
ARTICLE

31

SUPPLEMENTAL PERFORMANCE STANDARDS

SECTION 3100

Intent

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

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 Greenway Conservation Subdivisions***

These regulations are intended to provide for the development of residentially and agriculturally zoned property in Open Space or Greenway Conservation 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 Greenway Conservation 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 Subdivisions are permitted under certain standards within the A-1, A-2 and RSE zoning districts (see Section 3112). Greenway Conservation Subdivisions are permitted under certain standards within the RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 zoning districts (see Section 3113). 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, neighborhood playgrounds or scenic qualities.

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 Greenway Conservation Subdivision requirements. This will affect the dimensional standards and green 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 Subdivision is permitted in relatively low density zoning districts, and is therefore 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 green space and benefitting individual home sites. The Greenway Conservation Subdivision is intended to allow the clustering of dwelling units within the more dense residential zoning districts to enable cohesive, visible, and accessible green 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	MINIMUM FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS				
A-1	1d.u. or farmstead per five (5) acres	30 acres	217,800	150	45	80	25	10				
A-2	1d.u. per two (2) acres	20 acres	80,000	150	45	60	25	10				
RSE	1 d.u./acre	5 acres	40,000	100	45	40	40	10				
RS	3 d.u./acre	5 acres	12,000	75	45	40	40	10				
R-1F	4 d.u./acre	5 acres	10,000	70	45	30	30	7 min-15 total				
SR-1	4 d.u./acre	5 acres	detached s.f. 8,000	65	45	30	30	5 min-15 total #15				
			duplex 16,000	75								
			patio house 8,000	60					25	20	0 min-10 total=	
SR-2	8 d.u./acre	5 acres	detached s.f. 6,500	50	45 #45	30 #30	30 #30	5 min-15 total #15				
			duplex 8,000	60 #70					25	20	0 min-10 total=	
			#15,000	50					See Article 31	See Article 31	See Article 31	See Article 31
			patio house 6,500	See Article 31					See Article 31	See Article 31	See Article 31	See Article 31
townhome	N.A.	See Article 31	See Article 31	See Article 31	See Article 31	See Article 31						
SR-3	8 d.u./acre	5 acres	detached s.f. 6,500	50	45	25	25	5 min-15 total				
			duplex 8,000	60					20	20	0 min-10 total	
			patio house 6,500	50					See Article 31	See Article 31	See Article 31	See Article 31
			multi-family+	N.A.					See Article 31	See Article 31	See Article 31	See Article 31
UR-1	12 d.u./acre	N.A.	detached s.f. 6,500	50	45	30	30	5 min-15 total				
			duplex 8,000	60					25	20	0 min-10 total	
			patio house 6,500	50					See Article 31	See Article 31	See Article 31	See Article 31
			multi-family+	N.A.					See Article 31	See Article 31	See Article 31	See Article 31

ZONING DISTRICT	MAXIMUM INTENSITY	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE	MINIMUM FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS
UR-2	20 d.u./acre	N.A.	detached s.f. 6,500	50	60	20	20	5 min- 10 total
			duplex 8,000	60				
			patio house 6,500	50				
			multi-family+ N.A.	See Article 31				
UR-3	30 d.u./acre	N.A.	detached s.f. 6,500	50	70	20	20	5 min-10 total
			duplex 8,000	60				
			patio house 6,500	50				
			multi-family+ N.A.	See Article 31				
MHP	7 d.u./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	See Article 11	See Article 11	See Article 11	50 See Article 11	50 See Article 11	See Article 11	See Article 11
I-4	See Article 11	See Article 11	See Article 11	See Article 11	See Article 11	See Article 11	See Article 11	See Article 11

O-1A	16,000	N.A.	6,500	40	45	30	20	5 (20)*
FMS	12,000-15,000 sq. ft. 500 sq. ft. residential	N.A.	N.A.	N.A.	50 30^	10 max.	20^	N.A.
PF	25,000	N.A.	20,000	N.A.	70	30	10 (50)*	10 (50)
ZONING DISTRICT	MAXIMUM INTENSITY	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE	MINIMUM FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS
A	25,000	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)*

OPEN SPACE AND GREENWAY CONSERVATION RESIDENTIAL SUBDIVISIONS***

ZONING DISTRICT	MAXIMUM INTENSITY OF TOTAL SITE	MINIMUM GREEN SPACE AREA	MINIMUM SIZE OF DISTRICT	MINIMUM LOT SIZE ###	MINIMUM FRONTAGE	MAXIMUM HEIGHT	MINIMUM FRONT YARD SETBACKS	MINIMUM REAR YARD SETBACKS	MINIMUM SIDE YARD SETBACKS
A-1	1 d.u. or farmstead per five (5) acres	40%	30 acres	20,000	90	45	30	25	10
A-2	1 d.u. per two (2) acres	40%	20 acres	20,000	90	45	30	25	10
RSE	1 d.u./acre	4%	5 acres	12,000	70	45	20	25	5 min - 20 total
RS	3 d.u./acre	30%##	5 acres	5,000	50	45	20, N.A. on local street when driveway is alley accessed	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 property designed
SR-1	4 d.u./acre	30%# #	5 acres	detached s.f. 4,000 duplex 8,000	50 75	45	20, N.A. on local street when driveway is alley accessed	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 property designed

SR-2	8 d.u./acre	30%##	5 acres	detached s.f. duplex	4,000 8,000	50 75	45	20, N.A. on local street when driveway is alley accessed	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 property designed
SR-3	8 d.u./acre	30%##	5 acres	detached s.f. duplex	4,000 8,000	50 75	45	20, N.A. on local street when driveway is alley accessed	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 property designed
UR-1	12 d.u./acre	30%##	N.A.	detached s.f. duplex	4,000 8,000	50 60	45	5	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 property designed
UR-2	20 d.u./acre	30%##	N.A.	detached s.f. duplex	4,000 8,000	50 60	45	5	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 property designed
UR-3	30 d.u./acre	30%##	N.A.	detached s.f. duplex	4,000 8,000	50 60	45	5	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 property designed

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 & RIF.

** When parking is located in the front yard area, a minimum 15 foot landscaped buffer shall be planted and maintained between the right-of-way and the parking area (see article 31).

+ Denotes apartments, condominiums, landominiums and townhomes

- # Applicable to the City of Florence only.
- ^ When a non-residential uses 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.

Open Space Residential Subdivisions (within A-1, A-2, and RSE Zoning Districts)

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 this Article;

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.

