolution R-07-016-A and City of Florence Ordinance O-24-07).
- N. **Walton Land Development Special Sign District**
An approximate 98-acre site located along the south side of Mary Grubbs Highway (see Boone County Planning Commission Resolution R-07-024-D and City of Walton Ordinance O-2008-03).
- O. **Walton Towne Center Special Sign District**
A 0.0501-acre site located along the west side of Service Road (see Boone County Planning Commission Resolution R-09-009-D and City of Walton Ordinance O-2009-09).
- P. **Kerry Toyota Portal Special Sign District**
An approximate 12-acre site located at 6050 Hopeful Church Road (see Boone County Planning Commission Resolution R-10-003-A and City of Florence Ordinance O-3-10).



Q. Holiday Inn Express (Richwood) Special Sign District

A 2.58 acre site located at 12928 Frogtown Connector Road (see Boone County Planning Commission Resolution R-10-004 A and Boone County Ordinance 10-07).

R. Holiday Inn (Florence) Special Sign District

A 24 acre site located at 7905 Freedom Way (see Boone County Planning Commission Resolution R10-005-A and City of Florence Ordinance O-08-10).

S. Spiral Drive Retail Special Sign District

A 2.589 acre site located on the northeast corner of the Houston Road/Woodspoint Drive intersection (see Boone County Planning Commission Resolution R-11-009-A and City of Florence Ordinance O-18-11).

T. Action Boulevard Special Sign District

A 3.3 acre site located at 8025 Action Boulevard (see Boone County Planning Commission Resolution R-12-002-A and City of Florence Ordinance O-06-12).

U. New Plan Holdings Special Sign District

An 11.5 acre site located at 7619-7647 Mall Road (see Boone County Planning Commission Resolution R-12-003-A and City of Florence Ordinance O-08-12).

V. Corporex Parks of Kentucky Special Sign District

A 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection (see Boone County Planning Commission Resolution R-12-011-A and Boone County Ordinance 13-05).

W. Kleiman/St. Paul/Bishop of Covington Special Sign District

A 6.78 acre site located at 7221, 7301, and 7303 Dixie Highway (see Boone County Planning Commission Resolution R-13-003-A and City of Florence Ordinance O-04-13).

SECTION 3450 Small Community Overlay District and Walton Downtown District

Signage-Building mounted and free standing signs located within Small Community (SC) Overlay and Walton Downtown (W-D) Districts shall conform to the following requirements:

1. Business establishments may be permitted one (1) building mounted sign for each building elevation that is directly on, or has high visibility from any arterial, collector, or marginal access street (includes areas of major internal traffic circulation). The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width or lease space on which the sign is mounted. Building mounted signs shall not exceed 32 square feet in size.
2. Signs cannot project more than four (4) feet into the right of way or interfere with pedestrian traffic on sidewalks. Signs that project into a right of way will require written permission from the owner of the right of way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs is 16 square feet.
3. No sign shall be permitted to be located above the parapet wall on flat roofed buildings nor shall a sign be located on any roof plane of a pitched roof building or on or above the ridge line.
4. Individual parcels of land and mixed-use commercial projects shall be permitted a density of one (1) on premises, monument sign. The size of monument signs shall not exceed one half (1/2) square foot for each lineal foot of road frontage. Monument signs shall not exceed eight (8) feet in height and 32 square feet in size and shall be set in an appropriately landscaped area.
5. Sandwich board/A-frame Signs



The purpose and intent of the sandwich board/A-frame sign is to provide pedestrian-scaled advertising for temporary events, such as daily lunch specials, sales, gatherings, etc. A sandwich board/A-frame sign is defined as a non-illuminated portable sign that does not exceed two (2) feet in width or six (6) feet in height. The sign may be double-sided and can fold-out forming a triangular A-frame shape when viewed from the side. Each business establishment is allowed a maximum of one sandwich board/A-frame sign. This type of sign is only to be displayed during normal operating hours of the individual business establishment and must be removed during non-operating hours. The sign must be located on-premise or within ten (10) feet of the business which it advertises, and cannot interfere with pedestrian or vehicular traffic. a Sign Permit for sandwich board/A-frame signs is not required.

SECTION 3411 VIOLATIONS

Section 3460 Violations

- A. If any sign is ~~in case any sign shall be~~ installed, erected, constructed, or maintained in violation of any of the terms of these regulations ~~this order~~, the Zoning Administrator, or his/her designee, shall notify the owner or lessee thereof in writing to alter such sign so as to comply with these regulations ~~this order~~. The order to comply shall specify those sections of the code of which the individual is deemed to be in violation and shall state a time limit for compliance. Any decision by the Zoning Administrator may be appealed to the ~~governing~~ Board of Adjustment. Failure to comply with any of the provisions of these regulations ~~this Article~~ shall be deemed a violation and shall be punishable under **ARTICLE 4** of these regulations ~~this order~~.



ARTICLE 35 TEMPORARY COMMERCIAL DISPLAYS, SEASONAL TEMPORARY COMMERCIAL DISPLAYS, STORAGE TRAILER PERMITS AND TEMPORARY USE PERMITS

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SECTION 3500 INTENT

- A. The intent of this article is to permit the sale of seasonal goods under particular circumstances and to benefit the general public by providing access to general commercial goods and services by allowing temporary commercial displays, sales, and contract sales of goods and services on hard surfaced areas with adequate parking for both the principle use as well as the temporary commercial display. Such displays are permitted subject to the performance standards specified in this Article ~~certain requirements and, if these requirements cannot be satisfied, the display is prohibited.~~ It is also the intent of this article to permit Temporary Storage Trailers as defined in ARTICLE 40, subject to specified performance standards, to account for seasonal fluctuations in inventory and storage needs for merchants.
- B. ~~The following sequence of SECTION 3501.9 through SECTION 3545 applies to Unincorporated Boone County only.~~

SECTION 3501 TEMPORARY COMMERCIAL DISPLAYS (APPLIES TO UNINCORPORATED BOONE COUNTY ONLY)

~~SECTION 3501.9 Temporary Commercial Displays~~

- A. Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2, Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this ARTICLE 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Temporary Commercial Displays are exhibits or showings of products, goods, equipment, or services listed as a principally permitted use in Commercial One (C-1), Commercial Two (2), and Commercial Services (C-3) zoning districts. Additionally, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit.
- B. Seasonal Temporary Commercial Displays



1. Seasonal Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this ARTICLE 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Seasonal Temporary Commercial Displays are pedestrian-oriented in nature and include the exhibit and sale of seasonal items not sold on the premise during the remainder of the year. The retail sale of the particular seasonal good must be listed as a Principally Permitted Use in the Commercial Two (C-2) zoning district and may include such items as Christmas trees, pumpkins, seasonal plants and seasonal food products. Additionally, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Seasonal Temporary Commercial Display permit.
2. The construction of Temporary Commercial Displays and Seasonal Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Both types of displays must be positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3501.1 Time Limits For Displays

~~SECTION 3502.4 Time Limits for Displays~~

- A. Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than seven (7) consecutive days. Seasonal Temporary Commercial Displays may not exist or be present on a site in any form, whether open for viewing or not, more than thirty (30) consecutive days.

SECTION 3501.2 Permit Required

~~SECTION 3502.9 Permit Required~~

- A. Prior to placing any Temporary Commercial Display or Seasonal Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3501.3 Application Contents

~~SECTION 3504 Application Contents~~

- A. The application must contain the following information and be submitted with three (3) copies of the appropriate drawings or plans:
 1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located.
 2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.
 3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.



4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be "borrowed" from the site's principle commercial establishment, if applicable.
 5. Accurately state and describe the amount and type of goods or services to be on display.
 6. State the dates the display is to be located on the site.
 7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.
 8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.
 9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.
- B. The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this ARTICLE 35 and all other applicable provisions of these zoning regulations.

SECTION 3501.4 Review Of Zoning Administrator

SECTION 3508 ~~Review of Zoning Administrator~~

- A. The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display upon receiving a completed application containing all the information required in this ARTICLE 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:
1. The Temporary Commercial Display or Seasonal Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site.;
 2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
 3. Minimum parking requirements are met on site for both the existing use(s) and the display Display and the maximum estimated parking spaces necessary for the display Display is not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.
 4. No temporary structure, improvement, or display area shown will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed temporary structures, improvements, and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.
 5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD and C-2 for a Seasonal TCD.
 6. The construction of the display Display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.
 7. All other applicable requirements of these regulations ~~this order~~ have been fulfilled.
 8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.



SECTION 3501.5 Refusal To Issue Permit

~~SECTION 3509 Refusal to Issue Permit~~

- A. If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display or Seasonal Temporary Commercial Display, he/she shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3501.6 Appeal To Board Of Adjustment

~~SECTION 3513 Appeal to Board of Adjustment and Zoning Appeals~~

- A. An applicant refused a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment ~~and Zoning Appeals~~ which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of ARTICLE 2.

SECTION 3501.7 Fee

~~Section 3535 Fee~~

- A. At the time of application for a Temporary Commercial Display or Seasonal Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3501.8 Sales And Contracts Allowed

~~Section 3540 Sales and Contracts Allowed~~

- A. At any Temporary Commercial Display or Seasonal Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display or Seasonal Temporary Commercial Display shall be allowed.

SECTION 3501.9 Limit Of Permits On Each Site

~~Section 3545 Limit of Permits on each Site~~

- A. The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had three (3) prior Temporary Commercial Display permits issued during the same calendar year for the same site. Only one (1) Seasonal Temporary Commercial Display is permitted for a site during each calendar year.
- B. ~~The following sequence of SECTION 3501 through SECTION 3545 applies to the City of Florence, City of Union and City of Walton only.~~

SECTION 3502 TEMPORARY COMMERCIAL DISPLAYS (APPLIES TO CITY OF FLORENCE ONLY)

- A. Temporary Commercial Displays shall consist of:
 1. Exhibits or showings of goods or services which are ancillary to an existing business establishment. The goods or services must be of the same general type as those displayed or sold by the business establishment to which the display is ancillary. The goods or services must



be listed as principally permitted uses in Commercial One (C-1), Commercial Two (C-2), and Commercial Services (C-3) zoning districts. This type of Temporary Commercial Display must occur on the same premises occupied by the business establishment to which it is ancillary and those premises must be owned or leased by the business establishment conducting the commercial display, and sales may only be conducted by the same business establishment that owns or leases the permanent business premises; or

2. ~~The following version of SECTION 3501, Subsection 2 applies to the City of Florence only.~~
3. The display and sale of motor vehicles (Ordinance No. 0-19-04 in the City of Florence), and the display and sale of seasonal goods, including Christmas trees, pumpkins, seasonal plants, and seasonal food products, but shall not include fireworks of any type in the City of Florence, Kentucky. Seasonal plants are defined as plants that typically germinate, flower, and die in one year which may include items such as flowers, food plants, and grains, but do not include plants that typically live longer than two years such as potted house plants or landscape nursery stock such as trees or shrubs.

B. ~~The following version of SECTION 3501, Subsection 2 applies to the City of Union and City of Walton only. The display and sale of motor vehicles and the display and sale of seasonal goods including Christmas trees, pumpkins, seasonal plants, and seasonal food products, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit; Temporary Commercial Displays allowed by approved concept development plans shall be governed by the provisions of the approved plan.~~

C. ~~The display and sale of motor vehicles and the display and sale of seasonal goods including Christmas trees, pumpkins, seasonal plants, and seasonal food products, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit; Temporary Commercial Displays allowed by approved concept development plans shall be governed by the provisions of the approved plan.~~

D. ~~Temporary Commercial Displays allowed by approved concept development plans shall be governed by the provisions of the approved plan.~~

E. Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this ARTICLE 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas, provided they are not placed in required landscape areas or rights of way.

F. The construction of Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Displays must be positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3502.1 Time Limits For Displays

~~SECTION 3502.4 Time Limits for Displays~~

- A. Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than ten (10) consecutive days.

SECTION 3502.2 Permit Required

~~SECTION 3502.9 Permit Required~~



- A. Prior to placing any Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3502.3 Application Contents

~~SECTION 3504 Application Contents~~

- A. The application must contain the following information and be submitted with three (3) copies of the appropriate drawings or plans:
1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located and the operator of the business activity where the display is proposed to be located.
 2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.
 3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.
 4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be "borrowed" from the site's principle commercial establishment, if applicable.
 5. Accurately state and describe the amount and type of goods or services to be on display.
 6. State the dates the display is to be located on the site.
 7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.
 8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.
 9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.
 10. An approved Transient Merchant Permit from the Boone County Clerk, if applicable.
- B. The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this ARTICLE 35 and all other applicable provisions of these zoning regulations.

SECTION 3502.4 Review Of Zoning Administrator

~~SECTION 3508 Review of Zoning Administrator~~

- A. The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display upon receiving completed application containing all the information required in this ARTICLE 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:
1. The Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site.;
 2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
 3. Minimum parking requirements are met on site for both the existing use(s) and the display Display and the maximum estimated parking spaces necessary for the display Display is



- not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.
4. No temporary structure, improvement, or display are shown will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed temporary structures, improvements, and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.
 5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas or rights-of-way. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD.
 6. The construction of the display Display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.
 7. All other applicable requirements of these regulations this order have been fulfilled.
 8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.
 9. An approved Occupational License/Payroll Tax Application from the applicable legislative body(ies) for the business activity must be obtained and kept on the premises before a Temporary Commercial Display may be placed or operated on a site.
 10. A maximum of two temporary signs may be used in conjunction with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit per SECTION 3409 is not required for these signs. The type of temporary signs permitted to be used with a Temporary Commercial Display include banners, board and placard types, including real estate style signs. These signs shall not exceed one hundred (100) square feet in area, ten (10) feet in height if freestanding, and may not be placed on the roof of a tent or any other structure. Other types of temporary signs, such as banners attached to permanent signs or poles, inflatable devices, any type of portable signs, pennants and streamers, light strings, balloons, and flags, may not be used with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit may not be issued for a Temporary Commercial Display to permit the types of temporary signs prohibited under this section.

SECTION 3502.5 Refusal To Issue Permit

~~SECTION 3509 Refusal to Issue Permit~~

- A. If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display, he/she shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3502.6 Appeal To Board Of Adjustment

~~SECTION 3513 Appeal to Board of Adjustment and Zoning Appeals~~

- A. An applicant refused a permit for the Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment and Zoning Appeals which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of ARTICLE 2.

SECTION 3502.7 Fee



~~Section 3535–Fee~~

- A. At the time of application for a Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3502.8 Sales And Contracts Allowed

~~Section 3540–Sales and Contracts Allowed~~

- A. At any Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display shall be allowed.

SECTION 3502.9 Limit Of Permits On Each Site

~~Section 3545–Limits of Permits on Each Site~~

- A. The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had five (5) prior Temporary Commercial Display permits issued during the same calendar year for the same site.

SECTION 3503 TEMPORARY COMMERCIAL DISPLAYS (APPLIES TO CITIES OF UNION AND WALTON ONLY)

- A. Temporary Commercial Displays shall consist of:
1. Exhibits or showing of goods or services which are ancillary to an existing business establishment. The goods or services must be of the same general type as those displayed or sold by the business establishment to which the display is ancillary. The goods or services must be listed as principally permitted uses in Commercial One (C-1), Commercial Two (C-2), and Commercial Services (C-3) zoning districts. This type of Temporary Commercial Display must occur on the same premises occupied by the business establishment to which it is ancillary and those premises must be owned or leased by the business establishment conducting the commercial display, and sales may only be conducted by the same business establishment that owns or leases the permanent business premises; or
 2. The display and sale of motor vehicles and the display and sale of seasonal goods including Christmas trees, pumpkins, seasonal plants, and seasonal food products, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit; or
 3. Temporary Commercial Displays allowed by approved concept development plans shall be governed by the provisions of the approved plan.
- B. Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this ARTICLE 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas, provided they are not placed in required landscape areas or rights of way.
- C. The construction of Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Displays must be



positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3503.1 Time Limits For Displays

- A. Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than seven (7) consecutive days. Seasonal Temporary Commercial Displays may not exist or be present on a site in any form, whether open for viewing or not, more than thirty (30) consecutive days.

SECTION 3503.2 Permit Required

- A. Prior to placing any Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3503.3 Application Contents

- A. The application must contain the following information and be submitted with three (3) copies of the appropriate drawings or plans:
1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located and the operator of the business activity where the display is proposed to be located.
 2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.
 3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.
 4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be "borrowed" from the site's principle commercial establishment, if applicable.
 5. Accurately state and describe the amount and type of goods or services to be on display.
 6. State the dates the display is to be located on the site.
 7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.
 8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.
 9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.
 10. An approved Transient Merchant Permit from the Boone County Clerk, if applicable.
- B. The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this ARTICLE 35 and all other applicable provisions of these zoning regulations.

SECTION 3503.4 Review Of Zoning Administrator

- A. The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display upon receiving completed application containing all the information required in this ARTICLE 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed



application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:

1. The Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site.
2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.
3. Minimum parking requirements are met on site for both the existing use(s) and the display, and the maximum estimated parking spaces necessary for the display is not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.
4. No temporary structure, improvement, or display area will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed temporary structures, improvements, and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.
5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas or rights-of-way. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD.
6. The construction of the display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.
7. All other applicable requirements of these regulations have been fulfilled.
8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.
9. An approved Occupational License/Payroll Tax Application from the applicable legislative body(ies) for the business activity must be obtained and kept on the premises before a Temporary Commercial Display may be placed or operated on a site.
10. A maximum of two temporary signs may be used in conjunction with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit per SECTION 3409 is not required for these signs. The type of temporary signs permitted to be used with a Temporary Commercial Display include banners, board and placard types, including real estate style signs. These signs shall not exceed one hundred (100) square feet in area, ten (10) feet in height if freestanding, and may not be placed on the roof of a tent or any other structure. Other types of temporary signs, such as banners attached to permanent signs or poles, inflatable devices, any type of portable signs, pennants and streamers, light strings, balloons, and flags, may not be used with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit may not be issued for a Temporary Commercial Display to permit the types of temporary signs prohibited under this section.

SECTION 3503.5 Refusal To Issue Permit

- A. If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display, he/she shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3503.6 Appeal To Board Of Adjustment



- A. An applicant refused a permit for the Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of ARTICLE 2.

SECTION 3503.7 Fee

- A. At the time of application for a Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3503.8 Sales And Contracts Allowed

- A. At any Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display shall be allowed.

SECTION 3503.9 Limit Of Permits On Each Site

- A. The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had five (5) prior Temporary Commercial Display permits issued during the same calendar year for the same site.

SECTION 3504 NON-APPLICABILITY TO YARD SALES, SIDEWALK SALES, AND MOBILE FOOD/BEVERAGE SALES

~~Section 3550 Non-Applicability to Yard Sales, Sidewalk Sales, and Mobile Food/Beverage Sales~~

- A. No permit pursuant to this Article is required for the following:
 1. ~~Yard~~This ARTICLE 35 shall not apply to regulate or prohibit yard sales and garage sales where articles or goods are displayed for sale sales at a person's dwelling, and where articles so displayed are personal belongings of such person, and were not originally acquired by the dwellings occupants for the purpose of resale.
 2. ~~Sidewalk~~Nor shall this ARTICLE 35 apply to sidewalk sales by a commercial establishment which is a permanent regularly does business on the same premises, where the articles or goods on outdoor display are the same as are usually displayed for sale at its establishment. Articles or goods displayed at a sidewalk sale shall be small items that can fit into a standard shopping cart.
 3. ~~Mobile~~This ARTICLE 35 shall not apply to mobile food and beverage vendors, such as ice cream, snow cone, or coffee, and food trucks, which remain mobile and sell from various locations over the course of the business day versus one fixed location (also refer to SECTION 3149 regarding the parking or storage of business vehicles).
 4. Food trucks, which shall be regulated as follows:
 - a. Shall only be allowed to locate within the Commercial districts, Employment districts, and PF, A, FMS, WD, UTC, UC, UNO, GR-c, and GR-BP districts as an accessory use.
 - b. Shall only be allowed in Commercial districts as a Conditional Use (this applies to the City of Florence only).
 - c. Must be licensed by the Northern Kentucky Health Department.
 - d. Must obtain any required occupational license.



- e. Must obtain any required right-of-way or business permits.
- f. Must be located on a paved, hard surface.
- g. Cannot be located in any required parking space, loading/unloading space, or drive aisle.
- h. Drive-through service shall be prohibited.
- i. Any exterior lighting shall be hooded or shielded.
- j. Signage shall be limited to the following:
 - i Those that are painted on or attached to the exterior of the food truck.
 - ii Those that are secured and mounted flat against the food truck.
 - iii Those that extend no more than six (6) inches from the exterior of the food truck.
- k. May also operate in conjunction with public, outdoor events with multiple vendors for the duration of the event in any district
- l. A Site Plan, as regulated by ARTICLE 30, shall be required. (Also refer to SECTION 3149 regarding the parking or storage of business vehicles).

SECTION 3505 NON-APPLICABILITY TO INDOOR DISPLAYS

~~Section 3551 Non-Applicability to Indoor Displays~~

- A. This Article does ~~ARTICLE 35~~ shall not apply to indoor Temporary Commercial Displays.

SECTION 3506 TEMPORARY STORAGE TRAILER PERMITS

~~Section 3560 Temporary Storage Trailer Permits~~

- A. Temporary Storage Trailers, as defined in ARTICLE 40, are permitted within Commercial Two (C-2), Commercial Services (C-3) and Recreation (R) ~~districts~~zones subject to the terms and provisions of this Article ~~ARTICLE 35~~ and other applicable provisions of these regulations ~~this order as applicable~~.
- B. Within the City of Florence:
 - 1. Temporary storage trailers shall not be located within any required off-street parking space or drive aisle.
 - 2. Temporary storage trailers may be located on a sidewalk as long as it does not impede pedestrian circulation.
 - 3. No sales shall be conducted from the temporary storage trailer.

SECTION 3507 TIME LIMITS FOR TEMPORARY STORAGE TRAILERS

~~Section 3565 Time Limits for Temporary Storage Trailers~~

- A. Temporary Storage Trailers are permitted on a site for one period of up to sixty (60) consecutive calendar days per calendar year, per address.

SECTION 3508 TEMPORARY STORAGE TRAILER PERMIT REQUIRED

~~Section 3570 Temporary Storage Trailer Permit Required~~

- A. Prior to placing any Temporary Storage Trailer on any property, the person or persons owning or having control or supervisory authority of such trailer(s) shall apply and be required to obtain a permit from the Zoning Administrator. A completed application form as prescribed by the Zoning Administrator, fee, and a plot plan which indicates the location of the Temporary Storage Trailer(s), existing buildings and paved areas, and property lines, shall be submitted. The Zoning Administrator shall review the application and determine within three (3) working days from the submittal date



whether or not the plan conforms with this ARTICLE 35 and all other applicable provisions of these regulations ~~this order~~.

- B. If the Zoning Administrator refuses to issue a Temporary Storage Trailer Permit, the reasons for such refusal shall be submitted to the applicant in writing within three (3) working days from the date the complete application was submitted. An applicant refused a permit for a Temporary Storage Trailer Permit may appeal such action to the Board of Adjustment and Zoning Appeals in accordance with the provisions of ARTICLE 2.

SECTION 3509 TEMPORARY STORAGE TRAILER PERMIT PERFORMANCE STANDARDS

~~Section 3575 Temporary Storage Trailer Permit Performance Standards~~

- A. The Zoning Administrator shall approve a complete Temporary Storage Trailer Permit application which complies with the following performance standards and all other applicable requirements of these regulations ~~this order~~.
1. Two Temporary Storage Trailers are permitted per permit.
 2. Permits are limited to enclosed trailers or portable storage containers.
 3. Temporary Storage Trailers shall be placed in the rear yard, except that such units may be located in the front yard or side yard if located in a screened dock or delivery area.
 4. Temporary Storage Trailers must be placed on a paved surface and not within designated parking areas.
 5. The placement of a Temporary Storage Trailer must meet a minimum ~~five~~ (5) foot setback, except that any trailer with a refrigeration unit or other device used for power shall not be located within ~~two hundred~~ (200) feet of a property line adjacent to a residential ~~district~~ zone or use. Any Temporary Storage Trailer without a refrigeration unit or other device for power shall not be located within ~~fifty~~ (50) feet of a property line adjacent to a residential ~~district~~ zone or use.
 6. Merchandise shall not be sold directly out of a Temporary Storage Trailer, nor shall a Temporary Storage Trailer be used for the storage of bulk hazardous or toxic materials.
 7. No Temporary Storage Trailer shall block, impair, or otherwise unduly inconvenience patrons of existing commercial developments on a site. To ensure the safety of the individuals utilizing the site, a positive aesthetic view must be retained as well as adequate parking. The location of all proposed Temporary Storage Trailers will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points to the site, parking lots, setbacks, and existing structures.
 8. Vertical stacking of Temporary Storage Trailers and stacking of other materials or merchandise on top of any Temporary Storage Trailer is prohibited.
 9. A Temporary Storage Trailer shall have no signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the Temporary Storage Trailer.
 10. All Temporary Storage Trailers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.
 11. The property where a Temporary Storage Trailer is placed must be occupied by a principal building, and the Temporary Storage Trailer must serve the requesting business and be located on the requesting business's premises.
 12. Any deviation in the location of an approved Temporary Storage Trailer from the location indicated on the approved permit must be approved by the Zoning Administrator.



SECTION 3510 TEMPORARY STORAGE TRAILER PERMIT FEE

~~Section 3580 Temporary Storage Trailer Permit Fee~~

- A. At the time of application for a Temporary Storage Trailer Permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3511 TEMPORARY USE PERMITS

~~Section 3582 Temporary Use Permits~~

- A. Temporary Use Permits allow seasonal commercial activities which are open to the public and of limited duration on farms which contain at least fifty (50) contiguous acres, regardless of ~~district zone~~. The seasonal commercial activities must be accessory to active agricultural production occurring on the property. Examples include but are not limited to farm tours, hay rides, agricultural exhibits, corn mazes, petting zoos, barn dances, and other agri-tourism activities. Sales of produce grown on the premises or other goods that are related to the seasonal commercial activities are also permitted.
- B. If the proposed activities are listed under the applicable ~~district zone~~ as a Conditional Use, a property owner may elect to apply for a Conditional Use Permit per the requirements of ARTICLE 2. If a Conditional Use Permit is obtained for the seasonal commercial activities, a Temporary Use Permit is not required and the terms of the Conditional Use Permit apply to the seasonal commercial activities and not the Temporary Use Permit requirements.

SECTION 3512 TIME LIMITS FOR TEMPORARY USE PERMITS

~~Section 3584 Time Limits for Temporary Use Permits~~

- A. Activities authorized by a Temporary Use Permit are permitted on a site for one period of up to six (6) calendar weeks per calendar year.

SECTION 3513 TEMPORARY USE PERMIT REQUIRED

~~Section 3586 Temporary Use Permit Required~~

- A. Prior to initiating any activities permitted by a Temporary Use Permit, the person or persons owning or having control of the property shall apply and be required to obtain a permit from the Zoning Administrator. A completed application form as prescribed by the Zoning Administrator, fee, and a plot plan which indicates the location of the proposed temporary activities including parking areas, existing buildings and paved areas, and property lines, shall be submitted. The Zoning Administrator shall review the application and determine within three (3) working days from the submittal date whether or not the plan conforms with this ARTICLE 35 and all other applicable provisions of ~~these regulations~~ **this order**.
- B. If the Zoning Administrator refuses to issue a Temporary Use Permit, the reasons for such refusal shall be submitted to the applicant in writing within three (3) working days from the date the complete application was submitted. An applicant refused approval for a Temporary Use Permit may appeal such action to the Board of Adjustment and Zoning Appeals in accordance with the provisions of ARTICLE 2.

SECTION 3514 TEMPORARY USE PERMIT PERFORMANCE STANDARDS

~~Section 3588 Temporary Use Permit Performance Standards~~



- A. The Zoning Administrator shall approve a complete Temporary Use Permit application which complies with the following performance standards and all other applicable requirements of these regulations~~this order~~.
1. The proposed seasonal commercial activities must be accessory to active agricultural production on a site which contains at least fifty (50) contiguous acres.
 2. A two-way driveway minimally surfaced with gravel shall be provided between the road and parking area. No specific surfacing material is required for the parking area. A designated parking area which is large enough for the anticipated demand shall be provided on site.
 3. The seasonal commercial activities shall be open to the public only between dawn and 9:00 p.m.
 4. No amplified sound shall be permitted outdoors.
 5. All activities authorized by a Temporary Use Permit, including parking, shall not be located within two hundred (200) feet from a side or rear property line adjoining a tract which contains a residence, or within fifty (50) feet from a side or rear property line adjoining a tract with an active agricultural operation. Other than the access drive, all activities authorized by a Temporary Use Permit shall not be located within fifty (50) feet from a road right-of-way.
 6. The Zoning Administrator may approve exceptions to the performance standards in this section provided a specific proposal fulfills the essential purpose and effect of the stated requirements.

SECTION 3515 TEMPORARY USE PERMIT FEE

Section 3590 Temporary Use Permit Fee

- A. At the time of application for a Temporary Use Permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.



ARTICLE 36 LANDSCAPING

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ARTICLE 36 LANDSCAPING

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SECTION 3660 PLANT LISTS

SECTION 3600 INTENT

- A. The purpose and intent of this Article is to preserve and promote the health, safety and general welfare for the citizens of Boone County. The County has an abundant resource and amenity with the tree and vegetation cover located within the County. This resource provides ecological, environmental and economical benefits to every resident or employee within Boone County. Development often requires the removal of this resource in order to accommodate new structures, parking and vehicular access.
- B. Certain land uses by their nature are not compatible with other land uses. These incompatible uses can create adverse visual impacts, noise, light, and air pollution, which could potentially diminish the quality of life and the health, safety and welfare of the community. This Article shall serve to mitigate these impacts and hazards and improve the visual character of the community. Landscaping also provides a separation between parking areas and buildings which defines pedestrian and vehicular circulation areas and lessens the visual impact and mass of continuous building facades. Therefore, this Article requires landscaping to be planted between uses, around buildings, within and around parking lots, around signs and along street frontages in order to:
 1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed.;
 2. Facilitate the creation of an attractive and harmonious community which enhances property values.;
 3. Improve the visual quality of the County by minimizing negative impacts of development such as dust, glare of lights, parking lots, traffic, outside storage, loading docks, and buildings.;
 4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces.;



5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy.;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

SECTION 3605 LANDSCAPE REVIEWPROCEDURE

- A. This article applies to all developments subject to Site Plan Review as required by ARTICLE 30 and does not apply to detached single family residential development except for the requirements in SECTION 3619 "Street Trees." The requirements stated in this article shall be addressed during the applicable Site Plan Review procedures outlined within ARTICLE 30 for all sites listed below:
 1. New Sites Currently Undeveloped - No new site development, building, or structure shall be constructed or vehicular use area created or used unless landscaping is provided as required by this Article.
 2. Existing Sites Currently Developed - Improvements to an existing site that include building additions, vehicular use area expansions or load/unloading area expansion shall only be required to be landscaped in those areas which align with new improvements ~~bring only the new improvements into compliance with this Article.~~

SECTION 3610 GENERAL REQUIREMENTS

- A. A landscaping Plan will be required as part of the Site Plan Review procedure. The information required on this plan is listed in ARTICLE 30, SECTION 3004, Item 12.
- B. The owner of the property is responsible for maintenance of all landscaping materials, and shall keep all plants in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced by the next planting season.
- C. All landscaping shall be installed and maintained according to the Planting Details contained herein.
- D. The Plant Lists within this article identify types of plants that are compatible with U.S.D.A. Zones for Plant Hardiness and are arranged by the size of plant. Deviations from the plant lists will be permitted, but the applicant must identify this deviation and provide information of the size and characteristic of the plant. Any deviations from the approved landscaping plan shall be pre-approved by the Planning Commission staff before the plant is installed. A minimum of two species shall be used from each required plant list on all sites. Sites that are greater than one acre in size shall not use any one cultivar for more than 35 percent of the plants required from any single plant list.
- E. All trees from Plant List D shall be a minimum of six (6) feet (not to include the root ball) in overall height at the time of planting. In addition, all trees from Plant List a and B shall be a minimum of two (2) inches in caliper size. Small trees from Plant List C shall have a minimum installation size of 1 1/2 inches in caliper size or six (6) feet in height if a "clump" variety. Tall shrubs from Plant List C shall have a minimum installation size of twenty-four (24) inches B & B and small/low shrubs from Plant List E shall have a minimum installation size of three (3) gallons.
- F. All plant material must be installed according to the approved landscaping plan by no later than the next planting season or within six (6) months from the date that a building occupancy permit is issued, season permitting. If no occupancy permit is required all plant material must be installed by the next planting season from the date of approval for the landscaping plan.
- G. All plant material that is selected should be able to tolerate their specific planting environment, including but not limited to exposure to sunlight or shade, and be easily maintained. Also, all landscaping shall be designed and installed to permit access to any area where repairs, renovations or maintenance to site, buildings, utilities, etc. can be reasonably expected, and shall not interfere with overhead utility lines at maturity.



- H. Figure 36-5 provides representative formulas for determining the quantities of plants required by several Sections in this Article.

SECTION 3615 ENFORCEMENT

- A. Inspections will be conducted by the applicable Zoning Inspector before and after construction to assure compliance with the submitted and approved Site Plan. Post Development site inspections will be conducted according to ARTICLE 30.

SECTION 3617 WAIVER OF REQUIREMENTS

- A. The Zoning Administrator shall have the authority to grant a waiver of any of the requirements in this article except SECTION 3655 upon receipt of a written request which outlines the rationale for the waiver. The Zoning Administrator shall review each written request and grant a waiver only: under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when a design proposal is more responsive to and compatible with the surrounding environment than would otherwise be achieved under the requirements of this Article; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this Article.

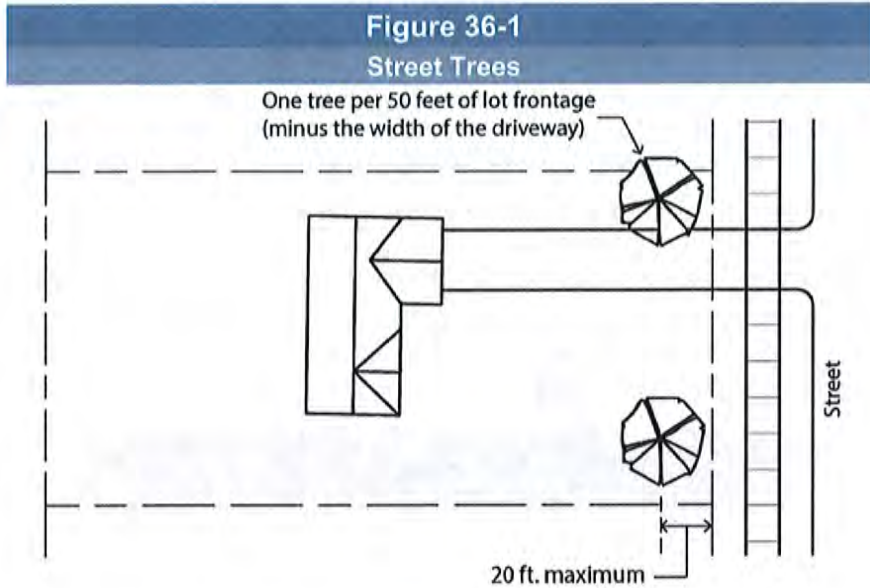
SECTION 3618 SIGHT TRIANGLES

- A. No landscaping materials which impair visibility for motorist shall be placed in sight triangles. See ARTICLE 32, ~~Section 3218 for definition and Figure 321.4~~ for diagram of sight triangles. Any plant materials taller than 3.5 feet above the adjoining driving surface at maturity shall not be permitted within sight triangles. This includes trees which are limbed up because a mature tree trunk can impair motorist visibility.

SECTION 3619 STREET TREES

- A. Street trees shall be provided with the construction of all new dwelling units within residential districts that are subject to the Zoning Permit procedure. Large canopy trees (deciduous and single trunk) from Plant List a with a minimum installation size of **two (2)** inch caliper shall be provided at a minimum rate of one tree per **fifty (50)** linear feet of lot width for each road frontage. The width of any driveway(s) at the right-of-way line shall be subtracted from the total width of the applicable frontage(s) for the purposes of calculating the required street tree quantity. The required trees shall be placed on the subject lot and within **twenty (20)** ~~40~~ feet of the right-of-way line, and shall be dispersed across the lot's street frontage. The required trees shall be placed within the adjoining street right-of-way if required by any applicable Preliminary Plat or Concept Development Plan approval, or by agreement with the applicable legislative body. The placement of street trees shall not interfere with any underground or overhead utilities, shall be placed at least **ten (10)** feet from fire hydrants, shall conform to any applicable requirements of utility providers, and shall not be placed within sight triangles per SECTION 3618. The required street trees shall be delineated on the plot plan required through the Zoning Permit procedure. Alternative planting schemes which deviate from the requirements of this section may be proposed during the plan review process.

Figure 36-1
Street Trees



SECTION 3620 LANDSCAPING ALONG STREET FRONTAGES

- A. When a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A (See Table 36-2#2). This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by fifty percent (50%) ~~percent~~ if the buffer yard width is increased from 10 feet to twenty (20) feet and can be eliminated if the buffer yard area is increased to thirty (30) feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.

SECTION 3625 INTERIOR LANDSCAPING FOR VEHICULAR USE AREAS (VUA'S)

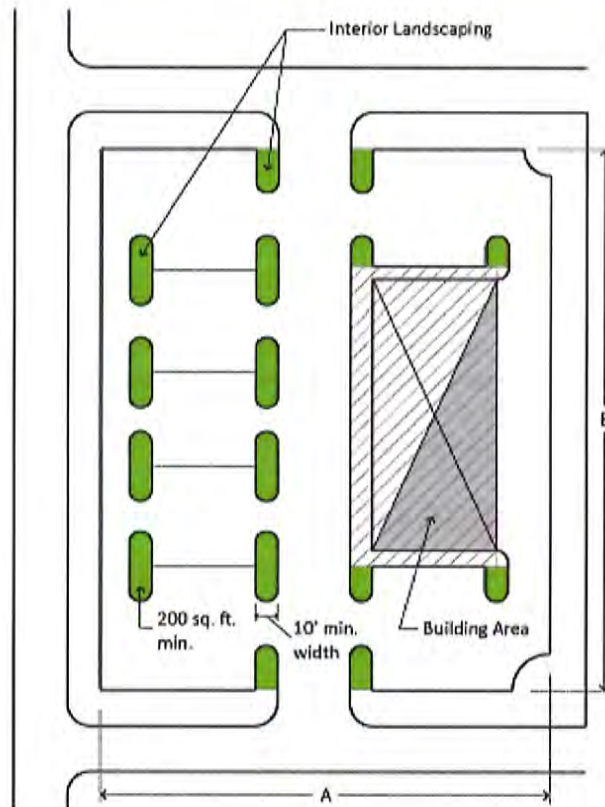
- A. Landscaping shall be provided for vehicular use areas, as defined in ARTICLE 40 in accordance with the following standards:
1. A minimum of five percent (5%) ~~percent~~ of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area (See Figure 36-2 ~~36-4~~). This V.U.A. landscaping shall only be required for uses which have more than fifty (50) parking spaces. This landscaped area cannot be combined into one large planting area, except as permitted by Items 4 and 5 of this section. No interior landscaping will be required within industrial ~~districts~~ ~~zones~~ if the V.U.A. is located outside of front yard and corner side yard areas. This interior landscaping shall be in addition to any other planting or landscaping required within this article.
 2. The VUA landscaping shall contain a variety of trees listed from Plant List A and be dispersed in the form of islands or peninsulas throughout the VUA (See Figure 36-1). The minimum size of planting areas shall be nine (9) feet in width and eighteen (18) feet in length.
 3. Planted areas will be required to have one (1) tree from Plant List A per one hundred sixty-two (162) square feet of area if designed as in (Figure 36-3 ~~36-2.B~~) and one (1) tree per forty (40) linear feet, (or faction thereof), if designed as in (Figure 36-4 ~~36-2.A~~).
 4. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles (See Figure 36-5 ~~36-3~~). Planting areas that are a minimum of



six hundred (600) square feet will be required if rows of parking are unbroken for one hundred eighty (180) linear feet or more (See Figure 36-3 36-2.B).

5. Sites which have large uninterrupted circulation areas for tractor trailers and trucks, such as warehouses and distribution centers, can provide one or more large landscape islands in order to comply with the required five percent (-5%) landscaped area within the large circulation areas.
6. All planting islands shall be planted with either grass, low ground cover, shrubs, flowers, mulch or any combination of these. Hard surfaces or gravel are not permitted. All planting islands shall have minimum six (6) inch curbs installed to protect the planting area from vehicular traffic.
7. All plant material (other than grass or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of 2'-6" from the edge of pavement or face of curb (See Figure 36-6 36-4).

Figure 36-2
Interior Landscaping



Vehicular Use Area (VUA) = A x B - Building Area (building plus sidewalk plus building landscaping)
5% of VUA = Interior Landscaping

Figure 36-3
Interior Landscaping



Figure 36-3
Interior Landscaping

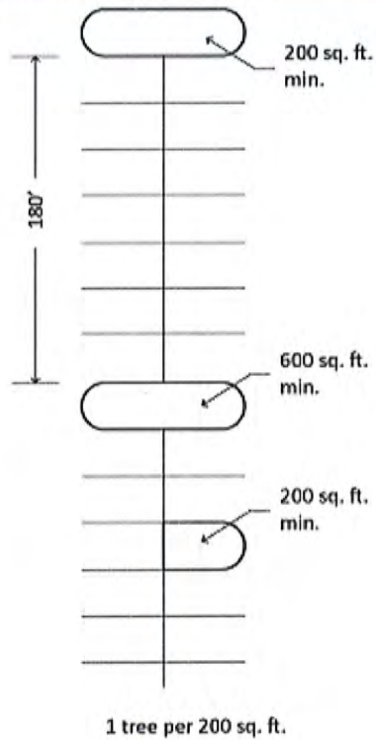
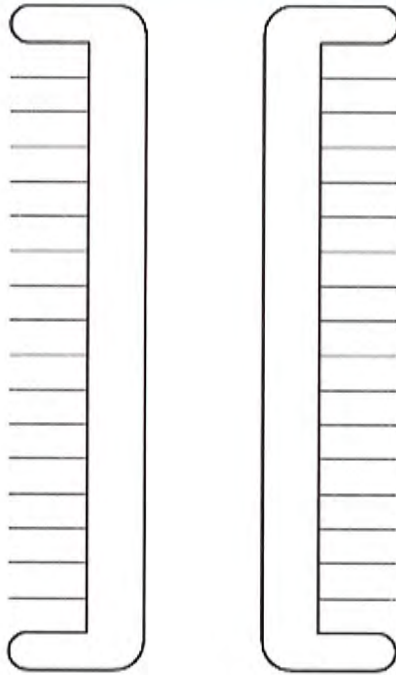


Figure 36-4
Interior Landscaping



Figure 36-4
Interior Landscaping



Trees 40' On Center

Figure 36-5
Interior Landscaping



Figure 36-5
Interior Landscaping

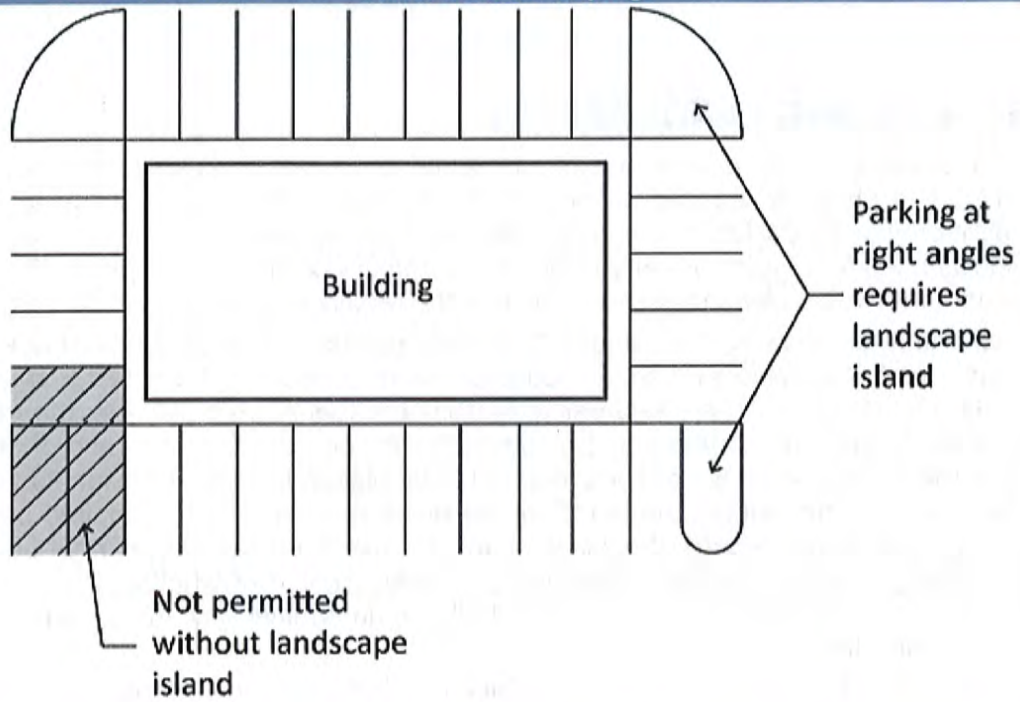


Figure 36-6
Interior Landscaping

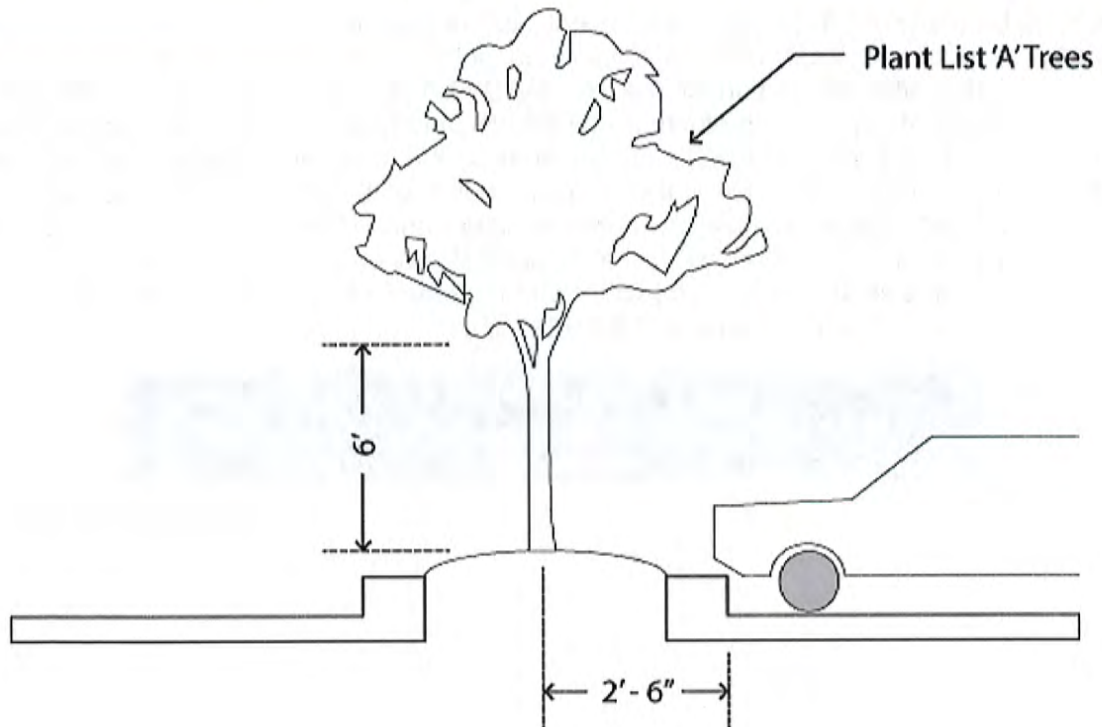




Figure 36-6
Interior Landscaping

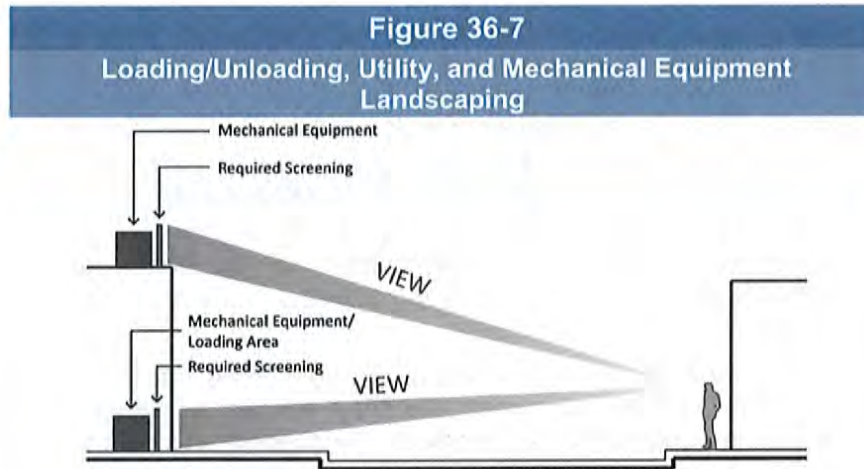
SECTION 3630 BUILDING LANDSCAPING

- A. Any blank facade or portion of a facade of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall or portion thereof which does not have windows used for display or entry doors for customers or the general public. Buildings which are 10,000 square feet or smaller shall be exempt from the requirement within this section.
 - 1. Trees from Plant Lists A, B, C, and/or D shall be provided on an average of at least one tree per 40 linear feet of blank facade as defined above and shrubs from Plant List E shall be provided on an average of at least one shrub per ten (10) linear feet of blank facade; the minimum required amounts of trees and shrubs may be substituted for one another at a ratio of one tree for every four shrubs. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building facade. If the required buffer yard can be used to adequately reduce the view of the facade from the public right-of-way no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Boone County Planning Commission Staff.
 - 2. Facades that abut VUAs shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.

SECTION 3635 LOADING/UNLOADING AREAS, STORAGE AREAS, UTILITY AND MECHANICAL EQUIPMENT, AND TRASH COLLECTION AREAS

- A. The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection areas shall be screened from any public street right-of-way or if visible to an adjoining property. This screening shall be accomplished by continuous solid closed fence or wall if such a structure is permitted on the affected portion of the site by Sections 3153 and 3655, earthen berm, hedging, evergreen plant materials or combination thereof which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principal building. This section does not apply to sites within the I-1 and I-2 districts/zones when the activities noted above are located on a site so that they abut other I-1 or I-2 zoned sites, or abut a local or subcollector street when the area across the street is zoned I-1 or I-2; this section does apply to I-1 and I-2 zoned sites, or portions thereof, where neither of these circumstances exist (also refer to SECTION 3154).

Figure 36-7
Loading/Unloading, Utility, and Mechanical Equipment Landscaping



SECTION 3645 BUFFER YARDS

- A. Table #1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table 36-2#2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard (also refer to Figure 36-8).
- B. A buffer yard is defined as a planted area that is used to separate different sites and uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence or any combination of these. Buffer yards shall be required in addition to any other landscaping requirement listed in this Article except SECTION 3620.
1. The buffer yard shall extend along the entire property line which abuts another or an incompatible land use.
 2. A proposed use may reduce the required buffer yard width by one-half if the developing use adjoins an existing use which has an established mature buffer which meets or exceeds the buffer yard required for the adjoining developing use. However, the same quantity of plant material shall still be required within the buffer yard if a healthy planting environment can be provided.
 3. The elimination or reduction of buffer yard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation which exists on the site. However, the maximum reduction which can be made in the buffer yard width is **fifty percent (50%) percent**. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed buffer yard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening if required within that buffer yard. The determination regarding whether a buffer yard is not required or regarding the amount of reduction which can be permitted shall be made during the Site Plan Review process.
 4. Buffer yards can be located within building setbacks, and in some circumstances can be located within utility easements or rights of ways. However, this will require approval by the Planning Commission Staff and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these



areas shall require a written agreement from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No activity can be conducted within the buffer yard except for ingress and egress to the site (including driveway connections between adjoining sites), sidewalk and bicycle trail connections between adjoining sites, **retaining walls**, and passive recreation uses. In addition, detention and retention system can also be located within the required buffer yards, however, the visual screening requirements shall not be altered or diminished. Activities not permitted within buffer yards shall include parking, loading, storage, paving except for that mentioned above or accessory structures.

5. The design and exact placement of the buffer yard shall be the decision of the designer or developer, but shall be reviewed during Site Plan Review procedure to ensure compliance with this article. However, trees and shrubs should be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property.
6. When a proposed use adjoins an undeveloped parcel of property the required buffer yard shall be determined by the adjoining property's zoning designation and shall be installed in the time period required by this Article as if the adjoining property were developed.
7. Buffer yards can be shared between uses in commercial or employment ~~districts~~**zones** if an easement is provided and recorded or **an agreement is made** which indicates how maintenance and replacement of unhealthy plants will be accomplished. Buffer yards shall not be shared between residential and non-residential ~~districts~~**zones**. The more restrictive buffer yard width and plant material shall be provided between the two properties in this instance if different requirements would normally apply.
8. This **landscaping** is not required to be placed in a linear design, but shall be required to be dispersed throughout the **buffer yard**.

**Table 36-1
Buffer Yards**

| ADJOINING ZONES | DEVELOPING USE ZONE | BUFFER YARD REQUIRED |
|---|--|----------------------|
| I-1, I-2, I-3, GR-BP | I-1, I-2, GR-BP | A |
| O-1, O-2, C-1 thru C-4, PF, R, FMS, GR-BP | I-1, I-2, GR-BP | B |
| UR-1 thru UR-3, MHP, GR-BP | I-1, I-1, GR-BP | C |
| All other residential & agricultural | I-1, I-2, GR-BP | D |
| | I-3 | see Section 1104.6 |
| I-1 thru I-3, GR-BP | O-1, O-2, GR-C | B |
| O-1, O-2, GR-BP | O-1, O-2, GR-C | A |
| C-1 thru C-4, PF, R, FMS, GR-C | O-1, O-2, GR-C | A |
| UR-1 thru UR-3, MHP, GR-R | O-1, O-2, GR-C | B |
| All other residential & agricultural | O-1, O-2, GR-C | C |
| All other residential & agricultural | O-1, O-2, GR-C (if larger than 50,000 square feet) | D |
| I-1 thru I-3, GR-BP | C-1 - C-4, PF R, FMS, GR-C | B |
| O-1, O-2, GR-C | C-1 - C-4, PF, R, FMS, GR-C | A |
| C-1, C-2, C-3, C-4, PF, R, FMS, GR-C | C-1 - C-4, PF, R, FMS, GR-C | A |
| UR-1, UR-2, UR-3, MHP, GR-R | C-1 - C-4, PF, R, GR-C | B |
| All other residential & agricultural | C-1 - C-4, PF, R, GR-C | C |



**Table 36-1
Buffer Yards**

| ADJOINING ZONES | DEVELOPING USE ZONE | BUFFER YARD REQUIRED |
|---|---|----------------------|
| All other residential & agricultural | C-1 - C-4, PF, R, GR-C (if larger than 50,000 square feet) | D |
| I-1 thru I-3, GR-BP | UR-1 - UR-3, MHP, GR-R | C |
| O-1, O-2, GR-C | UR-1 - UR-3, MHP, GR-R | B |
| C-1, C-2, C-3, C-4, PF, R, FMS, GR-C | UR-1 - UR-3, MHP, GR-R | B |
| If over 50,000 sf. | UR-1 - UR-3, MHP, GR-R | C |
| UR-1, UR-2, UR-3, MHP, GR-R | UR-1 - UR-3, MHP, FMS, GR-R | A |
| All other residential & agricultural | UR-1 - UR-3, MHP, FMS, GR-R | B |
| All other residential & agricultural | UR-1 - UR-3, MHP (if more than 80 apartment units or 25 mobile home lots) | C |
| NOTES: | | |
| No buffer yard is required for single-family residential homes. | | |
| Attached or multi-family dwellings in developing use <u>districts/zones</u> not listed above shall be the same as UR-1. | | |
| O-1A for the purpose of this table shall be the same as O-1. | | |
| SC, W D, UC, UNO, and UTC for the purpose of this table shall be the same as FMS. | | |
| A Buffer Yard A shall be required in all cases that do not appear on this table, except when the developing <u>district</u> is EPD, RPD, or PD. | | |

**Table 36-2
Buffer Yard Types**

| |
|--|
| The numbers shown are the minimum quantities required for each plant type. Smaller trees may be replaced with larger varieties. Buffer yards are established in 100 feet increments with the number of plants specified. |
| The number of plants required for a given buffer yard shall be determined by dividing the actual length of the buffer yard by 100 and multiply that number by the number of plants from each plant list required and rounding to the next whole number. Fences or walls which are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted. |
| BUFFER YARD A - 10 FOOT WIDTH |
| Landscaping required per 100 linear feet at 10 feet wide. |
| 5 Small Trees - Plant List C; OR 3 Large Trees / 3 Medium Trees / or 3 Evergreen Trees or any combination of 3 - Plant List A, B, or D, AND |
| 3 Large Trees / 3 Medium Trees / or 3 Evergreen or any combination of 3 - Plant List A, B, or D, AND |
| 30 Shrubs - Plant List E OR 15 Shrubs - Plant List C |
| Ground Cover (Required in all areas not covered with grass) |
| Mulch (Temporary) |
| BUFFER YARD B - 20 FOOT WIDTH |
| Landscaping required per 100 linear feet at 20 feet wide. |
| 5 Evergreens - Plant List D, AND |
| Any 6 Large Trees / Medium Trees / Small Trees / Additional Evergreen Trees or any combination thereof - Plant List A, B, C, or D, AND |
| 30 Shrubs - Plant List E or 15 Shrubs - Plant List C |
| Mulch (Temporary) |
| Ground Cover (Required) |
| BUFFER YARD C - 60 FOOT WIDTH |
| Landscaping required per 100 linear feet at 30 and 60 feet wide. |
| 10 Evergreen Trees - Plant List D, AND |
| 8 Large or Medium Trees - Plant List A or B, AND |
| 35 shrubs - Plant List C |



Table 36-2
Buffer Yard Types

30 FOOT WIDTH

The same number of trees, are required as for the 60 feet width buffer yard, but the width may be reduced to 30 feet if a 6 foot high berm, fence, or masonry wall is used and the number of shrubs may be reduced to 15 from Plant List C. The maximum slope for the berm is 2.5 to 1.

BUFFER YARD D - 80 FOOT WIDTH

Landscaping required per 100 linear feet at 80 and 40 feet wide.

20 Evergreens-Trees - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, **AND**

11 Large Trees - Plant List A

40 shrubs - Plant List C

40 FOOT WIDTH

The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 20 from Plant List C. The maximum slope for the berm is 2.5 to 1.

Figure 36-8
Buffer Yards

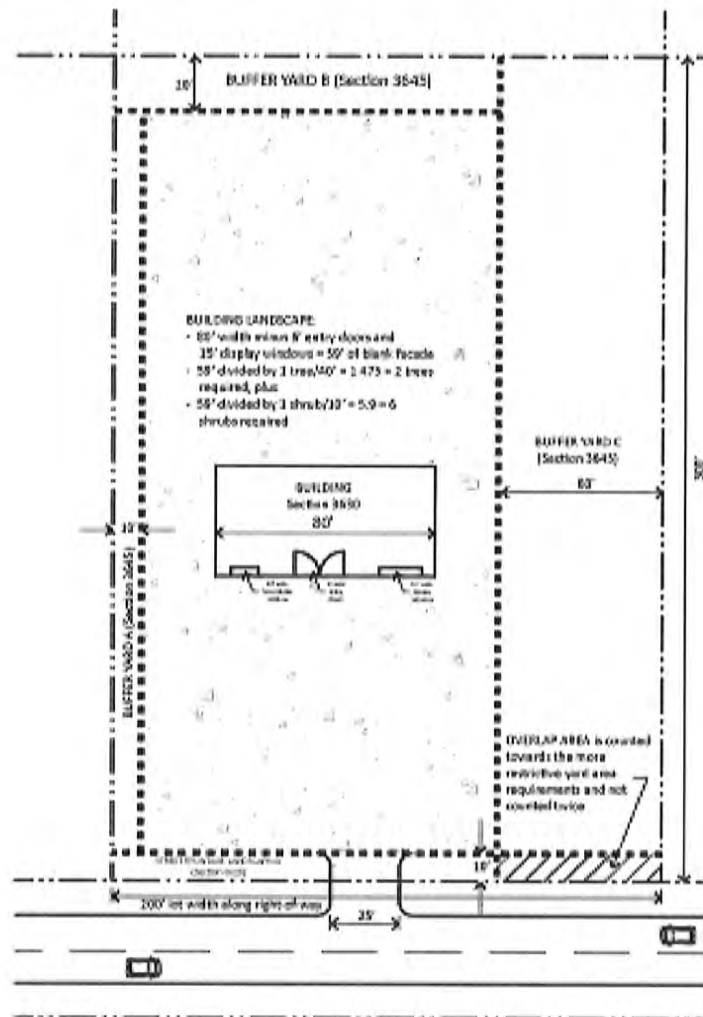


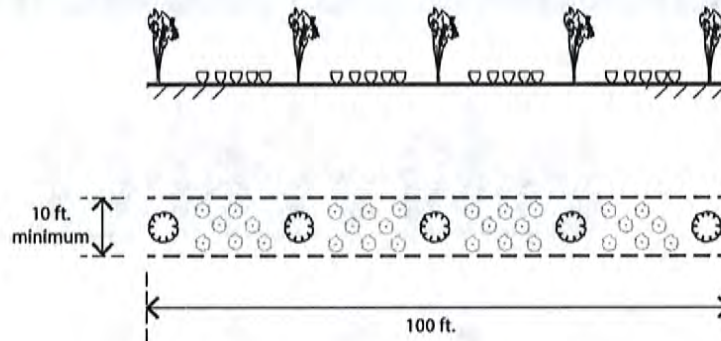


Figure 36-8
Buffer Yards

STREET FRONTAGE: 200' total width - 25' curb cut and C overlap area = 115'
 1.15 x 5 small trees = 5.75 = 6
 1.15 x 3 large medium/evergreen trees = 3.45 = 4
 1.15 x 30 small shrubs (option) = 34.5 = 35
 BUFFER YARD A: 300' - 10' street frontage and 20' Buffer Yard B = 270'
 2.7 x 5 small trees = 13.5 = 14
 2.75 x 3 large/medium/evergreen trees = 8.1 = 9
 2.7 x 15 large shrubs (option) = 40.4 = 41
 BUFFER YARD B: 200' - 60' Buffer Yard C = 140'
 1.4 x 5 evergreen trees = 7
 1.4 x 6 large/medium/small/additional evergreen trees = 8.4 = 9
 1.4 x 30 small shrubs = 42
 BUFFER YARD C: 300'
 3.0 x 10 evergreen trees = 30
 3.0 x 8 large/medium trees = 24
 3.0 x 35 large shrubs = 105
 NOTE: Fractions are rounded up to the next whole number

Figure 36-9
Buffer Yard A

Alternative 1



Alternative 2

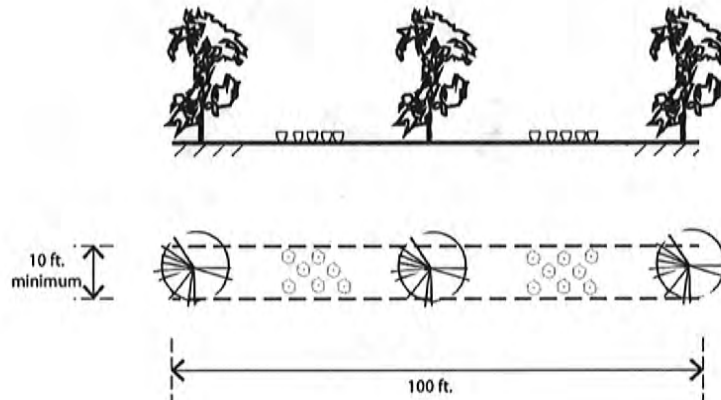




Figure 36-10
Buffer Yard B

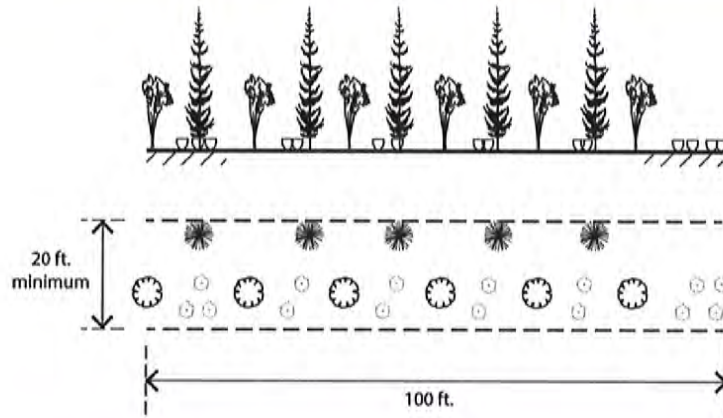
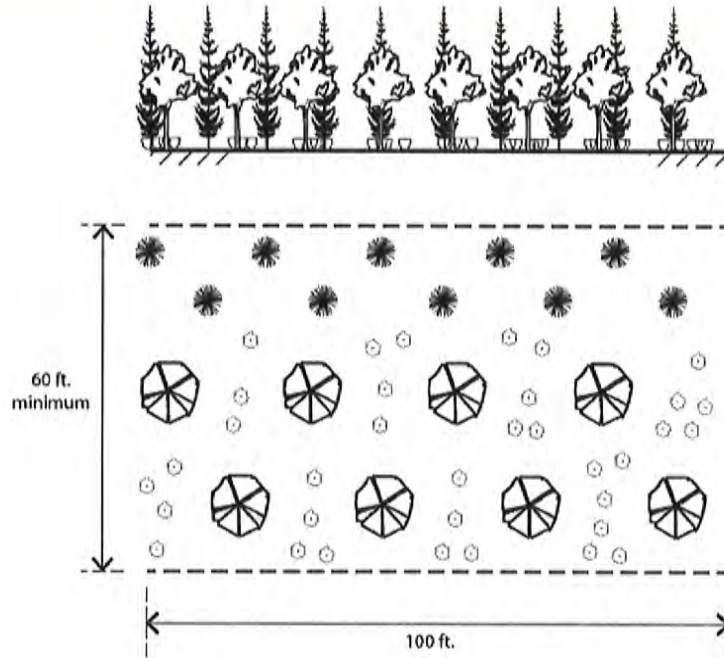


Figure 36-11
Buffer Yard C

Alternative 1



Alternative 2



Figure 36-11
Buffer Yard C

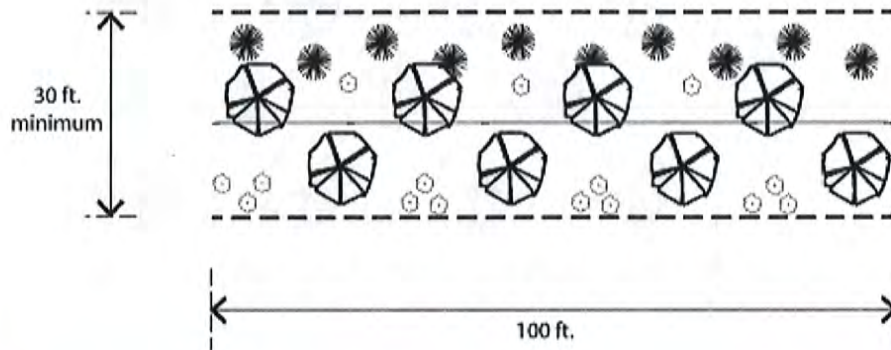
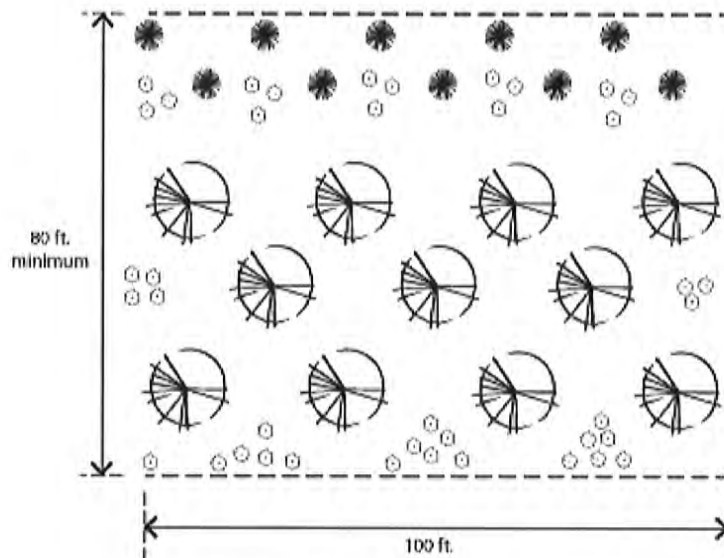


Figure 36-12
Buffer Yard D

Alternative 1



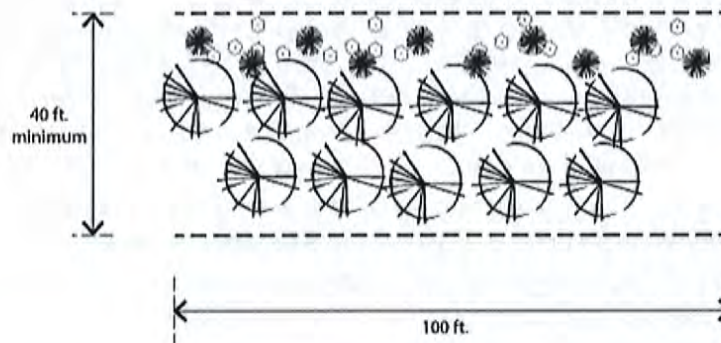
Figure 36-12
Buffer Yard D



Alternative 2



Figure 36-12
Buffer Yard D



SECTION 3655 FENCES

- A. All fences shall have the finished side facing out. No structural supports shall be visible from adjoining properties or right-of-way unless fence is designed so that such supports are visible from both sides.
- B. Fences shall be permitted within all districts. The maximum height for fences within residential districts and the GR-R district is six (6) feet and fences shall be required to be located within the side or rear yards. Fences within commercial and office districts shall be permitted at a maximum height of eight (8) feet and **while** fences within industrial districts shall be permitted a maximum height of **twelve** (12) feet.
- C. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times. Barbed wire, stock wire, chicken wire, **electric**, and similar type fences are not permitted for residential uses in residential districts.
- D. Fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) according to the following standards:
 1. **The maximum fence height is four (4) feet. No fence can be taller than four (4) feet.**
 2. The maximum fence height ~~for fences~~ in front yard and corner side yard areas in the I-1, I-2, and GR-BP zones is eight (8) feet provided the fence is set back a minimum of twenty (20) feet from the applicable property line, or set back a minimum of ten (10) feet from the property line when the applicable lot frontage abuts a local or subcollector street and the area across the street is zoned I-1 or I-2. When a fence that exceeds four (4) feet in height is installed in a front yard or corner side yard in the I-1 or I-2 district, all plantings required for the ten (10) foot yard width per SECTION 3620 "Landscaping Along Street Frontages" shall be provided, irrespective of the actual setback dimension, and installed between the fence and the right-of-way line. ~~meets the minimum required front yard or corner side yard building setback as applicable.~~



3. Fences shall be of a decorative design, such as wrought iron, architectural steel, picket, wood or vinyl picket, or post and rail, ~~(chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted)~~ and shall be designed to have an opacity of fifty percent (50%) percent or less. Utilitarian style fences, such as chain link with or without vinyl coating, barbed wire, stock wire, chicken wire, chains on posts, and similar styles, are not permitted.
 4. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in ARTICLE 32.
- E. ~~Fences shall be permitted within the front and corner side yard (City of Florence only) according to the following standards:~~
1. ~~Fences in front yard or corner side yard areas may only be constructed on property located on a corner lot in an Industrial One (I-1) district zone.~~
 2. ~~Fences shall be of a decorative design, such as wrought iron, architectural steel picket, wood or vinyl picket, or post and rail, and shall be designed to have an opacity of fifty percent (50%) or less. Utilitarian style fences, such as chain link with or without vinyl coating, barbed wire, stock wire, chicken wire, chains on posts, and similar styles, are not permitted. Fences shall be of a decorative design (solid fence, chain link, barbed wire, stock wire, chicken wire or other similar designs shall be prohibited) and shall be designed to have an opacity of fifty (50) percent or less.~~
 3. ~~The minimum fence height is Fences shall be a minimum of four (4) feet in height and the shall not exceed a maximum fence height is of eight (8) feet in height.~~
 4. ~~Fences placed in a front yard or corner side yard shall be set back a minimum of ten (10) feet from the applicable front or corner side and front property line.~~
 5. ~~Landscape plantings as required by SECTION 3620 (Buffer Yard "A") shall be planted between the fence and corner side and/or front property line. The plantings will be required even if the site is already developed and the fencing is the only proposed improvement.~~
 6. ~~No fence can be located within a public right of way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in ARTICLE 32.~~
- F. Fences for Agricultural purposes are exempt from the requirements of this section.

