

CHAPTER 3

DEVELOPMENT STANDARDS

Development proposals in the Mall Road (MR) Overlay District shall follow the standards outlined in this chapter. These standards may be adjusted by the Zoning Administrator if necessary to better meet the recommendations discussed in the other chapters of this document. Additionally, variances may be requested for the dimensional standards outlined in this chapter per the Board of Adjustment procedures that are outlined in Article 2 of the Boone County Zoning Regulations. For topics not addressed in this document, the standards set forth in the Boone County Zoning Regulations shall be followed.

Building Setbacks

Front and Corner Side Yards: 30 feet minimum along KY 18 and US 42, 15 feet minimum along Mall Road, and 10 feet minimum all other street frontages. For residential units, the minimum setback is 20 feet where a parking pad or driveway is provided between the building and street or other vehicular way.

25 feet maximum for outlot or frontage buildings along all streets, except KY 18 and US 42, when parking is not provided between the building and the street. When parking is provided between an outlot or frontage building and the street, the building may be setback far enough from the street to provide the required minimum street frontage and building landscaping, one two-way driveway that is double loaded with parking spaces, and a walkway and/or covered arcade across the front of the building, but no further.

Front and Corner Side Yards for Impact Sites: The minimum front yard and corner side yard for “Impact Sites” as discussed in the “Recommended Land Use and Development Concepts for the 8 Sub-Districts” section in Chapter 2 and identified on the Impact Sites Map on page 2.16 is 5 feet. The maximum front yard and corner side yard for these “Impact Sites” is 15 feet.

Side Yards*: 5 feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line.

10 feet minimum when adjoining a shared private development street/driveway or other main circulation drive. 50 feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.

Rear Yards*: 5 feet minimum when adjoining another development site within the Mall Road (MR) Overlay District. Zero lot line (0 feet minimum) is permissible when the adjoining development along the same property line is also zero lot line.

10 feet minimum when adjoining a shared private development street/driveway or other main circulation drive. 50 feet minimum when adjoining a residential use or district that is outside of the Mall Road (MR) Overlay District.

*NOTE: With the exception of buffer yards required between properties within the Mall Road (MR) Overlay District and properties outside of the MR zone, in instances where the landscape areas required by Article 36 of the Boone County Zoning Regulations are wider than the building setbacks required herein, the required width for such landscape areas shall not exceed the building setback dimensions stated in this document.

For proposed building additions to pre-existing structures that do not meet the current setback requirements, refer to Section 271 “Single Non-Conforming Lots of Record and Subdivisions, and Non-Conforming Setbacks” of the Boone County Zoning Regulations.

Height

The maximum permitted building height in this district is 80 feet.

Intensity

There is no maximum intensity or density of building area per acre provided that all other applicable standards and requirements are met. Where applicable, minimum residential densities are outlined in the “Recommended Land Use and Development Concepts for the 8 Sub-Districts” section in Chapter 2. The minimum recommended residential densities may be reduced through either the Zoning Administrator Determination review, Zoning Map Amendment, or Concept Development Plan process as applicable if a specific proposal otherwise achieves the land use and design character recommended for the specific Area or Sub-District, and meets the objectives outlined in Chapter 1 introduction.

Underground Utilities

All utility lines shall be placed underground. Existing overhead utility lines shall be placed underground when a site develops or redevelops.

Shared Private Development Streets/Driveways

There are currently several driveway interconnections which function as frontage roads of sorts in the Study Area. These are described in Chapter 8 “Transportation Conditions and Utilities” in the Existing Conditions Report and do not directly serve parking spaces,

but function as vehicular connections or “mini-streets” between adjoining parking areas, sites, and public streets.

As new development or redevelopment occurs along these alignments, or new shared private development streets/driveways are developed, they shall be designed or redesigned to appear as actual “streets,” even if they are in fact private driveways. Such shared private development streets/driveways serve as interconnections between two or more properties and/or parking areas and a public street(s), or function as a main access into a multi-building or multi-tenant center, and do not immediately serve parking spaces.

The design of a shared private development street/driveway shall include raised box curbs, a 5 foot wide integral curb walk on at least one side (both sides were indicated in Chapter 2 for specific sites), formal marked crosswalks at intersections, consistent architectural grade street lights, and street frontage landscaping per Section 3620 of the zoning regulations. The integral curb walk’s width may be included in the minimum required width for the street frontage landscaping, and this landscaping shall be credited as the required street frontage or buffer yard plantings per Section 3620 or 3645 as applicable for the adjoining site/lot. Sidewalk connections shall be provided between each adjoining development site and the integral curb walk. The pavement width shall be per the driveway standards in Article 33 of the zoning regulations, and a formal shared access easement shall be recorded. These improvements shall be made as development or redevelopment occurs, including on an incremental site by site basis along existing alignments, unless incremental construction is demonstrated to be unfeasible or unsafe. Shared private development streets/driveways must follow the Manual on Uniform Traffic Control Devices (MUTCD).

Outdoor Event Venues in Commercial or Office Developments

Commercial or office developments which contain at least 100,000 gross square feet of building area may use surplus parking or other hard surfaced areas (such as a civic space plaza as discussed in chapter 4) for outdoor events such as music or theater performances, festivals, carnivals, and similar entertainment or “public square” events which do not primarily involve the sale of goods. The event location shall not detract from the minimum amount of parking required for the development combined with the maximum number of estimated spaces needed for the outdoor event. The event location shall also not be within any landscape area.