The three step design approach described below is to be used for Open Space Subdivision applications:

Step One - Identifying Primary and Secondary Conservation Areas

This step consists of identifying the land that should be permanently protected, 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). The exact extent of the Developmentally Sensitive area is determined by site analysis and not from the general Future Land Use map. The developer should prepare this information, with

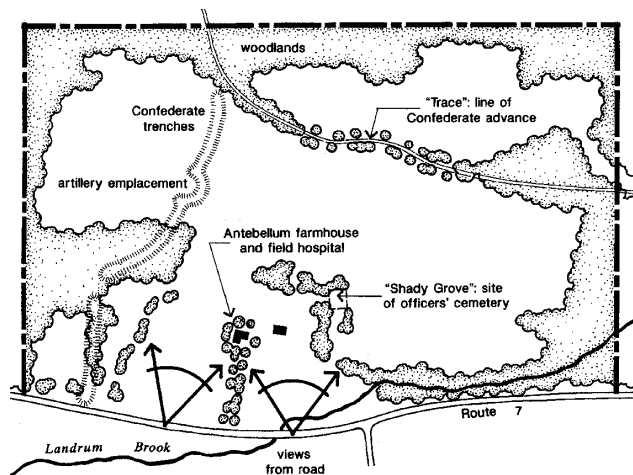


Fig. 31.1 - Secondary Conservation Areas

consultation with agencies such as the Boone County Conservation District. Secondary Conservation Areas 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.

Step Two - Identifying Potential Development Areas

After determining these conservation elements, the remaining part of the property provides an estimate of the Potential Development Area (see Figure 31.2). 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).

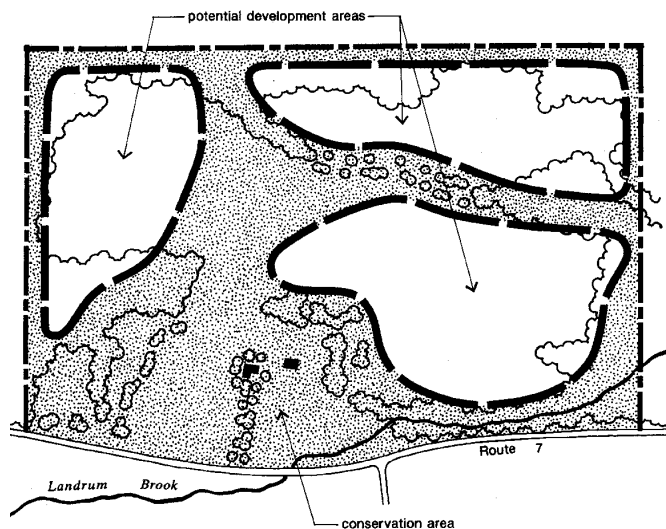


Fig. 31.2 - Potential Development Areas

Step Three - Locating Streets, Lot Lines and Housing Sites

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 31.3 and 31.4). The number of houses permitted is calculated by the gross site density permitted within the zoning district(s) for the entire site.

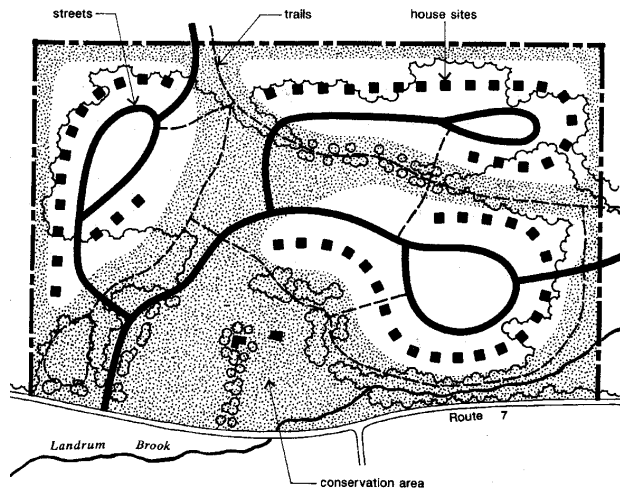


Fig. 31.3 - Drawing In Streets

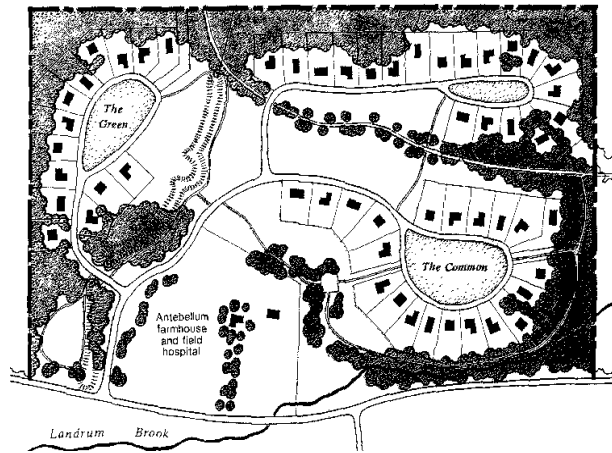


Fig. 31.4 - Drawing In Lot Lines

Illustrations from *Conservation Design For Subdivisions* by Randall Arendt (1996).

Standards

The following standards must be met by an Open Space Subdivision design:

1. Layout:

- Individual building lot frontage must be on the interior road network.
- Each residential dwelling unit shall have a view of functional open space from the front or rear of the unit.
- The development shall contain central, visible, and accessible open space.
- Open space must be connected throughout the development by sidewalk or path.
- 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.
- Provide entry treatment, including natural vegetation buffering as preferable to berming, along the property frontage.
- 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.
- Wet stormwater retention areas may qualify for open space for the purposes of density calculation if properly designed to accommodate public recreation.
- 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 5 acres.
- 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.
- Undevelopable or undesirable areas shall not constitute green space areas for an Open Space Subdivision if they do not serve such a function. It is the responsibility of the developer to prove that the green 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.
- The use of tree and native grass vistas and buffers is encouraged as an alternative to higher maintenance landscaping and ornamental plantings.
- Conserve a stream setback as outlined in these regulations, or as guided by the Boone County Conservation District based on stream classification.

2. 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;
3. 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 of this Article 17;
4. 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;
5. Green 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 green space that totals at least the minimum percentage specified for the zoning district in Table 31.1. Sites that contain more than one zoning district shall provide the total percentage of green space based on the pro-rated acreage in each zoning district, however, the physical location of the green space may be concentrated on any of the affected zoning districts. The proposed green space areas shall be treated as permanent open space, and can not be developed in the future. Green 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 green 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 green 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 green space requirement in table 31.1 for Primary and Secondary green space, pocket parks or stormwater retention/detention areas can qualify when designed as suitable public or HOA recreation space. At a minimum, pedestrian access to the green space areas, either private or public, shall be provided.

The green 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 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. Home Owner's Associations (HOAs) are encouraged to consider the option of an agreement with the Boone County Parks Department to cooperatively maintain protected open space within a subdivision with the understanding that the area would be accessible to the general public. These documents shall be submitted at the Final Plat review, and shall demonstrate long term financial stability of the proposed HOA.

Greenway Conservation Subdivisions (within RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 Zoning Districts)

Design Concepts

The intent of Greenway Conservation Subdivisions is to provide highly visible, and functional green spaces and greenways within and between residential subdivisions, and to allow the developer flexibility in lot size and dimensions to achieve these objectives. The green spaces and greenways are also (or may in the future be) connected to adjacent developments and public open spaces. Greenway Conservation Subdivisions will help achieve a usable and attractive network of green space that extends throughout the community. 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.