SECTION 3660 PLANT LISTS

- A. The following list includes the Scientific Name and Common Name of plants arranged by size. Plant Lists A thru E found within this Article are defined as follows:
1. Plant List A: Large deciduous trees over fifty (50) feet in height at maturity.;
 2. Plant List B: Medium sized deciduous trees twenty-five (25) to fifty (50) feet in height at maturity.;
 3. Plant List C: Large Shrub or Small Tree ten (10) to twenty-five (25) feet in height at maturity.;
 4. Plant List D: Large evergreen trees over fifty (50) feet in height at maturity.;
 5. Plant List E: Shrubs which include all sizes.

| PLANT LIST A - LARGE DECIDUOUS TREES | | | |
|--------------------------------------|-----------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Aspen, Bigtooth | Populus grandidentata | 50'-75' | 20'-35' |
| Basswood, American | Tilia Americana | 60'-80' | 30'-60' |
| Beech, American | Fagus grandifolia | 50'-70' | 50'-70' |
| Beech, European | Fagus sylvatica | 50'-60' | 35'-45' |
| Birch, River | Betula nigra | 40'-70' | 40'-60' |
| 'Dura Heat' | | | |
| 'Fox Valley' | | | |



| PLANT LIST A - LARGE DECIDUOUS TREES | | | |
|--------------------------------------|--------------------------|----------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'Heritage' | | | |
| Buckeye, Yellow | Aesculus octandra | 50'-70' | 30'-40' |
| Catalpa, Northern | Catalpa speciose | 40'-60' | 20'-30' |
| Cherry, Black | Prunus serotina | 50'-60' | 35'-50' |
| Coffeetree, Kentucky | Gymnocladus dioicus | 60'-75' | 40'-50' |
| 'Espresso' | | | |
| 'Prairie Titan' | | | |
| 'Stately Manor' | | | |
| Cottonwood, Eastern | Populus deltoids | 75'-100' | 50'-75' |
| 'Colmar' | | | |
| Elm, American | Ulmus Americana | 70'-90' | 50'-70' |
| 'Princeton' | | | |
| 'Valley Forge' | | | |
| Elm, Lacebark | Ulmus parvifolia | 40'-50' | 40'-50' |
| Elm, Patriot Hybrid | Ulmus x 'Patriot | 50'-60' | 40'-50' |
| Elm, Red | Ulmus rubra | 40'-60' | 30'-50' |
| Filbert, Turkish | Corylus colurna | 40'-50' | 20'-25' |
| Ginkgo | Ginkgo biloba (male) | 50'-80' | 30'-50' |
| 'Autumn Gold' | | | |
| 'Fastigiata' | | | |
| 'Princeton Sentry' | | | |
| Gum, Black | Nyssa sylvatica | 50'-75' | 35'-50' |
| Hackberry, Common | Celtis, occidentalis | 40'-60' | 50'-60' |
| 'Chicagoland' | | | |
| 'Prairie Pride' | | | |
| Hackberry, Sugar | Celtis, laevigata | 60'-80' | 50'-60' |
| Hickory, Bitternut | Carya cordiformis | 50'-75' | 30'-40' |
| Hickory, Mockernut | Carya tomentosa | 60'-80' | 30'-40' |
| Hickory, Pignut | Carya glabra | 50'-65' | 30'-40' |
| Hickory, Shagbark | Carya ovata | 70'-90' | 30'-40' |
| Hickory, Shellbark | Carya laciniosa | 80'-100' | 40'-60' |
| Katsura Tree | Cercidiphyllum japonicum | 40'-60' | 30'-50' |
| Larch, European | Larix decidua | 70'-75' | 25'-30' |
| Linden, Crimean | Tilia x euchlora | 40'-60' | 20'-30' |
| 'Redmond' | | | |
| Linden, Littleleaf | Tilia cordata | 60'-70' | 30'-50' |
| 'Chancellor' | | | |
| 'Greenspire' | | | |
| 'June Bride' | | | |
| Linden, Silver | Tilia tomentosa | 50'-70' | 30'-50' |
| 'Sashazam' | | | |
| 'Sterling Silver' | | | |
| Locust, Black | Robinia pseudoacacia | 40'-70' | 20'-30' |
| Magnolia, Cucumbertree | Magnolia acuminata | 50'-80' | 50'-80' |



| PLANT LIST A - LARGE DECIDUOUS TREES | | | |
|--------------------------------------|------------------------------|----------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Magnolia, Southern | Magnolia grandiflora | 60'-80' | 50'-80' |
| 'Bracken's Brown Beauty' | | | |
| Maple, Black | Acer nigrum | 60'-75' | 50'-60' |
| Maple, Freeman | Acer x freeman | 40'-60' | 20'-40' |
| 'Armstrong' | | | |
| 'Autumn Blaze' | | | |
| 'Celebration' | | | |
| 'Sienna Glen' | | | |
| Maple, Red | Acer rubrum | 40'-60' | 40'-60' |
| 'Autumn Flame' | | | |
| 'Bowhall' | | | |
| 'Columnare' | | | |
| 'October Glory' | | | |
| 'Red Sunset' | | | |
| Maple, Silver | Acer saccharinum | 70'-100' | 40'-60' |
| Maple, Sugar | Acer saccharum | 60'-75' | 50'-60' |
| 'Green Mountain' | | | |
| 'Legacy' | | | |
| 'Majesty' | | | |
| 'Wright Brothers' | | | |
| Persimmon | Diospyros virginiana | 35'-60' | 25'-35' |
| Oak, Black | Quercus velutina | 60'-70' | 30'-40' |
| Oak, Bur | Quercus macrocarpa | 70'-90' | 60'-80' |
| Oak, Chinquapin | Quercus muehlenbergii | 50'-80' | 50'-60' |
| Oak, Columnar English | Quercus robur | 50'-60' | 10'-18' |
| 'Fastigiata' | | | |
| Oak, Pin | Quercus palustris | 50'-70' | 40'-60' |
| Oak, Red | Quercus rubra | 60'-75' | 40'-50' |
| Oak, Sawtooth | Quercus acutissima | 40'-50' | 35'-50' |
| Oak, Scarlet | Quercus coccinea | 60'-75' | 40'-50' |
| Oak, Shingle | Quercus imbricaria | 40'-60' | 40'-60' |
| Oak, Shumard | Quercus shumardii | 40'-60' | 40'-50' |
| Oak, Swamp White | Quercus bicolor | 50'-60' | 50'-60' |
| Oak, Water | Quercus nigra | 50'-80' | 40'-60' |
| Oak, Willow | Quercus phellos | 40'-60' | 40'-50' |
| Oak, White | Quercus alba | 60'-80' | 60'-80' |
| Pagoda Tree, Japanese | Sophora japonicum | 50'-70' | 40'-60' |
| 'Regent' | | | |
| Planetree, London | Platanus, acerifolia | 60'-85' | 50'-70' |
| 'Bloodgood' | | | |
| 'Suttneri' | | | |
| 'Yarwood' | | | |
| Redwood, Dawn | Metasequoia glyptostroboides | 75'-100' | 15'-25' |



| PLANT LIST A - LARGE DECIDUOUS TREES | | | |
|--------------------------------------|-------------------------|----------|----------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'National' | | | |
| 'Sheridan Spire' | | | |
| Rubber Tree, Hardy | Eucommia ulmoides | 40'-60' | 40'-50' |
| Sassafras | Sassafras albidum | 30'-60' | 25'-40' |
| Sweetgum | Liquidambar styraciflua | 60'-80' | 40'-60' |
| 'Grazam' | | | |
| 'Moraine' | | | |
| 'Rotundiloba' | | | |
| 'Slender Silhouette' | | | |
| Sycamore, American | Platanus occidentalis | 75'-100' | 75'-100' |
| Tuliptree | Liriodendron tulipifera | 75'-100' | 35'-50' |
| Walnut, Black | Juglans nigra | 50'-70' | 50'-70' |
| Willow, Black | Salix nigra | 30'-60' | 20'-30' |
| Zelkova, Japanese | Zelkova serrata | 50'-80' | 40'-70' |
| 'Green Vase' | | | |
| 'Village Green' | | | |

| PLANT LIST B - MEDIUM DECIDUOUS TREES | | | |
|---------------------------------------|-------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Alder, Italian | Alnus cordata | 30'-50' | 20'-25' |
| Birch, Sweet | Betula lenta | 40'-50' | 35'-45' |
| Buckeye, Arnold | Aesculus x arnoldiana | 35'-40' | 30'-40' |
| 'Autumn Splendor' | | | |
| Buckeye, Ohio | Aesculus glabra | 20'-40' | 20'-40' |
| Cherry, Higan | Prunus subhirtella | 20'-40' | 15'-30' |
| 'Autumnalis' var Pendula | | | |
| Cherry, Sargent | Prunus sargentii | 40'-50' | 30'-50' |
| 'Columnaris' | | | |
| Cherry, Yoshino | Prunus yedoensis | 20'-40' | 20'-40' |
| 'Akebono' | | | |
| Golden-Raintree | Koelreuteria paniculata | 30'-40' | 30'-40' |
| Honeylocust, Thornless var Inermis | Gleditsia triacanthos | 30'-50' | 30'-50' |
| 'Imperial' | | | |
| 'Moriane' | | | |
| 'Shademaster' | | | |
| 'Skyline' | | | |
| 'Sunburst' | | | |
| Hophornbeam | Ostrya virginiana | 25'-40' | 20'-30' |
| Hornbeam, American | Carpinus carolinana | 20'-35' | 20'-35' |
| Hornbeam, Columnar European | Carpinus betulus | 30'-50' | 20'-30' |
| Horsechestnut, Red | Aesculus x carnea | 35'-45' | 20'-35' |
| 'Briotii' | | | |
| 'Fort McNair' | | | |



| PLANT LIST B - MEDIUM DECIDUOUS TREES | | | |
|---------------------------------------|--------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'O'Neill' | | | |
| Lilac, Japanese Tree | Syringa reticulata | 20'-30' | 15'-25' |
| 'Ivory Silk' | | | |
| Lilac, Peking | Syringa pekinensis | 20'-30' | 15'-25' |
| 'China Snow' | | | |
| Maple, Hedge | Acer campestre | 25'-35' | 25'-35' |
| Maple, White Tigress | Acer x 'white tigress' | 20'-30' | 15'-20' |
| Mulberry, Red | Morus rubra | 40'-50' | 40'-50' |
| Osage-Orange | Maclura pomifera | 20'-40' | 20'-40' |
| 'White Shield' | | | |
| 'Witchita' | | | |
| Parrotia, Persian | Parrotia persica | 20'-40' | 15'-30' |
| Pine, Japanese White | Pinus parviflora | 25'-50' | 25'-50' |
| Pine, Swiss Stone | Pinus cembra | 30'-40' | 15'-25' |
| Redcedar, Eastern | Juniperus virginiana | 40'-50' | 15'-20' |
| Silverbell, Carolina | Halesia tetraptera | 30'-40' | 20'-35' |
| Stewartia, Japanese | Stewartia pseudocamellia | 20'-35' | 20'-30' |
| Yellowwood | Cladrastis kentukea | 30'-50' | 40'-55' |
| 'Perkins Pink' | | | |

| PLANT LIST C - LARGE SHRUBS AND SMALL DECIDUOUS TREES | | | |
|---|----------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Alder, Tag | Alnus, serrulata | 15'-20' | 10'-20' |
| Bayberry, Northern | Myrica pensylvanica | 5'-12' | 5'-12' |
| Bladdernut | Staphylea trifolia | 10'-15' | 10'-20' |
| Buckeye, Bottlebrush | Aesculus parviflora | 8'-12' | 8'-15' |
| Buckeye, Red | Aesculus pavia | 10'-20' | 10'-20' |
| Buckthorn, Carolina | Rhamnus caroliniana | 15'-20' | 10'-15' |
| Buttonbush | Cephalanthus occidentalis | 10'-12' | 6'-8' |
| Cherry, Hally Jolivette | Prunus x 'Hally Jolivette' | 10'-15' | 10'-15' |
| Cherry, Oriental | Prunus serrulata | 15'-20' | 15'-20' |
| 'Kwanzan' | | | |
| 'Shirofugen' | | | |
| Chokeberry, Black | Aronia melanocarpa | 6'-10' | 3'-5' |
| Chokeberry, Red | Aronia arbutifolia | 6'-10' | 3'-5' |
| Cotoneaster, Many Flowered | Cotoneaster multiflorus | 8'-12' | 12'-15' |
| Crabapple (Varieties) | Malus (varieties) | 10'-25' | 10'-30' |
| 'Bob White' | | | |
| 'Coral Burst' | | | |
| 'Donald Wyman' | | | |
| 'Harvest Gold' | | | |
| 'Red Swan' | | | |
| 'Sugar Tyme' | | | |
| 'White Angel' | | | |



| PLANT LIST C - LARGE SHRUBS AND SMALL DECIDUOUS TREES | | | |
|---|-------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Dogwood, Corneliancherry | Cornus mas | 20'-25' | 15'-20' |
| Dogwood, Flowering | Cornus florida | 20'-25' | 20'-25' |
| Dogwood, Gray | Cornus racemose | 10'-15' | 10'-15' |
| Dogwood, Kousa var Chinensis | Cornus kousa | 15'-20' | 15'-20' |
| 'Milky Way' | | | |
| Dogwood, Pagoda | Cornus alternifolia | 15'-25' | 20'-30' |
| Dogwood, Rough-Leaf | Cornus drummondii | 10'-15' | 10'-15' |
| Elderberry | Sambucus Canadensis | 5'-12' | 5'-12' |
| Forsythia, Border | Forsythia x intermedia | 8'-10' | 10'-12' |
| Forsythia, Weeping | Forsythia suspense | 8'-10' | 10'-15' |
| Fothergilla, Large | Fothergilla major | 6'-10' | 5'-8' |
| 'Mt. Airy' | | | |
| Fringtree | Chionanthus virginicus | 15'-20' | 15'-20' |
| Hawthorn, Cockspur | Crataegus crus-galli | 15'-20' | 15'-20' |
| Hawthorn, Green | Crataegus viridis | 20'-30' | 20'-30' |
| 'Winter King' | | | |
| Hawthorn, Washington | Crataegus phaenopyrum | 20'-30' | 20'-25' |
| Hazelnut, American | Corylus Americana | 10'-15' | 8'-15' |
| Holly, Deciduous Possumhaw | Ilex decidua | 10'-20' | 10'-15' |
| Holly, Foster | Ilex x attenuate | 10'-20' | 5'-10' |
| 'Fosteri' | | | |
| Holly, Longstalk | Ilex pedunculosa | 10'-15' | 10'-15' |
| Holly, Meserve | Ilex x mesevne | 6'-10' | 6'-10' |
| 'Blue Angel' | | | |
| 'Blue Prince' | | | |
| 'Blue Princess' | | | |
| Honeysuckle, Fragrant | Lonicera fragrantissima | 5'-12' | 5'-12' |
| Indigobush | Amorpha fruticosa | 10'-12' | 12'-15' |
| Juniper, Chinese (Cultivars) | Juniperus chinensis | 12'-25' | varied |
| 'Gold Lace' | | | |
| 'Grey Owl' | | | |
| 'Hetz Columnaris' | | | |
| 'Keteleeri' | | | |
| 'Mint Julep' | | | |
| 'Pfitzeriana' | | | |
| 'Nick's Compact' | | | |
| 'Sea Green' | | | |
| Maackia, Amur | Maackia amurensis | 20'-30' | 20'-30' |
| 'Starburst' | | | |
| 'Summertime' | | | |
| Magnolia, Saucer | Magnolia x soulangiana | 20'-20' | 20'-30' |
| 'Lennei' | | | |
| Magnolia, Star | Magnolia stellate | 10'-20' | 10'-15' |
| Magnolia, Sweetbay | Magnolia virginiana | 10'-45' | 10'-45' |



| PLANT LIST C - LARGE SHRUBS AND SMALL DECIDUOUS TREES | | | |
|---|-------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'Northern Belle' var Australis | | | |
| 'Henry Hicks' | | | |
| Maple, Girard's Hybrid | Acer griseum x nikoense | 20'-30' | 15'-20' |
| Maple, Ivy Leafed | Acer cissifolium | 20'-30' | 20'-30' |
| Maple, Japanese | Acer palmatum | 15'-25' | 15'-25' |
| 'Atropurpureum' | | | |
| 'Bloodgood' | | | |
| 'Burgundy Lace' | | | |
| 'Dissectum' | | | |
| Maple, Paperbark | Acer griseum | 25'-30' | 15'-20' |
| Maple, Three Flower | Acer triflorum | 20'-30' | 20'-30' |
| Pawpaw | Asimina triloba | 15'-30' | 15'-30' |
| Pine, Japanese Red | Pinus densiflora | 10'-15' | 10'-15' |
| 'Oculus-draconis' | | | |
| 'Umbraculifera' | | | |
| Pine, Mugo | Pinus mugo | 15'-20' | 20'-30' |
| 'Compacta' | | | |
| 'Slavinii' | | | |
| Plum, Wild | Prunus Americana | 15'-25' | 15'-25' |
| Quince, Flowering | Chaenomeles speciose | 6'-10' | 6'-10' |
| Redbud, Eastern | Cercis canadensis | 20'-25' | 20'-30' |
| 'Alba' | | | |
| 'Appalachian Red' | | | |
| 'Flame' | | | |
| 'Forest Pansy' | | | |
| 'Royal White' | | | |
| 'Tennessee Pink' | | | |
| Serviceberry, Allegheny | Amelanchier laevis | 15'-25' | 15'-25' |
| 'Cumulus' - single trunk | | | |
| Serviceberry, Downy | Amelanchier arborea | 15'-25' | 15'-25' |
| Serviceberry, Shadblow | Amelanchier Canadensis | 20'-25' | 15'-20' |
| Smoketree, American | Cotinus obovatus | 15'-20' | 15'-20' |
| Spicebush | Lindera benzoin | 6'-12' | 6'-12' |
| Sumac, Smooth | Rhus glabra | 9'-15' | 9'-15' |
| Sumac, Staghorn | Rhus typhina | 15'-20' | 15'-20' |
| Viburnum, American Cranberrybush | Viburnum trilobum | 8'-12' | 8'-12' |
| Viburnum, Blackhaw | Viburnum prunifolium | 12'-15' | 6'-12' |
| Viburnum, Burkwood | Viburnum x burkwoodii | 8'-10' | 6'-8' |
| Viburnum, Cranberrybush | Viburnum opulus | 8'-12' | 10'-15' |
| Viburnum, Doublefile | Viburnum plicatum | 8'-10' | 9'-12' |
| var Tomentosum | | | |
| Viburnum, Leatherleaf | Viburnum rhytidophyllum | 10'-15' | 10'-15' |
| Viburnum, Siebold | Viburnum sieboldii | 15'-20' | 10'-15' |
| Wafer-Ash, Hop Tree | Ptelea trifoliata | 15'-20' | 15'-20' |



| PLANT LIST C - LARGE SHRUBS AND SMALL DECIDUOUS TREES | | | |
|---|------------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Wahoo, Eastern | <i>Eunymus atropurpureus</i> | 15'-20' | 15'-25' |
| Willow, Pussy | <i>Salix discolor</i> | 15'-30' | 15'-25' |
| Willow, Sandbar | <i>Salix exigua</i> | 15'-25' | 10'-15' |
| Witchhazel | <i>Hamamelis virginiana</i> | 20'-30' | 20'-30' |
| Witchhazel, Vernal | <i>Hamamelis vernalis</i> | 6'-10' | 6'-10' |
| Yew, Anglojap | <i>Taxus x meda</i> | 5'-12' | var |
| 'Brownii' | | | |
| 'Chadwickii' | | | |
| 'Densiformis' | | | |
| 'Hatfieldii' | | | |
| 'Hicksii' | | | |
| 'Wardii' | | | |
| Yew, Japanese | <i>Taxus cuspidate</i> | 10'-20' | 10'-30' |
| 'Capitata' | | | |
| 'Nana' | | | |
| 'Thayen' | | | |

| PLANT LIST D - LARGE EVERGREEN TREES | | | |
|--------------------------------------|-----------------------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Alaska-Cedar | <i>Chamaecyparis nootkatensis</i> | 30'-45' | 10'-15' |
| Arborvitae, American | <i>Thuja occidentalis</i> | 40'-60' | 10'-15' |
| Cedar, Hardy Cedar of Lebanon | <i>Cedrus libani</i> var. | 40'-60' | 20'-30' |
| Cypress, Bald | <i>Taxodium distichum</i> | 60'-80' | 25'-35' |
| Cypress, Pond | <i>Taxodium ascendens</i> | 50'-60' | 10'-15' |
| Falsecypress, Hinoki | <i>Chamaecyparis obtuse</i> | 50'-75' | 10'-20' |
| Fir, Cilician | <i>Abies cilicica</i> | 60'-80' | 20'-30' |
| Fir, Doulgas | <i>Pseudotsuga menziesii</i> | 40'-80' | 10'-20' |
| 'Glauca' | | | |
| Fir, White | <i>Abies concolor</i> | 30'-50' | 15'-30' |
| Hemlock, Canadian | <i>Tsuga Canadensis</i> | 40'-70' | 25'-35' |
| Hemlock, Carolina | <i>Tsuga caroliniana</i> | 45'-60' | 20'-25' |
| Holly, American | <i>Ilex opaca</i> | 40'-50' | 20'-40' |
| Pine, Lacebark | <i>Pinus bungeana</i> | 35'-50' | 30'-40' |
| Pine, Red | <i>Pinus resinosa</i> | 50'-80' | 20'-40' |
| Pine, White | <i>Pinus strobus</i> | 50'-80' | 20'-40' |
| Spruce, Colorado | <i>Picea pungens</i> | 50'-70' | 20'-30' |
| 'Fat Albert' | | | |
| 'Glauca' | | | |
| 'Hoopsii' | | | |
| 'Thomsenii' | | | |
| Spruce, Norway | <i>Picea abies</i> | 40'-60' | 25'-30' |
| 'Nidiformis' | | | |
| Spruce, Oriental | <i>Picea orientalis</i> | 50'-60' | 20'-30' |



| PLANT LIST D - LARGE EVERGREEN TREES | | | |
|--------------------------------------|----------------------|---------|---------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Spruce, Serbian | <i>Picea omorika</i> | 50'-60' | 15'-20' |
| Spruce, White var Densata | <i>Picea glauca</i> | 40'-60' | 10'-20' |

| PLANT LIST E - SMALL AND MEDIUM SHRUBS | | | |
|--|-----------------------------------|---------|--------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| Abelia, Glossy | <i>Abelia x grandiflora</i> | 3'-5' | 3'-5' |
| Allspice, Carolina | <i>Calycanthus, floridus</i> | 6'-9' | 6'-12' |
| Aralia, Fiveleaf | <i>Acanthopanax sieboldianus</i> | 6'-10' | 3'-5' |
| Barberry, Japanese | <i>Berberis thunbergii</i> | 3'-5' | 4'-7' |
| 'Crimson Pygmy' | | | |
| Barberry, Mentor | <i>Berberis x mentorensis</i> | 5'-7' | 5'-7' |
| Barberry, Wintergreen | <i>Berberis julianae</i> | 6'-10' | 6'-10' |
| Boxwood, Common | <i>Buxus sempervirens</i> | 5'-6' | 6'-8' |
| 'Northland' | | | |
| 'Vardar Valley' | | | |
| 'Welleri' | | | |
| Boxwood, Littleleaf | <i>Buxus microphylla</i> | 3'-4' | 3'-4' |
| 'Compacta' var Koreana | | | |
| 'Tide Hill' | | | |
| 'Wintergreen' | | | |
| Cinquefoil, Bush | <i>Potentilla fruticose</i> | 1'-4' | 2'-4' |
| 'Abbotswood' | | | |
| 'Fargo' | | | |
| 'Farreri' | | | |
| 'Goldfinger' | | | |
| 'Moonlight' | | | |
| Clethra, Summersweet | <i>Clethra alnifolia</i> | 3'-8' | 4'-6' |
| Corralberry | <i>Symphoricarpos orbiculatus</i> | 2'-5' | 4'-8' |
| Cotoneaster, Cranberry | <i>Cotoneaster apiculatus</i> | 2.5'-3' | 3'-6' |
| Cotoneaster, Rock | <i>Cotoneaster, horizontalis</i> | 2'-3' | 5'-8' |
| Cotoneaster, Spreading | <i>Cotoneaster, divaricatus</i> | 5'-6' | 6'-8' |
| Currant, Alpine | <i>Ribes alpinum</i> | 3'-6' | 6'-9' |
| Deutzia, Slender | <i>Deutzia gracilis</i> | 2'-3' | 3'-4' |
| Dogwood, Silky | <i>Cornus amomum</i> | 6'-10' | 6'-10' |
| Falsecypress, Hinoki | <i>Chamaecyparis obtuse</i> | 4'-6' | 4'-6' |
| 'Compacta' | | | |
| 'Grachs' | | | |
| 'Nana Gracilis' | | | |
| Falselyparis, Sawara | <i>Chamaecyparis pisifera</i> | 6'-8' | 6'-7' |
| 'Cyano-virdis' | | | |
| 'Filifera' | | | |
| 'Filifera Aurea' | | | |
| 'Plumosa' | | | |



| PLANT LIST E - SMALL AND MEDIUM SHRUBS | | | |
|--|-------------------------|-----------|--------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'Plumosa Aurea' | | | |
| 'Squarrosa' | | | |
| Fothergilla, Dwarf | Fothergilla gardenia | 2'-4' | 3'-4' |
| Holly, Japanese | Ilex crenata | 5'-8' | 5'-8' |
| 'Convexa' | | | |
| 'Glory' | | | |
| 'Green Luster' | | | |
| 'Helleri' | | | |
| 'Hetzi' | | | |
| 'Microphylla' | | | |
| 'Rotundifolia' | | | |
| Holly, Winterberry | Ilex verticillata | 6'-9' | 6'-9' |
| Hydrangea, American | Hydrangea arborescens | 3'-5' | 3'-5' |
| Inkberry | Ilex glabra | 6'-8' | 8'-10' |
| 'Nigra' | | | |
| Jetbead | Rhodotypos scandens | 3'-6' | 4'-9' |
| Juniper, Creeping | Juniperus horizontalis | 2'-2.5' | 6'-10' |
| 'Bar Harbor' | | | |
| 'Blue Chip' | | | |
| 'Blue Mat' | | | |
| 'Douglasi' | | | |
| 'Plumosa' | | | |
| 'Plumosa Compacta' | | | |
| 'Procumbens' | | | |
| 'Wiltoni' | | | |
| 'Youngstown' | | | |
| Juniper, Sargent's Chinese | Juniperus chinensis | 1.5'-2.5' | 7'-9' |
| var Sargentii | | | |
| Laurelcherry, Common | Prunus laurocerasus | 3'-6' | 3'-6' |
| 'Otto Luyken' | | | |
| 'Schipkaensis' | | | |
| 'Zabeliana' | | | |
| Lilac, Littleleaf | Syringa microphylla | 4'-6' | 9'-12' |
| 'Superba' | | | |
| Meadowsweet | Spiraea alba | 3'-4' | 3'-4' |
| Ninebark, Eastern | Physocarpus opulifolius | 5'-8' | 4'-6' |
| Spiraea, Bumalda | Spiraea x bumalda | 2'-3' | 3'-5' |
| 'Anthony Watereri' | | | |
| Spiraea, Nippon | Spiraea nipponica | 3'-6' | 3'-6' |
| 'Snowmound' | | | |
| St. John's Wort, Shrubby | Hypericum prolificum | 3'-4' | 3'-4' |
| Stephanandra, Cutleaf | Stephanandra incisa | 4'-7' | 4'-7' |



| PLANT LIST E - SMALL AND MEDIUM SHRUBS | | | |
|--|---------------------|--------|--------|
| COMMON NAME | SCIENTIFIC NAME | HEIGHT | SPREAD |
| 'Crispa' | | | |
| Strawberry Bush | Euonymus americanus | 4'-6' | 3'-4' |
| Sumac, Fragrant | Rhus aromatic | 3'-6' | 6'-10' |
| Viburnum, Arrowwood | Viburnum dentatum | 6'-10' | 6'-10' |
| Yew, English | Taxus baccata | 2'-4' | 3'-5' |
| 'Repandens' | | | |

Figure 36.1

Figure 36.2

Figure 36.3

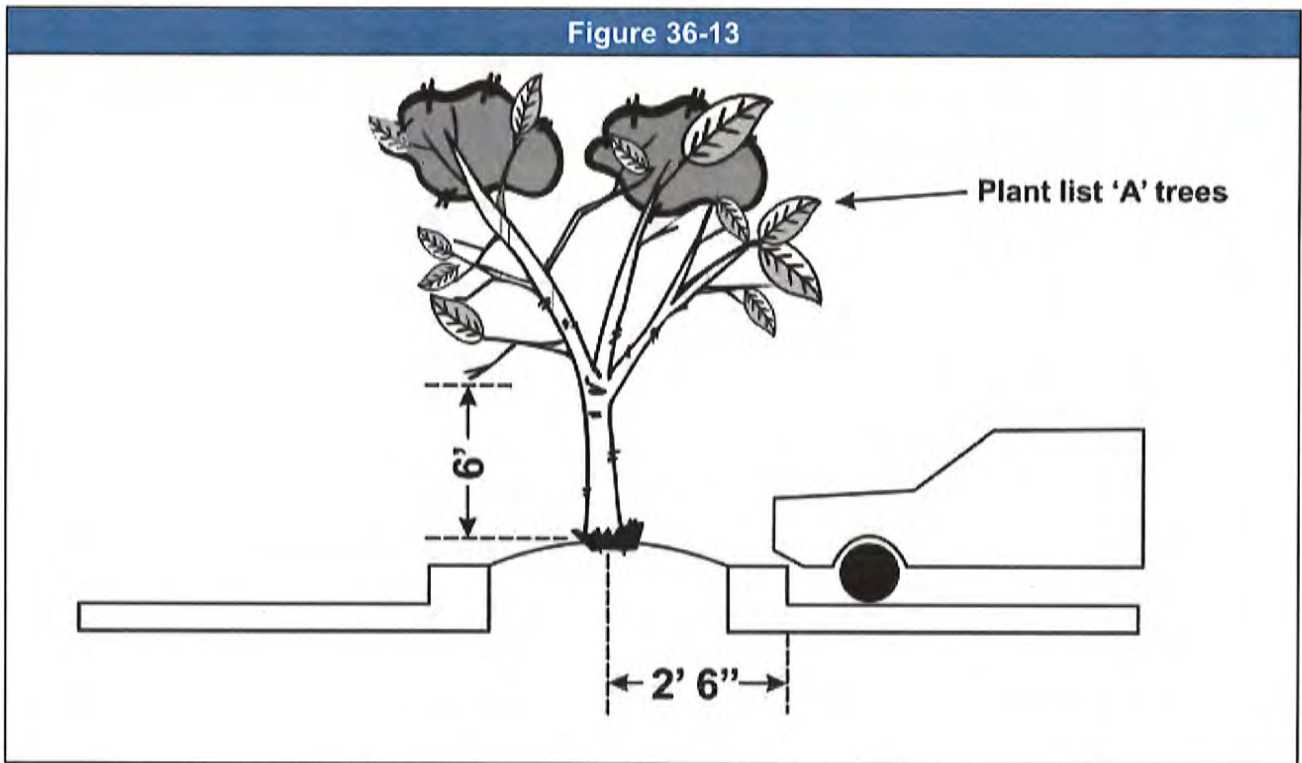
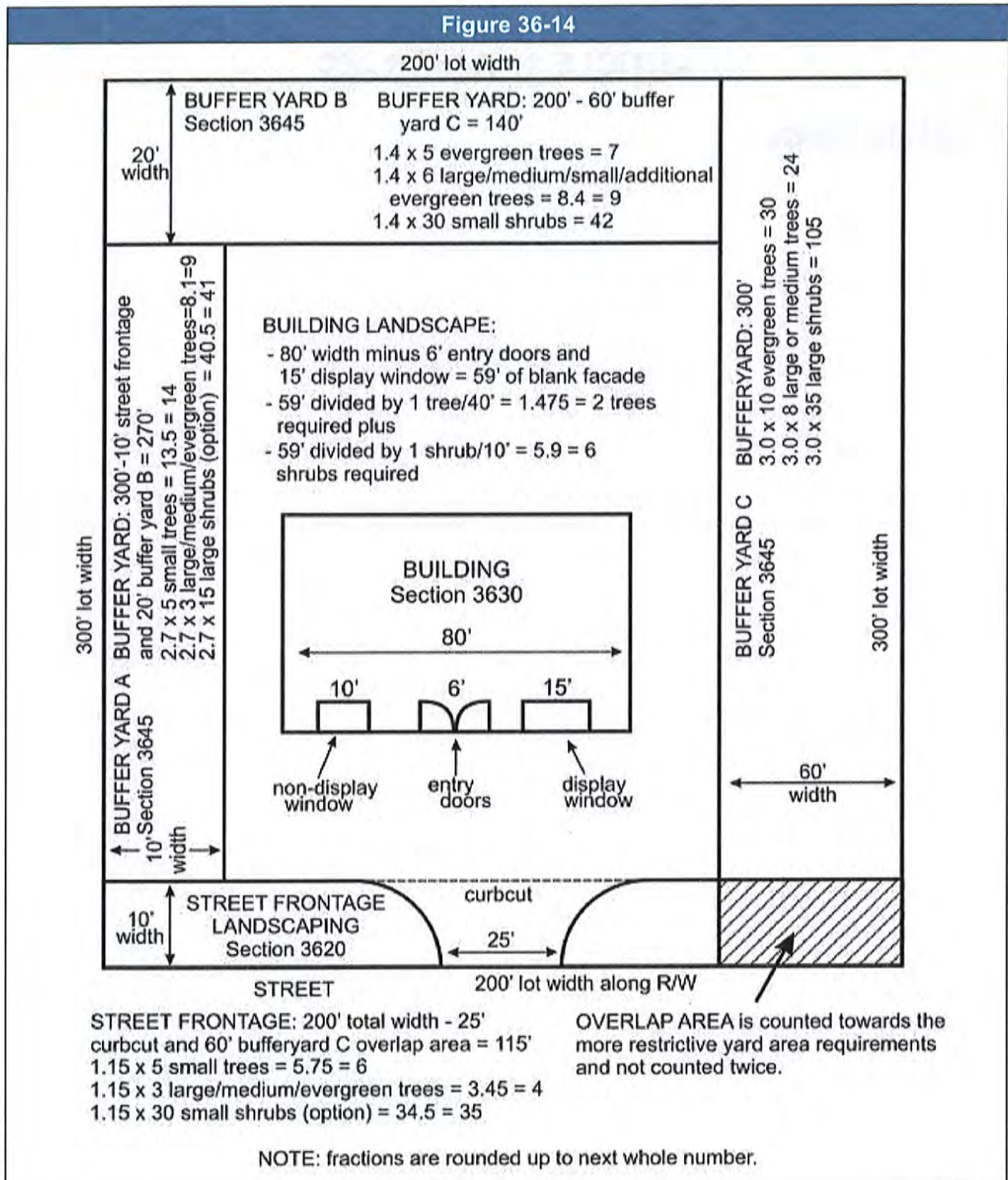




Figure 36-14





ARTICLE 37 RESERVED

Contents:

ARTICLE 37 RESERVED



ARTICLE 38 RESERVED

Contents:

ARTICLE 38 RESERVED



ARTICLE 39 RESERVED

Contents:

ARTICLE 39 RESERVED



ARTICLE 40 DEFINITIONS

Contents:

ARTICLE 40 DEFINITIONS

SECTION 4000 INTERPRETATION OF TERMS AND WORDS

AASHTO

Abandonment

Abutting or Adjoining

Acceleration Lane

Access

Accessory Dwelling Unit

Accessory Use or Structure

Agricultural Use

Airport

Alley

Alterations, Structural

Amusement Park

Apartment Dwelling Unit

Approach

Arcade

Art, Music and Dancing Schools

Art Gallery

Auto Parts and Accessories Store

Automotive Repair Facility

Automotive Sales

Automotive Wrecking

Average Daily Traffic (ADT)

Band Width

Basement

Bed and Breakfast Inn

Bicycle Lane (Bike Lane)

Bicycle Route (Bike Route)

Bikeway

Board of Adjustment and Zoning Appeals

Body-Art Services

Bookstore

Brewpub

Buffer Yard



Building
Building, Accessory
Building Height
Building Setback Line
Business and Trade School
Business Association
Business Support Services
Capacity
Car Wash
Cellular Antenna Tower
Cemetery
Cemetery, Private Family
Church
Channel
Clinic
Club
College and University
Commercial Message
Commercial Parking
Commercial Recreation
Commercial Solid Waste
Commercial Vehicle
Comprehensive Plan
Concentrated Animal Feeding Operation
Concept Development Plan
Conditional Use
Conditional Use Permit
Condominium
Conforming Use
Construction Sales and Service
Convenience Store
Corner Lot
Crematorium
Crematory
Critical Volume
Cul-De-Sac
Cultural Decorations
Cultural Exhibit and Library



Cycle Time
Day Care Center
Dead-end Street
Deceleration Lane
Delay
Demolition and Construction Waste
Density
Design Hour Volume
Design Speed
Design Vehicle
DHV
Diameter At Breast Height (dbh)
Divided Highway
Drive-In Facility
Drive-Through Facility
Drop-off Centers
Duplex Dwelling Unit
Dwelling
Dwelling Unit
Easement
Eating and Drinking Establishments
Elderly Housing Facility
Electric Vehicle Charger
Electric Vehicle Charging Level
Electric Vehicle Charging Station, Private
Electric Vehicle Charging Station, Public
Equipment (Light)
Equipment (Heavy)
Essential Services
Family
Day Care, Family
Farm Implement and Machinery Sales
Farmers Mart
Fence
Ferry Boat Landing
Financial Services
Fireworks Retail Sales
Fire Trucks



Flag Lot
Flea Market
Flight track
Flood Plain
Floor Area of a Building
Flowline
Food Truck
Franchise Style Fast Food Establishment
Funeral Home
Garages, Private
Garage, Public
Gasoline Filling Station
General Merchandise
Greenhouse
Handicapped Person
Health Resort or Spa
Heritage Tourism
Home Occupation
Homeowners Association
Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
Hospital Complex
Hotel or Motel and Apartment Hotel
Hourly Volume
Household
Household Agriculture
Household Electronics Sales
Household Pets
Household Pets
Impervious Surface
Industrial Park
Industry, Heavy
Industry, Light
Infrastructure
Institution
Intensity
Junk Yards
Kennel
LDN



Landfill
Landminimum
Landscape Island
Landscape Peninsulas
Landscape Screen or Buffer Yard
Landscaping
Level of Service (LOS)
Legible
Loading Space, Off-Street
Location Map
Lot
Lot Coverage
Lot Lines
Lot Measurements
Lot of Record
Lot Types
Manufactured Housing
Marina
Massage Parlor or Clinic
Medical, Dental or Optical Clinics
Mental Health Facility, Inpatient
Microbrewery
Microdistillery
Mobile Home
Mobile Home or Travel Trailer Sales
Mobile Home Park
Model Home
Modular Home
Motel
Motion Picture Theaters
Multi-Family Dwelling Unit
Multi-Modal Transportation
Municipal Solid Waste
M.U.T.C.D.
Noise Exposure Map
Nonconforming Lot
Nonconforming Use or Structure
Nursing Home



Office
Office Park
Open Space
Owner
Parking Space, Off-Street
Patio Home
Pawn Shop
Personal Service
Planned Development
Planning Commission
Planning Commission's Staff
Postal Services
Post Office, U.S.
Preapplication Meeting
Principal Use or Structure
Project Review Committee
Public Assembly Spaces
Public Way
Radio and TV Station
Reception Hall
Recreation, Active
Recreation, Commercial
Recreation, Non-Commercial
Recreation, Passive
Recreation Center
Recreational Vehicle
Recycling Center
Recycling Collection Container
Recycling Plant
Religious Assembly
Research and Development Facilities
Residential Care Facility
Residential Care Facility For Handicapped Persons
Residential Solid Waste
Residential Storage Warehouse
Restaurant
Retail
Right-of-Way



Roadside Stand
Safety Services
Satellite Dish
Schools
Sexually Oriented Business
 Adult Arcade
 Adult Bookstore or Adult Video Store
 Adult Cabaret
 Adult Motion Picture Theater
 Characterized by
 Feature
 Floor Space
 Nudity or Nude Conduct
 Regional Shopping Mall (Enclosed)
 Regularly
 Semi-Nude or Semi-Nudity
 Semi-Nude Model Studio
 Sexual Device
 Sexual Device Shop
 Sex Paraphernalia Store
 Specified Anatomical Areas
 Specified Sexual Activity(ies)
 Viewing Room
Sewers, Central or Group
Sewers, On-Site
Shelter, Emergency
Shopping Center
Short Term Rental
Sidewalk
Sidewalk Sale
Sight Distance
Sign
Sign, A-Frame
Sign, Abandoned
Sign, Architectural Freestanding
Sign, Area
Sign, Animated
Sign, Billboard



Sign, Wall
Sign, Canopy
Sign, Changeable Copy, Automatic
Sign, Changeable Copy, Manual
Sign, Directional
Sign, Entrance Monument
Sign, Free Standing
Sign, Height
Sign, Illuminated
Sign, Lighting Device
Sign, Menu Board
Sign, Monument Style
Sign, Nameplate
Sign, Off-Premises
Sign, On-Premises
Sign, Portable
Sign, Projecting
Sign, Roof
Sign, Temporary
Sign, Tenant Panel
Sign, Window
Signal Progression
Single Family Dwelling Unit
Site Plan
Small Cellular Pole
Solar Panel
Solid Waste
Solid Waste Transfer Station
Specialized Amusement Facility
Speed Change Lane
Stopping Sight Distance
Storage Lane
Story
Structure
Street
Street Types
Studio
Subdivision



Substance Abuse Treatment Facility, Inpatient
Substance Abuse Treatment Facility, Outpatient
Swimming Pool
Temporary Storage Trailer
Towing and Impound Lot
Townhouse Dwelling Unit
Trailer
Transitional Housing Facility
Trips
Truck Repair
Truck Sales
Truck Stop
Truck Wash
Use
Utilities
Utility Pole
Variance
Vehicular Use Area (VUA)
Veterinary Animal Hospital or Clinic
Vicinity Map
Video Store
Warehousing and Distribution
Welfare and Charitable Services
Wholesaling
Wireless Communications
 Antennas or related equipment
 Cellular Communication Services
 Co-Location
 Equipment Facility
 Height
 Lattice Tower
 Monopole
 Personal Communication Service
 Stealth Tower
 Support Structure
 Telecommunication Facility
 Uniform Application
 Utility



**Wireless Communications Antenna Tower (Cell Tower)
Wireless Communication Facility or Antenna
Wireless Telecommunication Services**

Yard

Zoning Administrator

Zoning District

Zoning Map Amendment

Zoning Map, Official

Zoning Permit

Zoning Regulations

SECTION 4000 INTERPRETATION OF TERMS AND WORDS

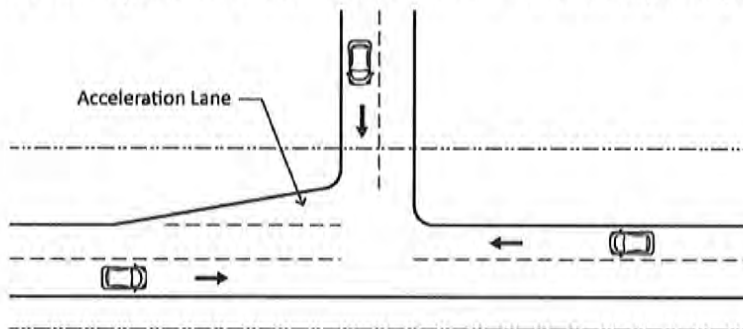
- A. For the purpose of this order, certain terms or words used herein shall be interpreted as follows:
1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
 3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
 4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
 5. The word "lot" includes the words "plot" or "parcel."

AASHTO. American Association of State Highway and Transportation Officials.

Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

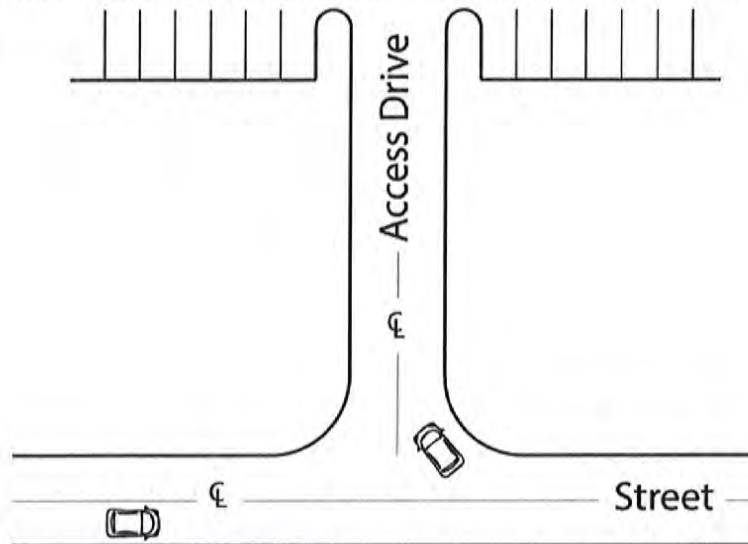
Abutting or Adjoining. Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Acceleration Lane. A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merger with through traffic.





Access. Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.



Accessory Dwelling Unit. An additional dwelling unit within a single family residence, or within a structure accessory to a single family residence, that does not occupy more than thirty five (35) percent of the total floor area of the principle structure. Such a unit is created by partitioning or finishing space within a principle residential structure or structure accessory to the principle residential structure. The principle dwelling unit and accessory dwelling unit together shall not exceed the maximum permitted density for the zone in question. Also refer to the definition of "family" in this article.

Accessory Use or Structure, Customary. A use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. an accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

A customary accessory structure or use is one that: (1) is subordinate to and serves the principal structure or principal use; (2) is subordinate in area, extent, or purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the structure or use served.

Agricultural Use. Per KRS 100.111.(2), "agricultural use" means the use of:

- A. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public.;— For the purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- B. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- C. A tract of at least five (5) contiguous acres used for the following activities involving horses:
 - 1. Riding lessons;
 - 2. Rides;



3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- D. A tract of land used for the following activities involving horses:
1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

Airport. A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.

Alley. (See Street)

Alterations, Structural. A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Park. A permanent facility open to the public on a seasonal or year round basis that includes a combination of recreational and/or entertainment attractions. Attractions at an amusement park consist primarily of mechanized or non-mechanized rides and exhibits for viewing, but may also include attractions such as arcades, vendors offering food or games of chance, and/or live music, theater, or multi-media events.

Apartment Dwelling Unit. A residential structure used for occupancy by three or more families living independently of each other and which contains three or more dwelling units, but not including townhouse dwelling units. Also refer to the definition of "family" in this article.

Approach. The portion of an intersection leg which is used by traffic approaching the intersection.

Arcade. A recreational facility composed of video games. ~~An arcade does not include a sexually-oriented business.~~

Art, Music & Dancing Schools. A facility in which the components of art, music, dancing and theater are taught and displayed. ~~Such a facility is not considered a sexually-oriented business nor an adult theater or nude-model studio.~~

Art Gallery. An establishment engaged in the sale, loan, creation, or display of paintings, sculptures, or other works of art.



Auto Parts and Accessories Store. A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of "automotive repair facility," and that does not conduct wholesaling or warehousing and distribution activities.

Automotive Repair Facility. A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections.

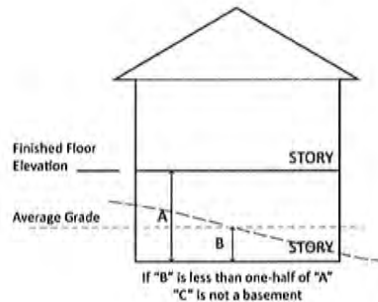
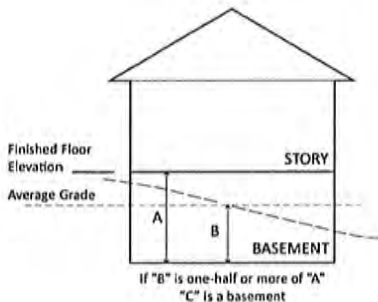
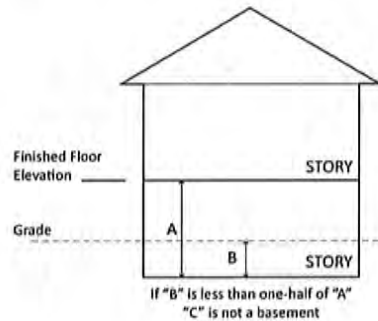
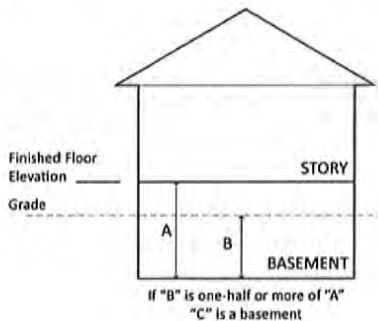
Automotive Sales. The sale or leasing of new and used motor vehicles, displayed, stored, and sold or leased on site excluding repair work except incidental repair.

Automotive Wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to a junk yard.

Average Daily Traffic (ADT). The total bidirectional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.

Band Width. The time in seconds or the percent of cycle between a pair of parallel lines which delineate progressive movement on a time-space diagram. It is a quantitative measurement of through traffic capacity provided by signal progression.

Basement. A story underground having at least one-half of its height below the average level of the adjoining grade.



Bed and Breakfast Inn. An owner operated residential structure(s) where short term lodging rooms and meals are provided for compensation on a small scale, typically in an agricultural or small community setting. The owner-operator must reside on the premises. A bed and breakfast inn shall be limited to a maximum of eight guest rooms or suites on the premises.



Bicycle Lane (Bike Lane). A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Route (Bike Route). A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

Bikeway. Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Board of Adjustment and Zoning Appeals. An appointed board responsible for hearing appeals of determinations made by the zoning administrator and considers requests for variances and conditional use permits as outlined in the zoning regulations.

Body-Art Services. Provision of tattooing and body piercing, as defined in KRS 211.760. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky which may not be performed in a body-art services establishment. (Applies to the City of Florence Only)

Bookstore. A business in which books, magazines and newspapers are sold to the public. ~~A bookstore is not considered a sexually-oriented business nor an adult bookstore.~~

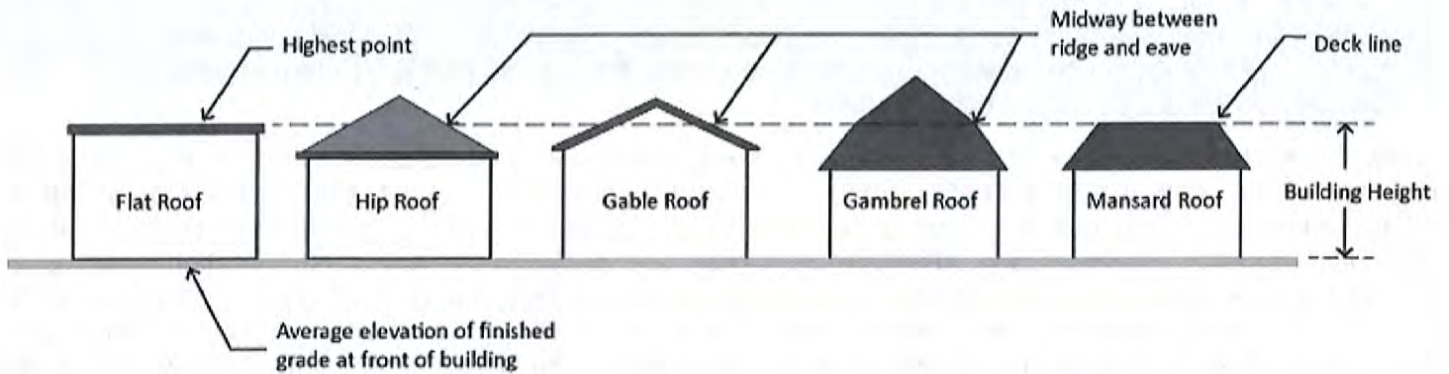
Brewpub. An eating and drinking establishment which includes the accessory functions of a microbrewery or microdistillery.

Buffer Yard. (See Landscape Screen)

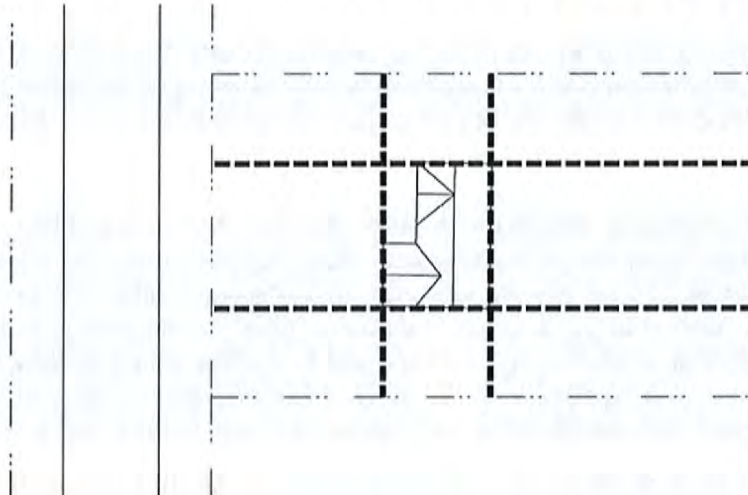
Building. A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building, Accessor. A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.



Building Setback Line. A horizontal distance line which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures as specified in [these regulations](#)~~this order~~.



Business and Trade School. Schools that offer vocational and technical training in a variety of technical subjects and trades and that may lead to job specific certification. Typical uses include beauty schools, business management schools, computer training schools, drive education schools, flight training schools, fine arts and performing arts schools.

Business Association. An organization or company formed to represent business interests, which are permitted in the community.

Business Support Services. Provision of clerical, employment, protective, or minor processing services to firms and businesses rather than individuals. Storage of goods other than samples is prohibited. Typical uses include employment agencies, secretarial services, telephone answering services, and blueprint services.

Capacity. The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section or roadway in one direction during a given time period under prevailing roadway and traffic conditions.



Car Wash. A building, or portion thereof, containing facilities for washing one (1) or more automobiles using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

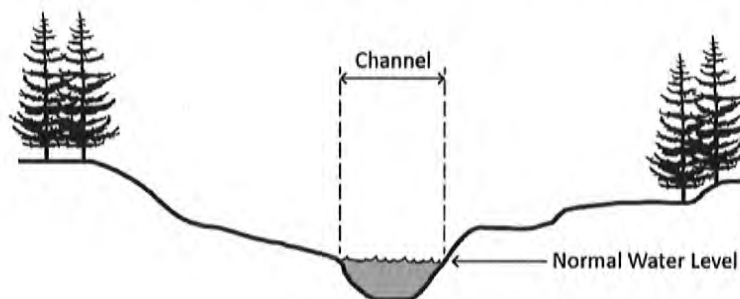
Cellular Antenna Tower. A Cellular Antenna Tower is a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services. Such towers are considered Cellular Telecommunication Facilities (see **ARTICLE 31**). They are designed as any communication pole, spire, structure or combination thereof, greater than 35 feet in height from the base at grade to the top of the structure, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas or dishes, including self-supporting lattice towers, guyed towers or monopole or stealth towers.

Cemetery. A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

Cemetery, Private Family. A burial ground or prehistoric mound consisting of one (1) or more marked or unmarked graves, typically of one or more families, community, or church. It must not: (1) operate for profit, (2) have salaried employees, directors or managers other than maintenance caretakers or (3) offer lots for sale.

~~**Church.** A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this order, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition. A facility which is generally used for purposes other than religious worship services may be classified as a church if religious services are conducted within it in at a frequency and/or intensity greater than other, non-religious assemblies that are permitted in the same district as accessory uses.~~

Channel. A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.



Clinic. A facility the offers care, diagnosis and treatment of sick, or injured persons. A clinic may provide out patient surgical attention but does not include accommodations.

Club. A facility owned or operated by persons for a social, literary, political, educational or recreational purpose for the exclusive use of members and their guests. ~~A club does not include a sexually oriented business.~~



College and University. Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, conservatories, seminaries, and nursing and medical schools not accessory to a hospital.

Commercial Message. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, industry, product, service or other similar activity.

Commercial Parking. Facilities intended or used for the off-street parking of operable motor vehicles on a temporary basis, other than accessory to a principal use.

~~**Commercial Recreation.** A privately owned and operated facility that offers activities related to fitness or recreation. It does not include a sexually oriented business.~~

Commercial Solid Waste. Solid waste generated by and/or resulting from but not limited to the operation of any commercial, industrial, institutional or agricultural establishment.

Commercial Vehicle. Any self-propelled or towed vehicle used to transport passengers or property for compensation in the furtherance of any commercial enterprise.

Comprehensive Plan. A plan, or any portion thereof, adopted by the Planning Commission in accordance with Chapter 100 of the Kentucky Revised Statutes which establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain, as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

Concentrated Animal Feeding Operation. An industrial facility used for the concentrated production of livestock including birthing, raising, housing, feeding, and/or slaughtering, where livestock production is conducted in an intensive, factory style environment versus a farm or pasture environment. A concentrated animal feeding operation is an industrial use per OAG 97-31 and not an agricultural use pursuant to KRS 100.111.

Concept Development Plan. A plan that generally illustrates, depicts, and/or describes a development proposal, in accordance with the requirements stated in ARTICLE 3. A Concept Development Plan is reviewed in conjunction with Zoning Map Amendment requests and other public hearing requests as specified in these regulations~~this order~~. A Concept Development Plan approval shall be binding upon the future development of the real property in question.

Conditional Use. A use which may be suitable, as determined by the Board of Adjustment, in zones herein defined, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed.~~A defined use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Adjustment and Zoning Appeals. A conditional use has some special characteristic inherent to its operation and is subject to special requirements to mitigate negative land use impacts.~~

Conditional Use Permit. Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the Board of Adjustment, consisting of two parts:

~~A permit granted by the Board of Adjustment and Zoning Appeals permitting a defined use, other than a principally permitted use to be established within the zoning district and subject to the special requirements established by the Board.~~



Design Hour Volume. Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24 hour period.

Design Speed. Five to ten miles per hour above the proposed or desired speed limit of the facility under design.

Design Vehicle. Developments intended for public use must be designed for the following types of vehicles:

| | |
|--|-------|
| Residential (excluding single family or duplex) | SU30 |
| Commercial Uses | WB40 |
| Industrial Uses | WB50 |
| For public street, the following design vehicles must be used: | |
| Commercial/Multi-family Locals and Minor Collectors | SU30 |
| Major Collectors | WB40 |
| Arterials | W B50 |

Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.

DHV. Design Hour Volume.

Diameter At Breast Height (dbh). The diameter of a tree trunk as measured at the height of the chest of the individual making the measurement. For the purposes of ~~these regulations~~[this order](#) and the landscaping requirements contained herein, dbh is 4.5 feet from grade. (See ARTICLE 36).

Divided Highway. A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.

Drive-In Facility. A portion of a parking area or a structure such as a canopy where patrons order, are served, and can consume prepared food within their vehicles on the premises. A drive-in facility must be accessory to a permitted eating and drinking establishment.

Drive-Through Facility. A facility, used in conjunction with a permitted use, that is designed or intended to be used to provide for sales or service to patrons who remain in their vehicles (See SECTION 3155).

Drop-off Centers

Drop-off centers. A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

Duplex Dwelling Unit. A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling. Also refer to the definition of "family" in this article.

Dwelling. A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

Dwelling Unit. An area within a dwelling, comprising of one housekeeping unit for occupancy by a family and household employees. A dwelling unit includes facilities such as bathrooms, a kitchen and bedrooms. Also refer to the definition of "family" in this article.



Easement. A legally authorized use for a defined area by a property owner to the public, a corporation, another person, or an entity for a specified purpose.

Eating and Drinking Establishments. A restaurant serving food and/or alcoholic beverages, along with music. ~~Eating and drinking establishments do not include an adult cabaret or any other type of sexually oriented business.~~

Elderly Housing Facility. A residential building or complex with multiple units, suites, or rooms for senior citizens. An elderly housing facility shall primarily consist of independent living units and/or assisted living units, and may secondarily include congregate care, skilled or nursing care, Alzheimer's units, hospice, and/or comparable arrangements. It may include customary accessory services for residents such as dining, recreation and entertainment, beauty and barber services, laundry, chapel, convenience shopping, and routine day-to-day medical care. This definition does not include standard attached or multi-family residential structures, hospitals, nursing homes, or any type of clinic.

Electric Vehicle Charger. Battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Level. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged as follows:

- A. Level One: Considered slow charging with 120v outlets.
- B. Level Two: Considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
- C. Level Three: Considered fast or rapid charging. Voltage is greater than 240v outlets.

Electric Vehicle Charging Station, Private. A parking space that is served by an electric vehicle charger that is privately owned with restricted access to the public (i.e., single family homes, fleet parking, and parking at multi-family residential buildings).

Electric Vehicle Charging Station, Public. A parking space that is served by an electric vehicle charger that is publicly owned and publicly available or privately owned and available to visitors of the site.

Equipment (Light). Equipment, implements, and machinery used for commercial, industrial, construction, small scale excavation, landscaping, and other purposes, which are equal to or smaller in size than a Bobcat style implement such as Bobcat style loaders and mini-excavators, fork lifts, scissor lifts, generators, compressors, power washers, and jack hammers.

Equipment (Heavy). Equipment, implements, and machinery used for commercial, industrial, construction, excavation, landscaping, mining and other purposes which are larger than a Bobcat style implement such as bulldozers, excavators, backhoes, crushers, compactors, cranes, and cherry pickers.

Essential Services. The erection, construction, alteration, or maintenance, by public utility, or governmental agency of underground gas, electrical, steam, water or other distribution systems, collection, communication, supply disposal, or other transmission system. Includes, but is not limited to poles, wires, main drains, sewers, pipes, traffic signals, hydrants, or other similar equipment for the public's health, safety and general welfare.

Family

- A. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; or
- B. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the



premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; or

- C. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirmed and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

Housekeeping unit arrangements under any of the three tiers of "family" as defined above shall not be temporary or seasonal in nature and must have a minimum duration of at least thirty (30) consecutive days.

Day Care, Family

Family Day Care. A home that regularly cares for six or less unrelated (unrelated to the operator) children or adults for the purpose of child care or adult care on a non-residential basis. A family day care facility must be accessory to a residential use.

Farm Implement and Machinery Sales. The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Farmers Mart. An area or facility, which can be either open air, covered with a roof structure that is open at the sides, and/or partially enclosed, at which vendors gather to sell:

- A. Fresh produce.;
- B. Meat and fish items.;
- C. Seasonal plants such as Christmas trees, flowers, and seeds.;
- D. Bakery goods, dairy products, delicatessen and grocery items.;
- E. Related or complementary goods, such as condiments, seasonings, honey, wines, and other beverages, as determined by the Zoning Administrator.

Other goods, such as household and personal items, furniture and furnishings, clothing, crafts, auto parts and accessories, electronics, fireworks, media, novelties, collectibles, and landscape supply including items such as trees, shrubs, fertilizer, and mulch, and other similar items, shall not be offered for sale at a farmers mart. Sales and display for a farmers mart shall occur in designated areas only and shall not occur in parking spaces, any vehicular areas, or landscape areas. (This definition applies to unincorporated Boone County only).

Fence. A structure, other than a building, which is a barrier and used as a boundary, or means of security, confinement, or separation.

Ferry Boat Landing. A landing or port used for the docking of marine craft that are used exclusively to transport people and/or individually owned, personal motor vehicles across the Ohio River. A ferry boat landing shall include parking facilities.

Financial Services. Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, and title services. This definition specifically does not include pawn shops or same day loan (check cashing) establishments.



Fireworks Retail Sales. The sale of consumer or common fireworks classified as Division 1.4G (formerly Class C) explosives by the United States Department of Transportation to the general public in a non-seasonal retail environment in accordance with KRS 227. Customary accessory uses including the storage of inventory for on-site sales are permitted at a non-seasonal fireworks retail sales establishment. Storage, warehousing, or distribution of inventory for multiple store locations, the manufacturing or wholesaling of fireworks, or the sale of display fireworks classified as Division 1.3G (Class B) explosives by the United States Department of Transportation, are not permitted within a fireworks retail sales establishment. Facilities used for fireworks retail sales must be approved by the Boone County Building Department and applicable fire officials. (Ancillary sales under KRS 227.715(2) are not affected by this definition.)

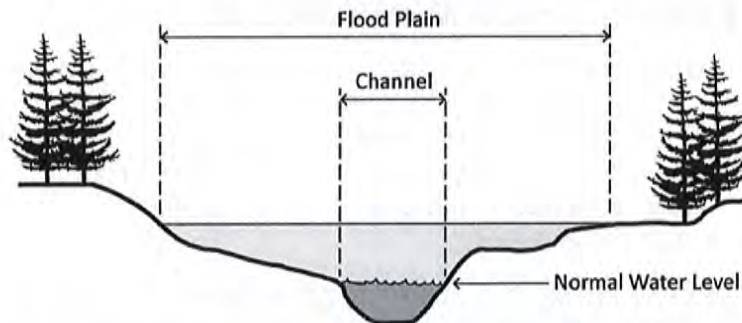
Fire Trucks. Must be considered as a W B40 truck with a minimum of forty-five (45) ft. radius for design purposes.

Flag Lot. (See Lot Types and refer to the BOONE COUNTY SUBDIVISION REGULATIONS for requirements)

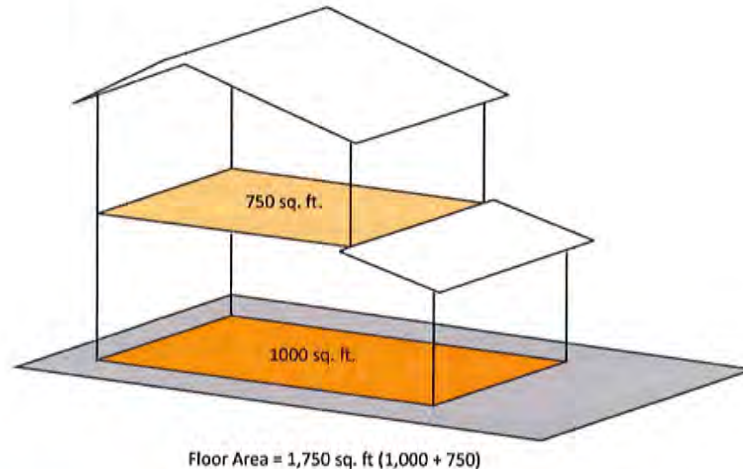
Flea Market. An occasional or periodic market usually held within a building, structure, or in an open area, where individual stalls or spaces are provided on a short term basis for vendors to display, buy, sell, exchange, or deal in new or used goods. Typically, no long-term leases are held between the sellers and flea market operators.

Flight track. Ground projections of the path an aircraft follows as it arrives or departs from an airport.

Flood Plain. A land area susceptible to being inundated by water from any source. Control Regulations in accordance with The Federal Emergency Management Agency defines the land area subject to a base flood as the 100-year flood plain.



Floor Area of a Building. The sum of the gross horizontal area of all enclosed floor levels of a building, including basement floor areas but excluding the area of open roofed structures such as porches, terraces, canopies, and awnings. Also referred as "gross floor area."



Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total land area of the lot.

Flowline. The transition point between the gutter and the face of the curb. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the outside traveled lane.

Food Truck. Establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles, trailers, or nonmotorized carts.

Franchise Style Fast Food Establishment. A restaurant that sells ready made food or readily prepared made to order food (hot or cold), from a typically limited menu, that is typically served in disposable containers or wrappers. A franchise style fast food establishment may include drive-in or drive-through service, although orders are generally not taken at the customer's table. A franchise style fast food establishment is typically characterized by the use of corporate trademarks in the design of on-site signage and by standardized corporate architecture in the design of the building.

Funeral Home. A building, or portion thereof, used primarily for human funeral services. Such building, or portion thereof, may contain space and facilities for embalming, preparation of the dead for burial, casket storage, and undertaking services.

Garages, Private. A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

- A. Not more than one space is rented for parking to persons not resident on the premises.;
- B. No more than one commercial vehicle per dwelling unit is parked or stored.;
- C. The commercial vehicle permitted does not exceed two tones capacity.

Garage, Public. A facility designed and used for the temporary storage of operational automobiles which is open to the public at large and/or which allows vehicle parking for a fee.

Gasoline Filling Station. A facility that primarily offers the retail sale of gasoline and similar fuels or provides electric vehicle chargers for retail use. A gasoline filling station may offer automotive wash services if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations include the following activities that are accessory and incidental to the principal ;operation:



- A. Sale of cold drinks, packaged food, and similar convenience goods.
- B. Sale of road maps, other travel information material and provision of restroom facilities.

General Merchandise. A type of retail operation involving a variety of items sold on-premise. It is also referred to as a department store. ~~Such items do not include a sexually-oriented business.~~

Greenhouse. A building and/or area where horticultural specialties, such as flowers, shrubs, and trees are grown and are intended for sale or transplanting.

Handicapped Person. A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Handicapped person" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under K.R.S. Chapter 218A.

Health Resort or Spa. A vacation or recreation facility which is available to the general public for medical or therapeutic purposes. ~~Such a facility does not include a sexually-oriented business.~~

Heritage Tourism. Businesses that promote the experiences of places, artifacts, and activities that authentically represent the stories and people of the past. Typical uses include the retail sale of gifts, novelties, souvenirs, locally made furniture or crafts, eating and drinking establishments, museums, cultural exhibitions, wildlife habitats, amphitheaters, and entertainment assemblies.

Home Business. A limited business activity that is incidental and secondary to the primary use of the principal dwelling unit, that is at a scale greater than a home occupation, and is conducted in conformance with the home business requirements of these regulations.

Home Occupation. A limited business activity ~~home business~~ that is ~~clearly a~~ incidental and secondary to the primary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order. ~~Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.~~

Homeowners Association. A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c). A tract of at least five (5) contiguous acres used for the following activities involving horses: 1. Riding lessons; 2. Rides; 3. Training; 4. Projects for educational purposes; 5. Boarding and related care; or 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations;



Hospital Complex. One or more buildings, one of which must be a hospital (defined as an institution to provide medical, surgical, or psychiatric care to the sick or injured, including operating room facilities and beds for overnight stay). A hospital complex may also include a chapel, cafeteria or restaurant, medically related heliports, garage and maintenance facilities, physical therapy and employee exercise facilities, employee accommodations, patient/patient family housing, and shops for medical equipment, pharmacy supplies, gifts, books, magazines, toiletries, flowers, candy, or similar items, provided such uses are primarily for the benefit of patients, staff, and visitors, and are located so as not to normally attract other retail customers. A hospital complex may also include, in the same building as the hospital or in other separate buildings, other health care and health care related services, which may include but are not limited to daycare centers, medical, dental, or optical outpatient clinics, related office buildings, and medical research and development facilities.

Hotel or Motel and Apartment Hotel. A facility that offers transient lodging accommodations on a daily, weekly or monthly rate to the general public and provides additional services such as restaurants, conference rooms and recreational facilities. ~~Such a facility does not allow a sexually-oriented business.~~

Hourly Volume. The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.

Household. One or more individuals occupying a single dwelling unit.

Household Agriculture. Agricultural activities of a hobby or non-commercial scale, scope, and nature that are conducted as an accessory use to a dwelling unit, and which are conducted outside of a dwelling unit. Activities pursuant to this definition include the keeping of one or more customary farm animals such as horses, mules, donkeys, cows, bison, lamas, sheep, pigs, goats, rabbits, chinchillas, ostriches, pigeons, chickens and other fowl, as well as beekeeping and aquaculture, and maintaining related structures such as stables, hutches, coops, and hives. Due to the limited scale and scope, household agriculture per this definition does not constitute an agricultural use as defined by KRS 100.111. ~~(This definition applies to the City of Florence only)~~

Household Electronics Sales. The retail sale of consumer electronic goods such as computers and related equipment and devices, televisions, audio and video equipment, digital media players, game consoles, cellular telephones, two way radios, navigation systems, household appliances, cameras and photographic equipment, music supplies, cellular and/or satellite service plans, and media such as computer software, electronic games, compact discs, and digital video discs. It may also include accessory repair services for the types of goods sold on the premises. ~~A household electronic sales establishment is not considered a sexually-oriented business nor an adult video store.~~

~~**Household Pets.** Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. Household pets They are not to be raised or maintained for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but are not limited to, domestic dogs, domestic cats, domestic birds, excluding chickens and other fowl, domestic fish, and domestic rodents. Household pets do not include customary farm animals as described in the definition of household agriculture.~~

Household Pets. Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. Household pets are not raised or maintained for commercial purposes and must be appropriately confined so as to not create a nuisance to adjoining property owners. Household pets include, but are not limited to, domestic dogs, domestic cats, domestic birds excluding chickens and other fowl, domestic fish, and domestic rodents. Household pets do not include customary farm animals as described in the definition of household agriculture, or any other activity described in said definition. ~~(this definition applies to the City of Florence only)~~



Impervious Surface. An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

Industrial Park. A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industry, Heavy. A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and warehousing and distribution of such products, but excluding basic industrial processing.

Infrastructure. The total composition of public, semipublic and private utilities, facilities and service which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health general public administration and revenue.

Institution. A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services.

Intensity. Refer to the definition of "density."

Junk Yards. The storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard.

Kennel. A lot or a facility in which four (4) or more domesticated animals greater than four (4) months of age are maintained for commercial purposes. Commercial purposes include the grooming, breeding, boarding, animal day care, training, raising, and selling of domesticated animals.

LDN. (Level of noise day and night.) The average noise level created by aircraft over a twenty four (24) hour period. Noise level measured in decibels (DBA) logarithmically averaged over a twenty four (24) hour period. (See ARTICLE 14)

Landfill. A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

Landminimum. A single family attached or detached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association. Also refer to the definitions of "single family dwelling unit" and "family" in this article.

Landscape Island. An area that contains plantings or other landscape material and that is surrounded on all sides by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See ARTICLE 36);



Landscape Peninsulas. An area that contains plantings or other landscape material and that is surrounded on two sides if in a corner of a paved area, or three sides in other instances, by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See ARTICLE 36);

Landscape Screen or Buffer Yard. A defined area composed of vegetation and/or structures located between different and/or conflicting types or intensities of land uses or activities. A landscape screen or buffer yard may include a combination of trees, shrubs, earthen berms, landscaping fences, and/or open space qualities. The purpose of a landscape screen or buffer yard is to minimize the potential negative impacts of noise, light, dust, dirt, pollution, and differing visual effects of one use or activity upon another. (See ARTICLE 36 for requirements);

Landscaping. The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons. (See ARTICLE 36 for requirements);

Level of Service (LOS). A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

Legible. A sign or message is "Legible" when it can be understood by a person with an eight grade education (or more). Where these regulations require a determination of "visibility" or "legibility", the standard shall be one (1) inch height, either letter or sign structure whichever is greater, for every twenty-five (25) feet of horizontal distance.

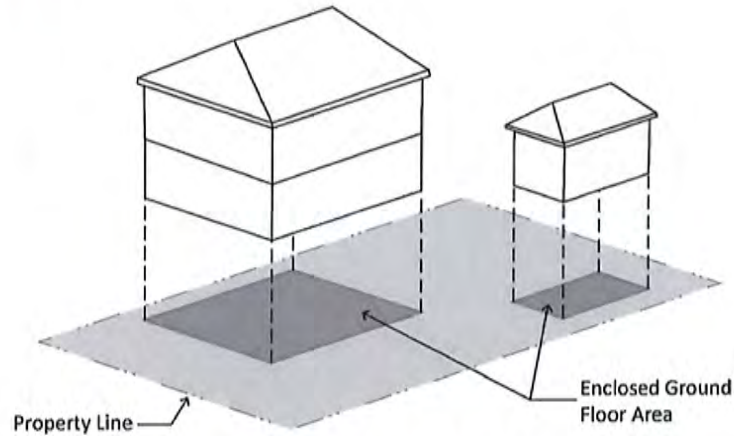
Loading Space, Off-Street. Parking lot area designed and exclusively designated for the purpose of bulk pickups and deliveries. A loading area must be appropriately scaled to delivery vehicles expected to be used and accessible to vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map. (See Vicinity Map)

Lot. A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record.;
- B. A portion of a lot of record.;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records.

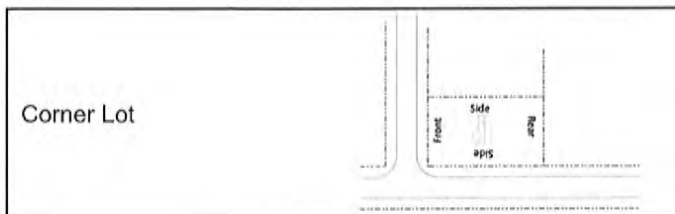
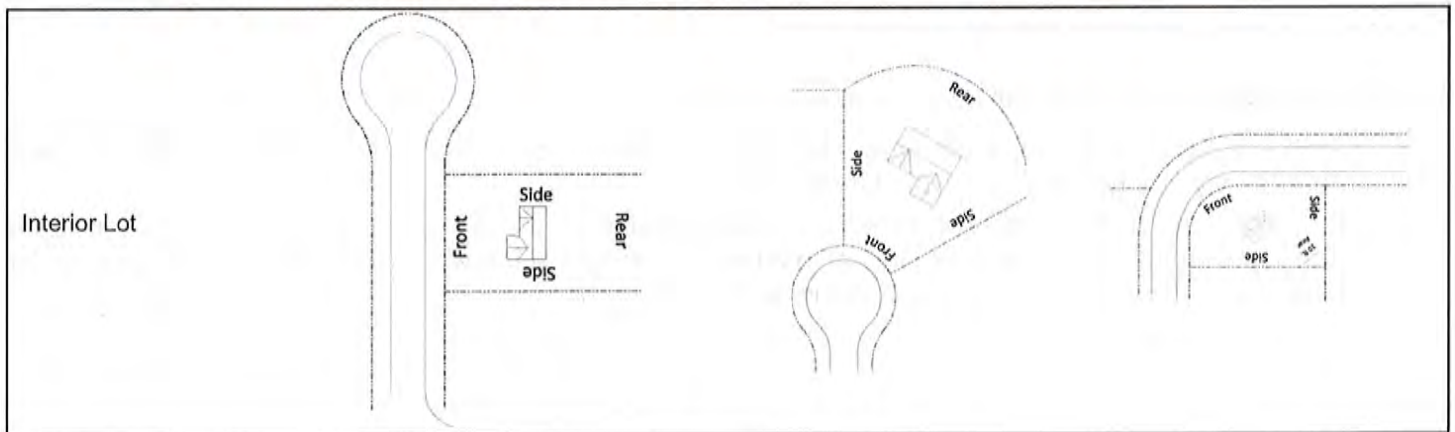
Lot Coverage. The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

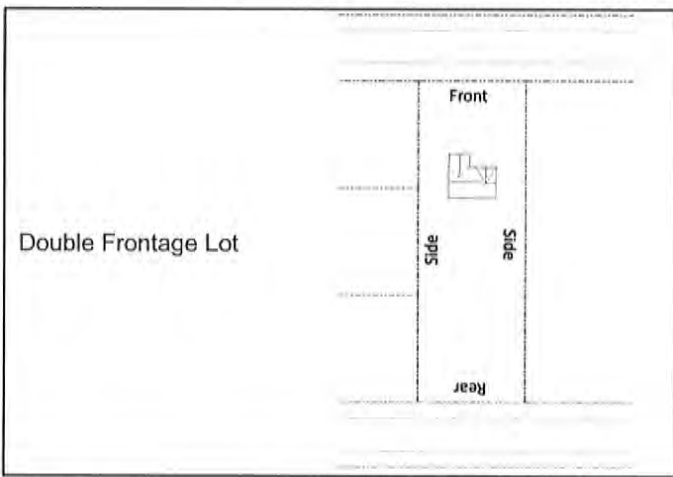
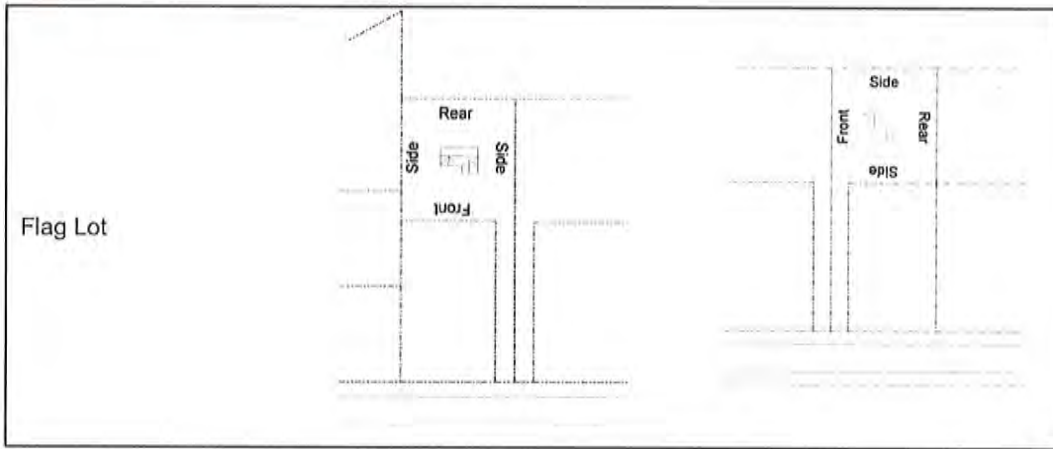


$$\text{Lot Coverage (\%)} = \frac{\text{Total of Enclosed Ground Floor Area}}{\text{Total Lot Area}}$$

Lot Lines

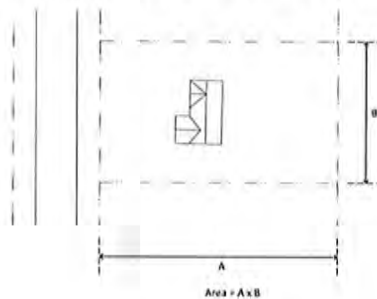
- A. **Front Lot Line:** The boundary line of a lot and a street right-of-way line, or easement in the case of a private street. In the case of a corner lot or double frontage lot, the boundary line and that street right-of-way line, or easement in the case of a private street, toward which the lot is addressed.
- B. **Rear Lot Line:** The boundary line of a lot which is opposite the front lot line of such lot. In the case of a triangular shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to the front lot line.
- C. **Side Lot Line:** Any boundary line of a lot, other than a front lot line or a rear lot line.

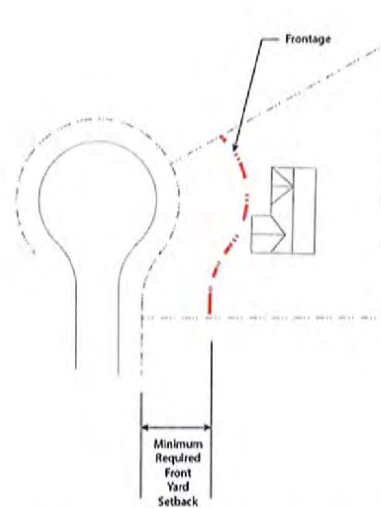
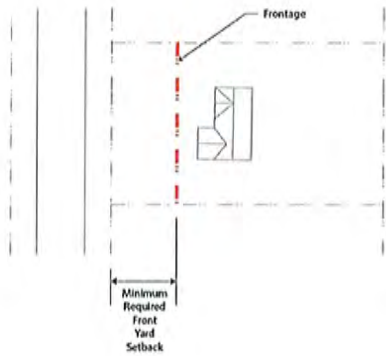




Lot Measurements. A lot shall be measured as follows:

- A. Area: The geometric, horizontal area contained within a lot of record exclusive of any portion of the right-of-way of any public or private street or alley.
- B. Frontage: The distance between the side property lines as measured across the required minimum front yard setback line. Any portion of a lot which adjoins a freeway shall not be construed as lot frontage for the purposes of the requirements of Table 31-1.



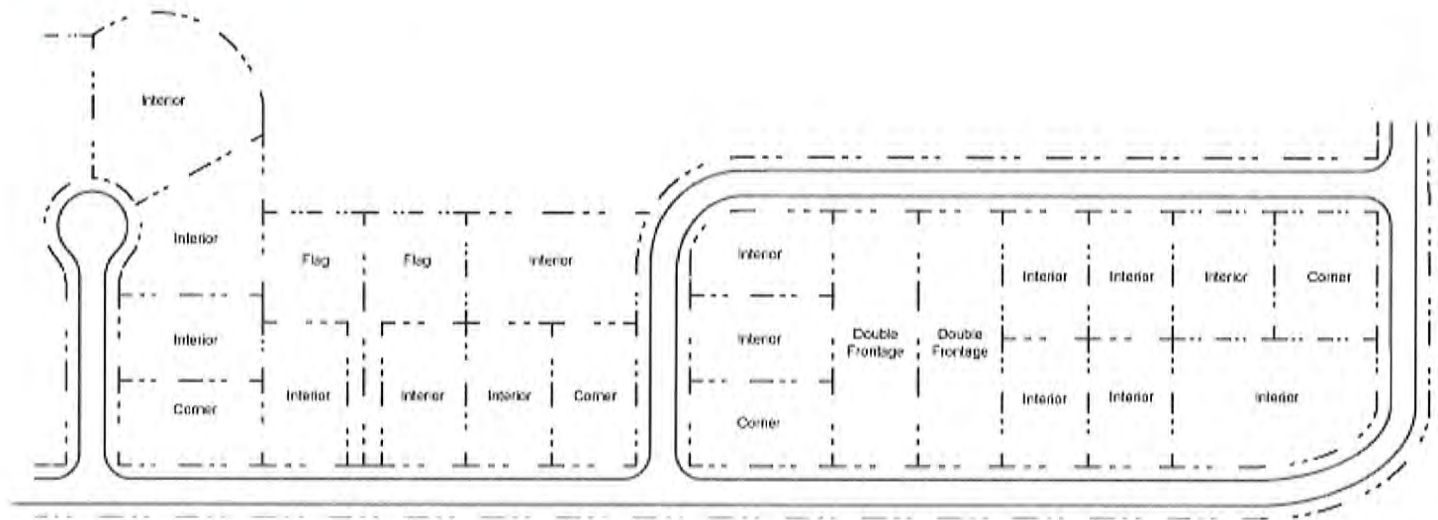


Lot of Record. A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Clerk.

Lot Types

Refer to the BOONE COUNTY SUBDIVISION REGULATIONS.

- A. **Corner Lot:** A lot situated at the intersection of two streets and has frontage on both streets.
- B. **Double Frontage Lot:** A lot having two or more of its non-adjointing property lines abutting upon a street or streets. A corner lot is not a double frontage lot.
- C. **Flag Lot:** An irregularly shaped lot where access is provided from a public street frontage through a narrow, unobstructed strip (or "panhandle") which is part of the building lot, and that may be shared with one adjoining flag lot. The building site within a flag lot does not immediately abut a public street, but is located at the terminus of the access strip described herein.
- D. **Interior Lot:** A lot other than a corner lot, double frontage lot, or flag lot, having only one street frontage



Manufactured Housing. A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and transported to a building site. See Mobile Home and Modular Home.

Marina. A facility designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Massage Parlor or Clinic. A facility in which the practice of massage by any licensed massage therapist, hospital, physician, surgeon, chiropractor or osteopath, nurse or technician working under the supervision of the above or by trainers for athletic or medical purposes. ~~It does not include sexually oriented businesses.~~

Medical, Dental or Optical Clinics. A facility operated by one or more physicians, dentists, optometrists, physical therapists, medical message therapists, chiropractors, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical, dental, or optical clinics may also include laboratories to test patient samples or make medical appliances for patients that are treated on site. This definition includes psychological or counseling practices which provide substance abuse treatment which is secondary to, or in support of, treatment for other primary mental health issues.

Mental Health Facility, Inpatient. A facility where psychiatrists and other medical staff diagnose, treat, counsel and care for people of any age with psychiatric conditions and meals, lodging, and overnight stays occur.

Microbrewery. Any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept. Production of malt beverages is limited to a maximum of 50,000 barrels per year.

Microdistillery. Any place or premises where distilled spirits are manufactured for sale and where production is limited to a maximum of 50,000 barrels per year.



Mobile Home. A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. A mobile home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. A mobile home is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes.

The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles. Mobile homes may be located in the Agriculture (A-1) or Mobile Homes Park (MHP) zoning districts.

Mobile Home or Travel Trailer Sales. The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Mobile Home Park. An area designed and used for the placement of two or more residential mobile homes.

Model Home. A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

Modular Home. A dwelling unit composed of two (2) or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this order, a modular home is considered to be a single family dwelling unit.

Motel. A facility that offers overnight sleeping accommodations primarily for automobile travelers.

Motion Picture Theaters. An indoor facility for the public to view films. ~~Such a facility is not considered a sexually-oriented business nor an adult motion picture theater.~~

Multi-Family Dwelling Unit. A residential building designed arranged, and occupied exclusively by three (3) or more families living independent of each other.

Multi-Modal Transportation. Facilities, or a system of facilities, that accommodates more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, car pooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

Municipal Solid Waste. Residential solid waste and commercial solid waste.

M.U.T.C.D.. Manual on Uniform Traffic Control Devices.

Noise Exposure Map. A map that presents existing and projected aircraft noise contours and identifies the incompatible land uses affected by the noise contours.

Nonconforming Lot. A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

Nonconforming Use or Structure. An activity or a building, sign, fence, structure, or portion thereof, ~~a structure~~ which lawfully existed before the adoption or amendment of these regulations, but ~~at the time of adoption or amendment of the zoning regulations,~~ which does not conform to all of the regulations contained herein, or amendments thereto, which pertain to the zone or district ~~of the zoning district~~ in which it is ~~located~~ situated.



Nursing Home. A facility providing bed care and inpatient services for the elderly or infirm that require regular medical attention. This definition does not include facilities providing surgical or emergency medical services, substance abuse facilities, or mental health facilities.

Office. Professional, governmental, executive, management or administrative offices of private or public entities. Typical uses include government offices, administrative offices, legal offices, technology businesses, and architectural firms.

Office Park. A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Open Space. A land area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Planning Commission deems appropriate. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

Owner. The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of this order, "owner" means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term "owner" may be used interchangeably with terms such as applicant, developer, owner by option, etc.

Parking Space, Off-Street. Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

Patio Home. A detached single family dwelling unit, situated on a typically reduced width lot, with a reduced or no side yard setback on one side of the lot to facilitate better overall use of the lot, and to incorporate some aspects of cluster style developments within Conventional Subdivisions. (See SECTION 3159)-

Pawn Shop. A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if the loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on-premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawn shop pursuant to this definition unless it is of a consignment nature. a pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, nor credit services other than loans where personal property is used for collateral in accordance with the pawn provisions of the Kentucky Revised Statutes.

Personal Service. Typical uses include barber and beauty shops, health clubs, yoga studios, driving schools, martial arts studios, laundry and dry cleaning establishments, and hair, tanning, pet grooming, and personal care services.



Planned Development. A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development's imaginative design shall creatively address architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation. (See ARTICLE 15 and ARTICLE 16)

Planning Commission. Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations.

Planning Commission's Staff. Individuals employed by the Planning Commission or related Boards under direct employment or by a contractual agreement.

Postal Services. A business establishment that offers private post office boxes for rent, and/or that offers drop-off, pick-up, or packing and crating services for the delivery of letters or packages, and that may include the sale of stamps, packaging materials, or other items necessary for the delivery of letters or packages, provided that the use is of a retail nature and not of a distribution, storage, or transfer nature that is more appropriate in an industrial district unless otherwise qualified by the text of a specific zoning district to allow such distribution, storage, or transfer activities.

Post Office, U.S.. A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Preapplication Meeting. Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Planning Commission. The preapplication meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

Principal Use or Structure. The principal use or structure located on a lot as distinguished from an accessory use. The principal use or structure is the predominant purpose for which a lot is occupied or used.

Project Review Committee. The Committee responsible for the technical evaluation of site plan applications required under ~~these regulations~~this order. Membership may include, but is not limited to, a representative(s) from the Planning Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief's Association, and the Boone County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Planning Commission.

Public Assembly Spaces. A facility open to the public for the purpose of meetings or public events. Examples include, but are not limited to, auditoriums, exhibition halls, churches, schools and convention centers.

Public Way. A publicly dedicated area in which a public entity or the general public have the legal right-of-passage regardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path.

Radio and TV Station. Commercial and public communications uses including telephone exchange stations and radio and television broadcasting and receiving stations and studios.



Reception Hall. A facility that is rented or hired for short term, public or private events of an assembly nature such as wedding receptions, reunions, banquets, conferences, and business meetings. A reception hall may serve food and alcoholic beverages.

Recreation, Active. Recreational activities or facilities involving moderate to high intensity use requiring modification of natural landforms and the provision of service facilities, playing fields or equipment. These activities typically include sports fields, surface courts, volleyball courts, batting cages, swimming pools, golf courses and country clubs, skateboard facilities, skating rinks, and outdoor lighting.

Recreation, Commercial. Any recreational activity or facility in which a fee is collected or tickets are sold.

Recreation, Non-Commercial. Any recreational activity or facility that is available to no cost, or is available as an amenity for members, employees, residents, or other special populations.

Recreation, Passive. Recreational activities or facilities that do not require strenuous physical effort and may occur in a natural setting requiring minimal development, minimal alteration of vegetation and providing area for informal activities. These activities typically include walking, hiking, bird watching, photography, and picnicking.

Recreation Center. An indoor facility designed for recreation uses as allowed in these regulations. ~~Such a facility does not include a sexually-oriented business.~~

Recreational Vehicle. A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes, camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article.

Recycling Center. A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant inert recoverable resources such as newspapers, cardboard, glass, plastics, and metals.

Recycling Collection Container. A dumpster style container used for the collection of inert recyclable materials such as newspapers, cardboard, glass, plastics, or metals, or reuseable materials such as clothing and small household goods, in accordance with SECTION 3157.

Recycling Plant. A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

Religious Assembly. Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches. Such facilities may secondarily provide social or community services such as counseling, child care, senior services, and educational programs.

Research and Development Facilities. An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or laboratories conducting educational or medical research or testing.

Residential Care Facility. A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.



Residential Care Facility For Handicapped Persons. Any sponsoring private or governmental agency shall be permitted to operate a residential care facility in any residential district, zone or subdivision subject only to compliance with the same limitations upon area, height, yard, screening, parking, number of dwelling units, and number of occupants per dwelling unit as apply to other residences in the district, zone or subdivision. For purposes of determining the number of occupants in a residential care facility, or in any of the dwelling units which comprise the facility, employees of the sponsoring agency providing services to persons with disabilities shall be counted only if their permanent residence is maintained at the facility. No conditional use permit not otherwise required for other residences within a zone or land use category shall be required for the operation of a residential care facility.

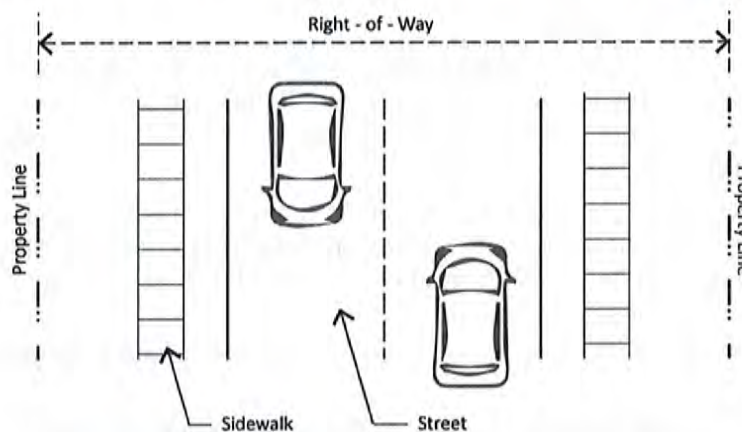
Residential Solid Waste. Solid waste generated by and/or resulting from but not limited to the maintenance and operation of dwelling units.