The event location shall be approved through the Site Plan procedure per Article 30 of the zoning regulations. A Temporary Commercial Display (TCD) Permit per Article 35 is not required. This provision does not alleviate the need for any other permits or licenses, or compliance with other regulations, which are outside of the zoning regulations.

Parking

The amount of parking spaces provided shall be in accordance with Section 3325 of the zoning regulations, with the following differences to the minimum required amount of spaces for the Mall Road (MR) Overlay District.

- Freestanding single user office/commercial buildings.
 - 3 spaces per 1,000 gsf.
- Office/commercial/eating and drinking establishments in multi-tenant/multi-building developments or freestanding single user buildings which have a formal shared parking agreement with at least one other site. Formal shared parking agreements must be recorded in the Boone County Clerk's office.
 - 25,000 total gsf or less: 3 spaces per 1,000 gsf of office/commercial floor area plus 1 space per 2 seats for eating and drinking establishments.
 - 25,001 to 50,000 total gsf: 3 spaces per 1,000 gsf of office/commercial floor area plus 1 space per 4 seats for eating and drinking establishments.
 - 50,001 total gsf and over: 3 spaces per 1,000 gsf.
- The minimum number of required parking spaces can be further reduced by 10 percent for spaces that are specifically provided in multi-level parking structures. For example, if a minimum of 1,500 parking spaces is required for a large development and 800 spaces are provided in surface lots, the remaining 700 required spaces could be reduced to 630 if they were provided in a multi-level parking structure ($700 \times 10\% = 70$; $700 - 70 = 630$).

The following provisions stated in Section 3325 of the zoning regulations regarding the maximum number of permitted spaces still apply to the Mall Road (MR) Overlay District:

- The maximum number of parking spaces which may be provided, for all uses except for single family dwellings, is thirty (30) percent greater than the required minimum number, unless a parking study acceptable to the Zoning Administrator is provided which demonstrates that a specific use or proposal has a greater parking need or demand.

Landscaping

Landscaping shall be provided in accordance with Section 3605 "Landscape Review Procedure" of the zoning regulations. Several alternate requirements or options to the normal Article 36 requirements are stated in this document. Compliance with these

alternate requirements or options shall be deemed to be in compliance with the stated sections from Article 36. Other provisions specific to the Mall Road (MR) Overlay District include:

Street Trees: The installation of street trees is recommended or specified in several instances in this document, including along public streets and private drives or shared private development streets/driveways which function as “streets.” In such instances, the trees selected shall be limbed and matched along each specific street or lot frontage where they are installed. The trees selected shall be regularly placed with an average spacing of 35 feet to 40 feet on center. Acceptable street trees include: Elm (American or Patriot), Autumn Gold Ginkgo (male), Honeylocust, Littleleaf Linden, London Planetree, Maple (Autumn Blaze or Red), and Japanese Zelkova. Where space does not permit these trees, smaller trees including Akebono Yoshino Cherry, Canada Red Chokecherry, Crabapple, Kousa Dogwood, Ivory Silk Japanese Tree Lilac, or other smaller trees with comparable characteristics may be substituted. The smaller trees shall be regularly placed with an average spacing of 25 feet to 30 feet on center. The minimum installation size for street trees shall be 2 inch caliper.

Landscaping for Impact Sites: Additional provisions apply for the landscaping required by Section 3620 “Landscaping Along Street Frontages” for “Impact Sites” as discussed in the “Recommended Land Use and Development Concepts for the 8 Sub-Districts” section in Chapter 2 and identified on the Impact Sites Map on page 2.16. The trees and shrubs required by Section 3620 shall be regularly spaced in a formal linear arrangement in the area between the building and the adjoining streets. The arrangement of the plantings shall correlate to the spacing or width of windows and/or bays on the adjoining building facades. At least one half of the selected shrubs shall have a vibrant seasonal color.

I-71/75 Streetscape: The pavement surface of any parking or vehicular area which adjoins the I-71/75 right-of-way shall be at least 3 feet lower than the highest point in the adjoining right-of-way or on-site landscaped area adjoining the right-of-way; this shall be accomplished by either depressing the grade of the vehicular area or by constructing berming as part of the required landscaping. Any right-of-way fencing along the I-71/75 right-of-way shall be a white post and rail type fence.

NOTE: With the exception of buffer yards required between properties within the Mall Road (MR) Overlay District and properties outside of the MR zone, in instances where the landscape areas required by Article 36 of the Boone County Zoning Regulations are wider than the building setbacks required herein, the required width for such landscape areas shall not exceed the building setback dimensions stated in this document.

Street Frontage Plazas

In lieu of the street frontage landscaping required by Section 3620 of the zoning regulations, a hardscaped plaza may be substituted for the area immediately between the building and street or shared private development street/driveway, provided there is no parking in this area. The plaza shall be surfaced with decorative pavers, or concrete treated to appear as such, and shall include benches or seats, and a noncommercial focal point such as a sculpture, fountain or other water feature, and/or raised planter(s) with landscaping. Bollards or other decorative obstructions shall be used where needed to separate the plaza from vehicular areas. Aside from the focal point, the minimum landscaping required in the plaza is three large canopy trees per 100 linear feet of width. These trees shall be from Plant List A in Article 36 of the zoning regulations and they may be planted within wells. A sidewalk connection shall be provided from the plaza to any adjoining public sidewalk, integral curb walk along a shared private development street/driveway, or an abutting plaza or sidewalk on a neighboring site.

The plaza may be used for outdoor seating and serving for eating and drinking establishments. Any portion used for seating/serving area may be enclosed with a maximum 4 foot high architectural grade metal railing which has an open design.