A Greenway Conservation 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 green 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. Stream corridors, in particular, should permit public trail connections to adjacent developments or land.

Standards The following standards must be met by a Greenway Conservation Subdivision design:

1. Layout:

- Individual building lot access must be on the proposed development's interior road network.
- The development shall contain visible, and accessible public open space that makes a visual difference at street level. Small, fragmented green spaces are not desirable.
- Open space must be connected throughout the development by well-designed sidewalks and/or paths.
- Stream buffer areas, and groundwater infiltration areas 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.
- Green space should be designed to coordinate with adjacent parcels and future development.
- Wet stormwater retention areas and lakes may qualify for open space for the purposes of density calculation if properly designed to accommodate public recreation.
- 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.
- Undevelopable, undesirable, or inaccessible areas shall not constitute green space areas for a Corridor Conservation Subdivision if they do not serve as a usable green space, a prominent green vista, or buffer from an adjacent site or thoroughfare. It is the responsibility of the developer to demonstrate that the green space areas can serve one of the required uses listed below, and is not just an attempt to increase density by accounting for undevelopable or undesirable land.
- The use of tree and native grass vistas and buffers is encouraged as an alternative to higher maintenance landscaping and ornamental plantings.
- There is no minimum front yard setback requirement on local streets when lots are rear-loaded, otherwise the front setback specified in table 31-1 is to safely allow vehicle parking between the public sidewalk and the house. The front yard setback must vary by at least 5 feet from house to house to create a staggered appearance to the street scape.
- Side yard setbacks must be sufficient to meet fire codes and allow adequate drainage provisions, especially between houses. The use of temporary construction easements to ensure proper drainage, fence construction, and similar items is encouraged.
- There is no minimum rear yard setback requirement, with the following exception: the rear setback of lots located along the perimeter of the subdivision must meet the larger minimum rear setback requirement of either the site zoning district or the zoning district of the adjacent property.
- Green Space at the perimeter of a Greenway Conservation Subdivision qualifies toward the Minimum Green Space Area Percentage only if it is greenway and public path oriented and of sufficient width. Fence and landscaping details are required in these instances.
- Extra vehicle parking in the form of mid-street islands, "eyebrows", or similar method is required when overall density of the site exceeds 3 dwelling units per acre.
- A 25 foot street pavement with parking is required for all local streets, cul-de-sacs, and courts, although the Zoning Administrator may consider a waiver to allow a narrower court when it serves 6 or less lots and additional off-street parking is provided beyond that required for each dwelling unit.
- At Improvement Plan stage, the developer must provide documentation of the organizational and financial viability of the HOA, including a proposed budget for review by Planning Commission, County Engineer, or County Parks Department staff.
- A portion of the proposed green space shall be designed to provide for stormwater infiltration and for future low cost maintenance native grass or raingarden areas. The developer can pursue a stormwater credit or wetland mitigation credit for natural infiltration areas. The Conservation District can provide assistance regarding vegetation and new plantings.

2. Gross Density: In a Greenway Conservation 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. Greenway Conservation 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;

3. Net Density: The maximum density of a portion of a Greenway Conservation Residential Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in Table 31.1 of this Article 17;

4. Minimum Size of Greenway Conservation Residential Subdivision: Greenway Conservation subdivisions shall include a minimum of 20 acres.

5. Green Space Areas: All subdivisions, including conventional design, are encouraged to provide non-development areas for the purpose of preserving open space. Greenway Conservation 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 green space based on the pro-rated acreage in each zoning district, however, the physical location of the green space may be concentrated on any of the affected zoning districts. The proposed green space areas shall be treated as permanent open space, and can not be developed in the future. Green 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 green space areas. It is particularly important during Step 1 of the design process to make sure green space suits the objectives of this article and does not result in inaccessible, invisible perimeter strips that create maintenance issues. Larger green space areas may be considered for public ownership and/or maintenance under the policies of the applicable legislative body, however, smaller green space areas are unlikely to be appropriate for public ownership from a maintenance standpoint.

A Greenway Conservation Subdivision offers flexibility in lot size and building setbacks, and to help address this impact, must include the minimum green space identified in Table 31-1, and provide at least two of the four green space types described below. More than one of each type can be provided in the subdivision to help reach the minimum green space area on the site. Correctly-designed ponds and groundwater recharge areas can be counted toward the required green 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 green 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 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.

For the purposes of this article, four main types of green space are considered to meet the development impacts:

1. Greenway(s)
2. Village, corner, side, and court green(s)
3. Neighborhood corner park(s)
4. Green boulevard street(s)

Greenway -

A linear, non-fragmented open space 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. If no stream valley exists, a suitable wooded area or meadow can serve the function of a greenway and connection to adjacent sites and developments. Greenways may be a part of a future network that provides recreational, transportation, ecological, and property value benefits. Some Greenways may become publically maintained in the future if they are large enough and fit within the public system from a maintenance perspective. As indicated in Table 31-1, Dimensional Standards, a Greenway Conservation Subdivision will have a minimum of 30 percent green space if trails are not constructed through the usable length of the planned greenway, while the subdivision can have a minimum of 20 percent green space if the

developer commits to building paved connecting trails throughout the greenway. Main spine trails should be 10 feet wide, while intra-development connecting trails should be 8 feet wide. This green 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. The proposed subdivision shall provide for potential