Residential Storage Warehouse. An establishment offering individual storage units for rent or lease, predominantly for: (1) individuals to store personal effects; and (2) businesses to store business records, materials, or inventory. In no case may individual units function as an independent retail, wholesale, business, or service use. Individual units may not be used for workshops, hobby shops, manufacturing, dwellings, or similar uses.

Restaurant. A facility in which food is prepared and served to the public.

Retail. A use engaged in the sale of merchandise, and services incidental and directly related to such sales of merchandise, directly to the end purchaser or end user, and where sales to the general public are not restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

Right-of-Way. An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.



Roadside Stand. A temporary structure designed or used for the display or sale of agricultural and related products.

Safety Services. Public safety services that provide fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and public and private ambulance services.



Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition includes but is not limited to what are commonly referred as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Schools. Public and private schools at the primary, elementary, junior high, or high school level that provides state mandated basic education.

Sexually Oriented Business. A Sexually Oriented Business is an adult arcade, ~~defined as~~ an adult bookstore ~~or adult video store~~, an adult cabaret, an adult motion picture theater, ~~semi-nude model studio~~ or a sexual device shop ~~sex paraphernalia store~~. Below are additional definitions:

Adult Arcade is a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than one hundred (100) square feet, wherein image-producing devices are regularly maintained to show images characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas".

Adult Bookstore ~~or Adult Video Store~~ is a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- A. At least **thirty-five percent (35%)** of the establishment's displayed merchandise ~~which~~ consists of said items, or
- B. ~~At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or~~
- C. At least **thirty-five percent (35%)** of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
- D. The establishment maintains at least **thirty-five percent (35%)** of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items), or
- E. The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items), or
- F. The establishment regularly offers for sale or rental at least **five hundred (500) ~~two thousand (2,000)~~** of said items, or
- G. ~~The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified "anatomical areas."~~
- H. The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to adult sexual interests.



Adult Cabaret is a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, that regularly offers features live semi-nude conduct—characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering nude conduct or featuring nudity.

Adult Motion Picture Theater is a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are one hundred (100) square feet or larger wherein films or videos where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than 5 persons for any form of consideration.

Characterized by means describing the essential character or quality of an item. As applied in this set of zoning regulations, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC – 17 or R by the Motion Picture Association of America.

Feature means to give special prominence to.

Floor Space means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Nudity or Nude Conduct

Nudity is defined as the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. For purposes of this definition, a "fully opaque covering" must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Regional Shopping Mall (Enclosed) means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large "anchor" stores, such as department stores. The common walkway or "mall" is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Semi-Nude or Semi-Nudity is defined as the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks, with less than a fully opaque covering. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. For purposes of this definition, a "fully opaque covering" must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).

Semi-Nude Model Studio is a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation; or
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and



2. ~~Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.~~

Sexual Device is any 3 dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, ~~nipple female breast~~, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual Device Shop is a commercial establishment:

- A. where more than one hundred (100) sexual devices are regularly made available for sale or rental; or
- B. where sexual devices are regularly made available for sale or rental and the establishment regularly gives special prominence to sexual devices (e.g., by using lighted display cases for sexual devices, having a room or discrete area of the establishment significantly devoted to sexual devices, positioning sexual devices near cash registers or similar points of sale, hosting events focused on sexual devices, or holding itself out to the public as a place that focuses on sexual devices).

This definition shall not be construed to include an establishment located within an enclosed regional shopping mall, an establishment containing a pharmacy that employs a licensed pharmacist to fill prescriptions on the premises, or an establishment that is enrolled in Medicare as a durable medical equipment, prosthetics, and supplies (DEMPOS) supplier.

~~**Sex Paraphernalia Store** is a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:~~

- A. ~~pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or health care products or services, or~~
- B. ~~any establishment located within an enclosed regional shopping mall.~~

Specified Anatomical Areas means and includes: (a) less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity(ies) means any of the following: (a) intercourse, oral copulation, masturbation or sodomy; or (b) excretory functions as a part of or in connection with any of the activities described in (a) above.

Viewing Room means the room or booth where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

Sewers, Central or Group. A central sewage treatment facility for a single development, community, or region with an accompanying a collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate health and sanitation officials.

Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Must be designed to properly provide for the safe disposal of the generated raw sewage. Subject to approval by the appropriate health and sanitation officials.

Shelter, Emergency



Shelter, Temporary or Emergency. A facility that provides temporary lodging during times of life-threatening weather conditions or disasters for indigent individuals and/or families with no regular home or residential address or for those temporarily dislocated by disasters.

Shopping Center. A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

Short Term Rental. The rental of a residential dwelling unit, or a portion thereof, for a period of less than thirty (30) days. This term does not include:

- A. A unit that is used for nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
- B. A bed and breakfast.
- C. A hotel/residence hotel.

(This definition applies to Unincorporated Boone County and the City of Florence only)

Sidewalk. A portion of the road right-of-way outside the roadway, or a pathway on private property, which is improved for pedestrian traffic.

Sidewalk Sale. An outdoor sale of items by a retail establishment on a sidewalk adjoining the building, not including public sidewalks within public rights-of-way. Such sales can only be conducted by an establishment which regularly conducts business on the same premises where the articles or goods are displayed for sale. The merchandise permitted to be displayed in a sidewalk sale is limited to items which can be carried away by one person without assistance, and such displays shall not impede or hinder pedestrian circulation. ~~(refer to Section 3550).~~

Sight Distance. The length of roadway ahead visible to the driver. The minimum sight distance available should sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Sign. A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

The following represents terminology associated with signs: Any device, fixture, placard or structure, including its component parts, which by display of a visual image, words, letters, figures, designs, symbols, colors, illumination, or projected images, draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person.

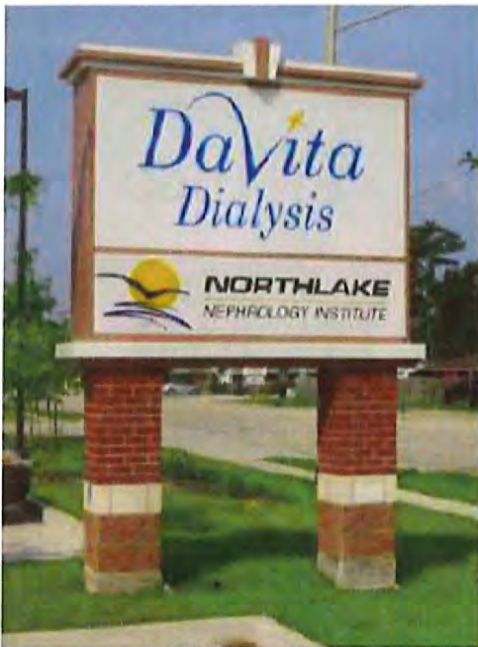
Sign, A-Frame. A free standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame or sandwich board signs shall not include trailer signs with or without wheels affixed.



Sign, Abandoned. A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted or for which no legal owner can be found. A sign shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding one hundred eighty (180) days. For the purpose of this definition, an advertising sign shall not be deemed abandoned solely because the sign has contained no copy for a period exceeding one hundred eighty (180) days.



Sign, Architectural Freestanding: A freestanding sign which does not have a bare, exposed, and unadorned pole structure(s), but rather uses: a cover or skirting around the pole structure(s), or; a structure constructed of materials, colors, and design details which match or correlate to the principal building on the site, or; the pole structure(s) is designed to have sculptural or artistic characteristics. ~~A monument style sign may be substituted as the permitted freestanding sign on parcels where a architectural freestanding sign is permitted.~~



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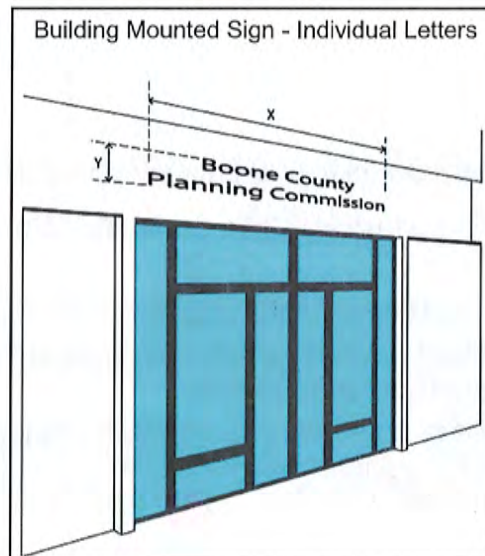


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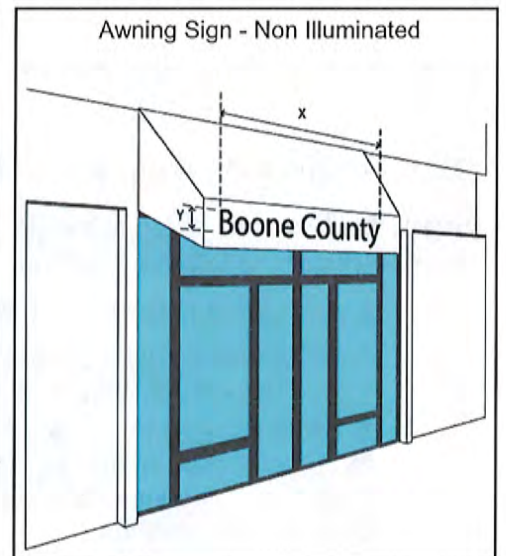
Sign, Area. The surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.



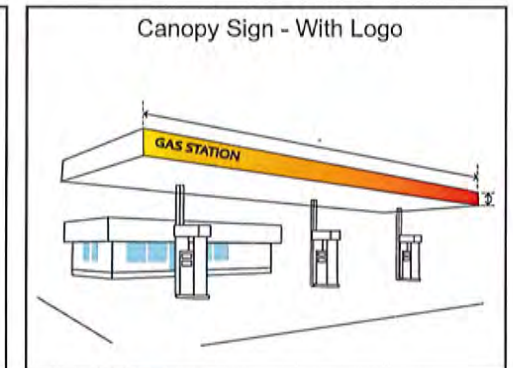
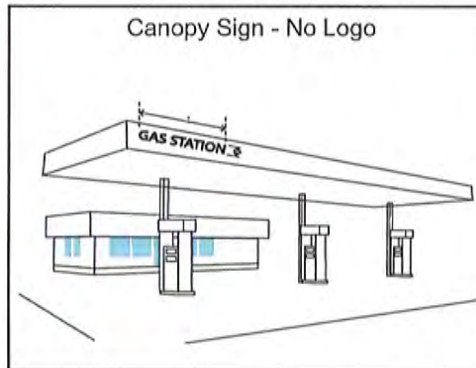
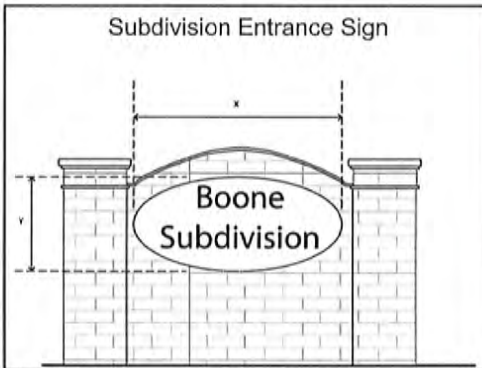
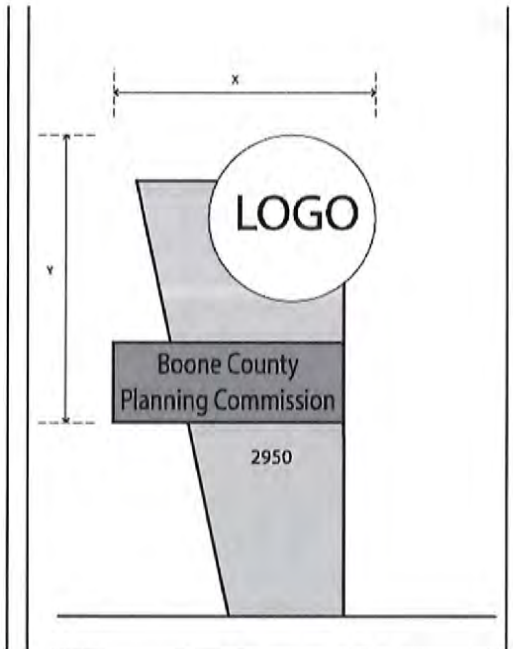
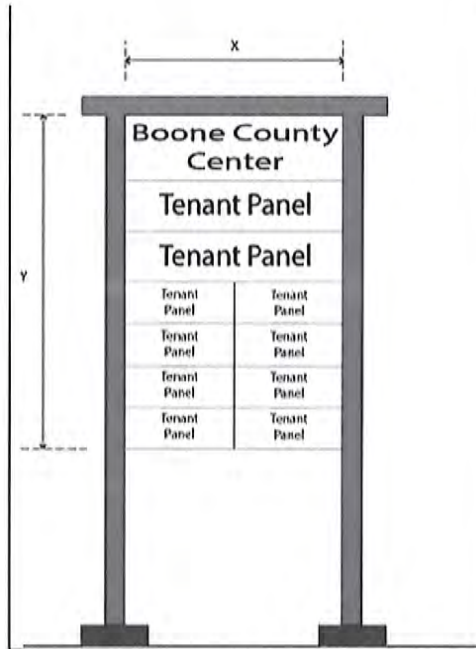
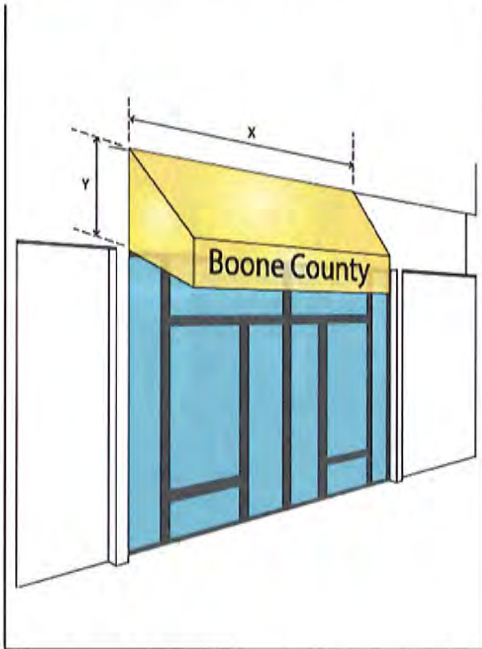
Awning Sign - Illuminated



Freestanding Sign



Monument Sign



Area = X x Y

Sign, Animated. A sign which uses movement or change of lighting to simulate action or motion.

Sign, Billboard. A sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

- A. A permanent structure sign which is used for the display of off-site commercial messages; or
- B. A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- C. An outdoor sign used as advertising for hire, i.e., on which display is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.



Sign, Building Mounted Wall:— A sign which is attached to an exterior wall of a building having a display area which is parallel to that wall.



Sign, Canopy. A sign painted, printed or attached flat against a surface of a canopy.



Sign, Changeable Copy, Automatic. A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged through the use of electronic or electro-mechanical technology.



Sign, Changeable Copy, Manual. A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged by a human being removing or rearranging characters, letters, or illustrations.



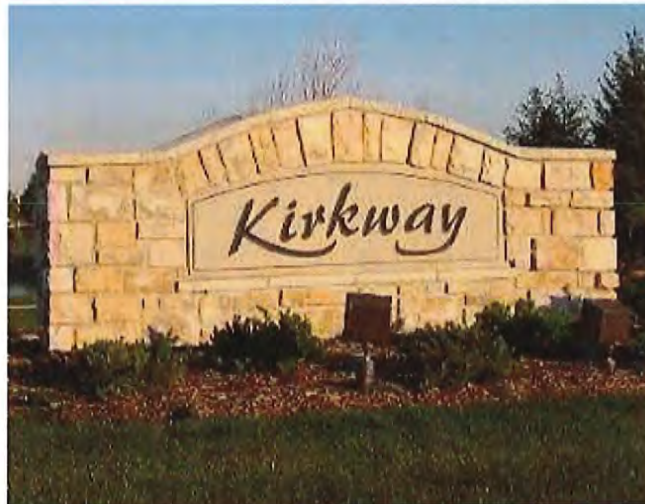
Sign, Directional: A low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists.



A non-commercial sign of an instructional nature, such as "parking", "exit", or "entrance", displayed solely for the convenience of the public, having no more than twenty-five percent (25%) of such sign area being devoted to the name or logo of the property, business, or profession on the site and containing no business advertising or product trade name identification or listing of any product sold or offered on the premises.

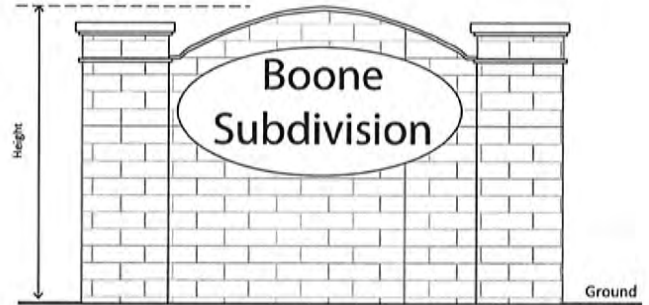
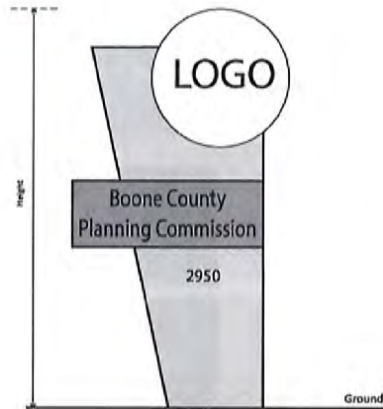
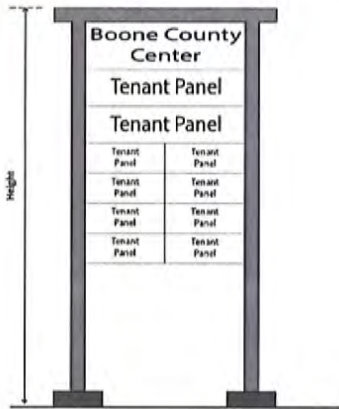


Sign, Entrance Monument: A monument sign that is located near an entrance of a shopping center, mixed use commercial development, planned development, or residential or commercial subdivision which identifies an overall development.



Sign, Free Standing. ~~Sign, Free Standing:~~ A sign which is attached to a self-supporting structure that is placed on, or anchored in, the ground and that is independent of any building.

Sign, Height. The vertical distance measured from the highest point of the sign, including the frame and any embellishments, and the established grade where the sign is located.



Sign, Illuminated

÷ A sign which emits or reflects, either directly or indirectly, illuminated by electricity, gas, or other artificial light from any source including reflecting or phosphorescent light.

Sign, Lighting Device: A light, string of lights, or groups of lights located or arranged so as to cause illumination on a sign.

Sign, Menu Board. A free standing or building mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders in conjunction with a drive-through service, having no more than twenty-five percent (25%) of such sign area devoted to the name or logo of the property, business or profession on the site.



Sign, Monument Style: A freestanding sign with a base width of at least eighty percent (80%) of the width of the longest part of the sign cabinet or sign face that is composed of a solid structure between finished grade and the top of the sign.



Sign, Nameplate. A building mounted sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.



Sign, Off-Premises: A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located—advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.

Sign, On-Premises: A sign related to a business or professional conducted, or a commodity or service sold or offered upon the premises where such sign is located and serves as an accessory use to a principal use on the site where such sign is located.

Sign, Portable: Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, including such signs originally designed to be transported by means of wheels but have had the wheels removed (regardless of whether they are mounted to a pole, building, or other permanent or temporary structure), and signs attached to or painted on parked vehicles that are visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.



Sign, Projecting— A sign which projects from the exterior of a building or canopy, having a display area which is other than parallel to the face of the building or canopy, and which extends beyond the building wall or canopy more than eighteen (18) inches.



Sign, Roof. A sign erected, constructed, or painted, wholly or in part, upon, against, or above the roof of a building. For purposes of these regulations, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.



Sign, Temporary. Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, including but not limited to, banners, pennants, flags, balloons, and twirling signs, and/or intended to be displayed for a limited period of time only.

Sign, Tenant Panel. A portion of a free standing sign that lists or advertises an individual tenant that occupies the site.



Sign, Window. A sign which is painted on, or applied or attached to, the interior or exterior of a window or located within three (3) feet of the interior of a window, and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.



Signal Progression. Progressive movement of traffic at a planned rate of speed through adjacent signalized locations within a traffic control system without stopping.

Single Family Dwelling Unit. A residential building or structure designed, constructed and occupied by persons living as one housekeeping unit using one kitchen facility. A single family dwelling unit does include a residential care facility for handicapped persons as previously defined and stated in K.R.S. 100.982 and K.R.S. 100.984. Also refer to the definition of "family" in this article.

Site Plan. A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provision of all required improvements, and the interrelationship of the various site plan components. (See ARTICLE 30).



Small Cellular Pole. A Small Cellular Pole is considered to be a Cellular Telecommunication Facility (see ARTICLE 31). It consists of a single or multiple communication antenna(s) located on a utility pole or other approved structure 35 feet or less in height measured from the base at grade to the top of the pole. It is used to support existing cellular communication networks intended for receiving and transmitting wireless electronic communication including but not limited to wireless data transmission. An antenna or similar type structure six feet or less in height can be installed on a pole and it does not need to meet the 35 feet pole height requirement. Unlike a Cellular Antenna Tower, a Small Cellular Pole transmits a wireless signal to and from a defined area. It uses lower power and provides coverage to a significantly smaller area. A new Small Cellular Pole is constructed for the sole purpose of expanding wireless communication capacity and co-locations on existing utility or city/county owned poles are both subject to the requirements in these regulations.

Solar Panel. An assembly of photovoltaic cells mounted in a framework for installation, that converts energy from sunlight directly to electricity. Solar panels are classified as follows:

- A. Those that are attached to a building shall be treated as part of that building.
- B. Those that are not attached to a building shall be treated as a customary accessory structure.

Solid Waste. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material generated by and/or resulting from, but not limited to, Industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operation, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

Solid Waste Transfer Station. A building where municipal solid waste and/or demolition and construction waste is received, unloaded, potentially compacted, and loaded into vehicles for transport to another site for processing or final disposal. A solid waste transfer station shall not accept, handle, or transfer hazardous waste. A solid waste transfer station shall be open for use by both industry customers and the general public.

Specialized Amusement Facility. An establishment that offers one or more separate, single purpose, recreational attractions such as skateboard parks; bungee, bicycle, or ski jumping; hang gliding; etc, but that does not include live entertainment such as live music performances, theater, or multi-media events.

Speed Change Lane. A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.

Stopping Sight Distance. The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop, to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.

Storage Lane. Additional land footage added to a deceleration lane to store the maximum number or vehicles likely to accumulate during a critical period without interfering with the through lanes.

Story. The portion of a building between the surface of a floor and the ceiling immediately above.

Structure. Anything constructed or made erected, the use of which requires permanent location in or on the ground, or attachment to something having a permanent fixed location in or on the ground, including buildings and signs. ~~Among other things, structures include buildings, mobile homes, walls, fences, satellite dishes and billboards.~~

Street. The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows: a public or private thoroughfare used, or intended to be used, for vehicular traffic.



Street Types. Refer to the BOONE COUNTY SUBDIVISION REGULATIONS and ARTICLE 32 of these regulations.

Studio. A facility used for the production of arts and crafts or a type of dwelling unit.

Subdivision. Refer to the BOONE COUNTY SUBDIVISION REGULATIONS.

Substance Abuse Treatment Facility, Inpatient. A facility used for the treatment of alcohol or other drug abuse where one or more patients are provided with meals, and lodging for overnight stays and care.

Substance Abuse Treatment Facility, Outpatient. A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided and overnight stays do not occur.

Swimming Pool. A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager:

- A. Private or Resident: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
- B. Community: Operated with a charge for admission; a primary use.

Temporary Storage Trailer. A portable, weather-resistant receptacle designed and used for the storage or shipment of merchandise, and which is delivered and/or removed by truck or trailer. The length of the trailer shall not exceed 53 feet.

Towing and Impound Lot. Establishments that tow or impound motor vehicles. These establishments may provide storage or impound lots. This definition specifically does not include junkyards or wrecking.

Townhouse Dwelling Unit. A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached). Also refer to the definitions of "single family dwelling unit" and "family" in this article.

Trailer. Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm implements. Such wheeled vehicle may also be considered to be a recreational vehicle pursuant to the definition in this article.

Transitional Housing Facility. A community based residential facility that provides room, board, and counseling or other rehabilitative services for persons with medical and/or social disorders or problems, such as physical or mental disabilities, homelessness, income disparities, drug or alcohol abuse, or behavioral disorders. The purpose of a transitional housing facility is to integrate or transition the residents into mainstream society.

Trips. Generate trips referred to in this ordinance are one-way trip ends and not two-way round trips.

Truck Repair. A business establishment that repairs, rebuilds, reconditions, or services trucks, trailers, mobile homes, or recreational vehicles, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, electrical or air conditioning systems, upholstery, or glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicle inspections.

Truck Sales. A facility offering the sale or rental of trucks, trailers, or recreational vehicles. This use does not include the servicing or maintenance of such vehicles.



Truck Stop. A facility designed to provide services to the trucking industry including but not limited to dispensing of fuel, restaurants, showers, and associated retail sales. The permitted uses do not include truck repair, washes, or the sale of vehicles unless such activities are expressly listed as a permitted use for the district in question, and a conditional use permit must be obtained for any activity to be conducted at a truck stop that is listed as a conditional use for the district in question.

Truck Wash. A building, or portion thereof, containing facilities for washing one (1) or more trucks, trailers, mobile homes, or recreational vehicles using production line methods such as chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial cleaning of such vehicles, whether by operator or by customer.

Use. The specific purposes for which land and/or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Utilities. The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare. This definition includes services and utilities that have the potential for substantial land impacts on surrounding areas. Typical uses include, but are not limited to, water and waste water treatment facilities, water storage facilities, and transit stations.

Utility Pole. A structure originally constructed for the support of electrical, telephone, cable television, broadband or other video services, street lighting, or other similar cable and is located within the public right of way or a utility easement. A pole originally installed for the primary purpose of supporting wireless telecommunication equipment, regardless of the timeframe between pole installation and transmission equipment operation, is considered a Small Cellular Pole.

Variance. ~~A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of these regulations~~ is the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Vehicular Use Area (VUA). All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUAs are used to determine certain landscaping requirements as specified in ARTICLE 36.

Veterinary Animal Hospital or Clinic. A facility that offers care, diagnosis, and treatment of sick, or injured animals. May include overnight accommodations on site for the treatment, observation and/or recuperation of animals. May include boarding facilities that are incidental and subordinate to the principal activity.

Vicinity Map. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.



Video Store. A business which primarily rents and/or sells video media such as digital video discs and electronic games to the public, and which may secondarily sell and/or rent related equipment such as DVD players and game consoles. ~~A video store is not considered a sexually-oriented business nor an adult video store.~~

Warehousing and Distribution. A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

Welfare and Charitable Services. An office use with a social service orientation that may also provide client services such as rehabilitation, personal development, counseling, outreach programs, or distribution of material goods for daily living needs. For the purposes of ~~these regulations~~**this order**, welfare and charitable services does not include residential based or in-patient programs.

Wholesaling. A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Wireless Communications. Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may be developed in the future.

The following represents terminology associated with Wireless Communications:

Antennas or related equipment: Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

Cellular Communication Services: Personal Wireless Service accessed by mean of cellular equipment and services, which uses radio signals transmitted through cell sites and mobile switching stations.

Co-Location: Locating two (2) or more transmission antennas or related equipment on the same wireless antenna tower.

Equipment Facility: Any structure used to contain ancillary equipment for a wireless antenna tower which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Height: The distance measured from ground level to the highest point on the antenna tower including the Antenna Array.

Lattice Tower: A tower consisting of a webbed network of support structures.

Monopole: A tower consisting of one solid support structure from base to antenna.

Personal Communication Service: As defined in 47 U.S.C. section 332(c).

Stealth Tower: A tower that is built to resemble a flag pole, tree, church spire, etc. while blending in with the surroundings.

Support Structure: A structure designed and constructed specifically to support an antenna and may include a monopole, self supporting (lattice), guy-wire-support tower and other similar structures.

Telecommunication Facility: The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.



Uniform Application: An application to construct an antenna tower submitted to a Planning Commission in conformity with Sections 3 and 5 of HB 270.

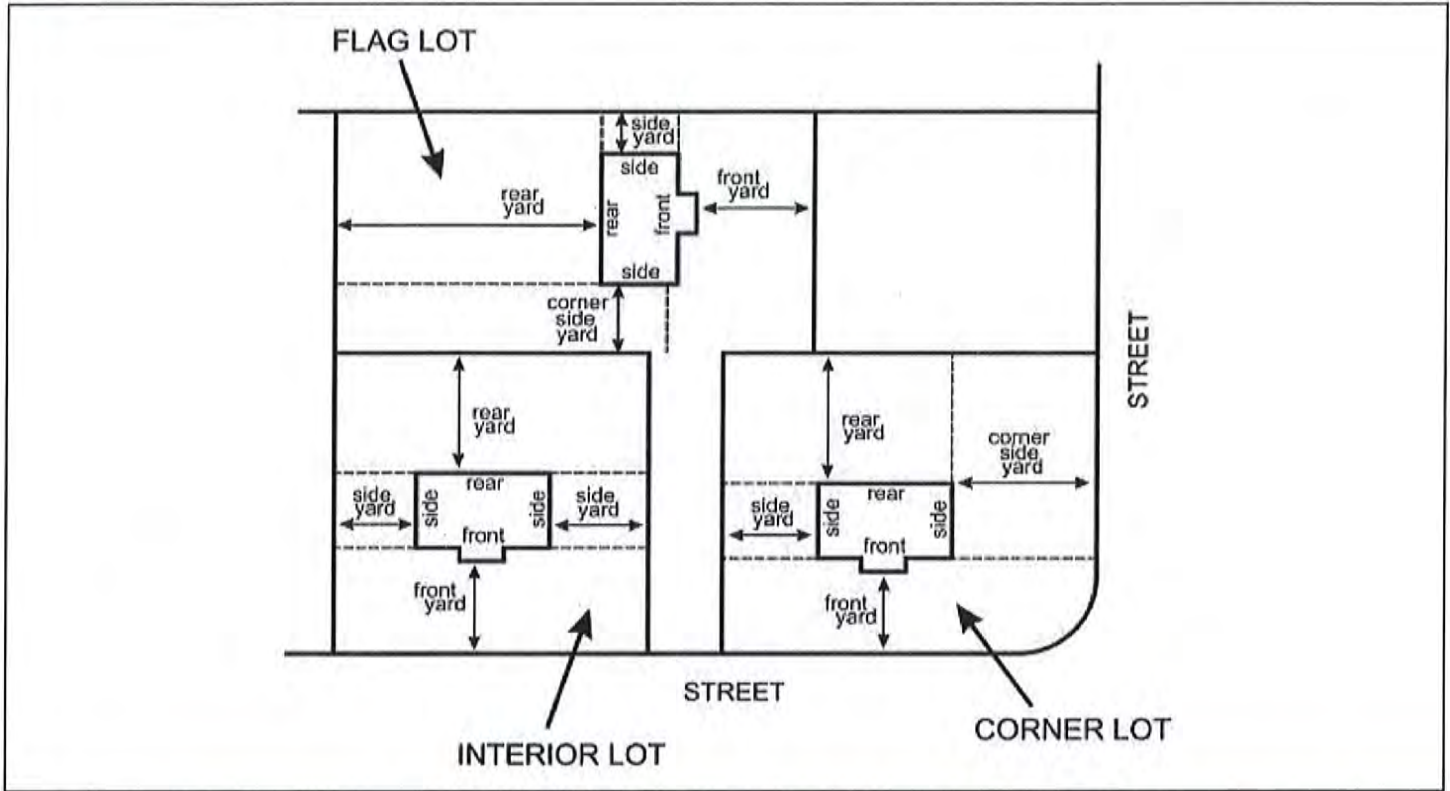
Utility: As defined in KRS 278.010(3).

Wireless Communications Antenna Tower (Cell Tower): Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 20 feet constructed on top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

Wireless Communication Facility or Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television of AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, data transmission. Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

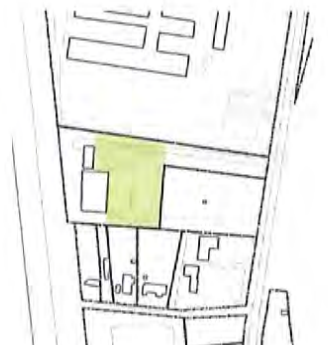
Wireless Telecommunication Services: A retail telecommunications service that uses radio signals transmitted through wireless sites and mobile switching stations.

Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.



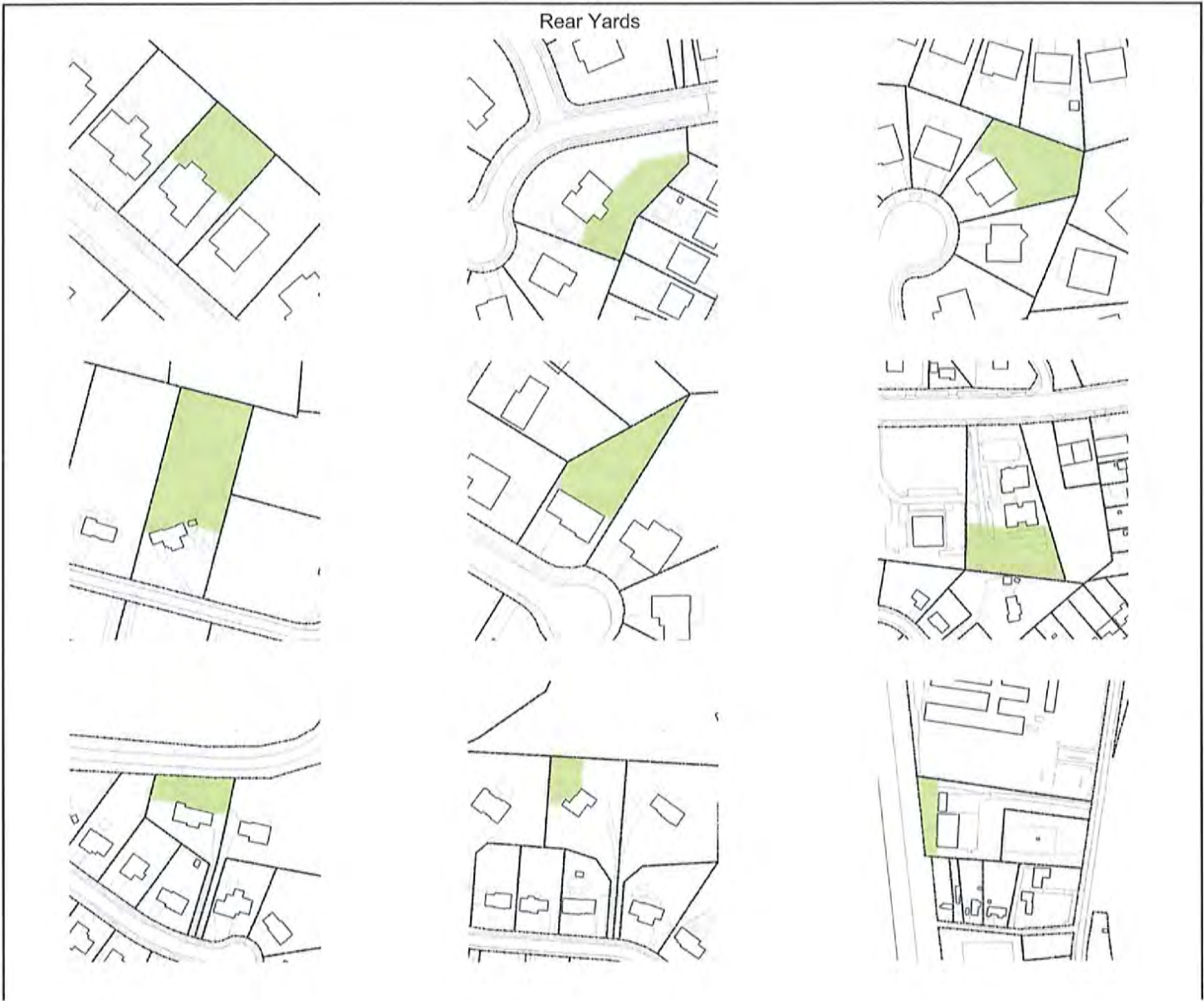
- A. Yard, Corner Side: A corner side yard is a side yard which adjoins a street or road and which extends between the side of the principal building to the right-of-way line(s) at the side of the lot, and between the front building line and the rear lot line(s).
- B. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line(s), or edge of the road easement for lots along private roads within easements, to the front of the principal building. For flag lots, the front yard is the yard area between the front of the structure and the property line(s) of the neighboring lot, however, for measurement purposes, this area shall meet the corner side yard setback requirement the area between the rear lot line of the adjoining lot that is between the flag lot in question and the street shall meet the minimum corner side yard setback if this area is a side yard based on the building orientation.
- C. Yard, Rear: A yard extending between side lot lines, or between a side lot line and corner side yard if applicable, across the rear of a lot and from the rear lot line(s) to the rear of the principal building.
- D. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. A "corner side yard" is a side yard which adjoins a street or road and which extends between the side of the principal building to the right-of-way line at the side of the lot, and between the front building line and rear property line. For flag lots, the side yard is the area between the structure and the property line(s) of the neighboring lot, however, for measurement purposes, this area shall meet the corner side yard setback requirement.

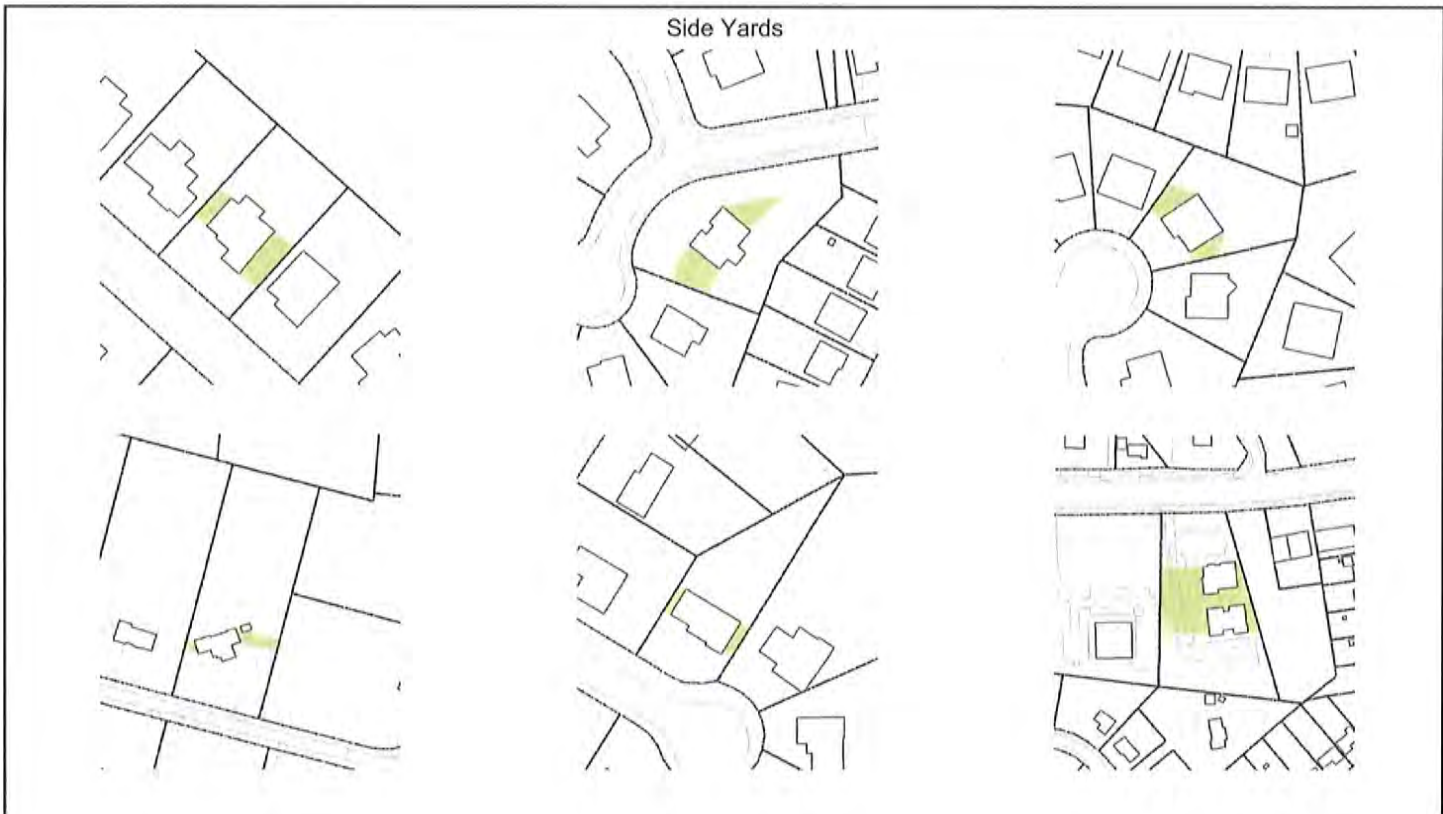
Front Yards





Rear Yards







Corner Side Yards



Zoning Administrator. The individual appointed by the county and city legislative bodies to administer, interpret, and enforce the provisions of the zoning regulations, pursuant to the provisions of [these regulations](#)~~this order~~ and Chapter 100 of the Kentucky Revised Statutes.



Zoning District. A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in ~~these regulations~~**this order**.

Zoning Map Amendment. A change to the existing zoning district boundaries pursuant to ARTICLE 3 of ~~these regulations~~**this order** and Chapter 100 of the Kentucky Revised Statutes. Commonly known as a zone change.

Zoning Map, Official. The map officially adopted by the appropriate legislative body or Fiscal Court pursuant to ARTICLE 3 of ~~these regulations~~**this order** and Chapter 100 of the Kentucky Revised Statutes that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, water courses or bodies, and/or public facilities, that is provided for benchmark or orientation purposes.

Zoning Permit. A permit issued by the Planning Commission in accordance with ARTICLE 4 of ~~these regulations~~**this order** authorizing the permitted use of lot and/or a structure and its accompanying characteristics.

Zoning Regulations. The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare, pursuant to ARTICLE 3 of ~~these regulations~~**this order** and Chapter 100 of the Kentucky Revised Statutes. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.



AMENDMENT HISTORY

| Ordinance | Art/Sec | Adoption Date | Resolution | Description |
|---|---------|---------------|------------|-------------|
| There are no ordinances associated with this part of the document | | | | |

2020
ZONING
UPDATE

PUBLIC
HEARING
DRAFT

MAPPING
ISSUES

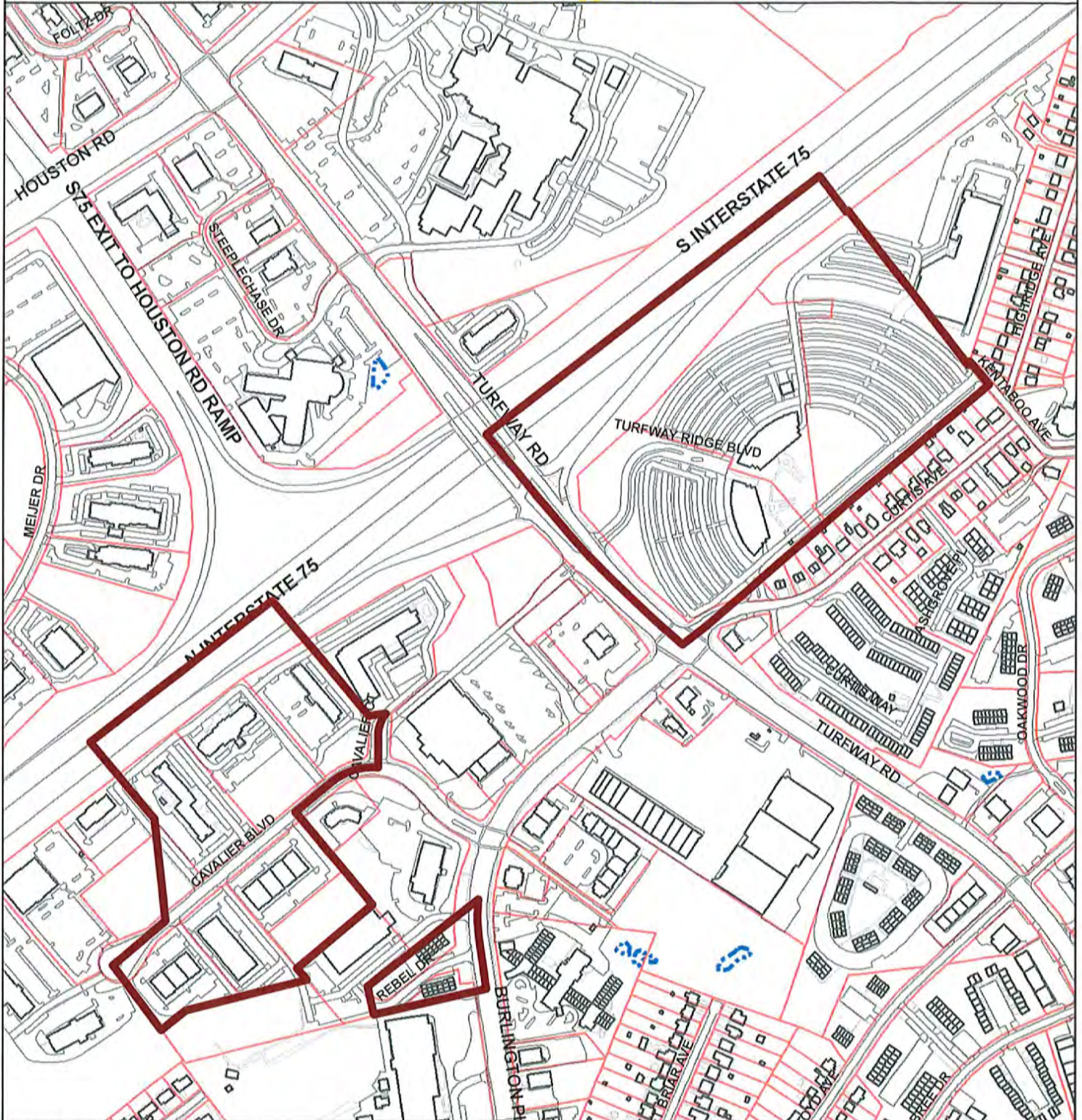
| MAP ID | CURRENT ZONE | PROPOSED ZONE | COMPREHENSIVE PLAN | STAFF REC. | LRPC REC. | SUBMITTED BY | CATEGORY | LEGISLATIVE BODY |
|--------|-------------------|---------------|--|------------|-----------|---------------------------------|--|------------------|
| 1 | O-2/PD/TRO/CD | O-2/PD/CD | Commercial | Approval | Approval | Staff | Eliminated Zoning District | Florence |
| 2 | C-3/TRO/CD | C-3/CD | Commercial | Approval | Approval | Staff | Eliminated Zoning District | Florence |
| 3 | C-3/PD/TRO/CD | C-3/PD/CD | Commercial | Approval | Approval | Staff | Eliminated Zoning District | Florence |
| 4 | C-3/O-2/PD/TRO/CD | PF/PD/CD | Public/Institutional | Approval | Approval | Staff | Eliminated Zoning District | Florence |
| 5 | SR-2/PD/TRO/CD | SR-2/PD/CD | Commercial | Approval | Approval | Staff | Eliminated Zoning District | Florence |
| 6 | EP/CD | C-4 | Commercial | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 7 | C-2/PD/PO | SR-1/PO | Suburban Density Residential | Approval | Approval | Staff | Match Zone Boundary With Property Line | Florence |
| 8 | SR-1/PO | C-2/PD/PO | Commercial | Approval | Approval | Staff | Match Zone Boundary With Property Line | Florence |
| 9 | SR-1 | I-1 | Transportation | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 10 | C-2 | RSE | Rural Density Res. | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 11 | RS | RSE | Rural Density Residential | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 12 | RSE | A-2 | Rural Land, Rural Den Res, and Dev Sensitive | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 13 | UR-1, I-1 | A-2 | Developmentally Sensitive | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 14 | RS | A-1 | Rural Den Res and Suburban Den Res | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 15 | I-1 | A-2 | Business Park | Approval | Approval | Staff | Match Zone Boundary With Property Line | Boone |
| 16 | RSE | SR-1 and PF | Suburban Density Residential | Approval | Approval | Staff | Other | Boone |
| 17 | C-3 | SR-1 | Suburban Den Res | Approval | Approval | Staff | Other | Walton |
| 18 | SR-2 | SR-1 | Suburban Den Res | Approval | Approval | Staff | Other | Walton |
| 19 | SR-2 | SR-1 | Suburban Den Res | Approval | Approval | Staff | Other | Walton |
| 20 | WD | SR-1 | Commercial | Approval | Approval | Staff | Other | Walton |
| 21 | C-1 | RSE | Rural land and Rural Den Res | Approval | Approval | Staff | Other | Boone |
| 22 | RSE | RS | Rural den Res and Suburban Den Res | Approval | Approval | Staff | Other | Boone |
| 23 | RS | A-2 | Rural Den Res | Approval | Approval | Staff | Other | Union |
| 24 | C-1 | I-2 | Industrial | Approval | Approval | Staff | Other | Boone |
| 25 | I-3 | R | Industrial | Approval | Approval | Staff | Other | Boone |
| 26 | R | I-3 | Industrial | Approval | Approval | Staff | Other | Boone |
| 27 | A-1 | RSE | Suburban Den Res and Dev Sensitive | Approval | Approval | Staff | Other | Boone |
| 28 | RS | WD | Commercial | Approval | Approval | Staff | Other | Walton |
| 29 | C-2 | SR-1 | Suburban Den Res | Approval | Approval | Staff | Other | Walton |
| 30 | C-2 | SR-1 | Suburban Density Residential | Approval | Approval | Staff | Other | Walton |
| 31 | I-2 | PF | Public/Institutional | Approval | Approval | Staff | Other | Boone |
| 32 | RS | I-1 | Suburban Density Residential | Approval | Approval | Ronald G. and Janet L. Anderson | Other | Boone |
| 33 | A/HDO | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 34 | I-1/PD | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 35 | I-1 | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 36 | A-2 | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 37 | C-2 | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 38 | SR-1 | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 39 | SR-1 and RSE | PF | Public/Institutional | Approval | Approval | Staff | Other | Boone |
| 40 | SR-1 | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 41 | SR-1/PD | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 42 | SR-1 | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 43 | A-2 | PF | Commercial | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 44 | SR-1/SC | PF/SC | Public/Inst, Suburban Density Res., Rural Land | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 45 | A-2 | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 46 | SR-2/SC | PF/SC | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 47 | SR-2/SC | R/SC | Recreation | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 48 | RPD | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 49 | RPD | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 50 | SR-1/PD | PF/PD | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 51 | RPD | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Florence |
| 52 | SR-1 | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 53 | R-1/PO | PF/PO | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner request | Florence |
| 54 | O-2/PD/TRO/CD | PF/TRO | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner request | Florence |

| MAP ID | CURRENT ZONE | PROPOSED ZONE | COMPREHENSIVE PLAN | STAFF REC. | LRPC REC. | SUBMITTED BY | CATEGORY | LEGISLATIVE BODY |
|--------|------------------|---------------|---|-------------|-------------|--|------------------------|------------------|
| 55 | SR-1 | PF | Suburban Density Residential | Approval | Approval | Matthew Turner | Property Owner request | Boone |
| 56 | RS | PF | Rural Density Residential | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 57 | SR-1 | PF | Public/Institutional | Approval | Approval | Matthew Turner | Property Owner request | Boone |
| 58 | I-1 | PF | Public/Institutional/Developmentally Sensitive | Approval | Approval | Matthew Turner | Property Owner Request | Boone |
| 59 | A-1 | R | Recreation and Hydrology | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 60 | RSE/SC | R/SC | Recreation | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 61 | A-1, A-2, RSE/SC | CONS | Rural Land, Rural Dens Res, Dev. Sensitive | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 62 | A-1, A-2 | CONS | Recreation | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 63 | SR-1 | CONS | Rural Land, Dev. Sensitive | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 64 | A-2 | PF | Public/Institutional, Rual Land, Dev. Sensitive | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 65 | A-2, SR-1/PD | R/PD | Recreation | Approval | Approval | Staff | Tax Exempt Property | Union |
| 66 | SR-1 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt property | Boone |
| 67 | I-1 | PF | Industrial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 68 | C-2 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 69 | C-2 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 70 | SR-2 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 71 | WD | PF | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 72 | SR-1 and C-3 | PF | High Suburban Density Res. and Commercial | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 73 | SR-1 | PF | Commercial | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 74 | SR-1 | R | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Walton |
| 75 | A-1, SR-1/SC | CONS | Rural Land and Recreation | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 76 | A-1 | CONS and R | Rural Land, Recreation, Dev. Sensitive | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 77 | A-1, R | CONS | Rural Land, Recreation, Dev. Sensitive | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 78 | A-1, SR-1 | R | Recreation | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 79 | SR-1 | PF | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 80 | C-1, C-3 | PF | Public/Institutional and Commercial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 81 | SR-1 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 82 | SR-2/SC | PF/SC | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 83 | I-1 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 84 | RSE/UTO | PF/UTO | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Union |
| 85 | C-2 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Union |
| 86 | SR-1/PD | R/PD | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 87 | SR-1, SR-1/PD | R | Suburban Density Residential and Dev. Sensitive | Approval | Approval | Staff | tax Exempt Property | Florence/Boone |
| 88 | C-2 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 89 | SR-1 | R | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 90 | C-2 | PF | Public/Institioanl | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 91 | C-2/PD/MR | PF/PD/MR | Commercial | Approval | Approval | Staff | TaxExempt Property | Florence |
| 92 | SR-2 | PF/PO | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 93 | SR-2/PO | PF/PO | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 94 | I-1 | PF | Industrial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 95 | I-2 | PF | Industrial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 96 | I-1 | PF | Public/Institutional | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 97 | I-2 | PF | Industrial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 98 | R-1F | PF | Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 99 | SR-2 | R | Recreation and Suburban Density Residential | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 100 | SR-2 and UR-1 | R | Urban Den Res and Suburban Den Res | Approval | Approval | Staff | Tax Exempt Property | Florence |
| 101 | A-2 and I-1 | CONS | Rural Land, Rural den Res, Dev Sensitivbe | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 102 | A-2 and SR-1/SC | PF | Public/Institutional and Suburban Den Res | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 103 | C-2 | PF | Public/Institutional and Commercial | Approval | Approval | Staff | Tax Exempt Property | Boone |
| 104 | A-2/UTO | RSE/UTO | High Suburban and Suburban Density Residential | Approval | Approval | Adam Dickerson | Property Owner Request | Union |
| 105 | A-2 | RSE or RS | Rural Density Residential | Disapproval | Disapproval | Julie Ward and Harold Walton and Judy Walton | Property Owner Request | Boone |
| 106 | I-1 | A-2 | Industrial | Disapproval | Disapproval | Bill Code | Property Owner Request | Walton |
| 107 | I-3 | A-2 | Rural Density Residential | Approval | Approval | Darren Walz | Property Owner Request | Boone |
| 108 | A-1 | A-2 | Industrial | Approval | Approval | Anonymous | Property Owner Request | Boone |

| MAP ID | CURRENT ZONE | PROPOSED ZONE | COMPREHENSIVE PLAN | STAFF REC. | LRPC REC. | SUBMITTED BY | CATEGORY | LEGISLATIVE BODY |
|--------|----------------|---------------|---|-------------|-------------|----------------|---------------------------|------------------|
| 109 | UR-1 | I-1 | Urban Density Residential | Disapproval | Disapproval | Joe Hayes | Property Owner Request | Boone |
| 110 | C-1 | SR-1 | Commercial | Approval | Approval | Jesse R Shipp | Property Owner Request | Florence |
| 111 | I-3 | A-1 | Rural Land, Recreation, Developmentally Sensitive | Approval | Approval | Carrie Warshak | Property Owner Request | Boone |
| 112 | I-3 | A-1 | Recreation | Approval | Approval | Staff | Other | Boone |
| 113 | I-1 | UR-1 | Dev Sensitive, Suburban Density Res | Disapproval | Disapproval | Ehmet Hayes | Property Owner Request | Boone |
| 114 | A-2, SR-1, I-1 | A | Transportation | Approval | Approval | Debbie Conrad | Property Owner Request | Boone |
| 115 | SR-1, I-1 | A | Transportation | Approval | Approval | Debbie Conrad | Property Owner Request | Boone |
| 116 | A-2, C-1 | A | Rural Density, Dev Sensitive, Business Park | Disapproval | Disapproval | Debbie Conrad | Property Owner Request | Boone |
| 117 | SR-1, C-2, I-1 | A | Transportation | Approval | Approval | Debbie Conrad | Property Owner Request | Boone |
| 118 | A-2, C-4, I-1 | A | Transportation | Approval | Approval | Staff | Within Airport Fence Line | Boone |
| 119 | UR-1 | I-1 | Suburban Density Res and High Sub Dens Res | Disapproval | Disapproval | Ehmet Hays | Property Owner Request | Boone |

Boone County GIS Map

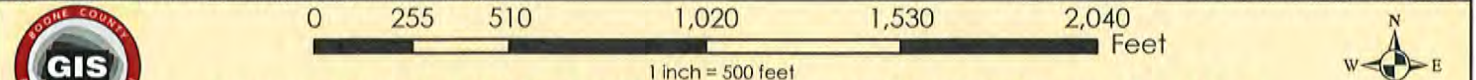
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|---------------|-------|-------|---------------|-------------------|----------|
| Map ID: | 1 | From: | O-2/PD/TRO/CD | Legislative Body: | Florence |
| Submitted By: | Staff | To: | O-2/PD/CD | | |

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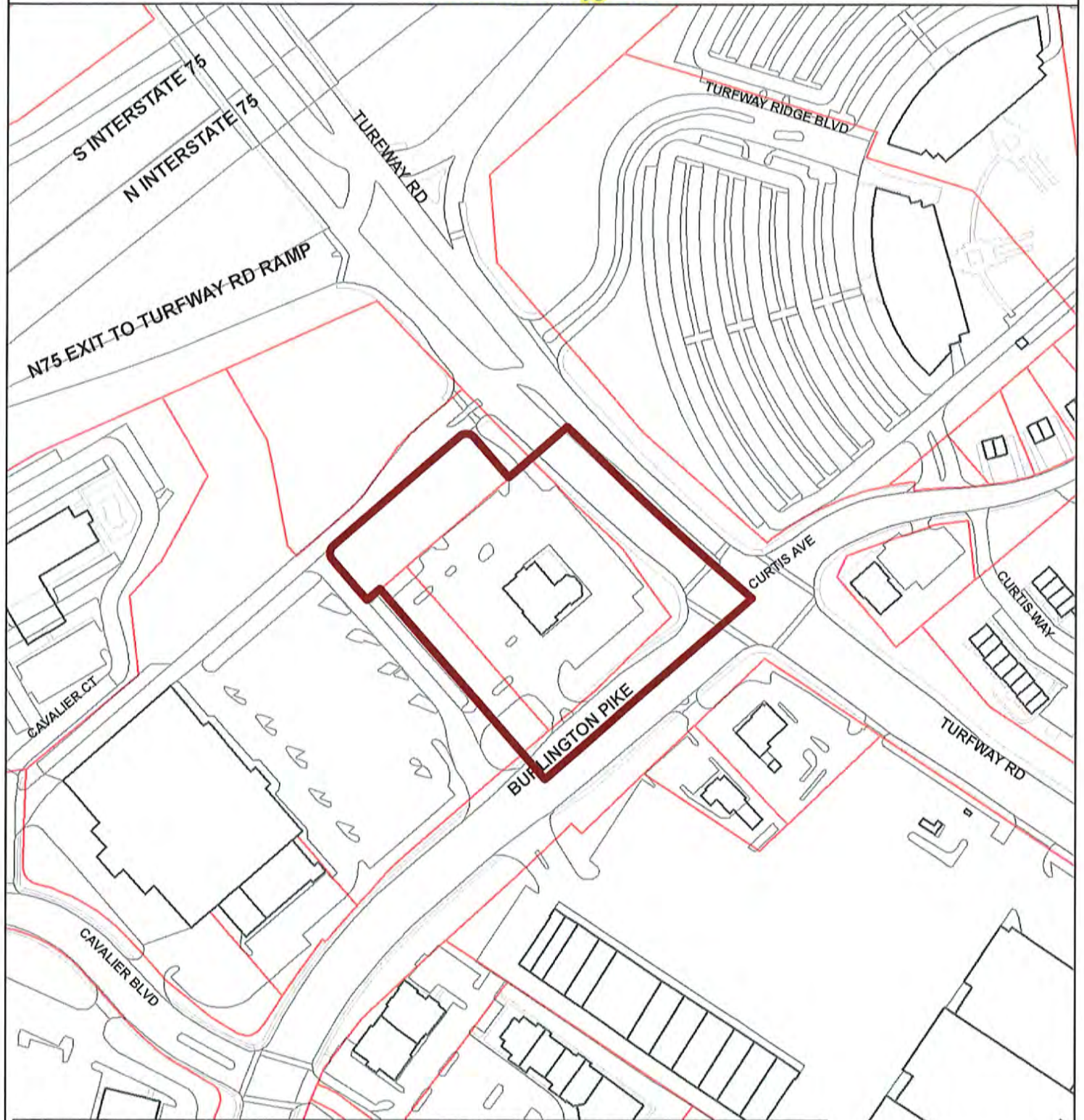


Map Created: 01/01/2018

Boone County GIS
ArcMap Document * mxd

Boone County GIS Map

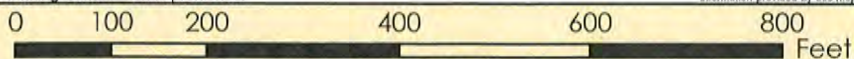
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|---------------|-------|-------|------------|-------------------|----------|
| Map ID: | 2 | From: | C-3/TRO/CD | Legislative Body: | Florence |
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1 inch = 200 feet



Map Created: 01/01/2018

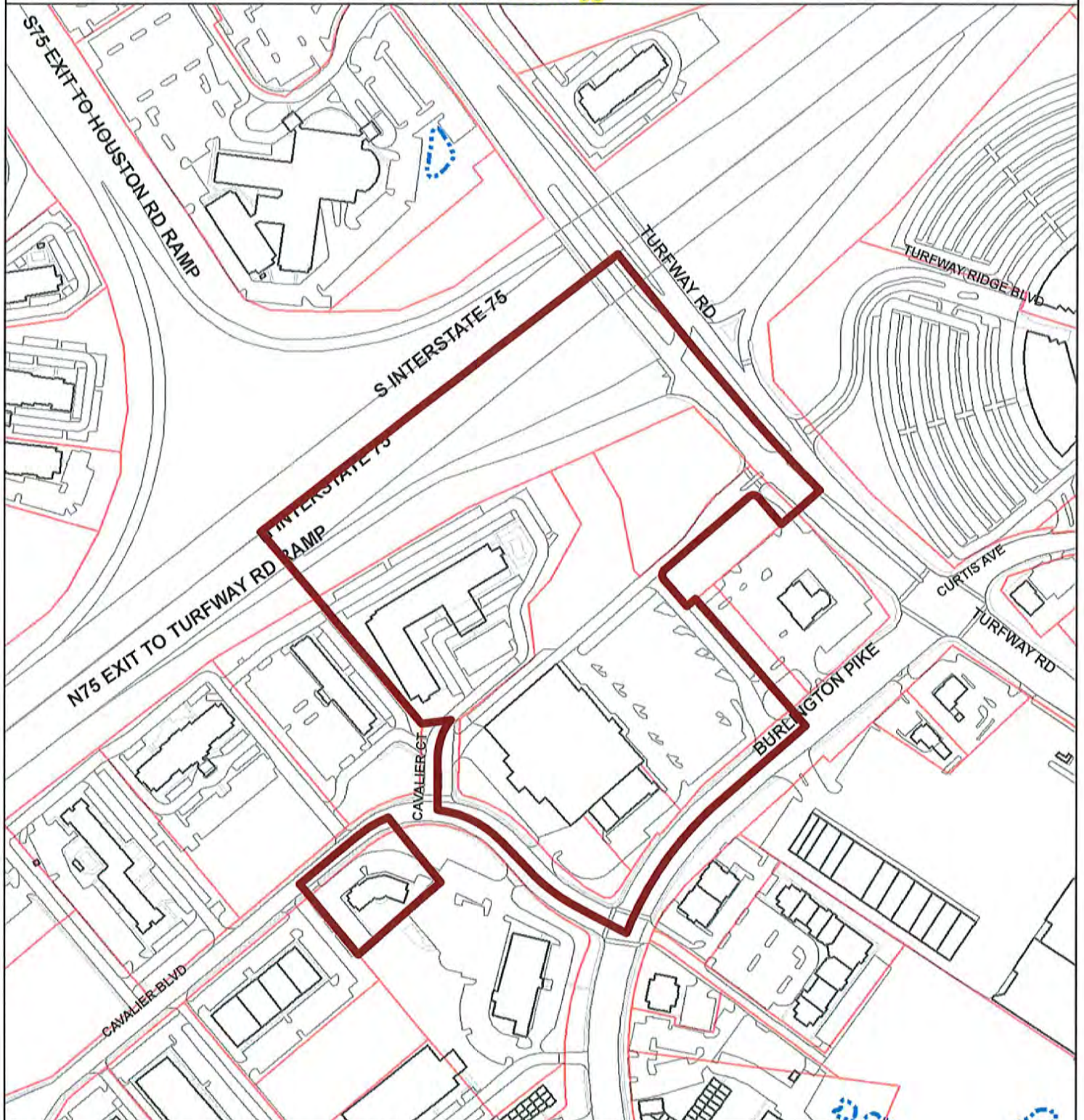
Boone County GIS - Putting Northern Kentucky on the Map



Map Document: *.mxd

Boone County GIS Map

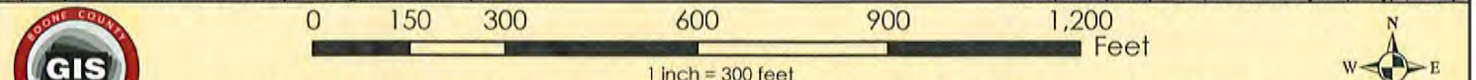
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|---------------|-------|-------|---------------|-------------------|----------|
| Map ID: | 3 | From: | C-3/PD/TRO/CD | Legislative Body: | Florence |
| Submitted By: | Staff | To: | C-3/PD/CD | | |

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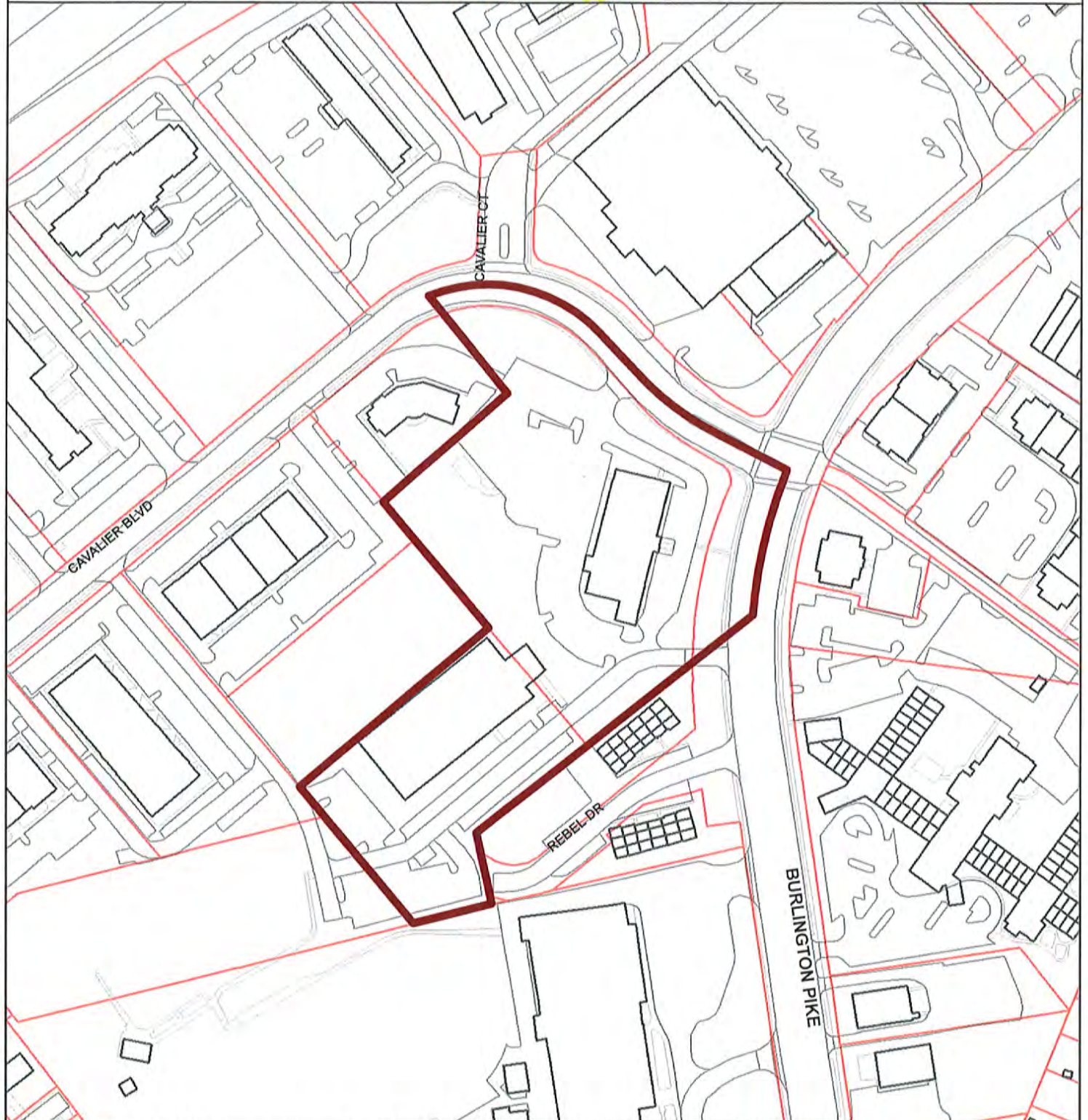
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Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

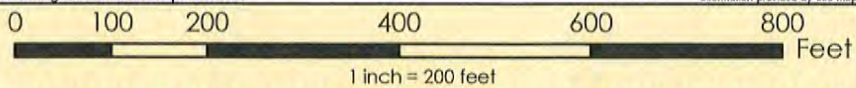
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| Map ID: | 4 | From: | C-3/O-2/PD/TRO/CD | | |
| Submitted By: | Staff | To: | PF/PD/CD | Legislative Body: | Florence |

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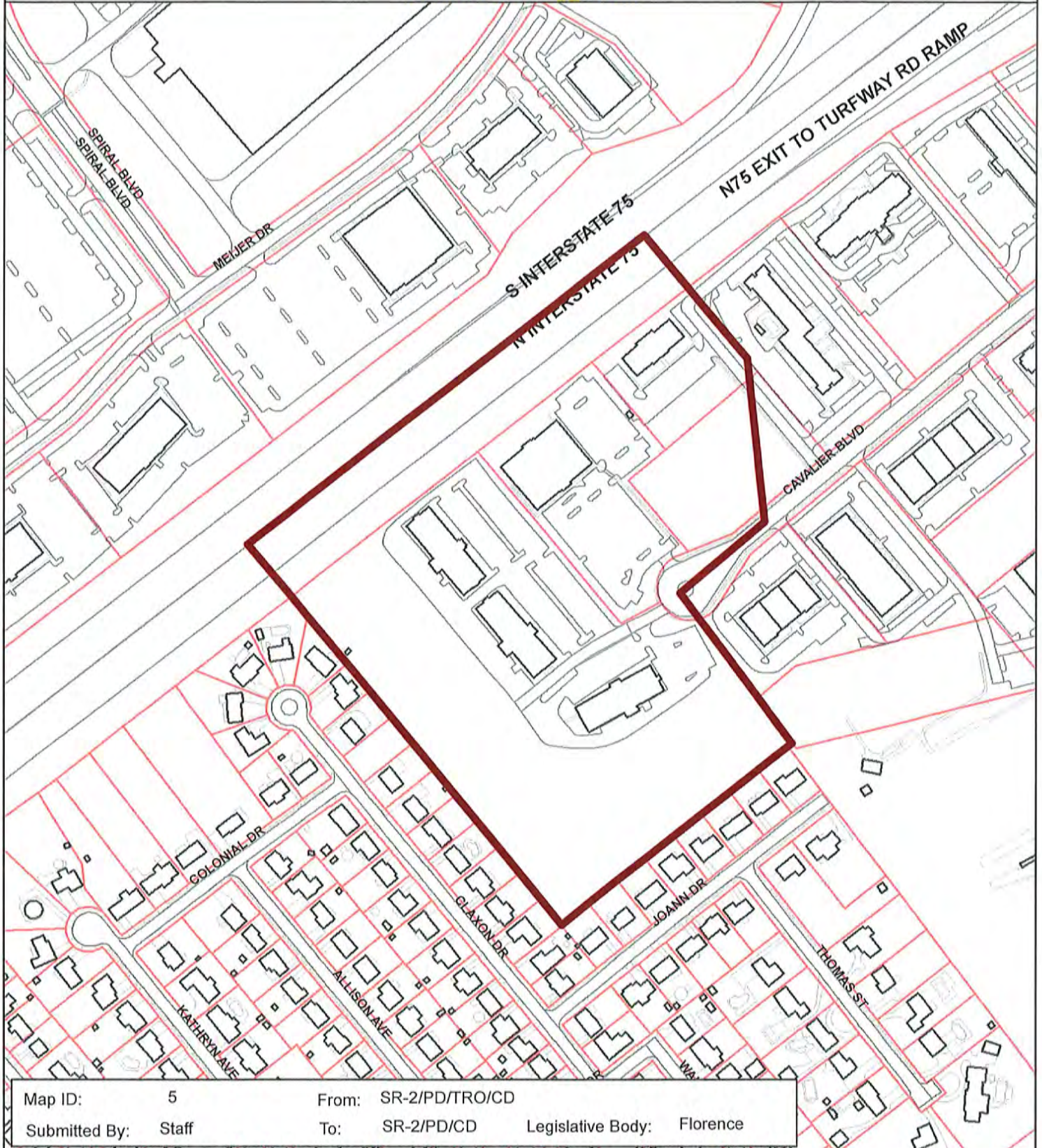


Map Created: 01/01/2018

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ArcMap Document: *.mxd

Boone County GIS Map

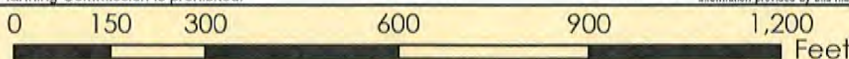
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|---------------|-------|-------|----------------|-------------------|----------|
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| Submitted By: | Staff | To: | SR-2/PD/CD | | |

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1 inch = 300 feet



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ArcMap Document: *.mxd

Boone County GIS Map

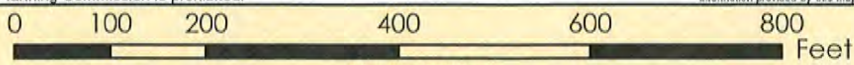
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| Map ID: | 6 | From: | EP/CD | Legislative Body: | Boone |
| Submitted By: | Staff | To: | C-4 | | |

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1 inch = 200 feet



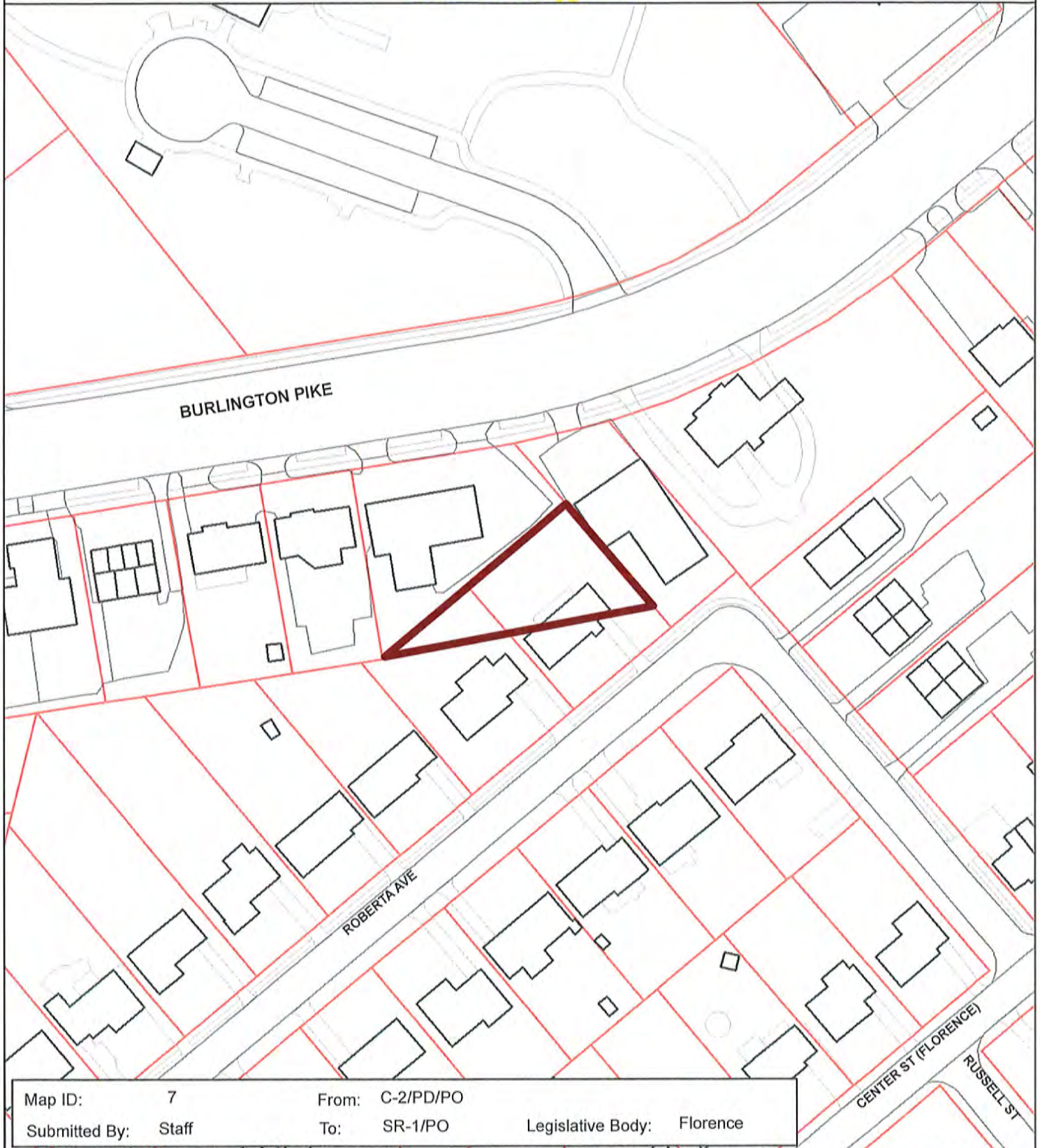
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Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

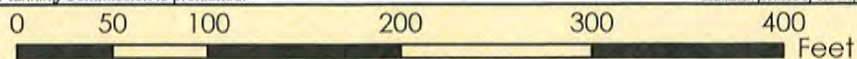
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| Map ID: | 7 | From: | C-2/PD/PO | Legislative Body: | Florence |
| Submitted By: | Staff | To: | SR-1/PO | | |

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1 inch = 100 feet



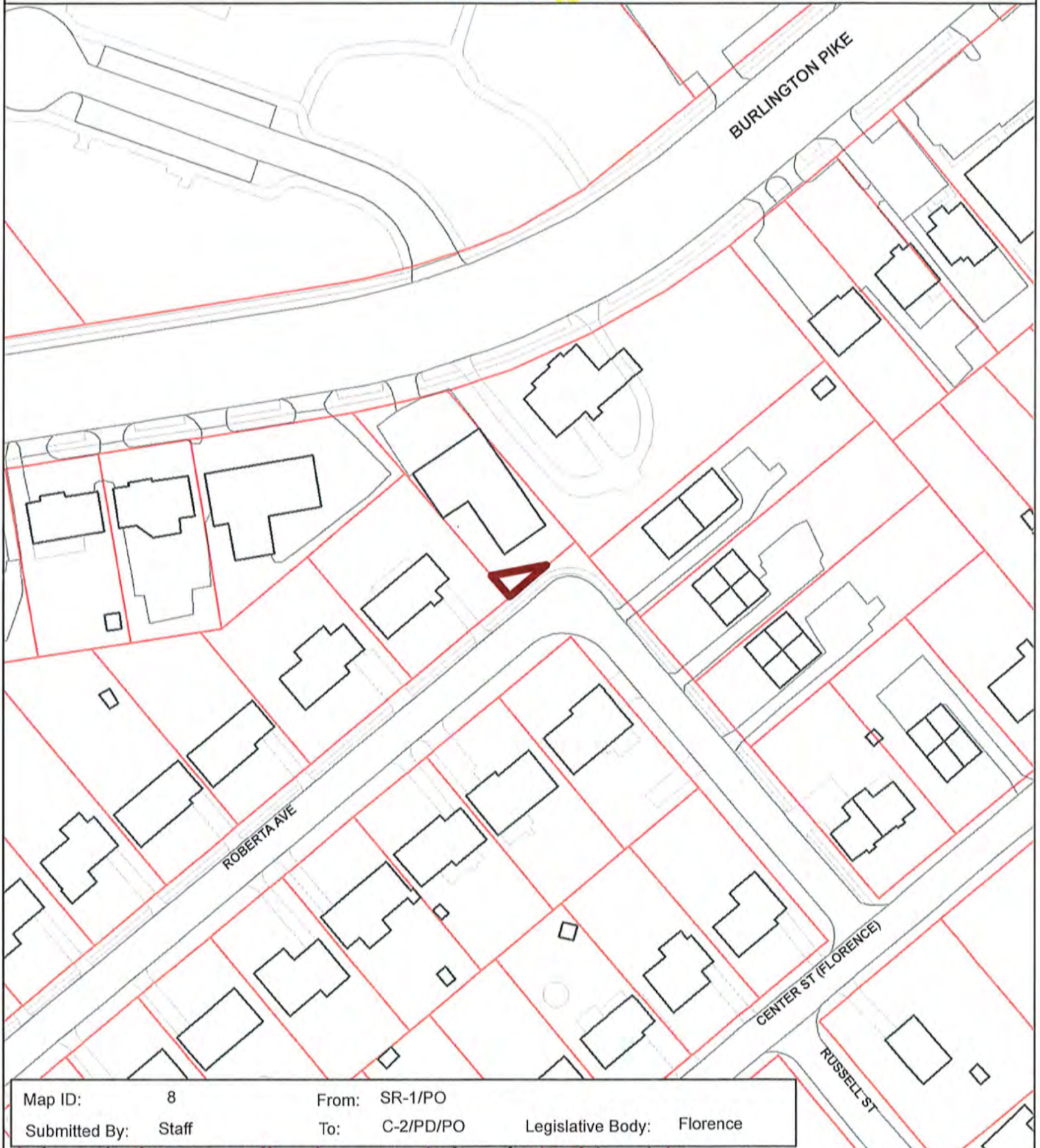
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Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

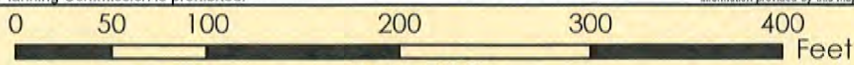
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1 inch = 100 feet



