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## ARTICLE

25

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### UNION TOWN PLAN DISTRICTS

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#### SECTION 2500

##### **Union Town Plan Zoning Districts Purpose and Intent**

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.

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 2562, 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”.

A special sign district is a part of the *Union Town Plan*.

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**

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 2510**

### **UNION COMMERCIAL (UC)**

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 zone. The extent of the UC zone is shown as commercial land use on the *Union Town Plan*.

## **SECTION 2511**

### **Principally Permitted Uses**

1. Detached single-family dwelling units;
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;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Radio and television broadcasting studios excluding transmitting stations and towers;
43. Art, music and dancing schools, libraries and museums;
44. Welfare and charitable services;
45. Business associations and professional membership organizations including civic, social and fraternal organizations;
46. Art and craft galleries and similar exhibit space;
47. Aquariums, botanical gardens and other natural exhibitions;
48. Churches, synagogues, temples and other places of religious assembly for worship;
49. Real estate management services and builders offices excluding any outside storage;
50. Photographic and stenographic services;
51. Business colleges and trade schools;
52. Retail sale of office supplies and equipment;
53. Generic professional offices;
54. Video rental and sales; and
55. Storm water management facilities designed in accordance with Article 3 of the *Boone County Subdivision Regulations* (site plan review required).
56. Expansion of existing auto repair uses, provided the expansion meets the requirements of the *Union Town Plan*.

## **SECTION 2512**

### **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
  - f. Private stable or other keeping and use of pets and animals.
2. Signage (see Article 34);
3. Parking (according to Article 33 and Section 2576-7. Streetscape and Improvements);
4. Delivery areas with no outside storage or unpacking;
5. Temporary buildings incidental to construction;
6. Retail sales of motor fuels;
7. Automatic teller machines attached to the principle structure; and
8. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

## **SECTION 2513**

### **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 2515**

### **Intensity**

The maximum intensity of a residential use in a Union Commercial (UC) zone district shall not be greater than six (6) dwelling units per one (1) acres. The maximum intensity of a commercial or office use in a Union Commercial (UC) zone district shall not exceed 15,000 square feet of gross floor area per acre of land.

## **SECTION 2517**

### **Minimum Lot Size**

The minimum lot size in the Union Commercial (UC) zone district is 4,000 square feet.

## **SECTION 2519**

### **Design Standards**

Development in the UC zone follows Section 2540.

## **SECTION 2520**

### **UNION TOWN CENTER ZONE (UTC)**

The Union Town Center (UTC) zone 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) zone 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 zone 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 zone district corresponds to the Town Center Land Use Classification on the 2000 *Union Town Plan* Land Use Map.

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.

As the *Union Town Plan* Land Use Map depicts, Phase II of the Union Town Center zone 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 2521**

### **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 2522**

### **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 2586-9. 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 principle structure; no commercial or office outbuildings are permitted.

## **SECTION 2523**

### **Conditional Uses and Criteria**

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

## **SECTION 2525**

### **Intensity**

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 this order are supplied.

## **SECTION 2527**

### **Minimum District Size**

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 2529**

### **Design Standards**

Development in the UTC zone follows Section 2540.

## **SECTION 2530**

### **UNION NEIGHBORHOOD OFFICE ZONE (UNO)**

## **SECTION 2531**

### **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 2532**

### **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 2586-9. 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 principle structure; no commercial or office outbuildings are permitted.

## **SECTION 2533**

### **Conditional Uses and Criteria**

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

## **SECTION 2535**

### **Intensity**

The maximum intensity in a UNO zone district shall not exceed 20,000 square feet of gross floor area per acre of land.

## **SECTION 2537**

### **Minimum Lot Size**

The minimum lot size in the UNO zone district is 20,000 square feet.

## **SECTION 2539**

### **Design Standards**

Proposed office development in the Rural Suburban/Union Neighborhood Office (RS/UNO) zone 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 zone follows Section 2540. (*Refer to Union Ordinance Number 2007-013 regarding access to the property at the southeast corner of U.S. 42 and Whispering Trails*)

## **SECTION 2540**

### **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; and
  - c. Landscaped entryways
  - d. Pedestrian/Bike Path - developers shall construct a 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 principle structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principle 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 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 5 feet wide are required on both sides of all local, collector and arterial streets and at least 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
    - aa. Retail/Office - minimum of one (1) space per 300 feet of gross floor area and a maximum of one (1) space per 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 zone for all streets at a minimum spacing of at one hundred (100) feet. In the UC and UNO zones, they are

- g. required at each drive or pedestrian entrance and at any intersection with new U.S. 42. 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 2550**

**Technical/Design Review Committee**

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 zones 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 zones 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 2540) 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 windows;
  - l. Storage areas; and
  - m. Dumpster areas;

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 2560**

**Residential, Agricultural, And Other Districts**

These proposed zones include the Union Town Overlay (UTO) zone. 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 zone 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 zone, 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.

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 2561**

### **Density in the Union Town Overlay (UTO) zone**

In order to achieve the development density and location of density proposed in the *Union Town Plan*, the items in SECTION 2562, 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 2562**

### **Design Criteria for All Residential and Agricultural Development**

1. 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.

2. 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.

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.

3. 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.
4. 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 principle structure setbacks shall be determined by the developer. Accessory structures shall be 10 feet from all property lines.
5. 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.
6. Open Space - A minimum of five percent of the total development shall be retained as publically 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 publically 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.

Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.

7. 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.
8. 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.
9. Street trees are required along New U.S. 42 on average of 40 feet on center.
10. Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.
11. The first 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 zone development as shown on the 2000 *Union Town Plan*.
12. Main streets shall contain no private driveway access where described on the 2000 Union Town Land Use Plan.
13. A Sign package shall be submitted in accordance with the Union Town Special Sign District.
14. 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 2563**

### **Additional Design Criteria for Neotraditional Residential Development**

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**:

#### **Housing Layout**

1. A common architectural theme shall be established and used on all houses through out the development.
2. All houses must be rear-accessed via an alley or accessed in front on a single-loaded street.
3. Garage doors on single-loaded streets may not face the street from which they are accessed.
4. At least 50% of the house must be located on a set-to line no further than 20' from the street right-of-way line.
5. 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.
6. All houses must have a porch, or at the minimum, brick steps leading up to the front of the house.
7. An ornamental fence shall be designed and used throughout the entire development. The front yards of all houses must contain at least ten feet of this fencing.
8. An ornamental house light (attached and detached from the house on a pole) must be designed and used on all houses within the development.
9. All houses must have a pitched roof.

#### **Landscaping/Green Space**

10. All streets must have street trees no less than 20 feet apart.
11. Street trees must be at least 4" in diameter.
12. At least 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 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.

#### **Street Design**

13. No cul-de-sac or dead-end streets.
14. 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 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 8 feet wide.
15. All intersections of streets must be paved with brick or stone.
16. All entries to developments must contain at least a 200 feet long landscaped boulevard.
17. An ornamental street sign must be designed and used throughout the development.
18. An ornamental street light must be designed and used throughout the development. Street lights cannot be spaced further than 200 feet.
19. At least one corner of a street intersection must contain a minimum 100 square foot planted or paved (brick or stone) sitting area.

20. Raised curbs are required on all streets.

**SECTION 2570**

**Other Pertinent Articles of the Boone County Zoning Regulations**

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 zones, in instances where the landscape areas required by Article 36 are wider than the building setbacks required by Section 2540 for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) zones, the maximum required width for such landscape areas shall not exceed the setback dimensions required by Section 2540.