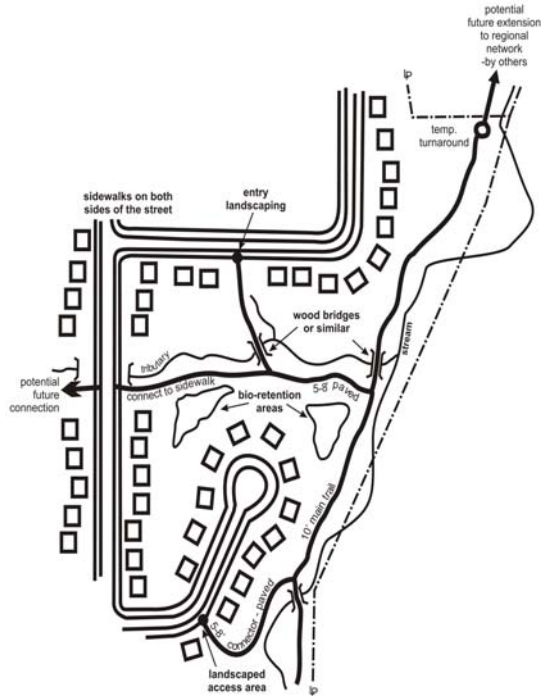


Fig. 31.6 Greenway

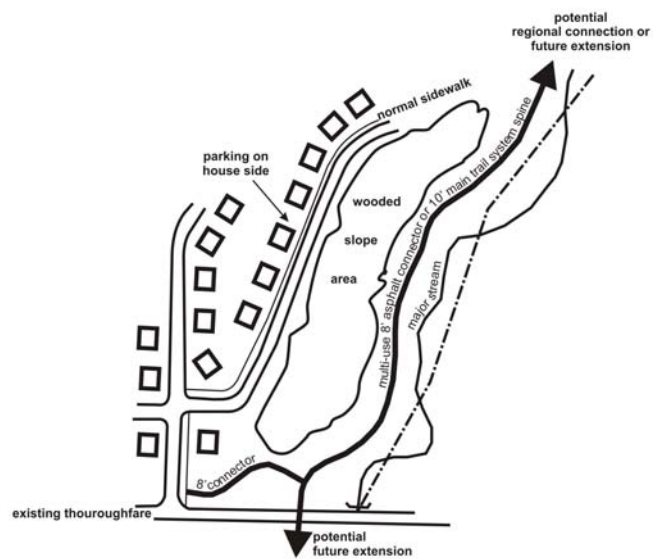


Fig 31.7 - Single-loaded greenway

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 counted twice toward the 30 percent (20 percent with trail construction) required greenspace in Table 31-1. Following are three examples of greenways that meet the intent of these regulations:

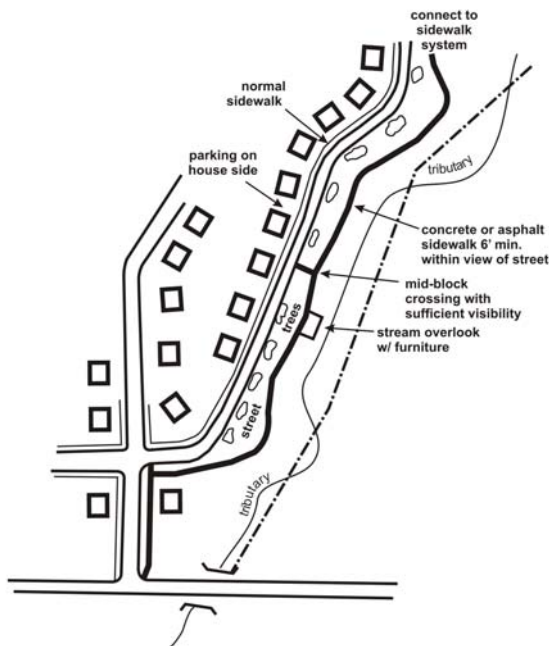


Fig. 31.8 - Single-loaded greenway

Village Green -

This feature is a formal two-acre minimum community green island and tree plantings within the center of a street or offset green space within an entrance or major street of the development. It shall include as a minimum: an open shelter type structure such as a gazebo, a fountain or similar focal point, single-loaded street with sidewalk 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:

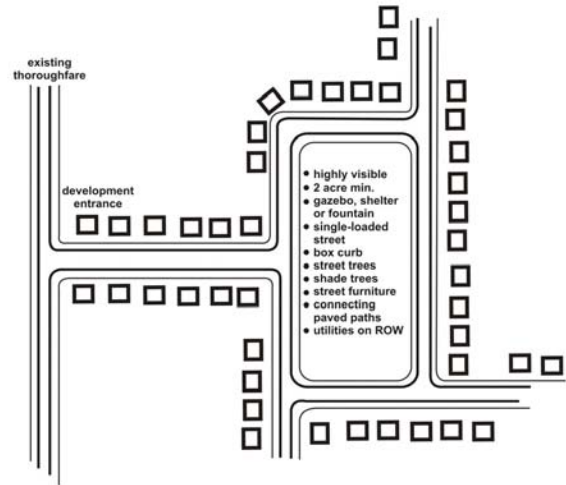


Fig. 31.9 - Village Green

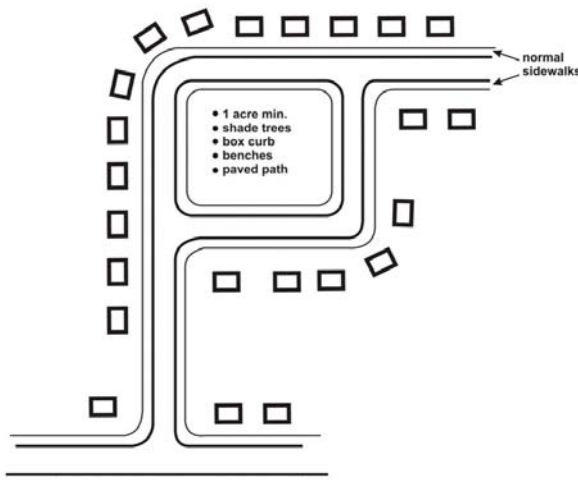


Fig. 31.10 - Corner Green

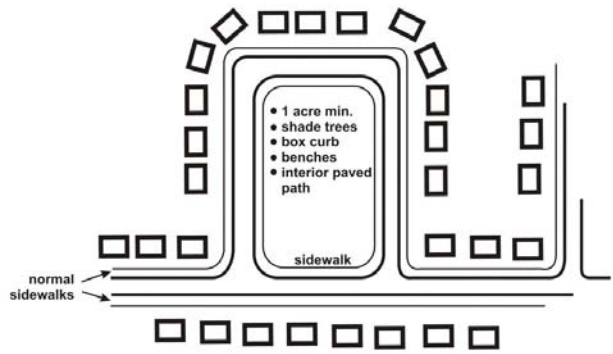


Fig. 31.11 - Side Green

Corner, Side, and Court Greens -

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 the Green.

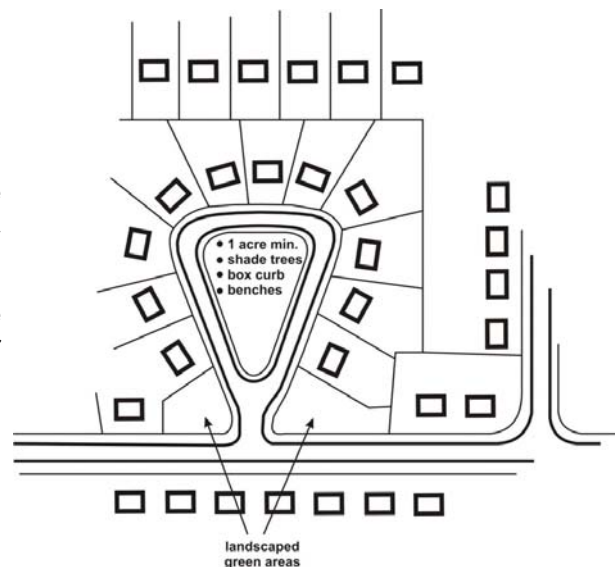


Fig. 31.12 - Side Green

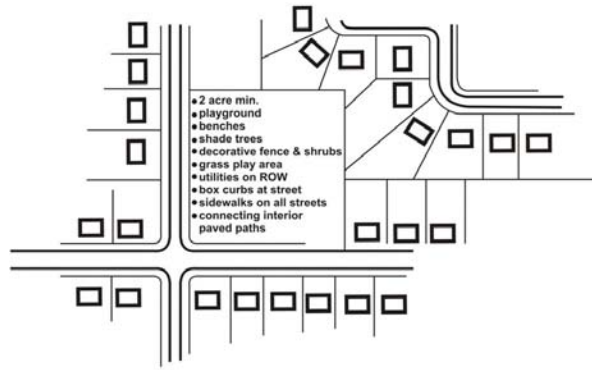


Fig. 31.13 - Neighborhood Corner Park

Neighborhood Corner Park -

This type of green 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.