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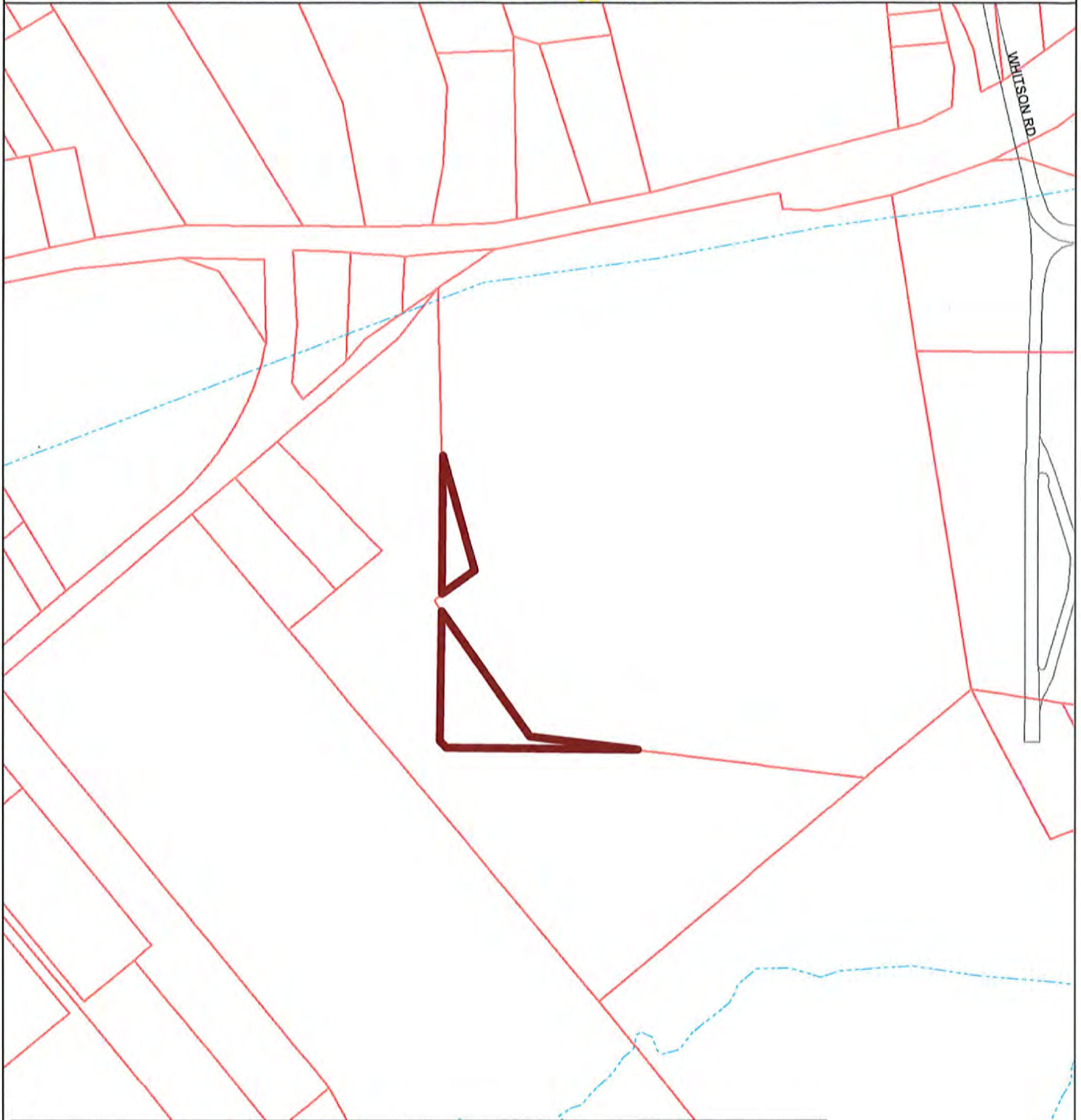


Map Created: 01/01/2018

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| Map ID: | 9 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | I-1 | | |

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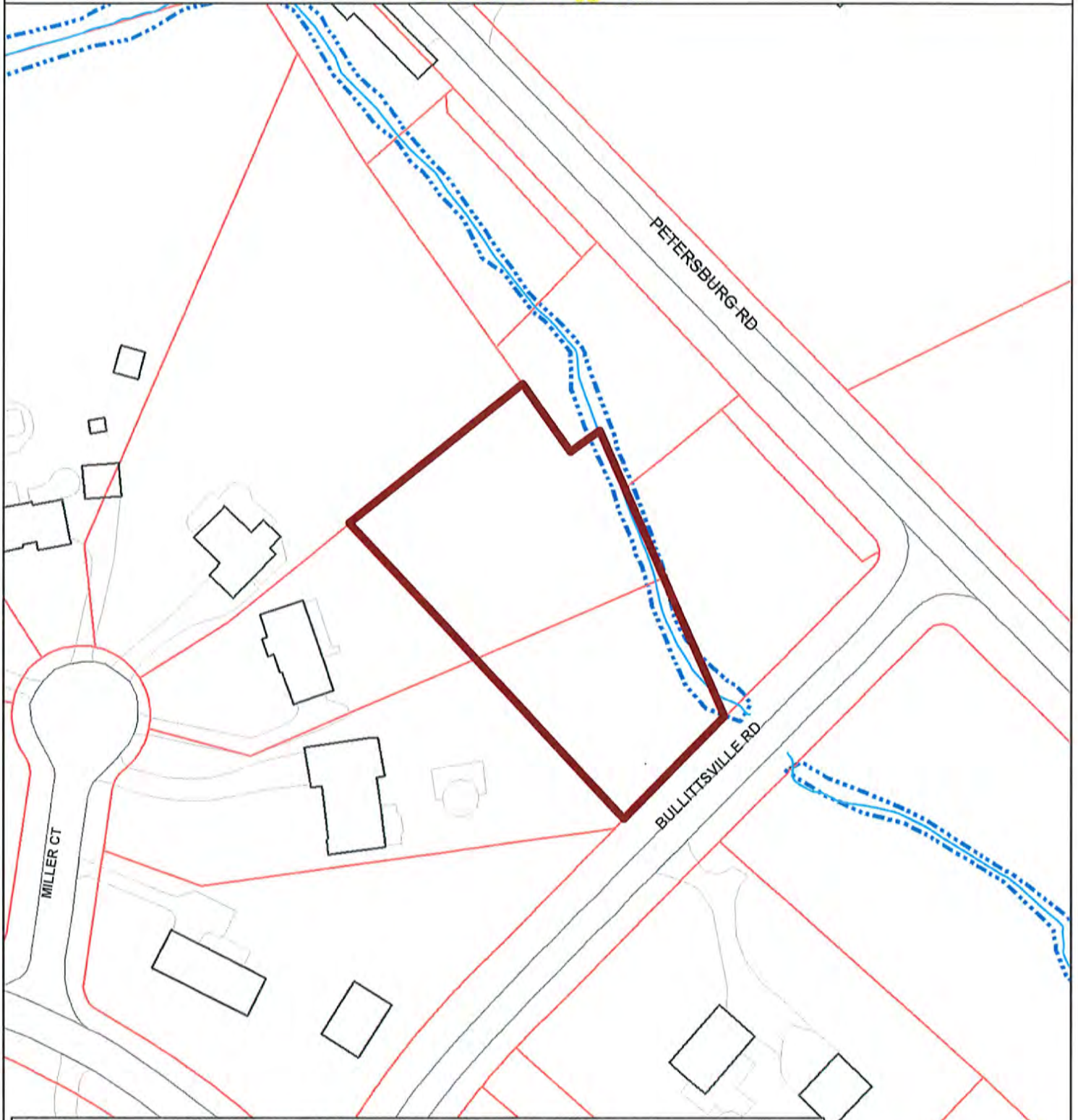
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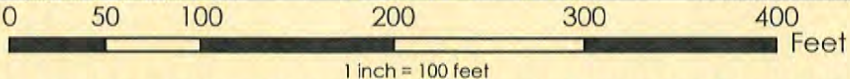
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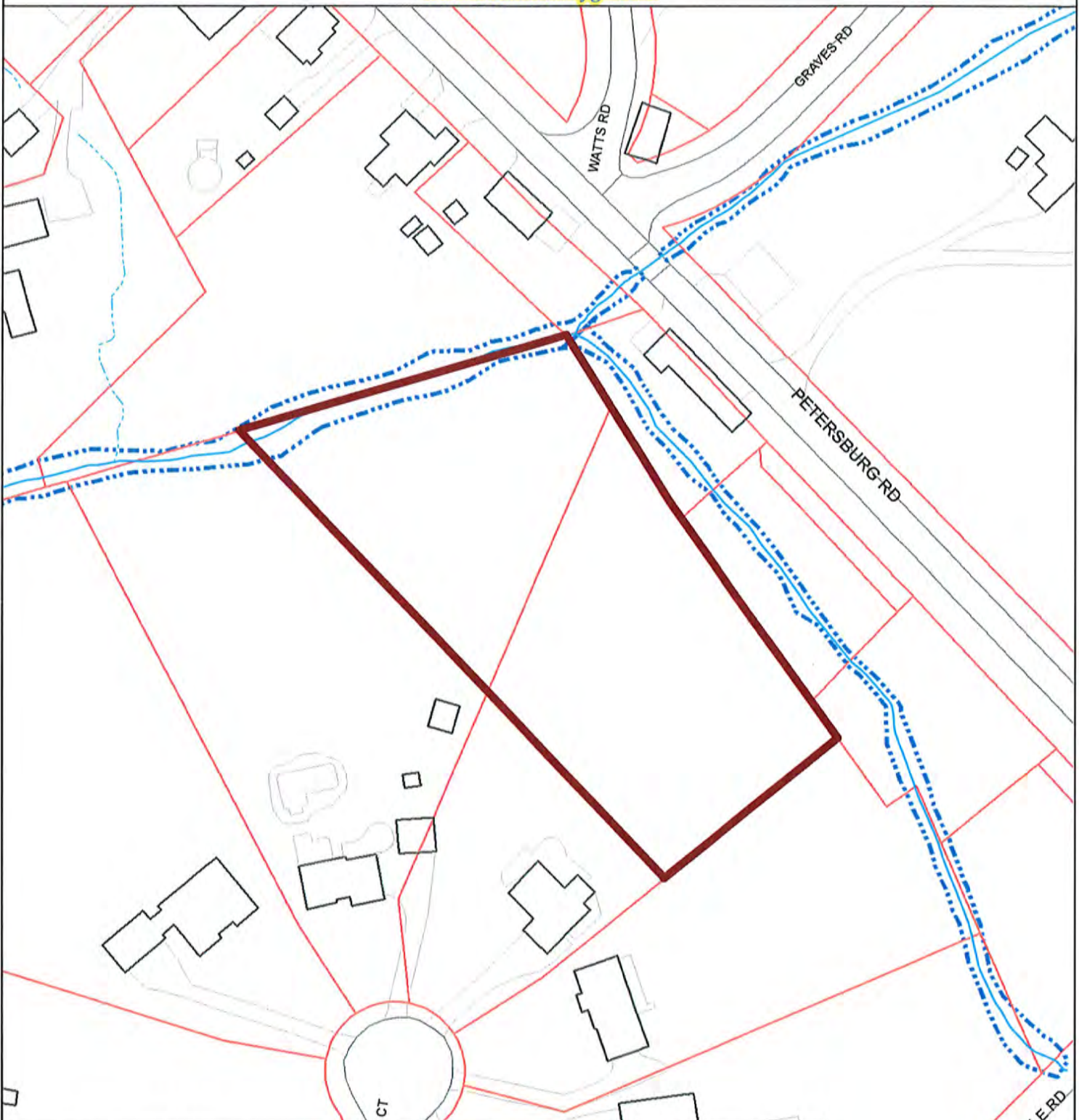


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ArcMap Document *.mxd

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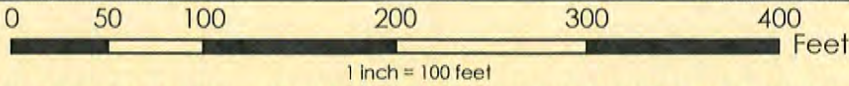
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| Map ID: | 11 | From: | RS | Legislative Body: | Boone |
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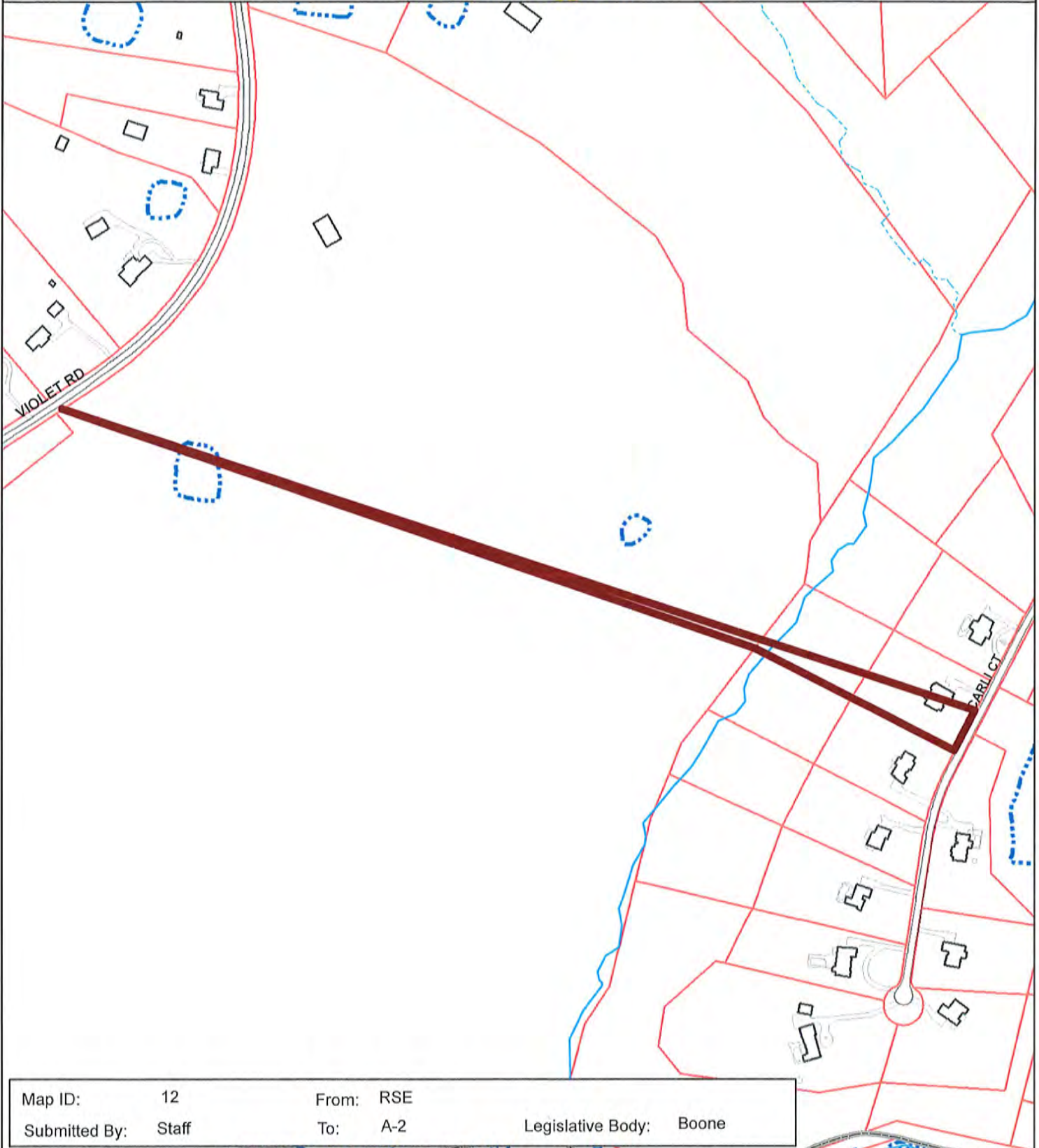
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Map Created: 01/01/2018

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ArcMap Document (*.mxd)

Boone County GIS Map

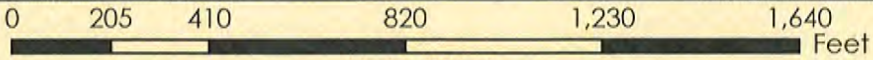
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 12 | From: | RSE | Legislative Body: | Boone |
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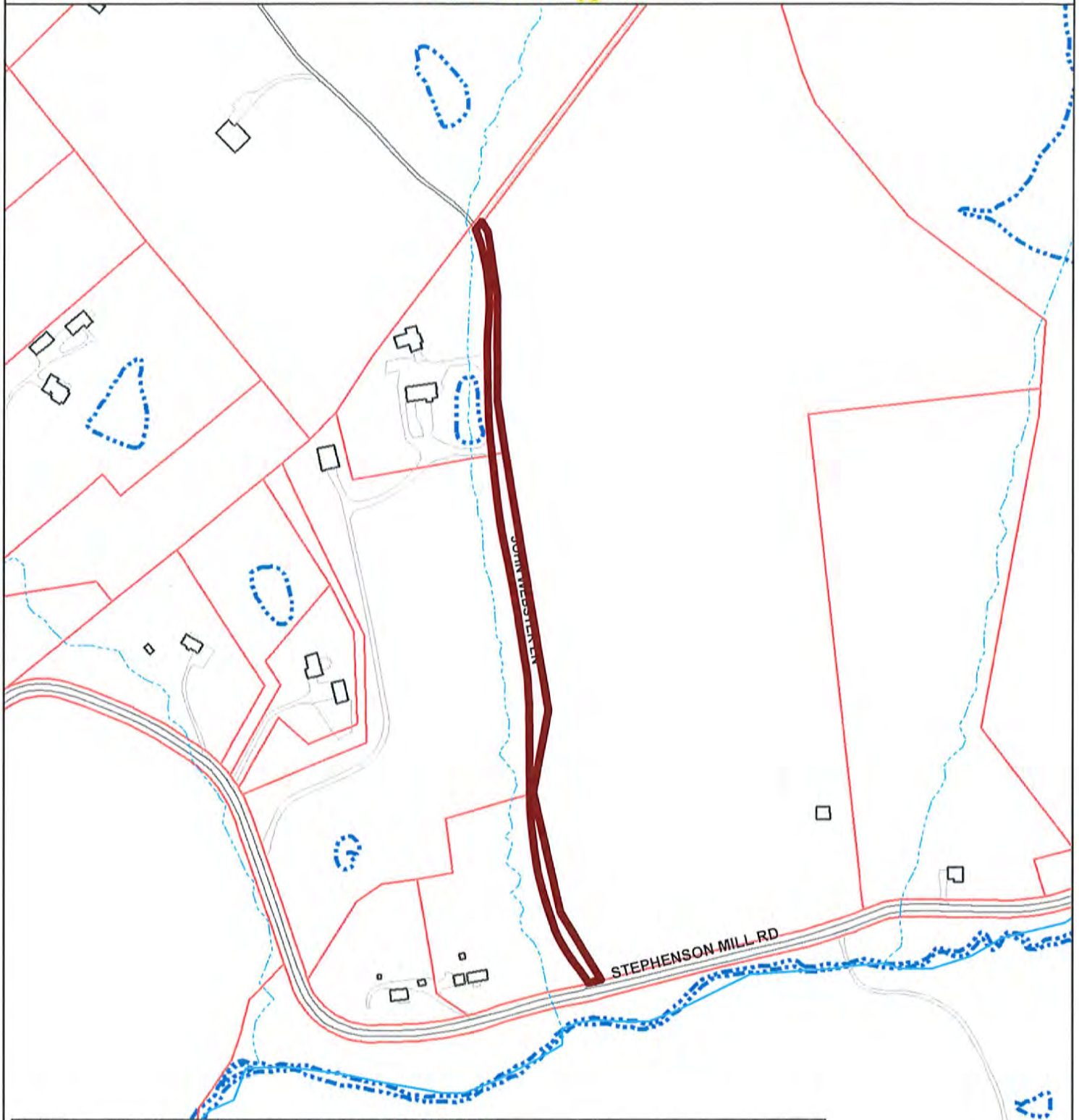
1 inch = 400 feet



Boone County GIS

Boone County GIS Map

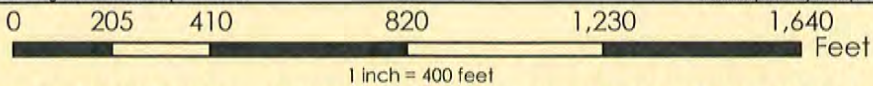
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| Map ID: | 13 | From: | UR-1, I-1 | Legislative Body: | Boone |
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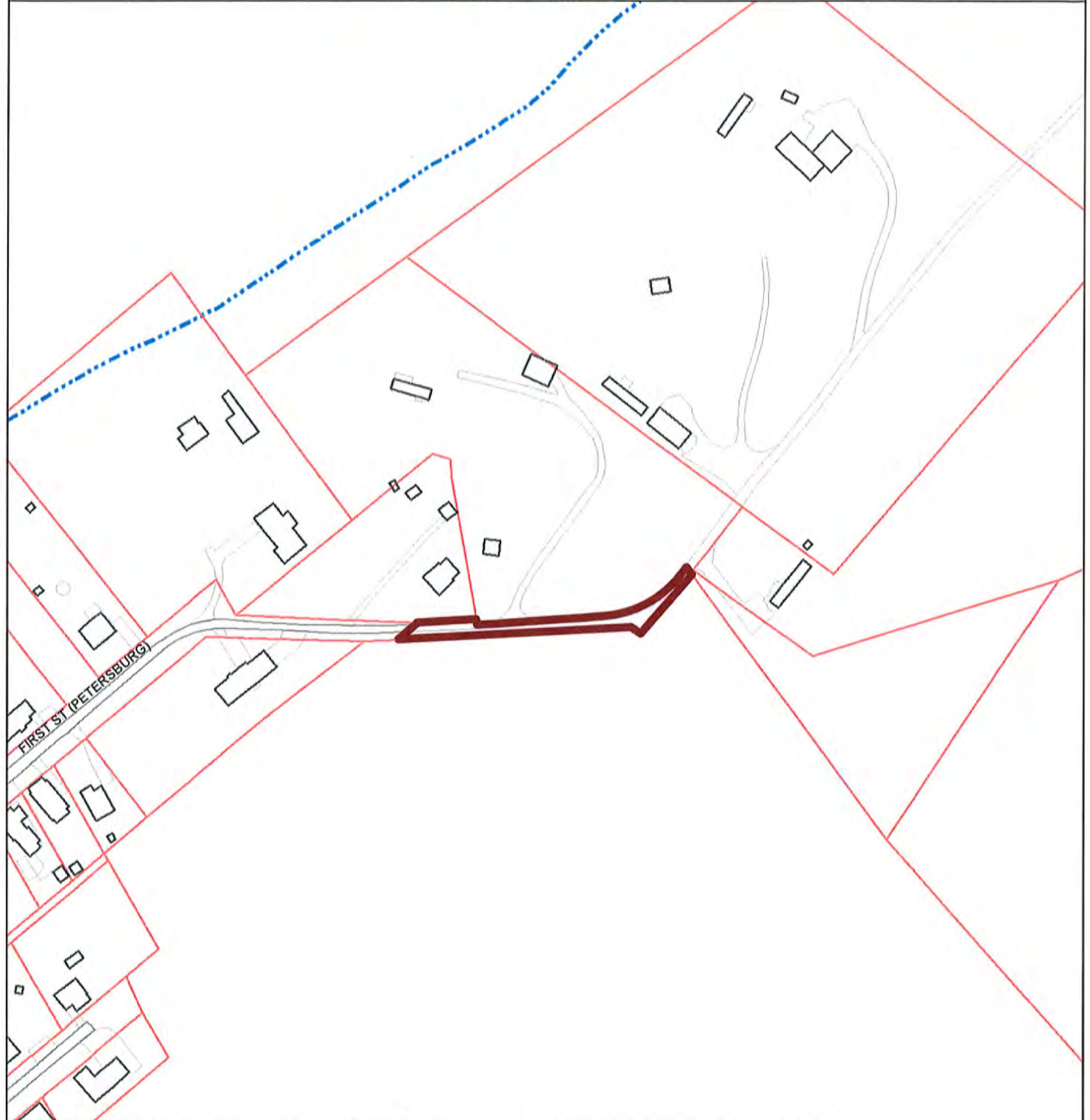
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ArcMap Document: *.mxd

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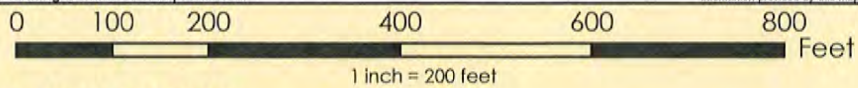
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| Map ID: | 14 | From: | RS | Legislative Body: | Boone |
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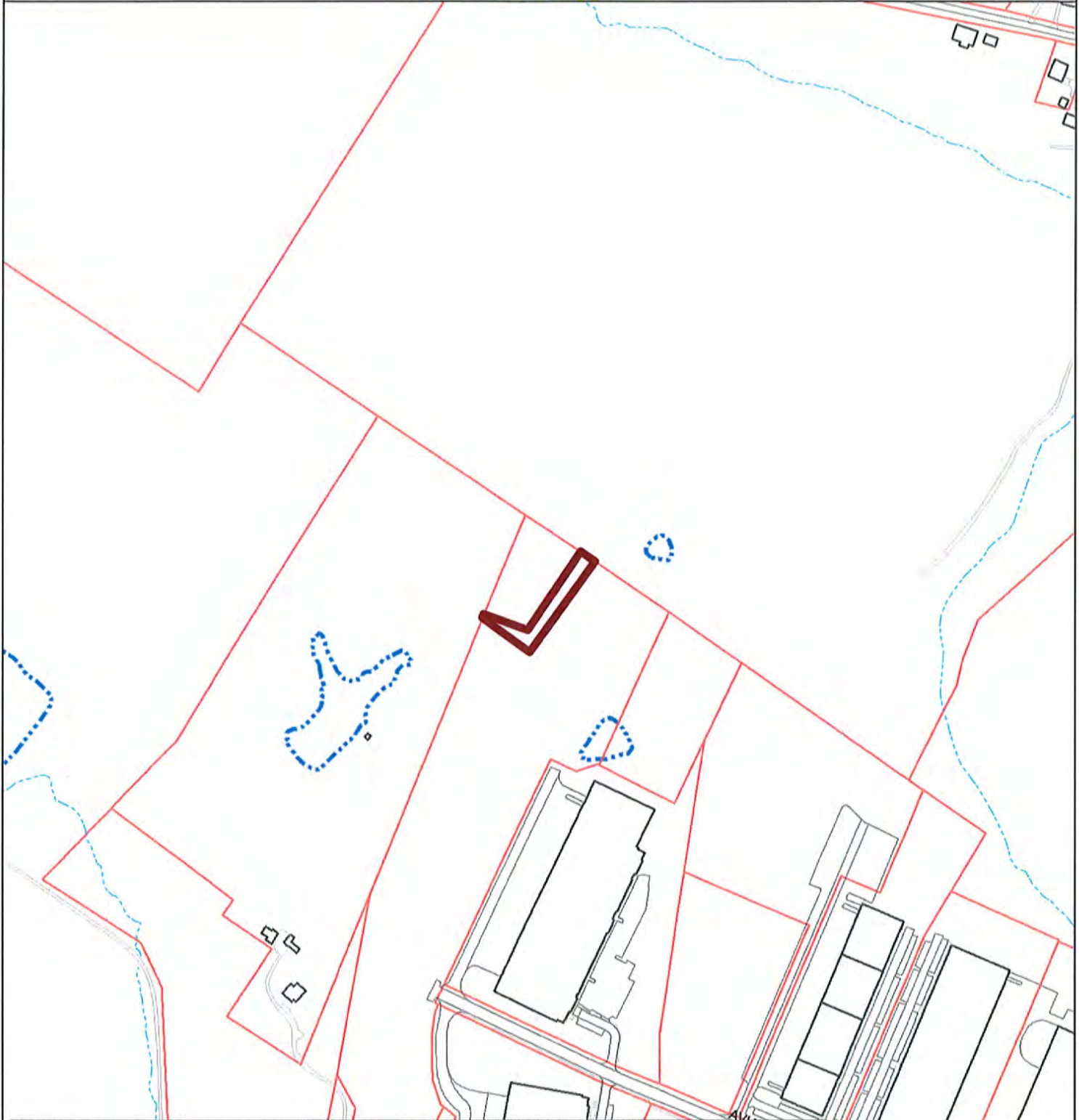


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Boone County GIS Map

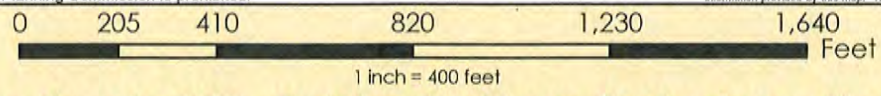
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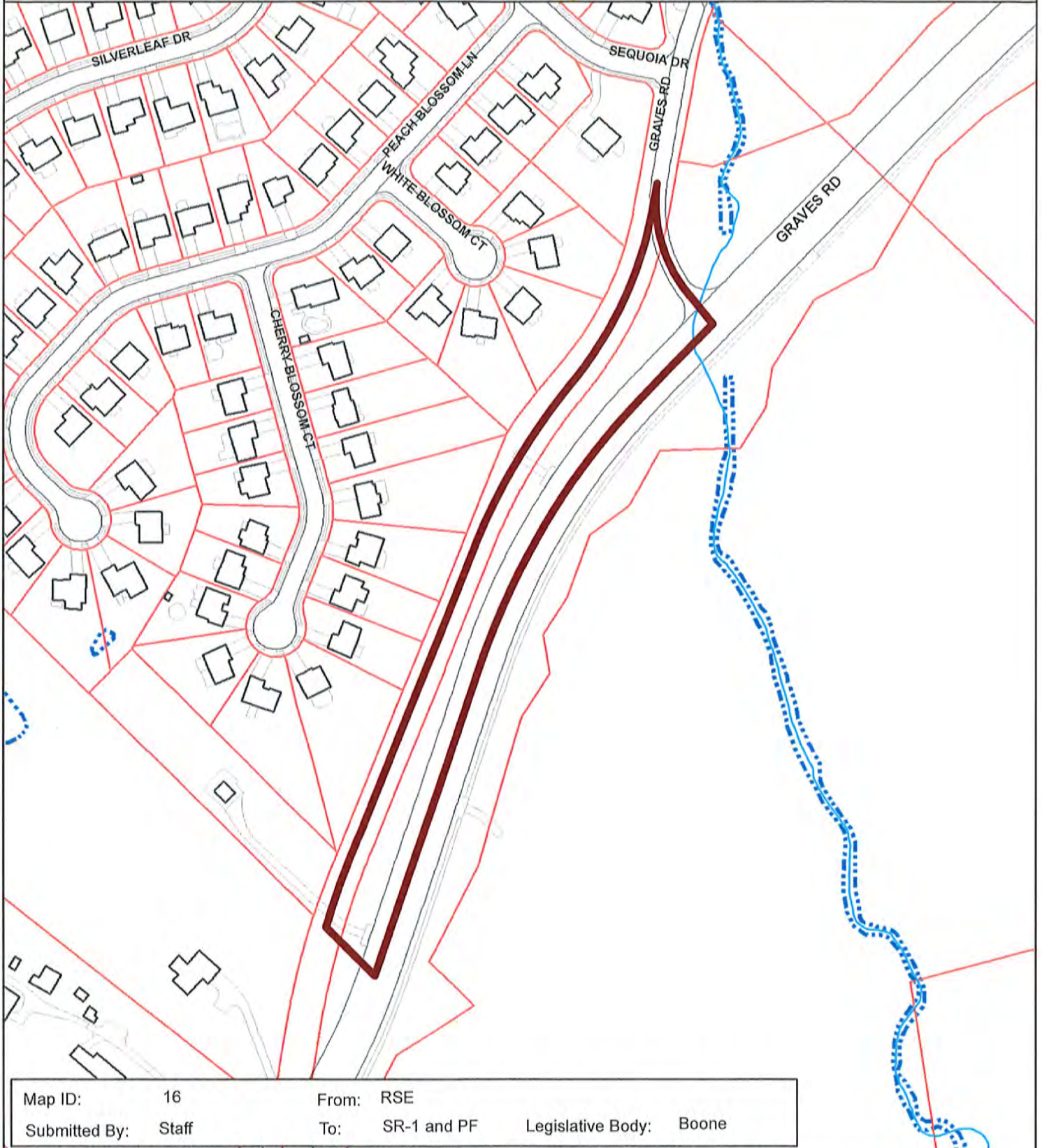
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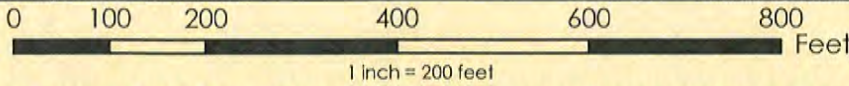
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| Map ID: | 16 | From: | RSE | | |
| Submitted By: | Staff | To: | SR-1 and PF | Legislative Body: | Boone |

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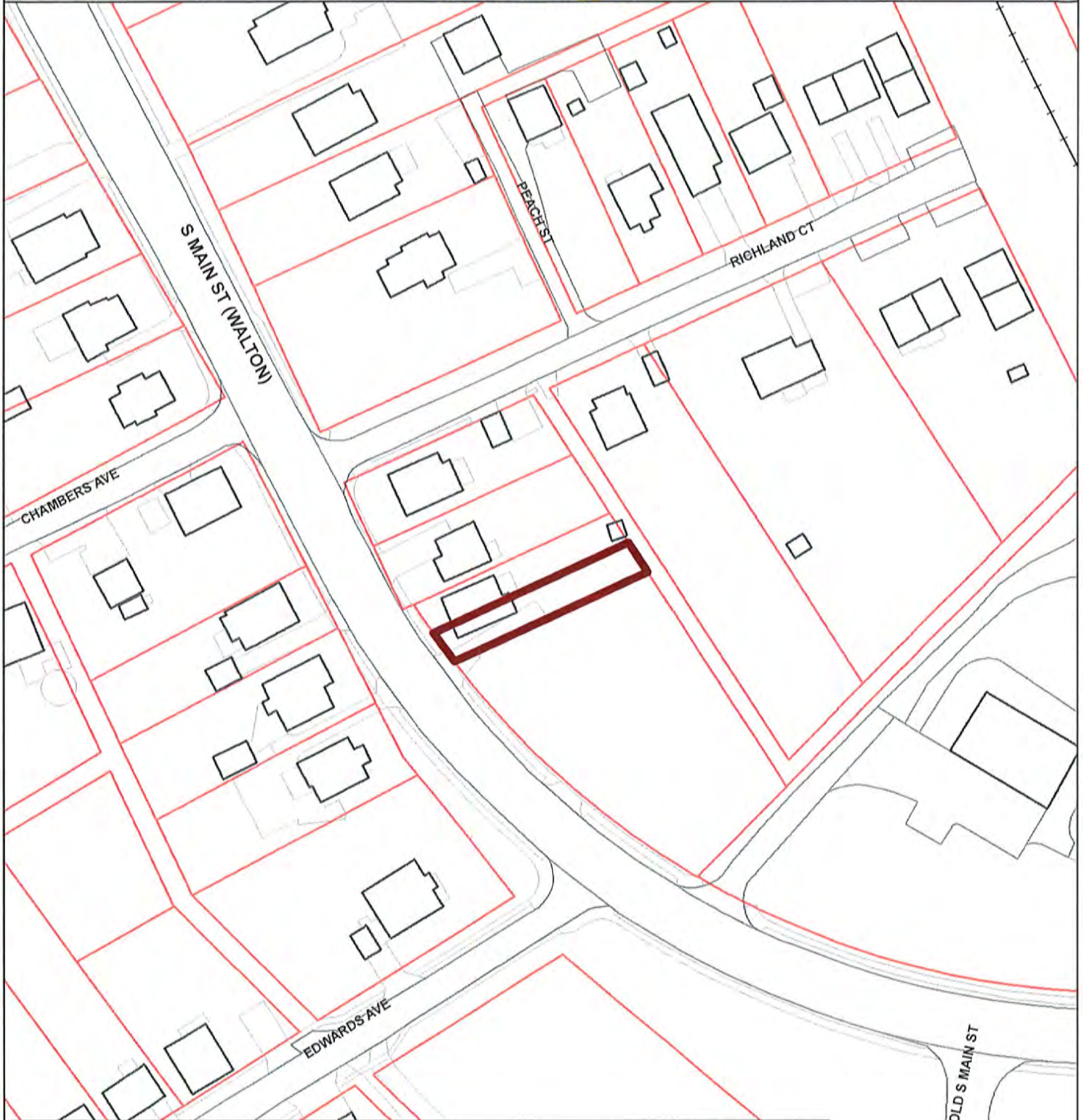
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Boone County GIS Map

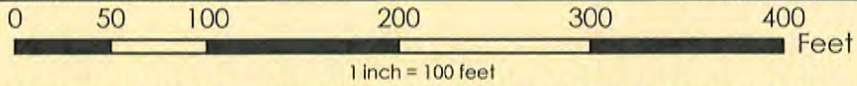
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|---------------|-------|-------|------|-------------------|--------|
| Map ID: | 17 | From: | C-3 | Legislative Body: | Walton |
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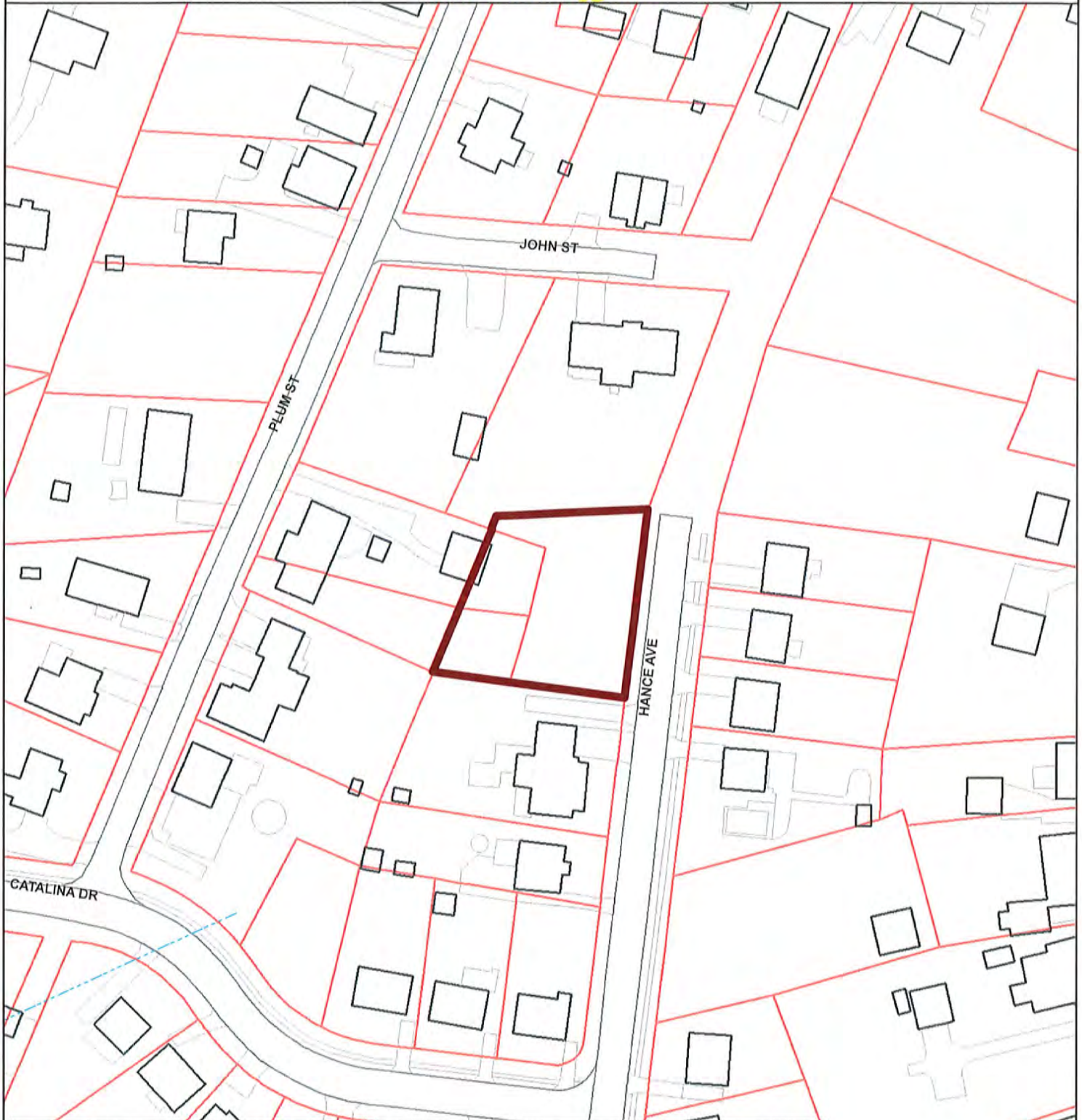


Map Created: 01/01/2018

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ArcMap Document: *.mxd

Boone County GIS Map

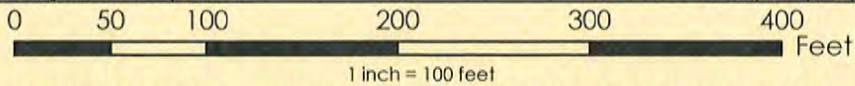
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| Map ID: | 18 | From: | SR-2 | Legislative Body: | Walton |
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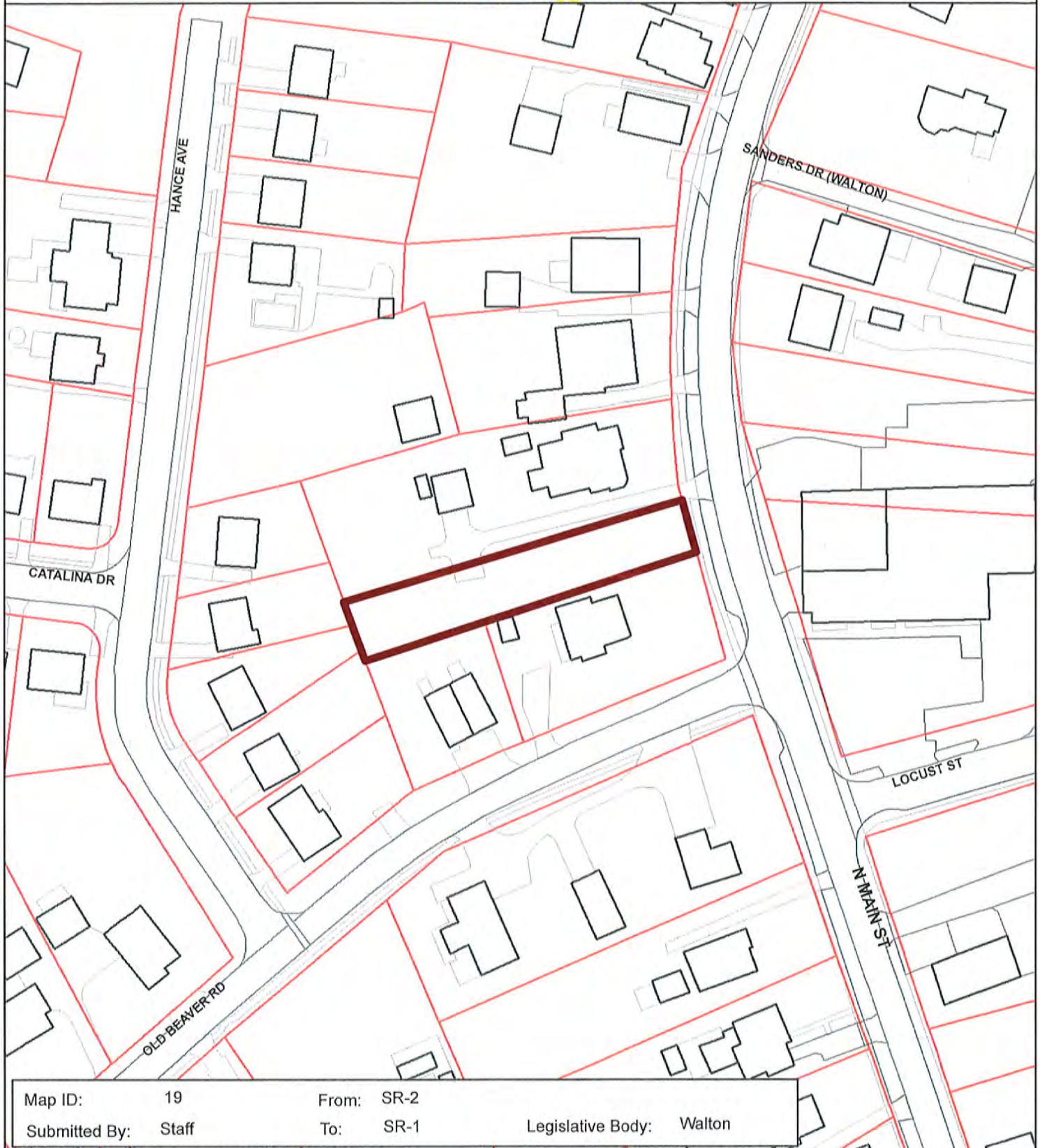


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Boone County GIS Map

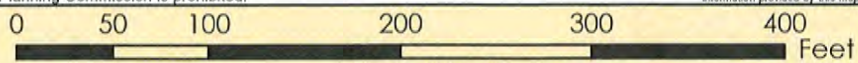
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| Map ID: | 19 | From: | SR-2 | Legislative Body: | Walton |
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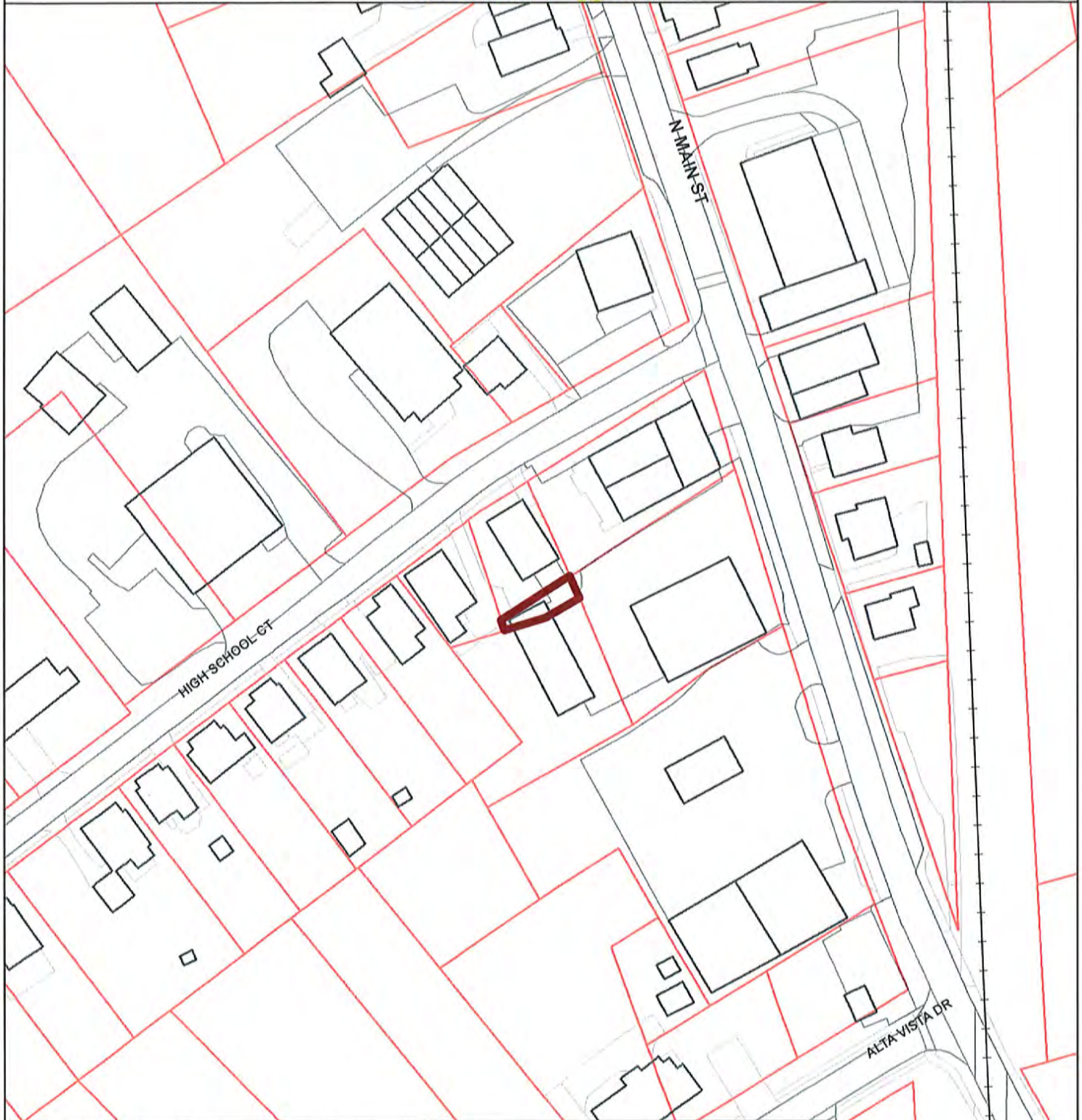
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ArcMap Document: *.mxd

Boone County GIS Map

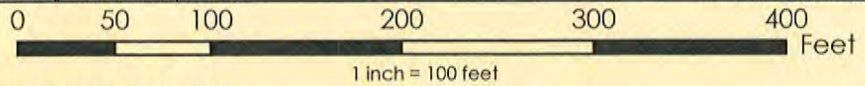
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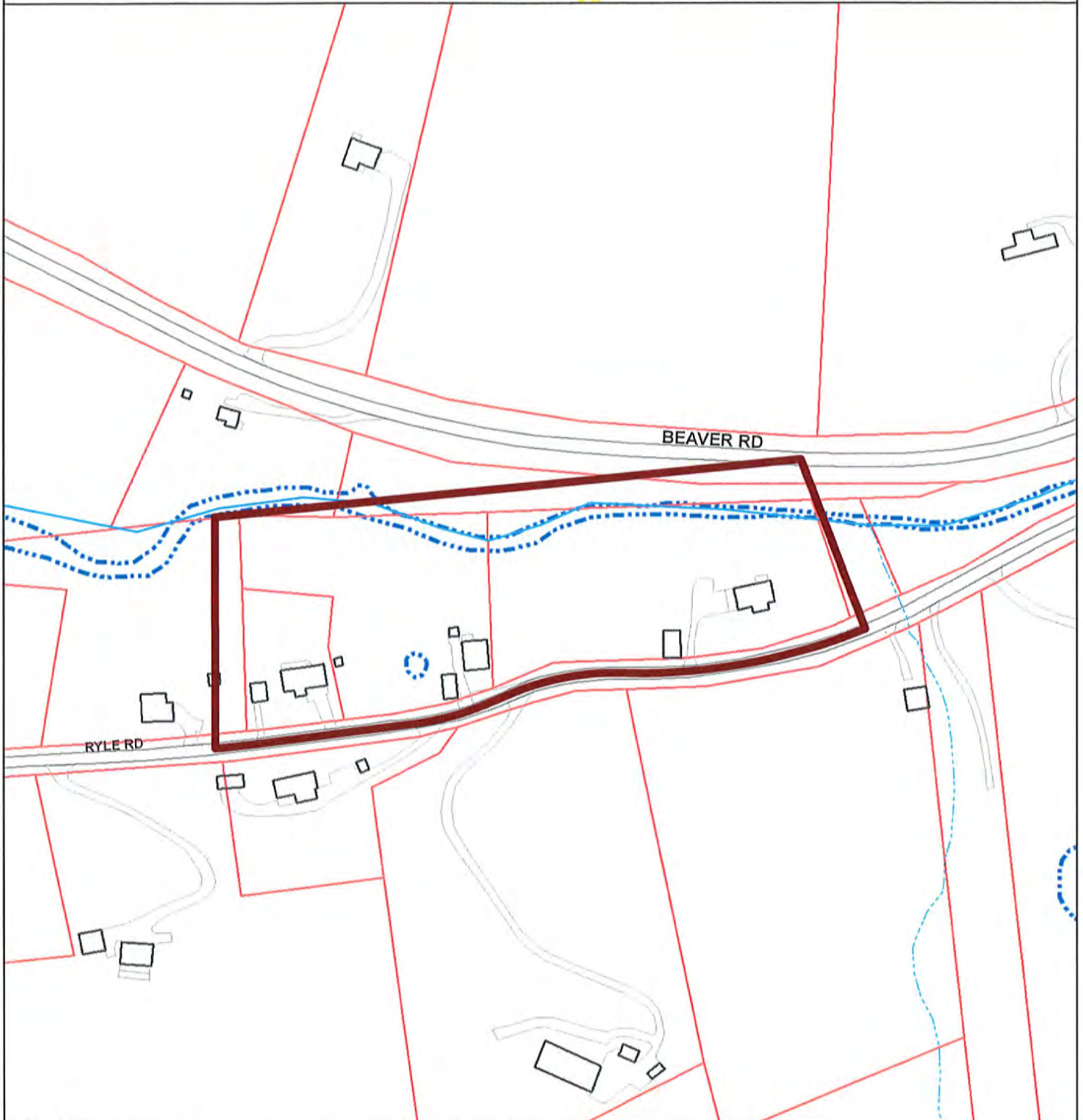


Map Created: 01/01/2018

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ArcMap Document: ' .mxd

Boone County GIS Map

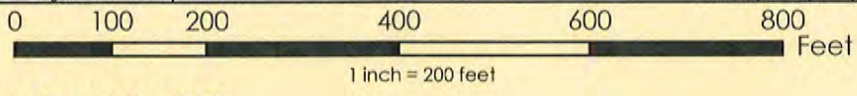
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| Submitted By: | Staff | To: | RSE | | |

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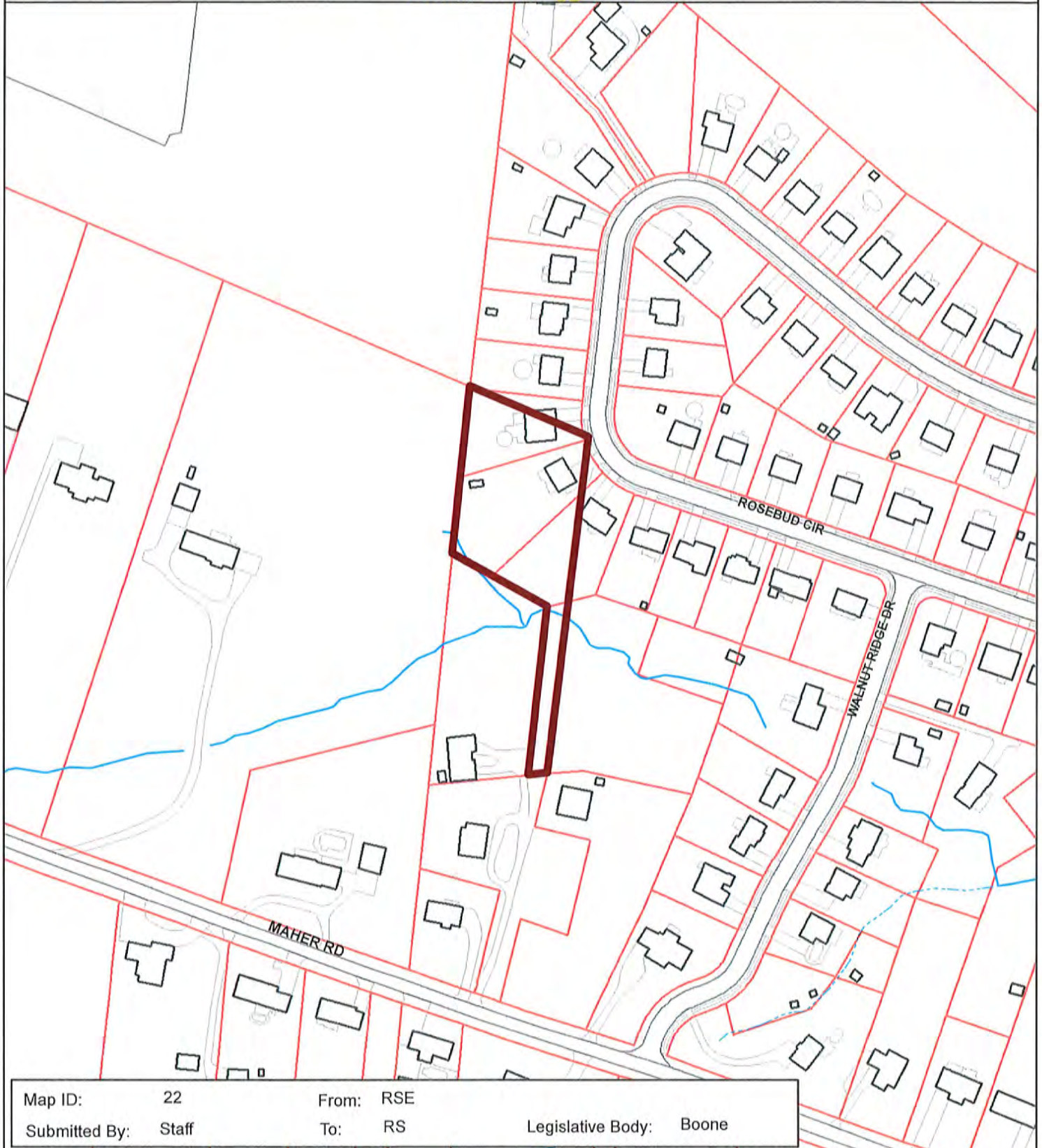


Boone County GIS



Boone County GIS Map

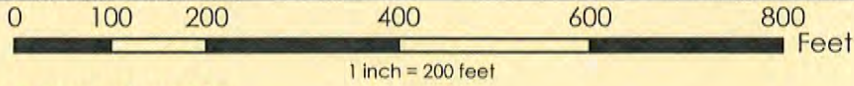
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 22 | From: | RSE | Legislative Body: | Boone |
| Submitted By: | Staff | To: | RS | | |

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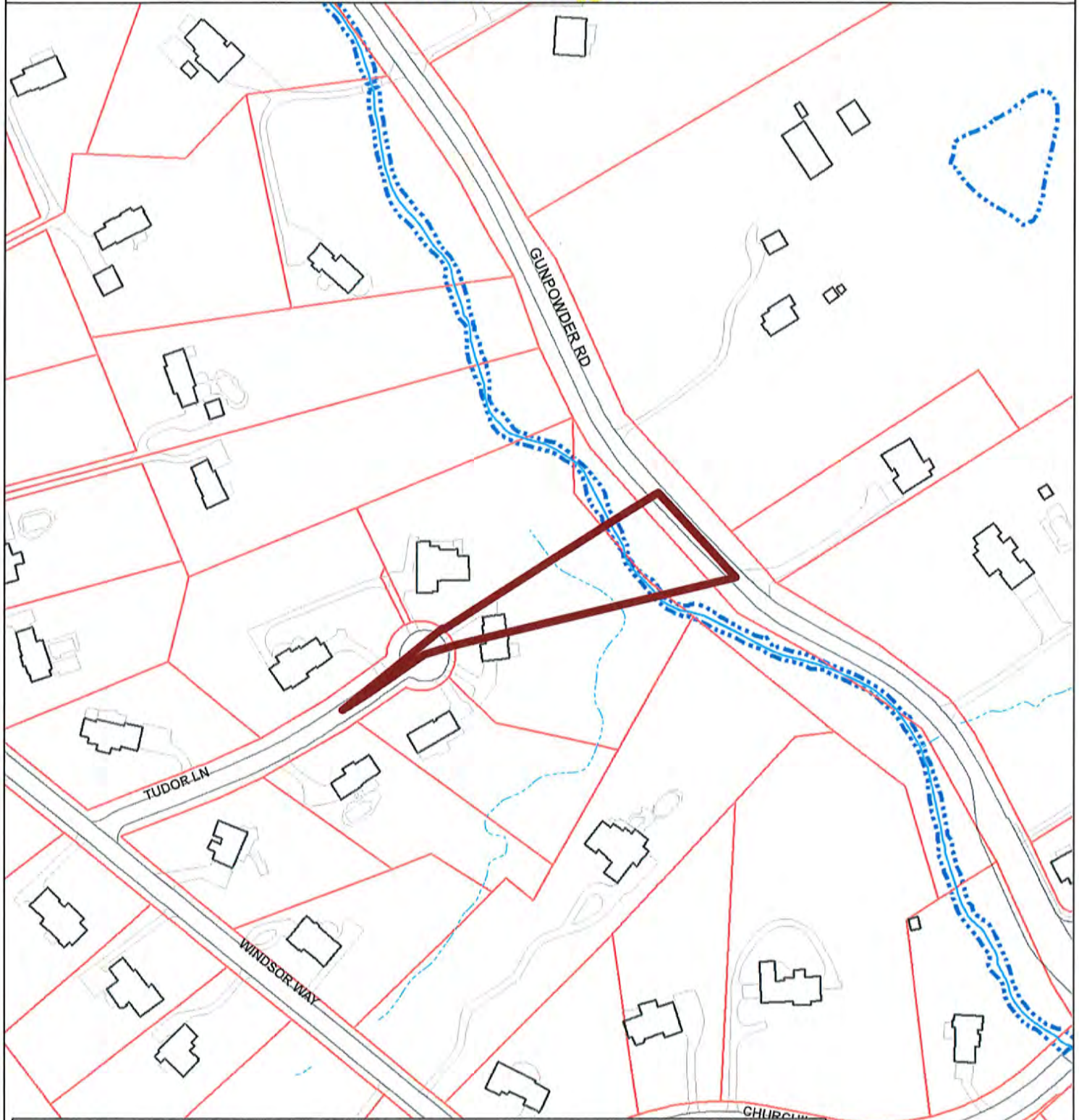


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

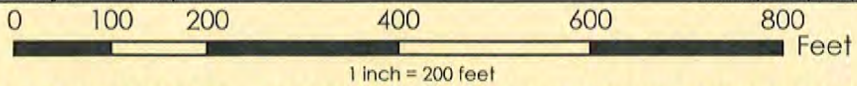
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 23 | From: | RS | Legislative Body: | Union |
| Submitted By: | Staff | To: | A-2 | | |

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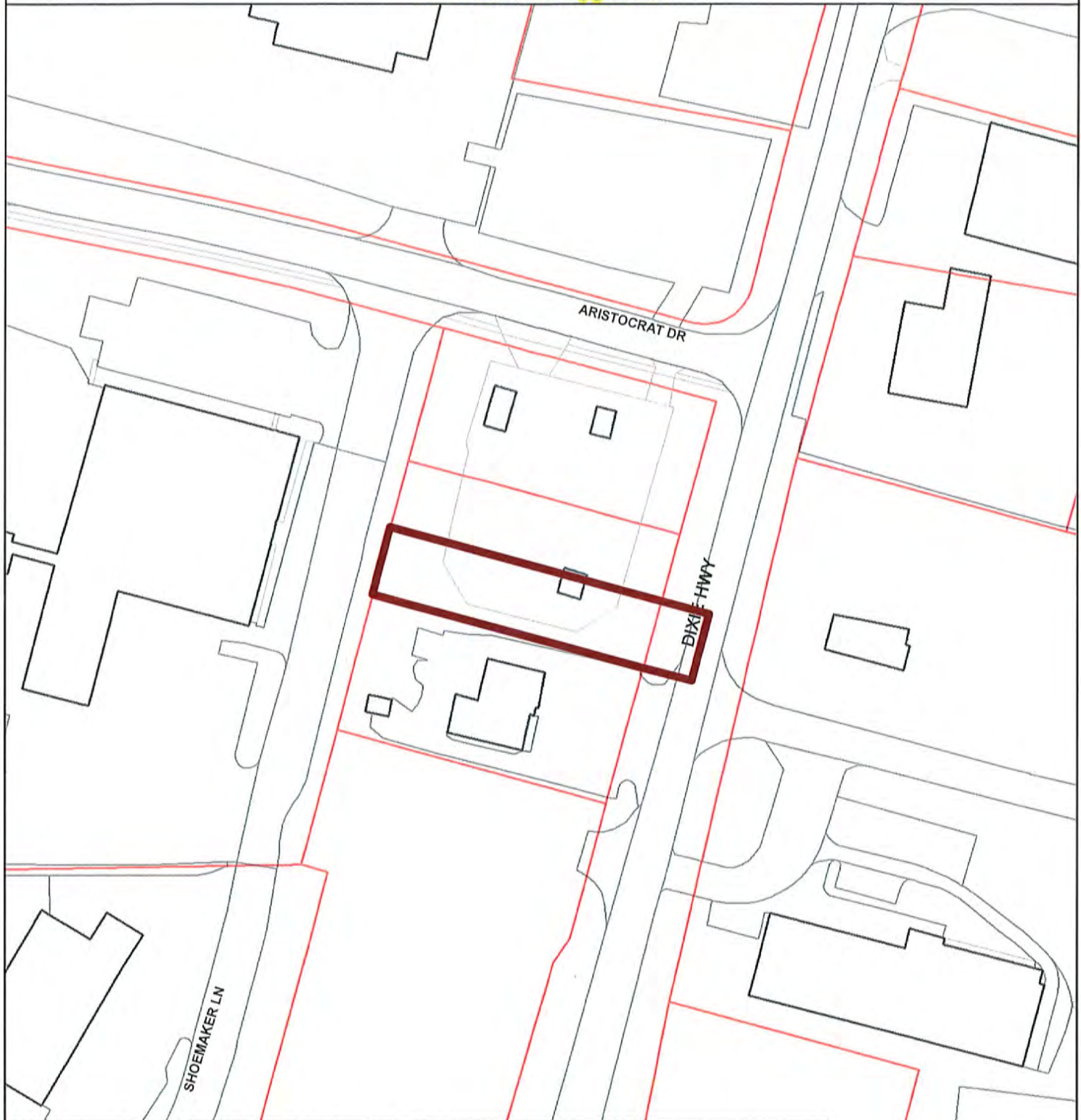
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

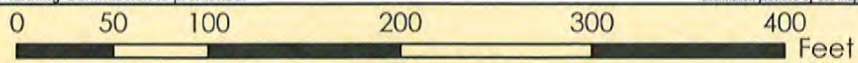
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 24 | From: | C-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | I-2 | | |

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1 inch = 100 feet

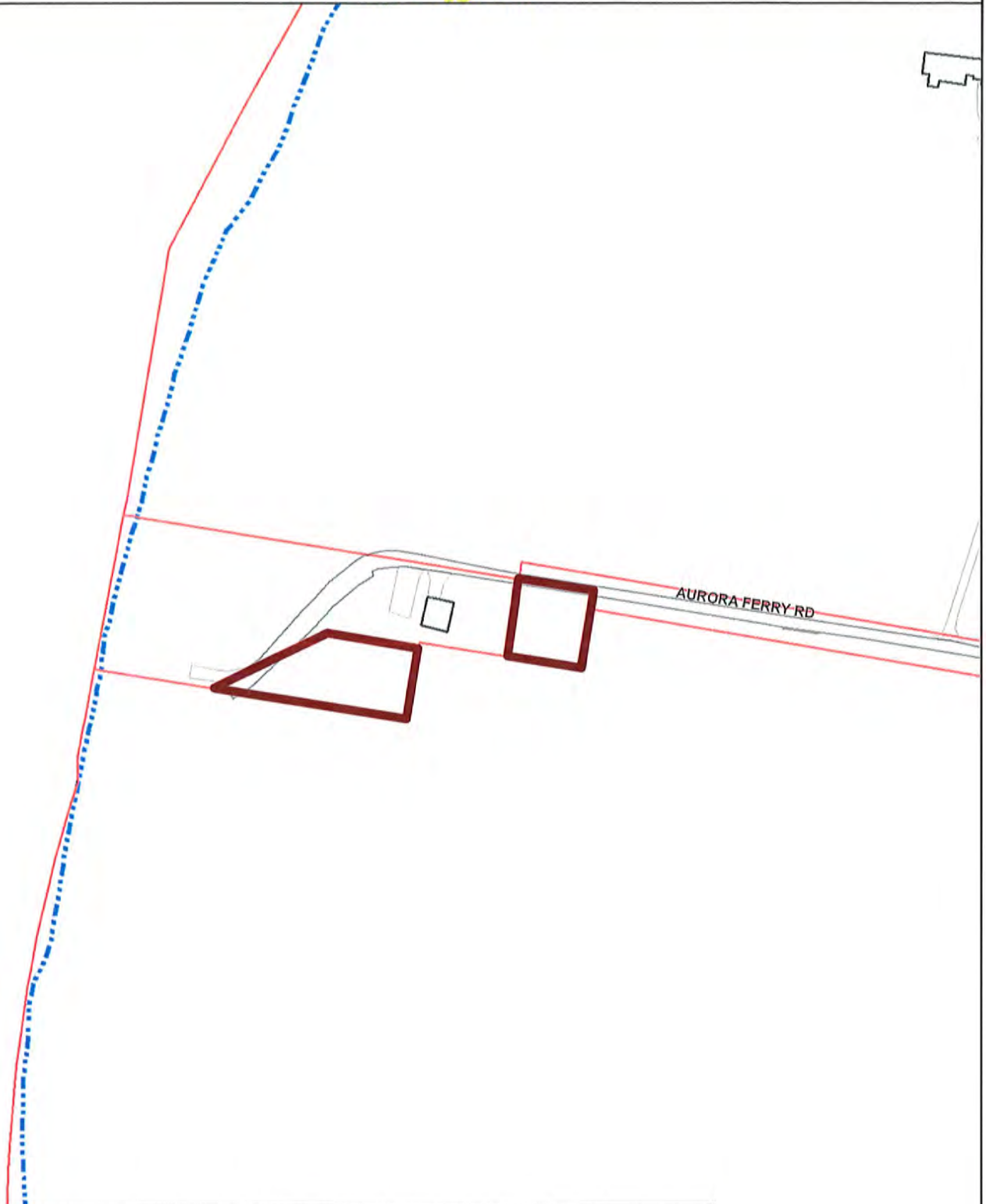


Boone County GIS



Boone County GIS Map

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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 25 | From: | I-3 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | R | | |

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Boone County GIS - Putting Northern Kentucky on the Map

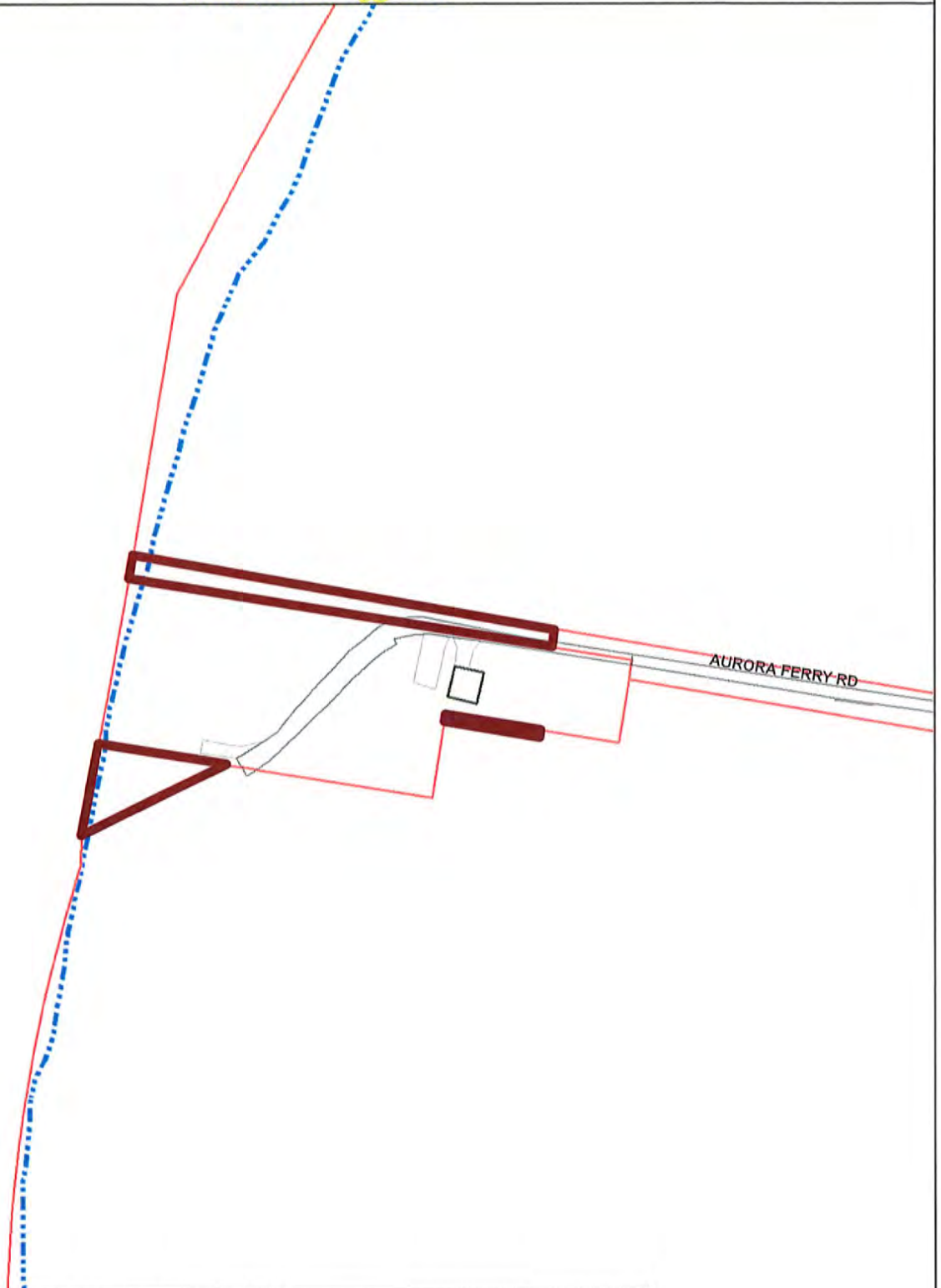
Map Created: 01/01/2018



Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

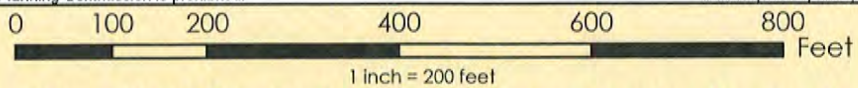
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 26 | From: | R | Legislative Body: | Boone |
| Submitted By: | Staff | To: | I-3 | | |

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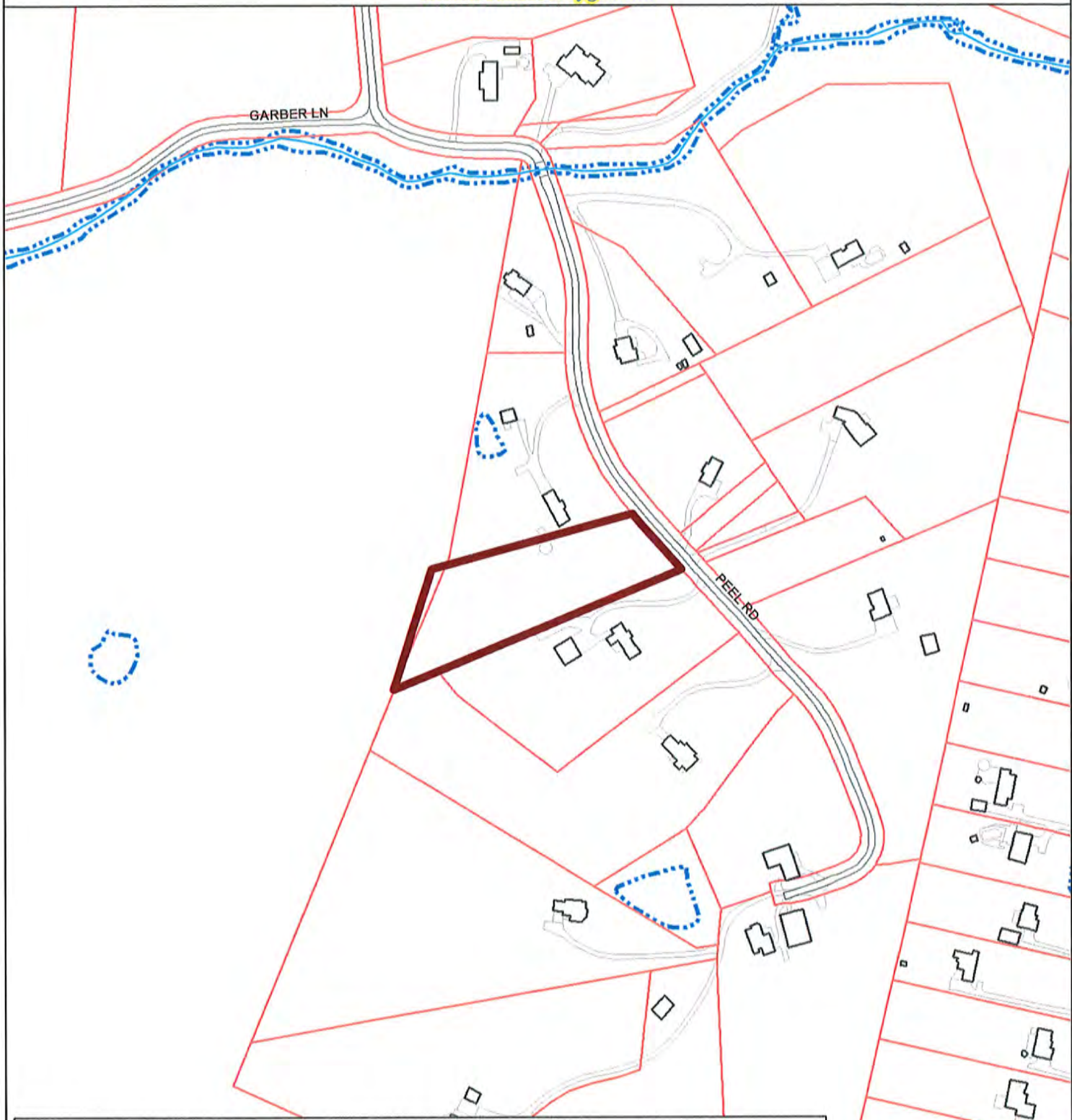
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or context of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS Map

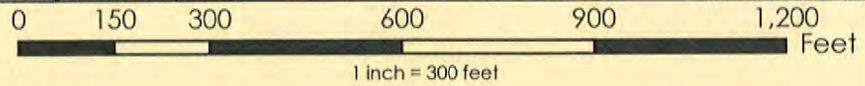
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 27 | From: | A-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | RSE | | |

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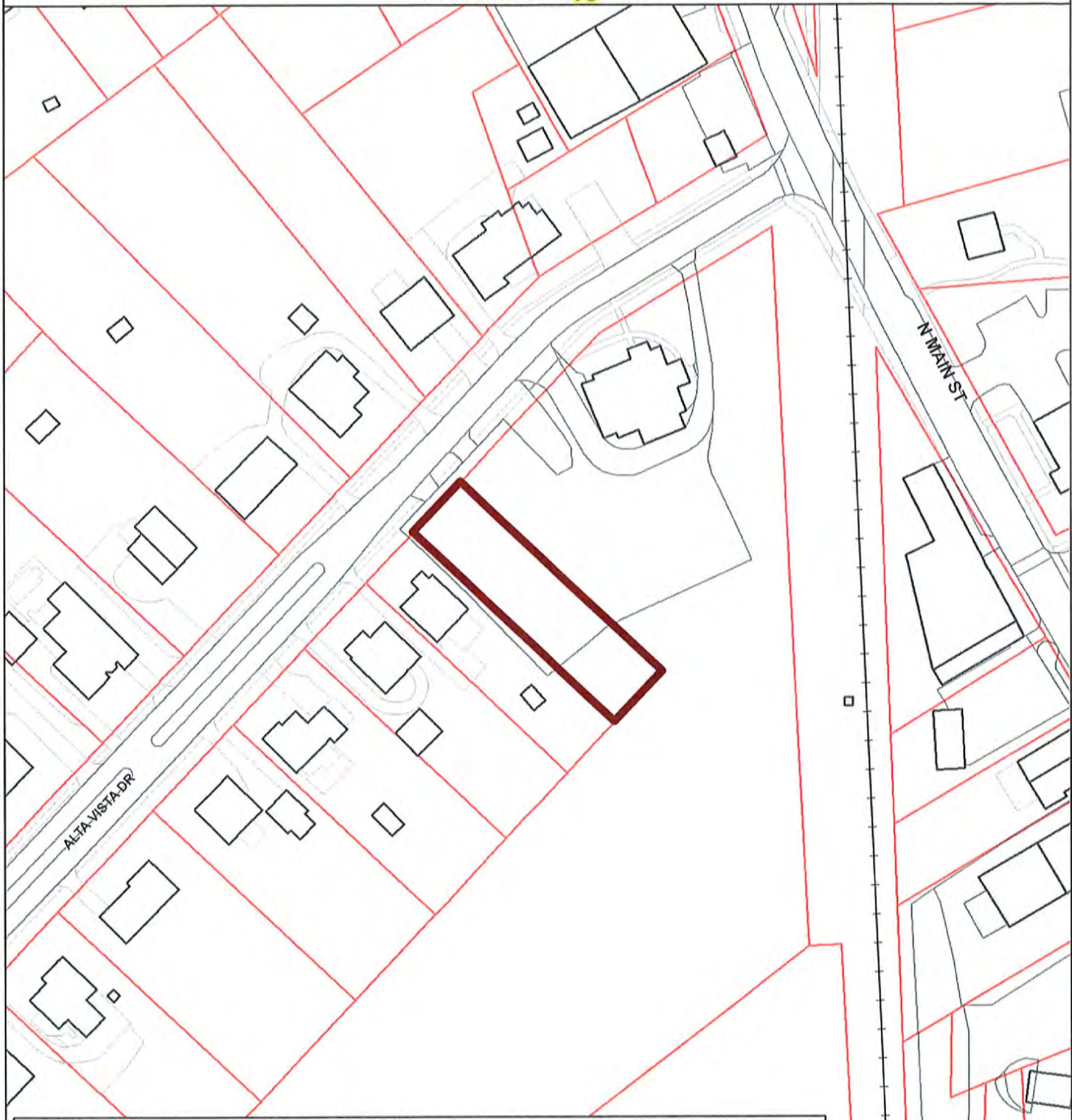


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Boone County GIS Map

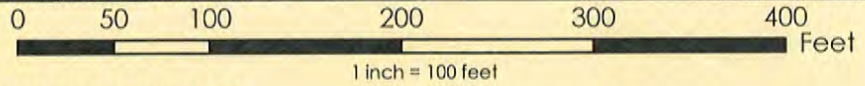
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|---------------|-------|-------|----|-------------------|--------|
| Map ID: | 28 | From: | RS | Legislative Body: | Walton |
| Submitted By: | Staff | To: | WD | | |

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Boone County GIS

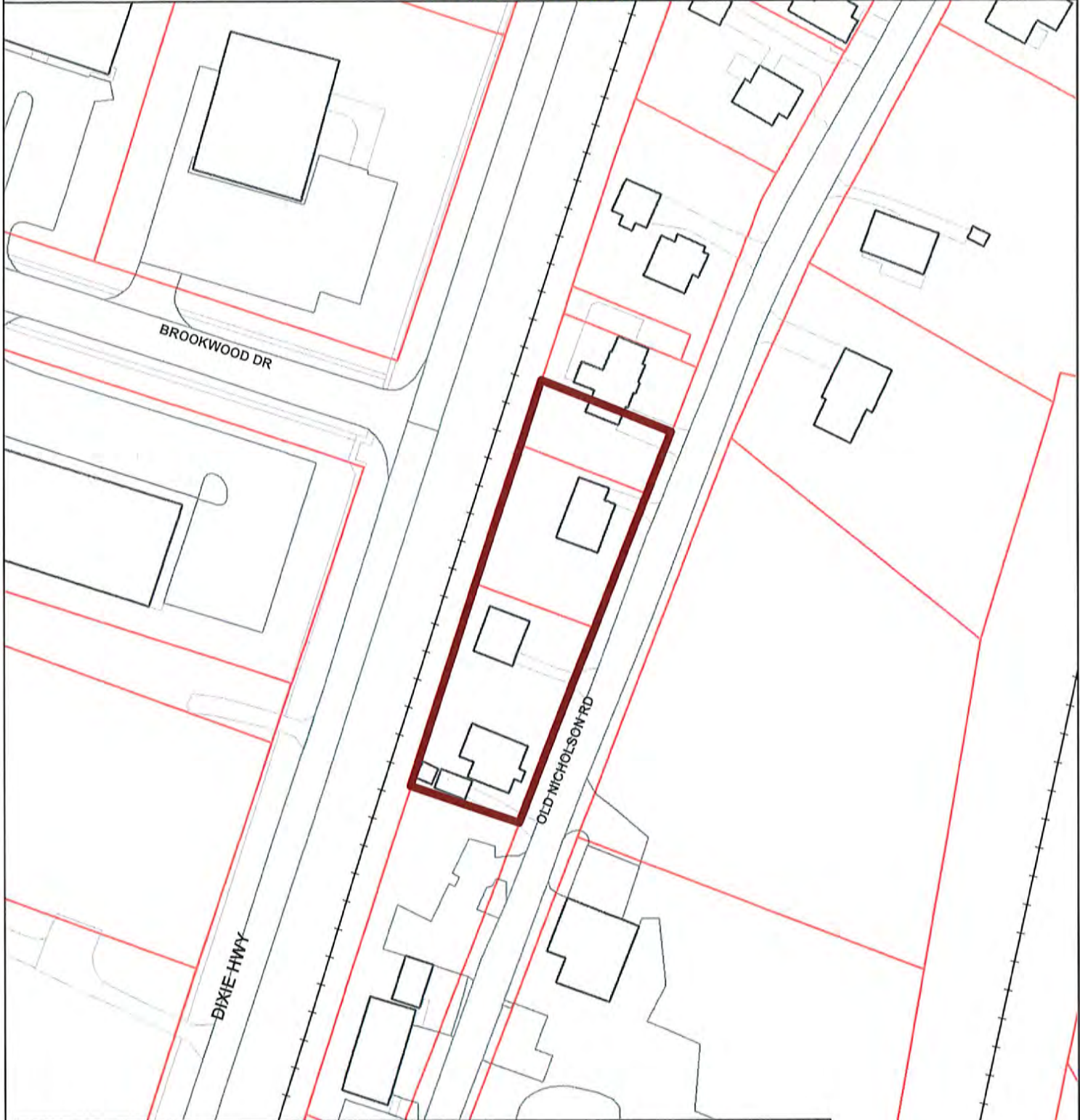


Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

Boone County GIS Map

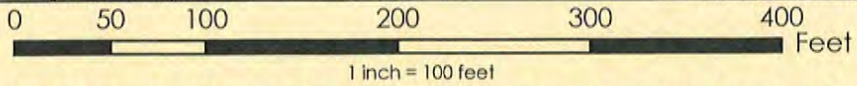
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|---------------|-------|-------|------|-------------------|--------|
| Map ID: | 29 | From: | C-2 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | SR-1 | | |