Green Boulevard

This option contains foot wide right of way landscaping, and routes on both sides. The street contains driveway access. improvements are must be detailed. include as a trees or trees near edge, decorative and wider grass typical subdivision green areas along be HOA maintained, developer can space credit for the of the subject street - including the street area itself.

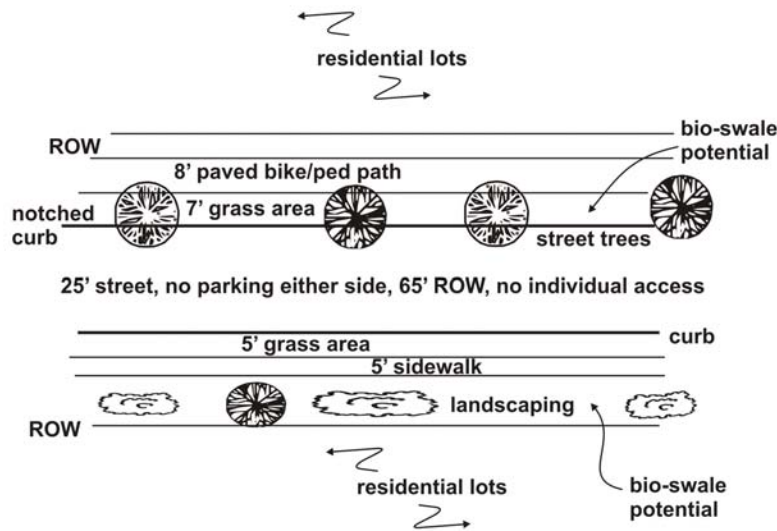


Fig. 31.14 - Green Boulevard Street

Street -

a minimum 65 which has pedestrian/bike of the roadway. no individual Streetscape required and These shall minimum: street the right-of-way fence or berms, areas than on a streetscape. The this street need to however, the receive green entire right-of-way

The green 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. Home Owner's Associations (HOAs) are encouraged to consider the option of an agreement with the Boone County Parks Department to cooperatively maintain protected open space within a subdivision with the understanding that the area would be accessible to the general public. These documents shall be submitted at the Improvement Plan and Final Plat review stages, and shall demonstrate long term financial stability of the proposed HOA.

SECTION 3113

Single Family Detached and Duplex Dwelling Units on a Single Recorded Parcel

Single family detached dwelling units and duplex dwelling units (including mobile homes in Agricultural One Zoning District) within Agricultural or Residential 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 3115

Exemptions for Agricultural Purposes

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 3121

Setback Requirements for Corner Lots

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 ($\frac{1}{2}$) the required front yard setback. This corner side yard setback requirement regulates the location of the principal building and any associated accessory structures.

SECTION 3122

Rear Yard and Corner Side Yard Setback Requirements Along Freeway, Expressway, Arterial and Collector Roads

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.

SECTION 3123

Architectural Projections

Open structures such as porches, 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, overhangs and gutters may extend up to two and one-half ($2\frac{1}{2}$) 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

Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, 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

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 3132

Glare

No activity, building, sign, light fixture, or other structure shall cause direct or reflected glare which is visible from any street or adjoining property.

SECTION 3138

Other General Provisions

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 3142

Home Occupations

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. The use is clearly incidental to the principal residential use;
2. The use is conducted entirely within a dwelling and not in any accessory buildings;
3. 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 such operations;
4. No commodity shall be sold on the premises in connection with such home occupation;
5. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a non-residential use;
6. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
7. 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.
8. No signage or other on premise advertising shall be used in conjunction with a Home Occupation.

Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood.

SECTION 3147

Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a site plan or zoning permit application as applicable approved by the Planning Commission. These temporary buildings cannot be used for advertisement of any kind. However, the temporary building may display the builder's and/or developer's name/s.

SECTION 3149

Parking and Storage of Certain Vehicles

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. 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. One recreational vehicle or one trailer, which does not exceed 25 feet in length or 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.

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 zones.

In multi-family, mobile home parks, or townhouse developments, storage of recreational vehicles or boats shall be in designated areas only. These designated areas shall be illustrated on the appropriate zoning permit or site plan.

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

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. Provisions for adequate vehicular access to and from trash collection areas shall be required as determined by the Zoning Administrator. 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. 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 .

SECTION 3153

Location of Accessory Structures or Use

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 zones provided the respective front yard or corner side yard setback is met . 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 Articles 32 and 33 and shall not be located in required landscape areas. For lots in residential zones that are less than 20,000 square feet in area, except for land used for agricultural purposes, 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 750 square feet, whichever is larger, and accessory structures shall not exceed the height of the principal structure.

SECTION 3154

Outside Storage, Display, and Loading Areas

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 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 zones 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 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 zones, 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.

SECTION 3155

Drive-Through Facilities

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 10 feet wide. This minimum 10 foot wide driving lane is for the exclusive use of the drive-through facility, and parking spaces can not 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.

SECTION 3156

Public Right-of-Way

Nothing in 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

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 be 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 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 Development and Agricultural Uses

Development in all residential districts except for the RSE 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 this order, shall provide a minimum 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

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 one and one half (1 1/2) 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. The horizontal length of each side facade shall be at least thirty percent (30%) greater than the length of the front facade.

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. A maximum of three colors shall be permitted for each type of exterior wall material and roofing material per phase, with no specified limit for trim colors.

SECTION 3160

Residential Townhouse and Multi-family Design Standards

Intent

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.

SECTION 3161

Design Standards by Zone District

1. 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. 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.

2. 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. 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.

3. 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. 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.

4. 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. 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.

5. 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. 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.

6. Setbacks Along Residential Condominium Streets: All structures along Residential Condominium Streets as defined in the Boone County Subdivision Regulations, regardless of 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.

SECTION 3162

Hillside Development Guidelines

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.

Hillsides where these standards apply have the following characteristics:

1. Slopes of 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,

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.

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.

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

An applicant, property owner or developer has the option either to (1) preserve an existing private family cemetery and develop around it or (2) relocate an existing cemetery. In 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. In preserving a cemetery, 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 an historical organization.

If a private family cemetery exists on a parcel of land and the exact location of grave sites is not determined, a developer or property owner 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. 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 also required regardless of whether the cemetery is part of a building lot and is being conveyed as a separate lot. 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. 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 will be responsible for monitoring the field work of the archaeologist and reviewing the final report. Maps included in the final report must (1) portray the location and orientation of graves within the cemetery and (2) depict 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. The final report must also describe the field and archival methods and results used to document the cemetery, including any genealogical information gathered in the process. Two copies of the final report shall be submitted to the Boone County Historic Preservation Review Board.
2. Existing cemetery fences and walls shall be maintained and repaired for security reasons, prior to any other site work or disturbance.
3. 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 to 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 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. Weeds shall be removed from a cemetery on a routine basis during both site development and after construction is completed.
5. Grass shall be mowed on a routine basis.
6. All ironwork and stonework shall be inspected for damage. Repairs shall be made by the owner of the property.
7. Other planting or foliage shall be pruned and be generally left in its natural state.
8. All other debris or trash shall be removed from the cemetery during both site development and after construction is completed.
9. 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.
10. 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.
11. Public access shall be provided to the existing cemetery with a minimum 5 foot recorded ingress-egress pedestrian access easement. Also, public and private streets shall be designed or located to provide access to an existing cemetery.
12. 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.

13. 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

Refer to current Boone County Subdivision Regulations

SECTION 3170

Basic Design Criteria for a Storm Drainage System

Refer to current Boone County Subdivision Regulations

SECTION 3172

Basic Design Criteria for Storm Water Drainage Channels, Water Courses, and Erosion Control

Refer to current Boone County Subdivision Regulations

SECTION 3174

Basic Design Criteria for Stormwater Runoff Control Facilities

Refer to current Boone County Subdivision Regulations

SECTION 3176

Detention Basins - Standards and Specifications

Refer to current Boone County Subdivision Regulations

SECTION 3180

Residential Lot Grading and Drainage

Refer to current Boone County Subdivision Regulations

SECTION 3182

Maintenance of Retention/Detention Areas

Storm sewer systems are designed to collect and convey stormwater runoff from street inlets, runoff control structures, and other locations where the accumulation of stormwater is undesirable. The objective is to remove runoff from an area fast enough to avoid unacceptable amounts of ponding damage and inconvenience. No storm sewer shall be permitted to run into a sanitary sewer system within a proposed subdivision. In general, the amount of stormwater runoff should be equal in terms of pre-development and post-development given the design of the stormwater system. Stormwater runoff from a site or subdivision shall not adversely impact natural drainage from an uphill drainage basin or to a downhill drainage basin or adjacent properties. The property owner shall be responsible for stormwater drainage facilities located on private property where runoff will be principally collected within that property and be minimally discharged over a larger area before the stormwater naturally drains on adjacent properties, unless a large drainage basin exists or is being planned. Stormwater drainage easements should be required if stormwater is directly discharging from a pipe to an adjoining property and not being dispersed on the subject property.

SECTION 3186

Flood Hazards

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

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

Steep Slopes and Erosion Hazards

Refer to current Boone County Subdivision Regulations

SECTION 3192

AIRPORT NOISE CONTOUR - SOUND INSULATION

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.

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 3195

Applicability of Noise Contours

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.

The Planning Commission shall consider Table 31.9, 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.

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 31.9. 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.

Where Noise Level Reduction (NLR) measures are recommended by Table 31.9, 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.

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.

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 3196

Structures Requiring Protection

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.

Requirements for Noise Levels over 65 LDN - All structures regulated in this Article in noise-level area Ldn 65 shall meet the following guidelines:

- A. General
 1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.
 2. 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.
 3. Window and/or through-the-wall HVAC type units shall not be used.
 4. Operational, vented fireplaces shall not be used.
 5. All sleeping spaces shall be provided with a sound-absorbing ceiling and carpeted floor.
 6. Through-the-wall/door mailboxes shall not be used.
- B. Exterior Walls
 1. 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.
 2. 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.
 - a. 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.

- b. 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.
 - c. All edges of the sheathing shall be sealed with resilient caulking.
 - d. 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.
- C. Windows
- 1. Glass of double-glazed windows shall be used and at least 1/8 inch thick.
 - 2. Double-glazed windows shall employ fixed sash or efficiently weatherstripped operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed.
 - 3. Glass of fixed-sash windows shall be sealed in an airtight manner with a nonhardening sealant, or a soft elastomeric gasket or glazing tape.
 - 4. The perimeter of the window frame shall be sealed airtight to the exterior wall construction with a resilient sealant.
 - 5. The total area of glass of both windows and exterior doors in sleeping spaces shall not exceed 20 percent of the floor area.
- D. Doors
- 1. 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.
 - 2. The glass of double-glazed sliding doors shall be at least 3/16 of an inch thick and separated by a minimum 1/2 inch airspace. The frame shall be provided with an efficiently airtight weatherstripping material.
 - 3. The perimeter of door frames shall be sealed airtight to the exterior wall construction.
 - 4. Glass in doors shall be set and sealed in an airtight nonhardening sealant, or a soft elastomeric gasket or glazing tape.
- E. Roofs
- 1. With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of 1/2 inch composition board, plywood or gypsum board sheathing topped by roofing as required.
 - 2. 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.
 - 3. Window or dome skylights shall be double glazed and separated by minimum 1/2 inch airspace. In areas over 70 Ldn, skylights are not permitted.
- F. Ceilings
- 1. Gypsum board of plaster ceilings at least 1/2 inch thick shall be provided where required by Section 5.0 (A)(5). Ceilings shall be substantially airtight, with minimum number of penetrations.
 - 2. Glass fiber or mineral wool insulation at least six inches thick shall be provided above the ceiling between joists.

G. 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.

H. Ventilation

1. 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.
2. 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.
3. 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.
4. All vent ducts connecting the interior space to the outdoors, excepting domestic range and dryer exhaust ducts, shall contain at least a 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.
5. Duct lining shall be a coated glass fiber duct liner at least one inch thick, approved and suitable for the intended use.
6. 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.
7. 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.
8. 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 31.9
LAND USE COMPATIBILITY**

LAND USES	Yearly Day-Nite Average Sound Level (LDN) in Decibels					
	Below			Over		
	65	65-70	70-75	75-80	80-85	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 - semidetached						
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						
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						

**TABLE 31.9
CONT'D**

LAND USES	Yearly Day-Nite Average Sound Level (LDN) in Decibels					
	Below					Over
	65	65-70	70-75	75-80	80-85	85
MANUFACTURING AND PRODUCTION (CONT'D)						
Petroleum refining and related industries						
Rubber and miscellaneous plastic products - manufacturing						
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

- 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.
- 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.
- 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.
- 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.
- 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 Wireless Communication Facilities and Services

Purpose

The purpose of these regulations is to facilitate the planning for and placement of wireless communication facilities and services in the community in accordance with the requirements in House Bill 270 or K.R.S. Chapter 100.324. In addition, it is intended to provide such facilities and services in coordination with the recommendations of the Boone County Comprehensive Plan, the Boone County Zoning Regulations and the Boone County Wireless Communications Report.