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

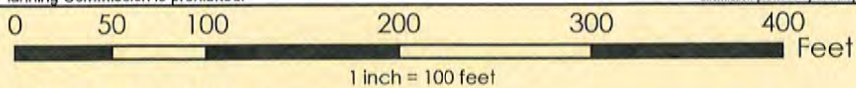
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|---------------|-------|-------|------|-------------------|--------|
| Map ID: | 30 | From: | C-2 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | SR-1 | | |

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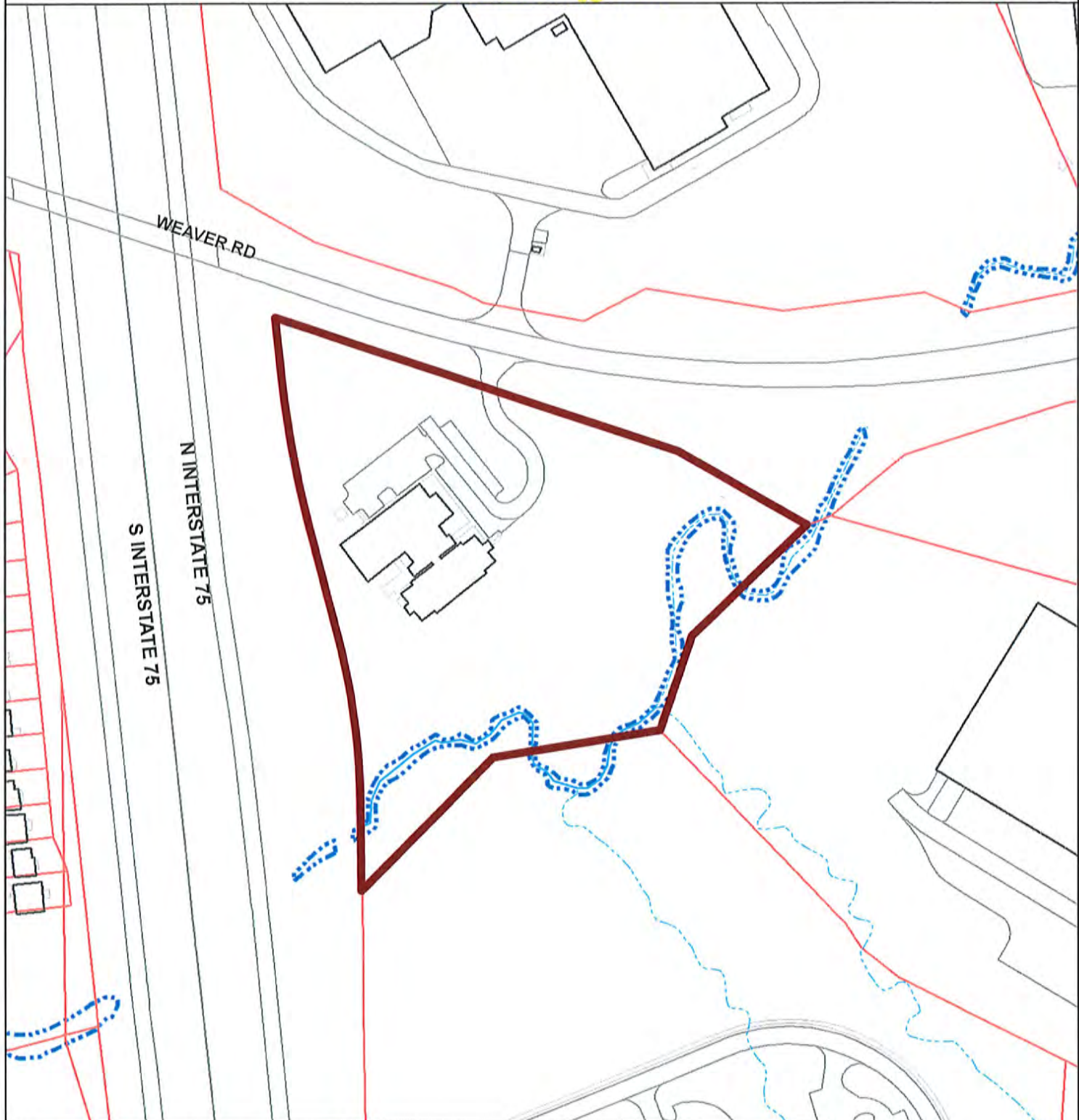


Boone County GIS



Boone County GIS Map

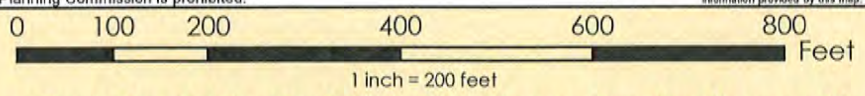
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 31 | From: | I-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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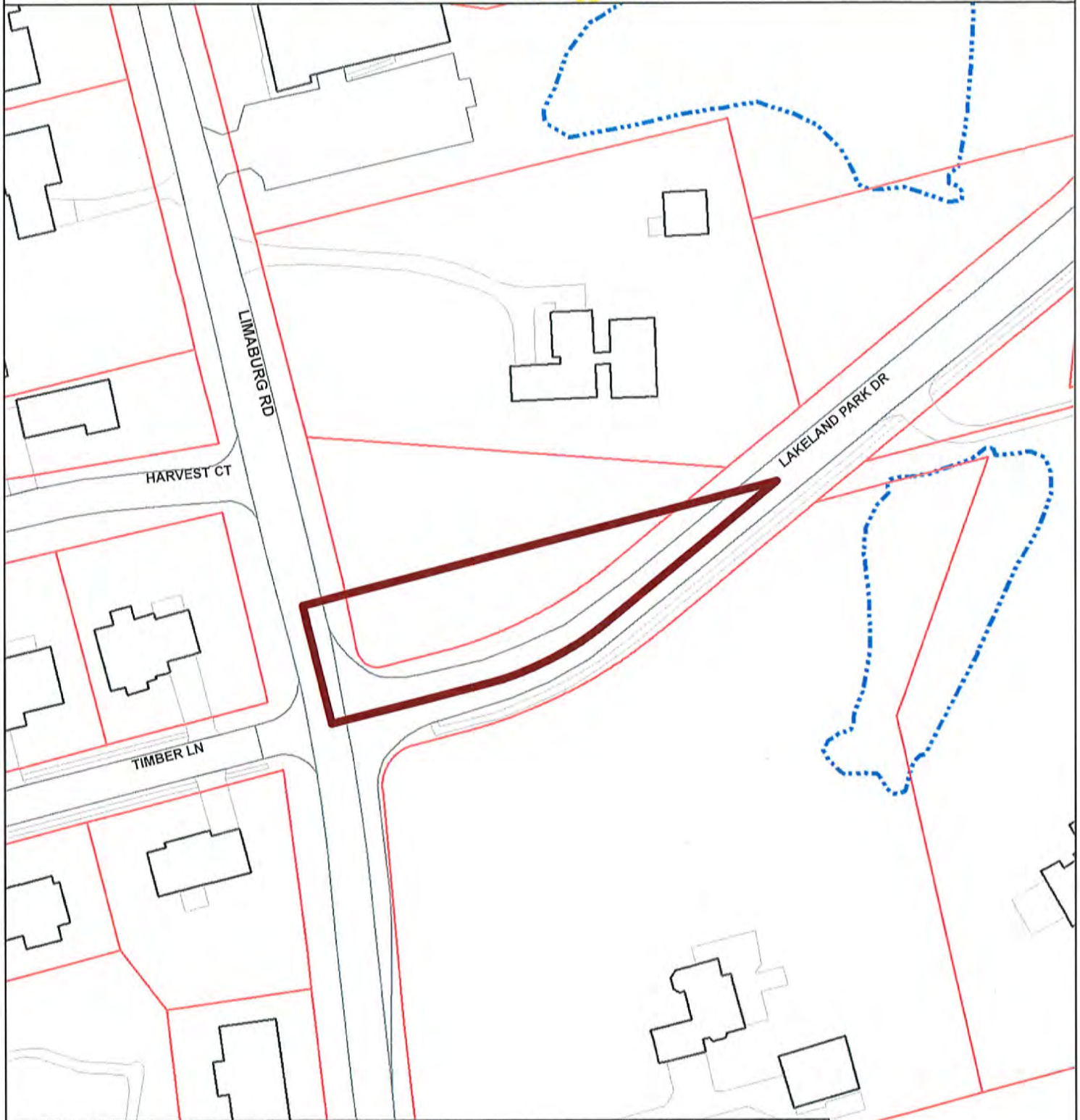
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

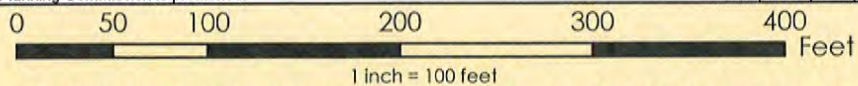
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|---------------|------------------------------|-------------------|-------|
| Map ID: | 32 | From: | RS |
| Submitted By: | Ronald G. and Janet Anderson | Legislative Body: | Boone |

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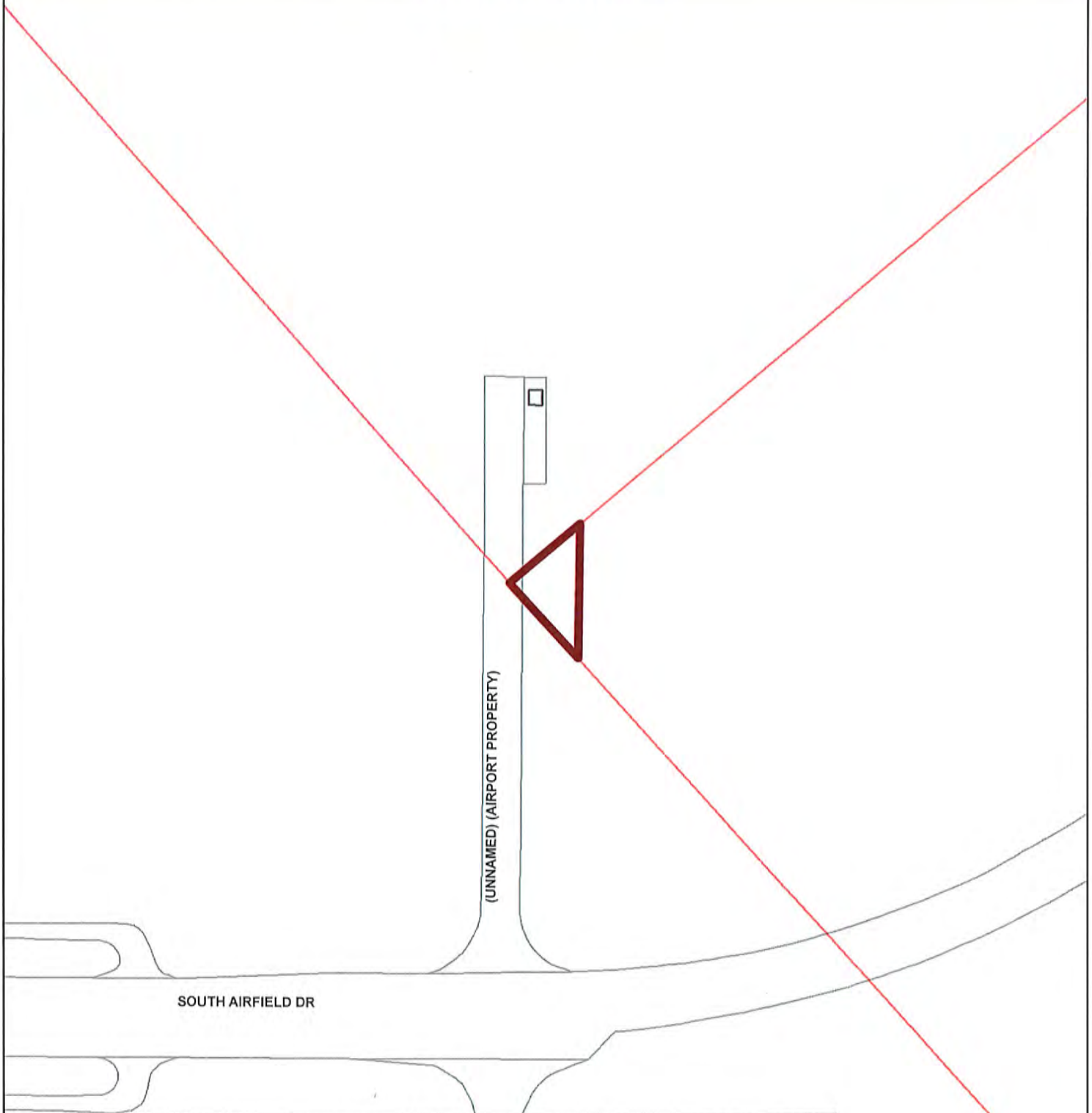
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

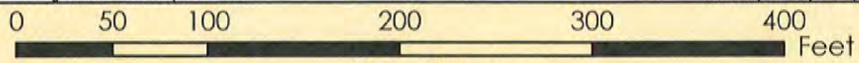
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|---------------|-------|-------|-------|-------------------|-------|
| Map ID: | 33 | From: | A/HDO | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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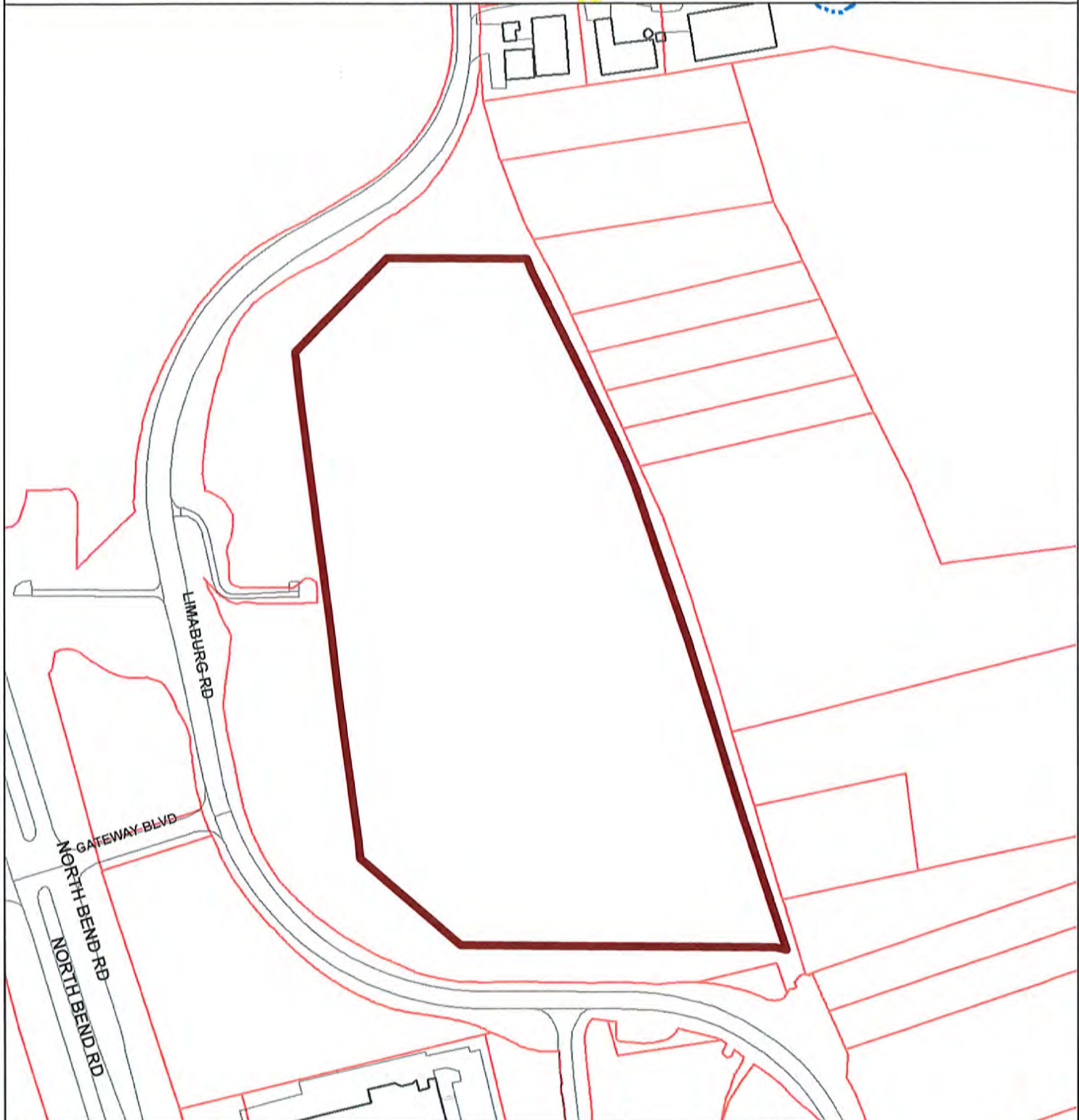
1 inch = 100 feet



Boone County GIS

Boone County GIS Map

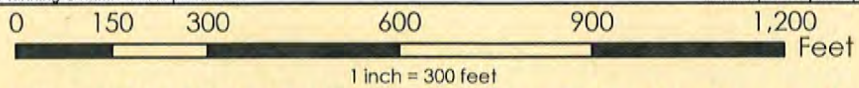
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|---------------|-------|-------|--------|-------------------|-------|
| Map ID: | 34 | From: | I-1/PD | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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Boone County GIS - Putting Northern Kentucky on the Map

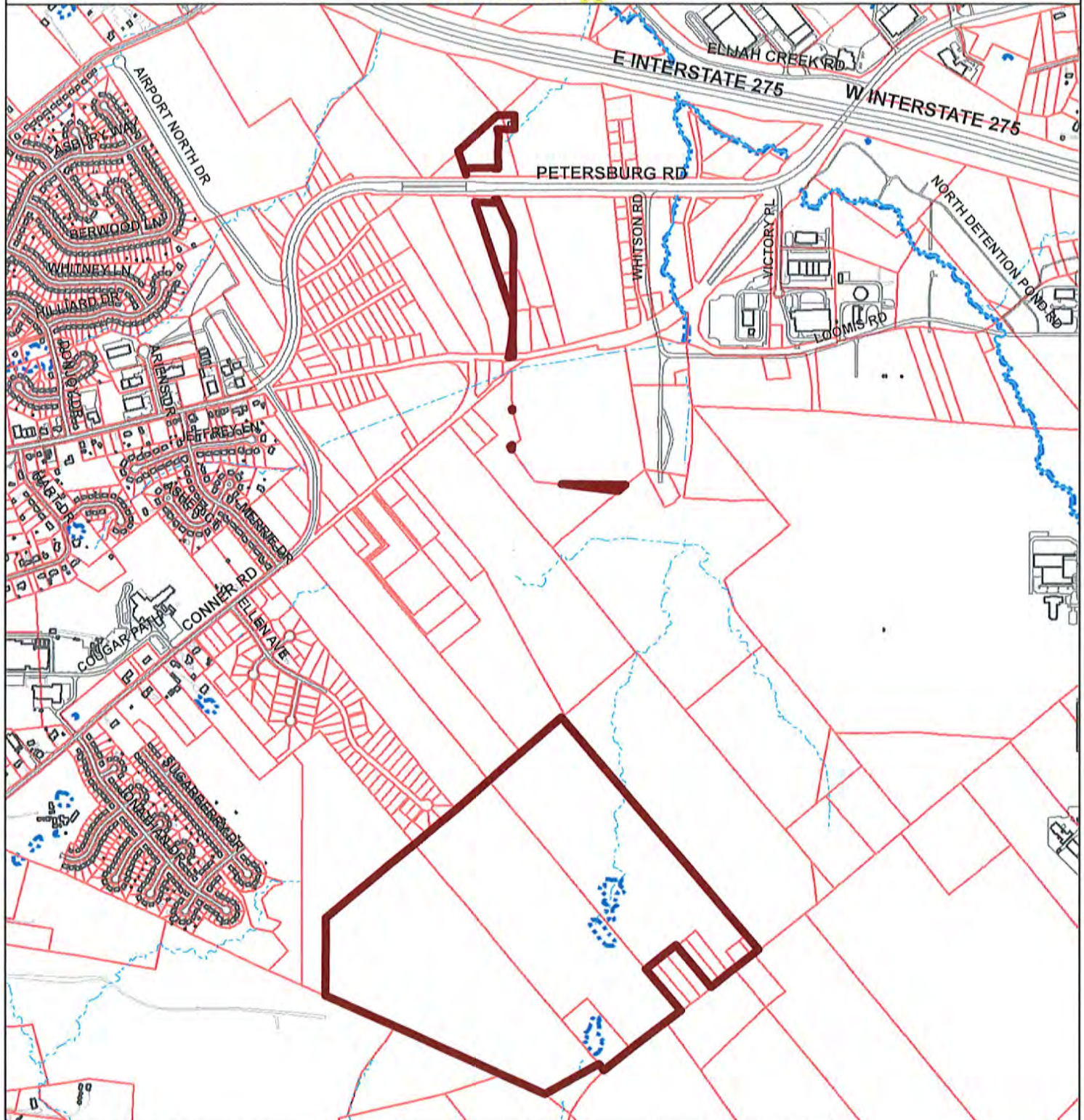


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

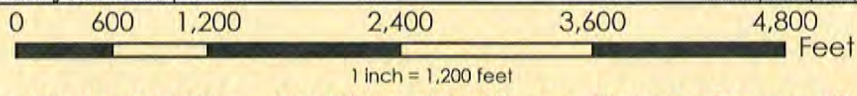
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 35 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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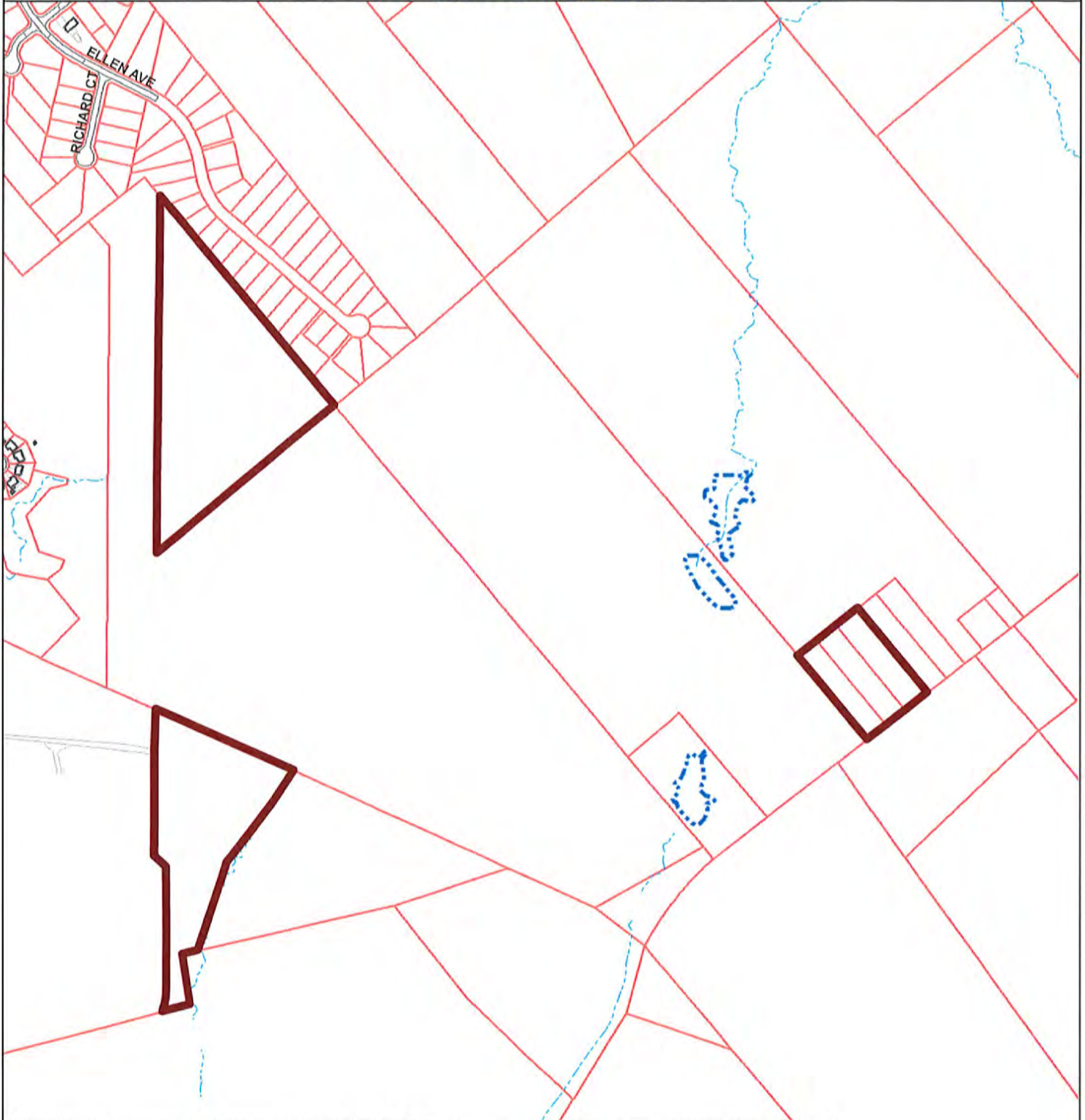
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

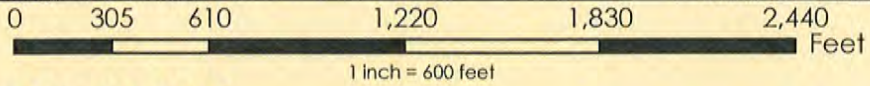
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 36 | From: | A-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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Boone County GIS



Boone County GIS Map

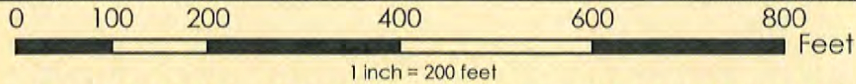
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 37 | From: | C-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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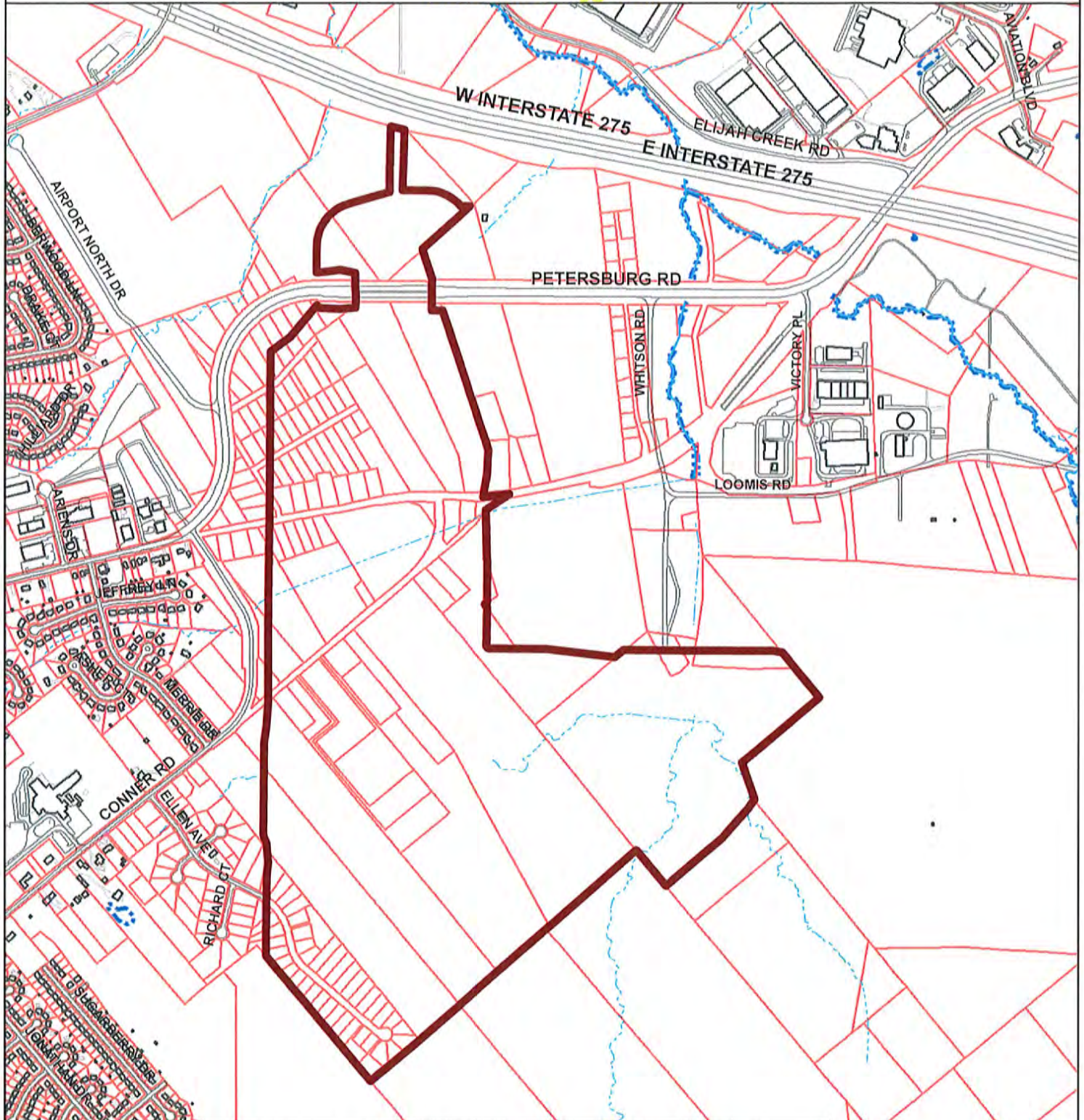
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Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS Map

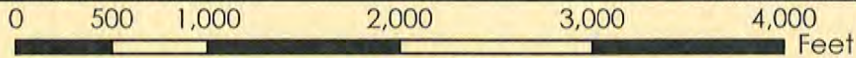
www.boonecountygis.com



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|---------------|-------|-------|------|-------------------|-------|
| Map ID: | 38 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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1 inch = 1,000 feet



Boone County GIS - Putting Northern Kentucky on the Map

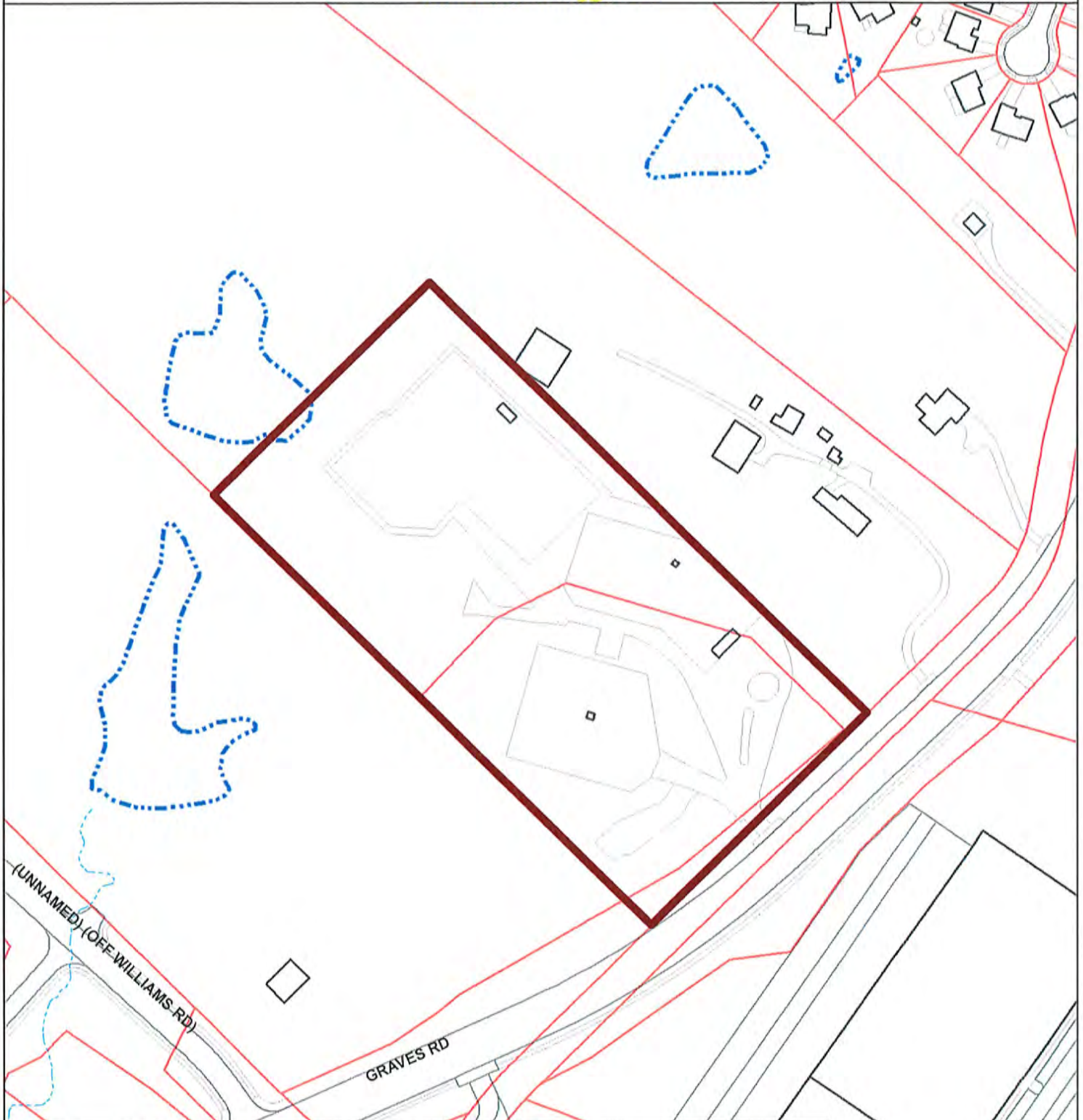


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: * mxd

Boone County GIS Map

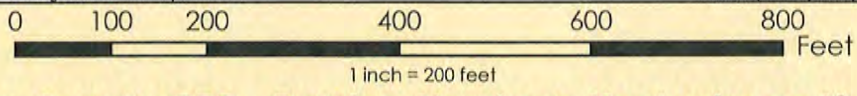
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|---------------|-------|-------|--------------|-------------------|-------|
| Map ID: | 39 | From: | SR-1 and RSE | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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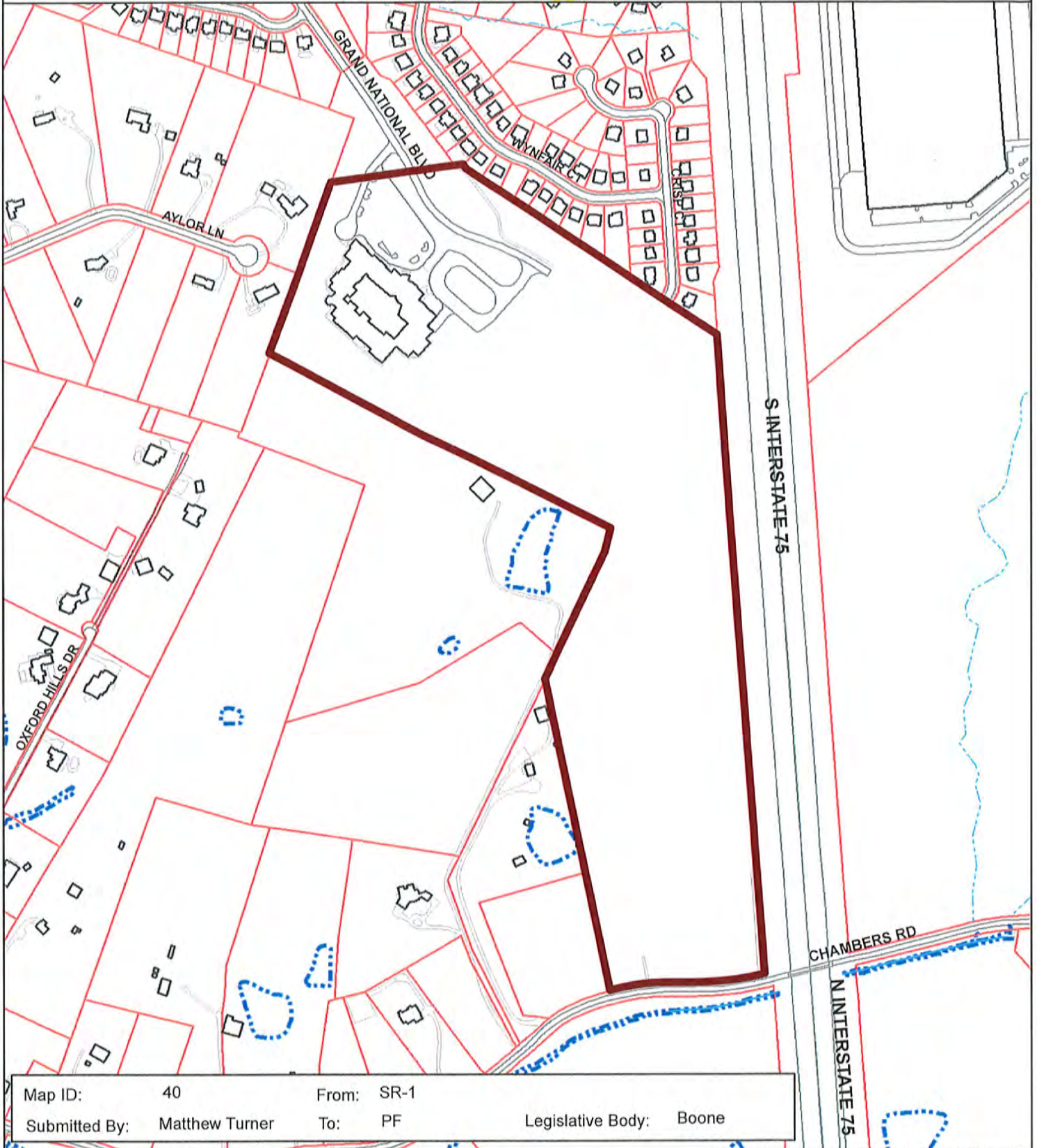
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

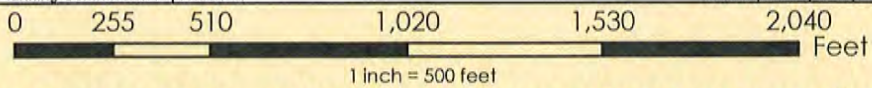
www.boonecountygis.com



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|---------------|----------------|-------|------|-------------------|-------|
| Map ID: | 40 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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Boone County GIS - Putting Northern Kentucky on the Map

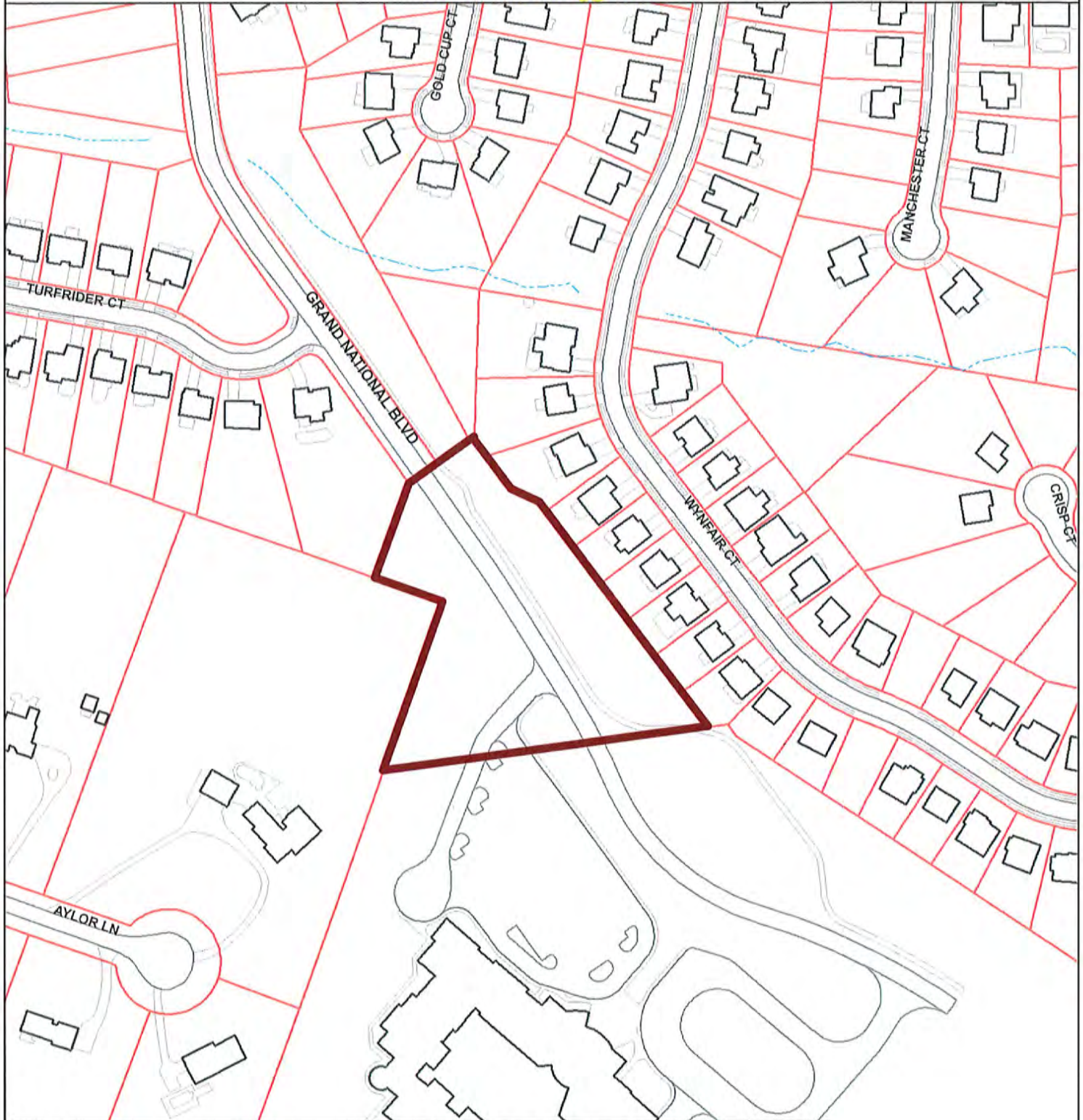


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

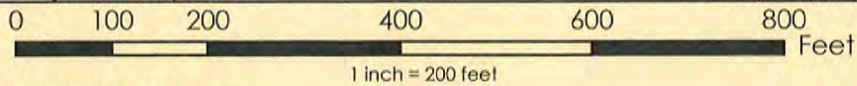
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|---------------|----------------|-------|---------|-------------------|-------|
| Map ID: | 41 | From: | SR-1/PD | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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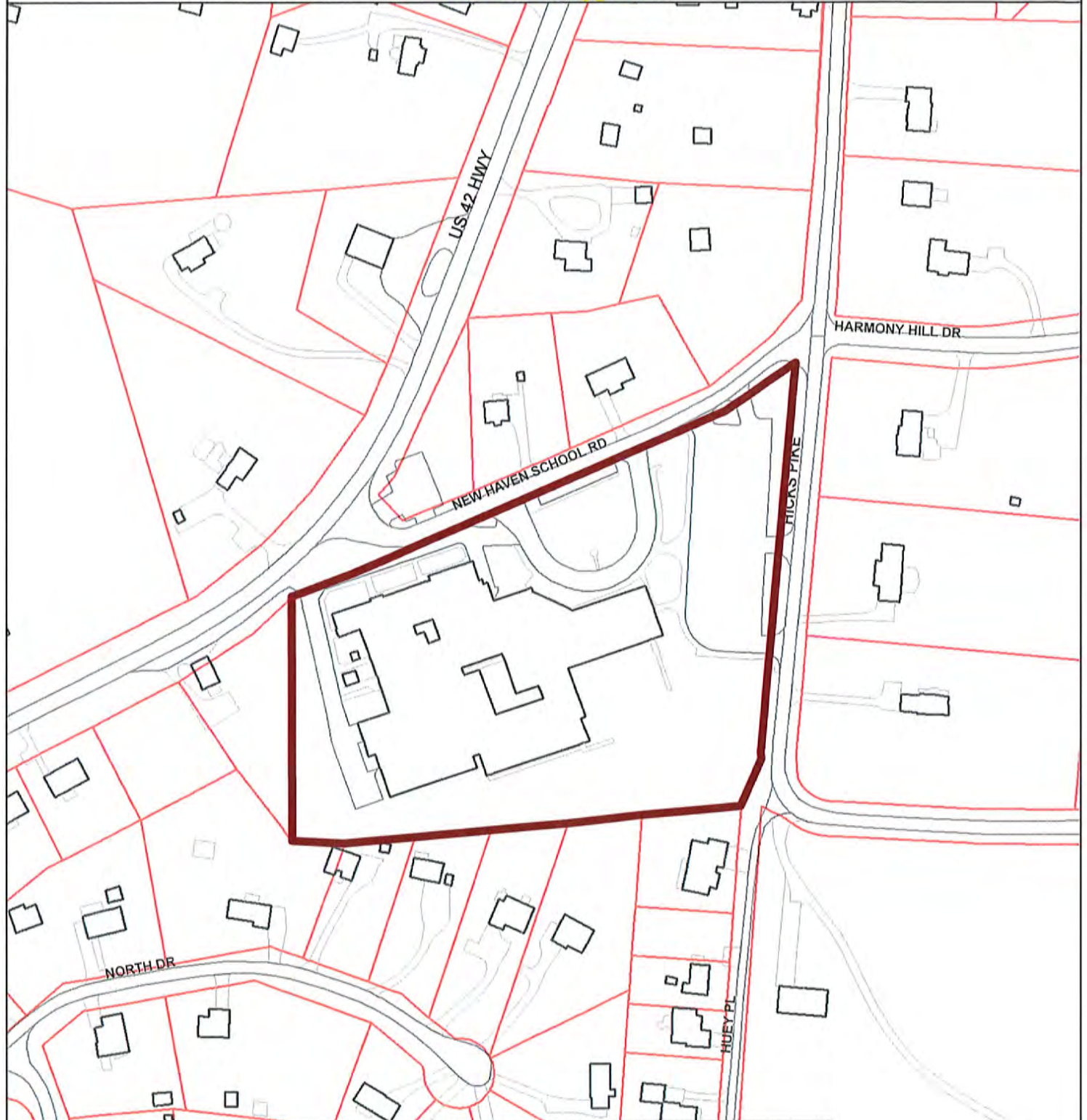
Boone County GIS

Map Created: 01/01/2016

Boone County GIS
ArcMap Document: 'msd'

Boone County GIS Map

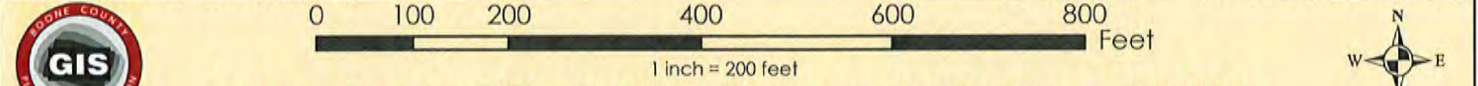
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|---------------|----------------|-------|------|-------------------|-------|
| Map ID: | 42 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

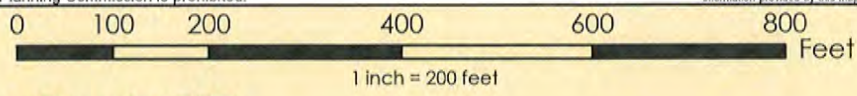
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|---------------|----------------|-------|-----|-------------------|-------|
| Map ID: | 43 | From: | A-2 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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Boone County GIS

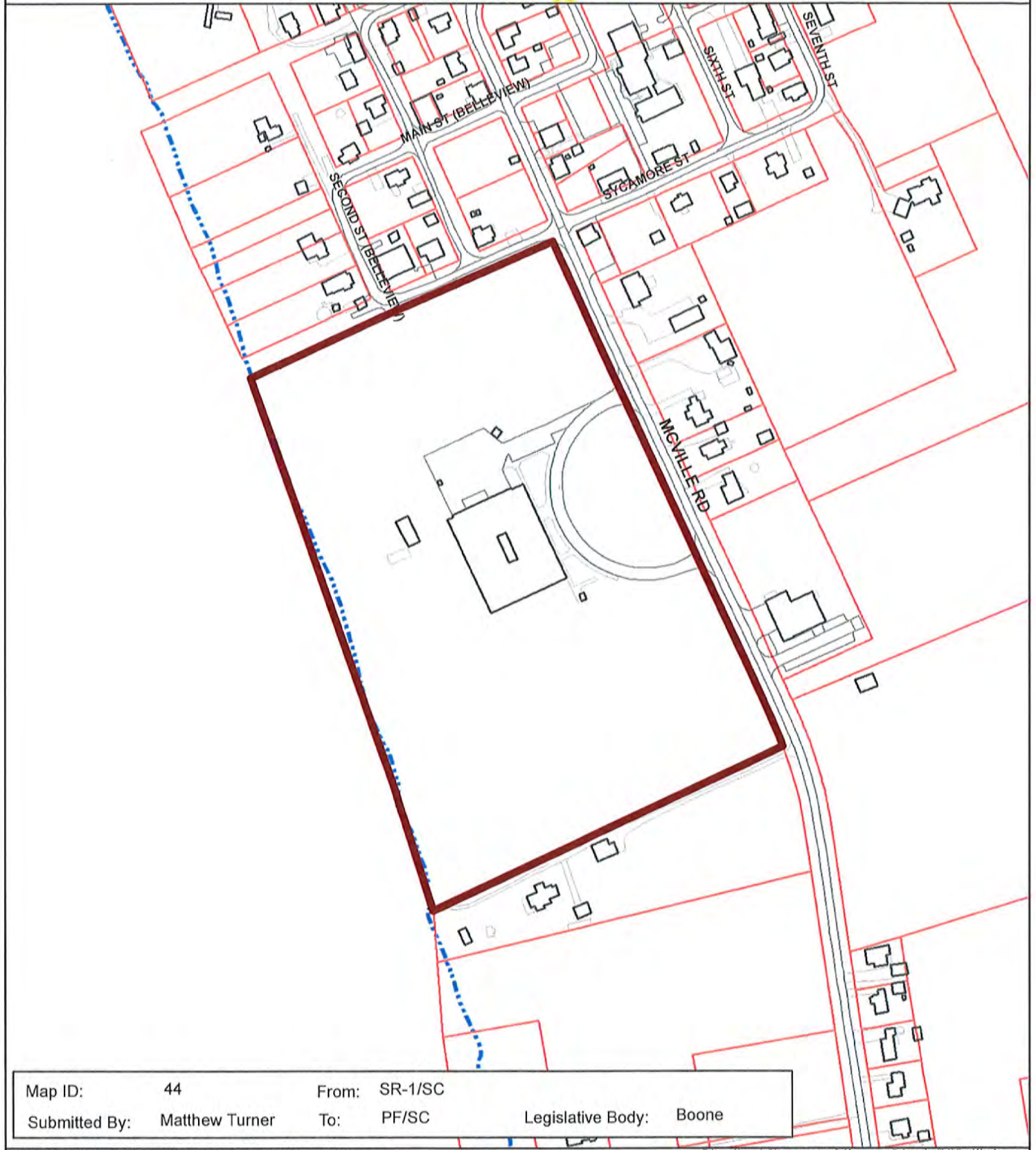


Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

Boone County GIS Map

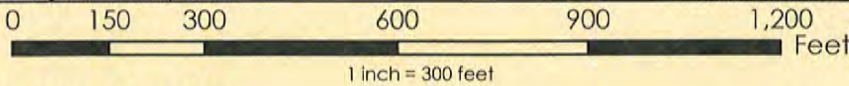
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|---------------|----------------|-------|---------|-------------------|-------|
| Map ID: | 44 | From: | SR-1/SC | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF/SC | | |

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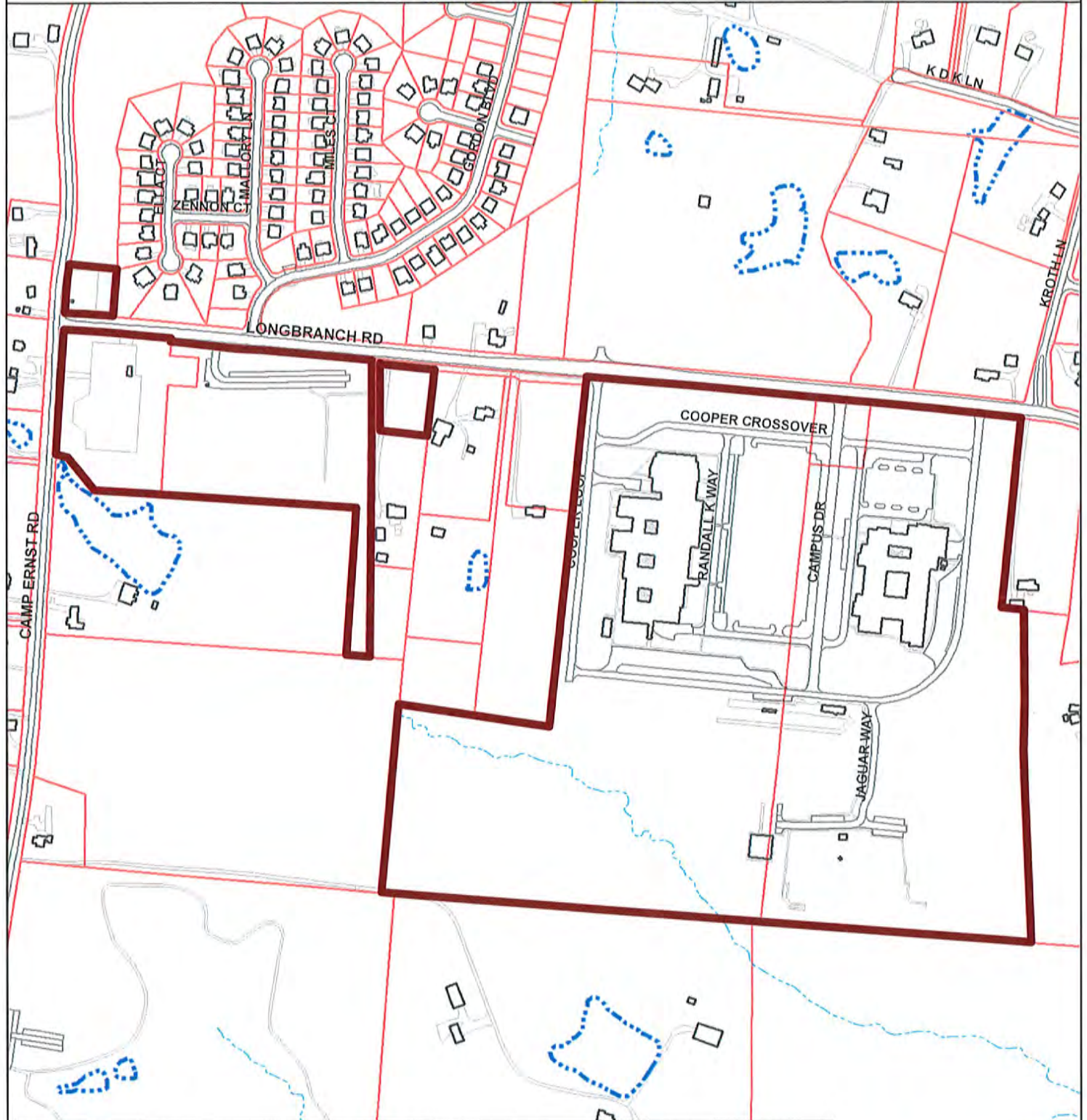


Boone County GIS



Boone County GIS Map

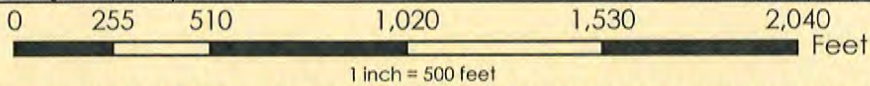
www.boonecountygis.com



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|---------------|----------------|-------|-----|-------------------|-------|
| Map ID: | 45 | From: | A-2 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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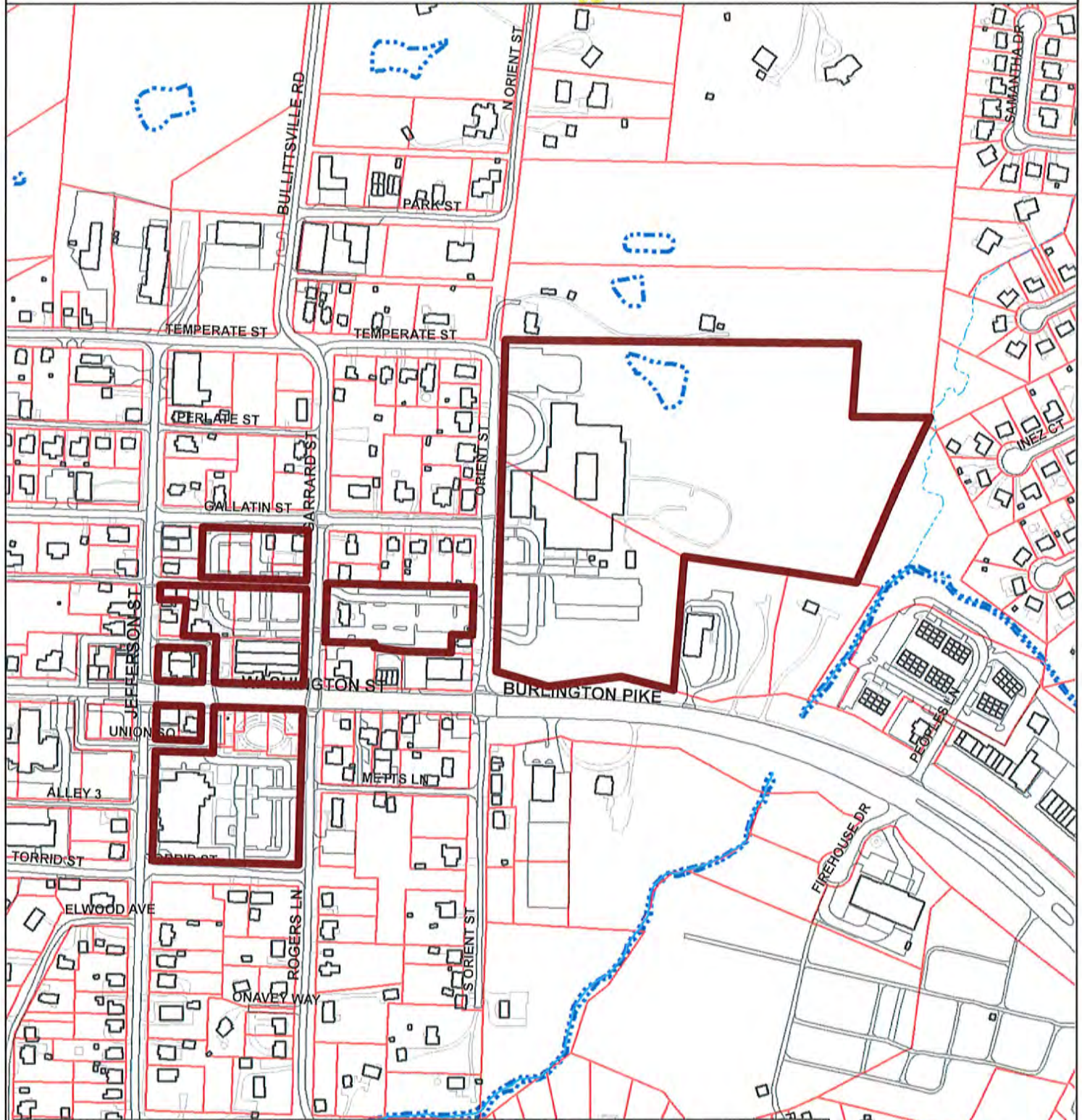
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

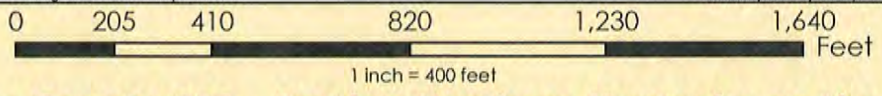
www.boonecountygis.com



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|---------------|----------------|-------|---------|-------------------|-------|
| Map ID: | 46 | From: | SR-2/SC | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF/SC | | |

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Boone County GIS - Putting Northern Kentucky on the Map

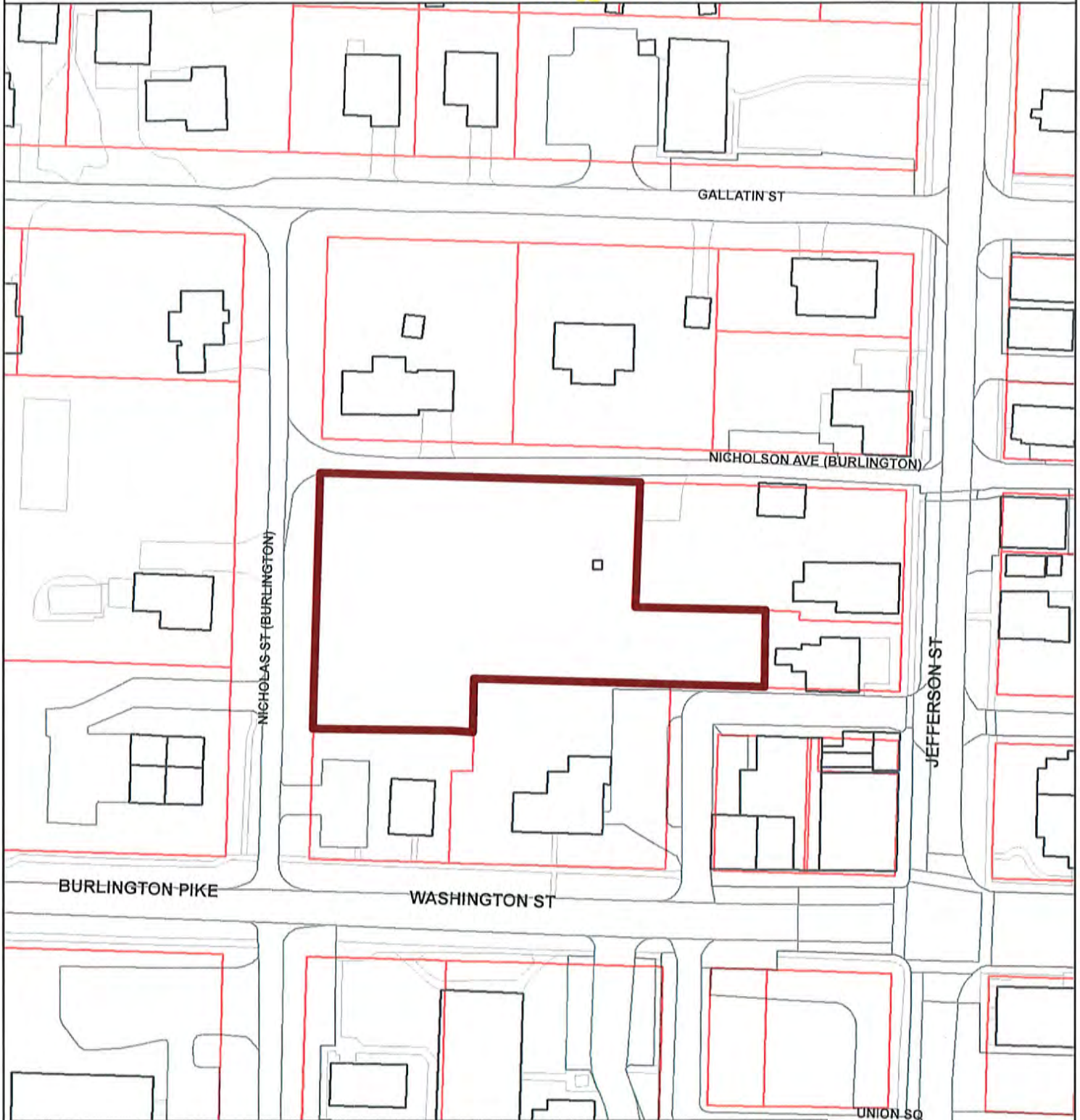


Map Created: 01/01/2018

Boone County GIS - Putting Northern Kentucky on the Map
ArcMap Document: *.mxd

Boone County GIS Map

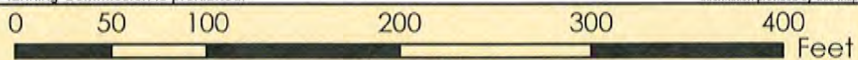
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|---------------|-------|-------|---------|-------------------|-------|
| Map ID: | 47 | From: | SR-2/SC | Legislative Body: | Boone |
| Submitted By: | Staff | To: | R/SC | | |

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1 inch = 100 feet



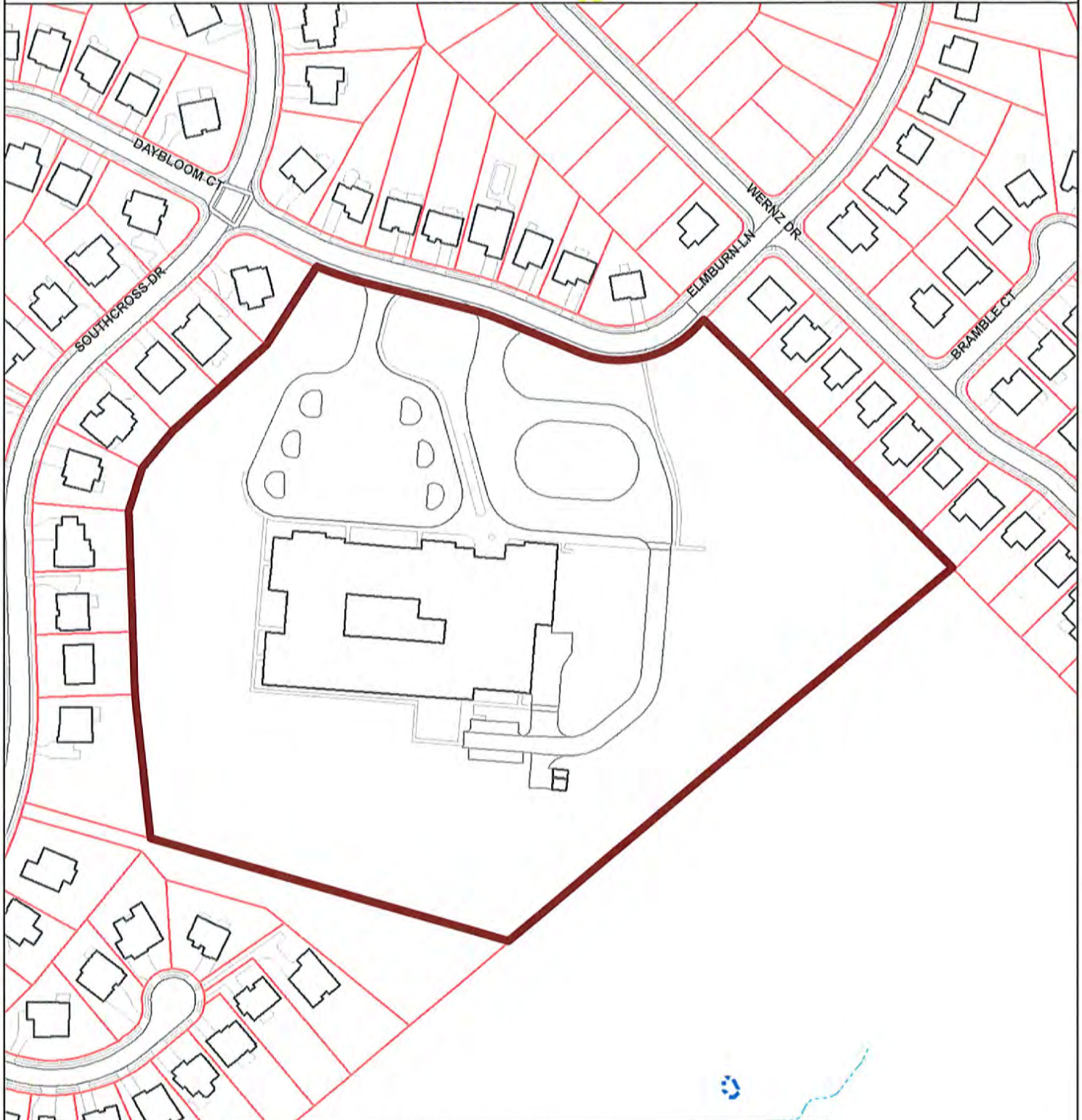
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

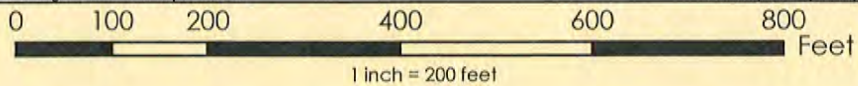
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|---------------|----------------|-------|-----|-------------------|-------|
| Map ID: | 48 | From: | RPD | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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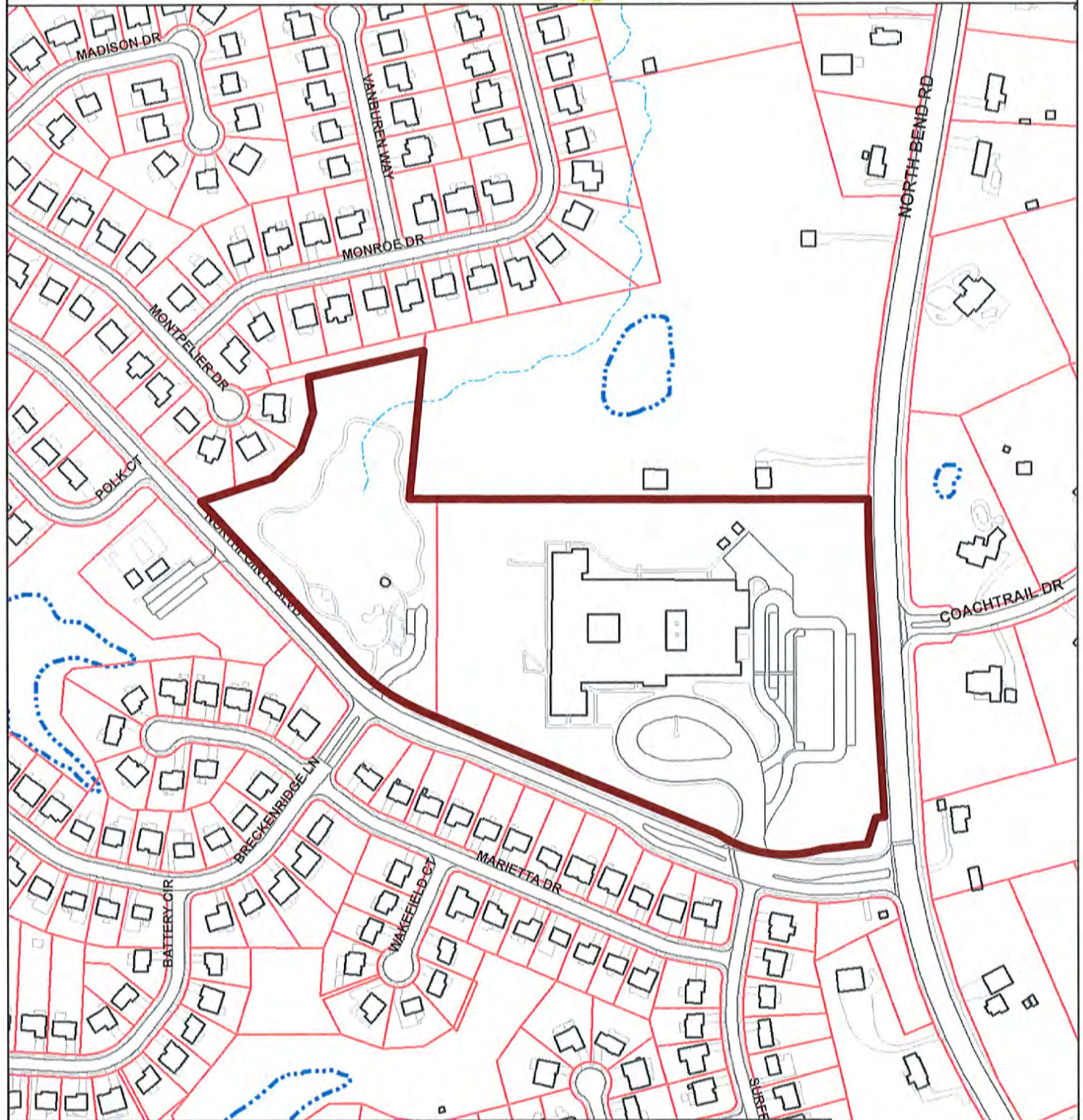


Boo



Boone County GIS Map

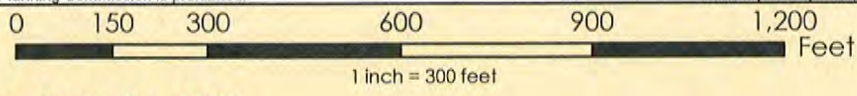
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|---------------|----------------|-------|-----|-------------------|-------|
| Map ID: | 49 | From: | RPD | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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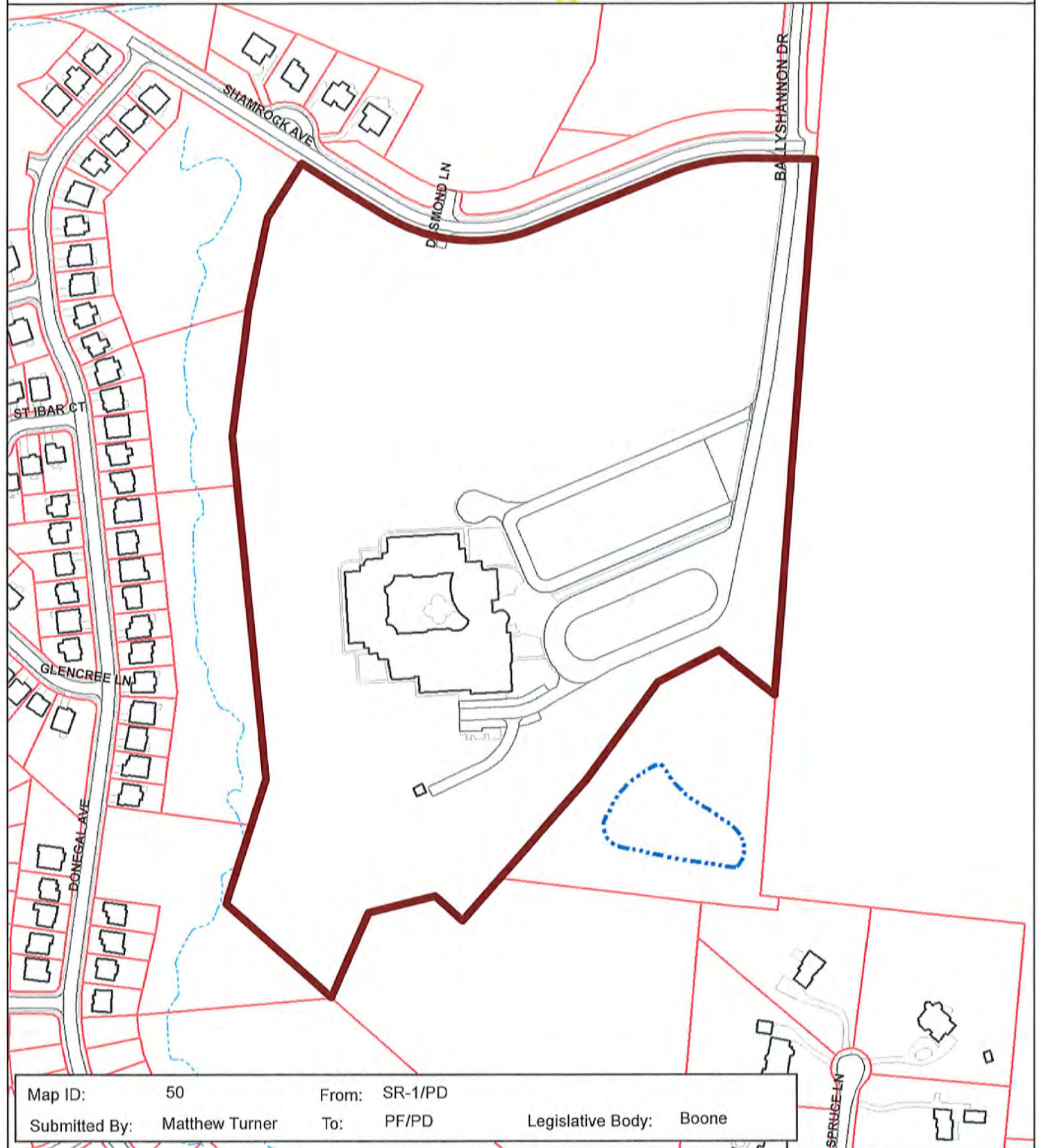


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

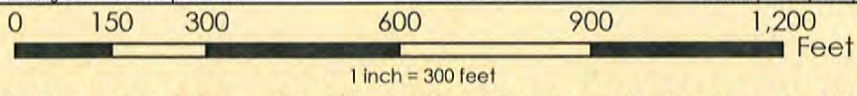
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|---------------|----------------|-------|---------|-------------------|-------|
| Map ID: | 50 | From: | SR-1/PD | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF/PD | | |

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Boone County GIS - Putting Northern Kentucky on the Map

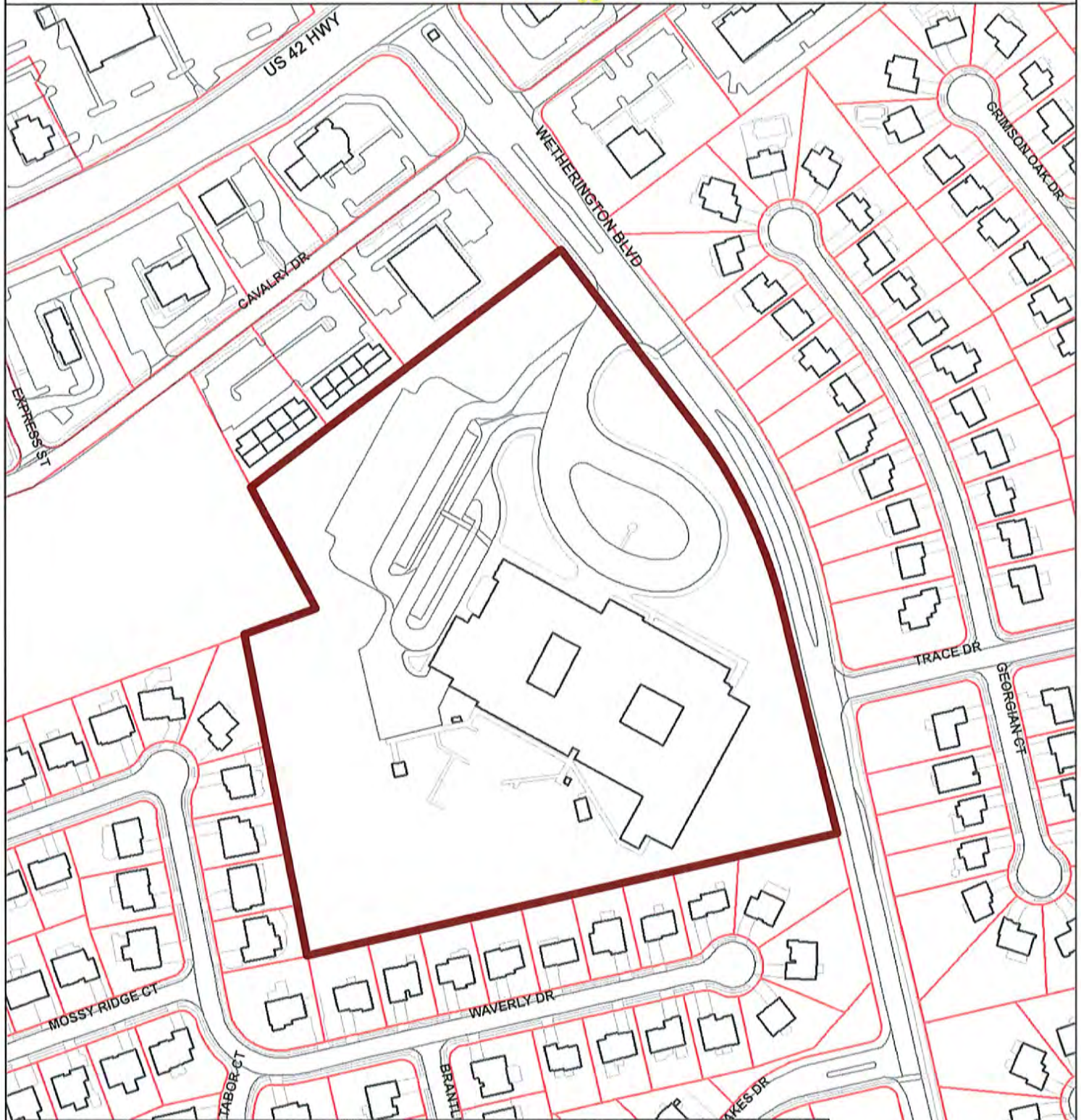


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

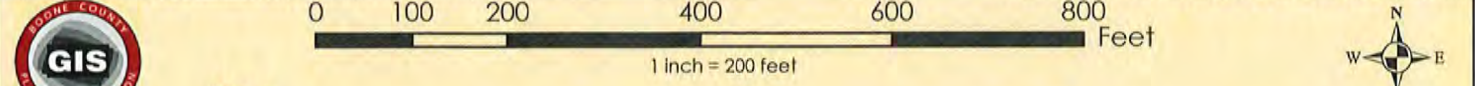
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|---------------|----------------|-------|-----|-------------------|----------|
| Map ID: | 51 | From: | RPD | Legislative Body: | Florence |
| Submitted By: | Matthew Turner | To: | PF | | |