In general, wireless communication facilities or services may be allowed in any zoning district if the proposed facility or service is placed on an existing wireless communication facility for co-location purposes. The Planning Commission retains a map and list of existing wireless communication facilities. If the proposed wireless communication facility or service is not placed on an existing facility or tower, then such facility is only permitted in certain zoning districts indicated in this Article and subject to the following regulations and review procedure. These regulations or requirements are used to determine whether the proposed facility is in agreement with the Boone County Comprehensive Plan and the Boone County Zoning Regulations.

Applicability

All companies that propose to construct a new wireless communication facility or increase the height of an existing tower by more than fifteen percent (15%), shall submit a uniform application to the full Boone County Planning Commission for review and action (see application Criteria in Figure 2). All companies or applicants shall follow the requirements in Section 3197.

Application Process and Procedures

The figure below describes the wireless communication facility application process for a newly constructed facility or tower, which is not located on an existing facility or tower.

Figure 1
Application Process

- | | |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STEP 1 | Applicant Files a Uniform Application to the Boone County Planning Commission. |
| STEP 2 | Zoning Administrator or Staff Schedules the Public Hearing if necessary and Begins to Review the Uniform Application in Light of its Agreement with the Recommendation Section of the <u>Wireless Communications Study</u> , the <u>Boone County Comprehensive Plan</u> and the <u>Boone County Zoning Regulations</u> . |
| STEP 3 | Zoning Administrator or Staff Presents the Uniform Application to the Full Planning Commission at a Scheduled Public Hearing. |
| STEP 4 | The Technical/Design Review Committee Meets and Recommends Approval or Denial of the Uniform Application. |
| STEP 5 | The Full Planning Commission at a Scheduled Business Meeting Votes on Approval or Denial of the Uniform Application. |

If a proposed antenna is to be placed on an existing facility and meets the criteria in Figure 2, the Zoning Administrator or staff shall process the information submitted by the applicant, and sign off on the building permit. A Public Hearing before the Planning Commission will not be held in the above situation. Criteria 1-3 in Figure 2 do not require a Public Hearing before the full Planning Commission but only the Zoning Administrator's approval or disapproval. Whereas, Criteria 4 and 5 require a Public Hearing before the Planning Commission. The Planning Commission is required to take action on the application sixty (60) days from the date the application is received. A waiver of the sixty (60) day time period is possible, but subject to approval by both parties. All information pertaining to each application, including the review fee, shall be complete at the time of its submittal.

**Figure 2
Application Criteria**

Action	Preferred Approval
1. Co-Locating on Existing Cell Tower or Locating Antennae on Public Utility Tower	Yes
-OR-	
2. Modifying or replacing an existing tower for co-location purposes. The modified or replaced tower shall meet the following standards:	Yes, If all standards are 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.	
A Public Hearing shall be required if all standards are not met.	
-OR-	
3. Locating Antennae on Public/Private Building Subject to Zoning Administrator Approval	Yes
-OR-	
4. Construct New Tower (See Design Guidelines) Public Hearing Required	No
-OR-	
5. Construct Stealth Tower (See Design Guidelines) Public Hearing Required	No

Application Requirements

A uniform application for the construction of a new or modified tower is required along with the submittal of a review fee. The uniform application shall be submitted to the Boone County Planning Commission and shall contain the following information:

- 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:
 - 1.) All of the planning unit's jurisdiction; and
 - 2.) 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), K.R.S. 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:

- (1) Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
 - (2) Given the telephone number and address of the local planning commission; and
 - (3) 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:
- (1) 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
 - (2) 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.

Co-Location Requirements

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:

- (A) 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
- (B) 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:
 - 1) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
 - 2) Lists the reasons why the co-location was unsuccessful in each instance.

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. All co-location opportunities within a two (2) mile radius of a proposed cellular antenna tower location shall be exhausted.

Public Notification of Application

The public notification for the construction of a new or modified wireless communication facilities as described earlier shall consist of the following:

A. **New Sites**

One (1) 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 several circulations in Boone County and shall appear not less than seven (7) calender days nor more than twenty-one (21) calender 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."

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.

Action by the Planning Commission

Upon holding such Public Hearing, the Boone County Planning Commission shall, within sixty (60) days from the date that the application is submitted to the Planning Commission, or within a date specified in a written agreement between the Planning Commission and the applicant, shall make its final decision to approve or disapprove the Uniform Application. If the Planning Commission fails to issue a final decision within sixty (60) days, or if there is no written agreement between the Planning Commission and the utility to a specific date for the Planning Commission to issue a decision, then the utility's Uniform Application is considered to be approved by the Boone County Planning Commission.

In taking action on an applicant's uniform application to construct a cellular antenna tower, the Planning Commission shall:

- 1) Review the uniform application in light of its agreement with the Comprehensive Plan and locally adopted Zoning Regulations;
- 2.) Make a decision to approve or disapprove the uniform application;
- 3.) 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.

In regulating the placement of cellular antenna towers, the Planning Commission shall not;

- 1.) 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.
- 2.) Institute a moratorium upon the siting of cellular antenna towers.
- 3.) 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.
- 4.) Regulate the placement of antennas or related equipment on an existing structure; or
- 5.) Require the submission of application materials in addition to those required in these regulations (Sections 3 & 5 of HB270), unless agreed by both parties.

Existing Sites

For modified wireless communication facilities located on existing approved sites, the Zoning Administrator shall review the application for its conformity with these regulations and the co-location requirements and the Boone County Comprehensive Plan. If the Zoning Administrator determines that the proposed facility or service is in agreement with the regulations and requirements, then a recommendation of approval by the Boone County Planning Commission will occur. If the Zoning Administrator determines that the Uniform Application for a modified or replacement tower is not in agreement with these regulations and requirements, then a Public Hearing will be held in accordance with the stated regulations.

Wireless communications facilities in existence on the date of the adoption of these regulations and which do not comply with these regulations, are subject to the following provisions:

- 1) Existing wireless communication facilities may continue use for the purpose now used, but may not be expanded or replaced without complying with these regulations, except as further provided in this Article.
- 2) Existing wireless communication facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining zoning approval therefor, but without otherwise complying with these regulations.
- 3) The owner of any existing wireless communication facility may replace, repair, rebuild and/or expand such telecommunications facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining zoning approval by the Zoning Administrator therefore, and without having to conform to the Public Hearing provisions of the regulations so long as such facilities (construction type,

building setbacks and heights) does not impact adjoining properties.

- 4) Any such replacement, repair, reconstruction or enlargement shall not violate the design guidelines as described in this Article.