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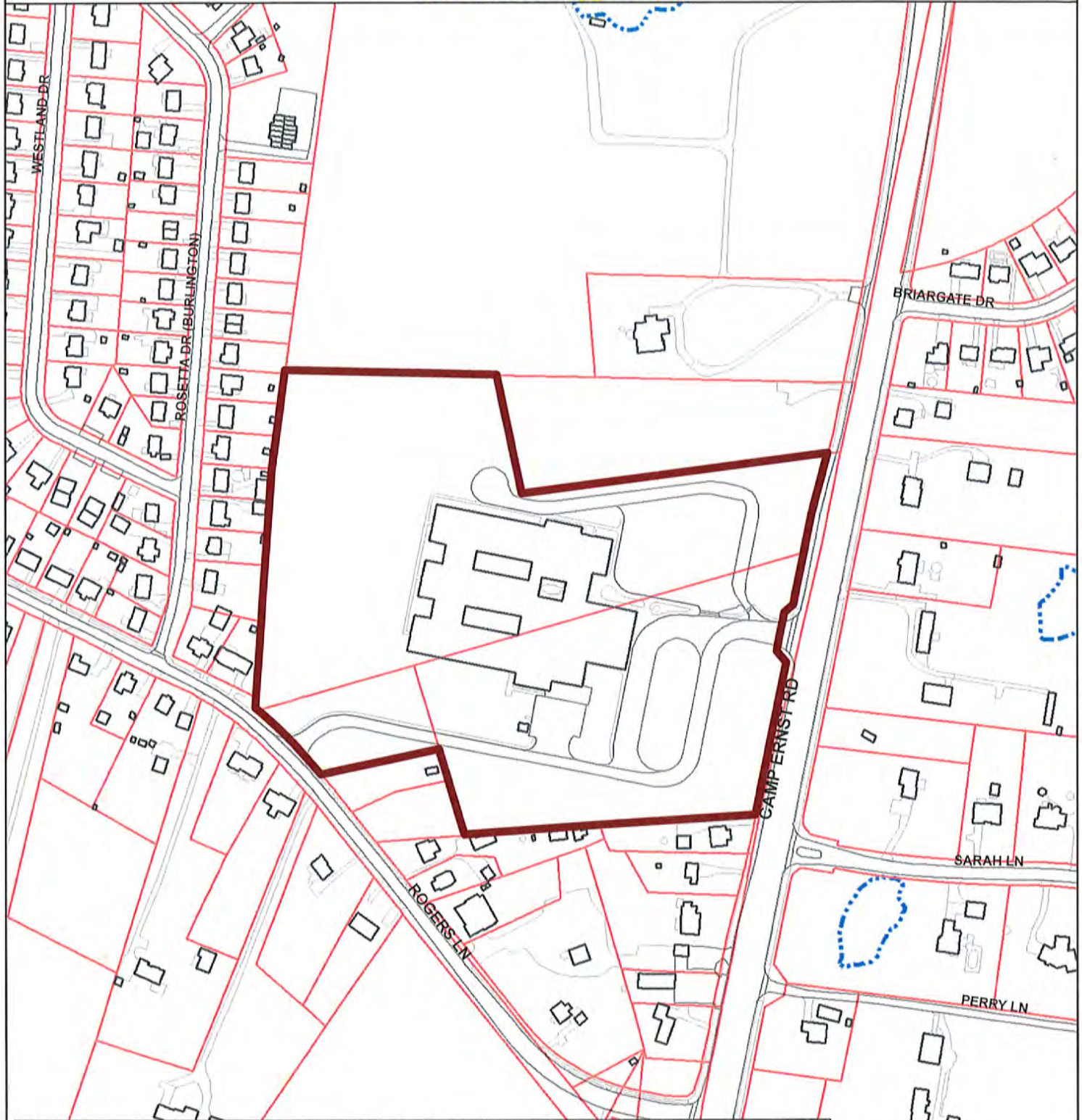
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Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

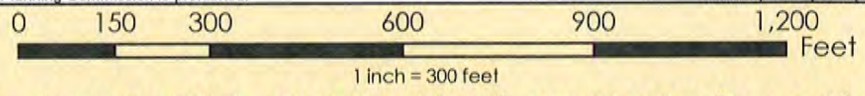
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|---------------|----------------|-------|------|-------------------|-------|
| Map ID: | 52 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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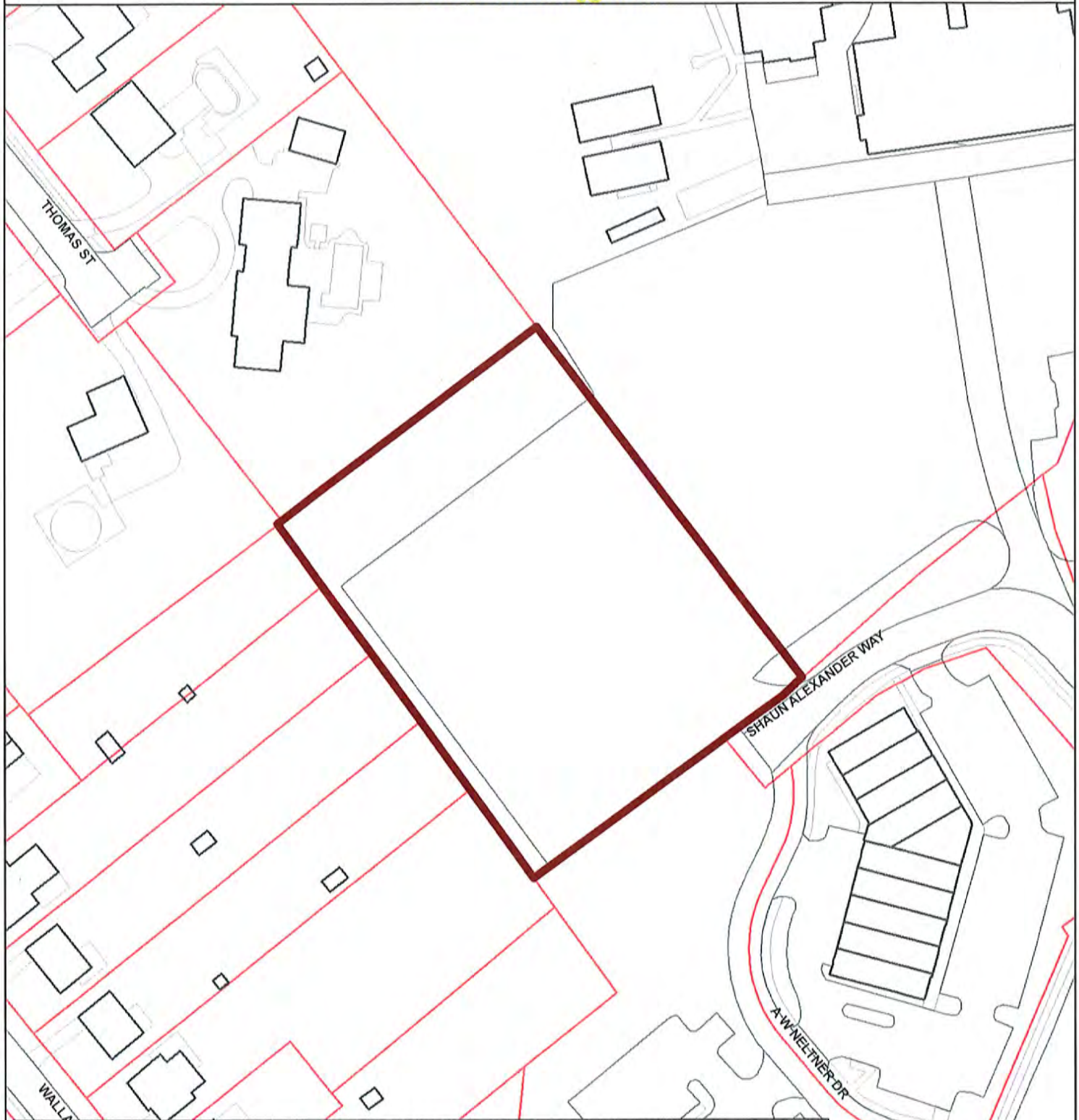
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS - Putting Northern Kentucky on the Map
ArcMap Document: *.mxd

Boone County GIS Map

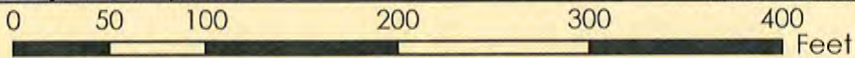
www.boonecountygis.com



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|---------------|----------------|-------|--------|-------------------|----------|
| Map ID: | 53 | From: | R-1/PO | Legislative Body: | Florence |
| Submitted By: | Matthew Turner | To: | PF/PO | | |

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1 inch = 100 feet

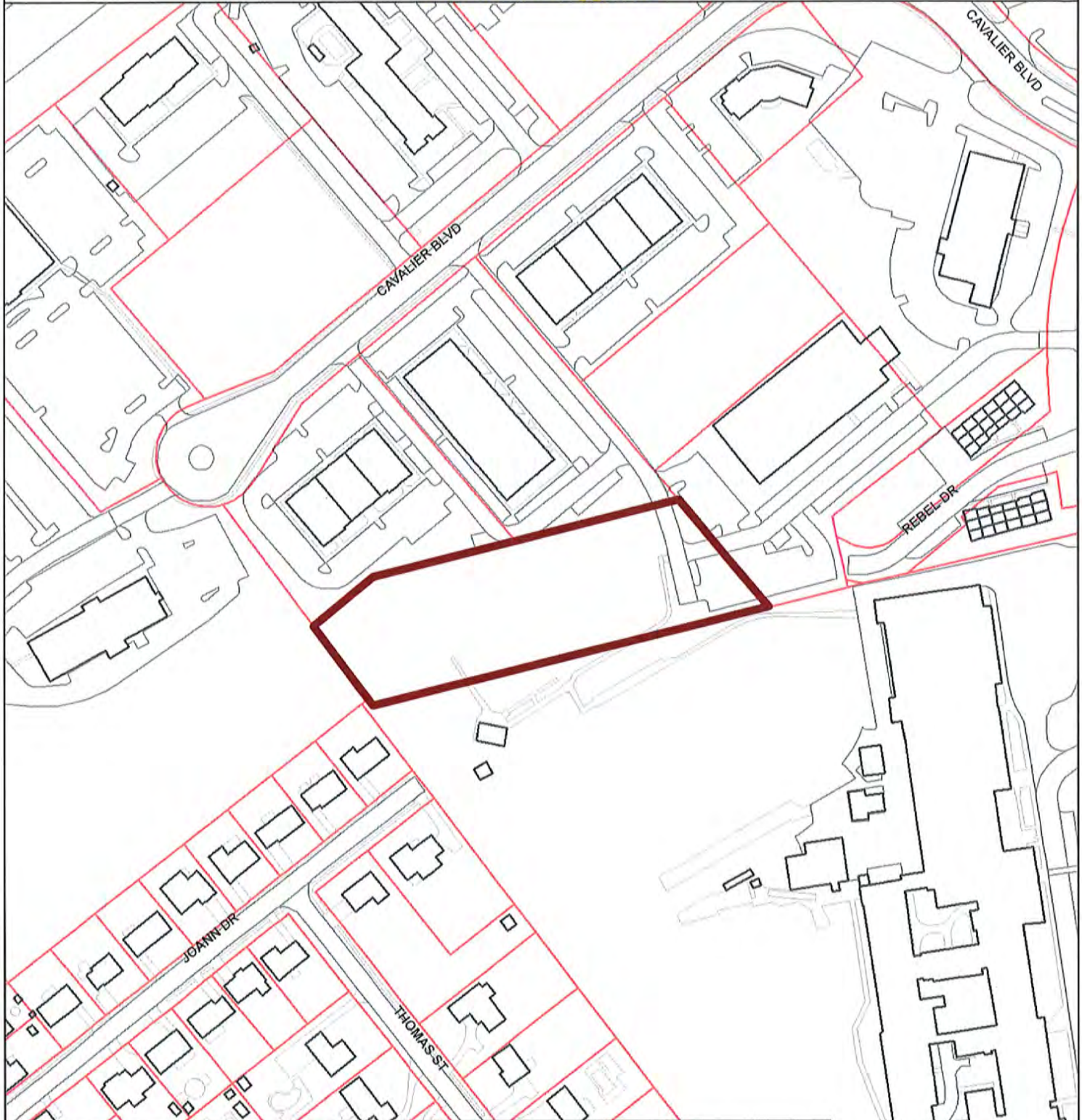


Boone County GIS



Boone County GIS Map

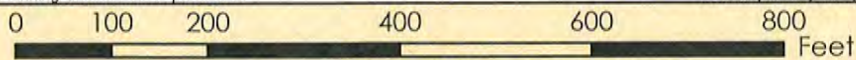
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|---------------|----------------|-------|---------------|-------------------|----------|
| Map ID: | 54 | From: | O-2/PD/TRO/CD | Legislative Body: | Florence |
| Submitted By: | Matthew Turner | To: | PF/TRO | | |

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1 inch = 200 feet



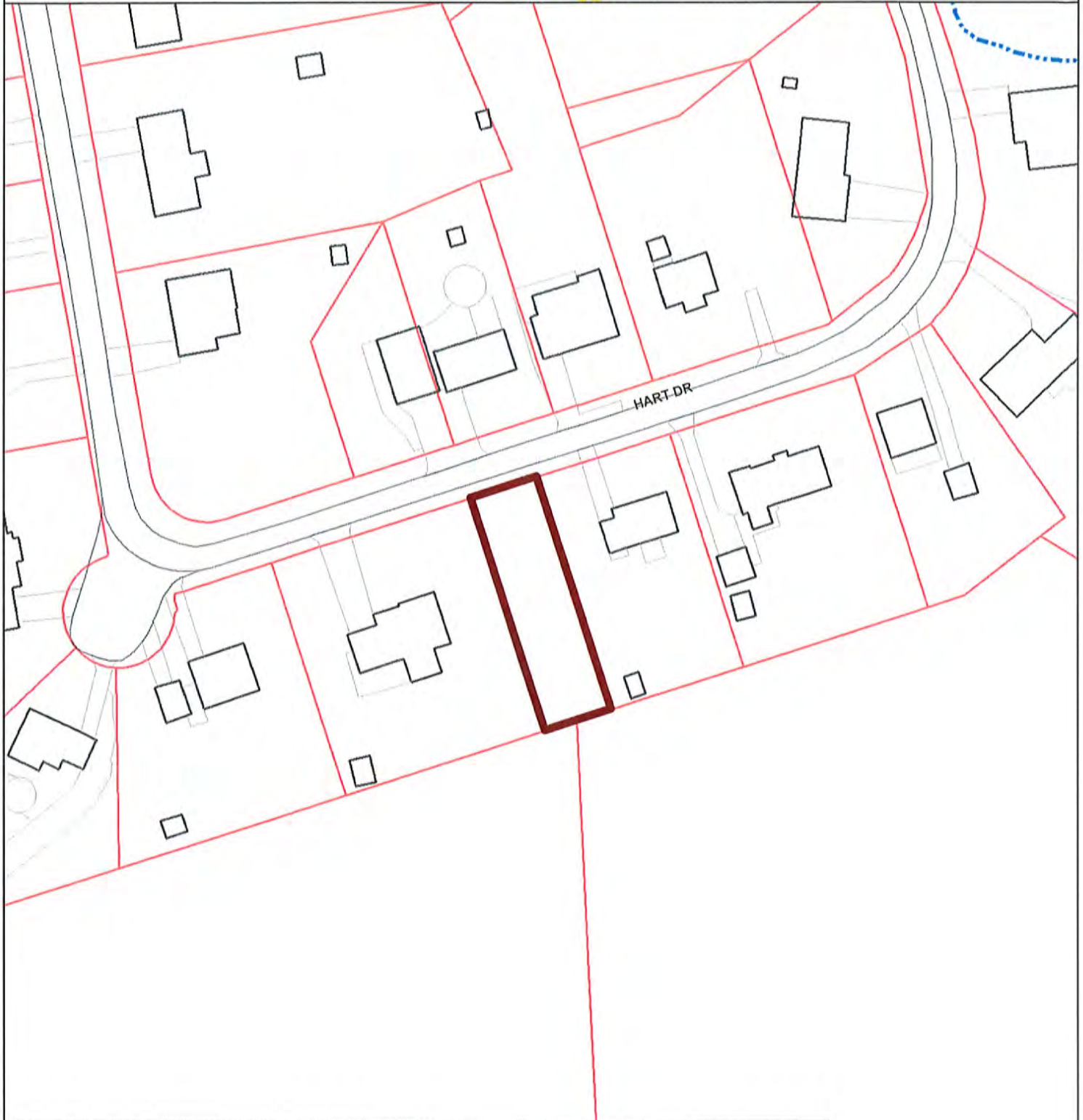
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

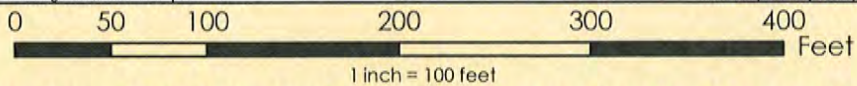
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|---------------|----------------|-------|------|-------------------|-------|
| Map ID: | 55 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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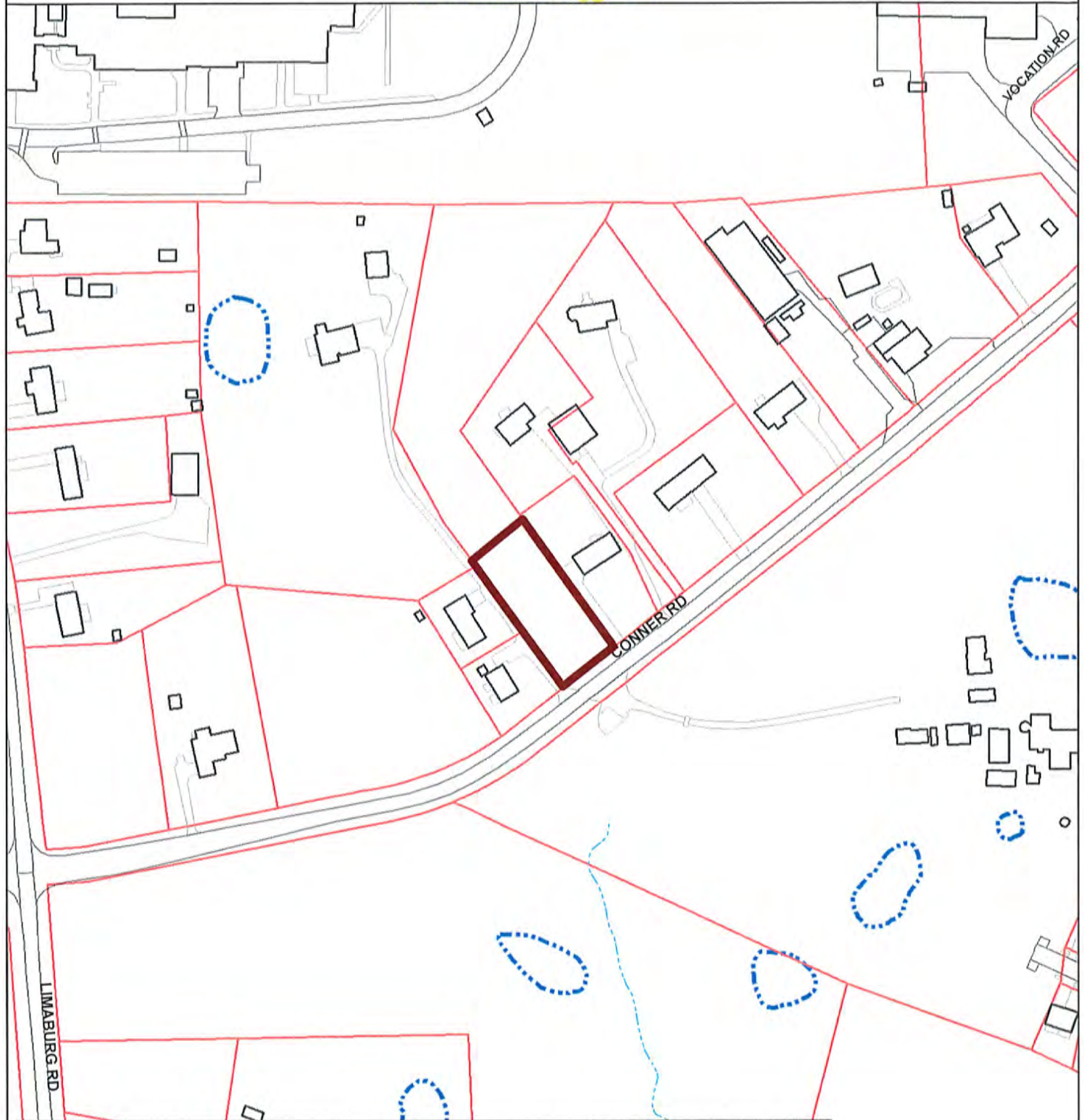
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

Boone County GIS Map



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| Map ID: | 56 | From: | RS | Legislative Body: | Boone |
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0 100 200 400 600 800 Feet
1 inch = 200 feet

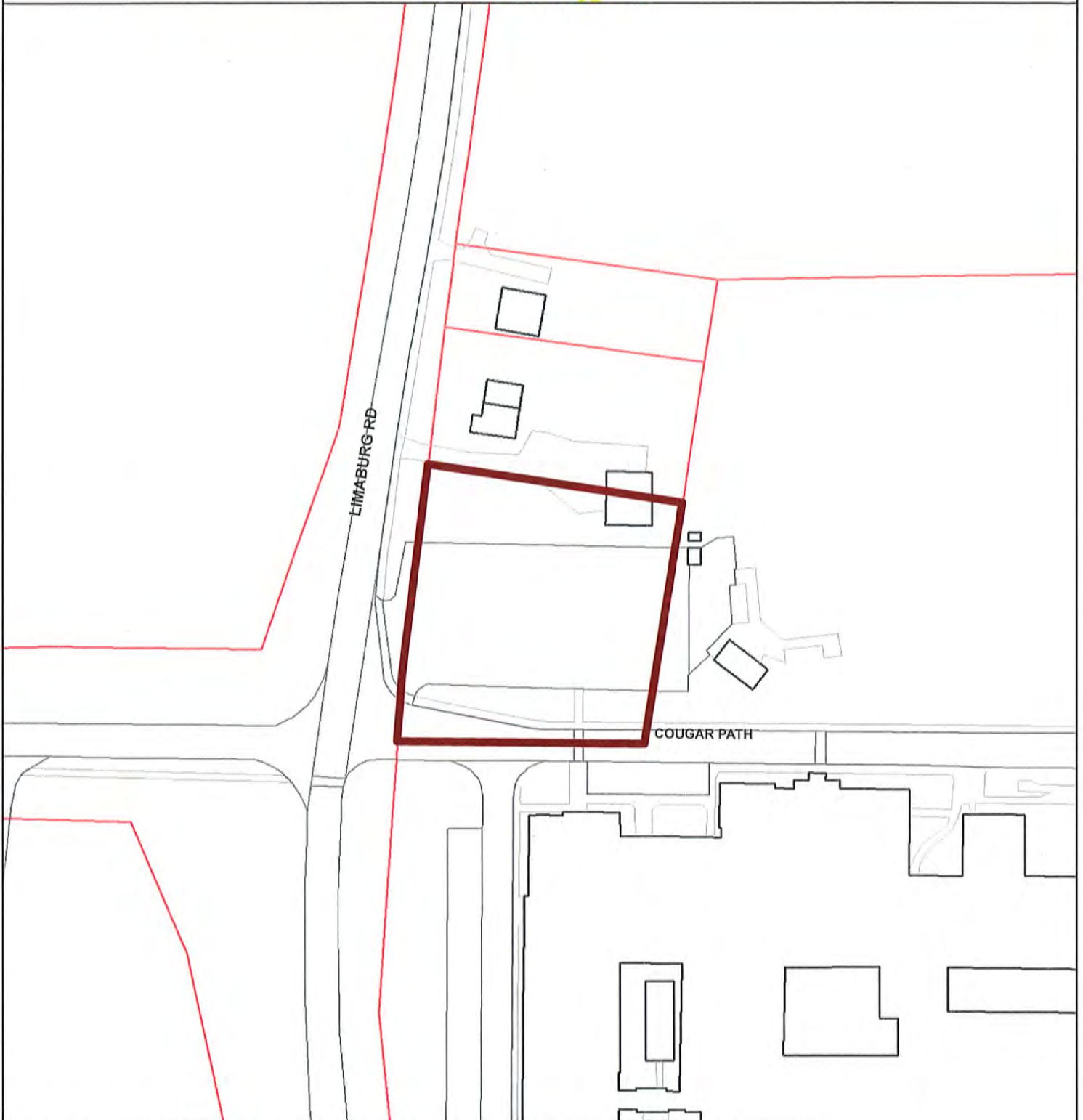


Boone County GIS

Map Created: 01/01/2018
Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

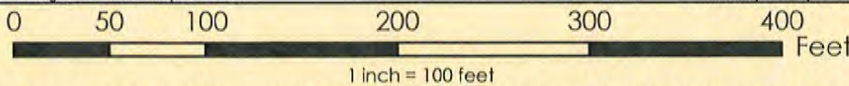
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|---------------|----------------|-------|------|-------------------|-------|
| Map ID: | 57 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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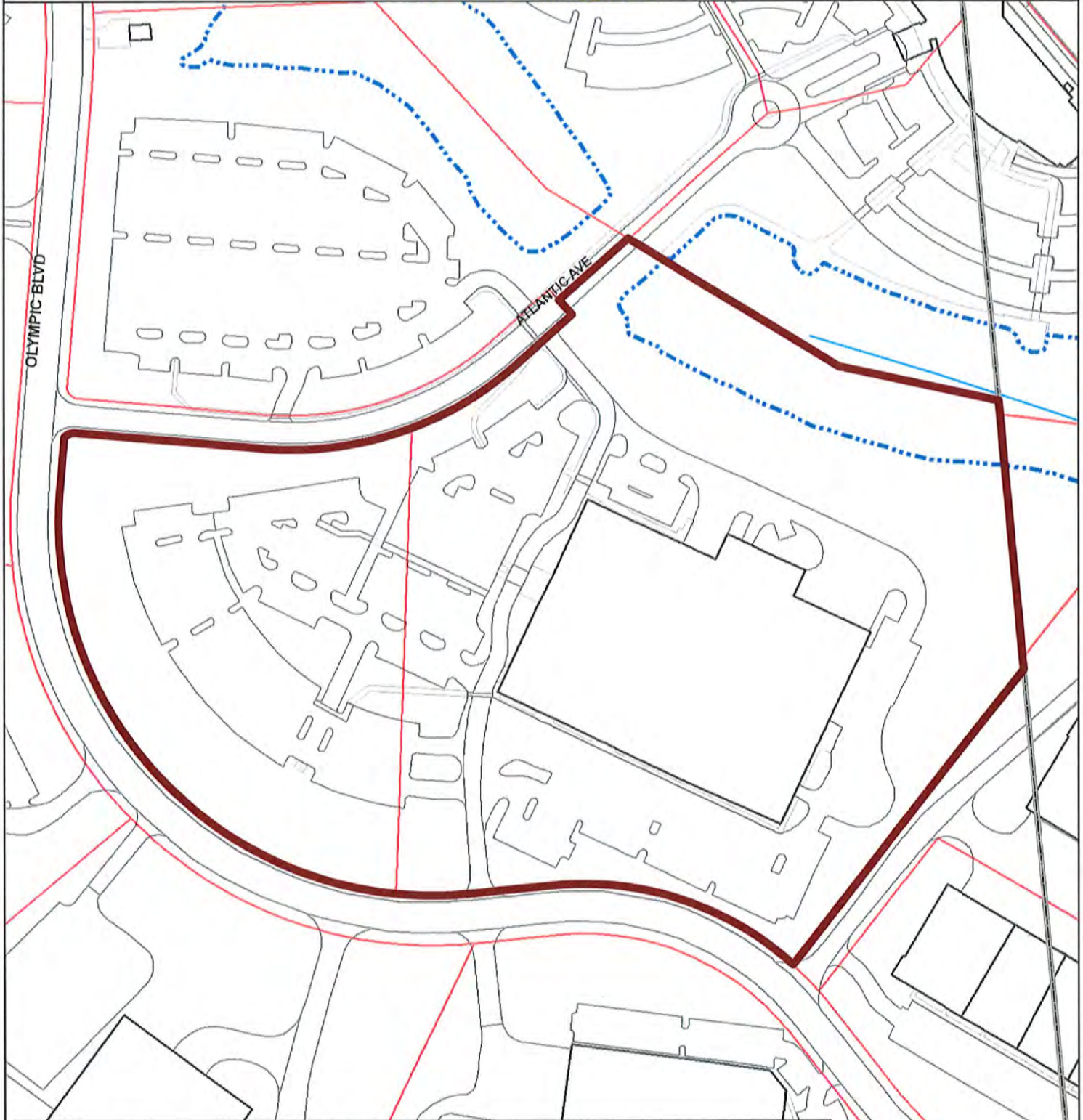
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

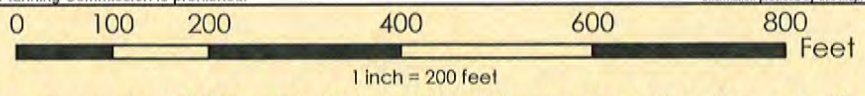
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|---------------|----------------|-------|-----|-------------------|-------|
| Map ID: | 58 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Matthew Turner | To: | PF | | |

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Boone County GIS - Putting Northern Kentucky on the Map

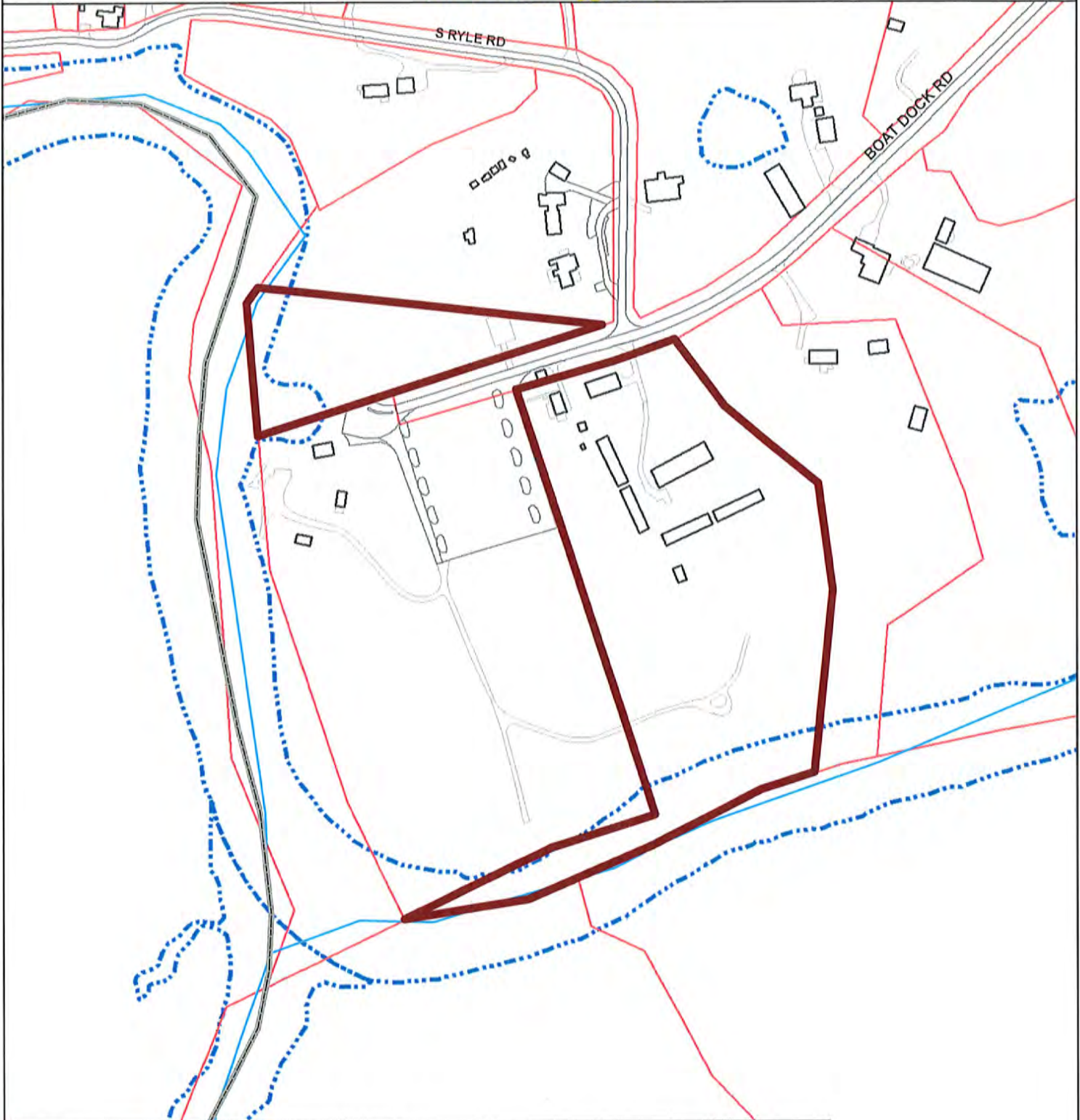


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

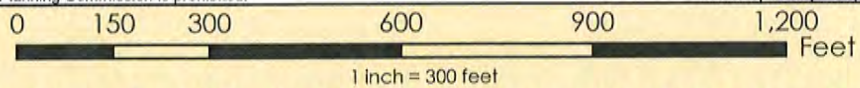
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 59 | From: | A-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | R | | |

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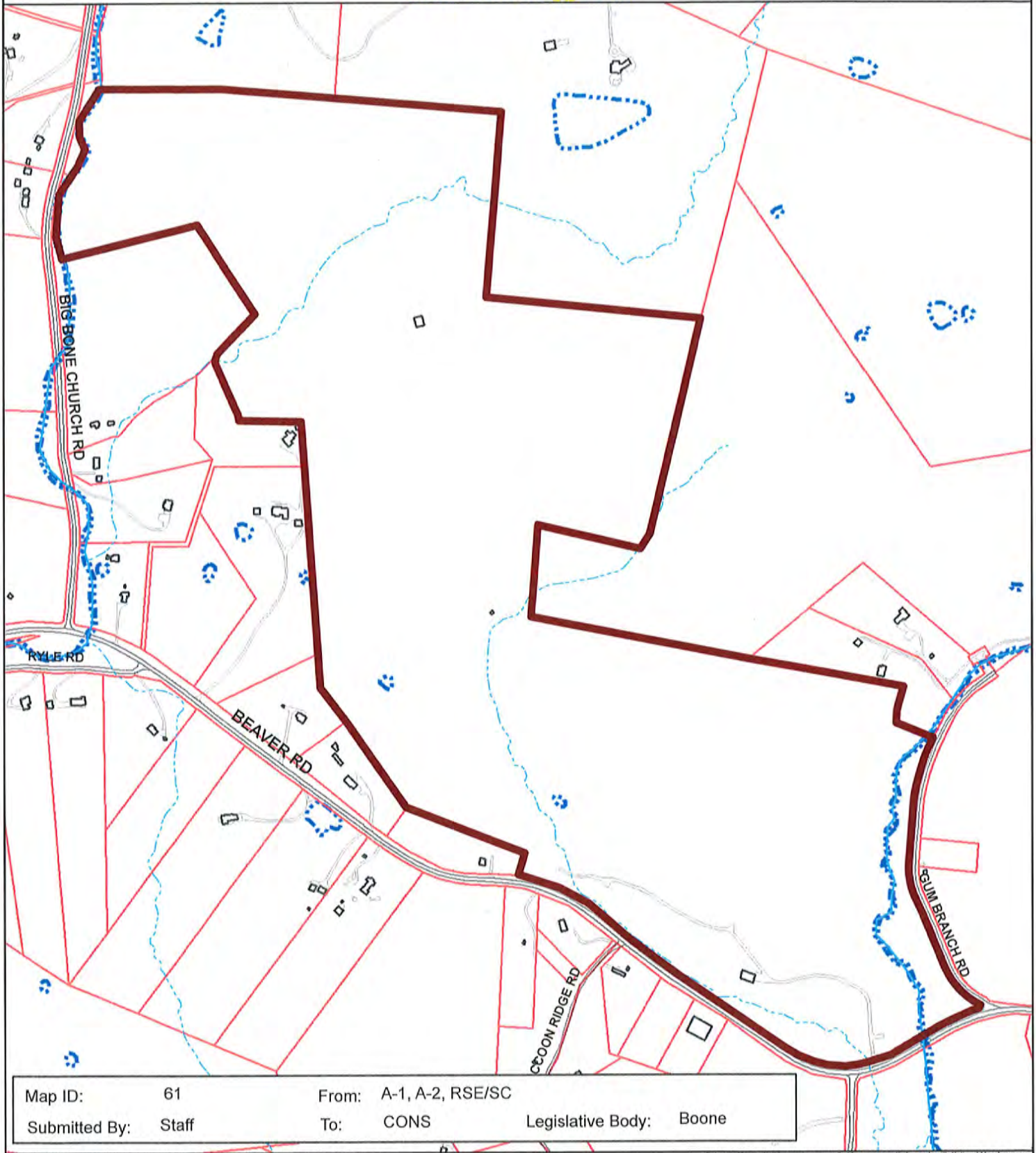
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

With File Path: Boone GIS 108.mxd
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Boone County GIS Map

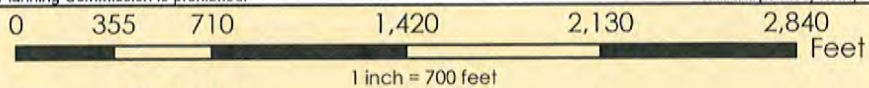
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|---------------|-------|-------|------------------|-------------------|-------|
| Map ID: | 61 | From: | A-1, A-2, RSE/SC | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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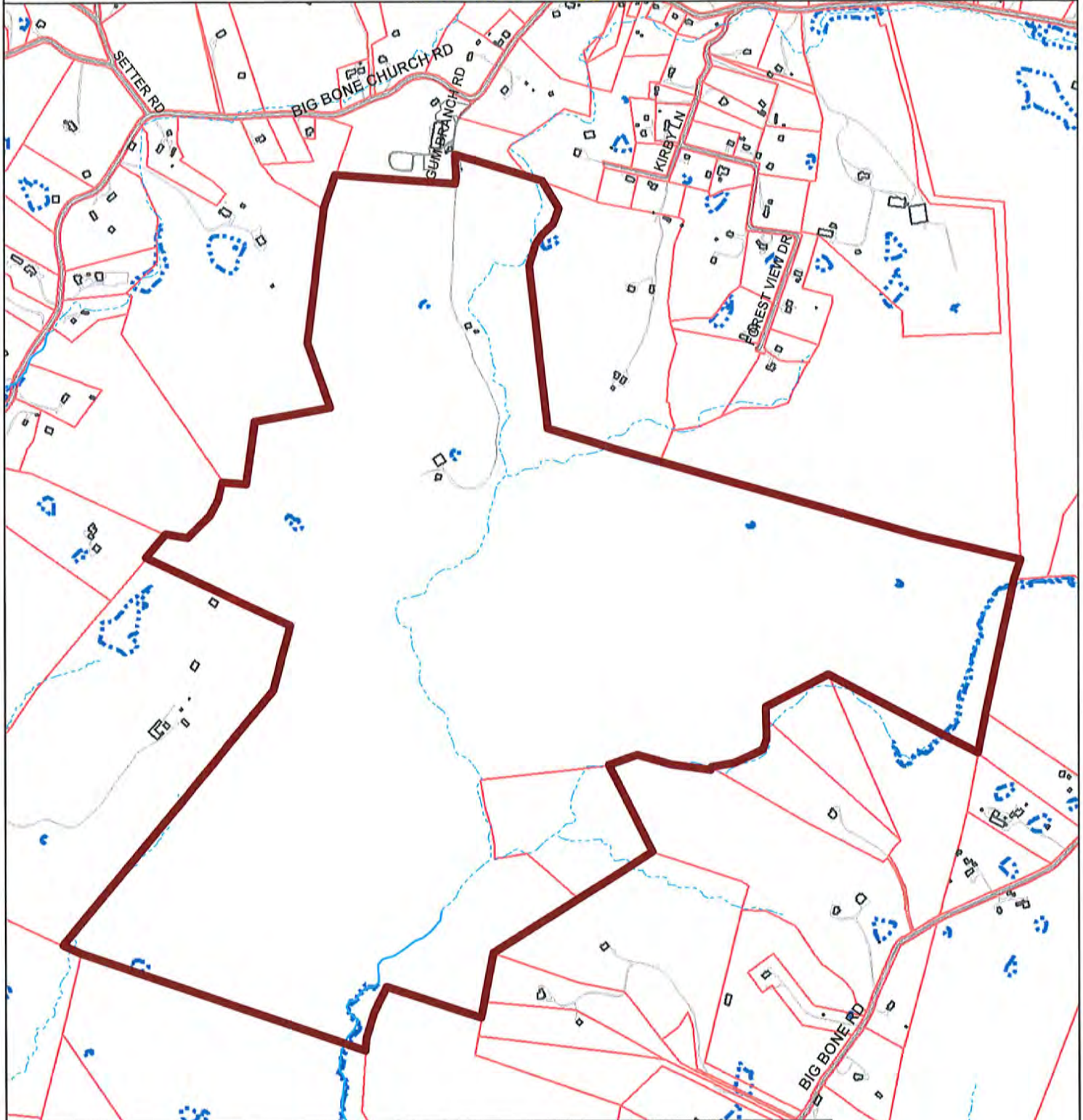


Map Created: 01/01/2019

ArchMap Document: *.mxd

Boone County GIS Map

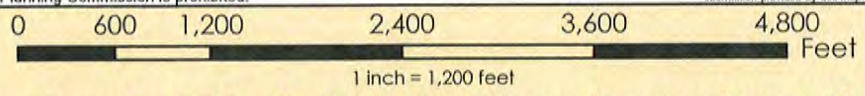
www.boonecountygis.com



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|---------------|-------|-------|----------|-------------------|-------|
| Map ID: | 62 | From: | A-1, A-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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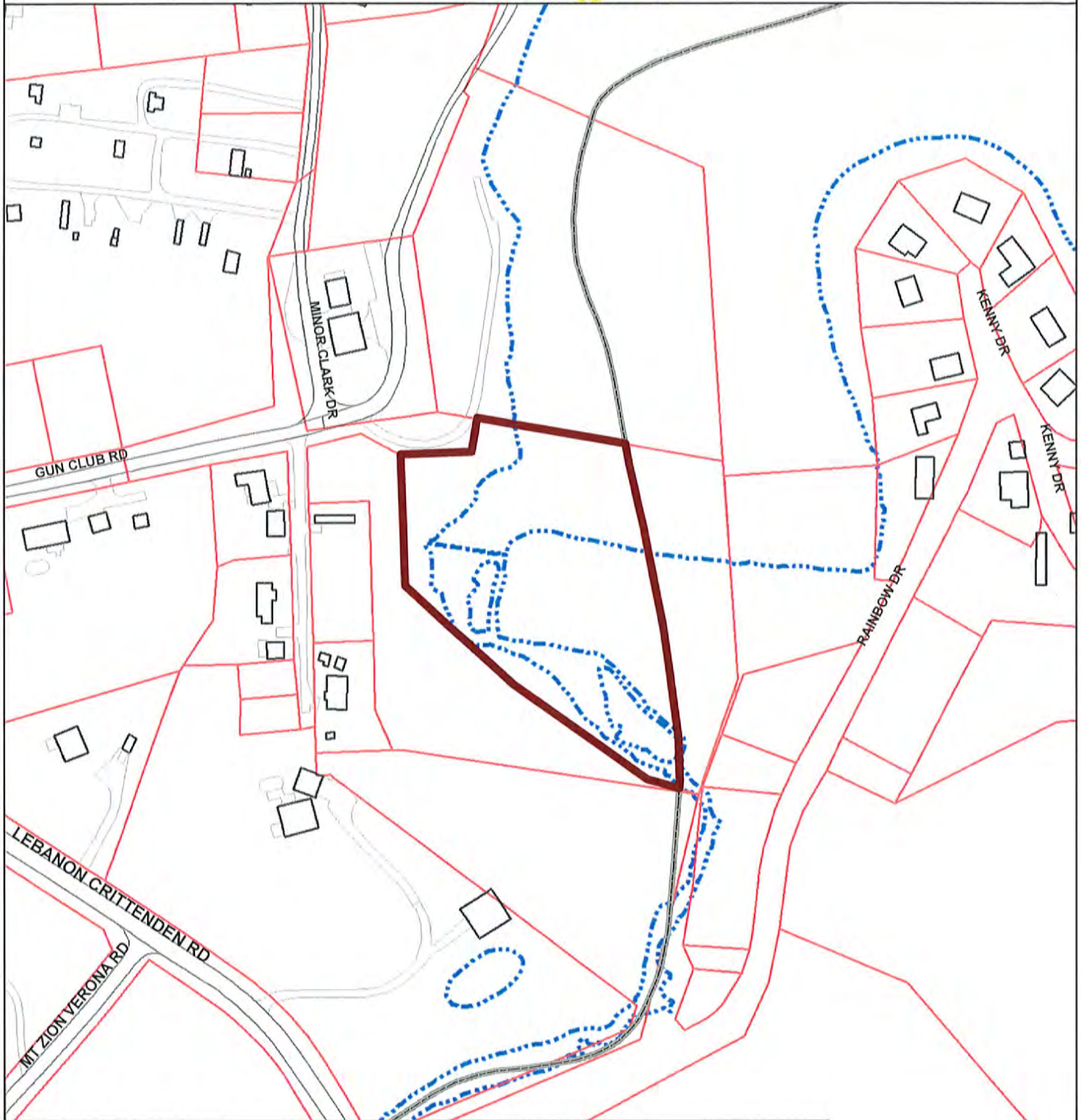
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document *.mxd

Boone County GIS Map

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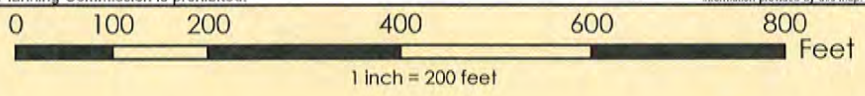
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| Map ID: | 63 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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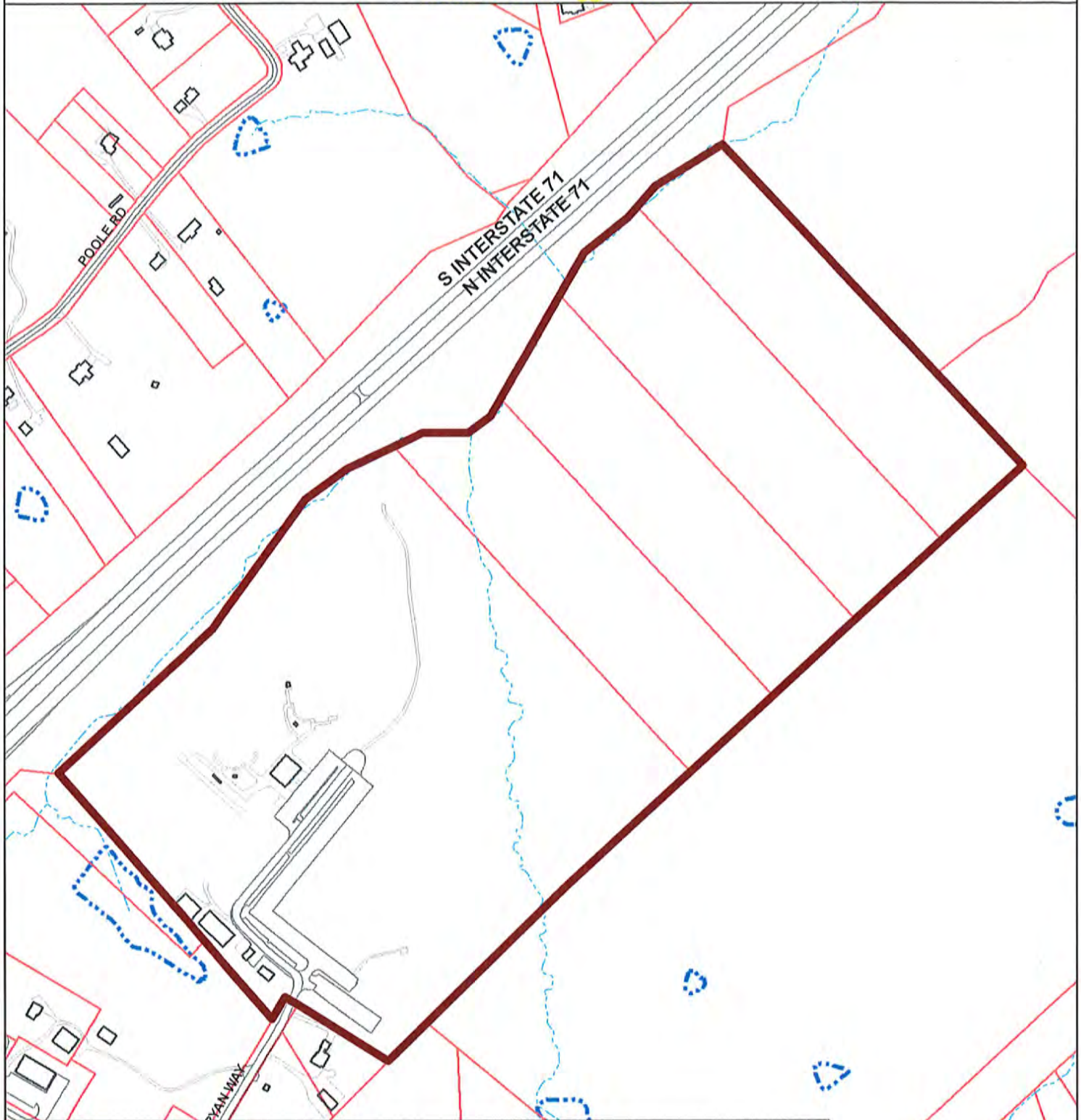


Map Created: 01/01/2018

File Path: C:\GIS\MapDocs\63.mxd
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Boone County GIS Map

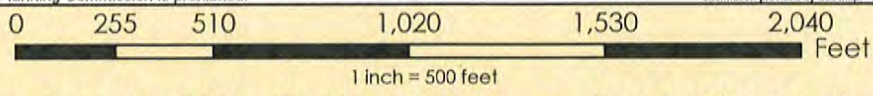
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| Map ID: | 64 | From: | A-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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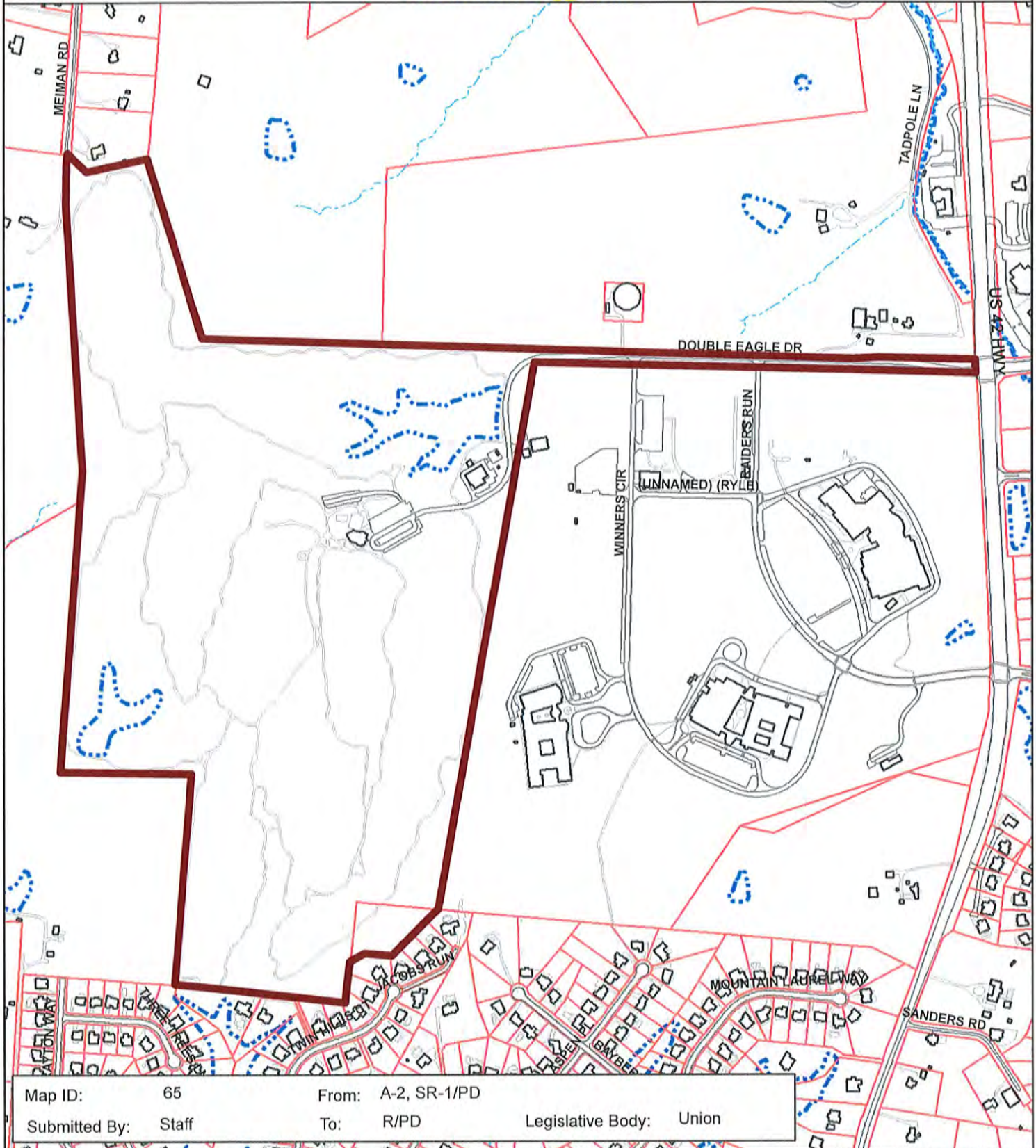
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArchMap Document: *.mxd

Boone County GIS Map

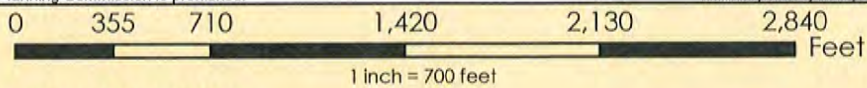
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| Map ID: | 65 | From: | A-2, SR-1/PD | Legislative Body: | Union |
| Submitted By: | Staff | To: | R/PD | | |

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Boone County GIS



Boone County GIS Map

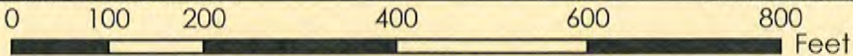
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|---------------|-------|-------|------|-------------------|-------|
| Map ID: | 66 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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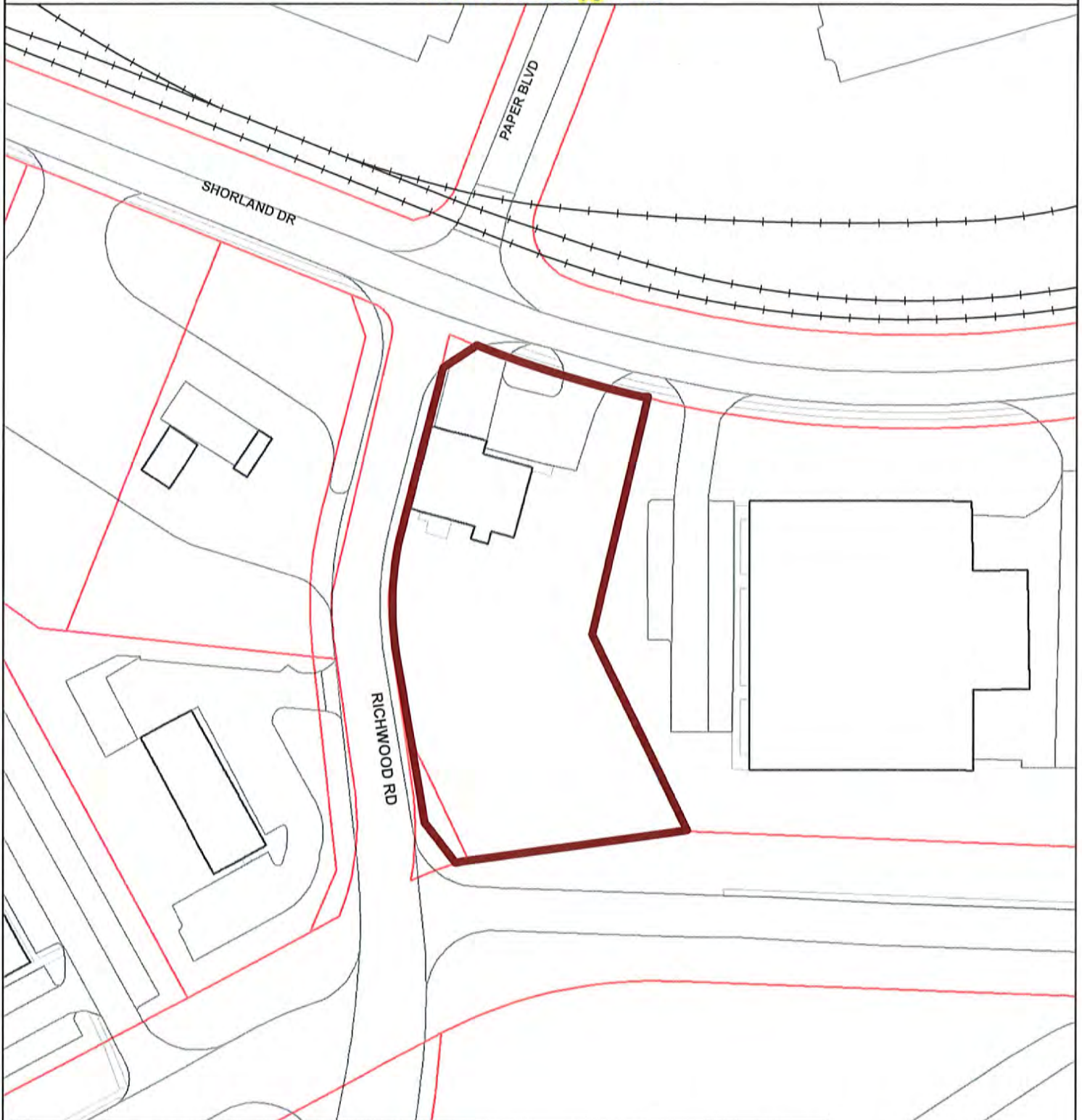
1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Boone County GIS Map

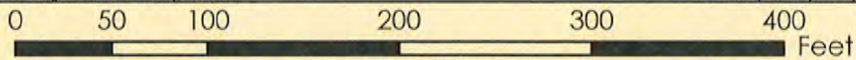
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 67 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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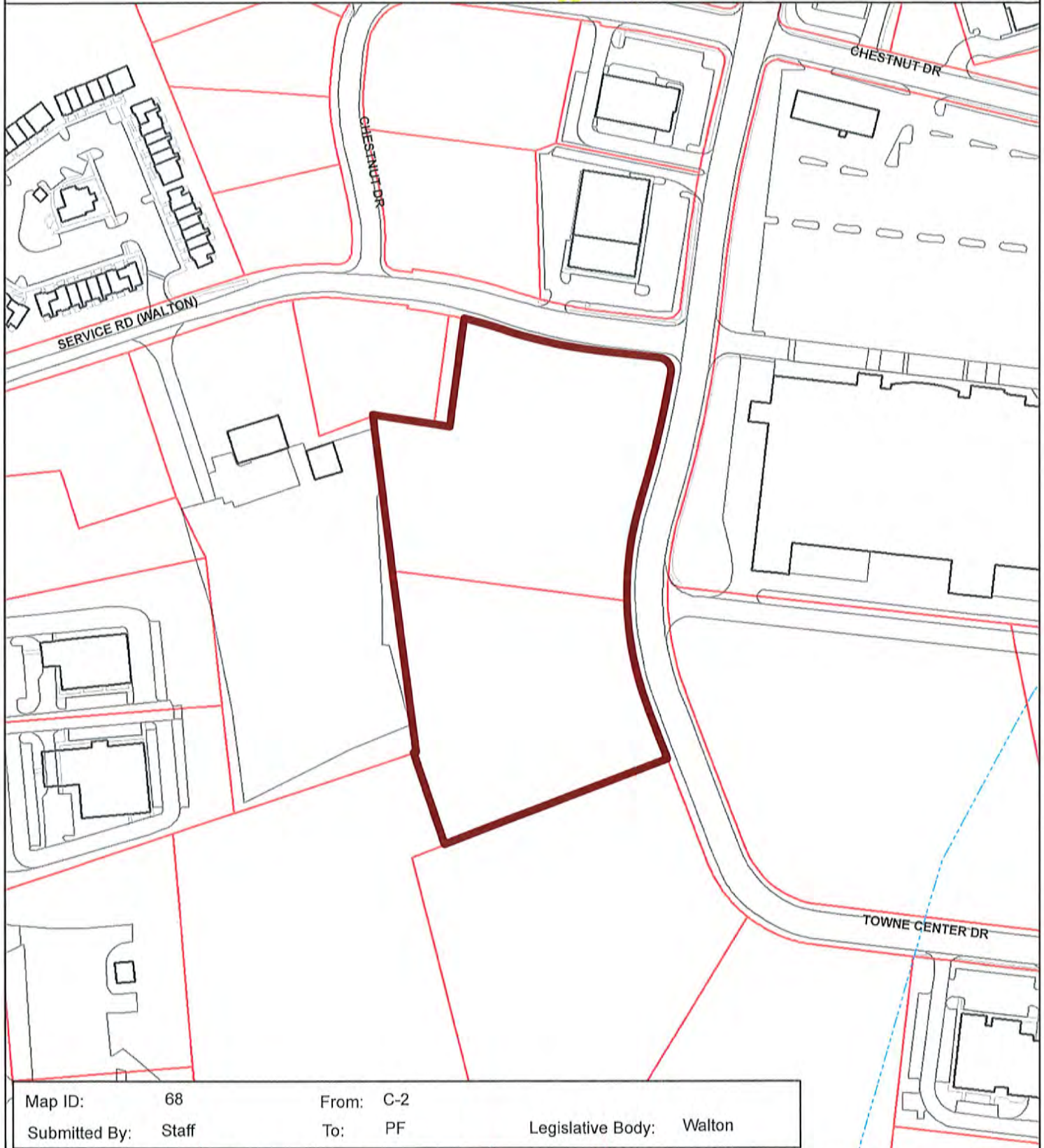
1 inch = 100 feet

Boone County GIS



Boone County GIS Map

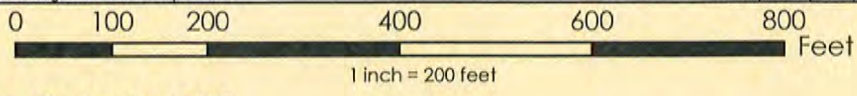
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|--------|
| Map ID: | 68 | From: | C-2 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS

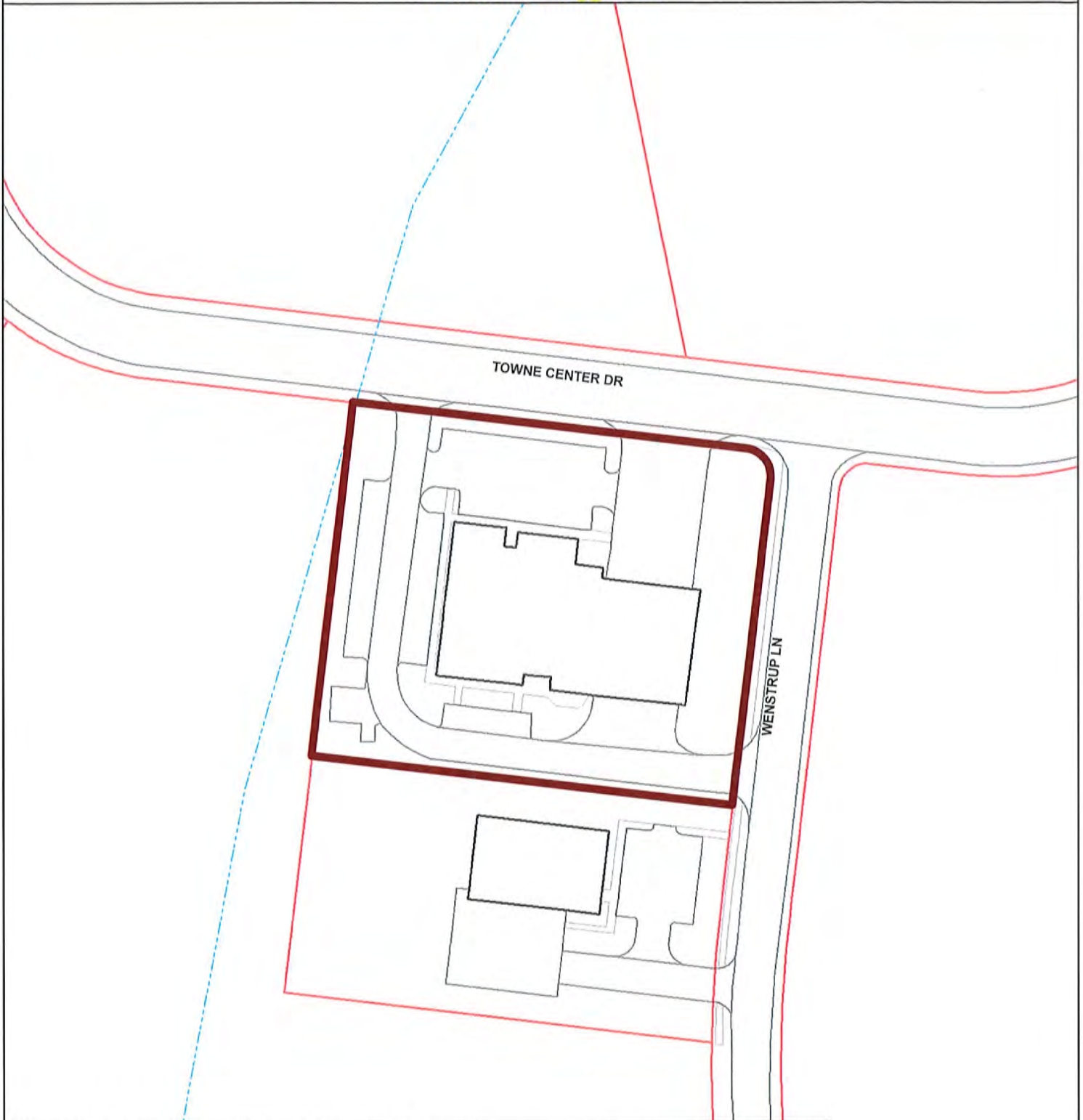


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

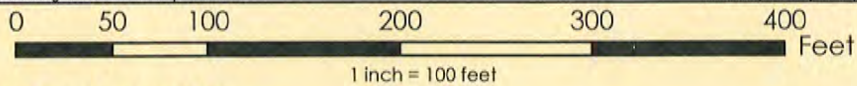
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|--------|
| Map ID: | 69 | From: | C-2 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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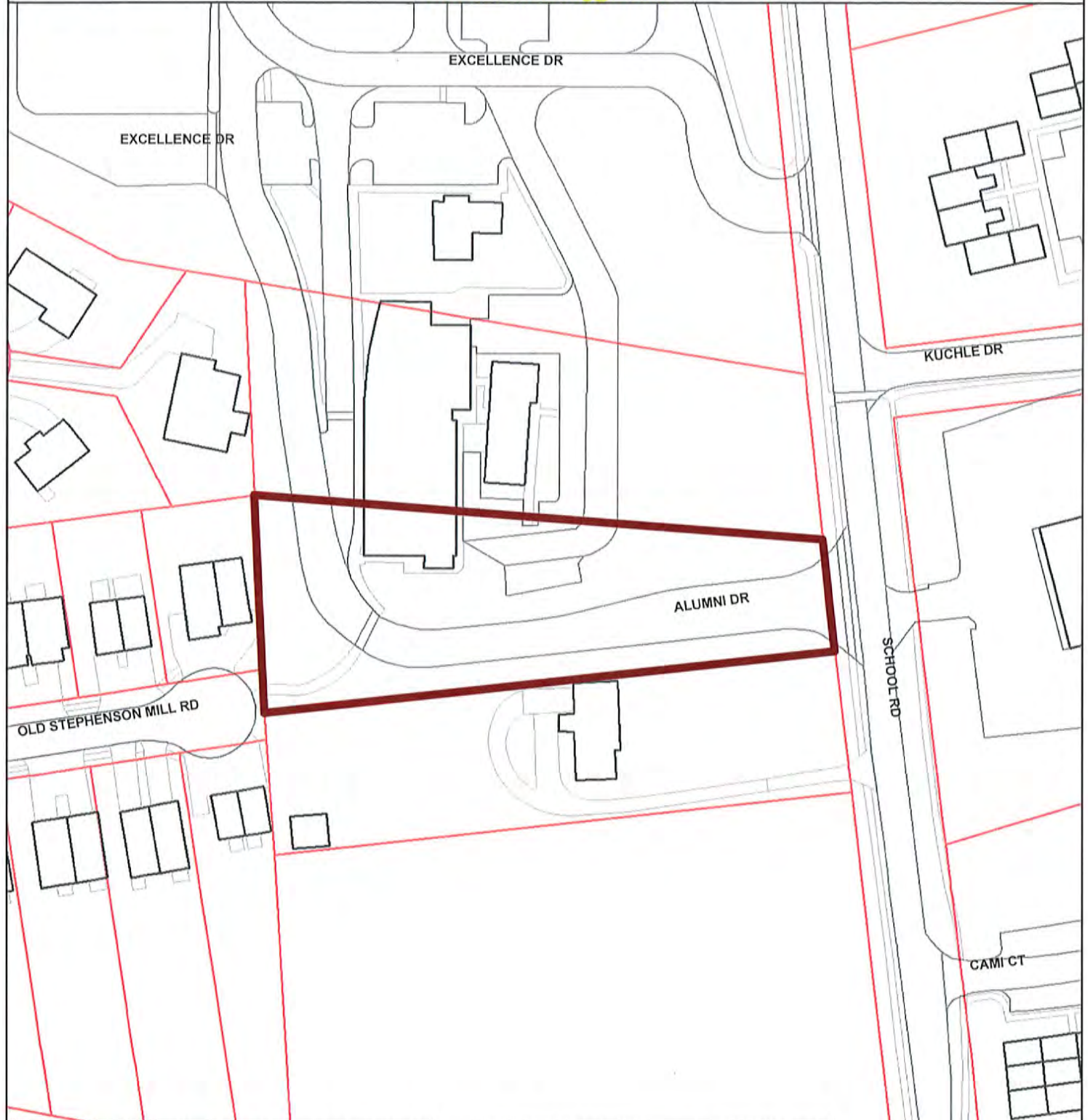


Boone County GIS



Boone County GIS Map

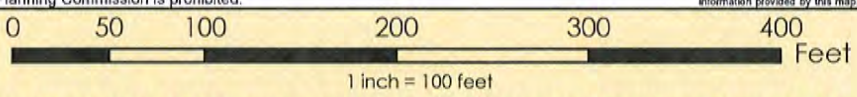
www.boonecountygis.com



| | | | | | |
|---------------|-------|-------|------|-------------------|--------|
| Map ID: | 70 | From: | SR-2 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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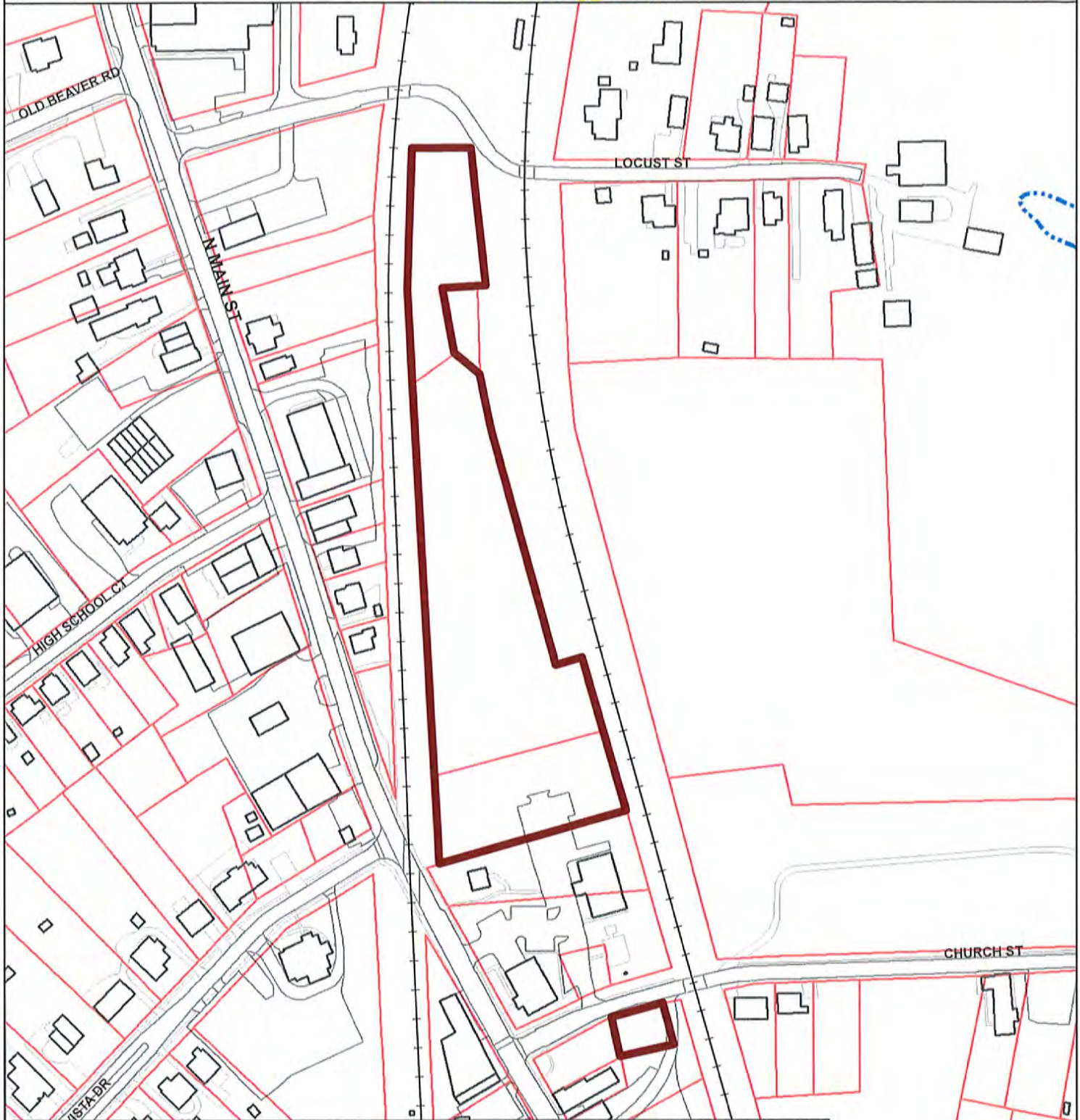
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Map File: C:\arcgis\boone\mxd\1810101.mxd
ArcMap Document: *.mxd

Boone County GIS Map

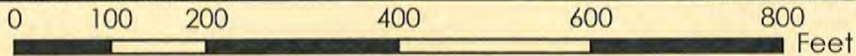
www.boonecountygis.com



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| Map ID: | 71 | From: | WD | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

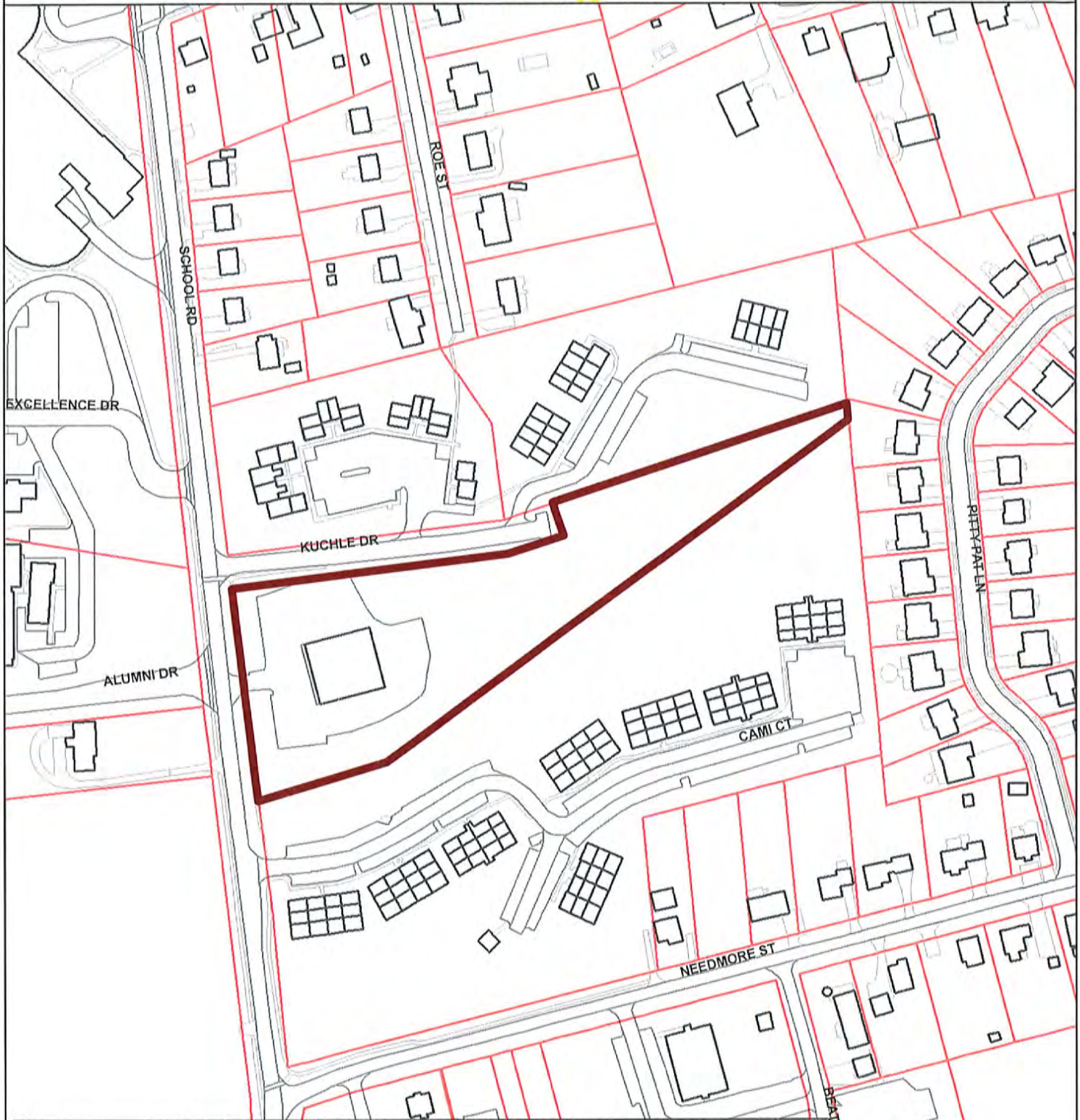


Map Created: 01/01/2018

Boone County GIS
ArcMap Document (*.mxd)

Boone County GIS Map

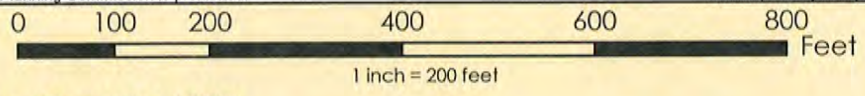
www.boonecountygis.com



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|---------------|-------|-------|--------------|-------------------|--------|
| Map ID: | 72 | From: | SR-1 and C-3 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS

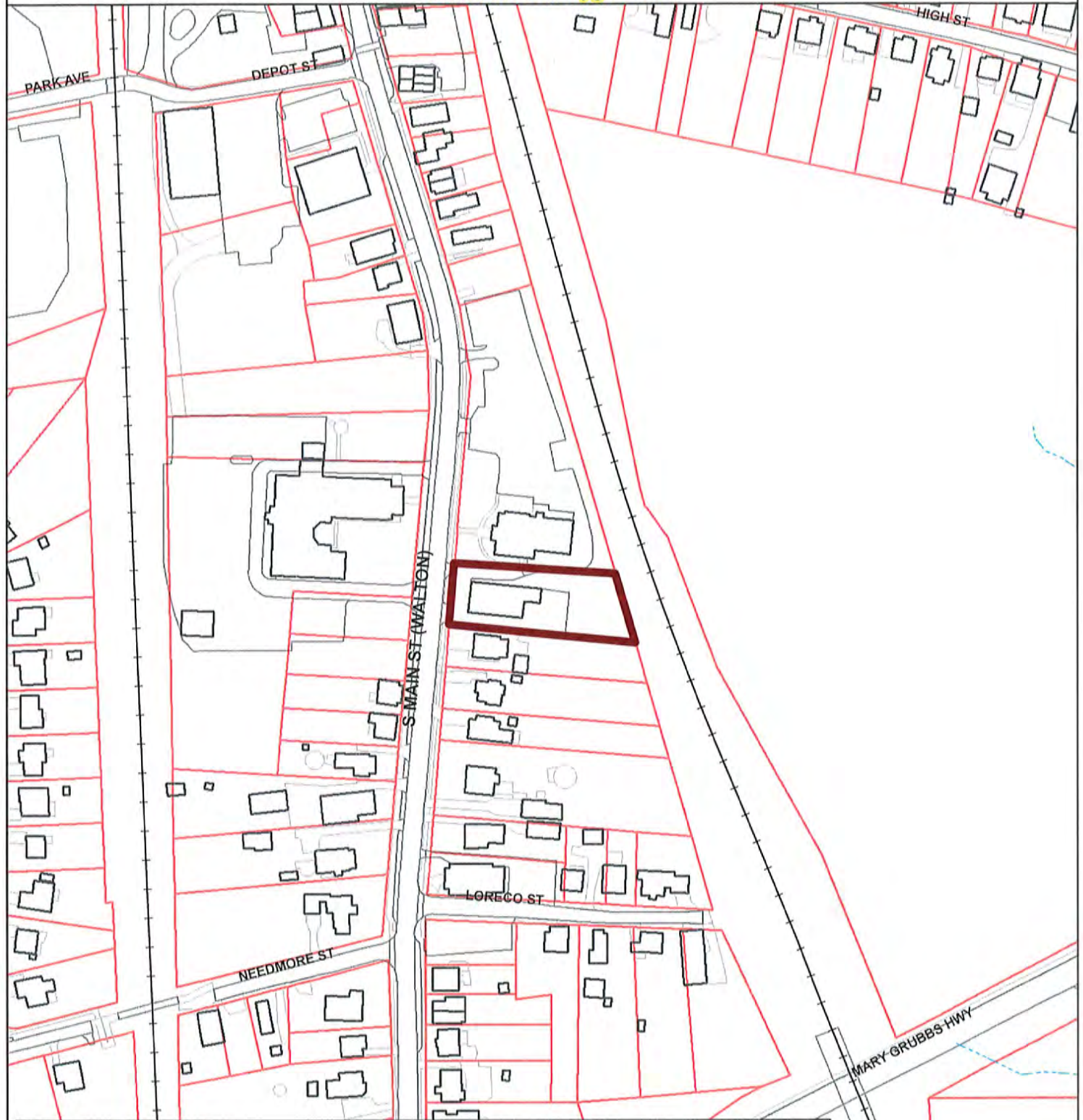


Map Created: 01/01/2018

World File: C:\arcgis\boone\boone.mxd
ArcMap Document: *.mxd

Boone County GIS Map

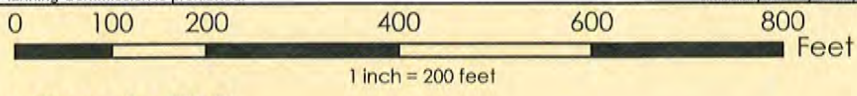
www.boonecountygis.com



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| Map ID: | 73 | From: | SR-1 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | PF | | |