Applicable Zoning Districts for Placement of New Wireless Communication Facilities

Proposed Wireless Communication Facilities for new sites are permitted as accessory uses in the following zoning districts and with the following requirements:

1. Public Facilities (PF)
2. Airport (A)
3. Industrial One (I-1)
4. Light Industrial One (I-1A)
5. Industrial Two (I-2)
6. Industrial Three (I-3)
7. Industrial Four (I-4)
8. Commercial One (C-1)
9. Commercial Two (C-2)
10. Commercial Services (C-3)
11. Commercial Four (C-4)
12. Office One (O-1)
13. Professional Office One (O-1A)
14. Office Two (O-2)
15. Employment Planned Development (EPD)
16. Agriculture (A-1)
17. Agricultural Estate (A-2)
18. Rural Suburban Estate (RSE)
19. Rural Suburban (RS)
20. Suburban Residential One (SR-1)
21. Suburban Residential Two (SR-2)
22. Suburban Residential Three (SR-3)
23. Urban Residential One (UR-1)
24. Urban Residential Two (UR-2)
25. Mobile Home Park (MHP)
26. Residential One Family (R-1F)

Design Guidelines

The above zoning districts which allow a newly constructed wireless communication facility construction as a permitted accessory use are divided into three categories. The first category shall include the following zones: Public Facilities (PF), Airport (A), Industrial Four (I-4), Industrial Two (I-2), Industrial One (I-1) and Light Industrial One (I-1A) Zones and shall regulate a new wireless communication facility or tower in accordance with the following Design Guidelines for construction, setbacks and height in the following manner:

Construction

Type - Lattice Tower, Monopole and Stealth Tower. **Color** - gray or galvanized steel. **Built** to accommodate additional users.

Setbacks

All wireless communication facilities shall be located at least ten (10) feet from all property lines. Wireless communication facilities shall be set back at least twice the height of the proposed tower from a residence or residentially zoned property and setback the height of the facility when the site abuts a street.

Height

Wireless communication facilities located within five hundred (500) feet of an Interstate Highway shall not be taller than two hundred (200) feet. Wireless communication facilities located further than 500 feet of an Interstate Highway shall not be taller than 150 feet.

The second category shall include the following zoning districts: Industrial Three (I-3), Commercial Services (C-3), Commercial Two (C-2), Commercial One (C-1), Commercial Four (C-4), Office One (O-1), Professional Office One (O-1A), Office Two (O-2), Employment Planned Development District (EPD), Agriculture (A-1), and Agriculture Estate (A-2) and shall regulate a new wireless communication facility or tower construction in the following manner:

Construction

Type - Monopole and Stealth Tower. **Color** - gray or galvanized steel. **Built** to accommodate additional users.

Setbacks

All wireless communication facilities shall be located at least ten (10) feet from all property lines. Wireless communication facilities shall be set back at least twice the height of the proposed tower from a residence or residentially zoned property and setback the height of the tower when the site abuts a street.

Height

Maximum Height - 120 feet

The third category will include the following zoning districts: Rural Suburban Estate (RSE), Rural Suburban (RS), Suburban Residential One (SR-1), Suburban Residential Two (SR-2), Suburban Residential Three (SR-3), Urban Residential One (UR-1), Urban Residential Two (UR-2), Urban Residential Three (UR-3), Mobile Home Park (MHP) and Residential Planned Development District (RPD) and will regulate wireless facility or tower construction in the following manner:

Construction

Type - Stealth Tower Construction - subject to review by the Technical/Design Review Committee, **Color** - gray or galvanized steel.

Setbacks

All wireless communication facilities shall be located at least 10 feet from all property lines. Stealth towers should be set back at least twice the height of the proposed tower from a residence or residentially zoned property and setback the height of the tower when the site abuts a street.

Height

Maximum Height - 80 feet

The fourth category will include temporary wireless communication facilities which are permitted in all zones. Such a facility is used for a period of less than ninety (90) days, unless a waiver is granted by the Zoning Administrator. A waiver will be granted if assurance is provided that the facility will be removed within a reasonable period of time and that the temporary facility is not a long term substitute for a permanent, site-built facility.

Alternate sections of aviation orange and white paint may be used but only if required by the Federal Aviation Administration (FAA). Newly constructed wireless communication facilities or towers shall not be artificially lighted except as required by the FAA. All sites shall be enclosed by a security fence and it shall be located at the tower base in required yard and at a sufficient height.

When reviewing a request for a newly constructed wireless communication facility, the Boone County Planning Commission can modify or waive the above construction, setback and height requirements or other standards to allow a proposed tower to be placed in an alternate location than what is proposed. There may also be special conditions or circumstances, which make these design guidelines unreasonable. Thus, such guidelines can be waived permanently or temporarily. These areas may include the rear or corner of a site, an area where there is existing vegetation, or any area that the Planning Commission determines has less of an impact on adjoining uses and visual intrusion than the original facility proposal.

INTERRUPTED SERVICE AND GUARANTEE: The removal of each wireless communication facility shall be undertaken in accordance with the provisions in House Bill 270.

SITE PLAN REVIEW: As part of the 60 day review process, the Zoning Administrator is not only reviewing the proposed use, a wireless communication facilities, but also the Major Site Plan for the construction of the facility. All applicable Major Site Plan requirements (1-24) will be required (see Articles 30, 31, 36, 37). No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the 60 day time period has expired, whichever comes first.

APPEAL: A party aggrieved by a final action of the Planning Commission under the provisions of K.R.S. 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

Section 3198

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, child day care, church or religious facility, hospital, library, a business which serves alcoholic beverages and has a local/state liquor sales license, public and private parks, recreational facility, public or private school or a senior center. In addition, no Sexually Oriented Business (as defined in Article 40) shall be located within 1,000 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. Single Use - There shall be no more than one type of Sexually Oriented Business (as defined in Article 40) at any one location.
3. 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.
4. 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, property lines shall be used to determine the distance between the proposed location of a Sexually Oriented Business and any of the above protected uses stated in section 1. Second, measurements between properties shall be made by the shortest distance between the two properties.
5. Parking, Lighting and Signage - All Sexually Oriented Businesses shall meet the parking, lighting and signage requirements as stated in these zoning regulations.
6. Zoning Permit/Tenant Finish Review and/or Site Plan Review - All Sexually Oriented Businesses as defined in Article 40 shall be required to submit applications for review and action by the Boone County Planning Commission. These applications consist of a Zoning Permit/Tenant Finish and Site Plan. Review and action by the Planning Commission on each Permit/Tenant Finish and Site Plan shall follow the stated procedures, standards and time limits in these regulations. The Zoning Administrator will determine the appropriate type of review based upon the current regulations and the current zoning of the subject property.

SECTION 3199

Design Standards for Business Districts

For properties zoned for commercial, office and industrial use and located along the following roads:

- A. Turfway Road (I-75 to U.S. 42/U.S. 25 intersection)
- B. U.S. 25/U.S. 42 (County line to east boundary of Parkway Overlay District at Russell Street intersection)
- C. U.S. 25 (Main Street to Industrial Road)
- D. KY 18 (Turfway Road to I-75)

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 overhand) 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 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. 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.
- 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 signs are prohibited and individual channel letters are acceptable signs and channel letters are prohibited.

Application and Action

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.

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.

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 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.