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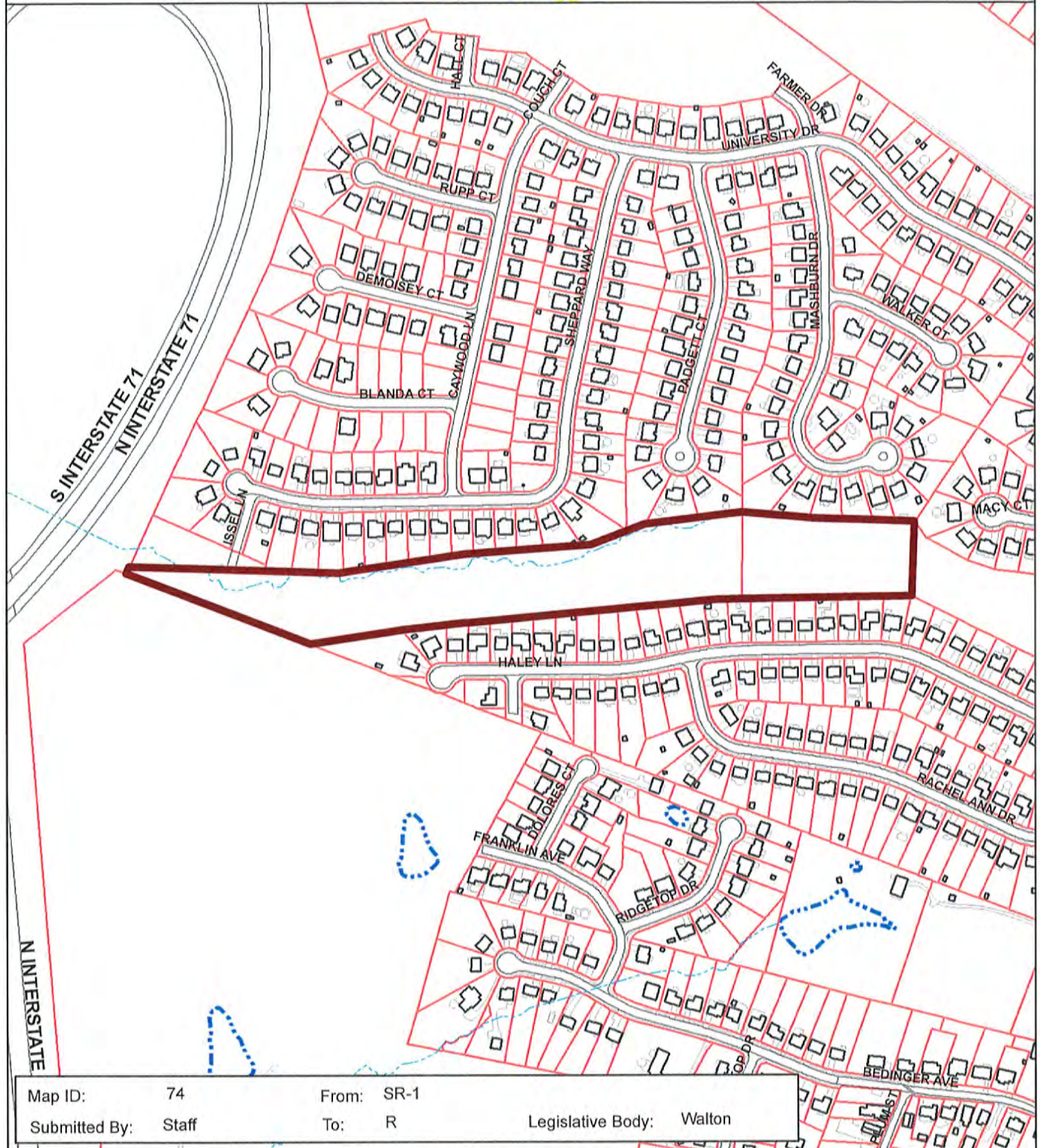


Boone County GIS



Boone County GIS Map

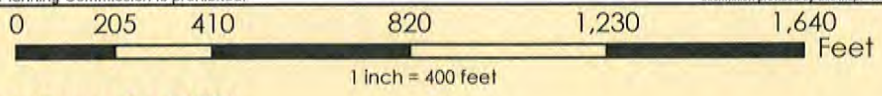
www.boonecountygis.com



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|---------------|-------|-------|------|-------------------|--------|
| Map ID: | 74 | From: | SR-1 | Legislative Body: | Walton |
| Submitted By: | Staff | To: | R | | |

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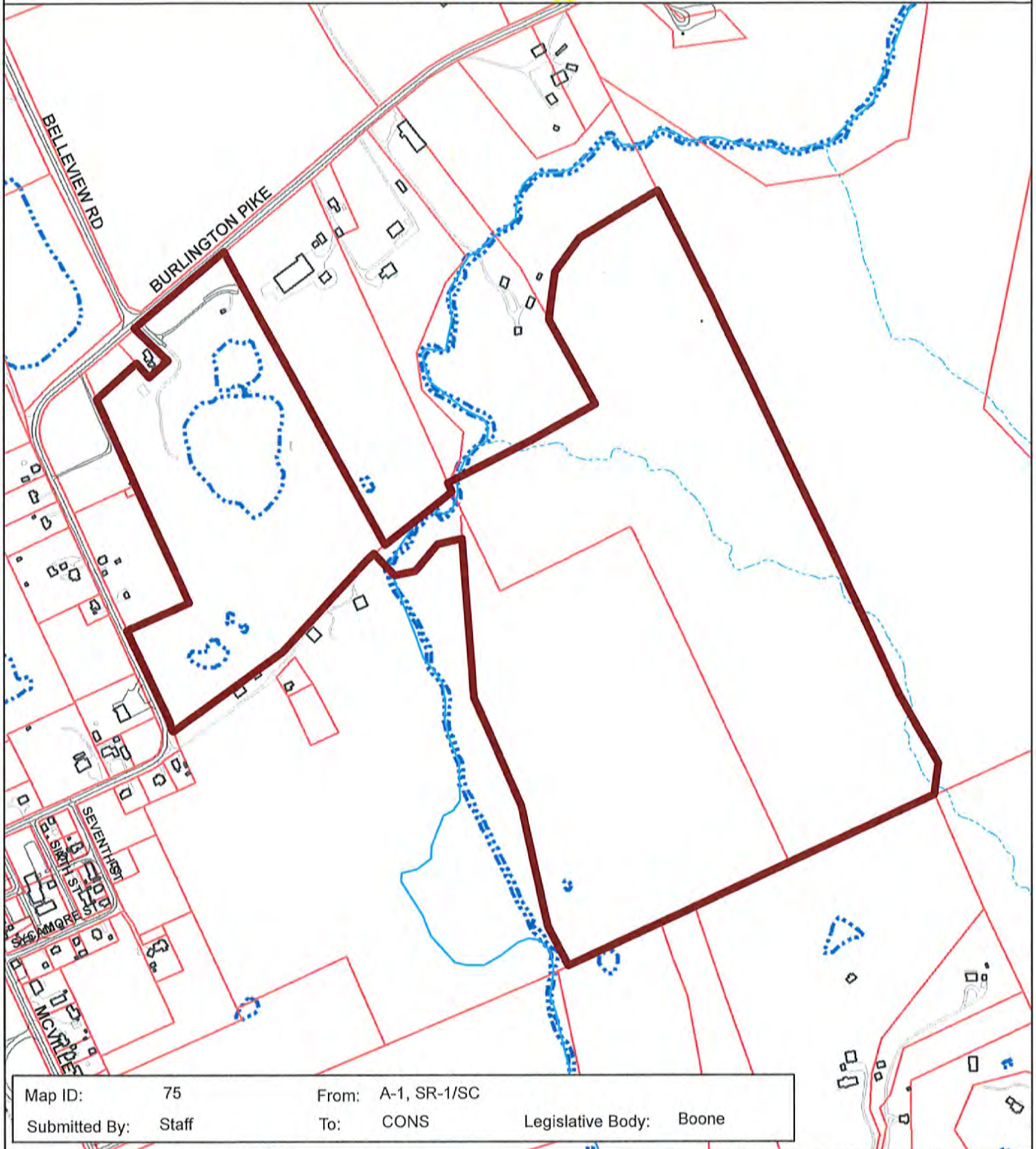


Boone County GIS



Boone County GIS Map

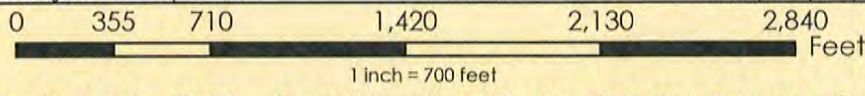
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|---------------|-------|-------|--------------|-------------------|-------|
| Map ID: | 75 | From: | A-1, SR-1/SC | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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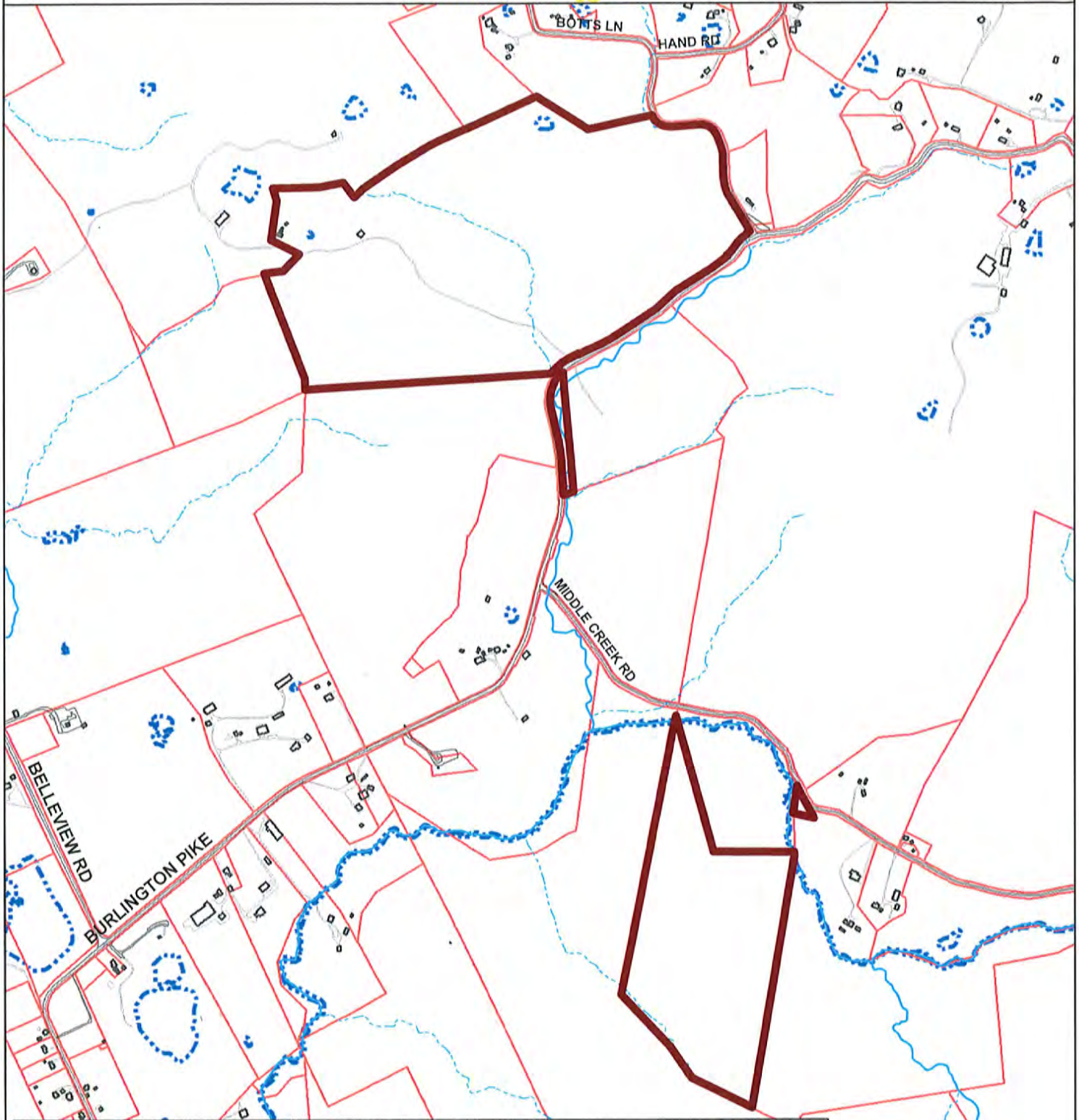


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

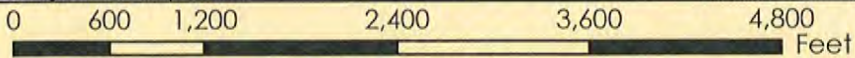
www.boonecountygis.com



| | | | | | |
|---------------|-------|-------|------------|-------------------|-------|
| Map ID: | 76 | From: | A-1 | | |
| Submitted By: | Staff | To: | CONS and R | Legislative Body: | Boone |

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1 inch = 1,200 feet

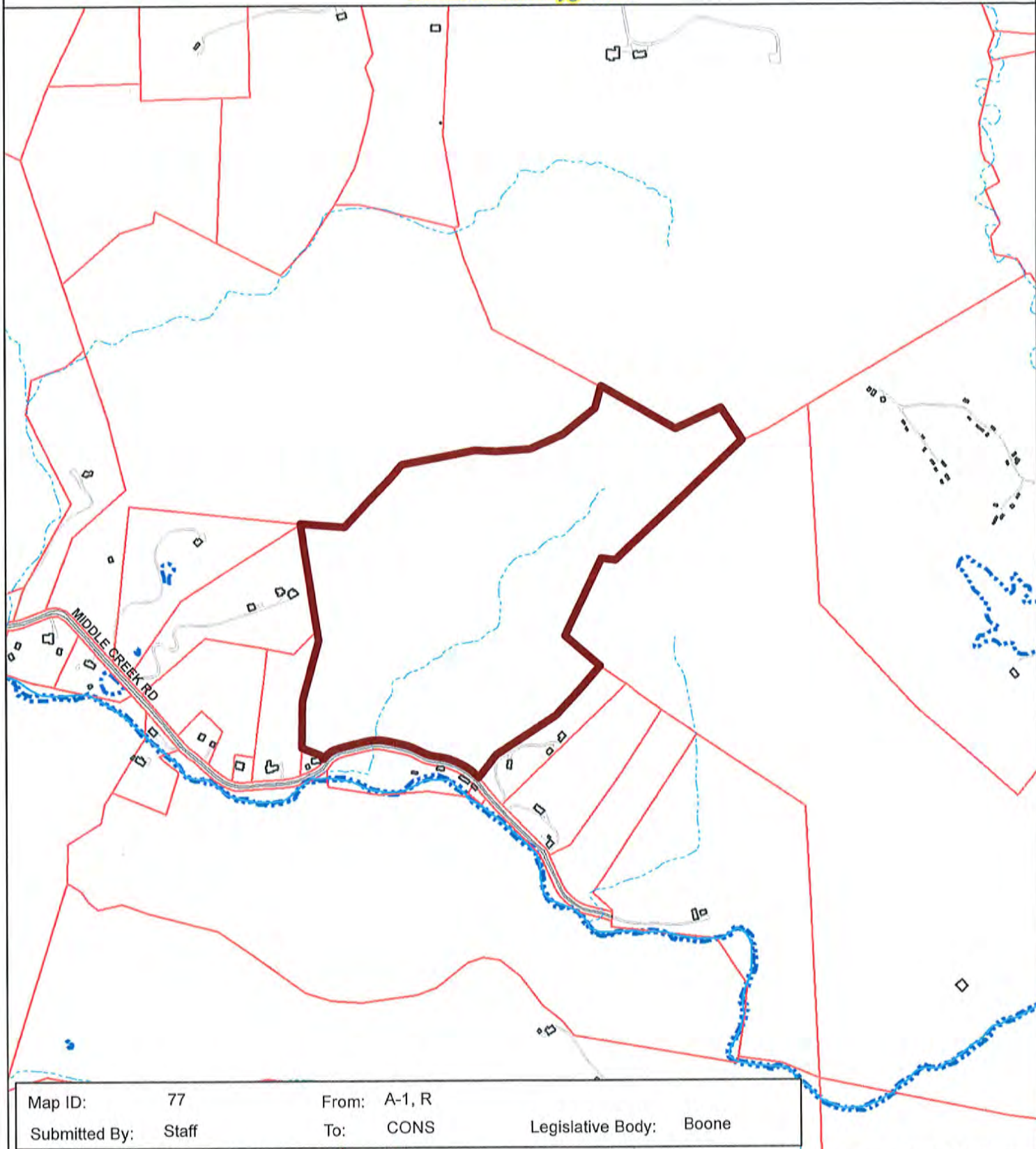


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

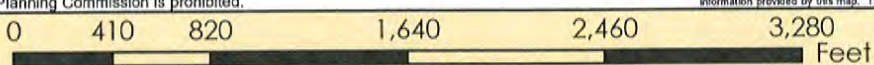
www.boonecountygis.com



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|---------------|-------|-------|--------|-------------------|-------|
| Map ID: | 77 | From: | A-1, R | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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1 inch = 800 feet



Boone County GIS

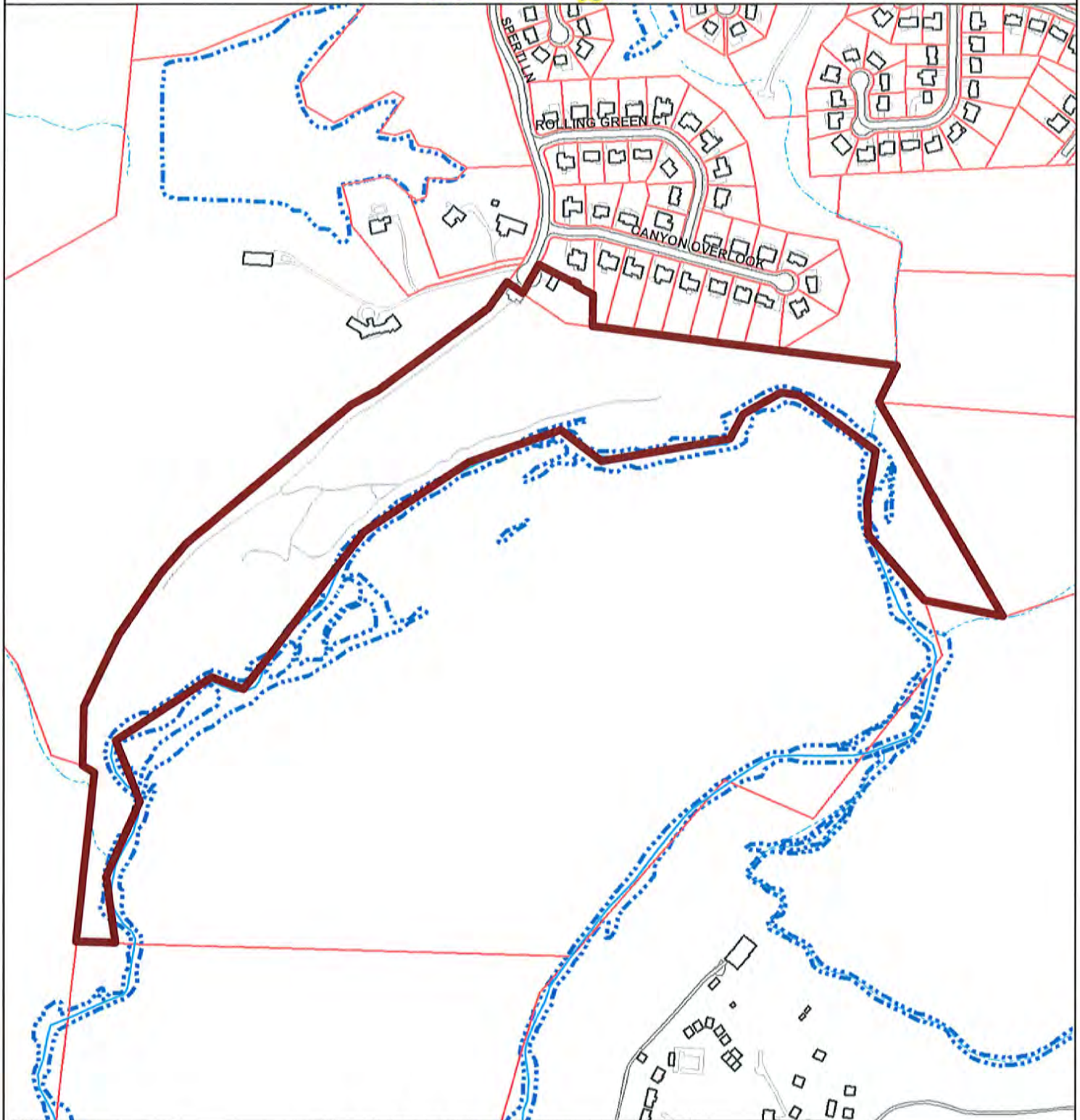


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

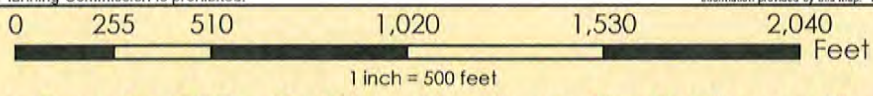
www.boonecountygis.com



| | | | | | |
|---------------|-------|-------|-----------|-------------------|-------|
| Map ID: | 78 | From: | A-1, SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | R | | |

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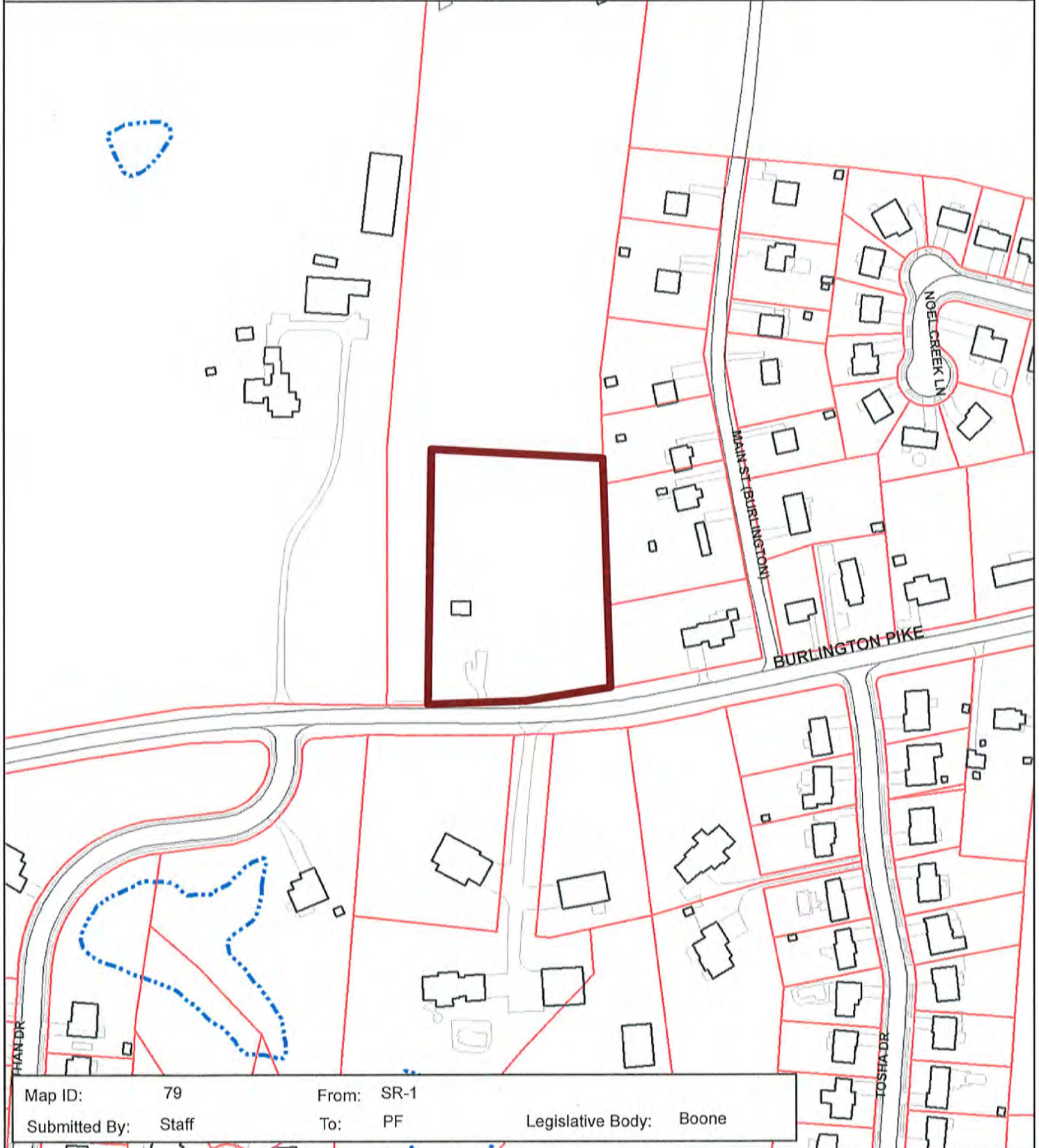
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Info For All Details: www.boonecountygis.com
ArchMap Document: *.mxd

Boone County GIS Map

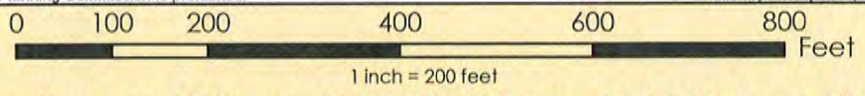
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|---------------|-------|-------|------|-------------------|-------|
| Map ID: | 79 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS - Putting Northern Kentucky on the Map

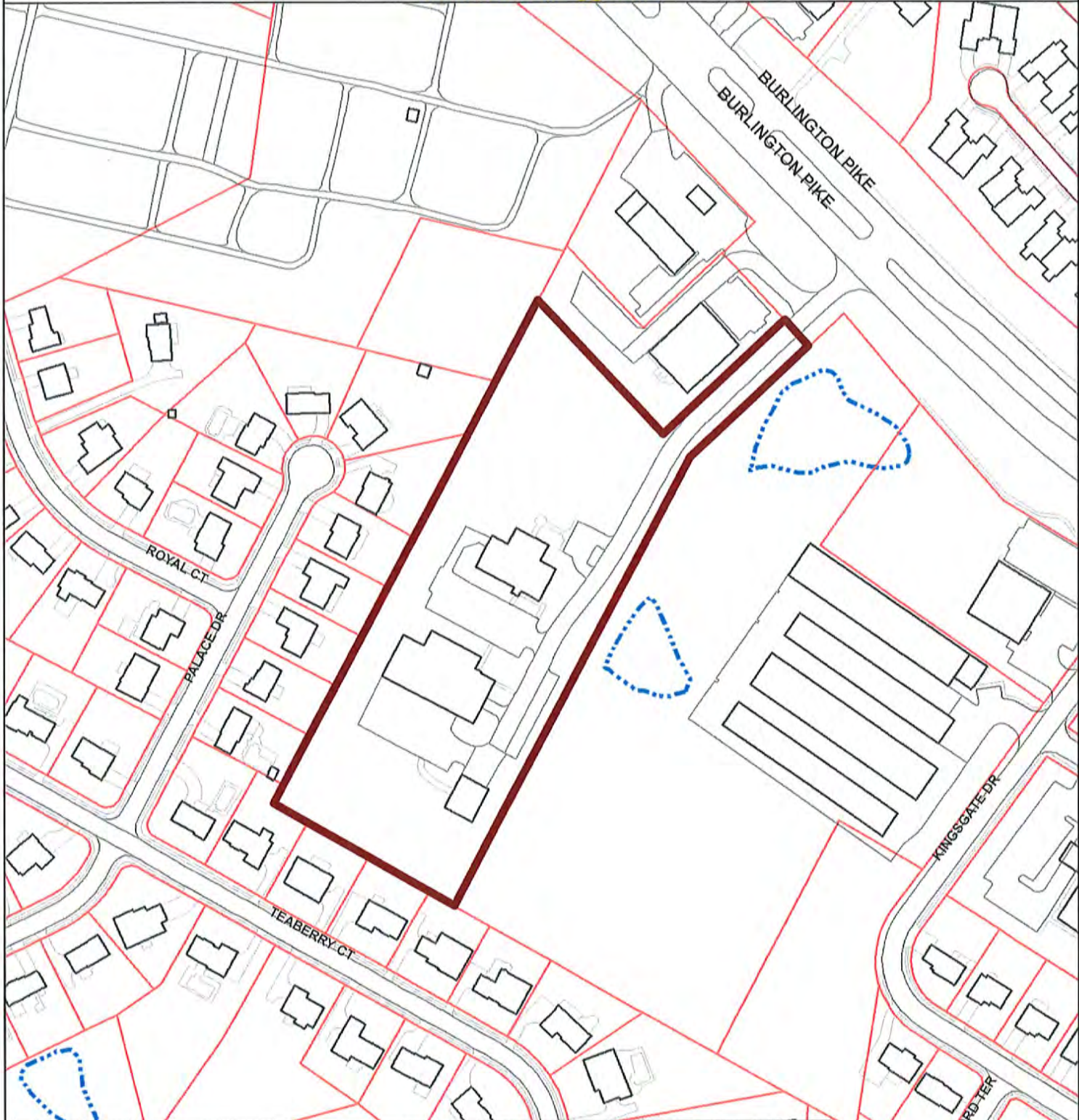


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

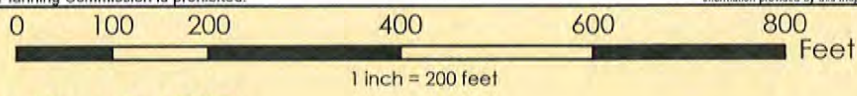
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|---------------|-------|-------|----------|-------------------|-------|
| Map ID: | 80 | From: | C-1, C-3 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS

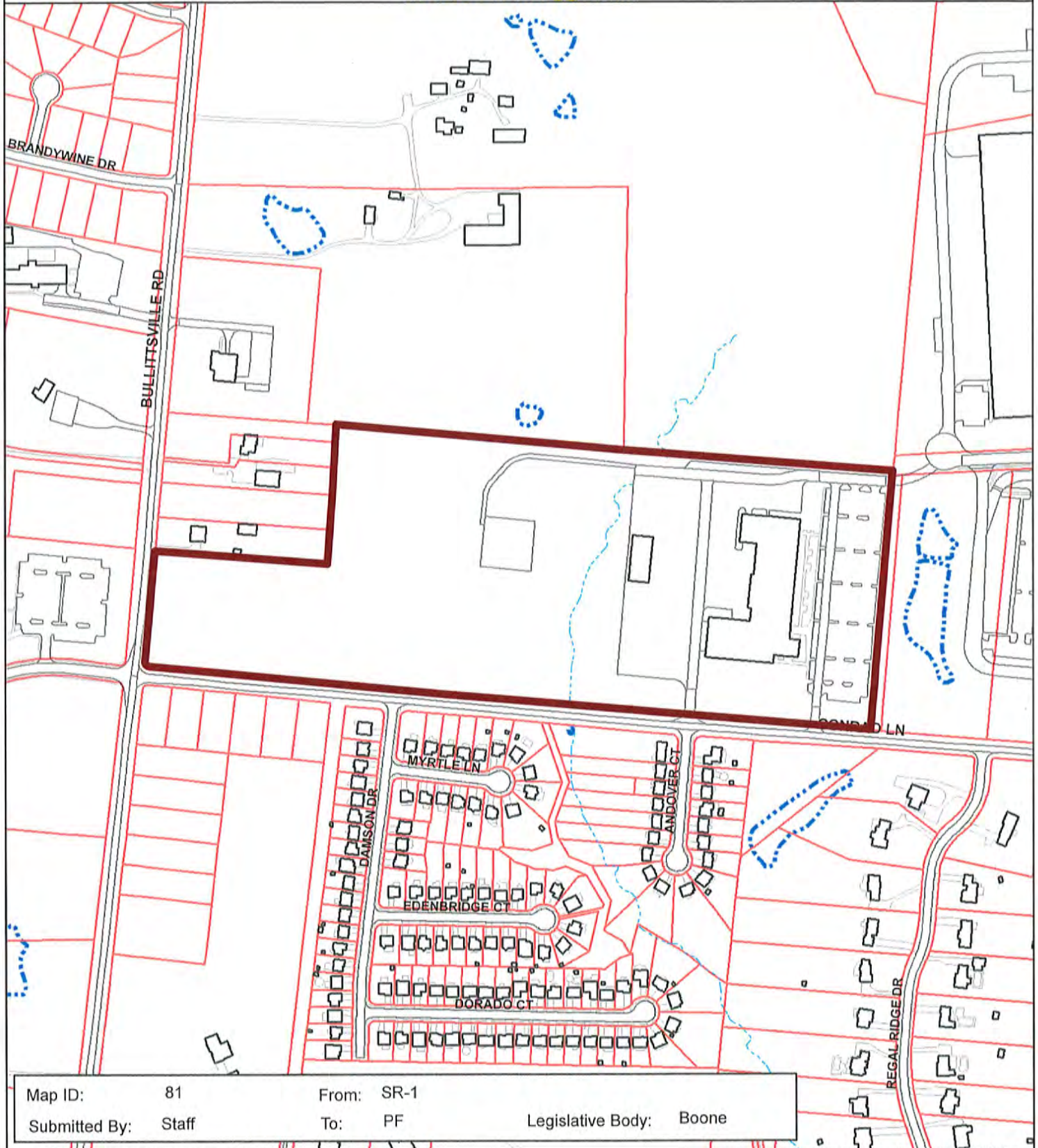


Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

Boone County GIS Map

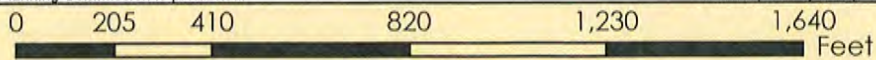
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|---------------|-------|-------|------|-------------------|-------|
| Map ID: | 81 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 400 feet

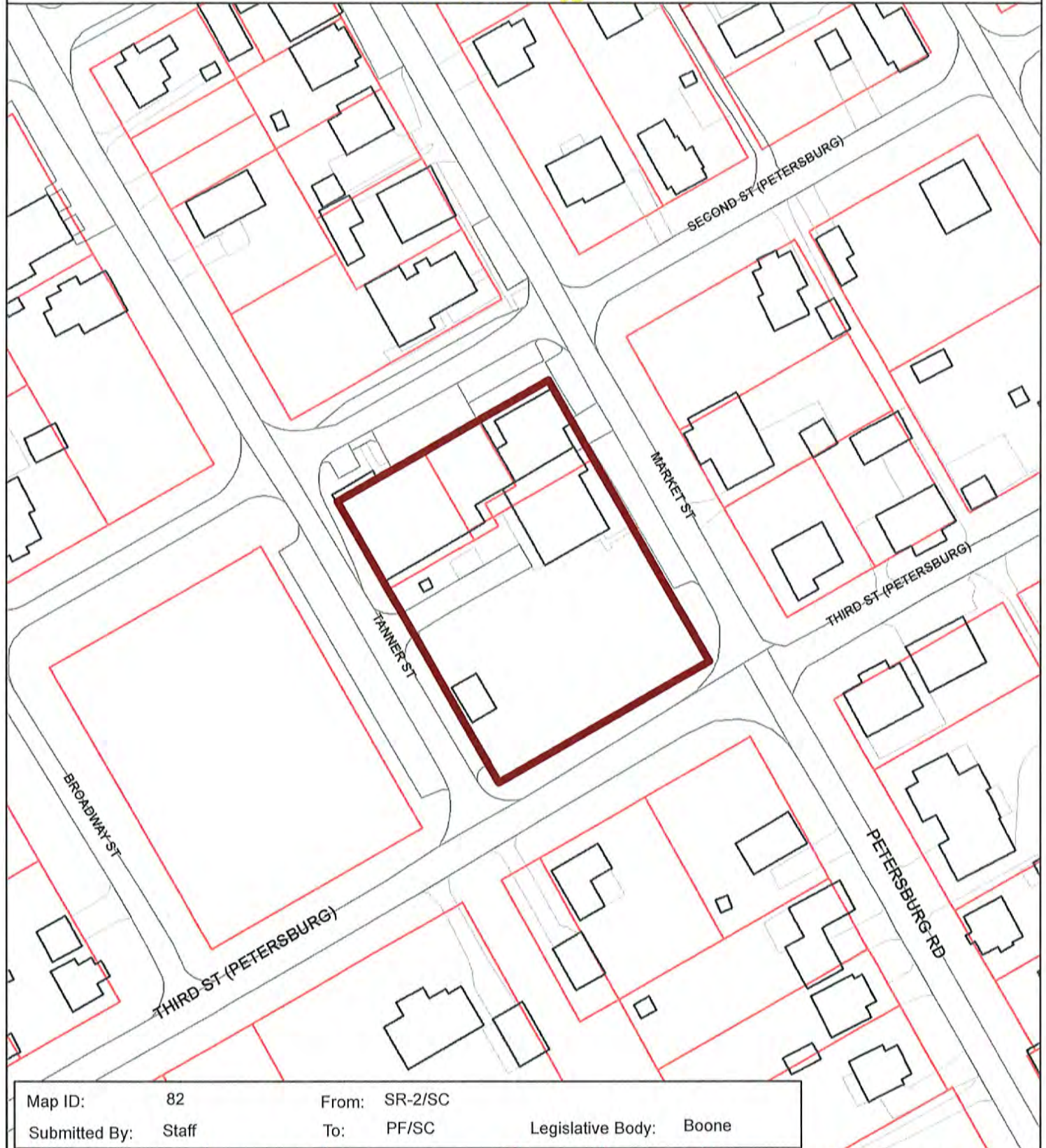


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

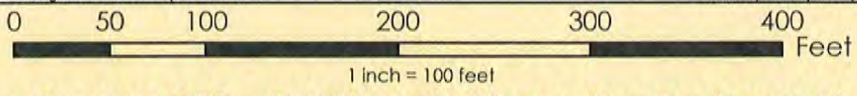
www.boonecountygis.com



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|---------------|-------|-------|---------|-------------------|-------|
| Map ID: | 82 | From: | SR-2/SC | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF/SC | | |

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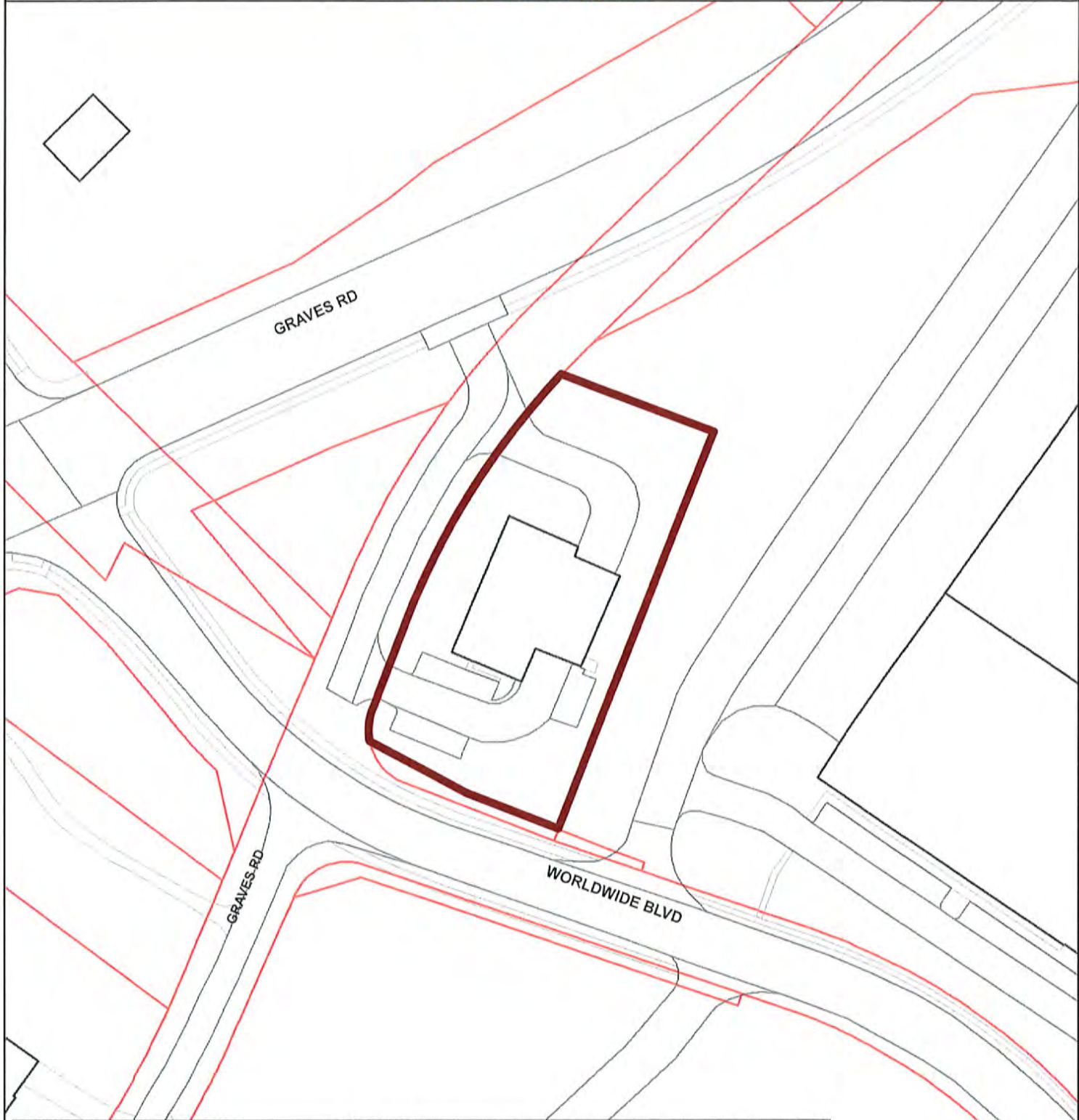
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

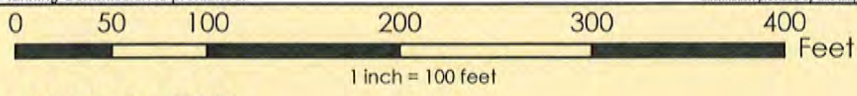
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 83 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS



Map Created: 01/01/2018

Info: Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

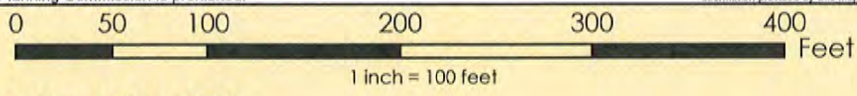
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|---------------|-------|-------|---------|-------------------|-------|
| Map ID: | 84 | From: | RSE/UTO | Legislative Body: | Union |
| Submitted By: | Staff | To: | PF/UTO | | |

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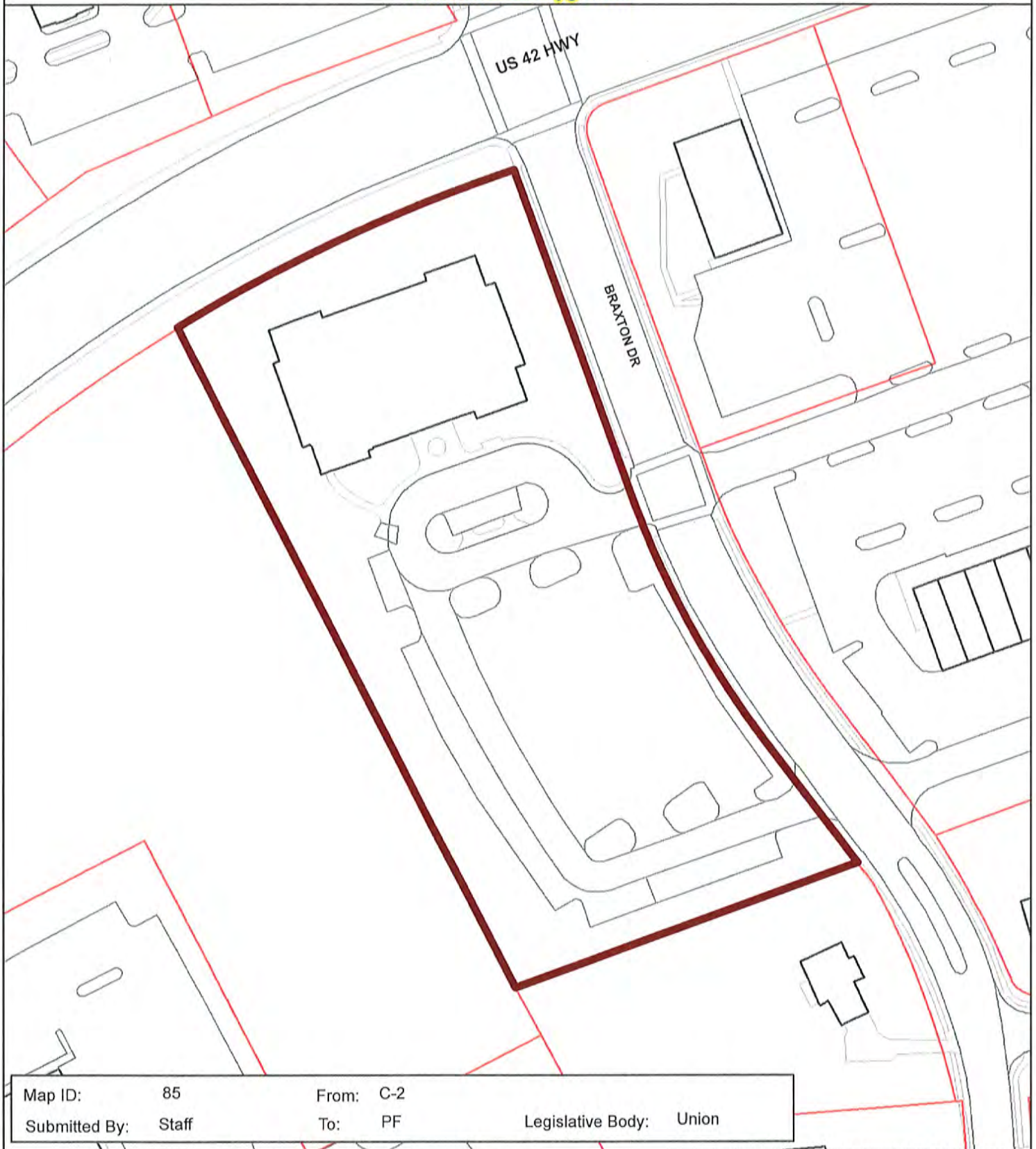


Boone County GIS



Boone County GIS Map

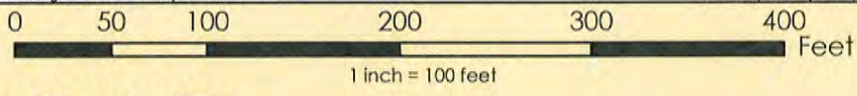
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 85 | From: | C-2 | Legislative Body: | Union |
| Submitted By: | Staff | To: | PF | | |

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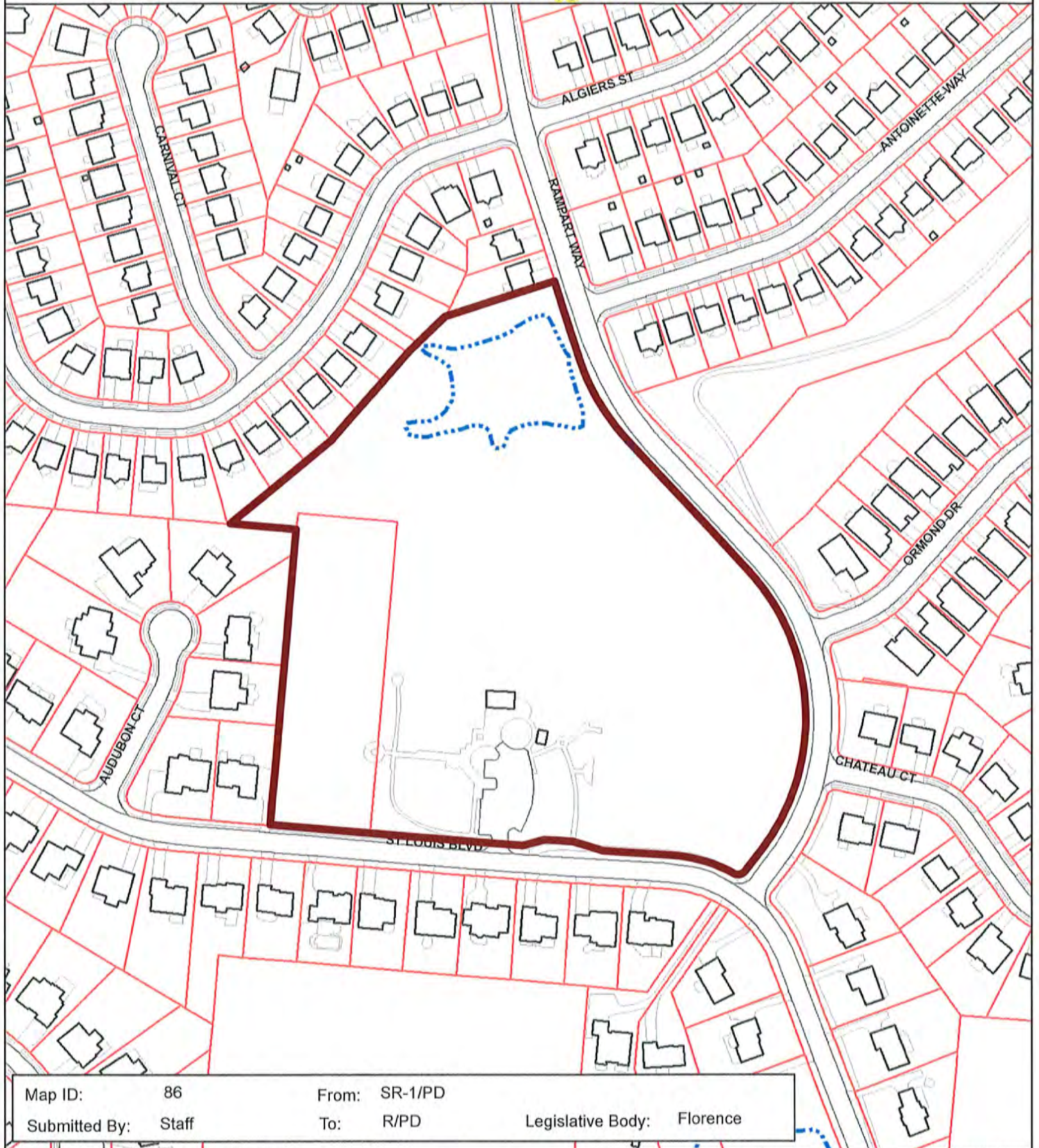


Boone County GIS



Boone County GIS Map

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|---------------|-------|-------|---------|-------------------|----------|
| Map ID: | 86 | From: | SR-1/PD | Legislative Body: | Florence |
| Submitted By: | Staff | To: | R/PD | | |

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1 inch = 200 feet

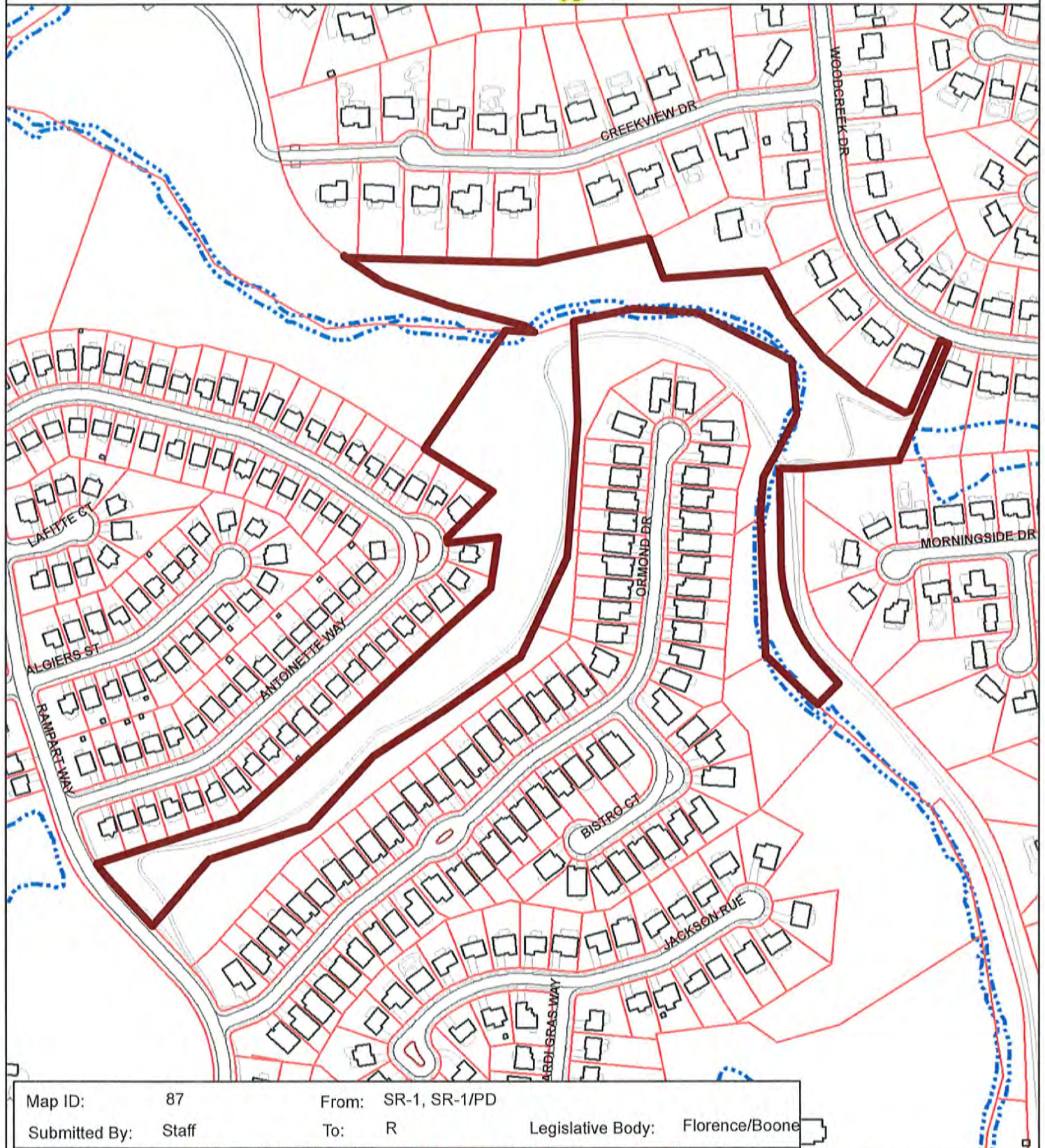


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

www.boonecountygis.com



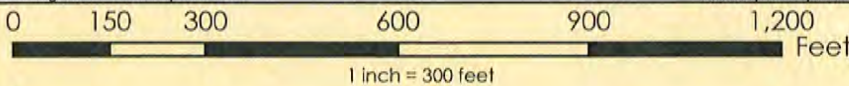
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|---------------|-------|-------|---------------|-------------------|----------------|
| Map ID: | 87 | From: | SR-1, SR-1/PD | Legislative Body: | Florence/Boone |
| Submitted By: | Staff | To: | R | | |

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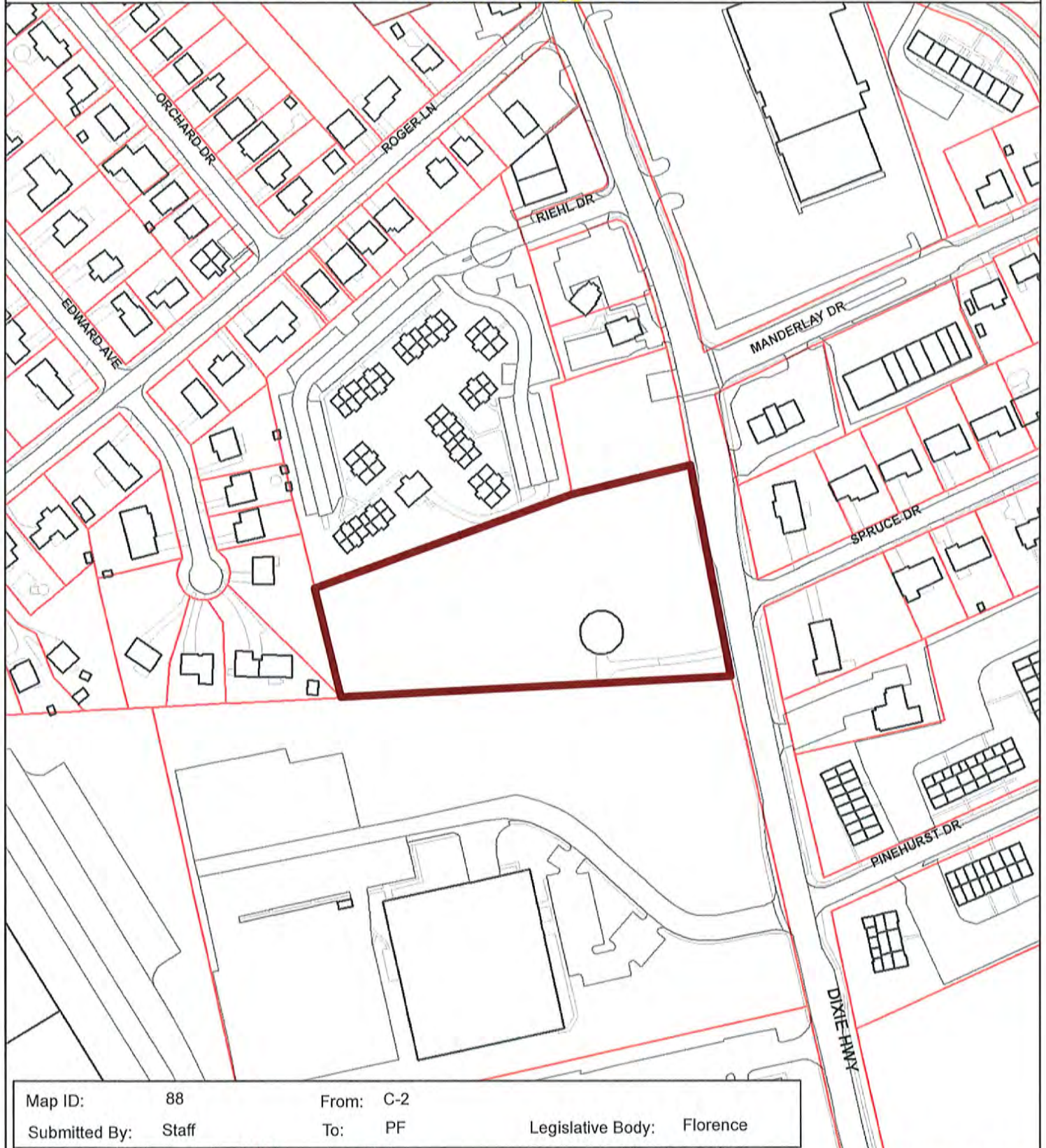


Boone



Boone County GIS Map

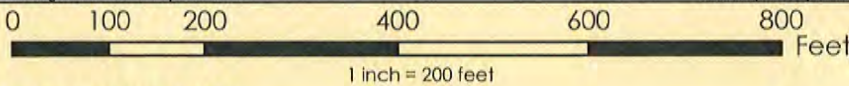
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|----------|
| Map ID: | 88 | From: | C-2 | Legislative Body: | Florence |
| Submitted By: | Staff | To: | PF | | |

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Boone County GIS

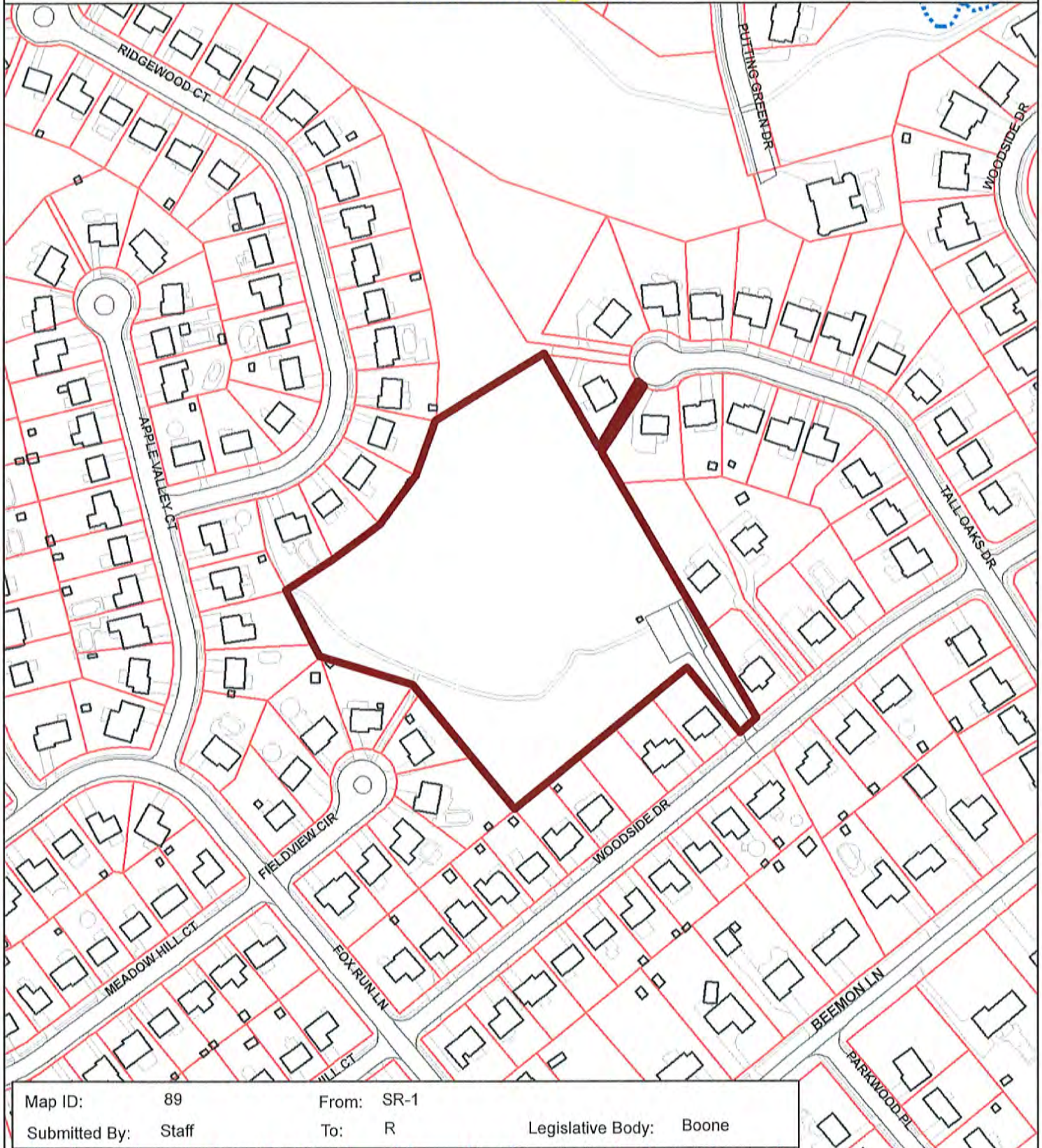


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

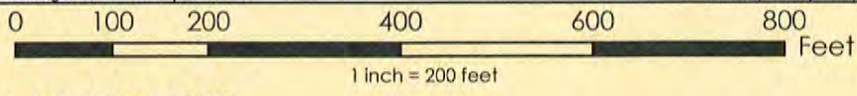
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|---------------|-------|-------|------|-------------------|-------|
| Map ID: | 89 | From: | SR-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | R | | |

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Boone County GIS

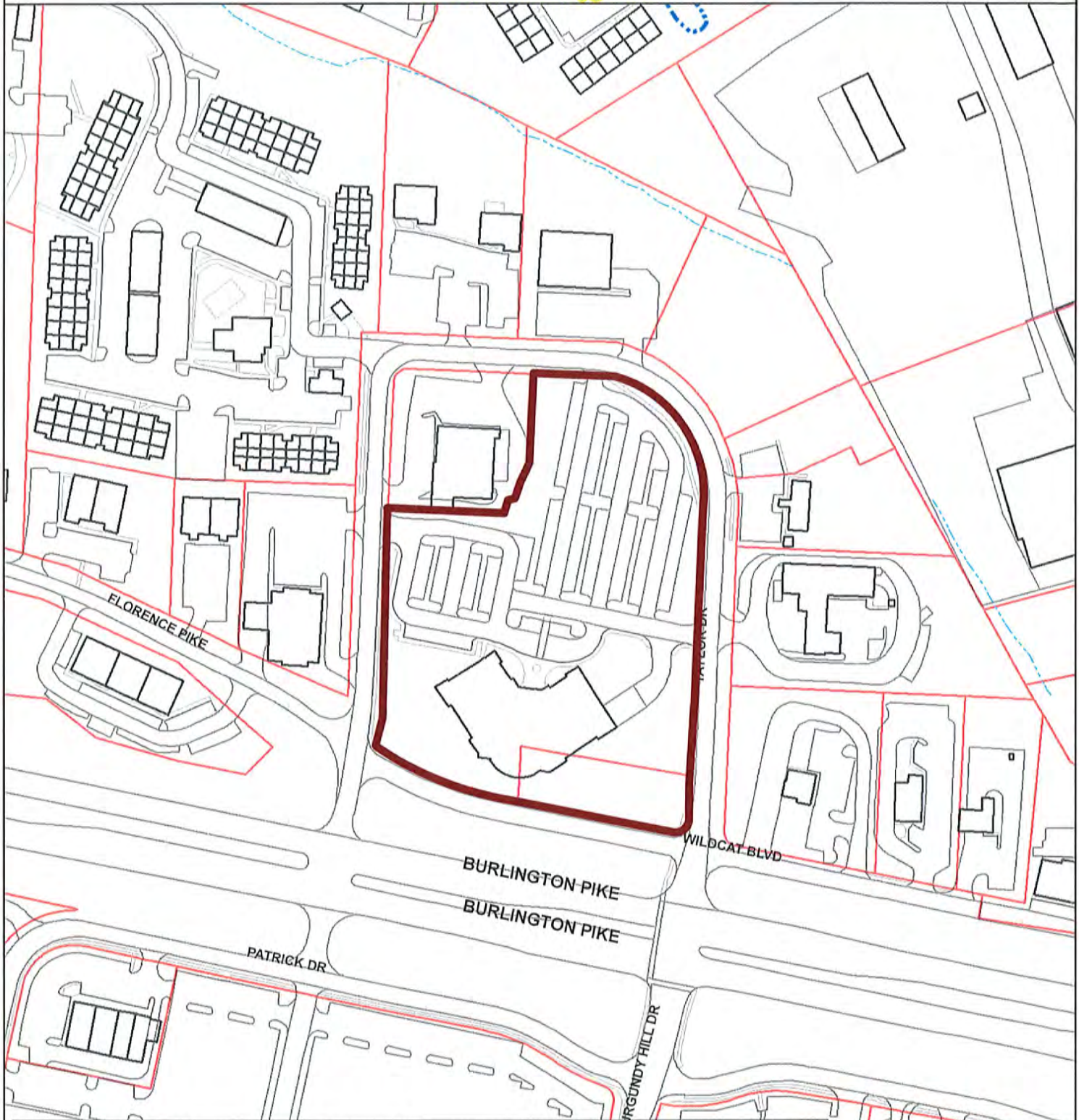


Map Created: 01/01/2018

ArchMap Document: *.msd

Boone County GIS Map

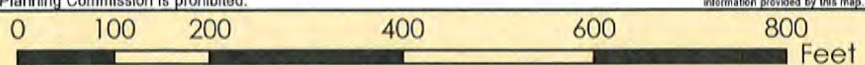
www.boonecountygis.com



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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 90 | From: | C-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

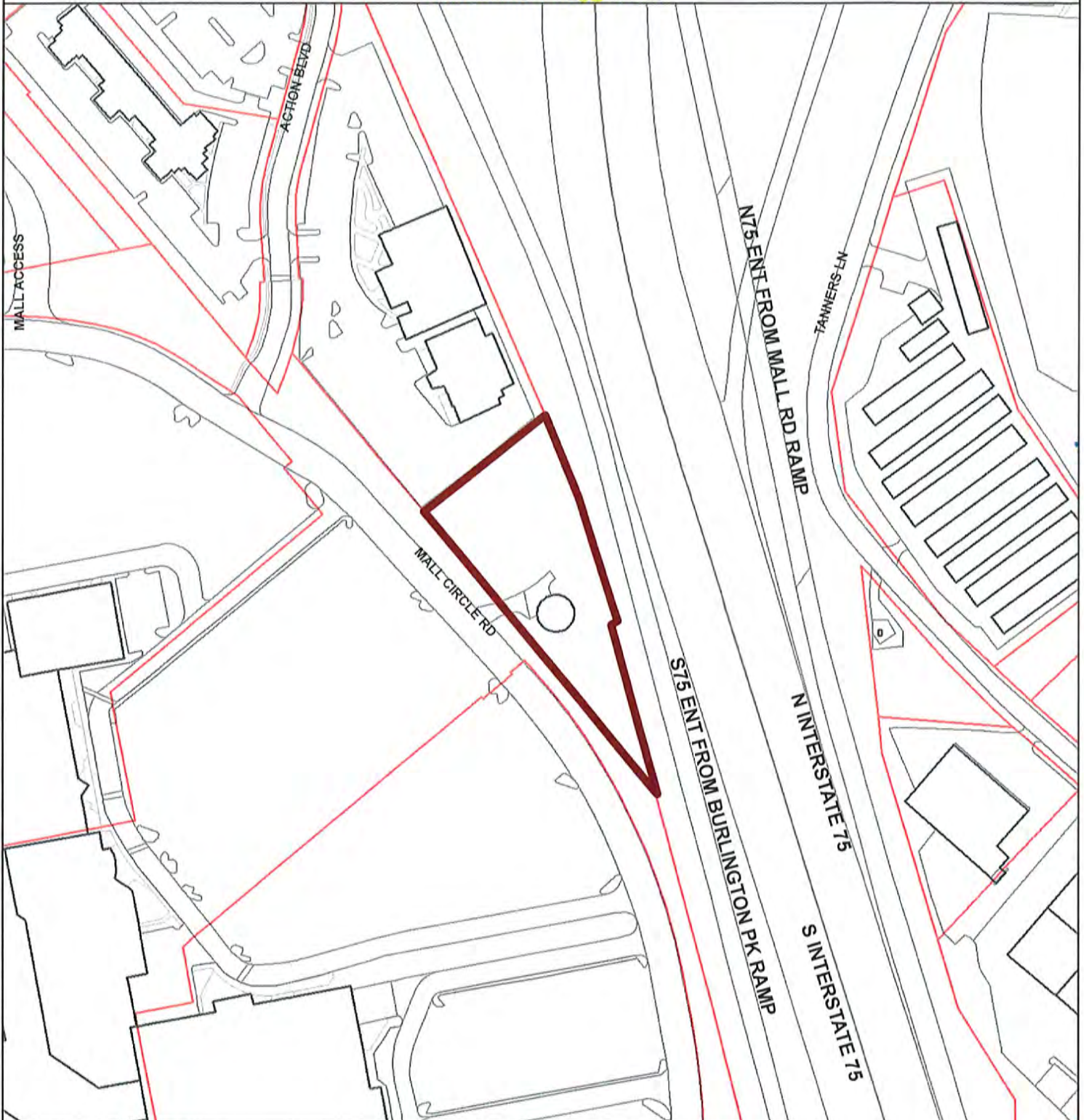


Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

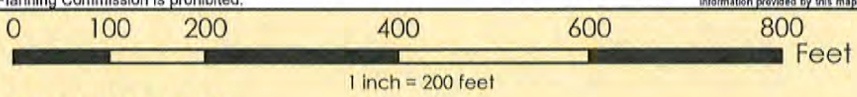
www.boonecountygis.com



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|---------------|-------|-------|-----------|-------------------|----------|
| Map ID: | 91 | From: | C-2/PD/MR | Legislative Body: | Florence |
| Submitted By: | Staff | To: | PF/PD/MR | | |

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Boone County GIS



Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

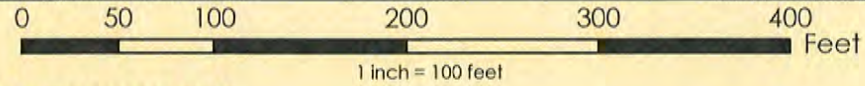
www.boonecountygis.com



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|---------------|-------|-------|-------|-------------------|----------|
| Map ID: | 92 | From: | SR-2 | Legislative Body: | Florence |
| Submitted By: | Staff | To: | PF/PO | | |

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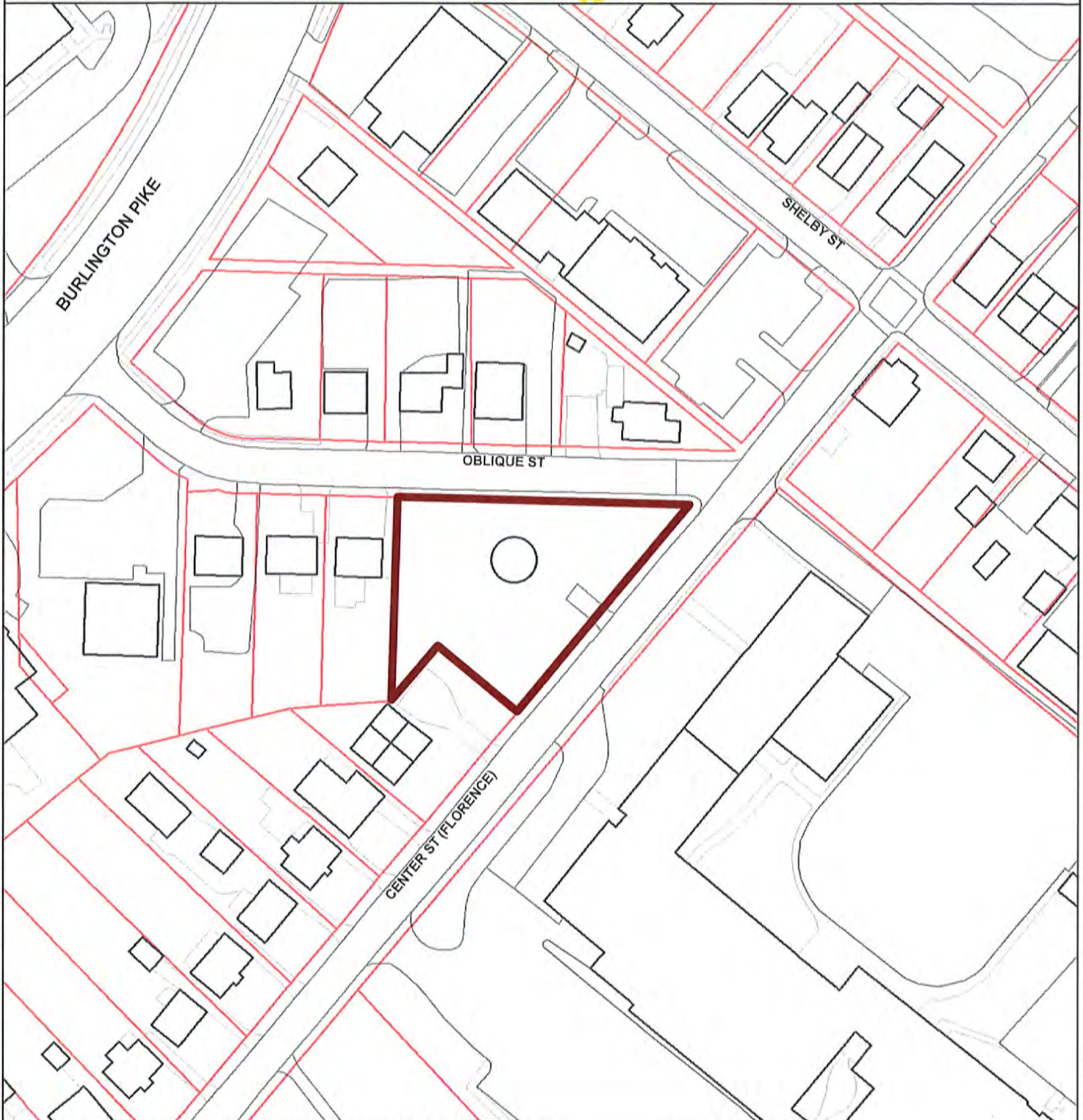


Boone County GIS



Boone County GIS Map

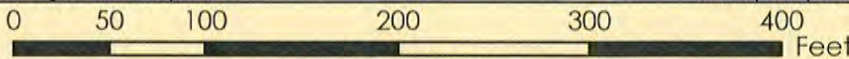
www.boonecountygis.com



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|---------------|-------|-------|---------|-------------------|----------|
| Map ID: | 93 | From: | SR-2/PO | Legislative Body: | Florence |
| Submitted By: | Staff | To: | PF/PO | | |

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1 inch = 100 feet



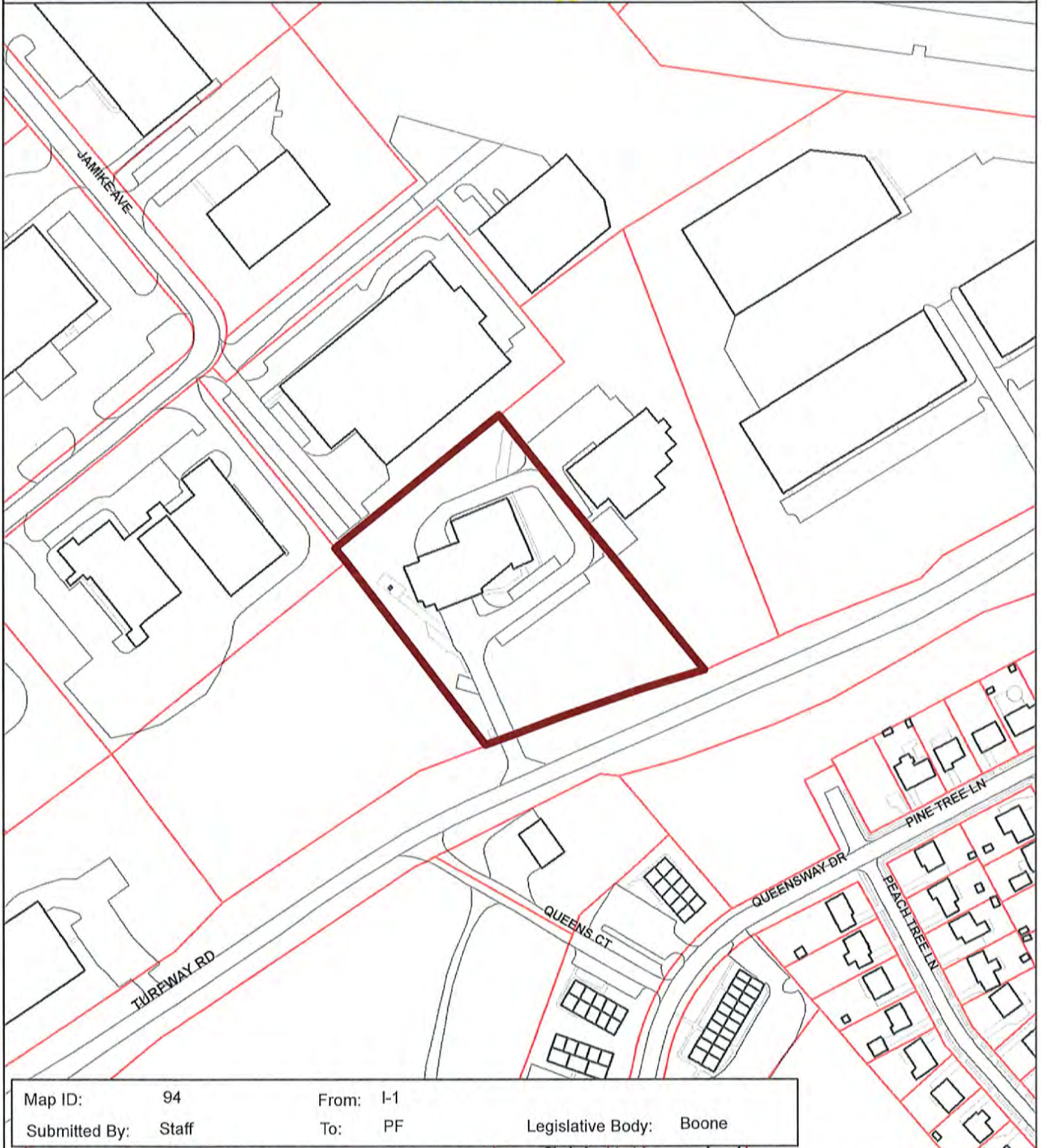
Boone County GIS

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 94 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 200 feet



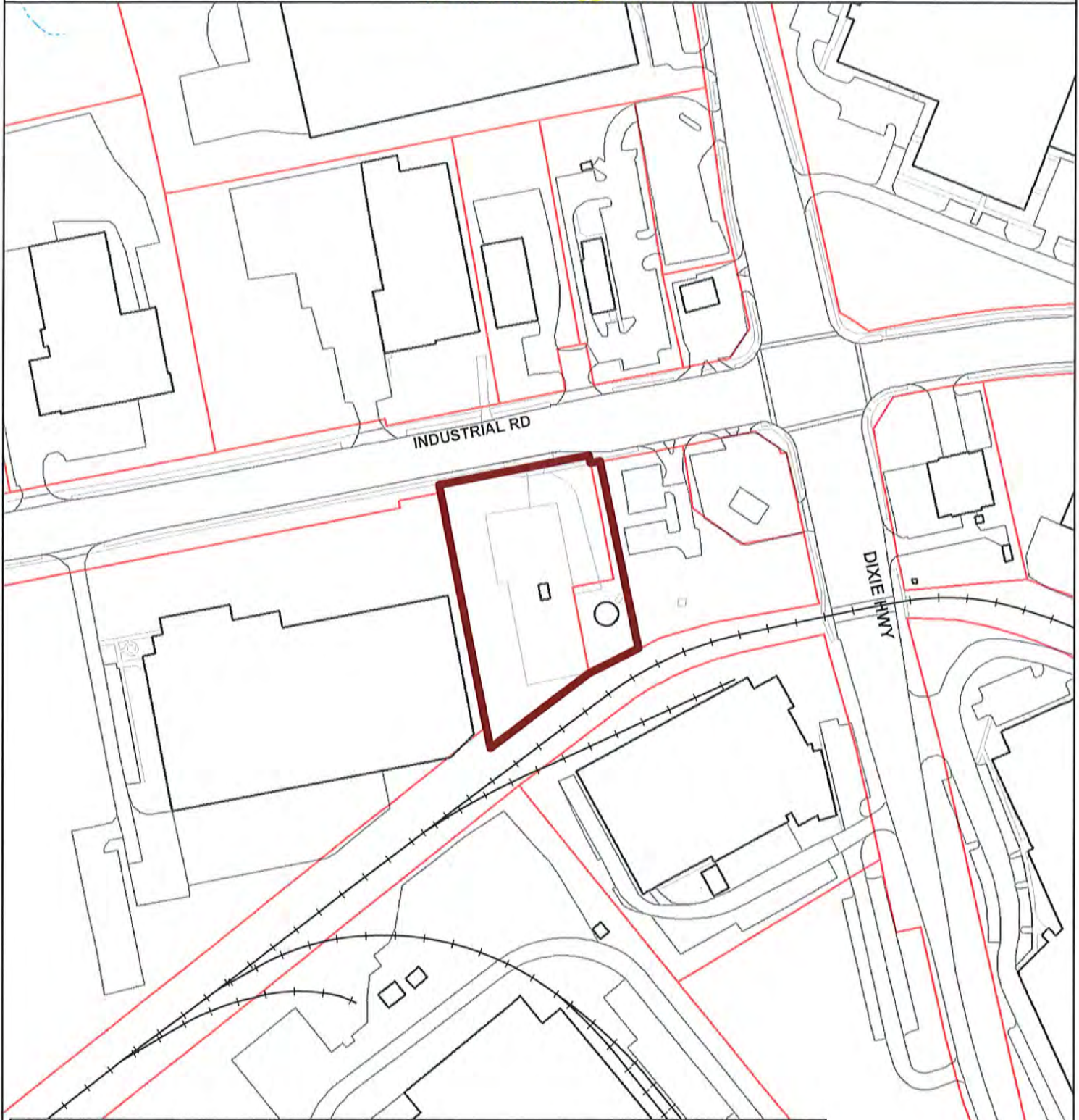
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

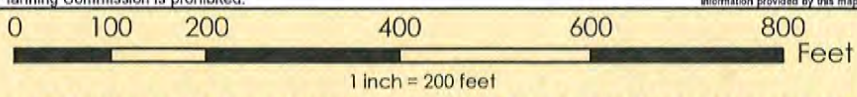
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 95 | From: | I-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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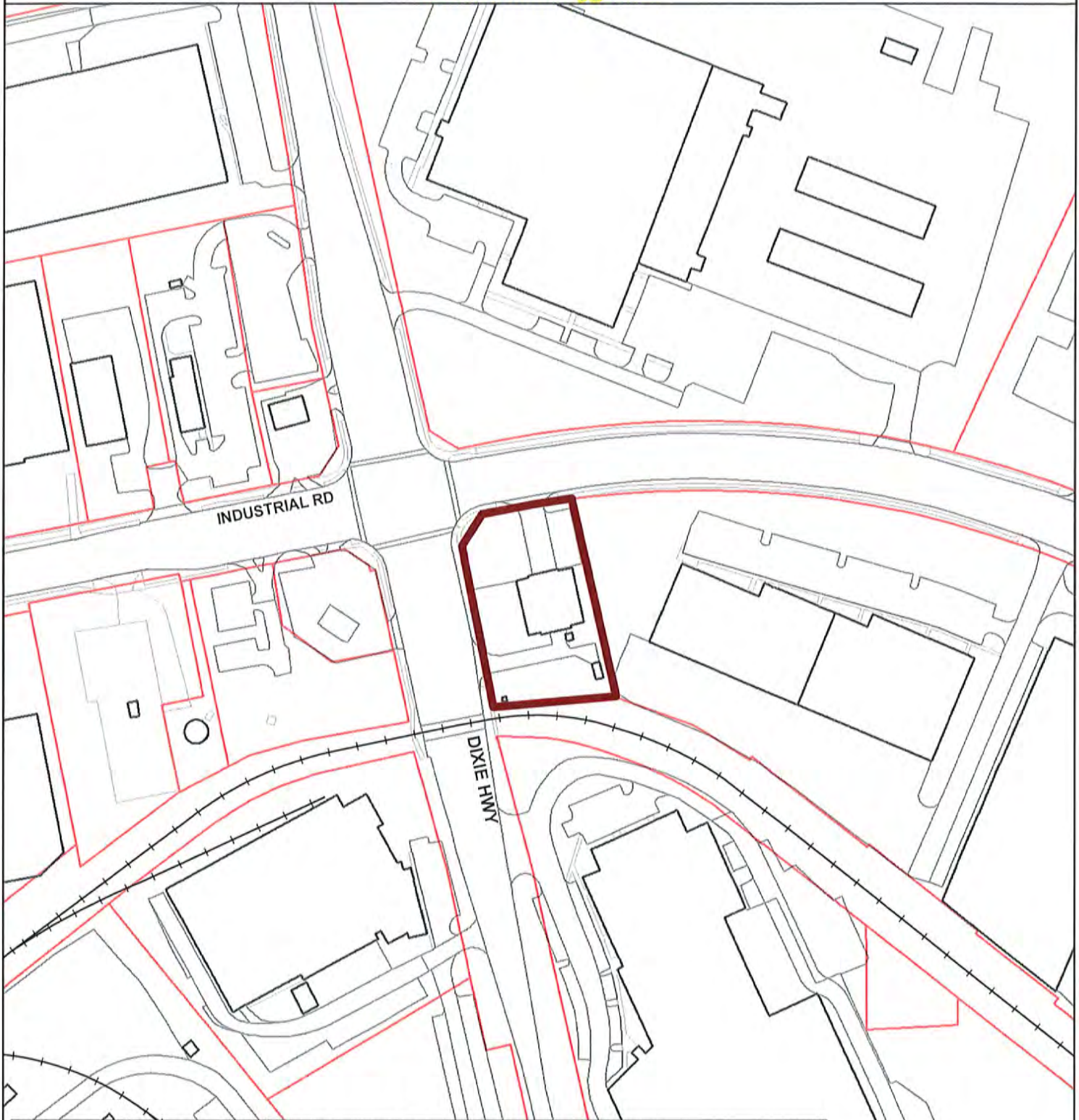
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

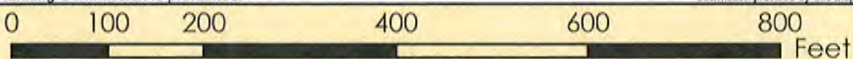
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|---------------|-------|-------|-----|-------------------|----------|
| Map ID: | 96 | From: | I-1 | Legislative Body: | Florence |
| Submitted By: | Staff | To: | PF | | |

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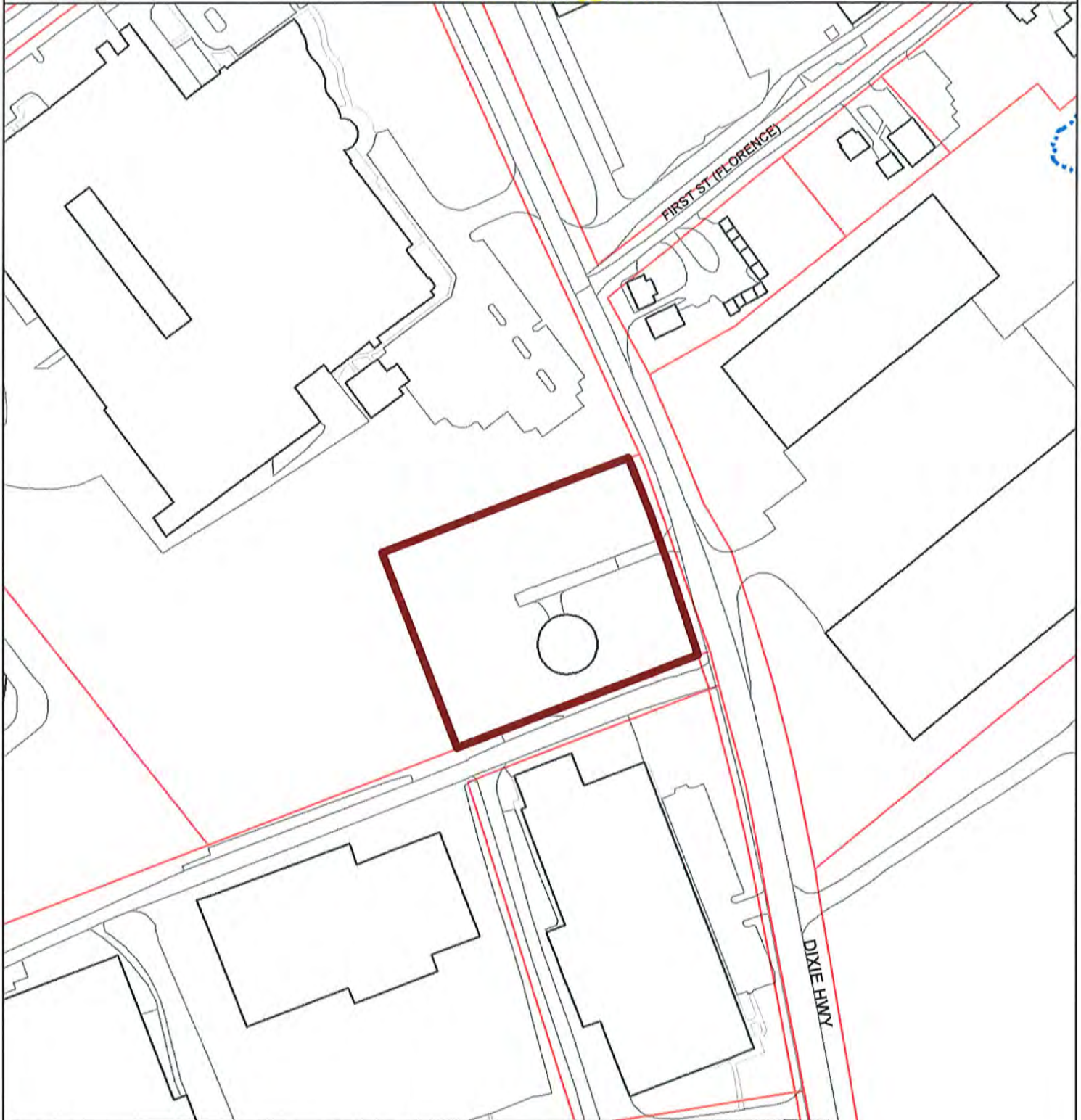
1 inch = 200 feet



Boone County GIS

Boone County GIS Map

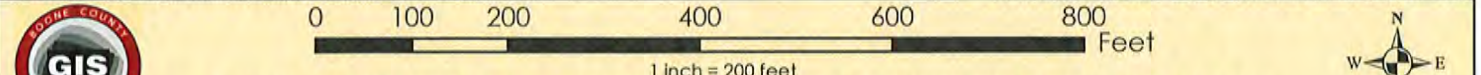
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| | | | | | |
|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 97 | From: | I-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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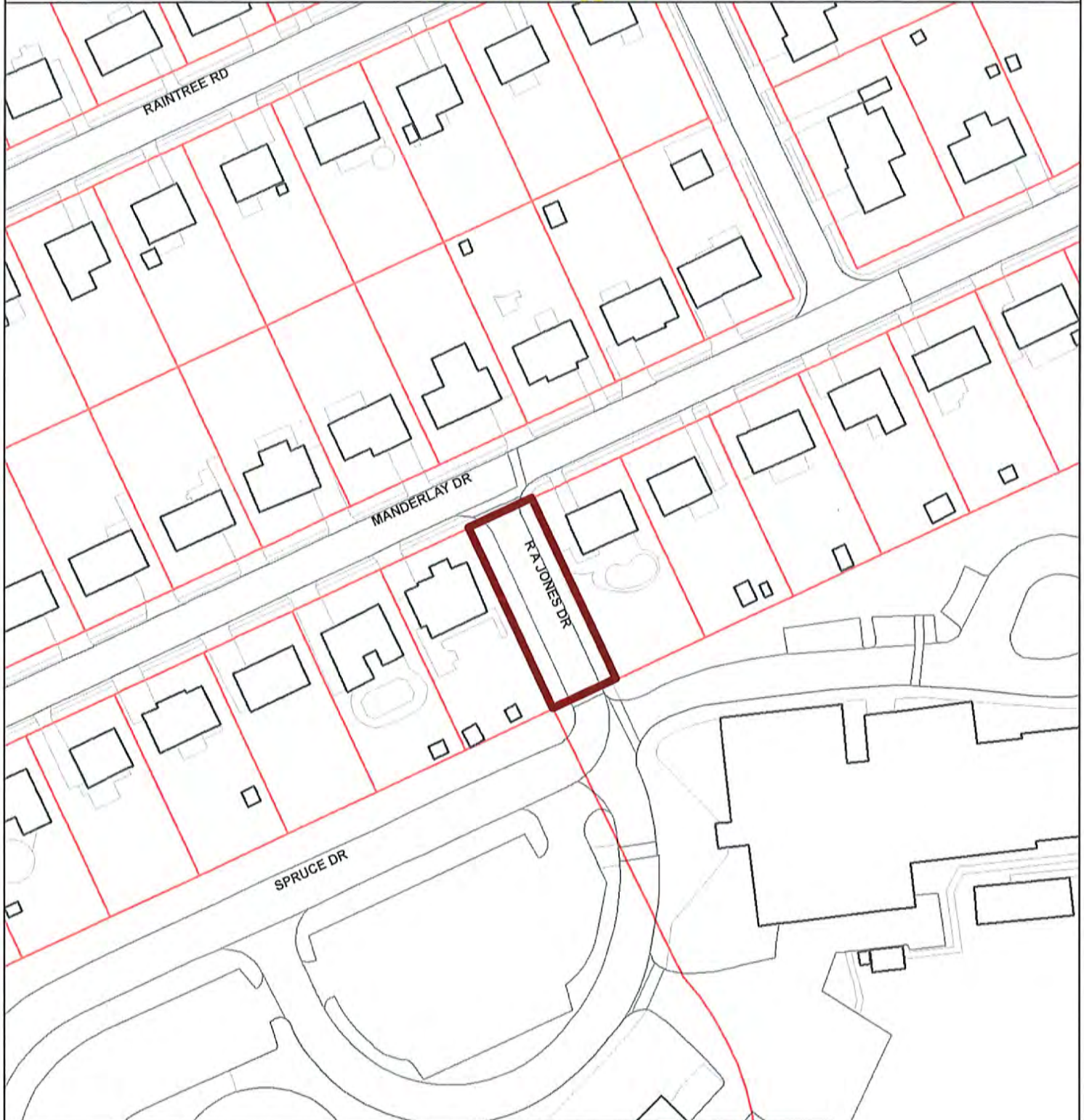
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

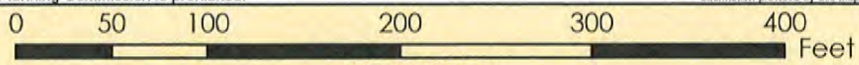
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|---------------|-------|-------|------|-------------------|----------|
| Map ID: | 98 | From: | R-1F | Legislative Body: | Florence |
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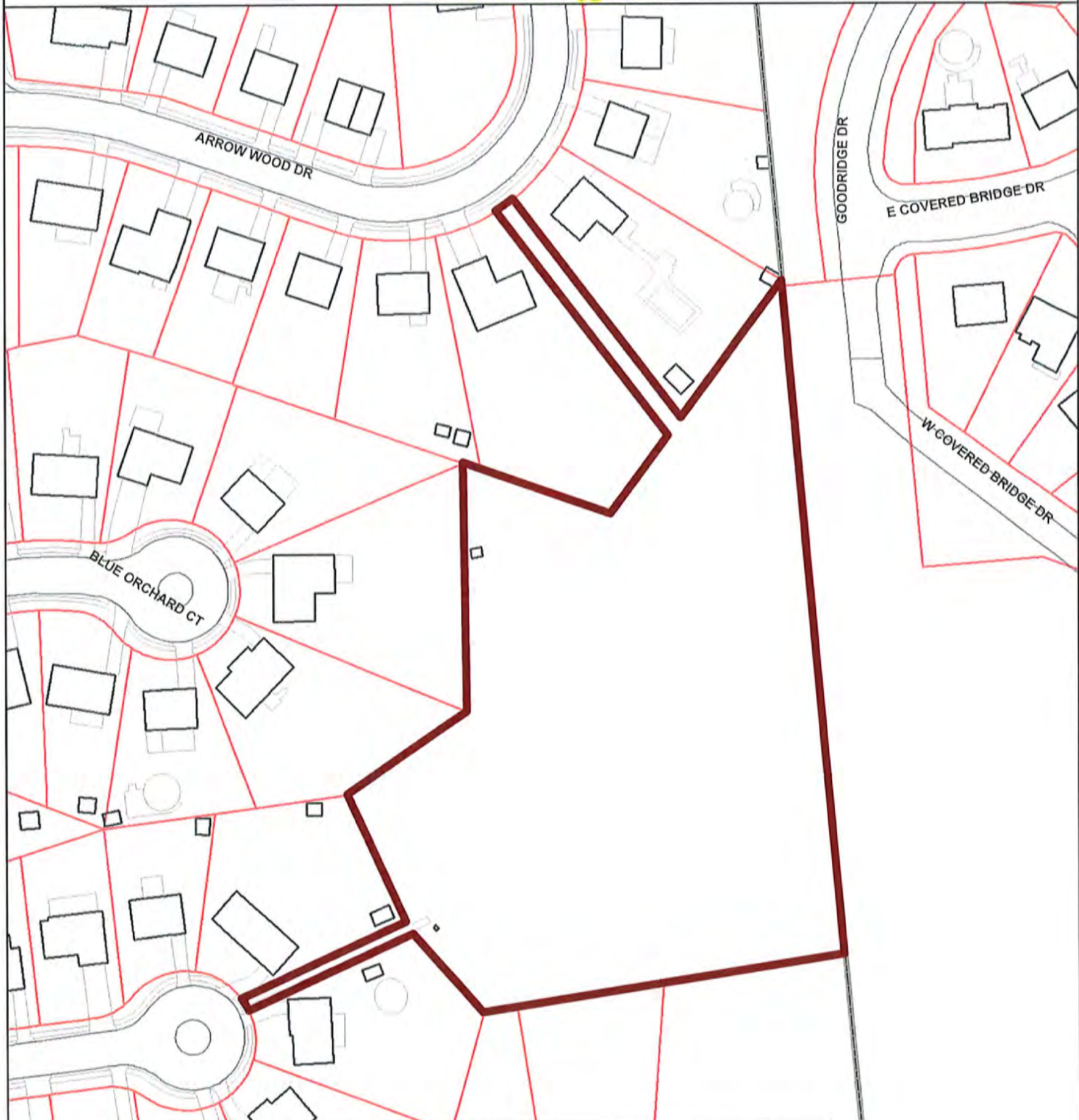
1 inch = 100 feet



Boone County GIS

Boone County GIS Map

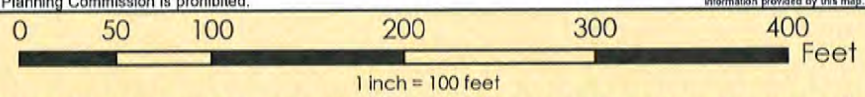
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|---------------|-------|-------|------|-------------------|----------|
| Map ID: | 99 | From: | SR-2 | Legislative Body: | Florence |
| Submitted By: | Staff | To: | R | | |

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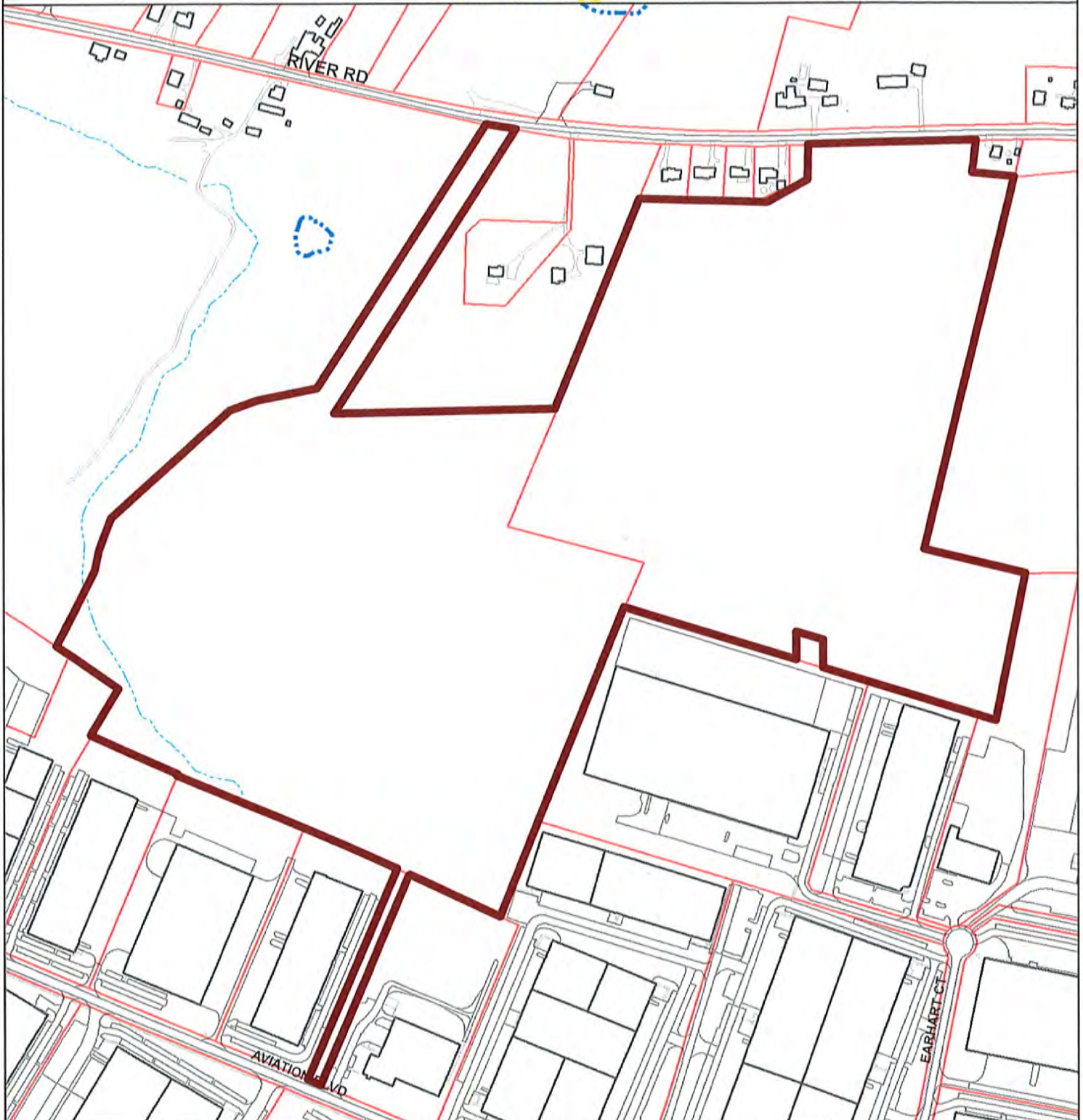
Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

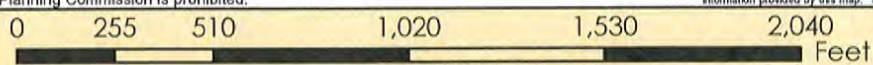
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|---------------|-------|-------|-------------|-------------------|-------|
| Map ID: | 101 | From: | A-2 and I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | CONS | | |

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1 inch = 500 feet



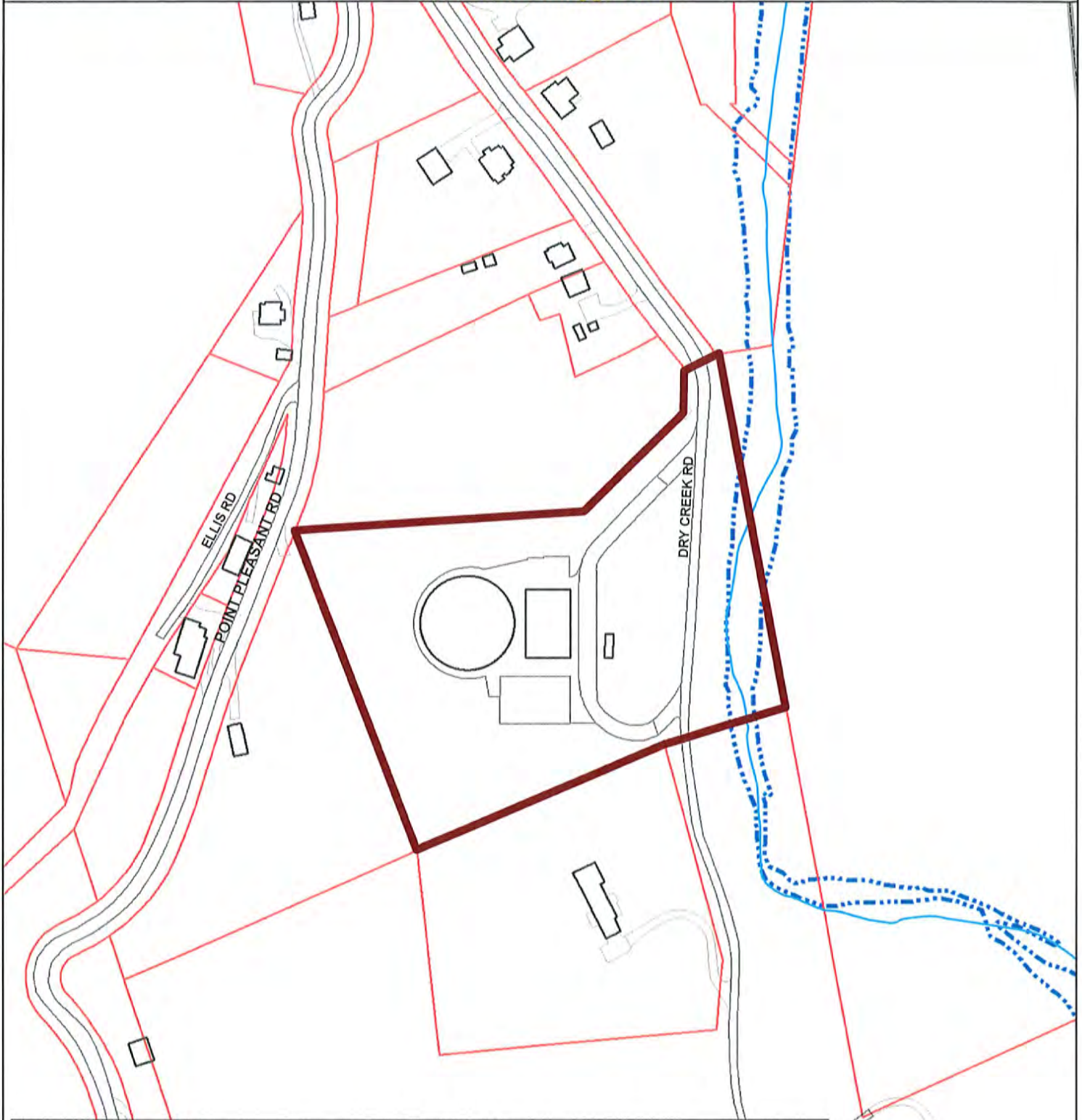
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArchMap Document: *.mxd

Boone County GIS Map

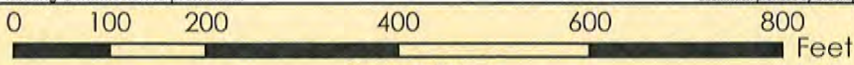
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|---------------|-------|-------|-----------------|-------------------|-------|
| Map ID: | 102 | From: | A-2 and SR-1/SC | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

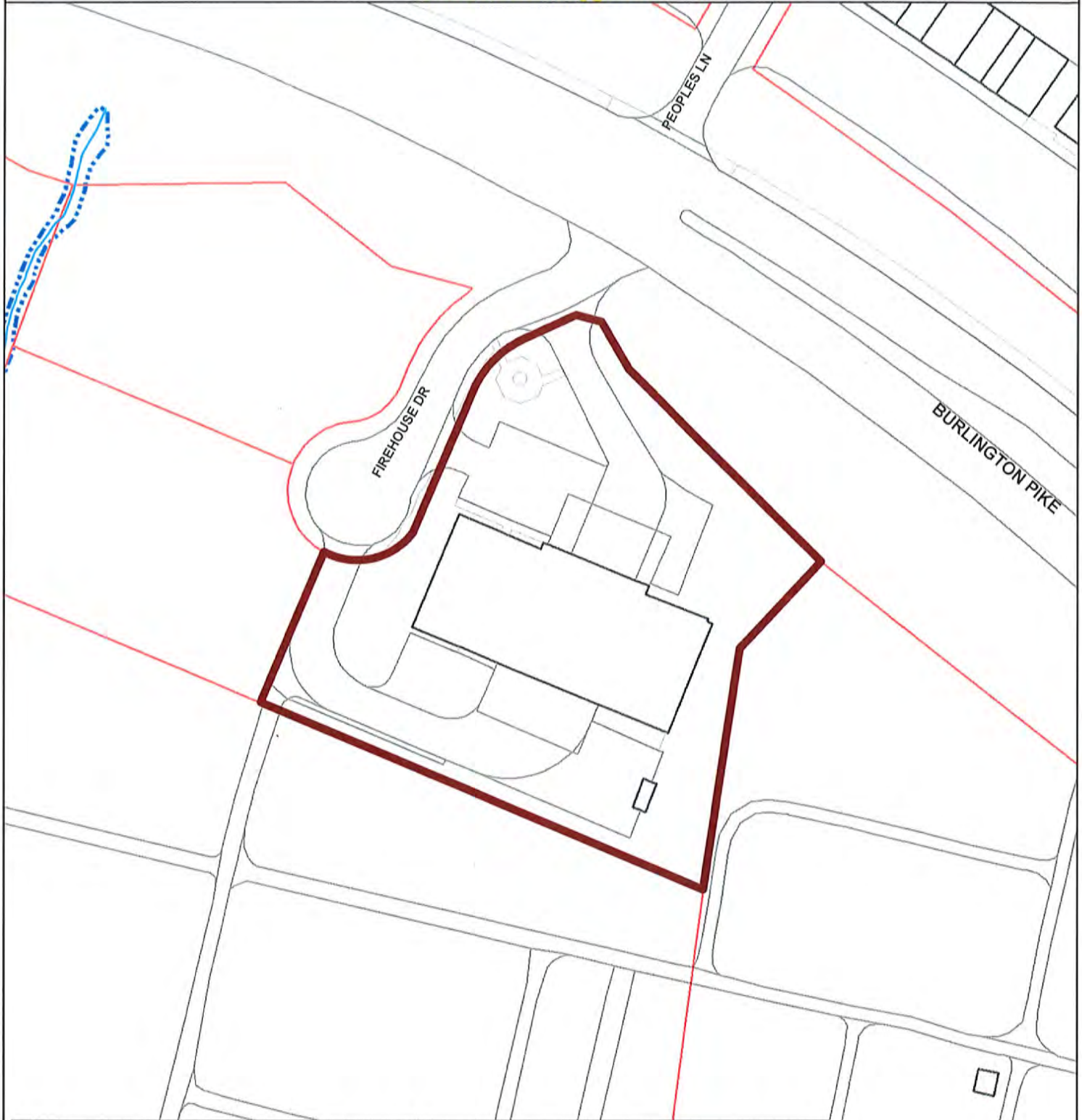


Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

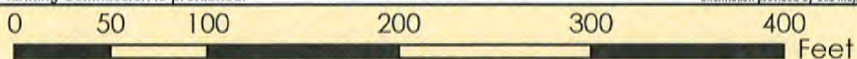
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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 103 | From: | C-2 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | PF | | |

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1 inch = 100 feet



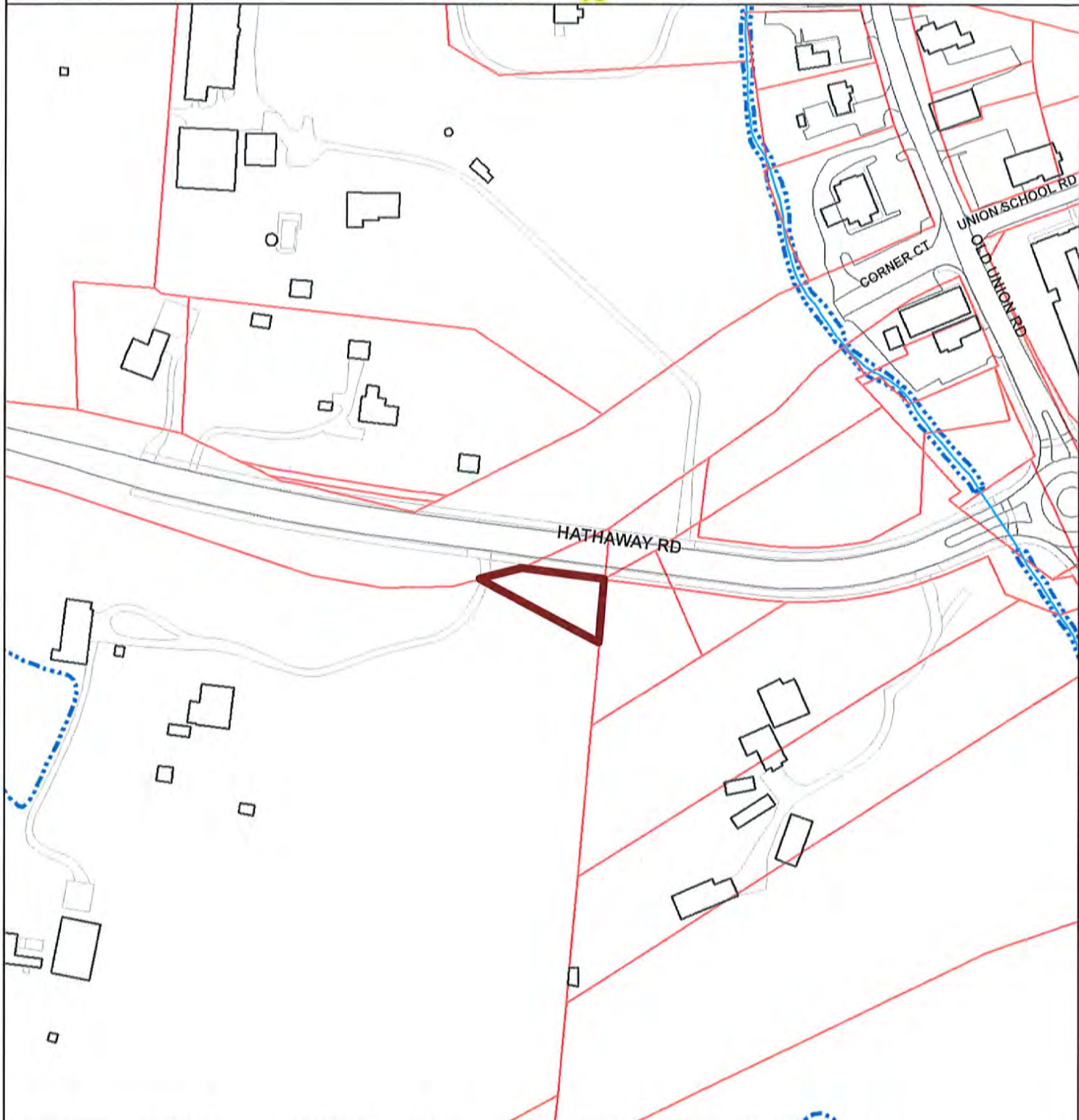
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

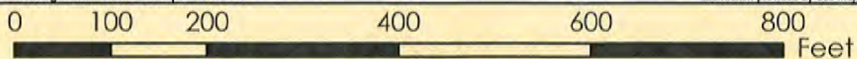
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|---------------|----------------|-------|---------|-------------------|-------|
| Map ID: | 104 | From: | A-2/UTO | Legislative Body: | Union |
| Submitted By: | Adam Dickerson | To: | RSE/UTO | | |

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1 inch = 200 feet



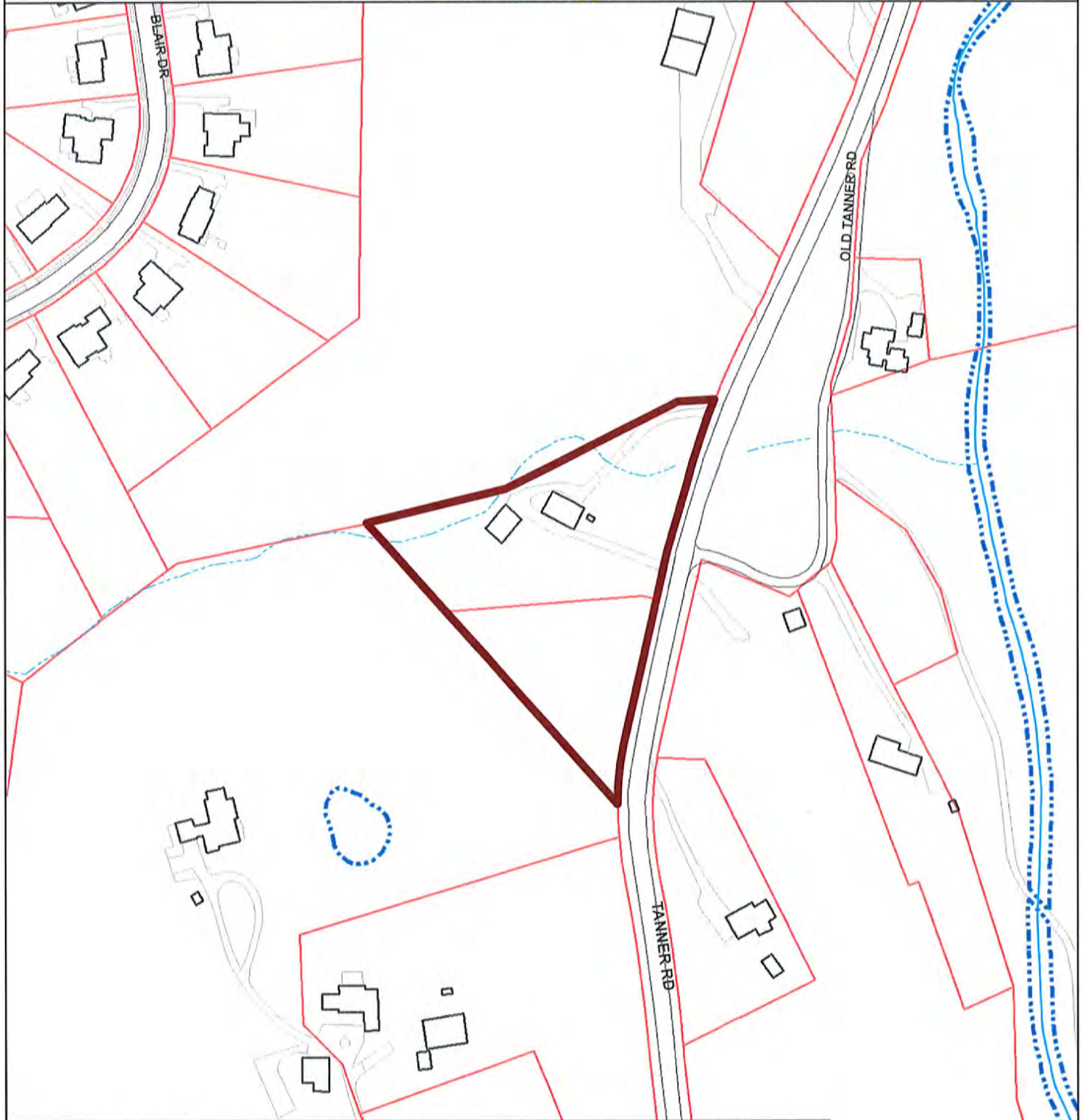
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document: *.mxd

Boone County GIS Map

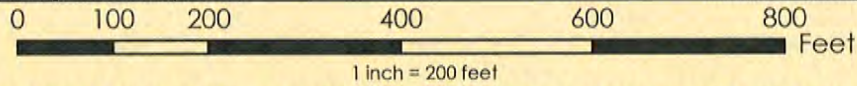
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|---------------|--|-------------------|-------|
| Map ID: | 105 | From: | A-2 |
| Submitted By: | Julie Ward and Harold Walton and Judy Walton | Legislative Body: | Boone |

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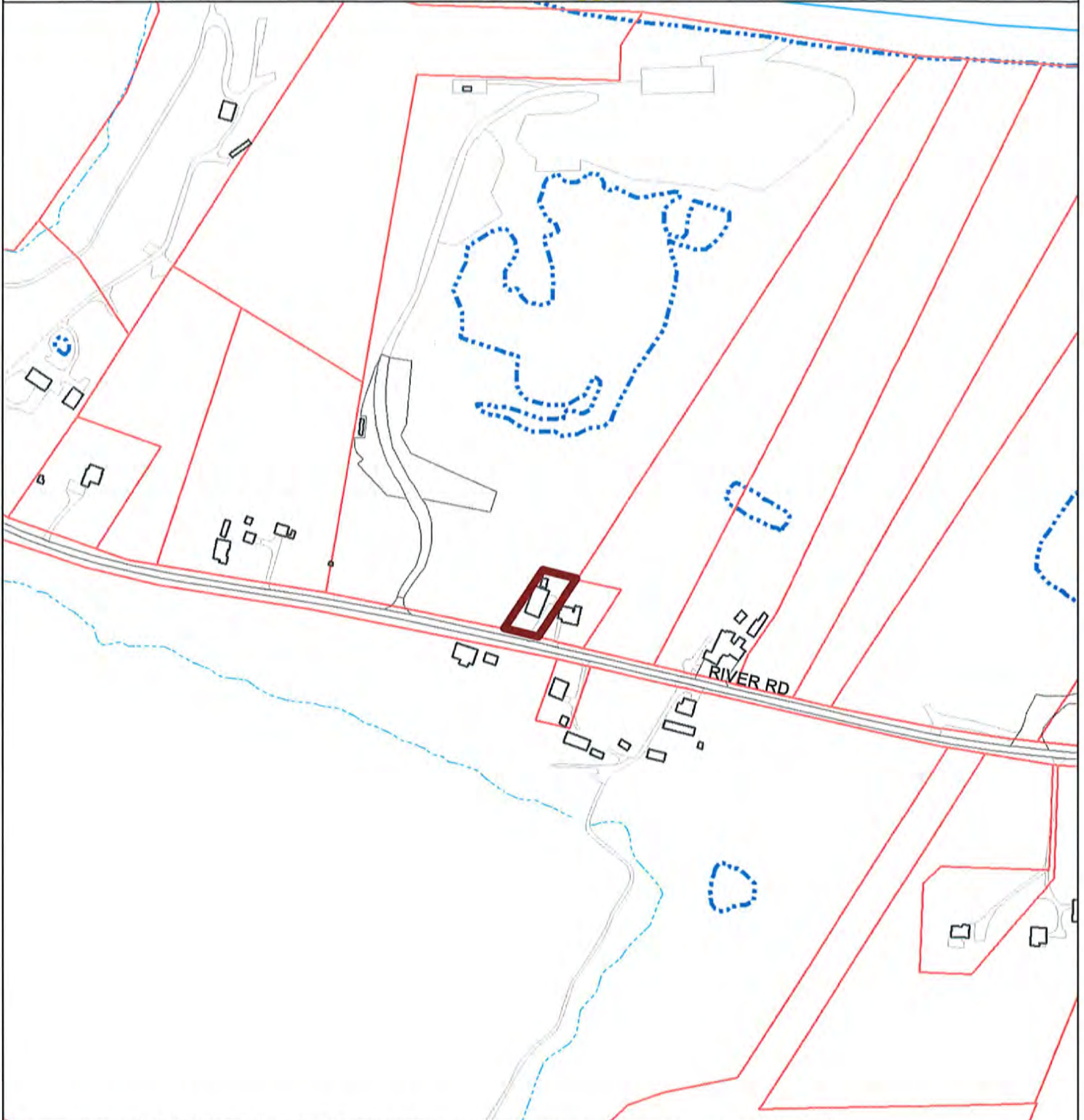
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArchMap Document: *.mxd

Boone County GIS Map

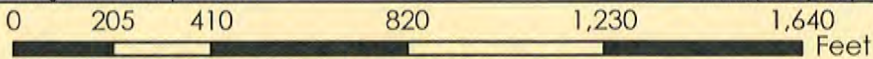
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|---------------|-------------|-------|-----|-------------------|-------|
| Map ID: | 107 | From: | I-3 | Legislative Body: | Boone |
| Submitted By: | Darren Walz | To: | A-2 | | |

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1 inch = 400 feet



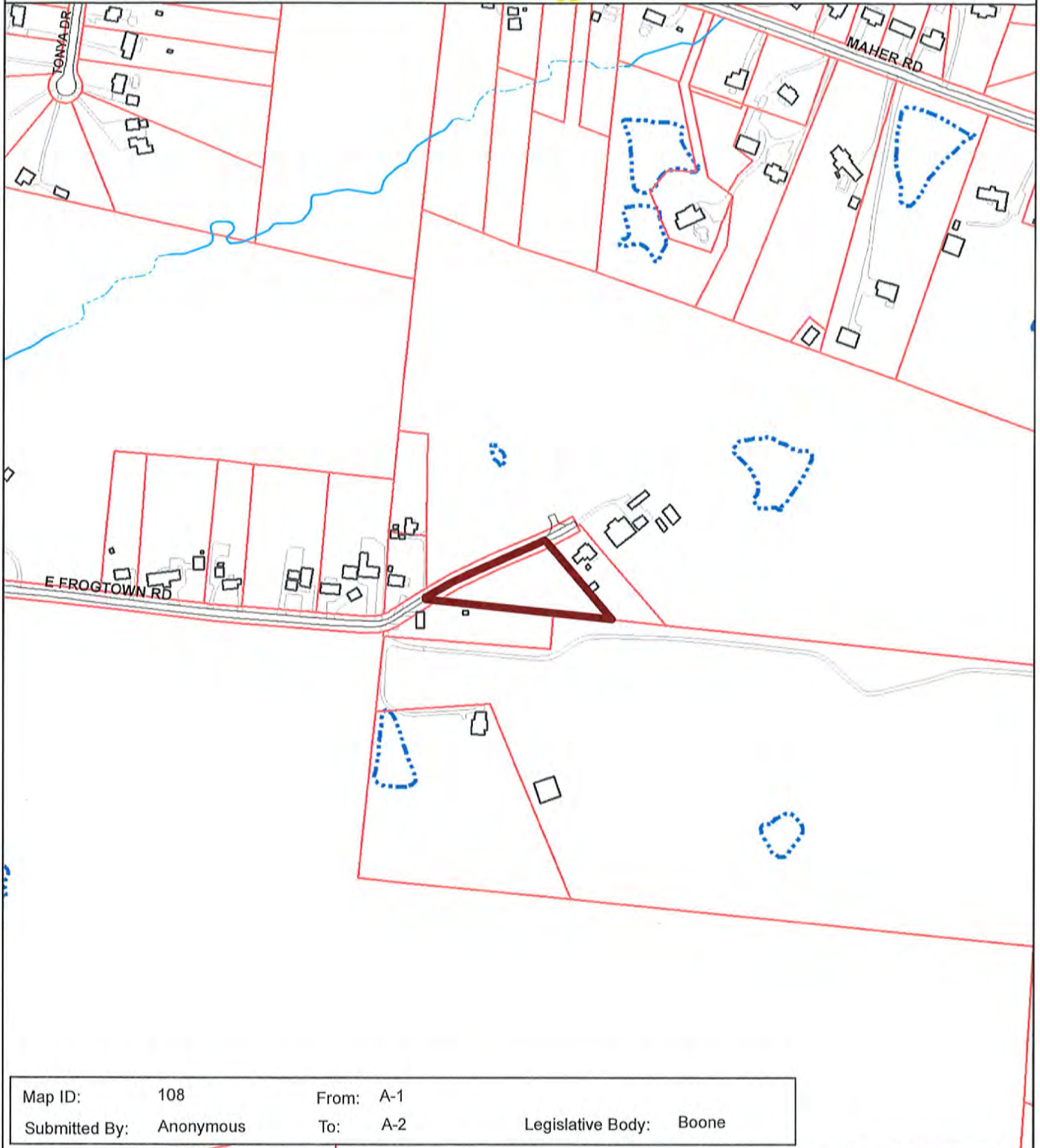
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

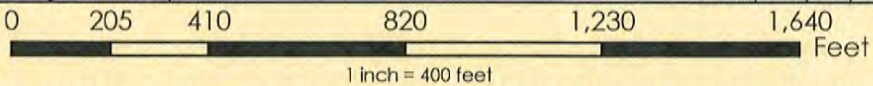
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|---------------|-----------|-------|-----|-------------------|-------|
| Map ID: | 108 | From: | A-1 | Legislative Body: | Boone |
| Submitted By: | Anonymous | To: | A-2 | | |

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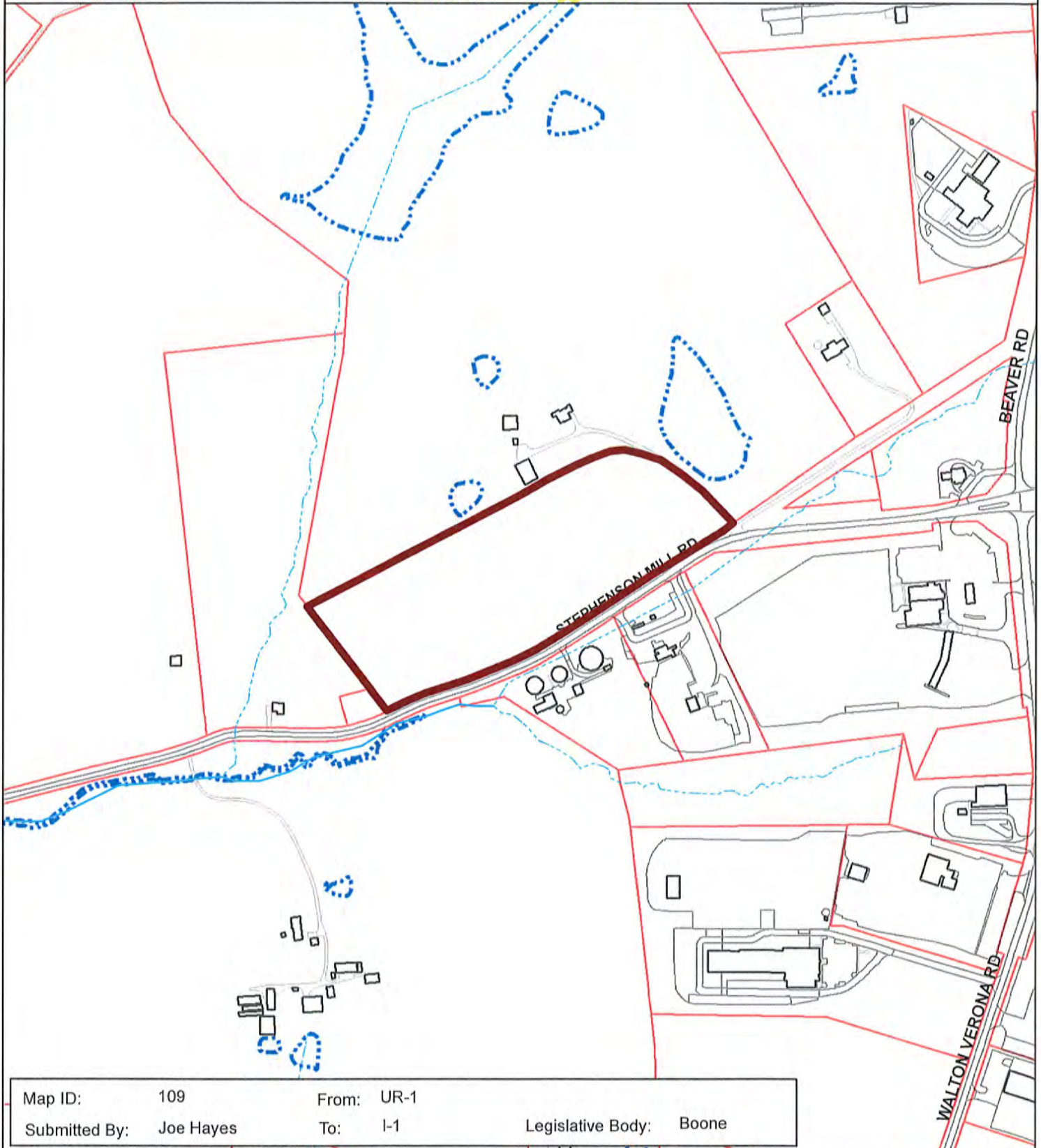
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

ArcMap Document *.mxd

Boone County GIS Map

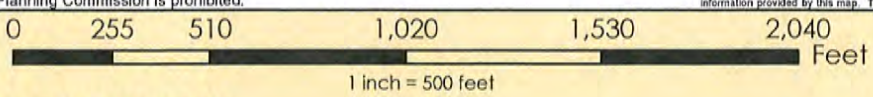
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|---------------|-----------|-------|------|-------------------|-------|
| Map ID: | 109 | From: | UR-1 | Legislative Body: | Boone |
| Submitted By: | Joe Hayes | To: | I-1 | | |

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Boone County GIS Map

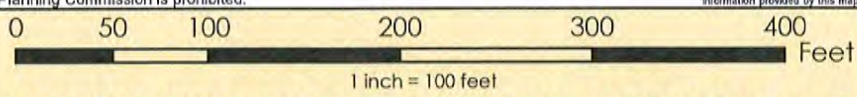
www.boonecountygis.com



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|---------------|---------------|-------|------|-------------------|----------|
| Map ID: | 110 | From: | C-1 | Legislative Body: | Florence |
| Submitted By: | Jesse R Shipp | To: | SR-1 | | |

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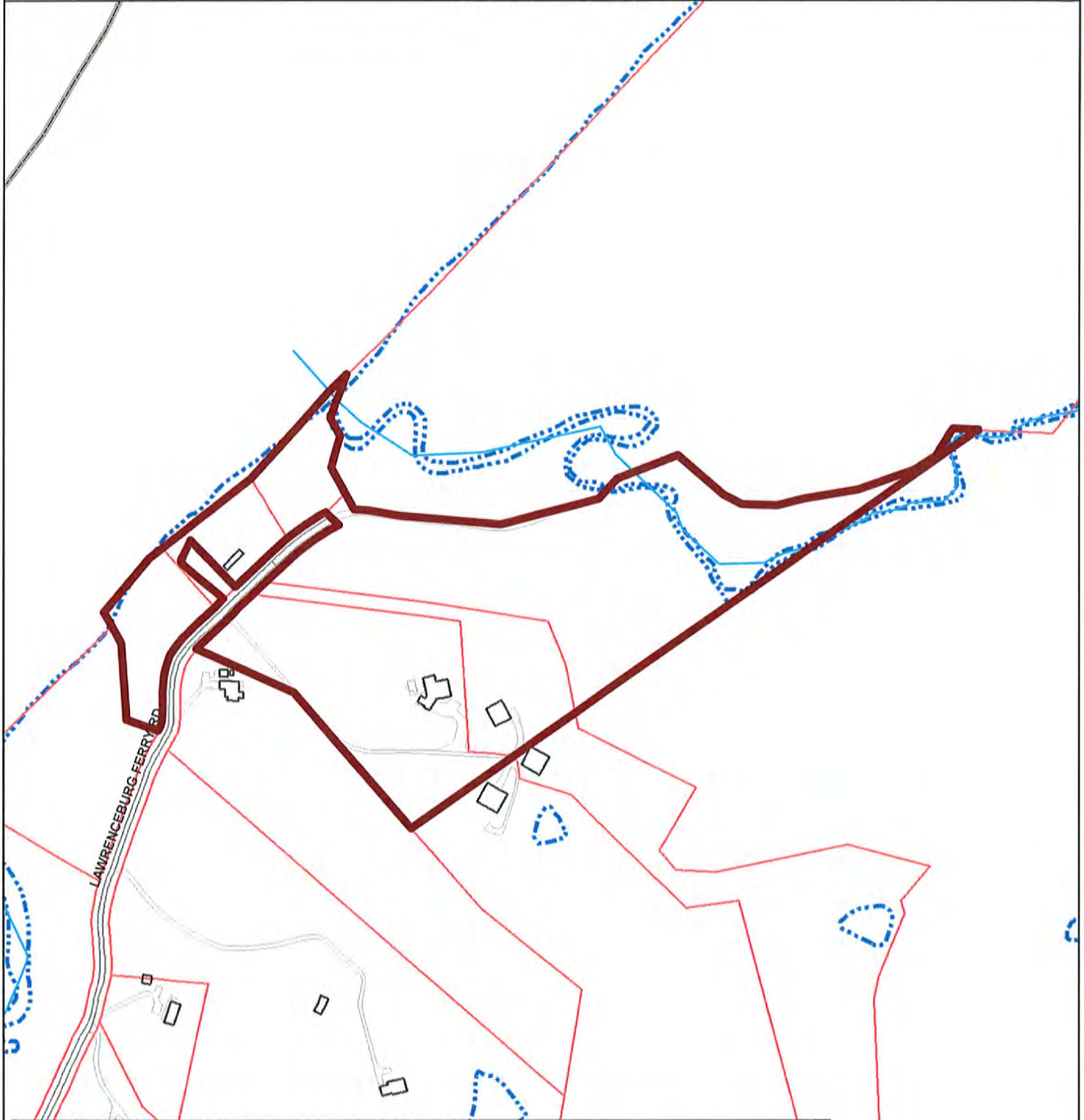
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2018

Boone County GIS
ArcMap Document: *.mxd

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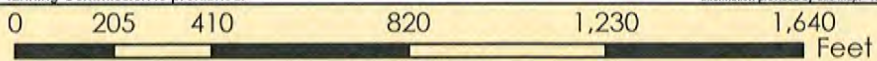
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| Map ID: | 111 | From: | I-3 | Legislative Body: | Boone |
| Submitted By: | Carrie Warshak | To: | A-1 | | |

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Boone

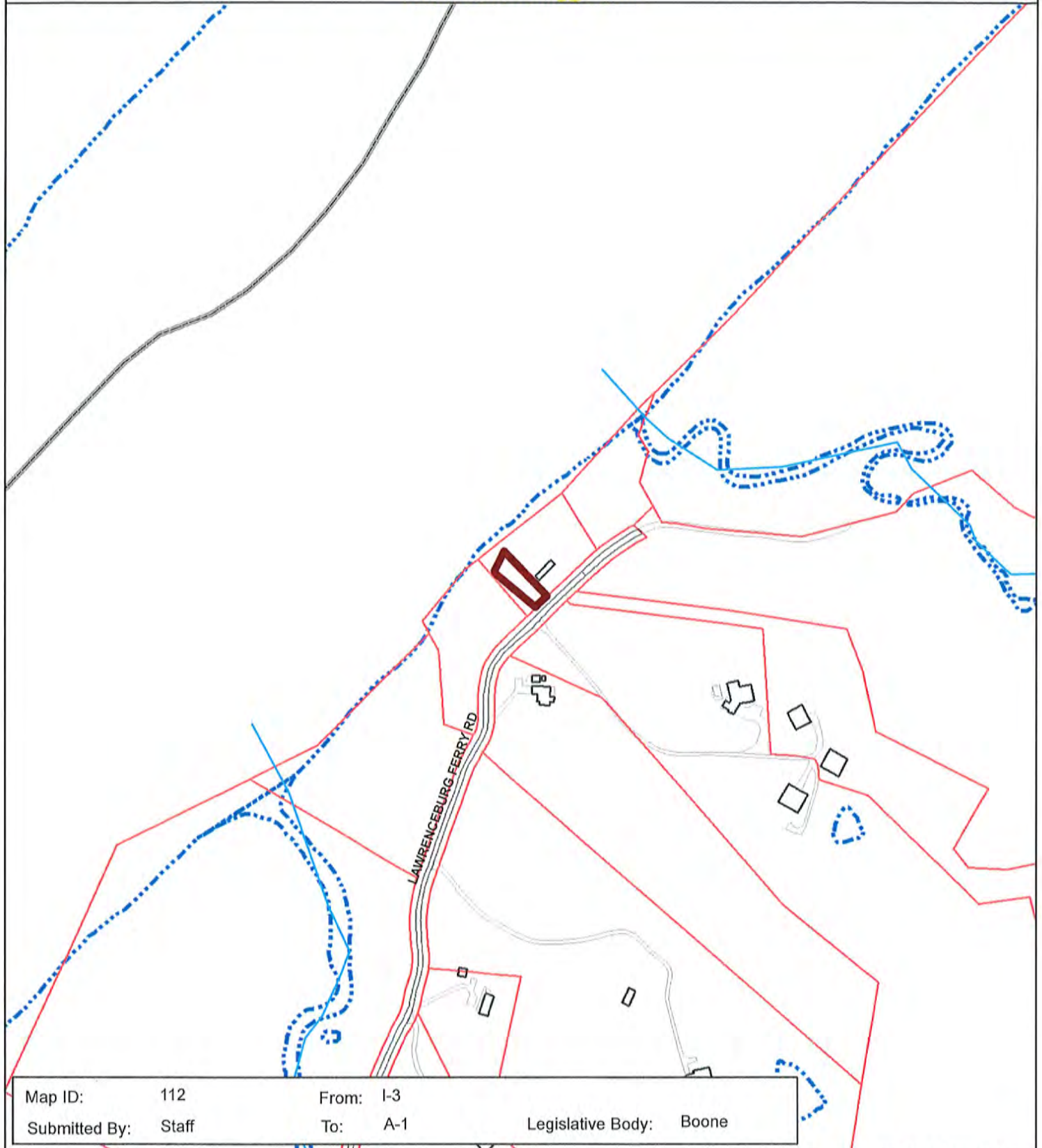


1 inch = 400 feet



Boone County GIS Map

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|---------------|-------|-------|-----|-------------------|-------|
| Map ID: | 112 | From: | I-3 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A-1 | | |

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Map Created: 01/01/2018

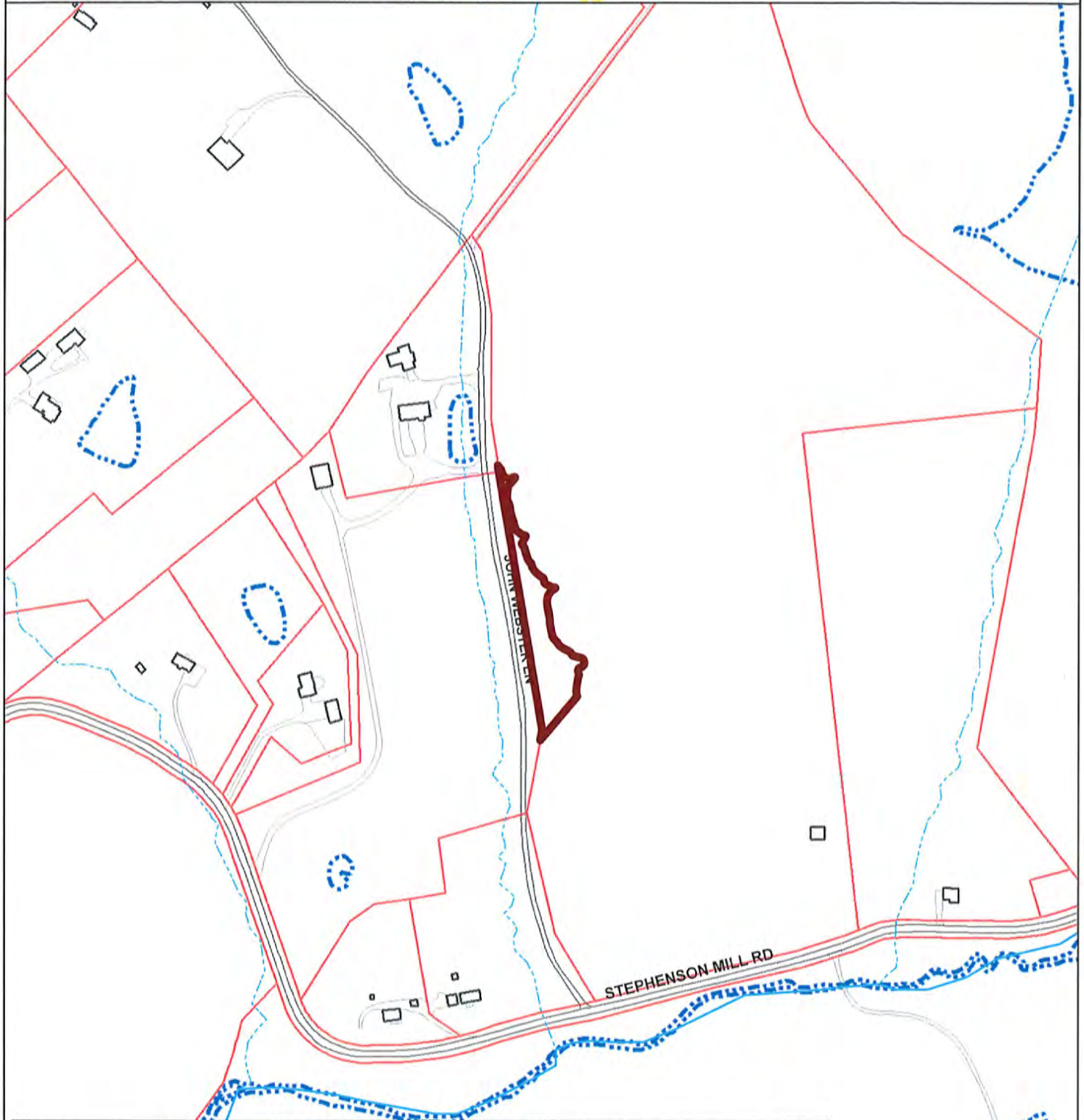
1 inch = 400 feet



Boone County GIS
ArcMap Document: *.mxd

Boone County GIS Map

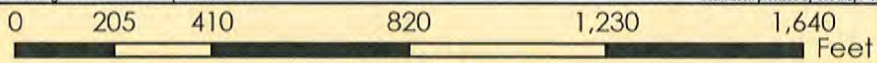
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|---------------|-------------|-------|------|-------------------|-------|
| Map ID: | 113 | From: | I-1 | Legislative Body: | Boone |
| Submitted By: | Ehmet Hayes | To: | UR-1 | | |

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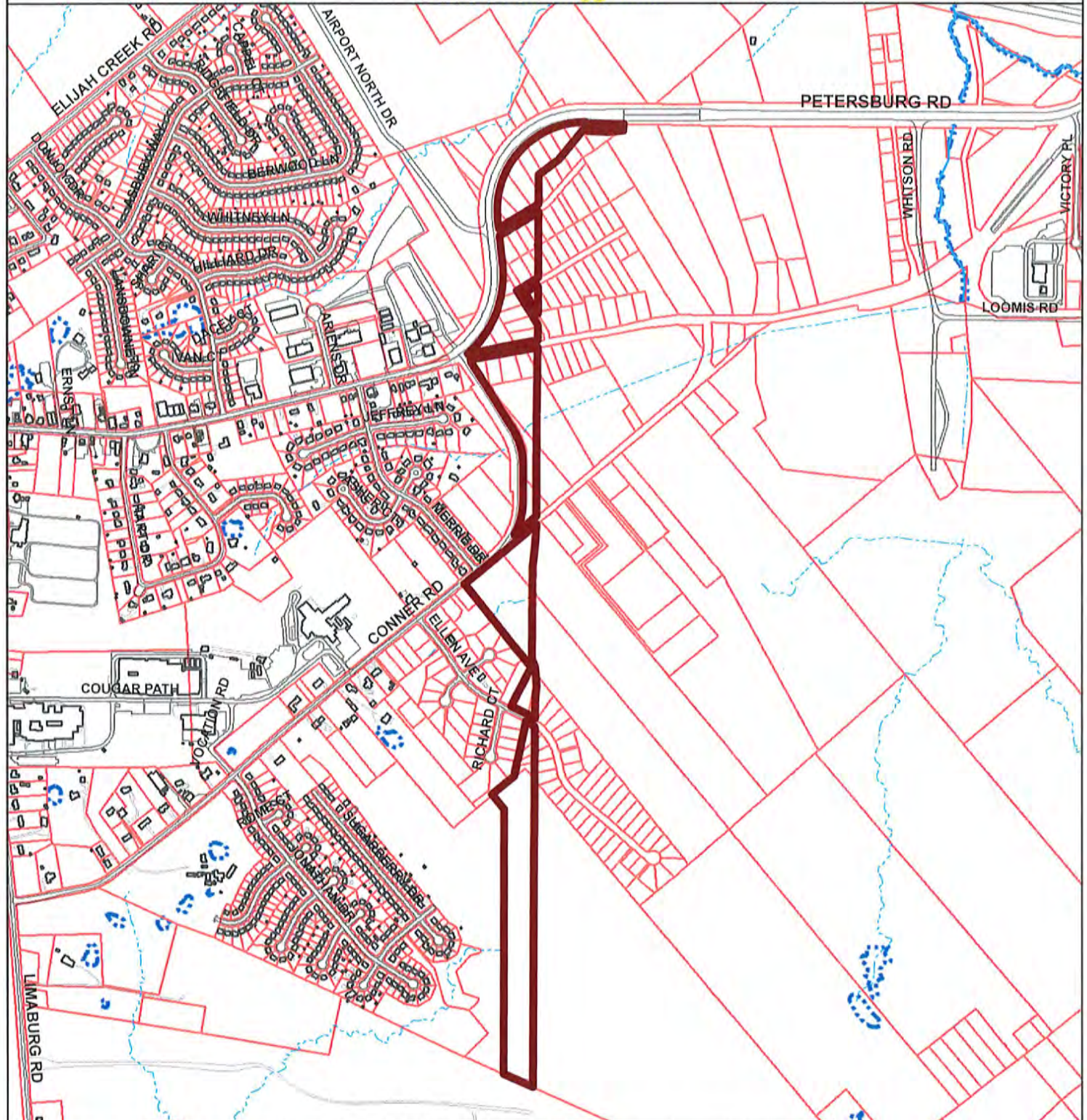


Boone County GIS



Boone County GIS Map

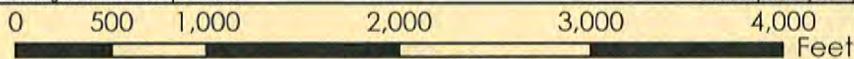
www.boonecountygis.com



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|---------------|---------------|-------|----------------|-------------------|-------|
| Map ID: | 114 | From: | A-2, SR-1, I-1 | Legislative Body: | Boone |
| Submitted By: | Debbie Conrad | To: | A | | |

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1 inch = 1,000 feet

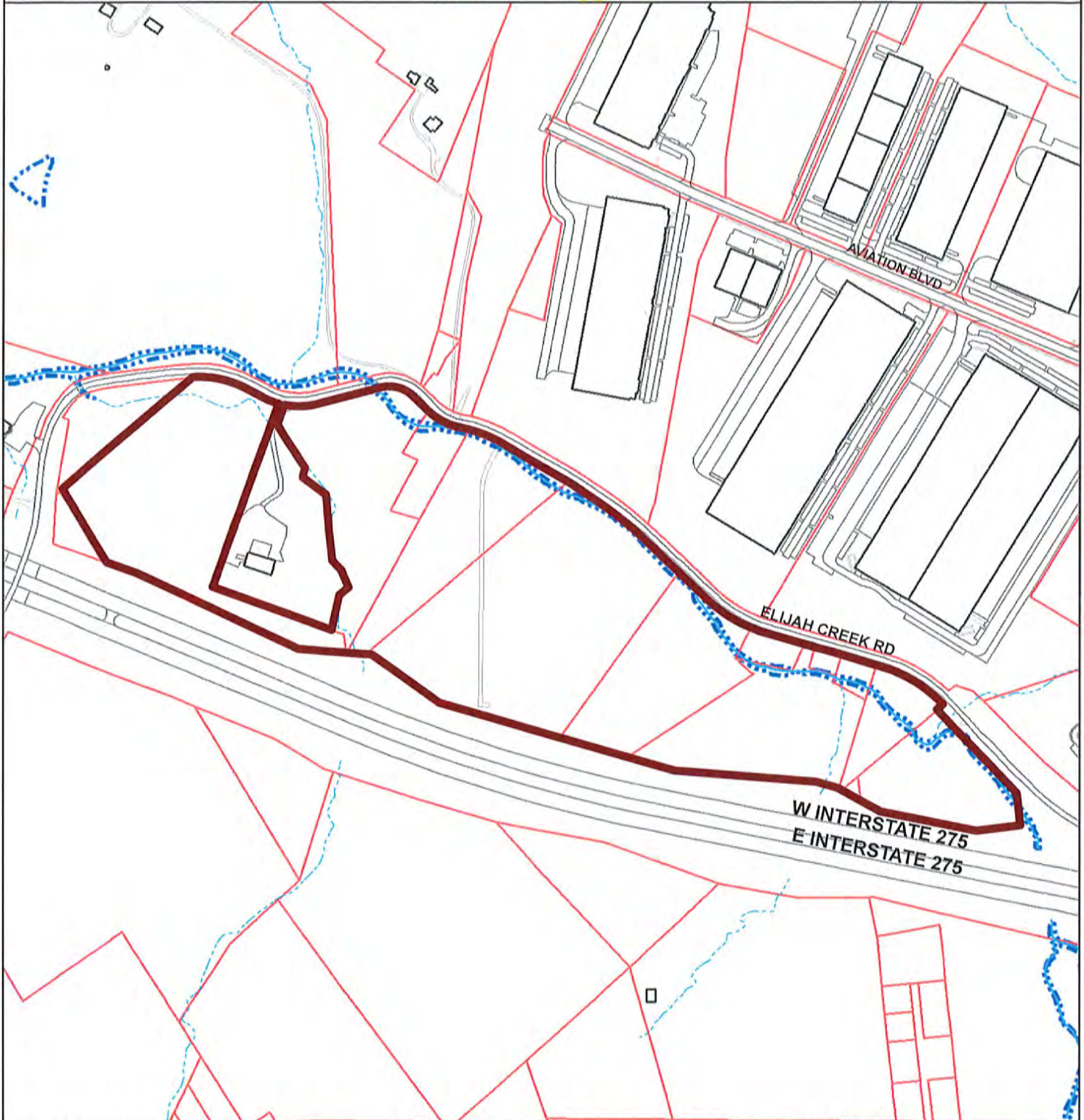


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

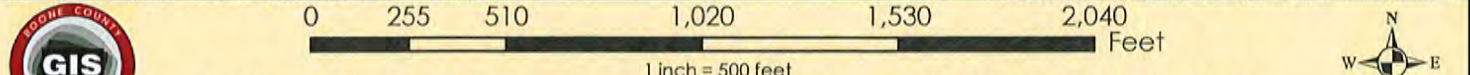
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|---------------|---------------|-------|----------|-------------------|-------|
| Map ID: | 116 | From: | A-2, C-1 | Legislative Body: | Boone |
| Submitted By: | Debbie Conrad | To: | A | | |

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Boone County GIS - Putting Northern Kentucky on the Map

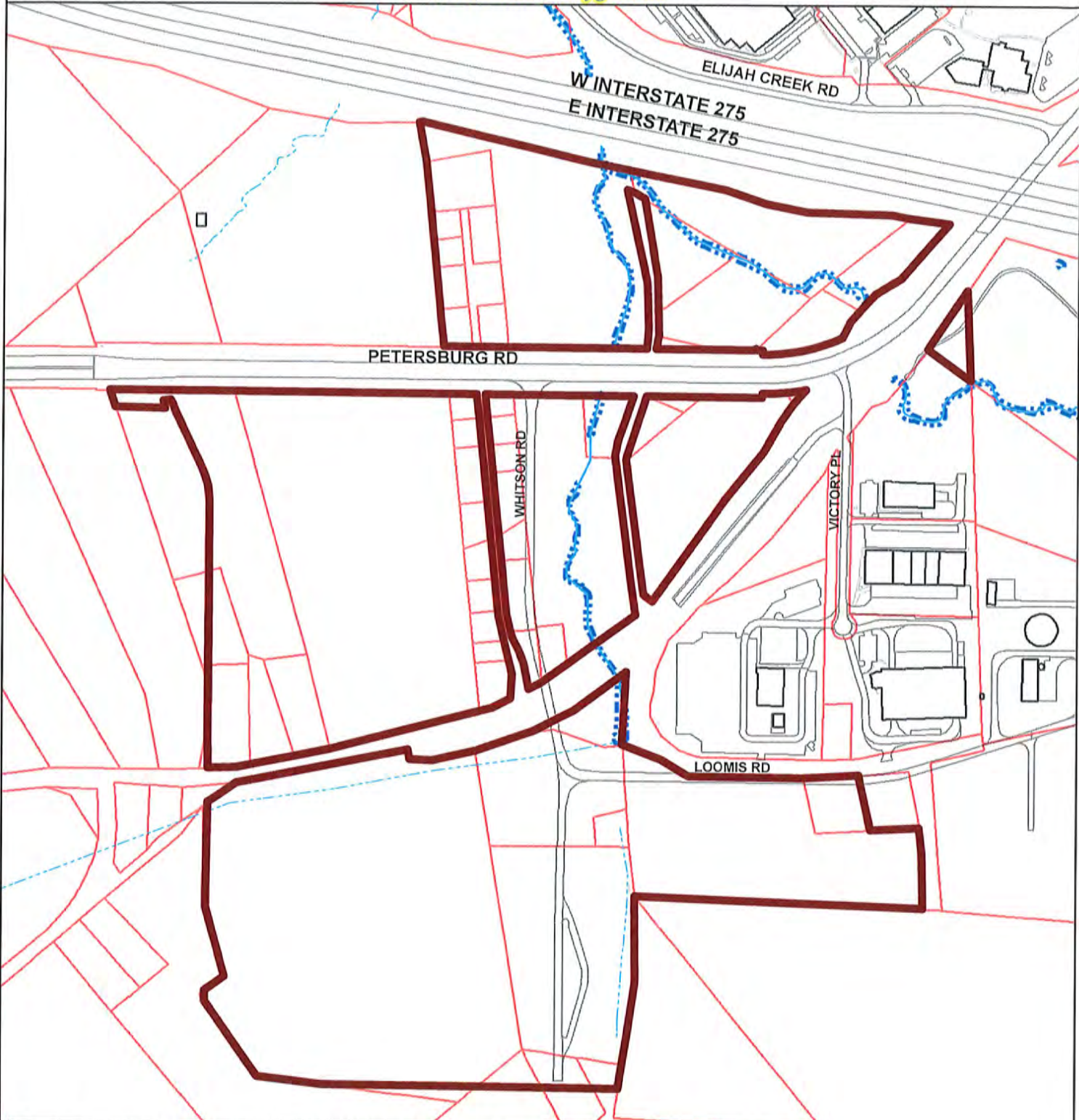


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ArcMap Document: *.mxd

Boone County GIS Map

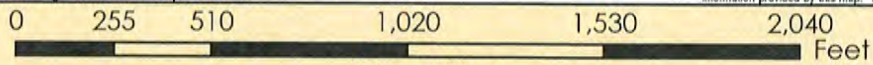
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|---------------|---------------|-------|----------------|-------------------|-------|
| Map ID: | 117 | From: | SR-1, C-2, I-1 | | |
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1 inch = 500 feet



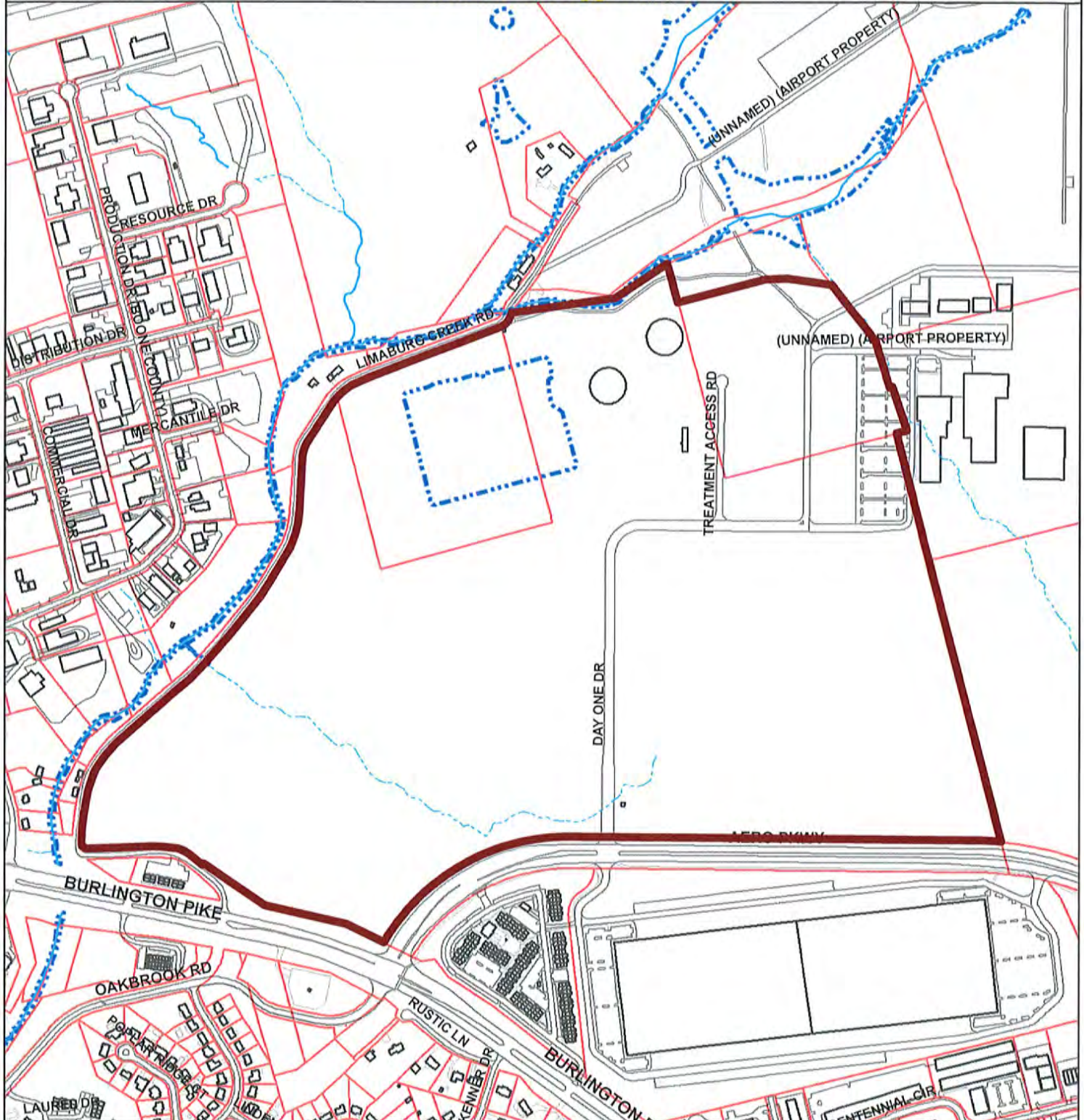
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Map Created: 01/01/2018

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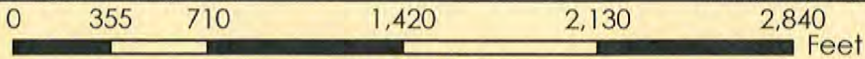
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|---------------|-------|-------|---------------|-------------------|-------|
| Map ID: | 118 | From: | A-2, C-4, I-1 | Legislative Body: | Boone |
| Submitted By: | Staff | To: | A | | |

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1 inch = 700 feet



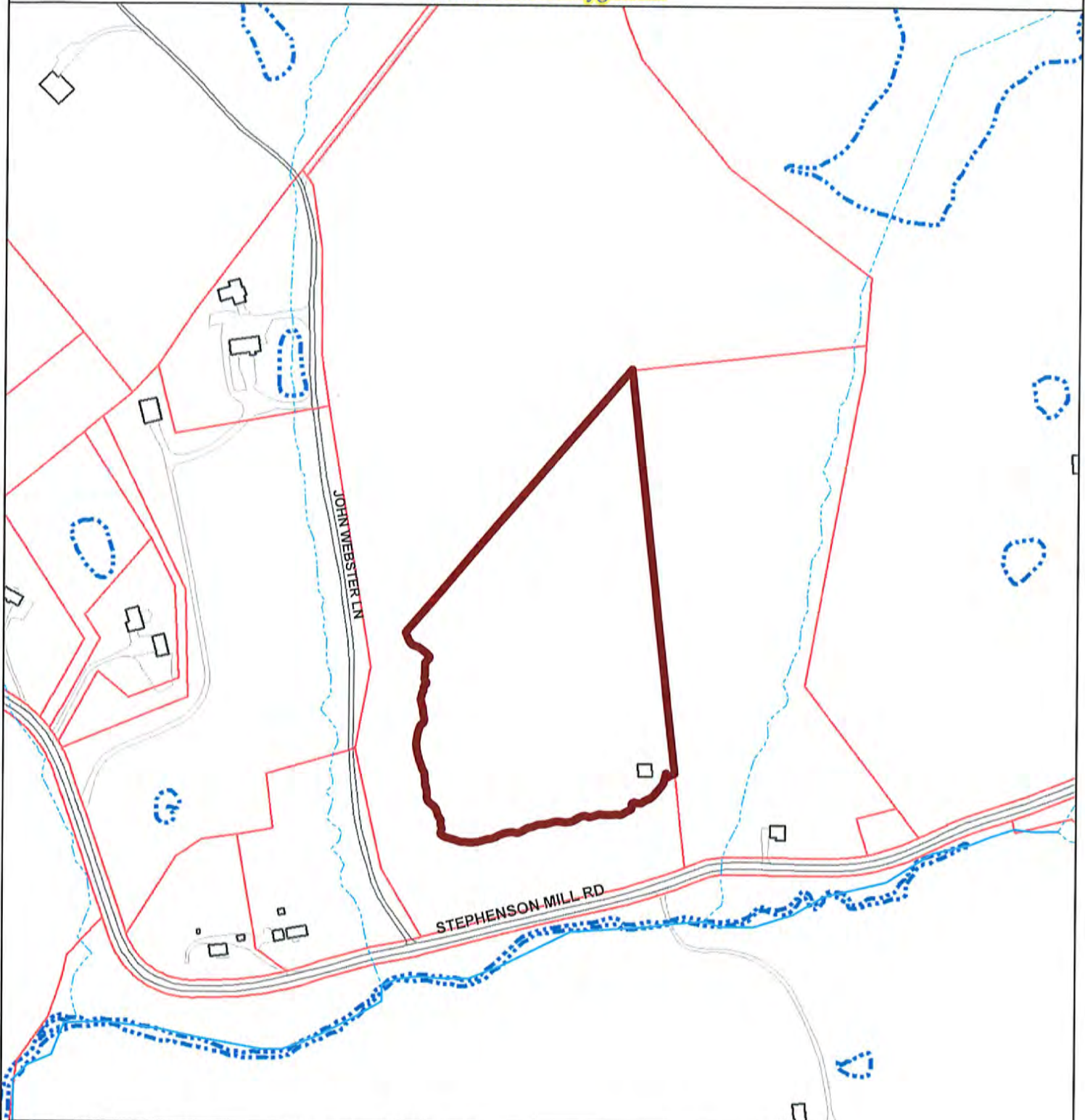
Boone County GIS

Map Created: 01/01/2018

Map File: C:\Projects\2018\118.mxd
ArcMap Document: *.mxd

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|---------------|------------|-------------------|-------|
| Map ID: | 119 | From: | UR-1 |
| Submitted By: | Ehmet Hays | To: | I-1 |
| | | Legislative Body: | Boone |

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0 205 410 820 1,230 1,640 Feet
1 inch = 400 feet



Boone County GIS

Map Created: 01/01/2018

With File Path: Boone GIS 119
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